PUBLIC NOTICE: The Local Services and Land Use Committee meetings will be held virtually until further notice. To help prevent the spread of the COVID 19 virus, the Chambers will be closed and all committee members and staff will be participating in the meeting remotely. The live feed of the video conference will be streaming on the King County Council's website and on KCTV Channel 22. Ways to provide public comment are noted below.

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

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

There are two ways to provide public comment:

1) In writing: You may comment in writing on agenda items by submitting your written comments to kcccomitt@kingcounty.gov. If your comments are submitted before 8:00 a.m. on the day of the meeting, your comments will be distributed to the committee members and appropriate staff prior to the meeting.
2) Orally during the meeting by phone or computer: You may provide oral comment on agenda items during the meeting’s public comment period by connecting to the meeting via phone or computer using the ZOOM application at https://zoom.us/, and entering the Webinar ID below.

You are not required to sign up in advance. Comments are limited to items on the agenda.

You have the right to language access services at no cost to you. To request these services, please contact our Language Access Coordinator, Reeni Nair at 206 477 4978, or reeni.nair@kingcounty.gov by 8:00 a.m. the day prior to the meeting.

CONNECTING TO THE WEBINAR
Webinar ID: 823 5184 7922

If you do not have access to the ZOOM application, you can connect to the meeting by calling 1 253 215 8782 and using the Webinar ID. Connecting in this manner, however, may impact your ability to be unmuted to speak.

HOW TO WATCH/LISTEN TO THE MEETING: There are several ways to watch or listen in to the meeting:
1) Stream online via this link: https://livestream.com/accounts/15175343/events/4485487, or input the link web address into your web browser.
2) Watch King County TV Channel 22 (Comcast Channel 22 and 322(HD), Wave Broadband Channel 22)
3) Listen to the meeting by telephone – See “Connecting to the Webinar” above.

To help us manage the meeting, if you do not wish to be called upon for public comment please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

1. Call to Order

2. Roll Call

3. Approval of Minutes
   Minutes of the May 11, 2022 meeting pp. 5-7

4. Public Comment
Discussion and Possible Action

5. **Proposed Ordinance No. 2022-0169** pp. 8-53

   AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the city of Kent to design and overlay South 212th Street between the Green River Bridge and Orillia Road that includes a portion of the project that is unincorporated King County.

   **Sponsors:** Perry

   *Nick Bowman, Council staff*

6. **Proposed Motion No. 2022-0156** pp. 54-442

   A MOTION relating to comprehensive planning, specifying the scope of work for the 2024 update to the King County Comprehensive Plan in accordance with K.C.C. 20.18.060.

   **Sponsors:** Perry

   *Erin Auzins, Council staff*

7. **Proposed Ordinance No. 2022-0147** pp. 443-775


   **Sponsors:** Perry

   *Erin Auzins, Council staff*
8. **Proposed Ordinance No. 2022-0148** pp. 443-775

AN ORDINANCE relating to winery, brewery and distillery uses; amending Ordinance XXXXX (Proposed Ordinance 2022-01xx), Section 4, and K.C.C. 21A.xx.xxx.

*Sponsors:* Perry

*Erin Auzins, Council staff*

**Other Business**

**Adjournment**
1:00 PM  Wednesday, May 11, 2022  Virtual Meeting

SPECIAL MEETING-DRAFT MINUTES

1. Call to Order

   Chair Perry called the meeting to order at 1:03 p.m.

2. Roll Call

   Present: 5 - Balducci, Dunn, McDermott, Perry and Zahilay

3. Approval of Minutes

   Councilmember Balducci moved approval of the minutes of the April 26, 2022 meeting. Seeing no objections, the minutes were approved.
Discussion and Possible Action

4. Proposed Ordinance No. 2022-0147


Erin Auzins, Council staff, briefed the committee and answered questions from the members.

This matter was Deferred

5. Proposed Ordinance No. 2022-0148

AN ORDINANCE relating to winery, brewery and distillery uses; amending Ordinance XXXXX (Proposed Ordinance 2022-01xx), Section 4, and K.C.C. 21A.xx.xxx.

Erin Auzins, Council staff, briefed the committee and answered questions from the members.

This matter was Deferred
6. **Public Comment**

   The following people provided comments:
   - Deloa Dalby
   - Josh McDonald
   - Ken Konigsmark
   - Cliff Otis

**Adjournment**

   The meeting was adjourned at 1:38 p.m.

   Approved this ______________ day of _______________

   ____________________________________________
   Clerk's Signature
SUBJECT

Proposed Ordinance 2022-0169 would authorize the Executive to sign an Interlocal Agreement (ILA) with the City of Kent for a road project on South 212th Street between the Green River Bridge and Orillia Road.

SUMMARY

The proposed ordinance would authorize the execution of an ILA (Attachment A) between the County and the City of Kent to coordinate on a road project which will include full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Road, a portion of which lies within the County’s right-of-way. The project will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing ADA curb ramps. The proposed ILA would allow the City to include the County’s portion under one construction contract to recognize cost savings and project efficiencies.

The proposed ILA outlines the scope of the project, describes the responsibilities of both parties, and provides a process for the resolution of disputes. According to the transmitted fiscal note, the County’s portion of the project is expected to cost approximately $200,000.

Amendment 1 would attach Exhibit A (Project Plans and Specifications) to the ILA. The project plans and specifications were inadvertently left off the transmitted ILA.

BACKGROUND

The King County Road Services Division’s (Roads) Capital Improvement Program includes the Countywide Quick Response Program fund¹ which allows Roads to respond to emerging needs of the roadway system. The fund supplies monies for sub-projects that require immediate attention, including emergency repairs associated with storm damage or other infrastructure deterioration or damage, unanticipated pedestrian or vehicle needs, or other emerging issues.

¹ Project 1129584
The City of Kent has a road project on South 212th Street from Green River Bridge to Orillia Road, the west end portion of which (west of 42nd Ave South) lies both within the limits of the City and King County.

The City is willing and able to design and construct the project and both the City and the County have expressed a desire to complete the project under one contract. If approved, Roads will create a subproject within the Countywide Quick Response Program to fund the County’s portion of the project.

**ANALYSIS**

Proposed Ordinance 2022-0169 would authorize the Executive to execute an ILA, to allow the City of Kent to complete a road project, a portion of which is within the County’s right-of-way under one construction contract.

The key provisions of the proposed agreement include:

**Scope of Work (Section 2)**

Section 1 of the proposed ILA describes the scope of work for the project which includes full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Rd (including the part of the street located within the County’s right-of-way between these limits). The project will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing ADA curb ramps. The plans and specifications for the project are attached as Exhibit A.

**City Responsibilities (Section 3)**

Section 3 of the proposed ILA establishes the City of Kent’s project responsibilities. These include:
- Providing all design and engineering services and obtain all necessary permits;
- Conducting public outreach;
- Preparing bid documents and awarding the contract to the lowest responsible bidder;
- Notifying the County when construction begins and advising the County of progress made;
- Consulting with the County before any substantial change in the nature of the County’s portion of the project is approved; and
- Performing final inspection and final project acceptance, except that the County shall also perform final inspection and may provide a written deficiency list for the County’s portion of the project which the City’s contract will remedy at the County’s expense.

**County Responsibilities (Section 4)**

Section 4 of the proposed ILA establishes the County’s project responsibilities. These include:
- Reviewing project plans and specifications;
• Proposing changes to the County’s portion of the project, the implementation of which shall be jointly determined and paid for by the County;
• Granting the City right-of-entry into the County for all tasks necessary to complete the project;
• Inspecting the project during construction to ensure compliance and advising the City of any deficiencies; and
• Reimbursing the City for all costs associated with the County’s portion of the project.

Payment (Section 5)

Section 5 of the proposed ILA states that the County will reimburse the City for all actual costs incurred by the City related to the project within the County’s right-of-way. The County will pay the City no later than 30 days after the County receives the City’s invoice for costs incurred and be charged 1% interest per month for delinquent payments.

Duration/Termination (Section 6)

Section 6 of the proposed ILA states that the ILA shall be in effect until final acceptance of the project is determined and full payment by the County to the City is made. Section 6 also provides a process for early termination of the agreement which allows either party to terminate the agreement with 30 days’ notice. However, if the County terminates the agreement prior to the project’s completion, the County will reimburse the City for all costs incurred related to the County’s portion of the project prior to the termination date, which shall be 30 days after the date written notice of termination was provided.

Dispute Resolution (Section 8)

Section 8 of the proposed ILA provides for the resolution of disputes between the two parties. Initially, parties will attempt to resolve disputes informally. If the dispute cannot be resolved informally, the City of Kent’s Public Works Director and the King County Road Services Division Director will attempt to reach mutual agreement. If mutual agreement cannot be reached, either party may refer the matter to non-binding mediation, for which each party will be responsible for their own mediation costs and shall share the costs of the mediator equally. Both parties will continue performing their obligations under the ILA during the dispute resolution process unless expressly agreed to by both parties in writing.

AMENDMENT

Amendment 1 would attach Exhibit A (Project Plans and Specifications) to the ILA. The project plans and specifications were inadvertently left off the transmitted ILA.

INVITED

• Rey Sugui, Intergovernmental Relations, Road Services Division of the Department of Local Services.
ATTACHMENTS

1. Proposed Ordinance 2022-0191 (and its attachments)
2. Amendment 1 (and its attachment)
3. Transmittal Letter
4. Fiscal Note
AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the city of Kent to design and overlay South 212th Street between the Green River Bridge and Orillia Road that includes a portion of the project that is unincorporated King County.

STATEMENT OF FACTS:

1. The city has a project that includes full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Road that will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing curb ramps.

2. The project limits includes approximately 1,000 feet of county road.

3. It is in the best interest of King County and the city of Kent to include the portion of the project that is in unincorporated King County as part of the city project.

4. King County and city of Kent are municipal corporations under the laws of the state of Washington and are entitled to utilize chapter 39.34 RCW to enter into an interlocal agreement to mutually carry out statutory duties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
SECTION 1. The executive is hereby authorized to execute an interlocal agreement with city of Kent to complete a coordinated project for the full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Road, in substantially the form of Attachment A to this ordinance.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

______________________________
Claudia Balducci, Chair

ATTEST:

______________________________
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of ____________, ______.

______________________________
Dow Constantine, County Executive

Attachments: A. Interlocal Agreement Between the City of Kent and King County Regarding the Design and Construction of South 212th Street
INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KENT AND KING COUNTY
REGARDING THE DESIGN AND CONSTRUCTION OF SOUTH 212TH STREET

This INTERLOCAL AGREEMENT (“ILA”) is made by and between King County (the "County") and the City of Kent, a municipal corporation of the State of Washington (the "City"). Together the County and the City are sometimes referred to herein as the “Parties” and individually as a “Party”.

RECITALS

A. The City has a project to design and construct the pavement rehabilitation on South 212th Street from Green River Bridge to Orillia Road (“Project”).

B. The full road right-of-way at South 212th Street is in the limits of the City; and the right-of-way at the west end of the Project (west of 42nd Ave South) lies both within the limits of the City and County.

C. The City is willing and able to design and construct the Project. The County has agreed to reimburse the City for all actual costs to design and construct the Project within the County’s right-of-way, including the costs of construction management.

D. The Parties can achieve cost savings and benefits in the public's interest by having the City design and construct the Project.

E. The Parties are authorized by Chapter 39.34 RCW to enter into an interlocal cooperation agreement of this nature.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT. The purpose of this Agreement is to set forth the terms, conditions and roles and obligations of the Parties.

2. SCOPE OF WORK. The scope of work for the Project includes full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Rd (including the part of the street located within the County’s right-of-way between these limits). The project will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing ADA curb ramps. The plans and specifications for the Project are attached as Exhibit A.

3. CITY RESPONSIBILITIES. The City shall provide the necessary engineering, administrative, inspection, clerical and other services necessary for the execution of the Project.

3.1 Design and Permitting. The City shall provide the engineering design plans for
the Project. The City will perform all design and engineering services for the Project in accordance with all applicable standards and with consultation with the County. The City will apply for and be issued the permits necessary to construct the Project.

3.2 Public Outreach. The City shall carry out all public outreach regarding the Project.

3.3 Contract Administration.

3.3.1 Project Bidding and Award. The City shall prepare the contract bid documents and advertise the Project. The County shall provide the City with a copy of the construction documents and the bid documents. The City shall award the contract to the lowest responsible bidder for the Project subject to applicable laws and regulations. The City shall provide bid tabulations to the County upon request.

3.3.2 Project Construction. The County shall be invited to attend the preconstruction meeting. The City will notify the County when the Project construction begins and will keep the County advised as to the progress of the Project. The City shall not order or approve any changes in the approved Project design which substantially change the nature of the Project (within the County’s right-of-way) without first consulting the County for approval.

3.4 Project Inspection. At the completion of the Project, both parties shall perform a mutual final inspection of the Project. The County may provide a written deficiency list (for the area within the County’s right-of-way) to the City within five (5) business days after the final inspection of the Project. The City’s contractor will remedy the deficiencies necessary to ensure that the Project features within the County right-of-way comply with the approved engineering design plans, all permit conditions, project specifications or applicable City and County standards. Final project acceptance will be by the City as the lead agency of the Project.

4. COUNTY RESPONSIBILITIES.

4.1 Review of Project Plans. The County shall review the plans and specifications prepared by the City regarding work within the County’s right-of-way prior to the City advertising the Project and may provide comments to the City no later than ten (10) business days after receipt of the plans and specifications.

4.2 Request for Changes. The County shall notify the City, in writing, of any changes to the plans and specifications the County proposes for the portion of the Project located within the County’s right-of-way. The parties shall jointly determine whether any changes requested by the County will be implemented. The County shall be financially responsible for those requested changes. This County’s
4.3 Permits and Right-of-Entry.

4.3.1 The County hereby grants the City right-of-entry into the corporate limits of the County for the purpose of performing any and all tasks necessary to complete the Project.

4.4 Inspection During Construction. The County may inspect the Project to ensure proper compliance with the approved engineering design plans and any permit conditions during construction of the Project. The County shall advise the City of any deficiencies noted during its inspections. The County’s inspector shall not communicate directly with or instruct the City’s contractor directly on any matters regarding contract performance.

4.5 Costs. The County shall be responsible for all costs associated with the Project (within the County’s right-of-way).

5. PAYMENT.

5.1 Reimbursement by the County. The County will reimburse the City for all actual costs incurred by the City related to the Project (within the County’s right-of-way), including all direct and indirect costs.

5.2 Invoice. The City shall invoice the County within 30 days after the execution of this agreement for the Project costs, and invoice monthly for incurred costs. The County shall pay the City no later than 30 days after the County receives the City’s invoice, with one percent per month interest being charged to the County as a delinquent charge, starting 30 days after the billing date.

6. DURATION/TERMINATION.

6.1 Duration of Agreement. This Agreement shall remain in effect until final acceptance of the Project and payment by the County of all monies due from the County to the City subject to the early termination provisions in Section 6.2 and 6.3.

6.2 Termination with Notice. If expected or actual funding from sources other than the County and the City is withdrawn, reduced or limited in any way prior to the completion of the Project, either Party may, with 30 days’ written notice to the other Party, terminate this Agreement.

6.3 Termination Prior to Completion. If the County terminates this Agreement prior to completion, it shall reimburse the City for all actual costs incurred by the City related to the Project (within the County’s right-of-way), prior to the termination date. For purposes of this section, the termination date shall be 30 days after the
date written notice was provided.

7. **FORCE MAJEURE.** The City's performance under this Agreement shall be excused during any period of force majeure. Force majeure is defined as any condition that is beyond the reasonable control of the City, including but not limited to, natural disaster, severe weather conditions, contract disputes, labor disputes, epidemic, pandemic, delays in acquiring right-of-way or other necessary property or interests in property, permitting delays, or any other delay resulting from a cause beyond the reasonable control of the City.

8. **DISPUTE RESOLUTION.**

8.1 **Informal Resolution.** In the event of a dispute between the Parties regarding this Agreement, the Parties shall attempt to resolve the matter informally.

8.2 **Formal Resolution Process.** If the Parties are unable to resolve the matter informally, the matter shall be decided by the Public Works Director of the City and the Director of the King County Road Services Division. If the Parties are unable to reach a mutual agreement, either Party may refer the matter to non-binding mediation. Each Party will be responsible for its own costs for mediation and shall share the costs of the mediator equally.

8.3 **Continuing Performance.** Unless otherwise expressly agreed to by the Parties in writing, both the City and the County shall continue to perform all their respective obligations under this Agreement during the resolution of the dispute.

8.4 **Governing Law and Venue.** This Agreement shall be interpreted in accordance with the laws of the State of Washington in effect on the date of execution of this Agreement. In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in a court of competent jurisdiction situated in Kent, King County, Washington.

9. **INDEMNIFICATION.** To the extent permitted by law, each Party to this Agreement shall protect, defend, indemnify, and save harmless the other Party, and its officers, officials, employees, and agents, while acting within the scope of their employment, from any and all costs, claims, demands, judgments, damages, or liability of any kind including injuries to persons or damages to property, which arise out of, in any way result from, or are connected to negligent acts or omissions by or on behalf of the indemnifying party in the exercise of its rights and obligations pursuant to this Agreement.

The City agrees that it is fully responsible for, and that its indemnity and defense obligations extend to, claims arising out of the negligent acts and omissions of its contractor, its contractor’s subcontractors, and their employees and agents, acting within the scope of their employment. Both Parties agree that they are responsible for the acts and omissions of their own employees. No Party shall be required to indemnify, defend, or save harmless the other Party if the claim, suit, or action for injuries, death, or damages...
is caused by the negligence of the Party seeking indemnification. Where such claims, suits, or actions result from concurrent negligence of the Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a Party's own negligence. Provided that, the County’s indemnity and defense obligations shall not extend to claims for injuries to persons or property occurring outside of the right-of-way area.

Each Party agrees that its obligations under this indemnification section extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of Title 51 RCW.

In the event of any claims, demands, actions and lawsuits, the indemnifying Party upon prompt notice from the other Party shall assume all costs of defense thereof, including legal fees incurred by the other Party, and of all resulting judgments that may be obtained against the other Party. In the event that either Party incurs attorney fees, costs, or other legal expenses to enforce the provisions of this section, all such fees, costs and expenses shall be recoverable by the prevailing Party.

This indemnification shall survive the expiration or earlier termination of this Agreement.

10. **INSURANCE.** The City certifies that it is fully self-insured for its liability exposures. To the extent that an incident arising out of the negligence of the City in the performance of this Agreement occurs, the City’s self-insured program will respond. The City shall require its contractor to include King County as an additional insured under its general liability and automobile liability policies, and to name King County as an indemnified party pursuant to, and prior to engagement in, any Project work.

11. **AUDITS AND INSPECTIONS.** The records and documents pertaining to all matters covered by this Agreement shall be retained and be subject to inspection, review, or audit by the City or the County during the term of this Agreement and for three (3) years after termination.

12. **ENTIRE AGREEMENT AND AMENDMENTS.** This Agreement contains the entire written agreement of the Parties and supersedes any and all prior oral or written representations or understandings.

13. **INVALID PROVISIONS.** If any provision of this Agreement shall be held invalid, the remainder of the Agreement shall not be affected if such remainder would then continue to serve the purposes and objectives of the Parties.

14. **OTHER PROVISIONS.** The headings in this Agreement are for convenience only and do not in any way limit or amplify the provisions of this Agreement.
15. **NO THIRD-PARTY RIGHTS.** Nothing contained herein is intended to, nor shall be construed to, create any rights in any third party, or to form the basis for any liability on the part of the Parties to this Agreement, or their officials, officers, employees, agents or representatives, to any third party.

16. **WAIVER OF BREACH.** Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any prior or subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the latest date written below.

KING COUNTY

_____________________________    _____________________________

King County Executive    City Mayor

_____________________________    _____________________________

Date    Date

Approved as to Form    Approved as to Form

____________________________     _____________________________

King County Deputy Prosecuting Attorney    City of Kent Law Department
AMENDMENT TO PROPOSED ORDINANCE 2022-0169, VERSION 1

On Attachment A, Interlocal Agreement Between the City of Kent and King County Regarding the Design and Construction of South 212th Street, after page 6, insert Exhibit A, Project Plans and Specifications.

EFFECT: Inserts the missing exhibit, which is attached to the amendment, into the ILA.
INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KENT AND KING COUNTY
REGARDING THE DESIGN AND CONSTRUCTION OF SOUTH 212TH STREET

This INTERLOCAL AGREEMENT (“ILA”) is made by and between King County (the "County") and the City of Kent, a municipal corporation of the State of Washington (the "City"). Together the County and the City are sometimes referred to herein as the “Parties” and individually as a “Party”.

RECITALS

A. The City has a project to design and construct the pavement rehabilitation on South 212th Street from Green River Bridge to Orillia Road (“Project”).

B. The full road right-of-way at South 212th Street is in the limits of the City; and the right-of-way at the west end of the Project (west of 42nd Ave South) lies both within the limits of the City and County.

C. The City is willing and able to design and construct the Project. The County has agreed to reimburse the City for all actual costs to design and construct the Project within the County’s right-of-way, including the costs of construction management.

D. The Parties can achieve cost savings and benefits in the public's interest by having the City design and construct the Project.

E. The Parties are authorized by Chapter 39.34 RCW to enter into an interlocal cooperation agreement of this nature.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT. The purpose of this Agreement is to set forth the terms, conditions and roles and obligations of the Parties.

2. SCOPE OF WORK. The scope of work for the Project includes full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Rd (including the part of the street located within the County’s right-of-way between these limits). The project will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing ADA curb ramps. The plans and specifications for the Project are attached as Exhibit A.

3. CITY RESPONSIBILITIES. The City shall provide the necessary engineering, administrative, inspection, clerical and other services necessary for the execution of the Project.

3.1 Design and Permitting. The City shall provide the engineering design plans for
the Project. The City will perform all design and engineering services for the Project in accordance with all applicable standards and with consultation with the County. The City will apply for and be issued the permits necessary to construct the Project.

3.2 Public Outreach. The City shall carry out all public outreach regarding the Project.

3.3 Contract Administration.

3.3.1 Project Bidding and Award. The City shall prepare the contract bid documents and advertise the Project. The City shall provide the County with a copy of the construction documents and the bid documents. The City shall award the contract to the lowest responsible bidder for the Project subject to applicable laws and regulations. The City shall provide bid tabulations to the County upon request.

3.3.2 Project Construction. The County shall be invited to attend the preconstruction meeting. The City will notify the County when the Project construction begins and will keep the County advised as to the progress of the Project. The City shall not order or approve any changes in the approved Project design which substantially change the nature of the Project (within the County’s right-of-way) without first consulting the County for approval.

3.4 Project Inspection. At the completion of the Project, both parties shall perform a mutual final inspection of the Project. The County may provide a written deficiency list (for the area within the County’s right-of-way) to the City within five (5) business days after the final inspection of the Project. The City’s contractor will remedy the deficiencies necessary to ensure that the Project features within the County right-of-way comply with the approved engineering design plans, all permit conditions, project specifications or applicable City and County standards. Final project acceptance will be by the City as the lead agency of the Project.

4. COUNTY RESPONSIBILITIES.

4.1 Review of Project Plans. The County shall review the plans and specifications prepared by the City regarding work within the County’s right-of-way prior to the City advertising the Project and may provide comments to the City no later than ten (10) business days after receipt of the plans and specifications.

4.2 Request for Changes. The County shall notify the City, in writing, of any changes to the plans and specifications the County proposes for the portion of the Project located within the County’s right-of-way. The parties shall jointly determine whether any changes requested by the County will be implemented. The County shall be financially responsible for those requested changes. This County’s
4.3 Permits and Right-of-Entry.

4.3.1 The County hereby grants the City right-of-entry into the corporate limits of the County for the purpose of performing any and all tasks necessary to complete the Project.

4.4 Inspection During Construction. The County may inspect the Project to ensure proper compliance with the approved engineering design plans and any permit conditions during construction of the Project. The County shall advise the City of any deficiencies noted during its inspections. The County’s inspector shall not communicate directly with or instruct the City’s contractor directly on any matters regarding contract performance.

4.5 Costs. The County shall be responsible for all costs associated with the Project (within the County’s right-of-way).

5. PAYMENT.

5.1 Reimbursement by the County. The County will reimburse the City for all actual costs incurred by the City related to the Project (within the County’s right-of-way), including all direct and indirect costs.

5.2 Invoice. The City shall invoice the County within 30 days after the execution of this agreement for the Project costs, and invoice monthly for incurred costs. The County shall pay the City no later than 30 days after the County receives the City’s invoice, with one percent per month interest being charged to the County as a delinquent charge, starting 30 days after the billing date.

6. DURATION/TERRMINATION.

6.1 Duration of Agreement. This Agreement shall remain in effect until final acceptance of the Project and payment by the County of all monies due from the County to the City subject to the early termination provisions in Section 6.2 and 6.3.

6.2 Termination with Notice. If expected or actual funding from sources other than the County and the City is withdrawn, reduced or limited in any way prior to the completion of the Project, either Party may, with 30 days’ written notice to the other Party, terminate this Agreement.

6.3 Termination Prior to Completion. If the County terminates this Agreement prior to completion, it shall reimburse the City for all actual costs incurred by the City related to the Project (within the County’s right-of-way), prior to the termination date. For purposes of this section, the termination date shall be 30 days after the
7. **FORCE MAJEURE.** The City's performance under this Agreement shall be excused during any period of force majeure. Force majeure is defined as any condition that is beyond the reasonable control of the City, including but not limited to, natural disaster, severe weather conditions, contract disputes, labor disputes, epidemic, pandemic, delays in acquiring right-of-way or other necessary property or interests in property, permitting delays, or any other delay resulting from a cause beyond the reasonable control of the City.

8. **DISPUTE RESOLUTION.**

8.1 Informal Resolution. In the event of a dispute between the Parties regarding this Agreement, the Parties shall attempt to resolve the matter informally.

8.2 Formal Resolution Process. If the Parties are unable to resolve the matter informally, the matter shall be decided by the Public Works Director of the City and the Director of the King County Road Services Division. If the Parties are unable to reach a mutual agreement, either Party may refer the matter to non-binding mediation. Each Party will be responsible for its own costs for mediation and shall share the costs of the mediator equally.

8.3 Continuing Performance. Unless otherwise expressly agreed to by the Parties in writing, both the City and the County shall continue to perform all their respective obligations under this Agreement during the resolution of the dispute.

8.4 Governing Law and Venue. This Agreement shall be interpreted in accordance with the laws of the State of Washington in effect on the date of execution of this Agreement. In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in a court of competent jurisdiction situated in Kent, King County, Washington.

9. **INDEMNIFICATION.** To the extent permitted by law, each Party to this Agreement shall protect, defend, indemnify, and save harmless the other Party, and its officers, officials, employees, and agents, while acting within the scope of their employment, from any and all costs, claims, demands, judgments, damages, or liability of any kind including injuries to persons or damages to property, which arise out of, in any way result from, or are connected to negligent acts or omissions by or on behalf of the indemnifying party in the exercise of its rights and obligations pursuant to this Agreement.

The City agrees that it is fully responsible for, and that its indemnity and defense obligations extend to, claims arising out of the negligent acts and omissions of its contractor, its contractor’s subcontractors, and their employees and agents, acting within the scope of their employment. Both Parties agree that they are responsible for the acts and omissions of their own employees. No Party shall be required to indemnify, defend, or save harmless the other Party if the claim, suit, or action for injuries, death, or damages...
is caused by the negligence of the Party seeking indemnification. Where such claims, suits, or actions result from concurrent negligence of the Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a Party's own negligence. Provided that, the County’s indemnity and defense obligations shall not extend to claims for injuries to persons or property occurring outside of the right-of-way area.

Each Party agrees that its obligations under this indemnification section extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of Title 51 RCW.

In the event of any claims, demands, actions and lawsuits, the indemnifying Party upon prompt notice from the other Party shall assume all costs of defense thereof, including legal fees incurred by the other Party, and of all resulting judgments that may be obtained against the other Party. In the event that either Party incurs attorney fees, costs, or other legal expenses to enforce the provisions of this section, all such fees, costs and expenses shall be recoverable by the prevailing Party.

This indemnification shall survive the expiration or earlier termination of this Agreement.

10. **INSURANCE.** The City certifies that it is fully self-insured for its liability exposures. To the extent that an incident arising out of the negligence of the City in the performance of this Agreement occurs, the City’s self-insured program will respond. The City shall require its contractor to include King County as an additional insured under its general liability and automobile liability policies, and to name King County as an indemnified party pursuant to, and prior to engagement in, any Project work.

11. **AUDITS AND INSPECTIONS.** The records and documents pertaining to all matters covered by this Agreement shall be retained and be subject to inspection, review, or audit by the City or the County during the term of this Agreement and for three (3) years after termination.

12. **ENTIRE AGREEMENT AND AMENDMENTS.** This Agreement contains the entire written agreement of the Parties and supersedes any and all prior oral or written representations or understandings.

13. **INVALID PROVISIONS.** If any provision of this Agreement shall be held invalid, the remainder of the Agreement shall not be affected if such remainder would then continue to serve the purposes and objectives of the Parties.

14. **OTHER PROVISIONS.** The headings in this Agreement are for convenience only and do not in any way limit or amplify the provisions of this Agreement.
15. **NO THIRD-PARTY RIGHTS.** Nothing contained herein is intended to, nor shall be construed to, create any rights in any third party, or to form the basis for any liability on the part of the Parties to this Agreement, or their officials, officers, employees, agents or representatives, to any third party.

16. **WAIVER OF BREACH.** Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any prior or subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the latest date written below.

<table>
<thead>
<tr>
<th>KING COUNTY</th>
<th>CITY OF KENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>King County Executive</td>
<td>City Mayor</td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
<tr>
<td>Approved as to Form</td>
<td>Approved as to Form</td>
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<table>
<thead>
<tr>
<th>King County Deputy Prosecuting Attorney</th>
<th>City of Kent Law Department</th>
</tr>
</thead>
</table>
PUBLIC WORKS PROJECT
S 212TH ST. PRESERVATION
(GREEN RIVER BRIDGE TO
ORILLIA RD./KENT CITY LIMITS)

JOB NUMBER 20-3012
GENERAL NOTES:
1. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE 2021 EDITION OF THE WSDOT STANDARD SPECIFICATIONS AND THE KENT SPECIAL PROVISIONS.
2. LIGHT SUSTAINMENT UTILITY WORK SHOWN ON PLANS IS NOT NECESSARILY COMPLETE. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO INDEPENDENTLY VERIFY THE ACCURACY OF ALL UTILITY LOCATIONS AND TO FURNISH DISTURBANCE NOTICES TO THE RESIDENTS AND BUSINESS PROPRIETORS IMPACTED BY SUCH WORK IN CONFORMANCE WITH THE IMPLEMENTATION OF THIS PLAN.
3. IDENTIFICATION, LOCATION, MARKING AND RESPONSIBILITY FOR UNDERGROUND FACILITIES OR UTILITIES IS CONDUCTED BY THE CONTRACTOR AS DESIGNED ON THE PLANS AND SHALL BE IN ACCORDANCE WITH THE WSDOT STANDARD SPECIFICATIONS (815) AT LEAST TWO WORKING DAYS PRIOR TO CONSTRUCTION. THE OWNER OR HIS REPRESENTATIVE AND THE ENGINEER SHALL BE CONTACTED IMMEDIATELY IF A CONFLICT EXISTS.
4. CAUTION: EXTREME HAZARD - OVERHEAD AND UNDERGROUND ELECTRICAL SERVICE LINES ARE NOT SHOWN ON THE DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR DETECTING THE EXISTENCE OF ANY HAZARD CREATED BY OVERHEAD AND UNDERGROUND ELECTRICAL POWER IN ALL AREAS AND TO FOLLOW PROCEDURES DURING CONSTRUCTION AS REQUIRED BY LAW AND REGULATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL MEET WITH UTILITY OWNERS AND DETERMINE THE EXISTENCE OF ANY UTILITY LINES OR OTHER POSSIBLE HAZARDS PRIOR TO THE PERFORMANCE OF ANY WORK THAT MIGHT BE REQUIRED, AT THE EXPENSE OF THE CONTRACTOR.
5. ALL DEPTHS INDICATED ARE COMPACTED DEPTHS. HMA SHALL MEET THE SPECIFICATIONS OF HMA CLASS 1C/PG 58-22.
6. UNLESS NOTED OTHERWISE, ALL EXISTING CITY OF KENT WATER VALVE BOX TOP SECTIONS AND LIDS WITHIN THE CONSTRUCTION LIMITS SHALL BE REPLACED WITH DEEP SHUTTER RISERS AND LIDS AND ADJUSTED TO FINISHED GRADE.
7. UNLESS NOTED OTHERWISE, ALL EXISTING CITY OF KENT STORM/STORM DRAIN MANHOLE FRAMES AND COVERS WITHIN THE CONSTRUCTION LIMITS SHALL BE ADJUSTED TO FINISHED GRADE, MAY NEED TO BE RE-GROATED.
8. CONTRACTOR SHALL PRESERVE AND PROTECT EXISTING MONUMENTS, UTILITIES, AND FEATURES NOT SCHEDULED FOR REMOVAL.
9. SAWCUT INTO EXISTING ASPHALT AND CONCRETE SHALL BE ALONG NEAT, CONTINUOUS, PLAIN, SAWED, OR WHEEL OUT LINES.
10. THE CONTRACTOR SHALL PRESERVE AND PROTECT EXISTING CEMENT CURB, GUTTER, AND SIDEWALK NOT IDENTIFIED TO BE REMOVED.
11. THE CONTRACTOR SHALL MAINTAIN ACCESSIBLE PEDESTRIAN ACCESS ROUTE THROUGH THE PROJECT AREA AT ALL TIMES.
12. THE CONTRACTOR SHALL COMPLY WITH ALL PUBLIC CONVENIENCE AND SAFETY MEASURES AS DESCRIBED IN SECTION 1-2-102 OF THE CONTRACT SPECIFICATIONS FOR STORAGE OF EQUIPMENT AND MATERIALS DURING NON-WORKING HOURS.
13. PRIOR TO ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL ATTEND A PRE-CONSTRUCTION MEETING WITH THE CITY OF KENT CONSTRUCTION STAFF AND CONTRACTOR.
14. THE CONTRACTOR SHALL PERFORM THE PLANNING OPERATIONS NO MORE THAN 7 CALENDAR DAYS AHEAD OF THE TIME THE PLANNED AREA IS TO BE CLOSED, UNLESS OTHERWISE DIRECTED BY THE ENGINEER IN WRITING.
15. DISTURBED PLANTING AREAS SHALL BE RESTORED WITH TOPSOIL AND SEEDED LAWNS, TURF, OR GRASS MATS AS DIRECTED BY THE ENGINEER. WORK SHALL BE PAID FOR IN ACCORDANCE WITH KENT SPECIAL PROVISION B-2.
16. STANDBY PROVIDED SOLELY FOR INFORMATIONAL PURPOSES. NO CONSTRUCTION STANDBY WILL BE PROVIDED BY THE CITY.

TEMPORARY EROSION AND SEDIMENT CONTROL NOTES:
11. INSTALL STORM DRAIN INLET PROTECTION ON ALL CATCH BASINS WITHIN THE CONSTRUCTION LIMITS OR AS DIRECTED BY THE ENGINEER, PER WSDOT STANDARD PLAN 40-20-30-00.
12. THE IMPLEMENTATION OF THE TEST MEASURES, INCLUDING CONSTRUCTION, MAINTENANCE, AND INSPECTION, IS THE RESPONSIBILITY OF THE CONTRACTOR. UNTIL ALL CONSTRUCTION IS COMPLETED AND ACCEPTED BY THE CITY.
13. THE FACILITIES SHOWN ON THIS PLAN SET MUST BE CONSTRUCTED IN CONJUNCTION WITH OR PRIOR TO ASPHALT REMOVAL, AND IN SUCH A MANNER AS TO ENSURE THAT SEEDING LATERAL WATER DOES NOT ENTER THE GRADEWORK SYSTEM OR VOLATILE STATE WATER QUALITY STANDARDS. THE TEST FACILITIES MUST BE FUNCTIONAL BEFORE LAND DISTURBING ACTIVITIES TAKE PLACE.
14. DURING THE CONSTRUCTION PERIOD, THESE TEST FACILITIES SHALL BE UPGRADED OR REPLACED AS NEEDED FOR UNEARTHED RAINFALL EVENTS AS DIRECTED BY THE ENGINEER.
15. THE FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEY CONTINUE TO FUNCTION AND OPERATE AS INTENDED. WHEN TEMPORARY CONTROL DEVICES ARE NO LONGER NEEDED, THE CONTRACTOR SHALL REMOVE THEM AND IMMEDIATELY WORK TO STABILIZE THE AREAS THEY OCCUPIED AS THE ENGINEER DIRECTS.

CURB RAMP NOTES:
2. CURB RAMP DIMENSIONS ARE PROMPTLY TO BE FIELD VERIFIED. CURB RAMPS SHALL BE CONSTRUCTED TO NOT EXCEED NOTED SLOPES. ADJUST LENGTH TO MEET THE NOTED SLOPES WHERE NO RAMP RUNNING SLOPE IS PROVIDED. RAMP LENGTH TO MINIMUM 15'.
3. WITHIN CURB RAMP PAY LIMIT, ALL RAMPS CROSSED SLICE AS NOTED. LANDING RUNNING SLOPE AS NOTED WHERE THE MAXIMUM SLOPE IS NOT DENOTED, MATCH FLATLINE SLOPE. RAMP RUNNING SLOPE AS NOTED. WHERE THE MAXIMUM SLOPE IS NOT DENOTED, EXTEND RAMP TO 15" AT BACK OF RAMP.
4. THE GRADE BREAK BETWEEN THE TWO ADJACENT SURFACE PLANES SHALL BE FLUSH. INSTALL 3'-6" EXPANSION JOINT AT GRADE BREAK PER KENT STD PLAN 8-22. ALL GRADE BREAKS MUST BE PERPENDICULAR TO THE PEDESTRIAN TRAFFIC PATH.
5. CURB RAMPS PAY LIMIT INCLUDES LANDING, RAMPS, AND DETECTABLE WARNING SURFACE AS SHOWN IN THE CURB RAMP DETAIL. ALL CURB AND GUTTER, PEDESTRIAN CURB, SIDEWALK, TRANSITION AREA, AND UTILITY WORK SHALL BE PAID FOR SEPARATELY.
6. THE BIG ITEM "CEMENT CONCRETE CURB RAMP TYPE -" DOES NOT INCLUDE THE ADJACENT CURB, CURB AND GUTTER, DEPRESSED CURB, GUTTER, PEDESTRIAN CURB, OR SIDEWALK.
7. CURB RAMPS AND LANDINGS SHALL RECEIVING A FINISH FINISH. SEE SPECIFICATIONS B-14.
8. USE CONSTANT SLOPE FROM BOTTOM OF RAMP TO TOP OF RAMP. DO NOT INCLUDE ABUTTING LANDINGS OR SIDEWALKS IN THE CURB RAMP LENGTH MEASUREMENT. NO EXPANSION JOINTS ARE ALLOWED ON RAMP ELEMENTS.
9. CONTRACTION JOINTS ARE ALLOWED ON RAMP ONLY WHEN RAMP EXCEEDS 8 FEET. WHEN ALLOWED, CONTRACTION JOINTS ARE EQUALLY SPACED. 48" O.C. MIN.
10. FOR DETECTABLE WARNING STRIP DETAILS AND PLACEMENT CLARIFICATION, THE CONTRACTOR SHALL REFER TO WSDOT STANDARD PLANS F-40-10 (NOTE 6 OF THIS STANDARD PLAN DOES NOT APPLY TO THIS CONTRACT).
11. ALL EXISTING CURB RETURN INCLUDING RAILS AND ELEVATIONS UNLESS OTHERWISE NOTED. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE HORIZONTAL AND VERTICAL ELEVATION DATA FROM THE EXISTING CURB TO CONSTRUCT THE CURB IN THE SAME LOCATION.
12. PEDESTRIAN CURB MAY BE OMITTED IF THE GROUND SURFACE AT THE BACK OF THE CURB RAMP AND/OR LANDING WILL BE AT THE SAME ELEVATION AS THE CURB RAMP OR LANDING AND THERE WILL BE NO MATERIAL TO RETAIN.
13. SEE WSDOT STD PLAN F-30-10 FOR CONCRETE CURB AND SIDEWALK DETAILS.
14. VERTICAL CURB SHALL BE USED FOR ALL NEW SIDEWALK CONSTRUCTION. MOUNTAIN CURB SHALL BE USED FOR ALL NEW ALONG PALISADE CONSTRUCTION. NEW SIDEWALK TO MATCH GRADE AND SLOPE OF EXISTING SIDEWALK/GRAVEYARD. TRANSITION CURB SIDEWALK TRANSITION FROM 1:5 RAMP AT NEW RAMP TO EXISTING SIDEWALK/GRAVEYARD SLOPE.
15. PROTECT SIDEWALK, CURB AND GUTTER, SIGNS, POLES, MAIL BOXES AND OTHER APPURTENANCES NOT IDENTIFIED FOR REMOVAL.
16. TRANSITION PANEL SHALL BE ONE FOOT PER 1/8 CROSS SLOPE CHANGE IN GRADE MINIMUM TO THE NEAREST SIDEWALK JOINT.

LEGEND:

TRANSITION SIDEWALK
EXISTING MAIL BOX
EXISTING JUNCTION BOX
EXISTING SANITARY SEWER MANHOLE
EXISTING COMMUNICATIONS MANHOLE
EXISTING WATER METER
EXISTING FIRE HYDRANT
EXISTING STORM SEWER MANHOLE
EXISTING STORM SEWER CATCH BASIN
EXISTING SIGN POST
EXISTING SURFACE MONUMENT
EXISTING TREE
EXISTING POWER POLE
EXISTING GAS VALUE

SHEET 1 OF 24
Page 28
LSMU Meeting Materials
City of Kent
Public Works Department
Engineering Division

GENERAL NOTES
S 212TH ST PRESERVATION

ABBREVIATIONS:
S/W - SIDEWALK
D/W - DRIVEWAY
CB - CATCH BASIN
MB - MAIL BOX
UBO - URBAN BOUNDARY
NORTH
SOUTH
WEST
EAST
EX - EXISTING
NC - NOT CLEAR
c - RIGHT OF WAY
SD - STORM DRAIN

May 4, 2022
## BID ITEMS:

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<tr>
<th>ID</th>
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<td>PEDESTRIAN CURB</td>
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<tr>
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### NOTE:

NOT ALL BID ITEMS SHOW HERE. REFER TO THE KENT SPECIAL PROVISIONS FOR ALL BID ITEMS.
NOTES:
1. INSTALL HMA WEDGE FOR TEMPORARY TRANSITION AREA WHERE PLANNING OPERATIONS CREATE A GRADE DIFFERENCE BETWEEN PLANNED PAVEMENT AND EXISTING GRADE OF MORE THAN 1 INCH.
2. REMOVE AND PROTECT CASTINGS WHICH PREVENT TRAFFIC FROM SAFE USE OF STREET.
3. AFTER PLANNING, PERFORM GRIND/INLAY, PER DETAIL C THIS SHEET, AT THE LOCATIONS DETERMINED BY THE ENGINEER.

OVERLAY
NOT TO SCALE

A

NOTES:
1. PAVEMENT REPAIR LOCATIONS ShOWN ON THE PLANS ARE APPROXIMATE. FINAL LOCATIONS AND QUANTITIES TO BE FIELD DETERMINED BY THE ENGINEER.

B

NOT TO SCALE

PAVEMENT REPAIR

STORM DRAIN THRU SIDEWALK SECTION

F

NOT TO SCALE

HIGH INTENSITY GUIDE REFLECTIVE SHEETING

3' TUBULAR CLOVER-LEAF SURFACE MOUNT DELINEATOR

HEAVY DUTY BASE

2' FORWARD EXTENSION

NOT TO SCALE

TRAFFIC PYLON DETAIL

C

NOT TO SCALE

GRIND/INLAY

D

NOT TO SCALE

SIDEWALK/RAMP CONSTRUCTION W/ OVERLAY

E

NOT TO SCALE

SHOULDER DRESSING (CSTC)/OR LANDSCAPE RESTORATION AS DIRECTED MATCH EXISTING GRADE MATCH EXISTING SLOPE BEVEL PIPE FLUSH WITH EXISTING SLOPE

F

NOT TO SCALE

STORM DRAIN PIPE: 3 TOTAL (SEE PLAN SHEET 9) A005

SHEET

PLATE N0: 4 OF 24

City of Kent
Public Works Department
Engineering Division

S 212TH ST PRESERVATION

Page 30
NOTE:
1. GRIND/INLAY AND PAVEMENT REPAIR LOCATIONS ARE APPROXIMATE. FINAL LOCATIONS SHALL BE FIELD DETERMINED BY THE ENGINEER.
2. CURB/GUTTER AND SIDEWALK REPAIR LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE. FINAL LOCATIONS AND QUANTITIES TO BE FIELD DETERMINED BY THE ENGINEER.
3. ALL WORK ITEMS WITHIN KING COUNTY RIGHT-OF-WAY SHALL BE PAID UNDER SCHEDULE (X) IN THE BID PROPOSAL.

TYPICAL
- GRIND & INLAY PER DETAIL C, SHEET 4
- AREA OF 2 INCH GRIND AND OVERLAY
- PAVEMENT REPAIR AREA PER DETAIL B, SHEET 4

GRIND & INLAY PER DETAIL C, SHEET 4 (KING COUNTY)
AREA OF 2 INCH GRIND AND OVERLAY (KING COUNTY)
PAVEMENT REPAIR AREA PER DETAIL B, SHEET 4 (KING COUNTY)
NOTE:
1. GRIND/INLAY AND PAVEMENT REPAIR LOCATIONS ARE APPROXIMATE. FINAL LOCATIONS SHALL BE FIELD DETERMINED BY THE ENGINEER.
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NOTE:
1. GRIND & INLAY AND PAVEMENT REPAIR LOCATIONS ARE APPROXIMATE. FINAL LOCATIONS SHALL BE FIELD DETERMINED BY THE ENGINEER.
2. CURB/CUTTER AND SIDEWALK REPAIR LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE. FINAL LOCATIONS AND QUANTITIES TO BE FIELD DETERMINED BY THE ENGINEER.
NOTE:
1. GRIND/PILAY AND PAVEMENT REPAIR LOCATIONS ARE APPROXIMATE. FINAL LOCATIONS SHALL BE FIELD DETERMINED BY THE ENGINEER.
2. CURB/GUTTER AND SIDEWALK REPAIR LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE. FINAL LOCATIONS AND QUANTITIES TO BE FIELD DETERMINED BY THE ENGINEER.

TYPICAL
- GRIND & PILAY PER DETAIL C, SHEET 4
- AREA OF 2 INCH GRIND AND OVERLAY
- PAVEMENT REPAIR AREA PER DETAIL B, SHEET 4
NOTE:
1. GRIND/INLAY AND PAVEMENT REPAIR LOCATIONS ARE APPROXIMATE. FINAL LOCATIONS SHALL BE FIELD DETERMINED BY THE ENGINEER.
2. CURB/GUTTER AND SIDEWALK REPAIR LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE. FINAL LOCATIONS AND QUANTITIES TO BE FIELD DETERMINED BY THE ENGINEER.
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NOTES:

1. CONTRACTOR SHALL REFERENCE EXISTING PAVEMENT MARKING PRIOR TO PLANING BITUMINOUS PAVEMENT OPERATION. SEE KENT SPECIAL PROVISIONS 1-05.18 FOR DETAILS.

2. SEE KENT SPECIAL PROVISIONS 1-07.23(1) FOR CONSTRUCTION UNDER TRAFFIC AND WORKING HOURS.
NOTES:

1. CONTRACTOR SHALL REFERENCE EXISTING PAVEMENT MARKING PRIOR TO PLANNING BITUMINOUS PAVEMENT OPERATION. SEE KENT SPECIAL PROVISIONS 1-03.18 FOR DETAILS.

2. SEE KENT SPECIAL PROVISIONS 1-07.23(1) FOR CONSTRUCTION UNDER TRAFFIC AND WORKING HOURS.
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NOTES:

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   BITUMINOUS PAVEMENT OPERATION. SEE KENT SPECIAL PROVISIONS 1-05.18 FOR DETAILS.

2. SEE KENT SPECIAL PROVISIONS 1-07.23(1) FOR CONSTRUCTION UNDER TRAFFIC AND
   WORKING HOURS.
MACHLINE STA 31+50 SHEET 19

MATCHLINE STA 37+50 SHEET 21

S 212TH ST

NOTES:

1. CONTRACTOR SHALL REFERENCE EXISTING PAVEMENT MARKING PRIOR TO PLANING BITUMINOUS PAVEMENT OPERATION. SEE KENT SPECIAL PROVISIONS 1-05.18 FOR DETAILS.

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2. SEE KENT SPECIAL PROVISIONS 1-07.23(1) FOR CONSTRUCTION UNDER TRAFFIC AND WORKING HOURS.
April 12, 2022

The Honorable Claudia Balducci  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Balducci:

This letter transmits a proposed Ordinance that, if enacted, would authorize the Executive to enter into an interlocal agreement with the City of Kent for the design and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Road.

The City of Kent project will include a full width grinding and asphalt overlay of South 212th Street between the Green River Bridge and Orillia Road, where the north limit of the project extends into the County’s right-of-way section of Orillia Road. The project will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing ADA curb ramps. By coordinating the City project to include the County’s right-of-way under one construction contract, the City of Kent and King County can recognize cost savings and project efficiencies while making necessary road improvements that will serve the citizens of King County.

The proposed Ordinance and interlocal agreement support the King County Strategic Plan goal of efficient, accountable regional and local government by partnering with the City of Kent for the coordinated construction of the road improvements on City and County roads. This partnership will optimize County operations through innovation and continuous improvement; deliver consistent, responsive, equitable, high-quality services to residents; exercise sound fiscal management; and ensure that County government operates efficiently and effectively to deliver a quality project consistent with the policy and operational goals of King County government and community priorities.

Thank you for your consideration of this proposed Ordinance.
If your staff have any questions, please contact Tricia Davis, Division Director, Road Services Division of the Department of Local Services, at 206-475-2077.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
    ATTN: Stephanie Cirkovich, Chief of Staff
           Melani Pedroza, Clerk of the Council
           Shannon Braddock, Chief of Staff, Office of the Executive
           Karan Gill, Deputy Chief of Staff, Office of the Executive
           Mina Hashemi, Director, Council Relations, Office of the Executive
           Dwight Dively, Director, Office of Performance, Strategy and Budget
           John Taylor, Director, Department of Local Services
           Tricia Davis, Director, Road Services Division, Department of Local Services
Description of request:
An ordinance authorizing the King County executive to execute an interlocal agreement with the City of Kent to design and overlay South 212th Street extending to Orillia Road. The city’s project includes full width grinding and asphalt overlay that will also include pavement repairs, pavement markings, curb and gutter repairs, and improvements to existing curb ramps.

Revenue to:

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Expenditures by Categories

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<th>2022/2023</th>
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<tr>
<td>TOTAL</td>
<td>200,000</td>
<td>0</td>
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</tr>
</tbody>
</table>

Does this legislation require a budget supplemental? No

Notes and Assumptions:
Approval of the Interlocal Agreement requires the County to reimburse the City for the actual costs to overlay the portion of the city’s project that’s in unincorporated King County.
The high-level cost estimate is based on the City of Kent’s engineering estimate for costs for the approximately 1,000 square feet of the right-of-way in unincorporated King County within this project, rounded from $192,180.
SUBJECT

A motion adopting the scope of work for the Executive’s proposed 2024 review of the King County Comprehensive Plan.

SUMMARY

Proposed Motion 2022-0156 would adopt a scope of work that serves as the basis for the Executive’s review and revision of the proposed 2024 King County Comprehensive Plan (KCCP) update. King County Code (K.C.C.) 20.18.060 require the Executive to submit a motion to the Council that outlines the scope of work for an eight-year KCCP update. The scope of work for this eight-year update is required to be transmitted to the Council by March 31, 2022; Proposed Motion 2022-0156 was transmitted by the deadline.

The transmitted scope of work includes the Executive's proposed themes for the 2024 update: pro-equity, housing, and climate change and the environment. The proposed motion would also adopt the Executive’s plan for State Environmental Policy Act (SEPA) Review and public participation for development of the 2024 KCCP update. The scoping motion is the Council's formal opportunity to shape what the Executive will review in the crafting of the 2024 KCCP update.

The Scoping Motion is one of the methods to ensure consideration of any proposals to modify the Urban Growth Area (UGA) during the 2024 KCCP update, and the only way for the Council to ensure a proposal that amends the UGA is considered in scope for the 2024 update.

If the Council does not act on the motion by June 15, 2022, the Executive is authorized to proceed to implement the scope of work as transmitted.

A striking amendment has been prepared, is described below, and is included in Attachment 2 to this staff report.
The KCCP is the guiding policy document for land use and development regulations in unincorporated King County. The K.C.C. allows for amendments to the KCCP on an annual, midpoint, or eight-year update schedule. The eight-year update is on the same time period as the Growth Management Act (GMA) mandated update cycle. The GMA specifies mandatory topics to review and update, which may not be included in the scope of work.

The current schedule for development of the 2024 KCCP is shown below.

K.C.C. 20.18.060 requires the Executive to submit a motion to the Council that outlines the scope of work for an eight-year KCCP update, known as the scoping motion. This motion includes the issues that the Executive proposes to consider in the development of the 2024 KCCP update. Review of the scoping motion (Proposed Motion 2022-0156) is the Council's formal opportunity to shape what the Executive will review in the drafting the revisions.

Following approval of the scoping motion, the Executive will prepare the proposed KCCP update based on the scope of work. This will include: departments drafting proposals, Regional Planning vetting and consolidating the proposals, SEPA review through an Environmental Impact Statement (EIS) analyzing a series of alternatives, public outreach, communication with Councilmembers and Council staff, and a Public Review Draft (PRD) with a formal comment period.

The Executive is required to transmit the Executive's Recommended KCCP update to the Council by December 29, 2023.2

In addition to identifying the overarching issues for the KCCP review, the scoping motion is one of the methods to ensure consideration of any proposals to expand the UGA during the 2024 KCCP process. KCCP policy RP-202 requires that, except for Four-to-One proposals, proposals that change the UGA must be acted on at the Growth Management Planning Council (GMPC)3 prior to Council action. Policy RP-203 states that the County may only forward UGA proposals to the GMPC under the following instances:

---

1 K.C.C. 20.18.030
2 See Proposed Ordinance 2022-0155
3 The required GMPC “action” could be either in support of or against the proposal, and is a non-binding recommendation for the County Council to consider in its deliberations.
1. The proposal is included in the scoping motion;
2. An area zoning study for the proposal is included in the Public Review Draft of the proposed KCCP update; or
3. The proposal goes through the Hearing Examiner site specific map amendment process.

This means that the scoping motion is the formal avenue for the Council to be able to identify possible UGA changes for consideration in the following year’s amendments. Otherwise, a UGA expansion proposal would need to be included by the Executive in the Public Review Draft, or applied for by the property owner and have gone through the Hearing Examiner process, in order to be considered.

ANALYSIS

Proposed Motion 2022-0156 would adopt the scope of work for the 2024 KCCP update, as well as the Executive’s State Environmental Policy Act (SEPA) and public participation plans.

The introductory text in the scope of work includes references to the GMA-mandated 8-year update. In a separate ordinance, Proposed Ordinance 2022-0155, there are changes proposed to the County’s review and adoption deadline schedule for the scope of work and the 2024 KCCP, to reflect the passage of HB 1241, which both extended the deadline for the 2024 updates and changed the mandated update cycle to 10 years. Additional information on these changes is in the staff report for that Proposed Ordinance.

The introductory text also states that an equity impact analysis will be completed prior to adoption of the 2024 KCCP. It should be noted that Executive staff in Regional Planning are coordinating with the Office of Equity and Social Justice to determine what this equity impact analysis will look like, and the Council should not expect that it will be the same as the equity impact review tool that is used for smaller, more discrete changes.

Topical Areas. The Topical Areas section set forth the broad categories of areas or policies the Executive is intending to review and possibly offer changes to within the proposed 2024 KCCP update. It should be noted that while the Topical Areas section serves as a starting point for the development of the Executive’s 2024 KCCP proposal, emerging issues that are identified after Council approval may also be considered by the Executive during plan development.

The following is a summary of the items outlined in the Topical Areas document and possible policy issues.

Executive’s Focus Areas. As stated in the scope of work, the Executive intends to focus on three areas.

Pro-Equity. The scope of work includes the following topics under the pro-equity focus area: reducing displacement and advancing housing equity, integrating a pro-equity and anti-racist policy framework, and improving health equity outcomes.
Housing. The scope of work includes the following topics under the housing focus area: a comprehensive housing policy update, improving affordable housing supply, and expanding housing options.

Climate Change and the Environment. The scope of work includes the following topics under the climate change and the environment focus area: advancing the 2020 Strategic Climate Action Plan; integrating the clean water, healthy habitat goals; and increasing land conservation.

There is also a General category in the scope of work, which includes: implementing the 2021 Countywide Planning Policies, implementing the subarea planning program, updating transportation policies, reviewing rural and natural resources regulations, and advancing docket requests supported by the Executive.

Council considerations. When reviewing the scope of work, and ultimately the 2024 KCCP, the Council may want to consider the following policy considerations:

- Whether the Executive's proposed focus areas align with the Council's priorities for the 2024 KCCP.
- There are references within the scope of work to Executive-initiated studies or plans that are not adopted by the Council. Some of the studies or plans come directly from county-sanctioned community engagement such as the Mobility Equity Cabinet, while others are guiding documents for how the Executive Branch completes their work, such as the Equity and Social Justice Strategic Plan. The Council may want to consider whether these studies or plans that have not been reviewed or by the Council are appropriate for inclusion in the scope of work, and ultimately in the KCCP.
- There are also references to adopted Council studies or plans that were approved by motion. The clearest instance of this is the Strategic Climate Action Plan (SCAP), which is approved via motion. Components of the 2015 SCAP were incorporated into the 2016 KCCP. If components of the 2020 SCAP update are adopted into the KCCP via ordinance, they then have the force of law, which the Council may not have intended when approving the 2020 SCAP, which does not have the force of law.
- Included in the scope of work are references to a bill that did not pass in the 2022 state legislative session: House Bill 1099 regarding climate change. The Council may want to consider whether the County can or should implement the provisions of such bills, and alternatively, whether there are other state bills that the Council would like the Executive to evaluate as part of the 2024 KCCP.

SEPA Work Program. The scope of work has a brief discussion of the SEPA review process. The SEPA review for the 2024 KCCP will include an EIS, which will include alternatives analysis based on the scope of work, and a more detailed EIS scoping process. The Executive expects to issue a Final EIS concurrent with transmittal of the 2024 KCCP to the Council, although the timing may be adjusted if the consultant hired for the EIS recommends or the Executive determines another timeframe would provide a better product.
Public Participation Work Program. The scope of work outlines four phases for the public participation plan. These phases are based on GMA requirements for early and continuous public participation, and the County's equity principles for community engagement.

1. **Scoping.** This phase of public participation, which occurred prior to transmittal of the Proposed Motion adopting the 2024 scope of work, relied on past work by "the Skyway and North Highline subarea planning processes, as well as the community recommendations from the King County Immigrant and Refugee Commission, Mobility Equity Cabinet, Open Space Equity Cabinet, and Climate Equity Community Task Force." As stated in the scope of work, the Office of Equity and Social Justice (OESJ) is reporting that there is "process fatigue" with the various community engagement efforts the County is or has recently completing, and the Executive is delaying additional engagement until later phases of the KCCP development. As discussed below, there was opportunity for public input on the scope of work in a "mini-docket" and there were proposals submitted.

2. **Development of Executive Public Review Draft (PRD).** This phase of public participation will take place between approval of this Proposed Motion and the release of the Executive's Public Review Draft, which is scheduled to be released mid-2023. This phase of public participation would include an education phase to "expand knowledge base" regarding comprehensive planning, and a phase to collaborate on developing policy concepts and proposals, in advance of the release of the PRD.

3. **Development of Executive Recommended Plan.** This phase will occur between release of the PRD in mid-2023 and transmittal of the Executive's Recommended Plan, which is required to be transmitted to the Council by December 29, 2023. This phase includes a 45-day comment period (coinciding with the public comment period for the Draft EIS), compiling and updating proposals based on comments received, and reporting back to the community on how the comments shaped the Executive's recommendations.

4. **Council Review, Amendment and Adoption.** The scope of work includes information on the Council's public participation plan, and that it "will include additional public outreach and opportunities for public input" during Council review. It specifies that there will be opportunities for verbal and written comments, a formal public hearing following a 30-day published and mailed hearing notice, and an email mailing list. The Council may want to consider whether additional or different provisions should be adopted in the scope of work.

Also in this section is a plan for a plan on public participation. This plan for public participation is expected to include community engagement beyond what has been traditionally done for past KCCP updates. Executive staff state that this plan is being developed in coordination with the OESJ, in recognition of the "process fatigue" mentioned above, and may not be a written document, to maximize flexibility in the community engagement approach and to build the approach with community members.

**Docket List.** State law and County code require the County to provide for a docket list of suggested plan or development regulation amendments. Docket items can be submitted by anyone, including residents, permit applicants, government agencies, or
community organizations. This list is compiled annually, and the Executive issues an executive response to the yearly docket. In this report, the Executive states whether the proposal is supported and makes a recommendation, and whether it can be included in an annual, midpoint, or eight-year update. K.C.C. 20.18.140.B.4. states that the Executive shall inform the proponent of the recommendation and provide information on petitioning the Council to consider docket changes that were not recommended.

The last time that docket lists were considered by the Council as part of a KCCP update was the midpoint update in 2020. Docket requests since then, including the 2020, 2021, and 2022 dockets, can be considered as part of the 2024 KCCP Update. The Executive also completed a “mini-docket” for the 2024 KCCP scope, and some items have been included in the scope of work. The docket reports for 2020, 2021, and 2022, and a summary of the mini-docket done for 2024 KCCP scope of work, are included as an attachment to the staff report. For most of the items, the Council can consider these proposals in the 2024 KCCP without specifically identifying them in the scope of work. However, as noted above, if there are proposals that amend the UGA, the scope of work is the Council’s only formal opportunity to ensure they can be considered as part of the 2024 KCCP update.

2022 Performance Measures Report. Concurrent with the scope of work, the Executive transmitted a report outlining performance measures in conformance with the framework approved in Motion 15014, that the County is using to track implementation of the KCCP. In particular, the metrics would evaluate whether the Guiding Principles policies are being implemented. Sixteen metrics are evaluated in the report. The report finds that 10 of the metrics are meeting the policy goal or have a positive trend, 5 need more information or have mixed progress, and 1 (housing supply) is not meeting the policy goal or has a negative trend. The report also provides information on how the 2024 KCCP will be amended to either improve implementation or otherwise respond to the performance measures report – these action items are reflected in the Executive’s proposed scope of work.

Schedule for committee review and amendments. The deadline for Council approval of Proposed Motion 2022-0156, either as proposed or amended, is June 15, 2022. If the Council does not act on the motion by that date, the Executive is authorized to proceed to implement the scope of work as transmitted.\(^4\)

\(^4\) K.C.C. 20.18.060 and Proposed Ordinance 2022-0155
The Committee Chair’s schedule to accomplish this work is included in Table 1 below.

**Table 1. Committee Review Schedule with Amendment Deadlines**

<table>
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<th>Date</th>
<th>Activity</th>
</tr>
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<td>March 31 (Thu)</td>
<td>Executive transmits</td>
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<tr>
<td>April 26 (Tue) 9:30am</td>
<td>LSLU – Committee briefing</td>
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<tr>
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<td>May 6 (Fri) end of day</td>
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<td>May 17 (Tue) end of day</td>
<td>LSLU Chair’s striking amendment direction due to staff</td>
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<tr>
<td>May 19 (Thu) end of day</td>
<td>Striking amendment finalized and distributed</td>
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<tr>
<td>May 24 (Tue) 9:30am</td>
<td>LSLU – Committee action</td>
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**AMENDMENT**

Committee Chair Perry has prepared a striking amendment for Proposed Motion 2022-0156. Striking Amendment S1 would:

- Include the state law requirements for GMA-required updates to the KCCP
- Add people with disabilities, seniors, and an overarching lens of gender to priority population language, in addition to those earning less than 80% of area median income, Black, Indigenous, People of Color, immigrants, and refugees
- Adds a statement that community engagement should strive to meet the "county and community work together" level of community engagement as outlined in the OESJ Community Engagement Guide
- Under the Pro-Equity focus area:
  - Subsection A: add stabilizing and preventing business displacement
  - Subsection B.1: ensure alignment with the County's adopted Equity and Social Justice (ESJ) Code requirements and incorporate the Executive’s ESJ Strategic Plan where appropriate
  - Subsection C: add items to evaluate community centers, aquatics, and/or community services hubs; culturally-relevant childcare and early learning facilities; health facilities providing care to women; preventing predatory behavior towards those identifying as women and LGBTQ, including those aging out of the foster care system and other vulnerable populations;
behavioral health and substance use disorder facilities; and continuum of care facilities

- Under the Housing focus area:
  - Subsection A: strengthen language referencing the 2021 Countywide Planning Policies (CPPs) and House Bill 1220, and including the work currently underway by the GMPC's Affordable Housing Committee; reference the housing inventory and analysis required by the 2021 CPPs; review and make incentives for provision of affordable housing consistent across policies and code regarding affordability levels
  - Subsection C: add housing near transit and employment and neighborhood choice for all residents

- Under Climate Change & the Environment focus area:
  - Subsection A: strengthen the language regarding planning for wildfires

- Under the General Updates section:
  - Subsection B: add a review of the requirements and process for developing community needs lists, including evaluating a higher level of community engagement
  - Subsection C: clarify that transit-related changes would be consistent with existing County transit policy; add no-income populations and people with special transportation needs to equitable access; add a review transportation network issues for rural areas that are impacted by urban development.
  - Subsection D: add a review of manufacturing and regional land uses allowed in the Industrial zone in the rural area; add a review of rural economic development
  - New Subsection F: add Land Use and Zoning Studies for an area in urban unincorporated Maple Valley and an area near the City of Snoqualmie

- Makes formatting, clarifying and technical edits.

Any line amendments will be available at the May 24, 2022 Committee meeting.

ATTACHMENTS

1. Proposed Motion 2022-0156 with attachment
2. Striking Amendment S1 with attachment
3. Transmittal Letter
4. Docket Information 2020 through 2022

INVITED

- Lauren Smith, Director of Regional Planning Unit, Office of Performance, Strategy and Budget
- Chris Jensen, Comprehensive Planning Manager, Office of Performance, Strategy and Budget
LINKS

Council's 2024 Comprehensive Plan website:

Executive’s 2024 Comprehensive Plan website:
Motion

Proposed No. 2022-0156.1

Sponsors Perry

A MOTION relating to comprehensive planning,
specifying the scope of work for the 2024 update to the
King County Comprehensive Plan in accordance with
K.C.C. 20.18.060.

WHEREAS, King County enacted the 1994 King County Comprehensive Plan
("the plan") to meet the requirements of the Washington State Growth Management Act
("the GMA") in chapter 36.70A RCW, and

WHEREAS, RCW 36.70A.130 requires cities and counties to review and update
their comprehensive plans at least once every eight years to ensure continued compliance
with the GMA, and

WHEREAS, RCW 36.70A.130 requires King County to complete its next eight-
year update by December 31, 2024 ("the 2024 update"), and

WHEREAS, K.C.C. 20.18.030 establishes a process for amending the plan and
requires that, beginning in 2024 and every eight years thereafter, the county complete a
comprehensive review, and consider substantive amendments to, the plan to ensure
continued compliance with the GMA, and

WHEREAS, the Washington State Environmental Policy Act ("SEPA") in chapter
43.21C RCW requires identification and evaluation of probable environmental impacts,
alternatives, and mitigation measures during decision-making by local agencies, and
WHEREAS, RCW 36.70A.140 and K.C.C. 20.18.060 and 20.18.160 require early and continuous public participation in the development and amendment of the plan and any implementing development regulations, and

WHEREAS, K.C.C. 20.18.060 requires the executive to transmit to the council a motion specifying the scope of work proposed for an eight-year update to the plan, which must include the topical areas the executive intends to consider for recommendation to the council and the work program the executive intends to follow to accomplish SEPA review and public participation, and

WHEREAS, K.C.C. 20.18.060 requires the scope of work for the 2024 update ("scope") to be transmitted by the last business day of June 2022, and states that the council has until September 15, 2022, to approve the motion either as transmitted or amended, and

WHEREAS, the SEPA review for the 2024 update will include the development and issuance of an environmental impact statement ("EIS"), and

WHEREAS, the executive worked with the council to develop the schedule for the SEPA review. To align with that schedule, it was determined that the scope needs to be transmitted by the executive to the council by March 31, 2022, and approved by the council either as transmitted or amended by June 15, 2022, and

WHEREAS, a proposed ordinance reflecting these dates for the scope for the 2024 update was transmitted by the executive to the council concurrent with this motion, and

WHEREAS, the executive developed its recommended scope based on recent changes in state law, the updated multicounty planning policies and regional growth
Motion

strategy in VISION 2050, the 2021 Countywide Planning Policies, alignment with and
advancement of county plans and regulations updated since the last eight-year plan
update, executive policy priorities and goals, evaluation of plan performance measures,
consultation with council and input from the public;

NOW, THEREFORE, BE IT MOVED by the Council of King County:
The scope of work for the 2024 update to the King County Comprehensive Plan in Attachment A to this motion, dated March 2022, is hereby approved.
Scope of Work
2024 King County Comprehensive Plan
March 2022

The 2024 King County Comprehensive Plan Update ("2024 update") is an opportunity to make substantive policy changes that address our community's long-term needs and advance the County's policy goals. This update is also the Washington State Growth Management Act's ("GMA") statutory periodic review, which requires a comprehensive review and update to the Comprehensive Plan to ensure compliance with GMA goals and requirements.\(^1\) This update is required by state law to be completed by December 31, 2024.\(^2\)

As part of the 2024 update, the County will complete a State Environmental Policy Act ("SEPA") Environmental Impact Statement ("EIS") for the Comprehensive Plan. The County will also complete an equity impact analysis of the proposed update prior to adoption.

The following sets the scope of work for the 2024 update, as required for eight-year updates by King County Code ("K.C.C.") 20.18.060.\(^3\)

A. Topical Areas for the 2024 Update

A primary goal of the 2024 update will be to implement the 2021 Countywide Planning Policies ("CPPs") recommended by the Growth Management Planning Council and adopted by the King County Council.\(^4\) This update will reflect, create alignment with, and advance current plans, regulations, and practices – including state law, VISION 2050, CPPs, 2022 King County Comprehensive Plan Performance Measures Report, 2016 Comprehensive Plan Workplan action items, and current case law.\(^5\) The 2024 update will also streamline the plan and relevant code sections King County Code Title 20, where possible and appropriate.\(^6\)

The 2024 update will also be rooted in the value of making King County a welcoming community where every person can thrive. In support of this value, which is also consistent with the core themes of the most recent CPPs, the 2024 update will have three focus areas: pro-equity, housing, and climate change and the environment. By focusing on these critical issues, the County intends to prioritize policies and regulations that address our community's most pressing long-range planning needs.

The following table is the list of scoping topics that will be considered as part of the 2024 update. The list is organized according to the three focus areas noted above, as well as other general changes. Within each topic are possible issues within those topics that might be evaluated, pending additional analysis and available resources. Because the focus areas are broad, complex, and inter-related, they contain topics and issues that overlap. Given this, the Executive intends to prevent siloed work within the focus areas by coordinating and integrating relevant departmental analysis and proposals.

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1 Chapter 36.70A Revised Code of Washington (RCW) [LINK]
2 Per RCW 36.70A.130, as amended by House Bill 1241 [LINK]
3 King County Code Title 20 [LINK]
4 2021 Countywide Planning Policies as adopted ordinance 19834 [LINK]
5 The 2022 Performance Measures Report was transmitted to Council concurrent with transmittal of this scope of work.
6 King County Comprehensive Plan Workplan, Action 16 [LINK]
The scoping list reflects key topics and issues resulting from collaboration with departmental staff, direct community input from the public Docket process, and Council consultation. Based on community feedback about planning and engagement fatigue, and as recommended by the Office of Equity and Social Justice, the Executive did not conduct extensive scoping engagement with the community. Instead, the scope was further informed by: community input from the Skyway and North Highline subarea planning processes; community recommendations from the Climate Equity Community Task Force, Mobility Equity Cabinet, and Open Space Equity Cabinet; and building on the guiding principles of the King County Immigrant and Refugee Commission. Scoping topics and items that align with this input and recommendations, as well as recommendations from the 2022 Performance Measures report, are indicated in footnotes in the list.

Additional topics and/or issues not on this list may also be considered as part of the 2024 update, where appropriate and consistent with required SEPA review.

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<tr>
<th>Focus Area</th>
<th>Scoping Topic</th>
<th>Possible Issues to be Evaluated</th>
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<tbody>
<tr>
<td>I. Pro-Equity</td>
<td>A. Reduce displacement and advance housing equity for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees</td>
<td>Advance 2021 Anti-Displacement Report recommendations and housing equity policies from the CPPs, such as: 1. Advance community-driven development 2. Increase homeownership 3. Improve housing stability 4. Advance inclusionary housing regulations 5. Preserve manufactured housing communities</td>
</tr>
<tr>
<td></td>
<td>B. Integrate a pro-equity and anti-racist policy framework that improves outcomes for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees</td>
<td>1. Review entire plan to advance community-driven anti-racist, pro-equity strategies; ensure alignment with Equity and Social Justice Strategic Plan 2. Review and document the local history of racially exclusive and discriminatory land use and housing practices, including explaining the extent to which that history is still reflected in current development patterns, housing conditions, tenure, and access to opportunity</td>
</tr>
</tbody>
</table>

7 King County Docket website [LINK]
8 Link to Open Space Equity Cabinet Recommendations [LINK]; Mobility Framework Report [LINK]; Sustainable & Resilient Frontline Communities section of the 2021 Strategic Climate Action Plan [LINK]; King County Immigrant and Refugee Commission Guiding Principles [LINK]
9 Alignment notation key: CECTF: Climate Equity Community Task Force; IRC: Immigrant and Refugee Commission; MEC: Mobility Equity Cabinet; OSEC: Open Space Equity Cabinet; PM: 2022 King County Performance Measures Report; SWH/NH: Skyway-West Hill and North Highline subarea planning processes
10 Aligns with CECTF, MEC, OSEC, PM, SWH/NH
11 2021-RPT0112 [LINK]
12 Aligns with CECTF, IRC, MEC, OSEC, SWH/NH
13 Equity and Social Justice Strategic Plan [LINK]
14 As required by the CPPs
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|            |              | 3. Improve process equity to support full and equal participation in County planning and decision-making by all community members, implement CPP requirements mandates for community engagement, and integrate and align with King County equitable engagement best practices.  
|            |              | 4. Advance community recommendations from the King County Climate Equity Community Task Force, Immigrant and Refugee Commission, Mobility Equity Cabinet, and Open Space Equity Cabinet.  
|            |              | 5. Advance County investment upstream, where needs are greatest and in partnership with communities that are most directly impacted, such as low-income communities, communities of color, and immigrant and refugee populations.  
|            |              | 6. Improve tribal coordination.  |

C. Improve health equity outcomes in communities with the greatest and most acute needs:

|            |              | 1. Increase open space investments in urban areas, such as Skyway and North Highline, to help improve physical, emotional, and community health.  
|            |              | 2. Improve equitable and sustainable healthy food access, especially in Skyway and North Highline.  
|            |              | 3. Update cannabis regulations, where appropriate, based on Social Equity in Cannabis Task Force and Public Health – Seattle-King County King County Department of Community and Human Services recommendations.  
|            |              | 4. Improve health outcomes for housing near high-capacity roadways.  |

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15 Aligns with CECTF, IRC, MEC, OSEC, SWH/NH  
16 Aligns with CECTF, MEC, OSEC, SWH/NH  
17 Including as directed by House Bill 1717 [LINK]  
18 Aligns with CECTF, MEC, OSEC, SWH/NH  
19 Aligns with CECTF, OSEC, PM, SWH/NH  
20 Aligns with CECTF, PM, SWH/NH  
21 Social Equity in Cannabis Task Force website [LINK]  
22 Health and Human Services priorities regarding marijuana legalization [LINK]  
23 Aligns with SWH/NH
<table>
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</table>
| II. Housing | A. Comprehensive housing policy review and updates | 1. Update and streamline housing policies  
2. Evaluate "should" and "shall" policies for alignment with current practice and resources  
3. Align policies with current regional housing funding guidelines and priorities                                                                                                                                 |
|             | B. Improve affordable housing supply, especially for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees | 1. Plan for and accommodate housing affordable to all income levels  
2. Align housing policies as directed in the CPPs  
3. Identify opportunities to advance applicable recommendations from the Regional Affordable Housing Task Force report  
4. Increase development of eco-friendly and climate-resilient affordable housing  
5. Evaluate strategies to incentivize or require, where appropriate, housing affordable to households earning less than 80 percent of area median income; consider displacement impacts and mitigation strategies as part of the approach  
6. Update the Residential Density Incentive Program to improve incentives for development of affordable housing  
7. Review outcomes of Vashon Affordable Housing Special District Overlay                                                                                                       |
|             | C. Expand housing options                         | 1. Evaluate the types of housing allowed in low-density urban residential zones and how more multifamily and middle-density housing could be developed in urban unincorporated King County                                                                 |

24 Aligns with CECTF, MEC, OSEC, PM, SWH/NH  
25 As required by House Bill 1220 [LINK]  
26 Regional Affordable Housing Task Force Final Report and Recommendations [LINK]  
27 Aligns with CECTF  
28 Aligns with CECTF, MEC, OSEC, PM, SWH/NH  
29 As required by Comprehensive Plan Workplan Action 17  
30 As required by Ordinance 18623, Section 10 [LINK]  
31 Aligns with PM, SWH/NH
III. Climate Change & Environment

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<tr>
<td>A. Alignment with and advancement of 2020 Strategic Climate Action Plan to reduce greenhouse gas emissions, support sustainable and resilient communities, and prepare for climate change</td>
<td>1. Build on the goals of House Bill 1099, which did not pass the state legislature in 2022, by strengthening the County's climate policies and regulations to reduce greenhouse gas emissions and increase resiliency to local climate impacts.</td>
<td></td>
</tr>
</tbody>
</table>

2. Advance environmental justice and reduce climate-related health impacts.

3. Increase climate resilience by supporting investments in urban green spaces, including in Skyway and North Highline.

4. Support decarbonization/elimination of fossil fuel use in the built environment and increase affordable and equitable access to energy efficiency and decarbonization programs.

5. Reduce transportation-related emissions.

6. Examine development regulations in wildfire risk areas.

7. Support development of and access to green jobs that advance sustainability and living wage opportunities and increase representation and access for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees.

B. Integrate and implement Clean Water, Healthy Habitat goals

1. Update shoreline armoring regulations.

2. Support net ecological gains and accelerate improvements to salmon habitat and removal of barriers to fish passage.

3. Improve integrated floodplain management.

4. Advance key Farm, Fish, Flood goals.

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32 2020 Strategic Climate Action Plan as adopted in Motion 15866 [LINK]
33 Aligns with CECTF, MEC, OSEC, PM, SWH/NH
34 House Bill 1099 [LINK]
35 Aligns with CECTF, MEC, OSEC, PM, SWH/NH
36 Aligns with CECTF, OSEC, PM, SWH/NH
37 Aligns with CECTF
38 Aligns with MEC
39 Aligns with CECTF
40 Aligns with CECTF
41 Aligns with CECTF
42 As required by Senate Bill 5273 [LINK]
43 Snoqualmie Fish, Farm, Flood Advisory Committee Action Recommendations [LINK]
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| C. Increase land conservation | 1. Increase open space investments to help eliminate disparities in access, especially in urban areas such as Skyway and North Highline<sup>44</sup>  
2. Review Four-to-One Program<sup>45</sup>  
3. Strengthen Transfer of Development Rights Program | |
| IV. General | A. Implement unincorporated area-related changes from the CPPs | 1. Adopt new housing and jobs growth targets for unincorporated King County  
2. Evaluate designating Skyway and North Highline as countywide centers | |
| | B. Implement Subarea Planning Program | 1. Evaluate possible unincorporated-wide policies and regulations for applicable issues raised during subarea planning processes<sup>46</sup>  
2. Vashon p-suffix and special district overlay review<sup>47</sup> | |
| | C. Update transportation policies | 1. Support equitable access to mobility options and invest in transit services where the needs are greatest, especially for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees<sup>48</sup>  
2. Support investments to increase safe access to public transit<sup>49</sup>  
3. Advancing integrated approaches to enhanced traffic safety for all users, such as supporting complete streets and equitable infrastructure investments<sup>50</sup>  
4. Make Urban Growth Area boundary corrections for road rights-of-way | |
| | D. Review rural and natural resources regulations | 1. Advance key Farm, Fish, Flood goals  
2. Increase the amount of farmland in active production<sup>51</sup>  
3. Evaluate regulations for resorts in the rural area  
4. Review mineral processing regulations in forest zones | |

<sup>44</sup> Aligns with CECTF, OSEC, PM, SWH/NH  
<sup>45</sup> As required by Ordinance 19384, Section 4  
<sup>46</sup> Aligns with SWH/NH  
<sup>47</sup> Vashon-Maury Island Community Service Area Subarea Plan, VMI CSA Workplan Action 1 [LINK]  
<sup>48</sup> Aligns with CECTF, MEC, SWH/NH  
<sup>49</sup> Aligns with CECTF, MEC, SWH/NH  
<sup>50</sup> Aligns with MEC, SWH/NH  
<sup>51</sup> Aligns with CECTF, PM
### B. SEPA Work Program

SEPA review for the 2024 update will commence with the release of the scope of work for the update in the spring 2022. The County anticipates conducting an EIS process, with release of an EIS concurrent with transmittal of the Executive recommended plan. The environmental review will continue through Council's review of the plan and will be concluded in advance of final action by the full Council in December 2024.

### C. Public Participation Work Program

The GMA and King County Code requires early and continuous public participation in the preparation of comprehensive plan amendments. Consistent with this, the County will conduct a multi-phased approach to public engagement for the 2024 update. Throughout the process, the County will center the voices of low-income, immigrant, Black, Indigenous, and other People of Color communities and partner with King County equity cabinets and community-based organizations (hence referred to as “community”).

**Phase 1 – Scoping**

The scoping phase included sharing information about comprehensive planning and the 2024 update and requesting public input through the Docket on the issues to be addressed in the scope of work. Based on community feedback about “process fatigue,” and as recommended by the Office of Equity and Social Justice, the Executive did not conduct extensive scoping engagement with the community. Instead, the scope was further informed by review of recent community input from the Skyway and North Highline subarea planning processes, as well as the community recommendations from the King County Immigrant and Refugee Commission, Mobility Equity Cabinet, Open Space Equity Cabinet, and Climate Equity Community Task Force.

**Phase 2 – Development of Executive Public Review Draft**

The Executive will engage with the community to develop the Executive Public Review Draft of the 2024 update. This will begin with educational engagement to expand the knowledge base about what comprehensive planning is and why it matters. Then, the Executive will involve and collaborate with the community in developing policy concepts and proposals that will be included in the Executive Public Review Draft of the 2024 update.

**Phase 3 – Development of Executive Recommended Plan**

The third phase will take place after the Public Review Draft has been released and will start with a 45-day public review and comment period. This engagement will encompass the Executive leading broad engagement with the community. Once public feedback has been compiled, updates to the Public Review Draft based on input will be identified, where appropriate. At that time, the Executive will report back to the community on how the input shaped the Executive recommended plan and share next steps for the process. An Executive

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52 RCW 36.70A.140 [LINK] and K.C.C. 20.18.160 [LINK]
recommended plan informed by this public engagement will be transmitted to the Council by December 29, 2023.

Phase 4 – Council Review, Refinement, and Adoption
The Council review, refinement, and adoption phase will include additional public outreach and opportunities for public input as part of their decision-making process. This will include the ability to submit written feedback throughout the process, opportunities for verbal public testimony, a formal public hearing before the full Council, a 30-day notice of the public hearing date and a formal comment period, emailed notices of key milestones and opportunities for input, and a postal mailed notice to properties nearby proposed land use and/or zoning changes.

Public participation plan
To support early and continuously engagement, especially with the community, the Executive will develop a public participation plan. Development of this plan will include:

- Asking how the community would like to be engaged;
- Working with the community to identify the names of groups that should be included in the engagement process;
- Reflecting a desire to meet people where they are by attending community meetings held by community-based organizations and other King County agencies; and
- Incorporating language access strategies, including offering interpretation services and translation of key materials.

A key aspect of the public participation plan will be identifying the strategies for informing, consulting, and involving the community throughout the entire planning process. As required by K.C.C. 20.18.160, at a minimum this will include posting information online about the Comprehensive Plan and the 2024 update, the update schedule, opportunities for public involvement and ways to provide input, and the range of proposals under consideration by the County. Information and project updates at key milestones will also be provided, as appropriate, via a variety of methods, such as the Comprehensive Plan email list, other County email lists, social media, and hard-copy materials at key locations.
1  STRIKING AMENDMENT TO PROPOSED MOTION 2022-0156, VERSION 1

2  On page 1, beginning on line 5, strike everything through page 4, line 49, and insert:

3    "WHEREAS, King County enacted the 1994 King County Comprehensive Plan
4    ("the plan") to meet the requirements of the Washington State Growth Management Act
5    ("the GMA") in chapter 36.70A RCW, and
6    WHEREAS, RCW 36.70A.130 requires cities and counties to review and update
7    their comprehensive plans at least once every ten years to ensure continued compliance
8    with the GMA, and
9    WHEREAS, RCW 36.70A.130 requires King County to complete its next eight-year update by December 31, 2024 ("the 2024 update"), and
10    WHEREAS, K.C.C. 20.18.030 establishes a process for amending the plan and
11    requires that, beginning in 2024 and every eight years thereafter, the county complete a
12    comprehensive review of, and consider substantive amendments to, the plan to ensure
13    continued compliance with the GMA, and
14    WHEREAS, the Washington State Environmental Policy Act ("SEPA") in chapter
15    43.21C RCW requires identification and evaluation of probable significant adverse
16    environmental impacts, alternatives, and mitigation measures during decision-making by
17    local agencies, and
WHEREAS, RCW 36.70A.140 and K.C.C. 20.18.060 and 20.18.160 require early and continuous public participation in the development and amendment of the plan and any implementing development regulations, and

WHEREAS, K.C.C. 20.18.060 requires the executive to transmit to the council a motion specifying the scope of work proposed for an eight-year update to the plan, which must include the topical areas the executive intends to consider for recommendation to the council and the work program the executive intends to follow to accomplish SEPA review and public participation, and

WHEREAS, K.C.C. 20.18.060 requires the scope of work for the 2024 update ("the scope") to be transmitted by the last business day of June 2022, and states that the council has until September 15, 2022, to approve the motion either as transmitted or amended, and

WHEREAS, the SEPA review for the 2024 update will include the development and issuance of an environmental impact statement ("EIS"), and

WHEREAS, the executive worked with the council to develop the schedule for the EIS and the 2024 update. To align with that schedule, it was determined that the scope needed to be transmitted by the executive to the council by March 31, 2022, and approved by the council either as transmitted or amended by June 15, 2022, and

WHEREAS, Proposed Ordinance 2022-0155, reflecting those dates for the scope for the 2024 update, was transmitted by the executive to the council concurrent with this motion, and

WHEREAS, the executive developed its recommended scope based on recent changes in state law, the updated multicounty planning policies and regional growth
strategy in VISION 2050, the 2021 Countywide Planning Policies, alignment with and advancement of county plans and regulations updated since the last eight-year plan update, executive policy priorities and goals, evaluation of plan performance measures, consultation with council and input from the public;

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

The scope of work for the 2024 update to the King County Comprehensive Plan in Attachment A to this motion is hereby approved."

Strike Attachment A, Scope of Work - 2024 King County Comprehensive Plan, March 2022 and insert Attachment A, Scope of Work - 2024 King County Comprehensive Plan, June 2022. Council staff is instructed to engross changes from any adopted amendments and correct any scrivener’s errors. Line numbers have been added to the attachment for ease of reference. The clerk of the council is instructed to remove line numbers in the attachment on the final version of this legislation adopted by the council before presentation to the executive.

EFFECT prepared by E. Auzins: This striking amendment would:

1. Include the state law requirements for GMA-required updates to the KCCP
2. Add people with disabilities, seniors, and an overarching lens of gender to priority population language, in addition to those earning less than 80% of area median income, Black, Indigenous, People of Color, immigrants, and refugees
3. Adds a statement that community engagement should strive to meet the "county and community work together" level of community engagement as outlined in the OESJ Community Engagement Guide
4. Under the Pro-Equity focus area:
   a. Subsection A: add reducing business displacement
b. Subsection B.1: ensure alignment with the County's adopted Equity and Social Justice (ESJ) Code requirements and incorporate the Executive's ESJ Strategic Plan where appropriate

c. Subsection C: add items to evaluate: community centers, aquatics, and/or community services hubs; culturally-relevant child care and early learning facilities; health facilities providing care to women; preventing predatory behavior towards those identifying as women and LGBTQ, including those aging out of the foster care system and other vulnerable populations; behavioral health and substance use disorder facilities; and continuum of care facilities

5. Under the Housing focus area:
   a. Subsection A: strengthen language referencing the 2021 Countywide Planning Policies (CPPs) and House Bill 1220, and including the work currently underway by the GMPC's Affordable Housing Committee; reference the housing inventory and analysis required by the 2021 CPPs; review and make incentives for provision of affordable housing consistent across policies and code regarding affordability levels
   b. Subsection C: add housing near transit and employment and neighborhood choice for all residents

6. Under Climate Change & the Environment focus area:
   a. Subsection A: strengthen the language regarding planning for wildfires

7. Under the General Updates section:
   a. Subsection B: add a review of the requirements and process for developing community needs lists, including a higher level of community engagement
   b. Subsection C: clarify that transit-related changes would be consistent with existing County transit policy; add no-income populations and people with special transportation needs to equitable access; add a review transportation network issues for rural areas that are impacted by urban development.
   c. Subsection D: add a review of manufacturing and regional land uses allowed in the Industrial zone in the rural area; add a review of rural economic development
   d. New Subsection F: add Land Use and Zoning Studies for an area in urban unincorporated Maple Valley and an area near the City of Snoqualmie

8. Makes formatting, clarifying and technical edits.
Scope of Work
2024 King County Comprehensive Plan
June 2022

The 2024 King County Comprehensive Plan Update ("2024 update") is an opportunity to make substantive policy changes that address our community's long-term needs and advance the County's policy goals. This update will also meet requirements of the Washington State Growth Management Act's ("GMA") to complete a comprehensive review and update to the Comprehensive Plan to ensure compliance with GMA goals and requirements.¹ The GMA-required update must be completed by December 31, 2024.²

This document sets the scope of work for the 2024 update, as required for eight-year Comprehensive Plan updates by King County Code ("K.C.C.") 20.18.060.³ The scope of work will guide the development of the 2024 update, although additional topics beyond those identified here could be included in the 2024 update, and issues identified in the scope of work will not necessarily be addressed in the 2024 update. The scope of work will also inform the environmental review for the 2024 update.

As part of the 2024 update, the County will complete a State Environmental Policy Act ("SEPA") Environmental Impact Statement ("EIS") for the Comprehensive Plan. The County will also complete an equity impact analysis of the proposed update prior to adoption.

A. Topical Areas for the 2024 Update

The 2024 update is required to meet the state law and regulations for the GMA, including RCW 36.70A.130 and WAC 365-196-610. Legislative action is required to document the review and to make any amendments necessary to bring the Comprehensive Plan and development regulations into compliance with the GMA. These GMA-required updates must include, at a minimum:

- Review and update of the County's critical areas regulations, using best available science;
- Analysis of the urban growth area and the densities permitted within the County;
- Review of mineral resource lands designations and regulations; and
- Review and updates to comply with the changes made to the GMA since the last GMA-required review.

This update will reflect, create alignment with, and advance current plans, regulations, and practices – including state law, VISION 2050,⁴ the 2021 Countywide Planning Policies ("CPPs"),⁵ 2022 King County Comprehensive Plan Performance Measures Report,⁶ 2016 Comprehensive Plan Workplan action items,⁷ and current case law. The 2024 update will also

¹ Chapter 36.70A Revised Code of Washington (RCW) [LINK]
² Per RCW 36.70A.130, as amended by House Bill 1241 [LINK]
³ King County Code Title 20 [LINK]
⁴ VISION 2050 | Puget Sound Regional Council (psrc.org)
⁵ 2021 Countywide Planning Policies as adopted in ordinance 19834 [LINK]
⁶ 2022-RPT0045
⁷ 2020 Comprehensive Plan Update - Adopted - King County – See Chapter 12
streamline the plan and relevant code sections of K.C.C. Title 20, where possible and appropriate.\(^8\)

The 2024 update will be rooted in the value of making King County a welcoming community where every person can thrive. In support of this value, which is also consistent with the core themes of the most recent CPPs, the 2024 update will have three focus areas: pro-equity, housing, and climate change and the environment. By focusing on these critical issues, the County intends to prioritize policies and regulations that address our community’s most pressing long-range planning needs.

The following table is the list of scoping topics that will be considered as part of the 2024 update. The list is organized according to the three focus areas noted above, as well as other general changes. Within each topic are possible issues that might be evaluated, pending additional analysis and available resources. Because the focus areas are broad, complex, and inter-related, they contain topics and issues that overlap. Given this, the County intends to prevent siloed work within the focus areas by coordinating and integrating relevant County analysis and proposals.

The scoping list reflects key topics and issues resulting from collaboration with County staff, direct community input from the public Docket process, and Council consultation.\(^9\) Based on feedback stating there is planning and engagement fatigue in the community, and as recommended by the Office of Equity and Social Justice, the County did not conduct extensive scoping engagement with the community. Instead, the scope was informed by: community input from the Skyway-West Hill and North Highline subarea planning processes; community recommendations from the Climate Equity Community Task Force, Mobility Equity Cabinet, and Open Space Equity Cabinet; and building on the guiding principles of the King County Immigrant and Refugee Commission.\(^10\) Scoping topics and items that align with this input and recommendations, as well as recommendations from the 2022 Performance Measures report, are indicated in footnotes in the list.\(^11\)

Additional topics and/or issues not on this list may also be considered as part of the 2024 update, where appropriate and consistent with required SEPA review.

**I. Focus Area: Pro-Equity**

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<td>A. Reduce housing and business displacement and advance equity for those who earn less than 80% of the area median income, and those who are Black, Indigenous, People of</td>
<td>1. Advance 2021 Anti-Displacement Report(^{13}) recommendations and housing equity policies from the CPPs, such as:</td>
</tr>
<tr>
<td></td>
<td>A. Advance community-driven development</td>
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<td>B. Increase homeownership</td>
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\(^8\) King County Comprehensive Plan Workplan, Action 16 [LINK]
\(^9\) King County Docket website [LINK]
\(^10\) Link to Open Space Equity Cabinet Recommendations [LINK]; Mobility Framework Report [LINK]; Sustainable & Resilient Frontline Communities section of the 2021 Strategic Climate Action Plan [LINK]; King County Immigrant and Refugee Commission Guiding Principles [LINK]
\(^11\) Alignment notation key: CECTF: Climate Equity Community Task Force; IRC: Immigrant and Refugee Commission; MEC: Mobility Equity Cabinet; OSEC: Open Space Equity Cabinet; PM: 2022 King County Performance Measures Report; SWH/NH: Skyway-West Hill and North Highline subarea planning processes
\(^14\) Aligns with CECTF, IRC, MEC, OSEC, SWH/NH
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| Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity<sup>12</sup> | C. Improve housing stability  
D. Advance inclusionary housing regulations  
E. Preserve manufactured housing communities  
2. Evaluate strategies to stabilize and prevent economic displacement of businesses. |

B. Integrate a pro-equity and anti-racist policy framework into the Comprehensive Plan that improves outcomes for those who earn less than 80% of the area median income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity<sup>14</sup>

| 1. Review entire plan to advance community-driven anti-racist, pro-equity strategies; ensure alignment with the County’s “fair and just principle”<sup>15</sup> and incorporate appropriate goals, objectives and strategies in the Equity and Social Justice Strategic Plan<sup>16</sup>  
2. Review and document the local history of racially exclusive and discriminatory land use and housing practices, including explaining the extent to which that history is still reflected in current development patterns, housing conditions, tenure, and access to opportunity<sup>17</sup>  
3. Improve process equity to support full and equal participation in County planning and decision-making by all community members, implement CPP requirements mandates for community engagement, and integrate and align with King County equitable engagement best practices<sup>18</sup>  
4. Advance community recommendations from the King County Climate Equity Community Task Force, Immigrant and Refugee Commission, Mobility Equity Cabinet, and Open Space Equity Cabinet  
5. Advance County investment upstream, where needs are greatest and in partnership with communities that are most directly impacted, such as communities who earn less than 80% of the area median income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity<sup>19</sup>  
6. Improve tribal coordination<sup>20</sup> |

<sup>12</sup> Aligns with CECTF, MEC, OSEC, PM, SWH/NH  
<sup>14</sup> Aligns with CECTF, IRC, MEC, OSEC, SWH/NH  
<sup>15</sup> K.C.C. 2.10.200 through .230  
<sup>16</sup> Equity and Social Justice Strategic Plan [LINK]  
<sup>17</sup> As required by the CPPs  
<sup>18</sup> Aligns with CECTF, IRC, MEC, OSEC, SWH/NH  
<sup>19</sup> Aligns with CECTF, MEC, OSEC, SWH/NH  
<sup>20</sup> Including as directed by House Bill 1717 [LINK]
<table>
<thead>
<tr>
<th>C. Improve health equity outcomes in communities with the greatest and most acute needs&lt;sup&gt;21&lt;/sup&gt;</th>
<th>1. Increase open space investments in urban areas that would help eliminate disparities in access due to historic and ongoing underinvestment, such as the communities of Skyway-West Hill and North Highline, to help improve physical, emotional, and community health&lt;sup&gt;22&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Improve equitable and sustainable healthy food access that would help eliminate disparities in access due to historic and ongoing underinvestment, such as the communities of Skyway-West Hill and North Highline&lt;sup&gt;23&lt;/sup&gt;</td>
<td>3. Update cannabis regulations, where appropriate, based on Social Equity in Cannabis Task Force&lt;sup&gt;24&lt;/sup&gt; and Public Health – Seattle &amp; King County and King County Department of Community and Human Services recommendations&lt;sup&gt;25, 26&lt;/sup&gt;</td>
</tr>
<tr>
<td>4. Improve health outcomes for housing near high-capacity roadways</td>
<td>5. Evaluate policies, regulations and programs for inclusion of community centers, aquatics, and/or community services hubs in unincorporated areas.</td>
</tr>
<tr>
<td>6. Evaluate policies, regulations, and programs for culturally relevant child care and early learning facilities and services within residents' broader community.</td>
<td>7. Evaluate policies and regulations for facilities that provide health care for people identifying as women.</td>
</tr>
<tr>
<td>8. Evaluate policies, regulations, and trauma informed best practices related to design of space with the intention of preventing predator access to those identifying as women, LGBTQ, those aging out of the foster care system, or other vulnerable populations</td>
<td>9. A. Evaluate policies, regulations, and supportive service needs as they relate to the placement of behavioral health facilities, striving to site facilities to allow residents to obtain culturally relevant services within their broader community.</td>
</tr>
</tbody>
</table>
| B. Evaluate policies and regulations for facilities that provide a continuum of care and are sited within the broader community of the residents that they serve. The continuum of care includes 24-hour no-wrong-door emergency services including | 21 Aligns with CECTF, MEC, OSEC, SWH/NH  
22 Aligns with CECTF, OSEC, PM, SWH/NH  
23 Aligns with CECTF, PM, SWH/NH  
24 Social Equity in Cannabis Task Force website [LINK]  
25 Health and Human Services priorities regarding marijuana legalization [LINK]  
26 Aligns with SWH/NH |
behavioral health emergency services, short term stabilization services, interim housing or temporary shelter, and permanent supportive housing and social services. Evaluate collocating the continuum of care with medical facilities, transit access, and social support services to facilitate expedient access to treatment.

<table>
<thead>
<tr>
<th>II. Focus Area: Housing</th>
<th>Possible Issues to be Evaluated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scoping Topic</td>
<td></td>
</tr>
</tbody>
</table>
| A. Comprehensive housing policy review and update | 1. Ensure alignment of housing policies, regulations and data with the 2021 CPPs, including any updates developed the Growth Management Planning Council Affordable Housing Committee's work, and HB 1220  
2. Complete the housing inventory and analysis required by the CPPs  
3. Evaluate "should" and "shall" policies for alignment with current practice and resources  
4. Align policies with current regional housing funding guidelines and priorities  
5. Align policies and regulations to use consistent terminology and standards for incentives and regulations related to provisions of "affordable housing" and required affordability level |
| B. Improve affordable housing supply, especially for those who earn less than 80% of the area median income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity | 1. Plan for and accommodate housing affordable to all income levels  
2. Advance applicable recommendations from the Regional Affordable Housing Task Force report  
3. Increase development of eco-friendly and climate-resilient affordable housing  
4. Evaluate strategies to incentivize or require, where appropriate, housing affordable to households earning less than 80 percent of area median income;  
5. Consider displacement impacts and mitigation strategies as part of the approach  
6. Update the Residential Density Incentive Program to improve incentives for development of affordable housing |

27 Aligns with CECTF, MEC, OSEC, PM, SWH/NH  
28 As required by House Bill 1220 [LINK]  
29 Regional Affordable Housing Task Force Final Report and Recommendations as adopted by Motion 15372  
30 Aligns with CECTF  
31 Aligns with CECTF, MEC, OSEC, PM, SWH/NH  
32 As required by Comprehensive Plan Workplan Action 17
7. Review outcomes of Vashon Rural Town Affordable Housing Special District Overlay and update regulations based on that review.  

C. Expand housing options
1. Evaluate the types of housing allowed in low-density urban residential zones; consider allowing more multifamily and middle-density housing near transit and employment and neighborhood choice for all residents.

### III. Focus Area: Climate Change & the Environment

#### Scoping Topic

<table>
<thead>
<tr>
<th>Scoping Topic</th>
<th>Possible Issues to be Evaluated</th>
</tr>
</thead>
</table>
| A. Alignment with and advancement of 2020 Strategic Climate Action Plan to reduce greenhouse gas emissions, support sustainable and resilient communities, and prepare for climate change | 1. Build on the goals of House Bill 1099, which did not pass the state legislature in 2022, which included strengthening the County’s climate policies and regulations to reduce greenhouse gas emissions and increase resiliency to local climate impacts.  
2. Advance environmental justice and reduce climate-related health impacts.  
3. Increase climate resilience by supporting investments in urban green spaces that would help eliminate disparities in access due to historic and ongoing underinvestment, such as the communities of Skyway-West Hill and North Highline.  
4. Support decarbonization/elimination of fossil fuel use in the built environment and increase affordable and equitable access to energy efficiency and decarbonization programs.  
5. Reduce transportation-related emissions.  
6. Evaluate policies, regulations and programs regarding in wildfire risk areas, including prevention of wildfires.  
7. Support development of and access to green jobs that advance sustainability and living wage opportunities and increase representation and access for populations who earn less than 80% of |
<table>
<thead>
<tr>
<th>Scoping Topic</th>
<th>Possible Issues to be Evaluated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>the area median income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity&lt;sup&gt;43&lt;/sup&gt;</td>
</tr>
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</table>

**B. Integrate and implement Clean Water, Healthy Habitat goals<sup>44</sup>**

1. Update shoreline armoring regulations<sup>45</sup>
2. Support net ecological gains and accelerate improvements to salmon habitat and removal of barriers to fish passage
3. Improve integrated floodplain management

**C. Increase land conservation**

1. Increase open space investments that would help eliminate disparities in access due to historic and ongoing underinvestment, especially in urban areas such as the communities of Skyway-West Hill and North Highline<sup>46</sup>
2. Review Four-to-One Program<sup>47</sup>
3. Strengthen Transfer of Development Rights Program

**IV. General Updates**

<table>
<thead>
<tr>
<th>Scoping Topic</th>
<th>Possible Issues to be Evaluated</th>
</tr>
</thead>
</table>
| A. Implement unincorporated area-related changes from the CPPs | 1. Adopt new housing and jobs growth targets for unincorporated King County
2. Evaluate designating the White Center Unincorporated Activity Center and the Skyway Community Business Center as countywide centers |

| B. Implement Subarea Planning Program | 1. Evaluate possible unincorporated area-wide policies and regulations for applicable issues raised during subarea planning processes<sup>48</sup>
2. Update Vashon-Maury Island p-suffix and special district overlay regulations<sup>49</sup>
3. Review the requirements and process for developing community needs lists, including evaluating whether and how community engagement could occur at the "county and community work together" level of engagement as |

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<sup>43</sup> Aligns with CECTF  
<sup>44</sup> Aligns with CECTF  
<sup>45</sup> As required by Senate Bill 5273 [LINK]  
<sup>46</sup> Aligns with CECTF, OSEC, PM, SWH/NH  
<sup>47</sup> As required by Ordinance 19384, Section 4  
<sup>48</sup> Aligns with SWH/NH  
<sup>49</sup> Vashon-Maury Island Community Service Area Subarea Plan, VMI CSA Workplan Action 1 [LINK]
C. Update transportation policies. Modifications to transit-related policies contemplated in the 2024 KCCP update are those to reflect already-adopted updates to County transit policies, including as part of Ordinance 19367.

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<tbody>
<tr>
<td>1.</td>
<td>Support equitable access to mobility options and invest in transit services where the needs are greatest, especially for populations who earn less than 80% of the area median income and no income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, seniors, and/or people with special transportation needs, while also recognizing the disproportionate impacts in each of these populations of gender identity.</td>
</tr>
<tr>
<td>2.</td>
<td>Support investments to increase safe access to public transit.</td>
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<tr>
<td>3.</td>
<td>Advance integrated approaches to enhanced traffic safety for all users, such as supporting complete streets and equitable infrastructure investments.</td>
</tr>
<tr>
<td>5.</td>
<td>Review policies, regulations, and programs related to transportation improvements and access in the rural area, including mitigation of impacts of urban development on the rural area transportation network.</td>
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</table>

D. Review rural and natural resources regulations

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<tbody>
<tr>
<td>1.</td>
<td>Advance key Farm, Fish, Flood goals.</td>
</tr>
<tr>
<td>2.</td>
<td>Increase the amount of farmland in active production.</td>
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<tr>
<td>3.</td>
<td>Evaluate existing and establishing new regulations for resorts in the rural area.</td>
</tr>
<tr>
<td>4.</td>
<td>Review mineral processing regulations in forest zones.</td>
</tr>
<tr>
<td>5.</td>
<td>Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone and evaluate whether the restriction on uses requiring a CUP/SUP is necessary or could be revised to remove the prohibition outside the UGA or revise the uses that require a CUP/SUP, consistent with existing or revised Comprehensive Plan policies.</td>
</tr>
<tr>
<td>6.</td>
<td>Review policies, regulations and programs related to rural economic development, rural economic.</td>
</tr>
</tbody>
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50 Aligns with CECTF, MEC, SWH/NH
51 Aligns with CECTF, MEC, SWH/NH
52 Aligns with MEC, SWH/NH
53 Snoqualmie Fish, Farm, Flood Advisory Committee Action Recommendations [LINK]
54 Aligns with CECTF, PM
strategies, and tourism in the rural area and on natural resource lands, evaluate the appropriate balance between economic development and protection of rural character, working farms and natural resource lands.

<table>
<thead>
<tr>
<th>E. Advance public Docket amendment requests, where appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Evaluate Vashon grange retail proposal</td>
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<tr>
<td>2. Review materials processing standards in rural area</td>
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<table>
<thead>
<tr>
<th>F. Land Use and Zoning Studies</th>
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<tbody>
<tr>
<td>1. Maple Valley Industrial: Review land use designations and implementing zoning on parcels 16220691091, 1522069034, and 1522069036 and the surrounding area, and consider changes that would facilitate development of this area, including modifying the land use designation and/or implementing zoning, and/or whether to revise or eliminate the development conditions.</td>
</tr>
</tbody>
</table>
| 2. Snoqualmie Interchange:⁵⁵ Conduct a land use and zoning study for the Snoqualmie Interchange, and area north of I-90 impacted by the new Interstate 90/Highway 18 interchange. The study should include, at a minimum, review and recommendation of the appropriate zoning for properties abutting the urban growth area boundary. The study should include the properties west of Snoqualmie Way along SE 99th that could have access to urban services, including whether the area should be included inside the urban growth area, and should recognize and protect the forested visual character of the Mountains to Sound National Scenic byway on Interstate 90 as well as provide appropriate conservation mitigation for any newly allowed development. The land use and zoning study and land use designations and zoning classifications should focus on solutions for the northwest corner while planning a vision for the properties on the northeast portions abutting the urban growth area. The study should include a review of whether affordable housing and/or behavioral health support services and/or facilities could locate in this area. The study should also ensure potential trail connections for regional trails and adhere to current

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⁵⁵ This request is similar to a required study in Chapter 11 of the KCCP, to be done with the Snoqualmie Valley/NE King County Community Service Area Subarea Plan. The County intends to complete the work in Chapter 11 and this scope of work with the Subarea Plan. The entire text is included in the scope of work for context, but if the study requirement in this scope of work is completed with the Subarea Plan, it need not be included in the 2024 update.
King County policies. The Executive should collaborate with the City of Snoqualmie, affected Tribes, Washington state DOT, DNR, property owners, Mountains to Sound Greenway Trust, regional partners and the community.

B. SEPA Work Program

SEPA review for the 2024 update will commence with the approval of the scope of work for the update in the spring of 2022. The County anticipates conducting an EIS process, with release of an EIS concurrent with transmittal of the Executive-recommended plan. The environmental review will continue through Council’s review of the plan and will be concluded in advance of final action by the full Council in December 2024.

C. Public Participation Work Program

The GMA and King County Code require early and continuous public participation in the preparation of comprehensive plan amendments. Consistent with this, the County will conduct a multi-phased approach to public engagement for the 2024 update. Throughout the process, the County will center the voices of those who earn less than 80% of the area median income, and those who are Black, Indigenous, People of Color, immigrants, refugees, people with disabilities, and/or seniors, while also recognizing the disproportionate impacts in each of these populations of gender identity, and partner with King County equity cabinets and community-based organizations.

I. Phase 1 – Scoping

The scoping phase included sharing information about comprehensive planning and the 2024 update and requesting public input through the Docket on the issues to be addressed in the scope of work. Based on community feedback about “process fatigue,” and as recommended by the Office of Equity and Social Justice, the Executive did not conduct extensive scoping engagement with the community. Instead, the scope was further informed by review of recent community input from the Skyway-West Hill and North Highline subarea planning processes, as well as the community recommendations from the King County Immigrant and Refugee Commission, Mobility Equity Cabinet, Open Space Equity Cabinet, and Climate Equity Community Task Force.

II. Phase 2 – Development of Executive Public Review Draft

The Executive will engage with the community to develop the Executive Public Review Draft of the 2024 update. This will begin with educational engagement to expand the knowledge base about what comprehensive planning is and why it matters. Then, the Executive will involve and collaborate with the community in developing policy concepts and proposals that will be included in the Executive Public Review Draft of the 2024 update.

III. Phase 3 – Development of Executive Recommended Plan

The third phase will take place after the Public Review Draft has been released and will start with a 45-day public review and comment period. This will include the Executive leading broad engagement with the community. Once public feedback has been compiled, updates to the

56 RCW 36.70A.140 [LINK] and K.C.C. 20.18.160 [LINK]
Public Review Draft based on input will be identified, where appropriate. At that time, the Executive will report back to the community on how the input shaped the Executive recommended plan and share next steps for the process. An Executive recommended plan informed by this public engagement will be transmitted to the Council by December 29, 2023.

IV. Phase 4 – Council Review, Refinement, and Adoption

The Council review, refinement, and adoption phase will include additional public outreach and opportunities for public input as part of the decision-making process. This will include the ability to submit written feedback throughout the process, opportunities for verbal public comment, a formal public hearing before the full Council, a 30-day notice of the public hearing date and a formal comment period, emailed notices of key milestones and opportunities for input, and a mailed notice to properties near proposed land use and/or zoning changes.57

V. Public Participation Plan

To support early and continuous engagement, especially with the community, the Executive will develop a public participation plan. The public participation plan should strive to meet the "county and community work together" level of community engagement as outlined in the OESJ Community Engagement Guide. Development of this plan will include:

- Asking how the community would like to be engaged;
- Working with the community to identify the names of groups that should be included in the engagement process;
- Reflecting a desire to meet people where they are by attending community meetings held by community-based organizations and other King County agencies; and
- Incorporating language access strategies, including offering interpretation services and translation of key materials.

A key aspect of the public participation plan will be identifying the strategies for informing, consulting, and involving the community throughout the entire planning process. As required by K.C.C. 20.18.160, at a minimum this will include posting information online about the Comprehensive Plan and the 2024 update, the update schedule, opportunities for public involvement and ways to provide input, and the range of proposals under consideration by the County. Information and project updates at key milestones will also be provided, as appropriate, via a variety of methods, such as the Comprehensive Plan email list, other County email lists, social media, and hard-copy materials at key locations.

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57 K.C.C. 20.18.120 requires this mailed notice to be sent to property owners within 500 feet of the proposed land use changes, and must include at least 20 different property owners.
March 25, 2022

The Honorable Claudia Balducci
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Balducci:

As required by K.C.C. 20.18.060, this letter transmits a proposed Motion that outlines the Executive recommended scope of work for the 2024 King County Comprehensive Plan Update (2024 update). The proposed scope includes the topical areas to be addressed in the 2024 update, as well as the work programs for environmental review and public participation.

The 2024 update is an opportunity to make substantive policy changes that address our community's long-term needs and advance the County's policy goals. This update is also the Washington State Growth Management Act's (GMA) statutory periodic review, which requires a comprehensive review and update to the Comprehensive Plan to ensure compliance with GMA goals and requirements. This update is required by state law to be completed by December 31, 2024. As part of the 2024 update, the County will complete a State Environmental Policy Act (SEPA) Environmental Impact Statement (EIS) for the Comprehensive Plan. We will also complete an equity impact analysis of the proposed update prior to adoption.

A primary goal of the 2024 update will be to implement the 2021 Countywide Planning Policies (CPPs) recommended by the Growth Management Planning Council and adopted by the King County Council. The 2024 update will also be rooted in our shared value of making King County a welcoming community where every person can thrive. To help advance this goal and be consistent with the core themes of the CPPs, the 2024 update will have three focus areas: pro-equity, housing, and climate change and the environment. By focusing on these critical issues, I intend to prioritize policies and regulations that address our community's most pressing long-range planning needs.

My Regional Planning staff worked closely with Council central staff to develop the 2024 update schedule. King County Code 20.18.060 currently requires the Executive proposed scope of work for the 2024 update to be transmitted by June 30, 2022, with the deadline for potential Council approval of September 15, 2022. However, due to the EIS process and its associated timelines, we need to establish the scope sooner. Given this, I am transmitting the Motion for the scope of the 2024 update on March 31, 2022, with a revised deadline for potential Council...
approval adjusted accordingly to June 15, 2022. A proposed Ordinance reflecting this change in the code is transmitted concurrently with this proposed Motion.

Robust public engagement will occur throughout the 2024 update process. We will center the voices, experiences, and perspectives of immigrant, Black, Indigenous, and other People of Color in this work by partnering with King County equity cabinets and community-based organizations. I am committed to coordinating and collaborating with the King County Council throughout this process, beginning with establishing the scope of work and creating key points of coordination to ensure a thorough environmental analysis.

This proposed Motion reflects the efficient, accountable regional and local government goal of the King County Strategic Plan by recognizing the role of land use planning in shaping a diverse and dynamic community with a healthy environment where all people have the opportunity to thrive. This Motion advances the goals of the Equity and Social Justice Strategic Plan and Strategic Climate Action plan through its pro-equity, housing, and climate change and the environment focus areas of the 2024 update.

Thank you for your consideration of this important proposed legislation. The proposed scope of work will build on the successes of the current Comprehensive Plan and set the stage for the County to further its work on critical long-range planning issues.

If your staff have any questions, please contact Lauren Smith, Director for Regional Planning at the Office of Performance, Strategy and Budget, at 206-263-9606.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc:  King County Councilmembers
     ATTN: Janine Weihe, Acting Chief of Staff
          Melani Pedroza, Clerk of the Council
          Shannon Braddock, Chief of Staff, Office of the Executive
          Karan Gill, Deputy Chief of Staff, Office of the Executive
          Mina Hashemi, Director, Council Relations, Office of the Executive
          Dwight Dively, Director, Office of Performance, Strategy and Budget (PSB)
          Lauren Smith, Director for Regional Planning, PSB
I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 in order to provide an opportunity for residents of the County to register comments on the King County Comprehensive Plan and the associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For Docket submittals that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket process is open continuously and, once a year, the items registered in the previous twelve months are considered. Submittals are compiled into a Docket Submittals Report² that is made available via the Comprehensive Plan website and email list. Following this, Executive staff classifies whether each Docket is appropriate for the annual update (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the four-year or eight-year updates (wherein all changes may be considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update.³

Following submittal and classification, the next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the submittal), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the submittal.

On the last business day of April, the Executive transmits a Docket Report with analysis and recommendations to the County Council. Due to the COVID-19 pandemic, the transmittal in 2020 has been delayed by sixty days.

¹ King County Code 20.18.050 and 21A.44.060
³ King County Code 20.18.140 and 20.18.030
The Council then includes all submitters of Docket items in the mailing list for the relevant County Council meetings, and notifies them of any other opportunities for public testimony, as it considers the submittals. For Docket changes that are not recommended by the Executive, the proponent may petition the County Council during its legislative review process.

II. Summary of Submittals

King County received eight Docket submittals for consideration in the 2020 Docket process by the deadline of December 31, 2019. The complete set of submitted materials for the 2020 Docket process can be found in the 2020 Docket Submittals Report.4 The following map identifies the location of the 2020 Docket items.

III. Submittals and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the Docket submittal. This is accompanied by discussion and analysis of the relevant issues including

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classification, background information, policy review, and concludes with an Executive recommendation.

<table>
<thead>
<tr>
<th>Docket Item</th>
<th>Council District</th>
<th>Submittal, Background and Recommendation</th>
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<tbody>
<tr>
<td>1. Mr. &amp; Mrs. Pierce</td>
<td>3</td>
<td><strong>Submittal:</strong> Request to use Four to One Program in order to change a portion of two parcels adjacent to the City of North Bend from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel numbers are 1723089006 and 2607740120.</td>
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**Discussion:** This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update. The Four to One Program is a discretionary land use map amendment process. Information on the Four to One Program can be found at:


One eligibility criteria is that the adjacent city agrees to add the new urban land that would be created into their Potential Annexation Area. In cases where the city is the provider of services, they would need to be supportive of providing urban services to serve the new urban development. Relevant provisions state the following:

20.18.170.D. states that proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations.

Countywide Planning Policy DP-17(g) requires an agreement between King County and the city or town that the area will be added to the city’s Potential Annexation Area.

The relevant city for this Four to One is North Bend, and the City provided a letter stating that it does not support this proposal (see attachment). The City has concerns regarding the impacts to environmentally sensitive areas of the site, impacts on nearby open space, the inability of the parcel to support urban levels of density, and concerns regarding the provision of water, sewer, emergency, and other services.

**Executive Recommendation:** Based on these issues, this Docket request is not supported by the Executive.
2. Mr. & Mrs. Fletcher

**Submittal:** Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.

**Discussion:** This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for a number of reasons, and these are stated in the 2018 Docket Report, which can be viewed at:


King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.

**Executive Recommendation:** Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur.

3. Peter Lamanna

**Submittal:** Request to change speed limits from 35 to 25 mph on Bear Creek Road NE and NE 132nd Street between Avondale Road NE and NE 133rd Street to address traffic conditions, lack of law enforcement, and safety.

**Discussion:** This is a request for a change to posted speed limits on a road segment in the Bear Creek area. While this request is eligible to be considered in an annual update, the Comprehensive Plan does not direct speed limits and therefore is not the appropriate mechanism for considering this change.

That said, King County uses criteria based on the Washington State Model Traffic Ordinance (RCW 46.04; WAC 303-308), the King County Code, crash history, and the Manual on Uniform Traffic Control Devices (MUTCD) in the evaluation of posted speed limits. The MUTCD is a Federal Highway Administration document, which has been adopted by most public agencies and provides guidelines for traffic control devices and pavement markings.
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<tr>
<th>Docket Item</th>
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<td>The locations in question were evaluated by the Road Services Division’s Traffic Engineering Section for changes to the posted speed limits using said criteria. As a result of the investigation it was determined a change to the existing posted speed limit was not justified.</td>
</tr>
</tbody>
</table>

**Executive Recommendation:** Based on these citations, there are currently no plans to lower the speed limit.

| 4. Mr. & Mrs. Montgomery | 3 | **Submittal:** Request to change land use and zoning on one parcel outside of the City of Skykomish from Rural Area 2.5 to Urban Residential 12, in order to allow for a cluster village of small homes and Recreational Vehicle parking. Parcel number is 3026129019. |

**Discussion:** This Docket requests an urban area zoning designation on a Rural Area parcel; this is not allowed under the King County Comprehensive Plan or King County Code. Allowing this would require substantive changes to existing Comprehensive Plan policies and therefore this request is not eligible to be considered in an annual update. The following text addresses the substantive issues raised by this request.

The subject parcel is zoned Rural Area 2.5, which is a designation established to recognize typically smaller parcel in the Rural Area that existed at the time the first Growth Management Act Comprehensive Plan was adopted by King County in 1994. The policies and text related to Rural Area 2.5 zoning are provided below.

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps. *(emphasis added)*

**R-309** The RA-2.5 zone has generally been applied to Rural Areas with an existing pattern of lots below five
acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the Transfer of Development Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.

This policy reflects the designation of the RA-2.5 zone to the lots that existed prior to adoption of the 1994 Comprehensive Plan and it establishes guidance for how these lots are to be realized. Meaning, to realize the RA-2.5 density, the purchase of a transferable development right is required. Given the size of the parcel, it may be possible to add more than one unit and that would be clarified through discussions with the Department of Local Services – Permitting Division.

**Executive Recommendation:** Rural Area 2.5 zoning is the densest Rural Area zoning classification, and the request to allow greater densities would not be consistent with the Comprehensive Plan. Among others, one inconsistency is that greater levels of density typically require public sewer system service and this is not allowed in the Rural Area, except in very limited exceptions. Based on this, this Docket request would not be supported by the Executive.

**Additional Information:** Options other than what was requested may exist for this parcel. Under the RA-2.5 zoning designation, the property may have the potential to create one additional lot using a Transfer of Development Rights program. Also, one of the allowed uses under this zoning is for a Recreational Vehicle (RV) park, subject to approval of a Conditional Use Permit (CUP) and with the following conditions:

KCC21A.08.040:
Recreational vehicle parks are subject to the following conditions and limitations:

a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;

b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
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<td>c. Sewage shall be disposed in a system approved by the Seattle-King County health department.</td>
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The definition of an RV park is as follows:

KCC21A.06.965 Recreational vehicle parks: the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. (Ord. 10870 § 233, 1993).

Last, the subject parcel is within the landslide hazard area and at the time of a future proposed subdivision application, the Permitting Division can require an assessment of geological risk associated with landslide areas.

<table>
<thead>
<tr>
<th>5. Rainier Christian School</th>
<th>9</th>
<th>Submittal: Request to use Four to One Program to change a portion of one parcel in the Fairwood unincorporated urban area from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel number is 2523059086.</th>
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<td>Discussion: This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update.</td>
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<td>The Four to One Program is a discretionary land use map amendment process. The core purpose of the program is to create a continuous band of open space alongside the 1994 urban growth area boundary. This core purpose has existed since the creation of the program in 1994. To support this core purpose, the Four to One Program has not approved a Four to One proposal directly adjacent to the new urban area created by a previous Four to One. This avoids a domino effect of urban growth area expansions.</td>
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<td>Directly adjacent to the proposed site for this Four to One proposal is the Glacier Ridge/McGarvey Park Four to One project, which was approved in 1994 and resulted in approximately 100 new acres of urban area. This urban area remains unincorporated today. The Four to One proposal in the 2020 Docket would further extend the new urban land that was created with the previous Four to One. This is not consistent with the core purpose of the program, and could establish a precedent antithetical the program's desired outcomes. This area was considered for redesignation to urban in 2004 and 2012 and, in both cases, was denied.</td>
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<td>In addition, there may be site challenges that would preclude urban levels of development. The parcel was formerly used by the United States Department of Defense as a missile base. The full record of cleanup of the site is not available to the County and there is a risk that contamination</td>
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| 6. Greater Maple Valley Unincorporated Area Council | 9 & 3 | **Submittal:** Request for procedural change to require the King County Council to prepare and publish responses to the public comments that it receives on the King County Executive's Executive Recommended Comprehensive Plan updates.  
**Discussion:** This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. The Executive and Legislative branch work to meet the Growth Management Act goals for early and continuous public engagement. Documentation of the update process is provided with every major update in an appendix that is entitled *Summary of Public Outreach for the Development of the King County Comprehensive Plan Update*. This appendix lists dates of meetings, groups involved or consulted, and estimates of overall involvement.  
Since 2012, the Executive has supplemented this appendix with a companion document that shows outreach materials such as postcards or e-newsletters, mailings, meeting summaries, and this includes the full set of written comments along with written responses.  
The Council process is legislative, and there is a permanent record of each meeting when the Comprehensive Plan is discussed, including agendas and minutes, with oral and written comments. There is also a video of each meeting that includes presentations, public testimony, and Council discussions.  
**Executive Recommendation:** The Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. It will be for the Council to decide if this request is supported during its stages of the process. |
<p>| 7A. Greater Maple Valley Unincorporated Area Council | 9 &amp; 3 | <strong>Submittal:</strong> Request for procedural changes to require Site-Specific Land Use Map Amendments be reviewed through the Type 4 Quasi-Judicial Hearing Examiner process, and not be allowed to be considered legislatively through the Comprehensive Plan process. As part of this, require that land use and zoning changes that affect the same parcel be considered together, rather than bifurcated with zoning going through the hearing examiner process and land use going through the Comprehensive Plan process. |</p>
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<td><strong>Discussion:</strong> This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. Under the Growth Management Act, land use decisions are legislative actions. In King County, changes to land use designations are exclusively legislative decisions that are enacted through updates to the Comprehensive Plan's Land Use Map. Portions of the land use process, such as zoning reclassifications, may be delegated to administrative processes, but even these are ultimately brought to the County Council for legislative action.</td>
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<td>As noted in King County Code Title 20.20.20 <em>Classifications of Land Use Decision Processes</em>, land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. Type 4 decisions are quasi-judicial decisions made by the County Council based on the record established by the hearing examiner.</td>
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<td>Given this, it appears that the request is to require hearing examiner review of all land use changes prior to Council action. This approach raises issues. The hearing examiner's purpose, as defined in King County Code 20.22.020, is to consider and apply adopted county policies and regulations. The hearing examiner is required to separate the application of regulatory controls from the legislative planning process. Hearing examiner decisions are to be based on adopted King County codes and policies, state statutes, regulations, and appellate court decisions. An example of this role is described in King County Code 20.22.150, wherein the examiner issues a recommendation regarding an application for a zone reclassification of property and the recommendation is based on the Comprehensive Plan, subarea plans, subarea studies, or area zoning studies. This makes clear that the hearing examiner ensures fair application of adopted provisions, not the creation of new provisions.</td>
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<td>Given that planning and comprehensive planning processes by their nature involve making discretionary decisions to potentially alter adopted codes and policies (while of course guided by state statutes and regulations), requiring the hearing examiner to make these types of discretionary recommendations appears inconsistent with their defined role. Further, the typical planning process is for the Executive branch to manage the planning function, develop, and transmit planning recommendations to Council for their consideration, refinement, and adoption.</td>
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<td><strong>Executive Recommendation:</strong> Based on these factors, this request is not supported.</td>
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| 7B. Greater Maple Valley Unincorporated Area Council | 9 & 3 | **Submittal:** Request for procedural changes to expressly provide that site-specific land use proposals cannot be added as a last minute amendment by the King County Council during its consideration of a Comprehensive Plan update.  

**Executive Recommendation:** As noted previously, the Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. Council will decide if this request is supported during its stages of the process. |
| 8. Richard Miller | 8 | **Submittal:** Request to change land use and zoning on one parcel in the North Highline Unincorporated Urban Area from Urban Residential Medium to Urban Planned Development, and from R-8 (8 units per acre) to R-48 (48 units per acre) zoning. Parcel number is 0623049298.  

**Discussion:** This request relates to the North Highline urban unincorporated area, which is currently undergoing a subarea land use planning process. Additionally, the parcel is directly adjacent to a parcel that is being considered for a substantial upzone that is part of the Comprehensive Plan 2020 update. Links to both of these are as follows:  

North Highline Subarea Planning:  

2020 Update – Area Studies (see Area Study 3):  

**Executive Recommendation:** Given the land use focus of the subarea planning process, and the intent to look at zoning, land use, property-specific development conditions, and special district overlays in each of the subareas, the Executive recommends that this request be considered within the subarea planning process and this change is not recommended until such process occurs. |

### IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297, or ivan.miller@kingcounty.gov.
V. Public Comments on 2020 Docket Submittals

The following public comments were submitted on the Docket Submittals following the release of the 2020 Docket Submittals Report.

- Letter from City of North Bend

VI. Attachments

The King County Code requires that the transmittal of the Docket Report to the County Council shall include copies of the docket requests and supporting materials submitted by the proponents and copies of the executive response that was issued to the proponents. Compliance with this is met through inclusion of the following two attachments:

A. Public Comments

B. Docket Submittals Report, January 2020

C. Letters to Docket Proponents, June 2020
Supporting Materials for 2020 Docket Report

King County Comprehensive Plan

*June 2020*
Public Comment

1. Letter from City of North Bend

2. Comments from Greater Maple Valley Unincorporated Area Council on Docket items 4 (Fletcher) and 5 (Rainier Christian School)
January 10, 2020

Ivan Miller
Comprehensive Planning Manager
King County Executive's Office of Performance Strategy and Budget

RE: King County 2020 Docket for Mr. and Mrs. Pierce

Ivan,

It was great to talk on the phone January 9, 2020 with you. The City of North Bend (City) was notified January 3, 2020 that a docket was submitted to King County adjacent to the City and outside the City's Urban Growth Area (UGA). The request is to use the Four-to-One Program to change a portion of two parcels adjacent to the City from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. The Tax ID numbers are 1723089006 and 2607740120. The City has several concerns and constraints identified below. The Pierce docket is not supported by the City because of the number of unsurmountable issues and additionally the proposal does not appear to meet the provisions outlined in the Four-to-One program.

There are numerous concerns with proposing clustered development (of potentially 40 homes) adjacent to the Forester Woods neighborhood:

1. The project area is identified on City of North Bend Critical Area Ordinance Figures 3 and 5 (which uses King County GIS data) as having extensive Debris Flow Hazard and Five (5) Type F streams with 115' buffers on both sides. According to the Streams map alone the area proposed for urban density is almost entirely within Type F Stream buffers.

2. The City's Waste Water Treatment Plant does not have capacity for more residential growth for at least 3 years or more while improvements are made. The City supports consistency with the Growth Management Act (GMA) by not extending public sewer outside the Urban Growth Boundary.

3. The City has many concerns with our ability to supply mitigation water and must limit service to existing properties within the City before annexing or extending water service beyond our corporate limits.

4. This property is not only located outside City Limits, it is also outside the City's UGA. The City has existing UGA areas with no immediate plans or desire for annexation at this time. The City's UGA identified by the State and adopted in 1994 has not changed and the City supports expanding our existing UGA prior to any increase in the UGA.

5. Viewshed impacts with further residential development towards existing open spaces would be a concern to the City and likely the Mountains to Sound Greenway Trust. The City, Sky View Metropolitan Park District, King County and the Trust For Public Land purchased nearly 32 acres of land slated for development nearby for development of Tennant Trailhead Park.
These parcels include 0823089049, -018 and -014. The City is proud of the continuous public ownership that connects North Bend to Rattlesnake Mountain.

6. The State’s Boundary Review Board would have to approve expansion of the City UGA. This area has never been considered by the City as a desirable area for UGA expansion. This proposal is likely inconsistent with many goals and policies of the City (and County) Comprehensive Plans and Policies, including City Policy LU- 1.3 to locate residential land uses in environmentally unconstrained areas and City Policy LU- 9.6 which supports annexation only within identified UGA areas. The City’s Comprehensive Plan Goal 8 and Policies calls for protection for people and property from the risks and negative effects of unstable slopes and landslide areas and Policy 8.4 calls for the City to work with the County to restrict development in landslide hazard areas and their flow paths.

7. If pre-annexation zoning were applied, The City would likely assign CLDR (constrained low density residential 2 units per acre zoning) and with the numerous environmental constraints development at that density is unlikely. This appears to go directly against the King County Four to One Criteria which states that new urban land shall have a minimum density of 4- dwelling units per acre and be served directly and sufficiently free of environmental constraints in order to allow urban densities.

Thank you for consideration of our comments. Please keep us informed as this goes through King County review.

[Signature]

Rob McFarland, Mayor
City of North Bend
(425) 888-7625
RMcFarland@northbendwa.gov

Cc: Mark Rigos, P.E. Public Works Director/Interim City Administrator
    David Miller, CED Director, City
    Jamie Burrell, Senior Planner, City
2020 Docket Items to the KCCP
Comments

D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a re-submittal of a 2018 request. However, in this case, the requester specifically asks for: “the opportunity to sit down with the councilman and staff to discuss the merits of this request.” The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a “site-specific” amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.
Docket Item (D.I.) #4  
Location: 18407 SR-169  
Parcel ID Nos.: 3223069052 and 3223069070

"Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties."

INTRODUCTION

The D.I. states the site’s existing business is an “industrial use” that is “grandfathered.” The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing “metal recycling” business is indeed “grandfathered,” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the next owner could propose a different industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s Cedar River Sites Industrial Moratorium (CRSIM) Study as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “Industrial.”]

BACKGROUND

The D.I. specifically refers to the adjoining site to the south and its "I" zoning as justification for the site in question to be rezoned to "I". Attached is the final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to "I-P" ("I" zoned, but with a P-suffix—which imposed express limitations on future use).

The "I-P" zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and Tahoma-Raven Heights Subarea Plan by Ordinance 12824 in 1997). The uses of that "I-P" zoned site are limited to those allowed in the Regional Business (RB) zone and "vehicle interior refurbishing and re-upholstering."

DISCUSSION

The 1989 rezone was unique and cannot, and should not, constitute grounds for rezoning the site in question from "NB" to a general "I" without any P-suffix to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4’s assertion that a “rezone of their property to ‘I’ - Industrial would be consistent with the zoning and use of the property to the south” simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic “I” could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic "I", rezoning of the site to allow lawful continuation of an existing nonconforming use has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under existing zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from "NB" to “I”) inconsistent with the KC Comprehensive Plan (KCCP) must be considered and resolved first through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed legislative; whereas, a site-specific rezone is quasi-judicial and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any bifurcated process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. #4 should be denied.

D.I. Request #5—Rainier Christian School (just NW of Lk Desire in an unincorporated Urban area)

This property is directly adjacent to the GMVUAC’s western border. The request is to use the 4:1 program to take the ~34.5-ac, RA-2.5 zoned site and adopt urban-designated development of R-6 (6 DUs/ac) over 20% of the site (~7 ac), thereby creating ~41 lots.

Our biggest issue is this entails extending sewer lines from the Urban Growth Area into the Rural Area to serve the projected ~41 home sites. Although the requester states there is an existing sewer line that extends through the site to serve the existing school, that line should be tightened (as specified in the King County School Siting Task Force which convened in 2011-2012—GMVUAC member, Peter Rimbos, served on the Task Force). We expect the requestor cannot achieve the density that would accompany the requested R-6 zoning with septic systems and, thus, needs extension of sewer lines. Extending sewer lines in to the Rural Area would violate County-Wide Planning Policy (CPP) DP-17c [“Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area”].

One of the GMVUAC’s bedrock principles is to “Keep the Rural Area rural” and one very strong way to do that is to not extend sewer lines into the Rural Area. King County policy agrees with this and it was a heavy determinator during the School Siting Task Force deliberations and recommendations.

In addition, a direct access road is required to be extended from the from the Urban Growth Area. The only existing road (174th Ave SE) to serve the school enters from the southeast, all in the Rural Area, from Lake Desire Dr.

Finally, the City of Renton would have to designate this area as part of its Potential Annexation Areas (PAAs), according to CPP DP-17g [“Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city’s Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area change.”]. The City of Renton already has several designated PAAs. One of which lies directly adjacent to the west of this area. For many years the City has chosen not to annex any of these PAAs, nor do we expect it would do so here, even if the city designated it as a PAA, thus defeating the purpose of requiring the subsect of the 4:1 to be part of a designated PAA.

We request the Executive to recommend this D.I. Request be rejected, in part, due to the need for sewer line extensions into the Rural Area and the strong possibilities that the City of Renton, although it might designate it as part of its many PAAs, would have no real intention of annexing it in the future.
2020 Docket Report
King County Comprehensive Plan

June 2020

Attachment

A. Docket Submittals Report, January 2020
2020 Docket Submittals Report

King County Comprehensive Plan
January 2020

I. BACKGROUND

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470, and codified at King County Code 20.18.140. The Docket provides an opportunity for the public to register comments on the King County Comprehensive Plan and the associated development regulations. The County responds to each item registered on the docket, providing a feedback loop, as required by RCW 36.70A.470. Docket forms are available on the County website and at several county departments. The docket is open continuously with a deadline of December 31 for submitting docketed comments for consideration in the Comprehensive Plan update process. By the last business day of April, a Docket Report with executive responses and recommendations is released.

The information in the Docket Submittals Report includes the complete set of materials submitted by Docket proponents. Providing the Docket Submittals Report to the public early in the process, and even before substantive analysis has occurred, allows for more transparent communication regarding the issues that the County is being asked to consider.

II. OVERVIEW OF SUBMITTALS

The following items were received by King County by the deadline of December 31, 2019 for consideration in the 2020 Docket process.

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<th>#</th>
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<td>Request to use Four to One Program to change a portion of two parcels adjacent to the City of North Bend from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel numbers are 1723089006 and 2607740120.</td>
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<td>2</td>
<td>Mr. &amp; Mrs. Fletcher</td>
<td>Request to change land and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.</td>
</tr>
<tr>
<td>3</td>
<td>Peter Lamanna</td>
<td>Request to change speed limits from 35 to 25 mph on Bear Creek Road NE and NE 132nd Street between Avondale Road NE and NE 133rd Street to address traffic conditions, lack of law enforcement, and safety.</td>
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<tr>
<td>4</td>
<td>Mr. &amp; Mrs. Montgomery</td>
<td>Request to change land use and zoning on one parcel outside of the City of Skykomish from Rural Area 2.5 to Urban Residential 12 in order to allow for a cluster village of small homes and Recreational Vehicle parking. Parcel number is 3026129019.</td>
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<td>Rainier Christian School</td>
<td>Request to use Four to One Program to change a portion of one parcel in the Fairwood unincorporated urban area from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel number is 2523069086.</td>
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<td>Greater Maple Valley Unincorporated Area Council</td>
<td>Request for procedural change to require the King County Council to prepare and publish responses to the public comments that it receives on the King County Executive’s Executive Recommended Comprehensive Plan updates.</td>
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| 7 | Greater Maple Valley Unincorporated Area Council | Request procedural changes to:  
A. Require Site-Specific Land Use Map Amendments be reviewed through the Type 4 Quasi-Judicial Hearing Examiner process, and not be allowed to be considered legislatively through the Comprehensive Plan process. As part of this, require that all land use and zoning changes should be considered together, rather than bifurcated with zoning going through the hearing examiner process and land use going through the Comprehensive Plan process.  
B. Expressly provide that site-specific land use proposals cannot be added as a last minute amendment by the King County Council during its consideration of a Comprehensive Plan update. |
| 8 | Richard Miller                                   | Request to change land and zoning on one parcel in the North Highline Unincorporated Urban Area from Urban Residential Medium to Urban Planned Development, and R-8 to R-48 zoning. Parcel number is 0623049298. |

The following map identifies the location of the 2020 Docket items.
III. SUBMITTALS

The tables below include all of the information provided with the Docket submittal. For clarity and context purposes, but not analytical purposes at this stage in the process, maps are provided by the County that show the vicinity of the area, an aerial photo, the Comprehensive Plan land use designation, and the zoning classification. If special district overlays or property-specific development conditions apply, these are provided as well.

<table>
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<th>Docket Request # 1: Pierce</th>
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<tr>
<td>Name of Requestor(s): Lucas and Jennifer Pierce</td>
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<td>Council District: #3</td>
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<tr>
<td>Summary Category: Urban Growth Area Amendment through Four to One Program</td>
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</table>

Submitted Request

The request is to rezone and reclassify the land use on parcels 1723089006 and 2607740120 from Rural Area 5 (RA-5) and Rural Area 10P (RA-10P) to Urban Residential 4 (R-4) and from Rural Area land use to Urban Residential Medium land use using the Four-to-One program. The request changes a broad Growth Management Act land category from Rural to Urban for a 10 acre portion of the subject property. Expansion of the North Bend Urban Growth Area (UGA) boundary to include the portion of the subject property proposed for urban development is also requested using the Four-to-One program.
## Docket Request #1: Pierce

### Address
Undeveloped land – no address. Near North Bend. The subject property can be viewed from the I-90 corridor above the Forster Woods subdivision in North Bend. Exit 31 off I-90. The subject property is to the southwest of, and contiguous with, the North Bend UGA and city limits. Parcel Identification Numbers are 1723089006, 2607740120.

### Submitted Background Information
The parcel is slightly larger than **166 acres** and is triangularly shaped. Two sides are contiguous with the Urban Growth Area and the city limits of North Bend. The third side backs up to RMSA.

This proposed amendment would permanently protect and provide public access to 156 acres of land adjacent to Rattlesnake Mountain Scenic Area (RMSA). The 156 acres to be dedicated as open space has many beautiful resources including unobstructed views of Mt. Si, an unused trailhead that connects to the Rattlesnake Ridge trail system, old growth and second growth forest, natural wildlife habitat, and environmentally sensitive areas.

This amendment limits future development on open land and environmentally sensitive land. Future development would be clustered into a smaller 10 acre parcel, preserving environmental features that would otherwise be impacted. By clustering development at urban densities, the development impacts are reduced, and the provision of urban services (water and sewer) are possible. With the remaining 10 acres, we propose to extend the Forster Woods neighborhood with compatible residential development. The existing roads and utilities are stubbed to the subject property line. We are working with the City of North Bend to design the project and mitigate impacts to allow for their support of expanding the UGA and providing urban services.

### Property-Specific Development Condition:
There is an existing property development condition, which is SV-P36: Development Clustered on 50 acres (see Appendices A for a visual). Given this condition, this Four-to-One proposal is to cluster more densely. The allowed development area of 50 acres will be treated as its own Four-to-One site, with preservation of 80% (40 acres) and urban residential development of 20% (10 acres). To comply with SV-P36 and the Four-to-One program criteria, all residential lots will be clustered on the lower 10 acres of the property adjacent to the Forster Woods development. A twenty-five foot native growth protection buffer will be placed on all property boundaries adjacent to any urban development. The remainder of the parcel will be voluntarily dedicated upon final plat approval as permanent open space and shall remain in a natural state.

### Roads:
Parcel 1723089006 has two roads through the Forster Woods subdivision that dead end at the subject property, and parcel 2607740120 has one road within the UGA. In order to access the existing City public rights-of-way from the subject property, the roads would need to traverse the existing Native Growth Protection Buffer. The impacts to the buffer would be minimized and impacts mitigated. With respect to critical areas, King County’s Critical Area Regulations allow road crossings in critical areas, either as an allowed alteration or as an alteration exception. In these circumstances, appropriate mitigation is required. The current SV-P36 overlay of 50 acres clustered would require a road 3600 feet long that would have five stream crossings and would traverse the area that would be set aside as permanent open space and maintain in a natural state. A stated purpose of the 10 acre clustering of future development is to avoid disturbing environmentally sensitive portions of the site. Additionally, Forster Woods roads are public rights-of-way, which are maintained by the city. Due to the grades of the existing roads, the City has had challenges plowing the snow in the winter. Knowing this, we will design road grades can be plowed by City apparatus. If this is not feasible, we will make the roads private and arrange for private maintenance and plowing of the road by the HOA.

### Water:
The location of the Pierce’s property is at the outside of the City of North Bend’s current water service area (See Appendix B). We will work with the City to expand the service area to include the 10 acres, which can be done in conjunction with amendments to the City’s Comprehensive Plan and Water Service Plan. The City has indicated that there is sufficient water capacity to expand the water service area to include the proposed development. However, the elevations of the 10 acres may require an additional water tank to ensure adequate pressure for fire flow. The need for a water tank...
Docket Request # 1: Pierce

will be determined through the preliminary plat process. If necessary, it will be designed and
constructed to all applicable City standards. Expanding the City’s water service area prevents the need
to install individual exempt wells throughout the property for a non-clustered residential development.
This reduces impacts to groundwater resources and the environmentally sensitive portions of the site.

Storm Water: Development of the 10 acres will require a stormwater plan designed to the current
standards. Forster Woods’ retention ponds are currently at maximum capacity and have overflowed
onto the roads in the past. As part of this Four-to-One proposal, we will work with the City to evaluate
the possibility of expanding the Forster Woods retention ponds to correct the existing deficiencies and
to provide capacity for additional flows from the developed 10 acres.

Sewer: North Bend does not currently have sufficient sewer capacity to serve the developed 10 acres.
The design is in the process of designing a wastewater treatment plant expansion to increase capacity.
The design is anticipated to be completed to the 50% level in late 2020 to allow the development of a
cost estimate. The cost estimate and funding proposal will be presented to City Council in early 2021. If
approved, the expansion would be complete and operational by late 2023. Given the scale of the four-
to-one project, the timing of the wastewater treatment plant expansion is not an issue for us. We prefer
to wait for sewer to be available than to design up to 16 individual septic fields, which would have a
negative environmental impact. Once sewer becomes available, North Bend can expect to earn a
minimum of $26,000 connection fees per unit and $140 in monthly user fees to fund the project’s
proportional share costs of the wastewater treatment plant expansion (see Appendix C).

Trail Head: In alignment with North Bend’s mission to provide outdoor recreation for residents and
visitors, this proposal provides an easement for a future trailhead for public access to RMSA. Current
access to RMSA is limited with two entry points currently located outside of the city to the north and
south. This would expand public access to RMSA from the City of North Bend (see Appendix D).

There is no significant effect on adjoining parcels as the adjacent residential area has the same zoning
as is proposed for these parcels. The proposed clustered residential development is consistent with the
existing development in Forster Woods.

This change is compatible with the surrounding area as we would extend the existing Forster Woods
neighborhood. We believe Forster Woods was originally designed to include the Pierce’s property in a
later phase and are working with the city public records department to confirm this. The proposed
clustered development significantly reduces the environmental impacts from the currently permitted
development of the 50 acres based on SV-P36 to 10 acres. Homes would have beautiful views of Mt.
Si and we estimate will sell at a higher price point than the homes in Forster Woods. These homes
would therefore increase the value of the homes in Forster Woods.

The parcel meets the following criteria to be considered for the Four-to-One program:
- Is not zoned agriculture
- Is Physically contiguous to the existing Urban Growth area
- Is not in an existing band of continuous space
- Could be served by sewers and other urban services
- Could have urban facilities provided directly from the urban area and no cross the open space
  or rural area
- Is greater than 20 acres
### Docket Request # 1: Pierce

**Additional Materials Provided by Submitter**

#### Appendix A: Rough Map of Lower 50 Acres described in SV-P36

![Map of Lower 50 Acres](image-url)
## Appendix C: North Bend Water & Sewer Fees from 2013

### North Bend Rates

**Water & Sewer Fees**

<table>
<thead>
<tr>
<th></th>
<th>One Time Charges</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/4&quot; GFC</td>
<td>$6,160.00</td>
<td></td>
</tr>
<tr>
<td>3/4&quot; Meter</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>One Time Charge Per unit</strong></td>
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<tr>
<td><strong>Monthly</strong></td>
<td></td>
<td><strong>Per month</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>1.59 Per month · 1st 1 CM of water</strong></td>
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<tr>
<td><strong>Sewer</strong></td>
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<td>ULU 15</td>
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<td><strong>Monthly</strong></td>
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<td><strong>Per month</strong></td>
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<td></td>
<td><strong>88.77 Per month</strong></td>
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<td></td>
<td></td>
<td><strong>0.73 Per month · 1st 10 CM of water</strong></td>
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<td><strong>Stormwater Utility</strong></td>
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<td>GFC Base Charge</td>
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<tr>
<td><strong>Monthly</strong></td>
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<td><strong>12.36 Per month</strong></td>
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<td><strong>Floodplain Development Permit</strong></td>
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<tr>
<td></td>
<td>$154.00</td>
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<td><strong>School Impact Fees</strong></td>
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<td></td>
<td>$8,688.48</td>
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<td><strong>Fire Impact Fees</strong></td>
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<tr>
<td><strong>Park Impact Fees</strong></td>
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<td>$4,054.00</td>
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<td><strong>Transportation Impact Fees</strong></td>
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<tr>
<td><strong>Monthly</strong></td>
<td><strong>$346.76</strong></td>
<td><strong>Monthly Charge</strong></td>
</tr>
</tbody>
</table>
Docket Request #1: Pierce

County Maps of Docket Area (parcels highlighted in blue)

Vicinity:
Docket Request #1: Pierce

Land Use:

[Map Image]

Date: 12/09/2019  KG-GIS MAP

The information included on this map has been compiled by King County, and is subject to change. The information is provided "as is" without warranty of any kind, either expressed or implied. The user assumes all risks of using the information. King County is not liable for any special, indirect, or consequential damages, including but not limited to, any costs of procurement of substitute services, lost profits, or lost savings, arising out of, or in connection with, the use or display of any information contained on this map. Any data or maps or information on this map is provided "as is" and is subject to change without notice. For additional information, contact the GIS Analyst or GIS Analyst Supervisor.
Docket Request # 1: Pierce

Property Specific Development Condition SV-P36: Development Clustered on 50 acres

Docket Request # 2: Fletcher

Name of Requestor(s): Michael and Linda Fletcher
Council District: #9
Summary Category: Land Use and Zoning Change
### Docket Request # 2: Fletcher

#### Submitted Request
Request to change the current zoning and land use designation from Neighborhood Commercial (NB) to Industrial (I). Combined size is 3.54 acres. Although this request was denied in 2018, we appreciate the opportunity to sit down with the councilman and staff to discuss the merits of this request.

#### Address
18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070

#### Submitted Background Information
This change is consistent with the adjacent property and current use of the land. The proposed use of the parcel is industrial (grand-fathered). Metal recycling facility which has been there for 25 years. This change will have no affect on adjoining properties to the south which are also industrial zoned land and the current use if for industrial uses. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific parcels. These properties have been functioning as a metal recycling facility for over 25 years.

#### County Maps of Docket Area (parcels highlighted in blue)


### Vicinity:

Docket Request # 2: Fletcher

Land Use:

![Map of Docket Request # 2: Fletcher](image)

Docket Request # 3: Lamanna

Name of Requestor(s): Peter Lamanna

Council District: #3

Summary Category: Transportation – Revise speed limit on road

Submitted Request

The requested change is to change the speed limits from 35 to 25 mph on Mink Road NE, Bear Creek Road NE and NE 132nd St.

Address

n/a. Location of roads as noted above. This includes Bear Creek Road NE and NE 132nd Street between Avondale Road NE and NE 133rd Street, including the curved section west of the Woodinville Fire and Rescue Station.

Submitted Background Information

This amendment is needed because traffic conditions are very dangerous and no law enforcement has been provided despite many requests over many years. This is consistent with the Growth Management Act as it will address current concurrency along with the traffic volumes and speeds that exist on residential roads.
Docket Request # 3: Lamanna

County Maps of Docket Area

Vicinity:

Docket Request # 4: Montgomery

Name of Requestor(s): Kyle and Courtney Montgomery
Council District: #3
Summary Category: Land Use and Zoning Change. Would require an urban growth area amendment.

Submitted Request
Request to redesignate the land use from RA 2.5 to R12. The total acreage is 8.71. This would allow us to develop cluster villages of small homes as well as RV parking. Our goal would be to have two cluster villages of up to 10 homes sized 300sqft to 600sqft. Additionally, we would like to provide RV parking with full hook up capabilities.

Address
Undeveloped land – no address. Near Skykomish. Parcel Identification Number #3026129019.

Submitted Background Information
The proposed use of the parcel would be for affordable residential living, short term rentals for tourists, and RV parking for travelers. Impact on adjoining parcels will be minimal. People turning off Hwy 2 to Foss Road will increase traffic a bit for the Foss Road. However, the entrance to our property is large and the road could handle the extra traffic.
Docket Request # 4: Montgomery

The surrounding area is mostly all second homes and vacation rentals. We would like to increase the availability for people to live near the town of Skykomish and Stevens Pass Mountain Resort at affordable rates. If people can live and work closer to their jobs, we can get more money and people to help the town of Skykomish's economy. Since the purchase of Stevens Pass Mountain Resort by Vail, lodging has been much harder for full time and seasonal workers and vacationers. We feel that we can fill that void. Additionally, providing year round rv parking for skiers, mountaineers, hikers, and tourists will help to stimulate the local economy as well.

The parcel is a total of 8.7 acres. A large portion is an easement for PSE power lines as well as a few undesignated critical areas. Upon designation of these, our usable space will decrease to probably 4 acres, of which a large portion will be used for the on-site septic. This is why we have chosen the new R12 designation.

County Maps of Docket Area (parcel highlighted in blue)

Vicinity:
Docket Request # 4: Montgomery

Aerial Photo:
Docket Request # 4: Montgomery

Land Use:

![Map of Montgomery]

Docket Request # 5: Rainier Christian School

Name of Requestor(s): Rainier Christian School
Council District: #9
Summary Category: Urban Growth Area Amendment through Four to One Program

Submitted Request
Request to use the Four to One Program for this property. The site is approximately 34.5 acres with RA-2.5 zoning. The request would adopt the urban designated development to the west of R-6 (6 Dwelling Units Per Acre) over 20 percent of the site (6.9 acres). The net yield would be 6.9 acres x 6 DU/AC, equaling 41.4 or 41 lots. The actual size of the developable area/net yield will be determined once a formal survey is completed during the platting phase.

Address
Parcel # 2523059086.

Submitted Background Information
As outlined on the county’s web page, staff reviews each 4:1 option on a case-by-case with determining factors on what is acceptable. The following is a list of the requirements with a response as to how this project qualifies:

Proposed New Urban Lands:
**Docket Request # 5: Rainier Christian School**

1. **Minimum Parcel size is 20 acres.**
   
   **Response:** The site is approximately 34.5 acres.

2. **Proposals that are adjacent to cities or potential annexation areas are referred to the affected city as well as service providers such as special purpose districts for review and recommendation.**
   
   **Response:** The adjacent properties to the west are in un-incorporated King County; thus, this there would be no recommendation from a city (Renton). We have spoken with Cedar River Water and Sewer District and that have indicated that this is within their jurisdiction and there is capacity utilizing existing mains from the west adjacent to the site. There already is a 2” sewer line that extends through the site to serve the existing school. The water is right at the property line in 168th Terrace SE which is access to the existing well serving the area. (Note: The District is not able to issue water and sewer certificated to properties within “Rural” areas unless otherwise directed by King County. Once there is an indication that the property may undergo developing the site with 4:1 and the urban boundary is moved—then water and sewer certificates will be issued for the development. Please see enclosed exhibits from the District.)

3. **The land is no larger than necessary to promote compact development, can be efficiently provided with urban services, and follows topographical features and/or natural boundaries to allow urban service provision.**
   
   **Response:** The location of the proposed development is immediately adjacent to the existing neighborhood to the west. In fact, there is proposed lots on 168th Terrace SE which is already a public street. All services (water, sewer, storm, dry utilities) are in 168th Terrace SE and SE 166th Street (entrance to the site). The remaining property to be permanent open space is well-treed with some topographical variations. (Note: A portion of this area has been disturbed but is not suitable for construction a subdivision. Also, there is the possibility of Coal Mines within the proposed permanent open space that makes it unsuitable for development.)

4. **The land is contiguous to the 1994 adopted urban growth boundary with minor exceptions allowed for critical areas and park/open space.**
   
   **Response:** The property is adjacent to the following zoning areas:
   
   - North: RA-2.5
   - South: R-6
   - East: RA-10
   - West: R-6

   As noted, the property is adjoined to urban development to the south and north. Therefore, it is consistent with this requirement.

5. **Proposals are evaluated using the following criteria: fish and wildlife habitat and for endangered and threatened species; open space connections; wetlands, stream corridors, ground water and water bodies; unique natural biological, cultural, historical, or archeological resources; size of open space dedications and connections to other open space dedications along the urban growth boundary.**
   
   **Response:** In reviewing the critical areas folio online, the only critical area that has been identified is a potential for coal mines in the south easterly portion of the site—away from where the proposed development would occur. The property is set on a small knoll that slopes in all directions. Lake Desire is southeast less than a ¼-mile onsite. There are no known
Docket Request # 5: Rainier Christian School

endangered or threatened species of flora or fauna on the property. No identification of cultural, historical, or archeological resources are known to be onsite. As proposed, the permanent open space will be to the east and south and would abut Petrovitsky Park to provide continued connection(s).

6. The new urban land shall have a minimum density of 4-dwelling units per acre, be served directly (i.e. without crossing open space or rural area) by sewers and other efficient urban services and facilities.

Response: The proposed developed portion would adopt the adjacent urban zoning of R-6, or 6 dwelling units per acre. Again, access to the property is from SE 166th Street and 168th Terrace SE—existing public/urban right-of-way. Water, sewer, storm, dry utilities (power, gas, phone, cable, etc.) are within these roads and would be able to be extended to the proposed subdivision. (Note: SE 166th Street alignment will need to cross the adjacent property with 1/2-street improvements. This land is not in the gross area calculations and is also owned by the proponent of this request.)

7. The new urban land is limited to residential development.

Response: The proposed development will be a residential subdivision.

8. Land is sufficiently free of environmental constraints in order to allow urban densities.

Response: Again, there are no known environmental constraints on the property. Once this is approved for moving forward, professionals will be retained to verify there are no environmental issues within the proposed developed area.

9. Drainage facilities to serve the new urban land shall be located within the urban portion of the site.

Response: As shown, the proposed drainage facility will be located at the southeast corner of SE 166th Street and 168th Terrace SE within the proposed urban area. (Note: Actual size and location will be determined during the platting process but will remain within the newly classified urban area.)

10. Roads serving the new urban land shall not be counted as required open space.

Response: Agreed—proposed roads to serve the development are either offsite or within the allowed urban area.

Proposed Open Space Lands:

11. The new open space land preserves high quality habitat, critical areas or unique features that contribute to a band of permanent open space along edge of urban growth line.

Response: Again, the majority of the land be designated for permanent open space is heavily treed and "aligns" with Petrovitsky Park and McGarvey Park Open Space—a band of open space to the north, south, east, and west along the urban growth line.

12. Proposals are evaluated using the following criteria: quality of habitat, connections to regional open space, protection of water resources, unique features, generally configured to connect with adjacent open space; size and connection to UGA.
<table>
<thead>
<tr>
<th><strong>Docket Request # 5: Rainier Christian School</strong></th>
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<tbody>
<tr>
<td><strong>Response:</strong> Again, 27.6 acres of the total 35.5 acres will remain in permanent open space. This space is north of Petrovitsky Park and adjacent to McGarvey Park Open Space (north, south and east). Thus, this large open space area ties into a regional open space area and creates a band of permanent open space for no further development.</td>
</tr>
</tbody>
</table>

13. The new open space land is to be dedicated to King County at final formal plat.

   **Response:** Agreed.

14. The new open space land retains its Rural Area designation and is used primarily for natural area or passive recreation site purposes and not for urban-serving facilities.

   **Response:** Agreed.

15. The new open space land should be configured to connect with open spaces on adjacent properties with at least a portion of open space surrounding the new urban land.

   **Response:** The newly created open space will abut along the south and east edges of the new development.

16. The new open space land should be configured to connect with open spaces on adjacent properties with at least a portion of open space surrounding the new urban land.

   **Response:** The newly created open space will abut along the south and east edges of the new development.

17. The minimum depth of the new open space land shall be one-half of the buffer width, with minor exceptions, and generally follow the urban growth area boundary.

   **Response:** There are no required buffer widths so this is not applicable. The proposed open space does follow along the existing urban growth boundary.

18. Other Minor uses are allowed on the new open space land.

   **Response:** None are proposed at this time, but it would make sense to allow a trail system throughout the treed forest.

**Resource Lands:**

19. Four-to-Ones cannot re-designate exiting Resource Lands to urban land.

   **Response:** Not applicable.

20. The new open space lands can be zoned to Resource Lands and used for farming or forestry.

   **Response:** Not applicable.

**Other:**

21. Affordable housing may be required in some projects.

   **Response:** This site is fairly remote and away from urban centers that would be more suitable for affordable housing.
Docket Request # 5: Rainier Christian School

22. A mix of housing types including thirty percent below-market-rate units to be included in projects 200 acres or greater; projects that exceed thirty percent can have their open space dedication reduced.

Response: Not applicable.

Additional Materials Provided by Submitter

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LSLU Meeting Materials
Page 137
May 24, 2022
Docket Request # 5: Rainier Christian School

County Maps of Docket Area (parcel highlighted in blue)

Vicinity:

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Docket Request #5: Rainier Christian School

Aerial Photo:

2020 Docket - Rainier Christian School

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Date: 12/30/2018

KOC 015 #AAA5
Docket Request # 5: Rainier Christian School

Zoning:

2020 Docket - Rainier Christian School

[Map showing the zoning details for Rainier Christian School]

Source: King County GIS Lab
Date: 12/01/2019
Docket Request # 5: Rainier Christian School

Land Use:

[Image of a map showing the 2020 Docket - Rainier Christian School]
Docket Request # 5: Rainier Christian School
Special District Overlay SO-180: Wetland Management Area SDO
Docket Request # 6: Greater Maple Valley UAC

**Name of Requestor(s):** Greater Maple Valley Unincorporated Area Council (GMVUAC)

**Council District:** Primarily in #9, with a small portion in #3

**Summary Category:** Procedural Change to County Council Planning Processes

**Submitted Request**

Request for procedural change to require the King County Council to prepare and publish responses to Public Comments it receives on King County Executive’s proposed Executive Recommended Comprehensive Plan Updates.

**Address**

n/a. These are countywide procedural changes.

**Submitted Background Information**

Responses currently prepared and published by King County Executive’s Office on the Public Review Drafts (PRDs) have proven helpful to the Public. Currently, after the Public provides comments on the Executive’s proposed King County Comprehensive Plan (sent to the King County Council on 10/1), the King County Council reviews them prior to finalizing and approving the King County Comprehensive Plan Update by 6/30 of the next year—a 9-mo review period, which provides plenty of time to issue responses to Public comments.

Currently, the KC Council does not publish its responses to the Public comments it receives. Consequently, at this point, we believe the KC Council should publish its responses to better close the cycle and meet its obligations of its King County Comprehensive Plan Update Public Participation Program.

The Growth Management Act calls for a clear, rigorous, and continuous Comprehensive Plan Update Public Participation Program. Public comment/Government response cycles are critical to achieving same.

Docket Request # 7: Greater Maple Valley UAC

**Name of Requestor(s):** Greater Maple Valley Unincorporated Area Council (GMVUAC)

**Council District:** Primarily in #9, with a small portion in #3

**Summary Category:** Procedural Changes to Site-Specific Land Use Map Amendment Process

**Submitted Request**

The King County Code should be amended so that any “site-specific land use amendment coupled with zone reclassification” cannot be reviewed and considered as part of the annual King County Comprehensive Plan Docket Item process (or, for that matter, any other King County Comprehensive Plan Docket update process). Such site specific applications must go through the Type 4 permit review process before the Hearing Examiner. Moreover, the Code amendment must expressly provide that such site specific proposals cannot be added as a last minute amendment made by the King County Council during its consideration of a King County Comprehensive Plan Docket Update.

**Address**

n/a. These are countywide procedural changes.

**Submitted Background Information**

Introduction: The current Docket Process allows an applicant to submit a singular request for a site specific land use amendment and zone reclassification. Current practice regarding such a coupled request is to bifurcate it with the King County Council legislatively addressing the land use amendment while the Hearing Examiner conducts a public hearing in a quasi-judicial review of the zone reclassification, making recommendations back to the Council. This bifurcated process has the appearance of unfairness and probable bias, as the premature legislative consideration of a land use amendment could unfairly influence and be outcome determinative of the zone reclassification resulting...
Docket Request # 7: Greater Maple Valley UAC

in a dramatic change in land use and zoning of a specific site contrary to the public interest and the goals and objectives of the Growth Management Act. Such requests should neither be bifurcated nor be subject to the Docket Process; site-specific requests for both a land use amendment and zone reclassification must go through the Type 4 permit review process before the Hearing Examiner—to include a Public Hearing—for a recommendation to the King County (KC) Council regarding any changes to the KCCP and zoning.

Background KC Comprehensive Plan (2018 Updated Version)
The Docket Process is discussed and defined in the following sections of the current adopted KC Comprehensive Plan (updated through 2018):

- Chapter 1, Part II, Section H (at p. 1-11)
- Chapter 12, Part II (at pp. 12-4 – 12-5) / Policy I-205
- Glossary (at p. G-7)

Site-specific Land Use Amendment and Zone Reclassification are discussed in the following sections of the current adopted KC Comprehensive Plan (updated through 2018):

- Chapter 1, Part II, Section F (at p. 1-9) / Policy RP-116
- Chapter 3, Part III, Section B (at p. 3-17) / Policy R-304
- Chapter 11, Part B (at p. 11-5)

KC Code The following sections of the King County Code should be appropriately amended to incorporate the provisions of this Docket Request:

- KC Code 20.08.160 (zone reclassification)
- KC Code 20.08.170 (land use amendment)
- KC Code 20.18.130 (Council amendment)
- KC Code 20.18.140 (docket request process)
- KC Code 20.20.020(E) (land use decision types)

Docket Request # 8: Miller

Name of Requestor(s): Richard Miller
Council District: #8
Summary Category: Land Use and Zoning Change.

Submitted Request
Request to change land use designation from Urban Residential Medium (with R-8 zoning) to Urban Planned Development (with R-48 zoning).

Address
835 SW 108th Street, King County. Parcel Identification Number #0623049298.

Submitted Background Information
Proposed use is high-density residential multi-family development. This is consistent with adjoining planned development, multiple family King County project (known locally as the "White Center Hub"). The property location meets all UGA and comprehensive plan guidelines for high density, as planned development on adjacent King County property indicate. This change is consistent with Comprehensive Plan policy U-124.
Docket Request # 8: Miller

County Maps of Docket Area (parcel highlighted in blue)

Vicinity:

![Map of Docket Area](image-url)
Docket Request # 8: Miller

Aerial Photo:

2020 Docket - Miller
Docket Request #8: Miller

Zoning:

![2020 Docket - Miller Map]

*The information included on this map is an estimate. King County, and its subcontractors, are not responsible for errors or omissions.*

*Date: 12/04/2019*
The purpose of the Docket Submittals Report is to provide notification regarding the proposals that have submitted. The report is posted shortly after the Docket deadline of December 31, and is therefore released prior to conducting analysis of the request(s).

Contact Ivan Miller, Comprehensive Plan Manager, 206-263-8297, and ivan.miller@kingcounty.gov.

III. FOR MORE INFORMATION
Attachment

B. Letters to Docket Proponents, June 2020
June 30, 2020

Lucas and Jennifer Pierce
no address- undeveloped parcel
jennifer.a.little@gmail.com

Dear Mr. and Mrs. Pierce,

Thank you for participating in this year’s Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

**Submittal:** Request to use Four to One Program in order to change a portion of two parcels adjacent to the City of North Bend from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel numbers are 1723089006 and 2607740120.

**Discussion:** This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update. The Four to One Program is a discretionary land use map amendment process. Information on the Four to One Program can be found at:

One eligibility criteria is that the adjacent city agrees to add the new urban land that would be created into their Potential Annexation Area. In cases where the city is the provider of services, they would need to be supportive of providing urban services to serve the new urban development. Relevant provisions state the following:

20.18.170.D. states that proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations.

Countywide Planning Policy DP-17(g) requires an agreement between King County and the city or town that the area will be added to the city’s Potential Annexation Area.

The relevant city for this Four to One is North Bend, and the City provided a letter stating that it does not support this proposal (see attachment). The City has concerns regarding the impacts to environmentally sensitive areas of the site, impacts on nearby open space, the inability of the parcel to support urban levels of density, and concerns regarding the provision of water, sewer, emergency, and other services.

**Executive Recommendation:** Based on these issues, this Docket request is not supported by the Executive.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.
Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
    Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Michael and Linda Fletcher
18407 Renton-Maple Valley Highway
Maple Valley, WA 98038

Dear Mr. and Mrs. Fletcher,

Thank you for participating in this year’s Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration.

**Submittal:** Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.

**Discussion:** This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for a number of reasons, and these are stated in the 2018 Docket Report, which can be viewed at:

King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.

**Executive Recommendation:** Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Peter Lamanna
14045 Bear Creek RD NE
Woodinville, WA 98077

Dear Mr. Lamanna,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration.

**Submittal:** Request to change speed limits from 35 to 25 mph on Bear Creek Road NE and NE 132nd Street between Avondale Road NE and NE 133rd Street to address traffic conditions, lack of law enforcement, and safety.

**Discussion:** This is a request for a change to posted speed limits on a road segment in the Bear Creek area. While this request is eligible to be considered in an annual update, the Comprehensive Plan does not direct speed limits and therefore is not the appropriate mechanism for considering this change.

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That said, King County uses criteria based on the Washington State Model Traffic Ordinance (RCW 46.04; WAC 303-308), the King County Code, crash history, and the Manual on Uniform Traffic Control Devices (MUTCD) in the evaluation of posted speed limits. The MUTCD is a Federal Highway Administration document, which has been adopted by most public agencies and provides guidelines for traffic control devices and pavement markings.

The locations in question were evaluated by the Road Services Division’s Traffic Engineering Section for changes to the posted speed limits using said criteria. As a result of the investigation it was determined a change to the existing posted speed limit was not justified.

**Executive Recommendation:** Based on these citations, there are currently no plans to lower the speed limit.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Kyle and Courtney Montgomery
no address- undeveloped parcel
kandcmonty@comcast.net

Dear Mr. and Mrs. Montgomery,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration.

Submittal: Request to change land use and zoning on one parcel outside of the City of Skykomish from Rural Area 2.5 to Urban Residential 12, in order to allow for a cluster village of small homes and Recreational Vehicle parking. Parcel number is 3026129019.

Discussion: This Docket requests an urban area zoning designation on a Rural Area parcel; this is not allowed under the King County Comprehensive Plan or King County Code. Allowing this would require substantive changes to existing Comprehensive Plan policies and therefore this request is not eligible to be considered in an annual update. The following text addresses the substantive issues raised by this request.

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The subject parcel is zoned Rural Area 2.5, which is a designation established to recognize typically smaller parcel in the Rural Area that existed at the time the first Growth Management Act Comprehensive Plan was adopted by King County in 1994. The policies and text related to Rural Area 2.5 zoning are provided below.

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps. (emphasis added)

R-309 The RA-2.5 zone has generally been applied to Rural Areas with an existing pattern of lots below five acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the Transfer of Development Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.

This policy reflects the designation of the RA-2.5 zone to the lots that existed prior to adoption of the 1994 Comprehensive Plan and it establishes guidance for how these lots are to be realized. Meaning, to realize the RA-2.5 density, the purchase of a transferable development right is
required. Given the size of the parcel, it may be possible to add more than one unit and that would be clarified through discussions with the Department of Local Services – Permitting Division.

**Executive Recommendation:** Rural Area 2.5 zoning is the densest Rural Area zoning classification, and the request to allow greater densities would not be consistent with the Comprehensive Plan. Among others, one inconsistency is that greater levels of density typically require public sewer system service and this is not allowed in the Rural Area, except in very limited exceptions. Based on this, this Docket request would not be supported by the Executive.

**Additional Information:** Options other than what was requested may exist for this parcel. Under the RA-2.5 zoning designation, the property may have the potential to create one additional lot using a Transfer of Development Rights program. Also, one of the allowed uses under this zoning is for a Recreational Vehicle (RV) park, subject to approval of a Conditional Use Permit (CUP) and with the following conditions:

KCC21A.08.040: Recreational vehicle parks are subject to the following conditions and limitations:

a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;
b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
c. Sewage shall be disposed in a system approved by the Seattle-King County health department.

The definition of an RV park is as follows:

KCC21A.06.965 Recreational vehicle parks: the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. (Ord. 10870 § 233, 1993).

Last, the subject parcel is within the landslide hazard area and at the time of a future proposed subdivision application, the Permitting Division can require an assessment of geological risk associated with landslide areas.
Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Bruce Kelly, President
Rainier Christian Schools
16700 174th Ave SE
Renton, WA 98058

Dear Mr. Kelly,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration.

Submittal: Request to use Four to One Program to change a portion of one parcel in the Fairwood unincorporated urban area from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel number is 2523059086.

Discussion: This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update.

The Four to One Program is a discretionary land use map amendment process. The core purpose of the program is to create a continuous band of open space alongside the 1994 urban growth.

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area boundary. This core purpose has existed since the creation of the program in 1994. To support this core purpose, the Four to One Program has not approved a Four to One proposal directly adjacent to the new urban area created by a previous Four to One. This avoids a domino effect of urban growth area expansions.

Directly adjacent to the proposed site for this Four to One proposal is the Glacier Ridge/McGarvey Park Four to One project, which was approved in 1994 and resulted in approximately 100 new acres of urban area. This urban area remains unincorporated today. The Four to One proposal in the 2020 Docket would further extend the new urban land that was created with the previous Four to One. This is not consistent with the core purpose of the program, and could establish a precedent antithetical the program's desired outcomes. This area was considered for redesignation to urban in 2004 and 2012 and, in both cases, was denied.

In addition, there may be site challenges that would preclude urban levels of development. The parcel was formerly used by the United States Department of Defense as a missile base. The full record of cleanup of the site is not available to the County and there is a risk that contamination may still exist. The site was transferred to the United States Department of Education, and there are records that a covenant may exist that precludes use for anything other than educational purposes.

**Executive Recommendation:** Based on these factors, this Four to One is not supported by the Executive.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.
Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
    Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Peter Rimbos, Secretary
Greater Maple Valley Unincorporated Area Council
no organizational address
info@gmvuac.org

Dear Mr. Rimbos,

Thank you for participating in this year’s Docketing process for the King County Comprehensive Plan. The Docket process¹ is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration.

The Greater Maple Valley UAC submittal included three separable requests; each is listed and discussed below, with an Executive Recommendation for each.

**Submittal #1:** Request for procedural change to require the King County Council to prepare and publish responses to the public comments that it receives on the King County Executive’s Executive Recommended Comprehensive Plan updates.

**Discussion:** This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. The Executive and

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Legislative branch work to meet the Growth Management Act goals for early and continuous public engagement. Documentation of the update process is provided with every major update in an appendix that is entitled *Summary of Public Outreach for the Development of the King County Comprehensive Plan Update*. This appendix lists dates of meetings, groups involved or consulted, and estimates of overall involvement.

Since 2012, the Executive has supplemented this appendix with a companion document that shows outreach materials such as postcards or e-newsletters, mailings, meeting summaries, and this includes the full set of written comments along with written responses.

The Council process is legislative, and there is a permanent record of each meeting when the Comprehensive Plan is discussed, including agendas and minutes, with oral and written comments. There is also a video of each meeting that includes presentations, public testimony, and Council discussions.

**Executive Recommendation:** The Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. It will be for the Council to decide if this request is supported during its stages of the process.

**Submittal #2:** Request for procedural changes to require Site-Specific Land Use Map Amendments be reviewed through the Type 4 Quasi-Judicial Hearing Examiner process, and not be allowed to be considered legislatively through the Comprehensive Plan process. As part of this, require that land use and zoning changes that affect the same parcel be considered together, rather than bifurcated with zoning going through the hearing examiner process and land use going through the Comprehensive Plan process.

**Discussion:** This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. Under the Growth Management Act, land use decisions are legislative actions. In King County, changes to land use designations are exclusively legislative decisions that are enacted through updates to the Comprehensive Plan's Land Use Map. Portions of the land use process, such as zoning reclassifications, may be delegated to administrative processes, but even these are ultimately brought to the County Council for legislative action.

As noted in King County Code Title 20.20.20 *Classifications of Land Use Decision Processes*, land use permit decisions are classified into four types, based on who makes the decision, whether
public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. Type 4 decisions are quasi-judicial decisions made by the County Council based on the record established by the hearing examiner.

Given this, it appears that the request is to require hearing examiner review of all land use changes prior to Council action. This approach raises issues. The hearing examiner's purpose, as defined in King County Code 20.22.020, is to consider and apply adopted county policies and regulations. The hearing examiner is required to separate the application of regulatory controls from the legislative planning process. Hearing examiner decisions are to be based on adopted King County codes and policies, state statutes, regulations, and appellate court decisions. An example of this role is described in King County Code 20.22.150, wherein the examiner issues a recommendation regarding an application for a zone reclassification of property and the recommendation is based on the Comprehensive Plan, subarea plans, subarea studies, or area zoning studies. This makes clear that the hearing examiner ensures fair application of adopted provisions, not the creation of new provisions.

Given that planning and comprehensive planning processes by their nature involve making discretionary decisions to potentially alter adopted codes and policies (while of course guided by state statutes and regulations), requiring the hearing examiner to make these types of discretionary recommendations appears inconsistent with their defined role. Further, the typical planning process is for the Executive branch to manage the planning function, develop, and transmit planning recommendations to Council for their consideration, refinement, and adoption.

**Executive Recommendation:** Based on these factors, this request is not supported.

**Submittal #3:** Request for procedural changes to expressly provide that site-specific land use proposals cannot be added as a last minute amendment by the King County Council during its consideration of a Comprehensive Plan update.

**Executive Recommendation:** As noted previously, the Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. Council will decide if this request is supported during its stages of the process.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic,
this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
June 30, 2020

Richard Miller
835 SW 108th Street
King County, WA

Dear Mr. Miller,

Thank you for participating in this year’s Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

**Submittal:** Request to change land use and zoning on one parcel in the North Highline Unincorporated Urban Area from Urban Residential Medium to Urban Planned Development, and from R-8 (8 units per acre) to R-48 (48 units per acre) zoning. Parcel number is 0623049298.

**Discussion:** This request relates to the North Highline urban unincorporated area, which is currently undergoing a subarea land use planning process. Additionally, the parcel is directly adjacent to a parcel that is being considered for a substantial upzone that is part of the Comprehensive Plan 2020 update. Links to both of these are as follows:

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2020 Update – Area Studies (see Area Study 3):

**Executive Recommendation:** Given the land use focus of the subarea planning process, and the intent to look at zoning, land use, property-specific development conditions, and special district overlays in each of the subareas, the Executive recommends that this request be considered within the subarea planning process and this change is not recommended until such process occurs.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. Due to the covid pandemic, this has been extended to the last business day in June. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget
cc:  Jim Chan, Director, Department of Local Service – Permitting Division
     Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 in order to provide an opportunity for residents of the County to register comments on the King County Comprehensive Plan and the associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For Docket submittals that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket process is open continuously and, once a year, the items registered in the previous twelve months are considered. Submittals are compiled into a Docket Submittals Report² that is made available via the Comprehensive Plan website and email list. Following this, Executive staff classifies whether each Docket is appropriate for the annual update (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the four-year or eight-year updates (wherein all changes may be considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update.³

Following submittal and classification, the next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the submittal), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the submittal.

On the last business day of April, the Executive transmits a Docket Report with analysis and recommendations to the County Council. The Council then includes all submitters of Docket items in the mailing list for the relevant County Council meetings and notifies them of any other opportunities for public testimony, as it considers the submittals. For Docket changes that are not recommended by the Executive, the proponent may petition the County Council during its legislative review process.

¹ King County Code 20.18.050 and 21A.44.060
³ King County Code 20.18.140 and 20.18.030
II. Summary of Submittals

King County received one Docket submittal for consideration in the 2021 Docket process by the deadline of December 31, 2020. The complete set of submitted materials for the 2021 Docket process can be found in the Docket Submittals Report. The following map identifies the location of the 2021 Docket.

III. Submittals and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the Docket submittal. This is accompanied by discussion and analysis of the relevant issues including classification, background information, policy review, and concludes with an Executive recommendation.

<table>
<thead>
<tr>
<th>Docket Item</th>
<th>Council District</th>
<th>Submittal, Background and Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr. and Mrs. Fletcher</td>
<td>9</td>
<td>Submittal: Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.</td>
</tr>
</tbody>
</table>
### Docket Item

#### Council District

#### Submittal, Background and Recommendation

**Discussion:** This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018 and again in 2020. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for several substantive reasons, and these are discussed in the 2018 Docket Report, which can be viewed at:

https://www.kingcounty.gov/~/media/depts/executive/performa
nce-strategy-budget/regional-planning/Comprehensive-
Plan/2018_Docket_Report.ashx

King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.

Additionally, a suite of policy changes related to Non-Resource Industrial Uses in the Rural Area were considered in the 2020 Comprehensive Plan update that might have had bearing on this Docket Submittal. However, after significant discussion and review by the Executive and the Council, none of the changes were adopted and the policies remain as they were in 2018 when this Docket Submittal was initially considered. Given this, there are no changes to the policies that are discussed in the 2018 Docket Report and that guide the analysis of this Docket Submittal.

**Executive Recommendation:** Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur. The Executive and the Council have the option to include review of this Docket Submittal in the scope of work for the 2024 update.

### IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297, or ivan.miller@kingcounty.gov.

### V. Public Comments on 2020 Docket Submittals

No public comments were submitted following the release of the 2021 Docket Submittals Report.
VI. Attachments

The King County Code requires that the transmittal of the Docket Report to the County Council shall include copies of the docket requests and supporting materials submitted by the proponents and copies of the executive response that was issued to the proponents. Compliance with this is met through inclusion of the following attachments:

A. Copies of the Docket Request and Submitted Supporting Materials – see Docket Submittals Report, January 2021

B. Copies of the Executive Response – see Letter to Docket Submitters, April 2021

C. Public Comments on 2021 Docket Request
Attachments to 2021 Docket Report
I. BACKGROUND

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 and codified at King County Code 20.18.140. The Docket provides an opportunity for the public to register comments on the King County Comprehensive Plan and the associated development regulations. The County responds to each item registered on the docket, providing a feedback loop, as required by RCW 36.70A.470. Docket forms are available on the County website and at several county departments. The docket is open continuously with a deadline of December 31 for submitting docketed comments for consideration in the Comprehensive Plan update process. By the last business day of April, a Docket Report with executive responses and recommendations is released.

The information in the Docket Submittals Report includes the complete set of materials as they were submitted by the proponent. Providing the Docket Submittals Report to the public early in the process, and even before substantive analysis has occurred, allows for more transparent communication regarding the issues that the County is being asked to consider.

II. OVERVIEW OF SUBMITTALS

The following item was received by King County by the deadline of December 31 for consideration in this year's Docket process.

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Brief Summary</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Mr. &amp; Mrs. Fletcher</td>
<td>Request to change land and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.</td>
</tr>
</tbody>
</table>
The following map identifies the location of the Docket item(s).

III. SUBMITTALS

The tables below include all the information provided with the Docket submittal. For clarity and context purposes, but not analytical purposes at this stage in the process, maps are provided by the County that show the vicinity of the area, an aerial photo, the Comprehensive Plan land use designation, and the zoning classification. If special district overlays or property-specific development conditions are present, these are provided as well.

<table>
<thead>
<tr>
<th>Docket Request #1: Fletcher</th>
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<tbody>
<tr>
<td><strong>Name of Requestor(s):</strong> Michael and Linda Fletcher</td>
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<tr>
<td><strong>Council District:</strong> #9</td>
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<tr>
<td><strong>Summary Category:</strong> Land Use and Zoning Change</td>
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</table>

**Submitted Request**
Request to change the current zoning and land use designation from Neighborhood Commercial (NB) to Industrial (I). Combined size is 3.54 acres.

**Address**
18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070
Docket Request #1: Fletcher

Submitted Background Information

The owners have attempted twice to align the actual use (industrial recycle center) with the correct zoning (Industrial) as are the adjacent land uses to the south. As stated before, the use is non-conforming (grandfathered) and poses a big issue in the need to resell/re-finance the property if a crisis arises (i.e. Covid-19, etc.). Fortunately, there is not an urgent need, but the Fletchers are elders in the community and things could change in an instant.

Enclosed is the docket request form along with supporting materials. I also enclosed a letter I sent Councilperson Dunn back in 2018 that was part of the first request.

We urge you and your team to give this some serious thought during your evaluation. We encourage any meeting(s) that may be helpful whether in-person or electronically. This is very important to them and there are no hardships/repercussions to these properties or the adjacent properties in making the revision.
PK ENTERPRISES

October 10, 2018

Councilmember Reagan Dunn
King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

RE: Fletcher Comp Plan / Re-Zone Request for Property Located at 18407 Renton-Maple Valley Highway, Maple Valley, WA.

Assessor’s Parcel Numbers: 322306-9070, 3223669052

Dear Councilmember Dunn:

On behalf of Mr. and Mrs. Michael Fletcher, PK Enterprises is working with county staff through the current Comprehensive Plan / Zoning Updates for the 2018 year. For over 30 years, this property has been utilized as a recycling center and the owners would like for the use to continue as such. The zoning is Neighborhood Business (NB) which makes the use non-conforming. Therefore, the proposal is to re-zone the land to Industrial (I) making the land use and zoning compatible.

There are practical reasons to get the property into conformity. The adjacent properties to the east are also zoned Industrial. Therefore, there would be consistency in the zoning designation with this “pocket” of industrial/commercial uses. From a business standpoint, the ability to re-finance or sell a non-conforming use in the event of an emergency (health, etc.) is impeded dramatically on both sides. There is a tendency to look at only the positives or upside, but when reality hits and decisions need to be made quickly—this is when removing such obstacles by planning makes sense. Re zoning the property to Industrial would be an important obstacle removed for Mr. and Mrs. Fletcher.

An application request was made on June 30, 2018 to the county for consideration. Since then, we have been working with Mr. Ivan Miller, KC Comprehensive Planning Manager, on the matter. There has been some push back on designating the property Industrial with the notion that another “commercial” designation would be better (i.e. Commercial Business (CB) or Regional Business (RB)). In reviewing Title 21A, the only designation that seems to appropriately categorize this use falls under Section 21A.08.080 Manufacturing Land Uses as Materials Processing Facility. Reviewing the table, this use is only permitted in the Industrial zone.

The purpose for writing you is for your assistance to aid staff in favor of this proposed land use modification. We realize the council will likely accept the recommendation of staff and we need to direct them to the correct decision. To date, we have not heard back on their position as they were planning on consulting with the Department of Planning and Environmental Review. In terms of ever expanding the use, it is understood that the owners would need to go through the development process and conform to all requirements of the county. This point has been discussed and acknowledged by Mr. Miller.

21035 SE 263RD STREET • MAPLE VALLEY, WA • 98038
PHONE: (206) 217.7445 • PKENTERPRISES.MY@GMAIL.COM
Thank you for your time and consideration on this matter. The matter is very important to the Fletchers and they would appreciate your support at this time. If there are questions, please do not hesitate to contact me at (206) 227-7445.

Sincerely,

PK ENTERPRISES

PHILLIP KITZES

CC  Mr. and Mrs. Michael Fletcher
County Maps of Docket Area (parcels highlighted in blue)

Vicinity:

![Fletcher Docket - Vicinity Map](image-url)
County Maps of Docket Area (parcels highlighted in blue)

Zoning:

![Fletcher Docket - Zoning Map]

Legend:

- A-10: agricultural, one DU per 10 acres
- A-35: agricultural, one DU per 35 acres
- F: forest
- M: minerals
- RA-2.5: rural area, one DU per 5 acres
- RA-5: rural area, one DU per 5 acres
- RA-10: rural area, one DU per 10 acres
- UR: urban reserve, one DU per 5 acres
- R-1: residential, one DU per 5 acres
- R-4: residential, 4 DU per acre
- R-6: residential, 6 DU per acre
- R-8: residential, 8 DU per acre

The information indicated on this map has been compiled by King County, and is subject to change without notice. King County makes no warranty of any kind, expressed or implied, as to accuracy or completeness of this information. Changes to the data are subject to public review and approval. The information provided herein may not reflect the most recent decisions of the county or other relevant authorities. This document is not intended for use as a planning tool. King County assumes no liability for the use of this information. The information shown on this map is provided solely for public information and cannot be relied upon for planning purposes.

Date: 1/8/2021

Map Source: King County
County Maps of Docket Area (parcels highlighted in blue)

Land Use:

Fletcher Docket - Land Use

Legend
- Search Results:
  - King County Parcels
- Overide 1
- Comprehensive plan land use
- City and rural areas
- UGA
- Unincorporated activity center
- Urban planned development
- Community business center
- Commercial outside of centers
- Neighborhood business center
- Urban residual high >12 dtu/ac
- Urban residual medium 4-12 dtu/ac
- Urban residual low 1-4 dtu/ac
- Rural area 2.5-10 ac/ha
- Rural towns
- Rural neighborhood and commercial centers
- Agricultural
- Ferrovary

Property Specific Development Conditions and Special District Overlays:

None are present on the subject properties.

As noted in the submitted materials, this Docket item was submittal previously in 2018 and 2020. Links to Docket Reports for those years is as follows:

- 2018 Docket Report
- 2020 Docket Report

III. FOR MORE INFORMATION

The purpose of the Docket Submittals Report is to provide notification regarding the proposals that have submitted. The report is posted shortly after the Docket deadline of December 31 and is therefore released prior to conducting analysis on the request(s). The next steps in the process are described in the aforementioned Docket Reports.

Contact Ivan Miller, Comprehensive Plan Manager, 206-263-8297, and ivan.miller@kingcounty.gov.
April 30, 2021

Michael and Linda Fletcher
18407 Renton-Maple Valley Highway
Maple Valley, WA 98038

Dear Mr. and Mrs. Fletcher,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process\(^1\) is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

**Submittal**: Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.

**Discussion**: This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018 and 2020. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for several substantive reasons, and these are stated in the 2018 Docket Report, which can be viewed at:


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King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.

Additionally, a suite of policy changes related to Non-Resource Industrial Uses in the Rural Area were considered in the 2020 Comprehensive Plan update that might have had bearing on this Docket Submittal. However, after significant discussion and review by the Executive and the Council, none of the changes were adopted and the policies remain as they were in 2018 when this Docket Submittal was initial considered. Given this, there are no changes to the policies that are discussed in the 2018 Docket Report and that guide the analysis of this Docket Submittal.

**Executive Recommendation:** Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur. The Executive and the Council have the option to include review of this Docket Submittal in the scope of work for the 2024 update.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year’s Docketing process.

Sincerely,

Lauren Smith  
Director of Regional Planning  
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division  
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget
Attachment C: Public Comments on 2021 Docket Request
March 31, 2021

April Putney  
Chief of Staff, King County Executive Dow Constantine  
Executive Office  
401 5th Ave. Suite 800  
Seattle, WA 98104

Dear Ms. Putney:

I am writing to bring attention to an issue of joint concern and to voice my strong opposition to the 2021 Docket request submitted to change land zoning on two parcels, parcel numbers 3223069070 and 3223069052 on the Renton-Maple Valley Road near the Cedar Grove Natural Area, from Neighborhood Business to Industrial.

King County's policies as described in the King County Comprehensive Plan intend to limit the expansion of industrial zoning in rural areas. This is to protect rural areas by safeguarding against the adverse impacts of industrialization. It is understood and established that a rise in industrial use can cause harm to the local environment and components critical to rural character, including natural resources, habitat, and farmland.

Regarding parcels 3223069070 and 3223069052, the 2018 Docket Report outlines many concerns that would need to be resolved if re-zoning were to be considered. There are many reasons these parcels wouldn’t be able to accommodate industrial use, including the lack of septic systems, drainage systems, other utilities, and parking. These findings were affirmed in the 2020 Docket Report, noting there these conditions of the subject parcel and the conditions of the subject area has not changed substantially. The parcels are also designated as Category I critical aquifer recharge area, and industrial zoning would make drinking water highly vulnerable to contamination. The Cedar River is also critical habitat for migrating salmon, populations of which would also suffer under industrial contamination.

Speaking in my capacity of the elected representative of residents of unincorporated Renton and Maple Valley, I can say that nowhere in King County has industrialization been a more intrusive threat than in this community. Residents of this area have repeatedly, over many years, voiced their concerns over a proposed zoning change of parcel 1923069026, which is adjacent to parcels 3223069070 and 3223069052. The proposed new use for parcel 1923069026 is for an asphalt manufacturing facility. An online petition has garnered almost 8,000 signatures from neighbors who vehemently oppose the
zoning change. Taken together, these three parcels would represent a huge intrusion of industrial use into this rural neighborhood if King County approves re-zoning.

For all of these reasons, I would expect the finding to be consistent with the 2018 and 2020 decisions to deem the property not eligible for consideration in an annual amendment. I strongly believe that it would be negligent for King County to move forward with industrial zoning within rural areas of Renton and Maple Valley, specifically in regards to parcels 3223069070 and 3223069052. It is of critical importance that we listen to impacted communities and prioritize the protection of our environment—including our potable water and struggling salmon population—over industrial businesses.

Thank you for considering this request.

Sincerely,

[Signature]

Reagan Dunn
Vice Chair
Metropolitan King County Council

cc: Jim Chan, Division Director for Permitting
    Shannon Braddock, Deputy Chief of Staff, King County Executive Office
    Karan Gill, Director of Council Relations, King County Executive Office
Docket Item (D.I.) #1
Location: 18407 Renton-Maple Valley Highway (SR-169)
Parcel ID Nos.: 3223069052 and 3223069070

“Request to change land and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.”

INTRODUCTION
The D.I. requestors’ own submitted background information explains exactly what is happening here:

“The owners have attempted twice to align the actual use (industrial recycle center) with the correct zoning (Industrial).…. As stated before, the use is non-conforming (grandfathered [sp]) and poses a big issue in the need to resell/re-finance the property…. Fortunately, there is not an urgent need, but the Fletchers are elders in the community….”

Clearly, the D.I. requestors’ are getting on in age and seek to sell. Rezoning the parcels from Neighborhood Business (NB) to Industrial (I) could and, most likely, would, greatly increase the asking prices for the parcels. The D.I. Request has nothing to do with continuing the existing use on the parcels as that use is allowed as a “non-conforming” use, as the D.I. requestors’ state in their own words.

DISCUSSION
We previously have submitted detailed comments on the D.I. requestors’ past two attempts for a rezone through the Docket Process: 2018 and 2020—those are attached and fully explain our supporting rationale. In our 2018 response we also included “Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989,” which we again attach (separately) for convenience.

Further, King County, in denying the D.I. requestors’ 2020 D.I. Request it deemed it:

“…not eligible to be considered until 2024, which is when the eight-year cycle update will occur.”

We could not agree more; however, we believe it again should be denied in 2024.

RECOMMENDATION
D.I. #1 should be denied for the third time.

Attachments:
2. Comments on D.I. Request #4, GMVUAC, October 2, 2018.
D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a re-submittal of a 2018 request. However, in this case, the requester specifically asks for: “the opportunity to sit down with the councilman and staff to discuss the merits of this request.” The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a “site-specific” amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.
“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”

INTRODUCTION
The D.I. states the site’s existing business is an “industrial use” that is “grandfathered.” The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing “metal recycling” business is indeed “grandfathered,” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the next owner could propose a different industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s Cedar River Sites Industrial Moratorium (CRSIM) Study as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “Industrial.”]

BACKGROUND
The D.I. specifically refers to the adjoining site to the south and its “I” zoning as justification for the site in question to be rezoned to “I”. Attached is the final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to “I-P” (I zoned, but with a P-suffix—which imposed express limitations on future use).

The “I-P” zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and Tahoma-Raven Heights Subarea Plan by Ordinance 12824 in 1997). The uses of that “I-P” zoned site are limited to those allowed in the Regional Business (RB) zone and “vehicle interior refurbishing and re-upholstering.”

DISCUSSION
The 1989 rezone was unique and cannot, and should not, constitute grounds for rezoning the site in question from “NB” to a general “I” without any P-suffix to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4’s assertion that a “rezone of their property to ‘I’ - Industrial would be consistent with the zoning and use of the property to the south” simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic “I” could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic “I”, rezoning of the site to allow lawful continuation of an existing nonconforming use has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under existing zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from "NB" to "I") inconsistent with the KC Comprehensive Plan (KCCP) must be considered and resolved first through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed legislative; whereas, a site-specific rezone is quasi-judicial and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any bifurcated process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION
D.I. #4 should be denied.
“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”

INTRODUCTION

The D.I. states the site’s existing business is an “industrial use” that is “grandfathered.” The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing “metal recycling” business is indeed “grandfathered,” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the next owner could propose a different industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s Cedar River Sites Industrial Moratorium (CRSIM) Study as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “Industrial.”]

BACKGROUND

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The ”I-P” zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and Tahoma-Raven Heights Subarea Plan by Ordinance 12824 in 1997). The uses of that ”I-P” zoned site are limited to those allowed in the Regional Business (RB) zone and “vehicle interior refurbishing and re-upholstering.”

DISCUSSION

The 1989 rezone was unique and cannot, and should not, constitute grounds for rezoning the site in question from ”NB” to a general ”I” without any P-suffix to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4’s assertion that a “rezone of their property to ‘I’ - Industrial would be consistent with the zoning and use of the property to the south” simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic ”I” could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic ”I”, rezoning of the site to allow lawful continuation of an existing nonconforming use has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under existing zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from ”NB” to ”I”) inconsistent with the KC Comprehensive Plan (KCCP) must be considered and resolved first through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed legislative; whereas, a site-specific rezone is quasi-judicial and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any bifurcated process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. #4 should be denied.

D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a re-submittal of a 2018 request. However, in this case, the requester specifically asks for: “the opportunity to sit down with the councilman and staff to discuss the merits of this request.” The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a “site-specific” amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.
This property is directly adjacent to the GMVUAC’s western border. The request is to use the 4:1 program to take the ~34.5-ac, RA-2.5 zoned site and adopt urban-designated development of R-6 (6 DUs/ac) over 20% of the site (~7 ac), thereby creating ~41 lots.

Our biggest issue is this entails extending sewer lines from the Urban Growth Area into the Rural Area to serve the projected ~41 home sites. Although the requester states there is an existing sewer line that extends through the site to serve the existing school, that line should be tightlined (as specified in the King County School Siting Task Force which convened in 2011-2012—GMVUAC member, Peter Rimbos, served on the Task Force). We expect the requestor cannot achieve the density that would accompany the requested R-6 zoning with septic systems and, thus, needs extension of sewer lines. Extending sewer lines in to the Rural Area would violate County-Wide Planning Policy (CPP) DP-17c [“Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area”].

One of the GMVUAC’s bedrock principles is to “Keep the Rural Area rural” and one very strong way to do that is to not extend sewer lines into the Rural Area. King County policy agrees with this and it was a heavy determinator during the School Siting Task Force deliberations and recommendations.

In addition, a direct access road is required to be extended from the from the Urban Growth Area. The only existing road (174th Ave SE) to serve the school enters from the southeast, all in the Rural Area, from Lake Desire Dr.

Finally, the City of Renton would have to designate this area as part of its Potential Annexation Areas (PAAs), according to CPP DP-17g [“Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city’s Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area change.”]. The City of Renton already has several designated PAAs. One of which lies directly adjacent to the west of this area. For many years the City has chosen not to annex any of these PAAs, nor do we expect it would do so here, even if the city designated it as a PAA, thus defeating the purpose of requiring the subsect of the 4:1 to be part of a designated PAA.

We request the Executive to recommend this D.I. Request be rejected, in part, due to the need for sewer line extensions into the Rural Area and the strong possibilities that the City of Renton, although it might designate it as part of its many PAAs, would have no real intention of annexing it in the future.
January 6, 1989

OFFICE OF THE ZONING AND SUBDIVISION EXAMINEE
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Building and Land Development File No. 124-88-R
Proposed Ordinance No. 88-871

BRICE V. WILLINGHAM
CG to ML-P

West side of Renton-Maple Valley Road, 160 feet
south of S.E. 184th (if extended)

SUMMARY OF RECOMMENDATIONS:
Division's Preliminary: Approve ML-P subject to
conditions
Division's Final: Approve ML-P subject to
conditions
Examiner: Approve ML-P subject to
conditions (modified)

PRELIMINARY REPORT:
The Building and Land Development Division's Preliminary
Report on Item No. 124-88-R was received by the Examiner
on November 30, 1988.

PUBLIC HEARING:
After reviewing the Building and Land Development
Division's Report, examining available information on file
with the application and visiting the property and
surrounding area, the Examiner conducted a public hearing
on the subject as follows:
The hearing on Item No. 124-88-R was opened by the Examiner at
10:30 a.m. on December 22, 1988 in Hearing Room No. 2, 3600 -
136th Place S.E., Bellevue, Washington, and adjourned at 11:10
a.m. and administratively continued until January 3, 1989, 4:30
p.m. Participants at the public hearing and the exhibits
offered and entered are listed in the attached minutes. A
verbatim recording of the hearing is available in the office of
the Zoning and Subdivision Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the
record in this matter, the Examiner now makes and enters the
following:
FINDINGS:

1. General Information:

   STR: S32-T23-R5

   This is a request for zone reclassification from CG to ML-P in order to enable continued operation and expansion of an existing vehicle upholstery and interior refurbishing business on a 1.37 acre site located on the west side of Renton/Maple Highway, approximately 160 feet south of S. E. 184th Street (if that street were extended).

2. In 1986, King County issued a building permit for the existing principal structures. The permit specified that the buildings would be used for "upholstery shop" purposes. Exhibit No. 16.

3. Except as noted above in Finding 2, the facts, analysis and recommendation presented in the Division of Building and Land Development Preliminary Report dated December 22, 1988 (published November 30, 1988) are uncontested and they are incorporated here by reference. A copy of the Division of Building and Land Development report will be attached to the copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Division of Building and Land Development, it is concluded that approval of the subject action as recommended below, would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of the subject action.

2. Considering the authorization of public improvements affecting this property (SR 169, including 1993 signalization of the Maple Valley/Cedar Grove intersection), as well as other circumstances affecting the subject property (including continued nonconforming industrial use of two abutting properties and County issuance of a building permit specifying the existing use), it is concluded that the proposed reclassification as recommended below would carry out and help to implement the goals and objectives of the Comprehensive Plan, the Zoning Code and other policies and objectives for the growth of King County. The requested use will not be unreasonably incompatible with, or detrimental to, affected properties and the general public, and will be consistent with KCC 20.24.190.

RECOMMENDATION:

APPROVE ML-P with the following conditions of "P-suffix" site plan approval (reference KCC 21.46.150 through 21.46.200):

A. Uses on the subject property shall be limited to the following:

   (1) Any use permitted in the CG classification (KCC 21.30; General Commercial).
(1) Vehicle interior refurbishing and re-upholstery.

B. The required site plan shall reflect any proposed uses or changes in uses of the existing buildings and any future buildings. The site plan will be prepared consistent with King County landscaping, parking, drainage, fire and other applicable review standards. Performance bonding may be required.

ORDERED this 6th day of January, 1989.

[Signature]
Robert Stanley Titus
Deputy Zoning and Subdivision Examiner

TRANSMITTED this 6th day of January, 1989 by certified mail to the following parties of record:

Brice Willingham          James G. & Sandra Routos

TRANSMITTED this 6th day of January, 1989 to the following parties:

Gordon Thomson, Building and Land Development Division
Craig Larsen, Building and Land Development Division
Betty Salvati, Building and Land Development Division
Paul Reitenbach, Community Planning
Larry Kirkner, Seattle-King County Dept. of Public Health
METH
Washington State Department of Fisheries
Washington State Department of Transportation

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of $50.00 (check payable to King County Office of Finance) on or before January 20, 1989. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before January 27, 1989. If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.
Action of the Council Final. The action of the Council
approving or adopting a recommendation of the Examiner shall be
final and conclusive unless within twenty (20) days from the
date of the action an aggrieved party or person applies for a
writ of certiorari from the Superior Court in and for the
County of King, State of Washington, for the purpose of review
of the action taken.

MINUTES OF THE DECEMBER 22, 1988 PUBLIC HEARING ON BALD FILE
NO. 124-88-R:

Robert Stanley Titus was the Hearing Examiner in this matter.
Those participating in the hearing were Mr. and Mrs. Brice
Willingham.

The following exhibits were presented and entered into the
record:

Exhibit No. 1 Building and Land Development Division
Preliminary Report, dated December 22, 1988
Exhibit No. 2 Rezone Application, dated October 10, 1988
Exhibit No. 3 Determination of Nonsignificance effective
November 15, 1988
Exhibit No. 4 Five Building and Land Development Division
photographs dated November 8, 1988
Exhibit No. 5 Site Plan with Fire Engineer's notation
Exhibit No. 6 Letter from Brice Willingham, dated November
9, 1988
Exhibit No. 7 Letter from Department of Fisheries, dated
November 19, 1988
Exhibit No. 8 Letter from METRO, dated November 29, 1988
Exhibit No. 9 Memo from Craig Larsen of Community Planning,
dated November 30, 1988
Exhibit No. 10 Letter from J. L. Lutz of the Washington
State Department of Transportation
Exhibit No. 11 500 Foot Radius Notice, dated November 16,
1988
Exhibit No. 12 Affidavit of Posting, dated November 10, 1988
Exhibit No. 13 Preliminary Site Plan (Plat & Paving Plan)
Exhibit No. 14 Examiner's Report and Building and Land
Development Division Report in BALD File No.
301-73-P
Exhibit No. 15 Assessor's Map of SE1/4 S32-T23-R6
Exhibit No. 16 Willingham application for Building Permit
No. 103910, dated February 13, 1986
PARKS, PLANNING AND RESOURCES DEPARTMENT
BUILDING AND LAND DEVELOPMENT DIVISION
PRELIMINARY REPORT TO THE ZONING AND SUBDIVISION EXAMINER
DECEMBER 22, 1988 - PUBLIC HEARING

APPLICANT: BRICE E. WILLINGHAM
FILE NO. 124-88-R
Proposed Ordinance No. 88-871

I. INTRODUCTION:

A. GENERAL INFORMATION:

Owner: Brice E. Willingham
20008 - 244th Ave. S.E.
Maple Valley, WA 98038
Phone: 432-9867

Location: West side of Renton-Maple Valley Road,
160 feet south of S.E. 184th (if extended).

STR: 32-23-6

Request: CG to ML-P

Agencies Contacted:
Washington State Department of Fisheries
Washington State Department of Wildlife
Washington State Department of Transportation
Washington State Department of Ecology
Washington State Parks and Recreation
King County Fire District No. 43
METRO
King County Traffic Division
Issaquah Planning Department
King County Health Department
King County Parks Division
King County Planning Division

B. SUMMARY OF ACTION:

This is a request for a rezone CG to ML-P to permit an
existing vehicle upholstery and interior refurbishing
business on a 1.37-acre site. A 2500-square-foot concrete
wall and steel-framed building and a 546-square-foot single-
story wood frame "caretaker's" residence exist on the site.
The applicant is proposing a second 2500-square-foot steel-
framed building. A site plan has been submitted.

C. KCC 21.32.010 Purpose of classification. The purpose
of this classification and its application is to provide for
the location of and grouping of industrial activities and
uses involving the processing, handling and creating of
products, and research and technological processes, all as
distinguished from major fabrication, and uses which are
largely devoid of nuisance factors, hazard or exceptional
demands upon public facilities and services. A further
purpose is to apply zoning protection to the industries so
located by prohibiting the intrusion of residential and
institutional uses and all commercial enterprise, except
those which serve as accessory to the needs and convenience
of such industries, thus establishing a pattern of land use
advantageous to the specialized needs of the uses permitted
in this classification. (Res. 25789 (1600, 1963).

KCC 21.32.020 Permitted uses. The following uses only
are permitted and specifically provided and allowed by this
chapter:
A. Any use first permitted in the C-G classification
provided however a dwelling shall be permitted on the same
lot or site on which an industrial use is located when the dwelling is used exclusively by a caretaker or superintendent of such enterprise and his family.

(D) Upholstering.

D. STATE ENVIRONMENTAL POLICY ACT/BACKGROUND:

1. The Manager of the Building and Land Development Division (BALD) issued a determination of non-significance (DNS) (see Attachment 1) on November 15, 1988. A DNS indicates that environmental impacts from the proposal are not anticipated to be significant. Therefore, an Environmental Impact Statement (EIS) is not required.

2. The subject property was zoned CG under File 301-73-P. The file no longer exists. The Division's report and the Examiner's report on the case, however, do not indicate that a specific use for the property was discussed or planned at that time.

Prior to the CG zoning the subject property was zoned SE under the Maple Valley Area Zoning in 1969. A rezone (File 308-72-P) from SE to CG was also granted by the Council on property immediately to the northwest.

3. The applicant applied for and was issued a building permit (#103910) for two buildings on the site. Staff notes that the bus refurbishing use was not known at that time and that the January 21, 1986 Environmental Checklist for the building permit described the buildings to be used for "general commercial" uses. The permit approved B-2 (office) buildings when both B-1 (storage/maintenance) and B-2 should have been indicated. One building (on the corner of the site) was built before the permit expired. A renewal (#108467) was applied for on the second building. The renewal is on hold pending resolution of this rezone request.

4. Uses that are first permitted in a M-H zone (a junk yard and equipment storage yard) are present on either side of the subject property. The underlying zoning on both sites is CG. The non-conforming MH uses have existed on these sites for over 20 years and have shown no sign of being discontinued. CG zoning was approved for the site of the junk yard northwest of the subject property in 1972 (File 308-72-P). The Tahoma/Raven Heights Community Plan retained CG zoning on both the subject property and the two properties with MH uses without acknowledging the existence of those uses. Staff notes, after viewing aerials, that prior to development of the upholstery use the subject property appears to have been vacant.

II. ISSUE ANALYSIS:

This analysis is based upon the responses of the agencies of jurisdiction and other reviewing public agencies; citizens and community organizations; a field inspection of the project site; and information submitted by the applicant.
A. UTILITIES AND PUBLIC SERVICES:

1. Sewer and Water: The subject property is served by a septic system. The Seattle-King County Department of Public Health approved an application for an individual sewage disposal system for an upholstery shop on the site on May 26, 1989 (see Attachment 2).

Water service is provided to the site via a community well shared with three other parties. Water flow is unknown; however, the buildings are exempt from King County Fire Engineering requirements per Ordinance No. 5828, Part 4, Section 4.

B. TRAFFIC AND TRANSPORTATION:

King County Code 21.49 (Road Adequacy Standards) does not require rezones to comply with Level-of-Service (LOS) standards. The standards, however, do not limit the authority of King County to deny or approve with conditions:

A. Zone reclassification requests based on traffic impacts, or
B. Proposed developments or zone reclassifications if King County determines a hazard to public health, safety, or welfare would result from direct traffic impacts without roadway or intersection improvements, regardless of LOS, or
C. Proposed developments reviewed under the authority of the Washington State Environmental Policy Act (Ord. 7544 (12, 1986).

The subject property fronts on Renton-Maple Valley Highway, a state highway. A highway access permit is therefore required. King County Traffic and Planning and Washington State Department of Transportation (WSDOT) had no comments on the proposal.

C. ENVIRONMENT:

The site is flat and covered with impervious surface over approximately 50% of the site. The King County Sensitive Areas Map Folio does not indicate the presence of any sensitive features on the site. The Cedar River is approximately 800 feet north of the site. The site is topographically constrained by a hill immediately to the west.

D. 1985 COMPREHENSIVE PLAN AND TAHOMA/RAVEN HEIGHTS COMMUNITY PLAN:

In accord with Ordinance No. 7178, Section 2, C-1, the following Comprehensive Plan and Tahoma/Raven Heights policies are cited:

1. The subject property is located within the "Urban Areas" designation of the 1985 Comprehensive Plan.


a. CI-108: King County should encourage a wide range of commercial and industrial development in Urban Activity Centers, and should provide for small-scale retail stores, offices and services in Community and Neighborhood Centers. Commercial
and industrial development should occur primarily in compact centers.

COMMENT: The intent of Policy CI-108 is to encourage the location of industrial development in compact centers (i.e. Urban and Rural Activity Centers). However, it does not, by the use of the word "primarily," preclude industrial development outside of Urban Activity Centers. The subject property is located in the "Urban Area" as designated by the 1985 Comprehensive Plan. As noted previously (Section I, D-2), CG zoning has existed on and adjacent to the site since 1973. The nonconforming MH uses present on the adjacent CG-zoned properties have been in existence for 20 to 25 years. The CG zoning which exists in the vicinity is an approximately 8-acre strip fronting on Renton-Maple Valley Road (SR 169).

b. CI-228: Individual separate industrial sites may be permitted in Urban Areas when adequate facilities and services can be provided, adverse impacts on adjacent land uses and the natural environment are mitigated, and when these sites are located to provide a suitable core for a future Urban Activity Center.

COMMENT: As noted in the comment to CI-108, the subject property is located in an Urban Area. CI-228 serves to elaborate upon CI-108 by specifically allowing industrial development outside of "activity centers" providing adverse impacts can be mitigated and the location provides a core for a future activity center. Although the site may not be part of a future Urban Activity Center, the property is located within a core of CG-zoned property which currently accommodates long-standing, nonconforming MH type uses.

c. CI-231: Industrial development should be designed to be compatible with adjoining uses. Off-site impacts such as noise, odors, light, and glare should be prevented through pollution control measures, setbacks, landscaping, and other techniques. Unsightly views of parking, loading, and storage areas should be screened from neighboring office retail and residential uses.

d. CI-232: Industrial development should have direct access from arterials or freeways. Access points should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential areas should be avoided.

COMMENT: As noted in the comments to CI-108 and CI-228, the land uses surrounding the subject property are MH. The applicant has submitted a site plan. Policy CI-231 could be implemented with the addition of a "P" suffix requiring site plan approval per KCC 21.46.150 through 21.46.200 to the rezone. In reference to Policy CI-232, the right-of-way for SR 169 is located adjacent to the property on the northeast. As noted previously, a State Highway Access Permit is also required for the proposal.
3. T/RH Plan Policies 23, 24, 25, and 26:
   a. T/RH #23: Existing commercial sites located outside of designated centers should be allowed to
develop to the limits of the present zoning; however, expansions should not be allowed.
   b. T/RH #24: Future industrial development should be encouraged unless proven incompatible
   with surrounding land use and densities.
   c. T/RH #25: Industrial development should be located where a full range of urban/suburban
   services are available, including water supply, sewers, solid waste disposal, road access, public
   transit, and an adequate level of police and fire protection.
   d. T/RH #26: Industrial development should be given special site review to ensure that all local
   impacts are mitigated.

COMMENT: T/RH Policies 23, 24, 25, and 26 provide a general location criteria for general commercial and
industrial uses in the T/RH planning area. That criteria places a size limit on existing commercial sites
outside of designated centers and calls for a compatibility test for industrial development. Compatibility
includes such factors as environmental impact and the availability of urban/suburban services. Both factors
are discussed in Section II (A-C) of this report.

III. OTHER CONSIDERATIONS:

A. KCC 20.12.070 Community plan amendments -
   Criteria for advancing revision schedule: A study to
determine the need for revision of one or more community
plans shall be undertaken by the Department of Parks,
Planning, and Resources in cooperation with the policy
development commission if appropriate when the Council
adopts a finding that one of the following criteria is
present:
   A. Development activity is substantially greater than
   anticipated in the plan, as indicated by:
      1. County-wide or community plan area total
         residential unit construction as measured by building
         permits and by annual subdivision activity as measured by
         number of lots created or by acreage, is one hundred percent
         higher for twelve consecutive months than the average level
         for the previous three years, or
      2. County-wide or community plan area total annual
         vacant land consumption is occurring at a rate of one
         hundred percent higher for twelve consecutive months than
         the average rate for the previous three years;
   B. In the review of a request for a zone
      reclassification, planned unit development, subdivision, or
      unclassified use permit, the Council finds that the request
      is inconsistent with an adopted community plan, but circum-
      stances affecting the area in which the proposal is located
      may have undergone changes substantially and materially
different from those anticipated or contemplated by the
community plan, and that the impacts from the changed
   circumstances make consideration of a plan revision neces-
ary. The application shall be denied without prejudice or
defered at the request of the applicant until the Depart-
ment of Parks, Planning, and Resources completes a study to


determine the need for a plan revision, and a plan revision, if any, is adopted by the Council.

C. Issues of current concern to area residents or the county, including but not limited to: policy conflicts due to subsequent comprehensive plan amendments, regional service or facility needs, annexations, or other circumstances not anticipated in the community plan make it necessary to consider a revision to one or more community plans. (Ord. 4305 (4, 1979.)

KCC 20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he shall make and enter findings of fact and conclusions from the record which support his decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out, and helps implement applicable state laws and regulations; and the regulations, policies, objectives, and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code, and other official laws, policies, and objectives of King County and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. (Ord. 4461 (9, 1979: Ord. 263 Art. 5) 14, 1969.)

KCC 20.24.190 Additional examiner findings - Reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings which support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or

B. An adopted community plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

C. Where a community plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted community plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and

3. The requested reclassification or redesignation is required in the public interest. (Ord. 4461 Sec. 10, 1979.)

COMMENT: The MH uses which exist on properties adjacent to the subject site (see I, D-4) were established 20 to 25 years ago and are considered legal, nonconforming uses. The Tahoma/Raven Heights Community Plan does not recognize the existence of these uses, instead retaining the CG zone on both properties. The presumption on the part of the community plan is that such non-
conforming uses will eventually move or go out of business, thus freeing up the properties for conforming uses.

B. The CG zone (KCC 21.30.030) accommodates assembly, fabrication, and heavy repair uses. Some of these uses include boat building (which may include fiberglassing), tire rebuilding, recapping, and retreading, laboratories, and machine shops. In a recent administrative decision, the Manager of BALD allowed an artificial marble sink and sill manufacturer in the CG zone, comparing the use to the fiberglassing operation one might find in boat building (see Attachment 3).

C. The 1987 Standard Industrial Classification (SIC) Manual is the statistical classification standard which underlies all "establishment-based" federal economic statistics classified by industry type. The SIC covers all economic activities and defines industries in accordance with the composition and structure of the economy. The SIC is useful in the subject case to help define whether or not a manufacturing use would be established on the site if the request were approved. The SIC classifies automotive upholstery repair under Top, Body, and Upholstery Repair Shop and Paints Shops (SIC Industry #7532). SIC 7532 is part of SIC Division I - Services, which is defined as follows:

"This division includes establishments primarily engaged in providing a wide variety of services for individuals, business, and government establishments, and other organizations. Hotels and other lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services, are included.

Establishments which provide specialized services closely allied to activities covered in other divisions are classified in such divisions."

Service uses are generally found in the CG zone per KCC 21.03.020. The list of permitted services in the CG zone, however, currently does not include upholstery.

IV. CONCLUSIONS AND RECOMMENDATIONS:

A. CONCLUSIONS:

1. No significant environmental impacts are expected to occur from continued use of the site for bus re-upholstery and interior refurbishing.

2. The request is consistent with the 1985 Comprehensive Plan, specifically Policies CI-108 and CI-228 which allow for individual industrial locations in the Urban Area when adverse environmental impacts can be mitigated (see Conclusion 1, above). Policy CI-232 has already been fulfilled by the nature of the location of the subject property on a major arterial. Policy CI-231 should be implemented with the addition of a P-Suffix condition.

3. The request is inconsistent with the Tahoma/Raven Heights Community Plan land use map and Area Zoning which designates the subject property for general commercial uses (upholstery is first permitted in the
5. Circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning. Moreover, the impacts from the changed circumstances affect the subject property in a manner and to a degree different from other properties in the vicinity such that area rezoning or redesignation is not appropriate. The changed circumstances have occurred as a result of the continuing use of the ML-zoned properties adjacent to the subject property for MH uses (see Section III.A.).

6. The use of the subject property for vehicle re-upholstery and interior refurbishing is no more intense than uses permitted in the CG zone. In fact, there are uses in the CG zone (e.g. boat building) which are more intense and pose a greater likelihood of environmental impact than the existing use. An alternative to an ML rezone would be to amend the CG zone to allow upholstery as an outright use.

7. The subject property is uniquely affected by the adjacent MH uses. These uses were not addressed during the T/RH plan update process and have only become an issue with this application.

8. The Department feels that a plan revision study is not required given the isolation of the subject property, due to the adjacent MH type uses and the hill to the west of the property. Given the long-term nature of the adjacent MH type uses, it is unlikely that ML zoning would be expanded to those properties.

B. RECOMMENDATION:

1. Approve ML-P with the following post-effective conditions:

a. Limit the use to the upholstery/vehicle interior refurbishing as proposed by the applicant.

b. A site plan shall be submitted for review by BALD at the time of building permit approval. The site plan shall reflect the proposed uses of the existing and any future buildings, in addition to landscaping and parking requirements of the zoning code.
TRANSMITTED to parties listed hereafter:

Brice E. Willingham
20008 - 244th Ave. S.E., Maple Valley, WA 98038
Paul Reitenbach, Community Planning
Larry Kirchner, Seattle-King County Dept. of Public Health
King County
Building & Land Development Division
Parks, Planning and Resources Department
3600 - 15th Place Southeast
Bellevue, Washington 98006-1400

November 10, 1988
Determination of Non-Significance

Effective Determination Date: November 15, 1988

File: 124-88-R Willingham Rezone

Proponent: Brice E. (Gene) Willingham
20008 244th Ave. SE
Maple Valley, WA 98038
422-9867

Proposal Description:
The rezone of 1.37 acres from CG (General Commercial) to MLP (Light Manufacturing with Provisions) zones. The business will be the refurbishing and uphol-stering of the interiors of charter and intercity buses. This is the legalization of an existing illegal use.


STR: 32-23-06

Mitigation under SEPA for this proposal includes:
1. Provide permanent protection of the drainfield; such as a log wheel-stops, fence, Type I landscape strip, or 6” extruded curb. This protection shall permanently prevent parking in this area.

Conditions:
1. Approval of this rezone does not constitute site plan approval. The information submitted does not allow BALD to review for building code requirements. The building permit issued for building #1 may have to be amended for the change in use of the building.

The Building and Land Development Division has determined that an environmental impact statement (EIS) is not required under RCW 43.21C, WAC 197-11, and KCC 20.44. This decision was made after review of a completed environmental checklist, other information on file at the Division’s office, and mitigation proposed and/or required as part of this project. The proposal or required mitigation is now part of the proposed action. The conditions and/or agreements are deemed necessary to mitigate environmental impacts identified during the environmental review process.

Any interested party may submit written comments on this proposal. Written comments or appeals will be accepted until November 30, 1988.

Any appeal shall state with specificity the reasons why the determination should be reversed. ALL APPEALS MUST BE ACCOMPANYED BY A NON-REFUNDABLE $50.00 FILING FEE.

Attachment 1
**SITE APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM**

(Submit 5 copies of application with 2 copies of plans)

(This accompanies the building permit application and is prerequisite to the issuance of the Individual Sewage Disposal System Permit. Acceptance of plan expires one year from date of acceptance. Using this plan to secure a building permit constitutes agreement to adhere to the requirements of the plan)

NOTE: If the property is within the boundaries of a sewer service area, it will be necessary to obtain written permission from the sewer authority allowing use of an individual sewage disposal system.

Approximate Location of Property - Street Address: 18711 Maple Valley Hiway

Addition or Subdivision: Attached

(Or attach legal description) Sewer Service Area Yes No Reserve Required 50% X 100%

Type of Building: New Single Family Residence 0 (No. Bedrooms) Others [Specify] Upholstery Shop

Shop & Office: Existing

North End: 10501 Meridian Ave. N. Seattle 98133 363-4765
Eastside: 2424 156 N.E., Bellevue 80044 885-1278 or 747-1760
Southwest: 3001 N.E. 4th Street, Renton 98055 328-3606 or 996-4970
Central: 10821 8th S.W. 98146 244-8400

Owner: Brice Willingham
Builder: Owner
Designer: Ed Harwood

Street Address: 20008 244th Ave. S.E.
City-Code: M.V. Wa 98008 Phone: 425-9867
City-Code: M.V. Wa 98008 Phone: 425-9867
City-Code: Auburn 98002 Phone: 533-5262

Soil Log Tests (Describe soils encountered preferably by SCS soil classification system) Minimum depth 48 inches.

Hole No. 1 0"-48" Sand & Gravel (Type 1)
Hole No. 2 Same
Hole No. 3 Same
Hole No. 4 Same
Hole No. 5 Same

Evidence of seasonal Water Table. (Probable minimum distance from ground surface) None


Percolation Tests (Fall in minutes per inch, bottom 6 inches of test hole) 1.0 M/P/I for design

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<th>Length of Time Soaked</th>
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(For additional remarks or comments attach letter in triplicate or utilize unused spaces around drawing on reverse side of application)

Signature - Designer: ED HARWOOD Cert. #62

VALID FROM DATE OF APPROVAL

DO NOT WRITE BELOW THIS LINE. (To be filled in by Health Department)

Accepted [District Office Use] Date: May 1, 2022
Not Accepted [Date]

Attachment 2
Mr. Mickey Conlin  
C/o Tiffany Marble Works  
16th Avenue South  
Seattle, WA 98146

RE: Application C88-1279 (11618 Des Moines Memorial Dr. South)

Dear Mr. Conlin:

I have reviewed your application with Jerry Marbett and Jerry Balcom.

Your proposed use, which I understand is custom culture marble business, is consistent with the purpose of the general commercial classification (21.30.010) and is likely to be of relatively less impact than some of the more intensive uses that are permitted (i.e., boat building, paint and carpenter shops and tire recapping).

The M-L zone, under permitted uses (21.32.020), does use language that describes the materials that you use, but I am further persuaded that your intensity of use (5 employees) and production of one and one-half now to three bathrooms a day maximum (approximately) would be less intensive than many of the uses that are permitted in the CG zone.

This letter then will serve as authority to complete your plans to move into your new location.

The request for more information contained in Herb Haines' September 30, 1988 letter must be answered and reflected in the final plans you prepare for our subsequent issuance, as well as any other applicable code(s).
I. About the Docket Process

In accordance with Revised Code of Washington 36.70A.470, the King County Docket was established in 1998 to provide an opportunity for County residents to register comments on the King County Comprehensive Plan and the associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify deficiencies (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan’s policies, area-wide land use designations, development regulations, and site-specific land use and zoning.

The Docket process is open continuously and, once a year, all items registered in the previous twelve months are considered. Submittals are compiled into a Docket Submittals Report\(^1\) that is made available via the Executive's Comprehensive Plan website and email list. Following this, Executive staff classifies each submittal as appropriate for the annual update (which primarily allows technical updates, corrections, and amendments that do not require substantive changes to policy language, as well as amendments to the King County Code) or the four-year midpoint or eight-year statutory updates (wherein all changes may be considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update or must be considered during a later time.\(^2\) For Docket submittals that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.\(^3\)

The next phase includes analysis of the requested change(s) by County departments, outreach to the proponent, public engagement (dependent on the type and scale of the submittal), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the submittal. The Executive then determines whether to advance the item as part of the next Executive-recommended Comprehensive Plan update.

On the last business day of April, the Executive transmits a Docket Report to the County Council with analysis, recommendations, and supporting collateral materials. The Council then includes all submitters of Docket items in the mailing list for the relevant County Council meetings and notifies them of any other opportunities for public testimony, as it considers the submittals. For docketed changes that are not


\(^2\) King County Code 20.18.140 and 20.18.030

\(^3\) King County Code 20.18.050 and 21A.44.060
recommended by the Executive, the proponent may petition the County Council during its legislative review process to consider the Docket submittal.

II. Summary of Submittals

King County received nine Docket submittals by the deadline of December 31, 2021 for consideration in the 2022 Docket process. The following table summarizes the 2022 Submittals. The complete set of submitted materials for the 2022 Docket process can be found in the Docket Submittals Report, included as Attachment A. Public comments received on the 2022 Docket is included as Attachment B.

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<td>Area Specific Map Changes</td>
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<td>1. Eric Hudson</td>
<td><strong>Cedar River Critical Aquifer Recharge Area Maps:</strong> Request to revise the County's Critical Aquifer Recharge Area (CARA) maps in the Cedar River Valley area for consistency with the United State Environmental Protection Agency (EPA) definitions.</td>
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<td>5. Scarcella Brothers Inc.</td>
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<td>6. Sean Foley</td>
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<td>7. Richard Miller</td>
<td><strong>North Highline Residential Rezone:</strong> Request to change zoning on one unincorporated urban parcel in the North Highline Potential Annexation Area from Urban Residential 8 (8 units per acre) to Urban Residential 24 (24 units per acre). Request includes a land use designation change from Urban Residential Medium to Urban Residential High.</td>
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### Docket Item | Brief Summary  
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8. Eight Unincorporated Area Councils | **Materials Processing in Rural Area:** Request to revise King County Code 21A.06.742 Materials Processing Facility to prohibit industrial-scale earth, construction and demolition materials processing, but still allow vegetation and organic materials processing in the Rural Area.  
9. Eight Unincorporated Area Councils | **Periodic Review and Reclamation Process:** Request to revise King County Code 21A.22.050 [Mineral Extraction] Periodic Review to require that the review process include the reclamation phase of a mineral extraction (i.e., mining) operation and closure.

### III. Submittals and Recommendations

King County received nine Docket submittals by the December 31, 2021 deadline for consideration in the 2022 Docket process. The following table lists the Docket submitter(s), identifies the County Council district, and includes the summary of the Docket submittal. This is accompanied by discussion and analysis of the relevant issues, including classification (i.e., eligibility for an annual update or midpoint/eight-year update), background and policy/code review, and concludes with an Executive recommendation.

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<thead>
<tr>
<th>Docket Item</th>
<th>Council District</th>
<th>Submittal, Background and Recommendation</th>
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</table>
| 1. Eric Hudson | 9 | **Cedar River Critical Aquifer Recharge Area Maps:** Request to revise the County's Critical Aquifer Recharge Area (CARA) maps in the Cedar River Valley area for consistency with the United State Environmental Protection Agency (EPA) definitions. As shown in the Docket Submittals Report, the request addresses a large area within the Cedar River area, primarily in Council District 9.  
  
**Classification:** The request proposes a change to a map that is adopted in the King County Code (21A.24.311-315). Substantive changes to the development code are allowed at any time, including annual updates, as long as they are consistent with the policies in the Comprehensive Plan. This change is eligible for consideration in an annual update.  
  
**Discussion and Analysis:** All jurisdictions in Washington State are required by the Growth Management Act to define and delineate CARAs within their areas of growth management. For King County, CARA designations are delineated only in unincorporated areas where criteria are met. King County Code 21A.24.313 outlines how the CARA is defined and delineated as follows:

21A.24.313 **Critical aquifer recharge areas — categories.**  
*Critical aquifer recharge areas are categorized as follows:*  

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5 The parties on this submittal include: Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV)
A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are:
1. Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or
2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one year time of travel to a wellhead for a Group A water system;
B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:
1. Have a medium susceptibility to groundwater contamination and are located in a sole source aquifer or a wellhead protection area; or
2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and
C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying an island that is surrounded by saltwater. (Ord. 16267 § 50, 2008: Ord. 15051 § 174, 2004).

These criteria use data from two sources that have delineated drinking water protection areas: sole source aquifer areas and wellhead protection areas as approved by the EPA and the Washington Department of Health, respectively. The drinking water data is overlain by another dataset which assesses the likelihood of water (and/or contamination) moving into the subsurface. This latter dataset is rated high, medium, or low for its susceptibility – i.e., the likelihood of movement into the subsurface. The resultant CARA dataset allows the maximum amount of protection of drinking water sources through land-use restrictions where it is needed, while allowing for local landowners to use their property without restrictions in areas where impacts are less likely to occur.

King County CARA code also includes "source" areas for aquifer recharge. The County categorizes these areas as Category II CARA based solely on the susceptibility, as noted above. These highly susceptible areas are assessed based on physical attributes (soil type, surficial geology, and depth to water data) and provides recharge protection to many areas throughout the County beyond the one "aquifer source" of the Cedar River.

Executive Recommendation: Based on the discussion and analysis, the Executive does not support the request to change the CARA map to include the "aquifer source area" of the Cedar River sole source area. The Executive also does not support the request to change the CARA code to only include the sole source aquifer mapping as the basis for delineating CARA categories. Rather, the Executive's position is that the existing CARA code balances the need to protect drinking water sources and aquifer recharge areas while allowing residents the ability to appropriately utilize their property.

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<td><strong>2008. Request includes a land use designation change from Industrial to Rural Area.</strong></td>
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<td><strong>Classification:</strong> The request proposes a zoning and land use designation change. Substantive changes to zoning and land use are allowed in annual updates, as long as they are consistent with the policies in the Comprehensive Plan. This request is eligible for consideration in an annual update.**</td>
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<td><strong>Discussion and Analysis:</strong> The proposed change would revert zoning on this parcel to Rural Area 5. This parcel was rezoned to Industrial, with an Industrial land use designation, in the 2008 Comprehensive Plan. That action amended the maps and the corresponding policies related to the &quot;Non-Resource Industrial Uses and Development Standards in the Rural Area&quot; portion of the Comprehensive Plan.**</td>
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<td>There is currently a pending development proposal and associated permit applications (including COMM18-0014) for this property. The proposed use is for asphalt processing – this is an allowed use in both Rural Area and Industrial zones, per the zoning code, Title 21A.08.080 Resource Land Uses. In 2018, King County studied this site (click <a href="#">here</a>). The study concluded that the land use designation and zoning was appropriate, that the permitted uses in the Industrial zone were appropriate, and that sufficient County, State and Federal regulations, mitigations and processes are in place to sufficiently minimize, mitigate or otherwise address land use and environmental impacts that may occur as result of the potential proposed development of industrial uses on this site.**</td>
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<td><strong>Executive Recommendation:</strong> Based on the discussion and analysis, the Executive does not support this request.**</td>
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<td><strong>Note:</strong> The Executive received a public comment on this Docket submittal; this is included in Attachment B.**</td>
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<tr>
<td>3. Ashwin Padmanabhan</td>
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<td><strong>Sammamish Area Residential Rezone:</strong> Request to change zoning on one unincorporated urban parcel in the Swan Lake Potential Annexation Area near the City of Sammamish from Urban Residential 1 (1 unit per acre) to Urban Residential 4 (4 units per acre). Request includes a land use designation change from Urban Residential Low to Urban Residential Medium. Parcel number 2625069099.**</td>
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<td><strong>Classification:</strong> The request proposes a zoning and land use designation change. This type of zoning and land use change is allowed in annual updates, as long as it is consistent with the policies in the Comprehensive Plan. This request is eligible for consideration in an annual update.**</td>
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|             |                 | **Discussion and Analysis:** As shown in the maps in the Docket Submittals Report, this parcel is part of large block of low-density residential parcels. These parcels are designated R-1 (Urban Residential, 1 unit per acre). This low-density urban designation is adopted for areas that were identified in County planning processes as environmentally constrained. This parcel is
Docket Item | Council District | Submittal, Background and Recommendation
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 |  | approximately 1.2 acres in size; this is consistent in size with some adjacent parcels but smaller than the predominant lot size in the surrounding area. Rezoning one parcel in this contiguous block could jeopardize the block of parcels as a whole, particularly given that most are of a larger size. This area is a Potential Annexation Area for the City of Sammamish and access to this parcel, and the contiguous block as a whole, is through the city. Density increases in these types of areas are typically done following annexation, as cities are provided the tools and resources under state law to better serve denser urban areas than the County. The impacts of increased density to County service provision would be further challenged by the lack of access, which must happen through the city.

As noted in the Docket submittal, the applicant wishes to remove the existing home and construct two new homes for multi-generational family use. If the zoning does not change, the applicant may be able to pursue development of a detached accessory dwelling unit, subject to the suite of development standards in Title 21A Zoning.

**Executive Recommendation:** Based on the service provision efficiency conditions, environmental constraints in the area, and potential impacts to the lot size pattern in the surrounding area, the Executive does not support this request.

4. Jennifer Potter & Rusty Willoughby 8 **Vashon Island Rezone to Neighborhood Business:** Request to change zoning on one parcel on Vashon Island from Rural Area 5 (Rural Area, one unit per 5 acres) to Neighborhood Business to allow for a retail store. Request includes a land use designation change from Rural Area to Neighborhood Business. Parcel number 8887000660.

**Classification:** This proposal would require the creation of a new, or expansion of an existing, rural neighborhood commercial center. Either of those actions would likely trigger the need for substantive policy changes in order to be approved. That type of policy change is allowed as part of a four-year midpoint or eight-year update, but not an annual update.

"R-501 The Rural Neighborhood Commercial Centers designated on the Comprehensive Plan Land Use Map are small-scale business areas that should provide convenience shopping and services for the surrounding community. No new Rural Neighborhood Commercial Centers are needed to serve the Rural Area and Natural Resource Lands. Expansion of the boundaries of the existing Rural Neighborhood Commercial Centers shall not be permitted except through a subarea study."

**Discussion and Analysis:** As shown in the maps in the Docket Submittals Report, this parcel is landlocked and surrounded on two sides by a parking lot for the Vashon-Maury Island Ferry northern terminal, and residential parcels on the remainder. Access to the parcel occurs through the parking lot. The permitted retail uses on a Rural Area 5 parcel are limited, much more so than a rural Neighborhood Business parcel. These limits are intended to prevent the
In order to allow different types of retail uses on the subject parcel, such as the uses proposed by the submitter, the property would need to be rezoned to Neighborhood Business and be changed to have a Rural Neighborhood Commercial Center land use designation. These rural centers are small pockets of commercial development in the Rural Area that provide limited, local convenience shopping, restaurants, and services to meet the daily needs of nearby rural residents.

While the creation of new Rural Neighborhood Commercial Centers is prohibited by Comprehensive Plan policy R-501, the policy does speak to expansion of existing centers and this would be accomplished through a subarea study. One of the challenges with expanding the commercial center to include this parcel is that the parcels between it and the nearby commercial center are built out with residential and other uses. The configuration of expanding the commercial center to include this property is challenging and could prove infeasible. This issue, along with other zoning, land use, environmental, public services and facilities issues on this parcel and the surrounding area, would first need to be evaluated in a subarea study. There may also be other remedies through amendments to the King County Code that would not result in the need for a land use or zoning change.

Executive Recommendation: Based on the discussion and analysis, additional review of the proposal is warranted. The Executive supports evaluating this further as part of the 2024 Comprehensive Plan update.

5. Scarcella Brothers Inc.

East Auburn Area Industrial Rezone: Request to change zoning on nine rural parcels adjacent to the Pacific Raceways site near the City of Auburn from Rural Area 5 to Industrial to allow for light industrial uses, including warehousing, distribution, manufacturing, etc. Request includes a land use designation change from Rural Area to Industrial. Parcel number(s): 102105-9098, 102105-9097, 102105-9076, 102105-9047, 102105-9036, 102105-9036, 102105-9036, 102105-9056, 102105-9051. Combined, the parcels are approximately 40 acres.

Classification: The request proposes a zoning classification and land use designation change. Changes to zoning and land use are allowed in Annual updates, as long as they are consistent with the policies in the Comprehensive Plan. Among others, relevant policies are found in the "Non-Resource Industrial Uses and Development Standards in the Rural Area" portion of the Comprehensive Plan, and these policies would need to be amended to allow this change. This means that a substantive policy change would be needed to allow this change, and that type of policy change is allowed as part of a four-year midpoint or eight-year update, but not an annual update.
Discussion and Analysis: This request would change the land from a Rural Area to an Industrial land use designation. These parcels are adjacent to the Pacific Raceways industrial-zoned site. Among others, the following are some of the relevant policies that would need to be revised to allow this change to occur.

"R-512 The creation of new Industrial-zoned lands in the Rural Area shall be limited to those that have long been used for industrial purposes, do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from State Route 169."

"R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston."

"R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses."

The policies do not support the expansion of Industrial zoning in the Rural Area. As noted in policy R-512, new Industrial-zoned land is to be limited to areas that do not have potential for conversion to residential use. The subject parcels abut a residential area, making this type of conversion feasible. Policies R-513 and R-515 indicate where new industrial uses are to be located, and the subject parcel does not match these locations.

Also, given its adjacency and similarity in the proposed designation, it is relevant to note that the Pacific Raceways site was the subject of a suite of land use and zoning changes for more than a decade. In recognition of their state-granted designation as Project of Statewide Significance, among other factors, additional changes were made in the 2020 Comprehensive Plan (map amendment #9) to expand the allowed uses. Substantive requirements were imposed as part of this action to ensure the timely enactment of collateral public environmental benefits. The discussion of the history and site-specific conditions on the Pacific Raceways site are intended to clarify that the 2020 changes should not be understood as a precedent for other Rural Area to Industrial designation changes.

In addition to the inconsistencies with existing Comprehensive Plan policies, the expansion of the uses on the Pacific Raceways site, while somewhat mitigated by a conservation easement requirement, will increase impacts on the surrounding residential area adjacent to the subject parcels. Further exacerbating this with another 40 acres of industrial uses, with the applicant-

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6 Chapter 43.157 RCW
described manufacturing and warehousing/distribution activities, would create disproportionate impacts in this area.

Executive Recommendation: Based on the discussion and analysis, the Executive does not support this request.

6. Sean Foley

Maple Valley Area Split Parcel Rezone: Request to change zoning on one rural parcel near the City of Maple Valley from split zoning (Rural Area 5 and Neighborhood Business) to solely Neighborhood Business. Request includes a land use designation change from Rural Area to Neighborhood Business Center. Parcel number 2752200005.

Classification: This proposal would require the expansion of a rural Neighborhood Commercial Center. This is allowed during an annual update and such a change requires a subarea study. The study would be guided by the relevant policies in the Comprehensive Plan, including policies R-501 through R-503a.

Discussion and Analysis: As shown in the maps in the Docket Submittals Report, this parcel has two types of land use and zoning; this is referred to as a split-zoned parcel.

The majority (about 0.6 acres) of this approximately one-acre parcel has Neighborhood Business zoning, and the remainder (about 0.4 acres) has Rural Area 5 zoning. The current land use and zoning on this parcel appears to have been in place since at least 1980. At that time, as part of a rezone of a portion of the property from residential to business, a development condition was added that limited the size of any new structures to 2,500 square feet; this was related to a potential proposal at that time to develop a gas station on this parcel.

Development of this site appears to have started in the early 2000s and, by 2009, the location of the business was straddling the line between rural and the commercial center. In approximately 2012 or 2013, a ramp was built that provided loading access to the back of the site and through the Rural Area-zoned portion of the property, and it appears that a significant portion of the site was paved at that time.

The parcels to the south and west of the subject parcel appear to have changed little in the past two decades and both have zero improvement value, indicating they are both essentially vacant of structures. As there are no adjacent residential developments, impacts of this potential land use and zoning changes would have limited impacts on nearby residents.

Executive Recommendation: Based on the discussion and analysis, the Executive supports this request. Given the size of the parcel, which with current County development standards will limit the overall size of uses on this parcel. The Executive also supports removal of the 40-year old property-specific development condition which is no longer relevant to the initially proposed use of the site. A subarea study and land use and zoning map
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| 7. Richard Miller | 8 | North Highline Residential Rezone: Request to change zoning on one unincorporated urban parcel in the North Highline Potential Annexation Area from Urban Residential 8 (8 units per acre) to Urban Residential 24 (24 units per acre). Request includes a land use designation change from Urban Residential Medium to Urban Residential High. Parcel number 0623049298. **Classification:** The request proposes a zoning classification and land use designation change. Changes to zoning and land use are allowed in annual updates, as long as they are consistent with the policies in the Comprehensive Plan. This request is eligible for consideration in an annual update. 

**Discussion and Analysis:** This is the second time that a request has been submitted for this parcel. The first time was in the 2020 Docket and the request was to change zoning from Urban residential-8 to Urban Residential-24. The Executive's Docket Report recommendation in 2020 was to consider this issue as part of the land use and zoning map amendments in the North Highline Community Service Area Subarea Plan.

Based upon the review and public engagement conducted as part of the development of the North Highline Subarea Plan, it was proposed in the September 2021 public review draft of the Subarea Plan that the land use designation be changed from Urban Medium to Urban High, and that the zoning classification be changed from R-8 (Urban Residential, 8 dwelling units per acre) to R-18 (Urban Residential, 18 dwelling units per acre). See [here](#), page 13, Map Amendment 2.

The density proposed in the Subarea Plan is greater than what exists on the subject parcel today, but lower than what was requested as part of both Docket processes. The stated rationale for the proposed density in the Subarea Plan is to increase the zoned capacity on parcels to provide additional residential development opportunities to increase housing supply and types of housing units. The parcels that are proposed for higher density residential development are in or adjacent to urban centers, near transit corridors, or in areas with or adjacent to high-density residential development. For the subject parcel, the proposed density in the Subarea Plan is identical to the parcel to the east and higher than the parcels to the west.

**Executive Recommendation:** Based on the discussion and analysis, the Executive does not support this request but does support the land use and zoning change proposed in the Subarea Plan. The proposed Subarea Plan was transmitted in March 2022 to the Council for review, amendment, and possible adoption by the end of 2022. |

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<td>8. Eight Unincorporated Area Councils</td>
<td>Primarily 3 and 9</td>
<td><strong>Materials Processing in Rural Area:</strong> Request to revise King County Code 21A.06.742 Materials Processing Facility to prohibit industrial-scale earth,</td>
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construction and demolition materials processing, but still allow vegetation and organic materials processing, in the Rural Area.

**Classification:** The request proposes a change to the Zoning Code, King County Code Title 21A. Changes to development regulations such as the zoning code can be made at any time, as long as they are consistent with the Comprehensive Plan. This request is eligible for consideration in an annual update.

**Discussion and Analysis:** As defined by the King County Code (see below), materials processing facilities engage in a variety of activities, including those that support Natural Resource Lands-based industries such as mining.

21A.06.742 **Materials processing facility.** Materials processing facility:

A. A site or establishment, not accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site; and

B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials. (Ord. 17539 § 23, 2013: Ord. 15032 § 6, 2004)

As summarized below, materials processing facilities are a permitted use in a number of zoning classifications, subject to specific development conditions. In the excerpt of development conditions, those applicable to Rural Area zones are highlighted in green.

21A.08.080 **Manufacturing land uses.**

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>Specific Land Use</th>
<th>Forest</th>
<th>Mineral</th>
<th>Rural Area</th>
<th>Industrial (11)</th>
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<tr>
<td>Materials Processing Facility</td>
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<td>P14 C</td>
<td>P16 C</td>
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B. Development conditions.

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or
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<td>b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.</td>
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<td>14.</td>
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<td>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:</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td>a. as accessory to a primary mineral use; or</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td>b. as a continuation of a mineral processing use only for that period to complete delivery of products or projects under contract at the end of mineral extraction.</td>
</tr>
<tr>
<td>15.</td>
<td></td>
<td>Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.</td>
</tr>
<tr>
<td>16.</td>
<td></td>
<td>Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.</td>
</tr>
</tbody>
</table>

Materials processing is also an allowed element of the Rural Public Infrastructure Maintenance Facilities use (per King County Code 21A.06.1014F). Additionally, a suite of development standards designed to minimize impacts are applied to mineral processing facilities (per King County Code Chapter 21A.22 Development Standards – Mineral Extraction).

As requested, prohibiting industrial-scale earth, construction and demolition materials processing in the Rural Area could have significant impacts on Natural Resource Lands-based activities, potentially undermining the County's ability to support these activities and conservation of these lands as required by the Growth Management Act. The low-densities and mixed-use nature of the Rural Area (i.e., not being limited to residential uses only), along with requirements that jurisdictions assure the conservation of these types of lands (per Revised Code of Washington, 36.70A.170, et al), do not support the requested prohibition. Similarly, prohibiting them on mineral sites where they are accessory to a primary resource use could interfere with meeting resource land requirements under the Growth Management Act requirements.

Also, there does not appear to be a defensible rationale to prohibit one subset of activities identified in the request while still allowing the remaining activities; this could be deemed arbitrary and introduce risk into the permitting and regulation process. Finally, allowing these activities in areas close to the natural resource creates business efficiency and may also reduce travel distances for product processing and that would decrease transportation and climate / greenhouse gas impacts.

**Executive Recommendation:** Based on the discussion and analysis, the Executive does not support this request. However, the County recognizes that while it has standards and conditions designed to address impacts, these could benefit from a review. As such, the Executive supports reviewing and potentially updating the relevant standards and conditions for these uses in the Rural Area as part of the 2024 Comprehensive Plan update that is beginning in 2022.
<table>
<thead>
<tr>
<th>Docket Item</th>
<th>Council District</th>
<th>Submittal, Background and Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Eight Unincorporated Area Councils</td>
<td>Primarily 3 and 9, also 8</td>
<td>Periodic Review and Reclamation Process: Request to revise King County Code 21A.22.050 [Mineral Extraction] Periodic Review to require that the review process include the reclamation phase of a mineral extraction (i.e., mining) operation and closure.</td>
</tr>
</tbody>
</table>

**Classification:** The request proposes a change to the Zoning Code, King County Code Title 21A. Changes to development regulations such as the zoning code can be made at any time, as long as they are consistent with the Comprehensive Plan. This request is eligible for consideration.

**Discussion and Analysis:** As shown below, the referenced section of the King County Code addresses development standards for mineral extraction and includes the County's Periodic Review process.

21A.22.050 Periodic review.

A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design and operating standards at five-year intervals from the date of issuance of the permit.

B. The periodic review is a Type 2 land use decision.

C. The periodic review shall:
   1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and
   2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts. (Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).

Applying the periodic review process to the reclamation phase has a number of challenges. Some existing mines in the County are already conducting phased operations, meaning reclamation of one portion of the site is occurring before future phases occur; in these instances, the reclamation activities are already addressed through the existing periodic review process. Other mines are being reclaimed under state rather than local process; this means the County’s review process is preempted by the state. Another issue is that past mining activities that may not have been reclaimed are encouraged to do so in most instances, to return the land to a viable land use or mitigate hazards, such as coal mine hazard areas; adding additional permitting processes and costs creates a burden that may discourage this activity. Finally, the County already has controls in place through its permit timelines, renewals of reclamation permits, and through its stormwater program which has an annual inspection program. Adding a separate inspection program could be overlapping and inefficient.

**Executive Recommendation:** Based on the discussion and analysis, the Executive does not support this request.
IV. For More Information

For questions regarding this report, please contact: compplan@kingcounty.gov.

Attachments
Attachment A: Docket Submittals Report

The Docket process, as adopted in King County Code 20.18.140, directs that the Executive attach to the Docket Report copies of the docket requests. These are compiled into the Docket Submittals Report, as shown on the following pages.
I. BACKGROUND

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 and codified at King County Code 20.18.140. The Docket provides an opportunity for the public to register comments on the King County Comprehensive Plan and the associated development regulations. The County responds to each item registered on the docket, providing a feedback loop, as required by RCW 36.70A.470. Docket forms are available on the County website and at several county departments. The docket is open continuously with a deadline of December 31 for submitting docketed comments for consideration in the Comprehensive Plan update process. By the last business day of April, a Docket Report with executive responses and recommendations is released.

The information in the Docket Submittals Report includes the complete set of materials as they were submitted by the proponent. Providing the Docket Submittals Report to the public early in the process, and even before substantive analysis has occurred, allows for more transparent communication regarding the issues that the County is being asked to consider.

II. OVERVIEW OF SUBMITTALS

The following items were received by King County by the deadline of December 31 for consideration in this year's Docket process.

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Brief Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Area Specific Map Changes</strong></td>
</tr>
<tr>
<td>1</td>
<td>Eric Hudson</td>
<td>Cedar River Critical Aquifer Recharge Area Maps</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Request to revise the County's Critical Aquifer Recharge Area (CARA) maps in the Cedar River Valley area for consistency with the United State Environmental Protection Agency (EPA) definitions.</td>
</tr>
<tr>
<td>2</td>
<td>Eric Hudson</td>
<td>Cedar River Area Industrial Rezone</td>
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<td></td>
<td>Request to change zoning on one parcel (the Lakeside Industries property) near the Cedar River, reverting it from its current Industrial zone to Rural Area 5. Request includes a land use designation change from Industrial to Rural Area.</td>
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<tr>
<td>#</td>
<td>Name</td>
<td>Brief Summary</td>
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<td>-------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3</td>
<td>Ashwin Padmanabhan</td>
<td><strong>Sammamish Area Residential Rezone</strong>&lt;br&gt;Request to change zoning on one unincorporated urban parcel in the Swan Lake Potential Annexation Area near the City of Sammamish from Urban Residential 1 to Urban Residential 4. Request includes a land use designation change from Urban Residential Low to Urban Residential Medium.</td>
</tr>
<tr>
<td>4</td>
<td>Jennifer Potter &amp; Rusty Willoughby</td>
<td><strong>Vashon Island Rezone to Neighborhood Business</strong>&lt;br&gt;Request to change zoning on one parcel on Vashon Island from Rural Area 5 to Neighborhood Business to allow for a retail store. Request includes a land use designation change from Rural Area to Neighborhood Business.</td>
</tr>
<tr>
<td>5</td>
<td>Scarcella Brothers Inc.</td>
<td><strong>East Auburn Area Industrial Rezone</strong>&lt;br&gt;Request to change zoning on nine rural parcels near the Pacific Raceways Site near the City of Auburn from Rural Area 5 to Industrial to allow for light industrial uses, including warehousing, distribution, manufacturing, etc. Request includes a land use designation change from Rural Area to Industrial.</td>
</tr>
<tr>
<td>6</td>
<td>Sean Foley</td>
<td><strong>Maple Valley Area Split Parcel Rezone</strong>&lt;br&gt;Request to change zoning on one rural parcel near the City of Maple Valley from split zoning (Rural Area 5 and Neighborhood Business) to solely Neighborhood Business. Request includes a land use designation change from Rural Area to Neighborhood Business.</td>
</tr>
<tr>
<td>7</td>
<td>Richard Miller</td>
<td><strong>North Highline Residential Rezone</strong>&lt;br&gt;Request to change zoning on one unincorporated urban parcel in the North Highline Potential Annexation Area from Urban Residential 8 to Urban Residential 24. Request includes a land use designation change from Urban Residential Medium to Urban Residential High.</td>
</tr>
<tr>
<td></td>
<td><strong>Policy, Text, and Code</strong></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Seven Unincorporated Area Councils:</td>
<td><strong>Materials Processing in Rural Area</strong>&lt;br&gt;Request to revise King County Code 21A.06.742 Materials Processing Facility to prohibit industrial-scale earth, construction and demolition materials processing, but still allow vegetation and organic materials processing, in the Rural Area.</td>
</tr>
<tr>
<td></td>
<td>Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Name</td>
<td>Brief Summary</td>
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<tr>
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</tr>
<tr>
<td>9</td>
<td>Seven Unincorporated Area Councils: Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV)</td>
<td><strong>Periodic Review and Reclamation Process</strong> Request to revise King County Code 21A.22.050 [Mineral Extraction] <em>Periodic Review</em> to require that the review process include the reclamation phase of a mineral extraction (i.e., mining) operation and closure.</td>
</tr>
</tbody>
</table>

### III. SUBMITTALS

The tables below include all the information provided with the Docket submittal. For clarity and context, but not analytical purposes at this stage in the process, maps are provided by the County that show the vicinity of the area, an aerial photo, the Comprehensive Plan land use designation, the zoning classification, and where relevant the elevations. If special district overlays or property-specific development conditions are present, these are provided as well.
Docket Request #1: Cedar River Critical Aquifer Recharge Area Maps

Name of Requestor(s): Eric Hudson  
Council District: #9  
Summary Category: Sensitive Areas Map Change

Submitted Request
The Critical Aquifer Recharge Area in KC maps for The Cedar Valley Sole Source Aquifer is not in sync with the EPA description of the aquifer. and the CARA needs to be expanded. As described in the EPA Federal Register docket attached (Federal Register Volume 53 No. 191 10/3/1988; FRL-3457-7; FR Docket 88-22621), the Cedar Valley Aquifer is recharged by precipitation which lands on the entire Cedar Valley SSA surface. However, the current King County CARA map shows only a portion of the Cedar Valley SSA area as CARA. The EPA mapping application shows the SSA area is much larger than shown on the King County CARA maps. url: https://www.epa.gov/dwssa/map-sole-source-aquifer-locations

See highlighted text in Federal Register listing and image files attached.

Since a Sole Source Aquifer is, by definition, a Critical Aquifer, and the recharge area for the Cedar Valley SSA is described as precipitation on the surface area of the Cedar Valley SSA, the entire surface area of the Cedar Valley sole source aquifer should be listed as CARA in King County data. So please update the King County CARA maps to be in sync with the EPA description so that the aquifer can be protected. Thank you.

Address/Parcel Identification Number
n/a

Submitted Background Information

A. Docket Form Answers

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why amendment is needed or useful?</td>
<td>For the protection of the Cedar Valley Sole Source Aquifer</td>
</tr>
<tr>
<td>How is this amendment consistent with the Growth Management Act?</td>
<td>This corrects an error or oversight in an important Critical Aquifer Area, and designation of Critical Aquifers is required by the act</td>
</tr>
</tbody>
</table>
B. Additional Submitted Materials
Docket Request # 1: Cedar River Critical Aquifer Recharge Area Maps
physically distinct. The Seattle-King County Department of Public Health supported the proposed designation. The Seattle Water Department requested that EPA meet with the Department to discuss the implications of sole source designation. In response to comments from the King County Geologist, EPA requested that the city of Renton submit an economic analysis for the Covington Drainage Basin similar to one presented in the petition for the Renton Highlands. The additional information provided by the county was submitted to the city of Renton for that purpose. The analysis shows that adequate ground-water resources may be obtained from glacial outwash aquifers beneath the Covington Drainage Basin but are economically infeasible according to EPA guidelines. EPA agrees that the surface water resources and the shallow ground-water resources of the Cedar Valley drainage basin are hydrologically connected. For this reason, EPA has incorporated the entire Cedar River drainage basin into the streamflow source area. EPA has contacted the Seattle Water Department and will meet with the Department to discuss the sole source aquifer program and ground-water protection in general. The letter from the Seattle-King County Department of Public Health did not request or require a response.

VI. Summary

Today's action only affects the Cedar Valley Aquifer and its streamflow source area in King County, Washington. This action provides a review process to ensure that necessary ground-water protection measures are incorporated into federal financially-assisted projects. Robie G. Rose, Regional Administrator.

[FR Doc. 82-2923 Filed 8-30-82; 8:45 am]
BILLING CODE 6560-54-M

(FRL-3457-8)

Sole Source Designation of the Lewiston Basin Aquifer, Asotin and Garfield Counties, WA, and Nee Perce and Lewis Counties, ID

AGENCY: U.S. Environmental Protection Agency

ACTION: Final determination.

SUMMARY: Pursuant to section 1424(e) of the Safe Drinking Water Act, the Region 10 Administrator of the U.S.

Environmental Protection Agency (EPA) has determined that the Lewiston Basin Aquifer in parts of Idaho and Washington, is the principal source of drinking water for the Lewiston Basin and that the aquifer, if contaminated, would create a significant hazard to public health. As a result of this action, federal financially-assisted projects proposed in the project review area will be subject to EPA review to ensure that these projects are designed and constructed so that they do not create a significant hazard to public health.

EFFECTIVE DATE: This determination shall be promulgated for purposes of judicial review at 100 p.m. Eastern time on October 17, 1988.

ADDRESS: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the Asotin County Library, Main Branch, Sixth and Chestnut, Clackamas, Washington. Asotin County Library, Heights Branch, 2009 Fourth Avenue, Clackamas, Washington. Nee Perce County Library, Lapwai Branch, 103 Main Street, Lapwai, Idaho. Lewiston City Library, Tecnolakmobile Branch, 428 Thaine Road, Lewiston, Idaho. Lewiston City Library, Carnegie Branch, Pioneer Park, Lewiston, Idaho. EPA Idaho Operations Office, 422 West Washington Street, Boise, Idaho, and EPA Region 10 Library, 1328 Sixth Avenue, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Jonathan Williams at (206) 443-1541 or FTS 399-1541.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to section 1424(e) of the Safe Drinking Water Act [42 U.S.C. 300f, 300t-3(e)], Pub. L. 95-522] the Region 10 Administrator of the U.S. Environmental Protection Agency has determined that the Lewiston Basin Aquifer located in Asotin and Garfield Counties, Washington, and Nee Perce and Lewis Counties, Idaho, is the principal source of drinking water for much of the aquifer service area. Pursuant to section 1423(c), federal financially-assisted projects proposed for construction in the project review area will be subject to EPA review.

I. Background

Section 1424(e) of the Safe Drinking Water Act states: "If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register."

After the publication of such notice, no commitment for federal financial assistance [through a grant, contract, loan guarantee, or otherwise] may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not so contaminate the aquifer." On December 27, 1987, the Region 10 Office of the U.S. Environmental Protection Agency (EPA) received a petition from the Asotin County Public Utility District (PUD) requesting that EPA designate the "Russell Aquifer" as a sole source aquifer. The PUD provided additional information through a revised petition which was received by EPA on February 1, 1988. The "Russell Aquifer" was defined as the upper 700 feet of the Grande Ronde Formation within the Lewiston Basin by a hydrogeological report published in 1986. EPA has combined the Grande Ronde Formation with other water-bearing rocks of the Lewiston Basin and labeled the aquifer system as the Lewiston Basin Aquifer.

In order to obtain public comment, EPA distributed a press release on May 4, 1986, stating that (1) the EPA Regional Office was considering designation of the Lewiston Basin Aquifer as a sole source aquifer. (2) A Resource Document summarizing the bases for the proposal was available for review. (3) public comments were being requested. (4) A public hearing was to be held on May 17, 1986. Legal notices, announcing distribution of the Resource Document, the public hearing, and the closure date for public comment, were printed in the Lewiston Tribune on May 9, 1988, and the Clarkston Valley American on May 11, 1988. The public hearing was held in Clarkston, Washington, as scheduled, and the public comment period remained open until June 2, 1988. On May 21, 1988, EPA received a letter from the Idaho Water Resource Board which requested a 60 day extension of the public comment period. EPA granted the request. An additional public meeting was conducted in Lewiston, Idaho on July 19, 1988. Written testimony was received through August 5, 1988.
## Federal Register / Vol. 53, No. 191 / Monday, October 3, 1988 / Notices

### 38779

<table>
<thead>
<tr>
<th>Name</th>
<th>Case No.</th>
<th>Date</th>
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<tr>
<td>Earl H. Forsch et al.</td>
<td>RF371-249606</td>
<td>6/2/91</td>
<td>169</td>
<td>53,401</td>
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<td>Johnny F. Mabry et al.</td>
<td>RF372-249602</td>
<td>6/4/91</td>
<td>141</td>
<td>2,844</td>
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<td>Town of Farmington et al.</td>
<td>RF372-27729</td>
<td>9/5/91</td>
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<td>10,04</td>
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**Dismissals**

The following submissions were dismissed:

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<tr>
<th>Name</th>
<th>Case No.</th>
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<tr>
<td>Alyx A. Tanzer</td>
<td>RF371-25165</td>
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<tr>
<td>B. Zell and Sons Co.</td>
<td>RF372-25173</td>
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<td>Bangle Bros. Inc.</td>
<td>RF372-25292</td>
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<td>Bank of America</td>
<td>RF375-25399</td>
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<td>Boyertown Area School District</td>
<td>RF372-25406</td>
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<td>Carl W. Yeates</td>
<td>RF372-25479</td>
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<tr>
<td>Century Furniture Corp.</td>
<td>RF373-25414</td>
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<tr>
<td>Charles &amp; Dale Pylejohn</td>
<td>RF376-25498</td>
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<tr>
<td>Cherry Hill Realty</td>
<td>RF376-25535</td>
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<tr>
<td>Circle Realty</td>
<td>RF376-25586</td>
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<tr>
<td>City of Muncie</td>
<td>RF372-25701</td>
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<tr>
<td>Claysburg Shale Service</td>
<td>RF374-25414</td>
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<td>Courco's Realty</td>
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<tr>
<td>D&amp;P Realty</td>
<td>RF375-25703</td>
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<td>Darm &amp; Sons City</td>
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<td>Davis Travel Inn</td>
<td>RF375-25815</td>
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<td>Edith G. Calhoun</td>
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<td>Hamline Realty</td>
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<td>Young's Oil Company</td>
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</table>

**Western Area Power Administration**

**Boulder Canyon Project Proposed Power Rate**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of extension of consultation and comment period for a proposed power rate adjustment.

**SUMMARY:** The Western Area Power Administration (Western) announced in the Federal Register published June 23, 1988 (53 FR 25446), a proposed adjustment of the rates for power and energy from the Boulder Canyon Project (BCP). In that notice, Western scheduled a public information forum for June 30, 1988, with the consultation and comment period to end August 8, 1988. Western also stated that consideration would be given to an extension of the consultation and comment period if requested by customers or interested parties.

Western received several requests for an extension of 45 days to the originally published consultation and comment period. The basis for the extension was to allow all interested parties an opportunity to review and analyze a new energy forecast, a new method of forecasting future replacement requirements, and new rate calculations.

After reviewing these requests for extension, Western convened with the requests and rescheduled for September 7, 1988, the public comment forum previously scheduled for July 21, 1988. In addition, the ending date of the consultation and comment period was changed to September 22, 1988. This was notified in the Federal Register at 53 FR 26005, August 2, 1988.

An additional public comment forum has been scheduled. This will allow time for Western to further publicize information and for the customers and other interested parties to prepare their comments. Also, the consultation and comment period has been extended.

**DATES:** The consultation and comment period which began with the notification of the BCP rate adjustment (53 FR 25446, June 23, 1988) will end November 14, 1988. A public comment forum will be held at 10 a.m. on October 29, 1988.

**ADDRESS:** The public comment forum will be held at the Boulder City Area Office, 3 miles south on Buchanan Road, Boulder City, Nevada, on the dates and times cited above. Written comments may be sent to: Mr. Thomas A. Hine, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005. (702) 477-3235.

**FOR FURTHER INFORMATION CONTACT:** Mr. Earl W. Hodges, Assistant Area Manager for Power Marketing, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005. (702) 477-3235.


William H. Chagelt, Administrator.

**ENVIRO NMENTAL PROTEC TION AGENCY**

[FLR-3467-1]

**Sole Source Designation of the Cedar Valley Aquifer, King Country, WA**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Final determination.

**SUMMARY:** Pursuant to section 1442(e) of the Safe Drinking Water Act, the Region 10 Administrator of the U.S. Environmental Protection Agency (EPA) has determined that the Cedar Valley Aquifer in King County, Washington is the principal source of drinking water for the area and that the aquifer, if contaminated, would create a significant hazard to public health. As a result of this action, federal financially-assisted projects constructed in the project review area will be subject to EPA review to ensure that these projects are designed and constructed so that they do...
not create a significant hazard to public health.

**EFFECTIVE DATE:** This determination shall be promulgated for purposes of judicial review at 1:00 p.m. Eastern time on October 17, 1998.

**ADDRESS:** The data upon which these findings are based are available to the public and may be inspected during normal business hours at the Renton City Library, 300 Mill Ave, Renton Washington; King County Library, Maple Valley Branch, 23720 Maple Valley Rd SE, Maple Valley, Washington; King County Library, Fairwood Branch, 17000 4th Street SE, Renton, Washington; and EPA Region 10 Library, 2000 Sixth Avenue, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Williams at (206) 445-1961 or FTS 399-1541.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that pursuant to section 1444(e) of the Safe Drinking Water Act ([42 U.S.C. 300f], 300f-9(f); Pub. L. 101-380) the Region 10 Administrator of the U.S. Environmental Protection Agency has determined that the Cedar Valley Aquifer, located in King County, Washington, is the principal source of drinking water for the aquifer service area. Pursuant to section 1444(e), federal financial-assisted projects proposed for construction in the project review area will be subject to EPA review.

I. Background

Section 1444(e) of the Safe Drinking Water Act states: "If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of such notice, no commitment for Federal financial assistance [through a grant, contract, loan, or guarantee, or otherwise] may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of the law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

On March 3, 1998, the city of Renton, Washington, submitted a petition requesting that EPA designate the Cedar Valley Aquifer as a sole source aquifer. The petition states that the city of Renton initiated a program to protect its principal sources of drinking water in 1983, and considers sole source designation an "essential step which would support the goals of the aquifer protection program already underway." In order to obtain public comment, EPA issued a press release on May 2, 1998, which stated that EPA Region 10 was considering designation of the Cedar Valley Aquifer as a sole source aquifer. (3) copies of the petition and a complementary summary document were available for review. (4) a public hearing was scheduled for May 20, 1998, and (4) public comments were sought through June 5, 1998. (Legal notice announcing the availability of the petition and summary document, announcing the public hearing, and requesting public comment until June 2, 1998, were printed in the Valley Daily News (Renton Edition), the Seattle Times, and the Seattle Post-Intelligencer, on May 9, 1998.)

II. Basis For Determination

Among the determinations which the Regional Administrator must make in connection with the designation of an area under section 1444(f) are: (1) Whether the aquifer is the sole or principal source of drinking water in the area, and (2) whether, if contaminated, a significant hazard to public health would result. Based on the information available to this Agency, the Regional Administrator has made the following findings, which are the basis for the determination noted above:

1. The Cedar Valley Aquifer supplies at least 80 percent of the drinking water used in the aquifer service area, and possibly 90 percent.

2. No economically feasible alternative drinking water sources, as defined by EPA guidance, exist within the area or nearby.

3. Since the aquifer represents the principal source of drinking water for the aquifer service area, contamination of the aquifer would pose a significant hazard to public health.

III. Determination of the Cedar Valley Aquifer

[Information in this section represents an unacknowledged summary of material from: Support Document for Designation of the Cedar Valley Aquifer as a Sole Source Aquifer, issued in September of 1998 by the Region 10 Office of Ground Water.] The Cedar Valley Aquifer consists of recent (Pleistocene glaciation) alluvium deposited by the Cedar River. These sand and gravel deposits cover the low-lying areas of the Cedar Valley River to a depth of less than 100 feet. The aquifer thickness ranges from 20 to 30 feet within the city of Renton wellfield. The alluvium overlies unconsolidated glacial deposits which, in turn, overlie folded and faulted Cenozoic to Oligocene sedimentary rocks.

The aquifer materials extend updip (east) almost continuously upstream to Cedar Falls. Downgradient (northwest, west, and southwest) from Renton, the sand and gravel deposits fan radially seaward and become complexly interlayered with finer-grained material of the unconsolidated Cedar River Delta before grading into the fine-grained sediments associated with Lake Washington and the Duwamish Valley. Laterally, the aquifer materials shift against older strata along steep walls of the Cedar River Valley.

Water moves easily through the sand and gravel deposits which form a large portion of the Cedar Valley Aquifer. Water-filled pore space between sand and gravel grains occupy about 25 percent of the aquifer volume. Ground water in the Renton wellfield area generally moves at the rapid rate of about 30 feet per day. Movement of up to 100 feet per day may occur locally. Ground water in the upper hill area generally moves at a much slower rate of about 0.005 feet per day. Movement of ground water in the lower hill area is quite similar to that in the upper hill area.

Aquifer recharge originates as precipitation over the approximately 140 square mile Cedar River drainage area. Rainfall around Renton averages about 30 inches each year, and snowfall only accumulates 16 to 22 inches annually. Therefore, 17 to 23 inches of precipitation such as heavy rains or thunderstorms may infiltrate the ground-water system. Precipitation rates are even higher, and evapotranspiration is greater, in the higher elevation areas of the drainage basin.

Aquifer recharge occurs from precipitation upon the aquifer surface, subsurface inflow from adjacent strata, surface runoff and seepage from the valley walls, and the Cedar River. No studies which attempt to calculate the relative amounts of recharge from these sources have been published. Water which reaches the surface of the aquifer generally infiltrates easily to the water table because of the presence of coarse-grained material in the valley fill. Likewise, sand and gravel within the saturated portion of the valley fill will readily accept water from adjoining strata (although some of the bounding strata will not transmit water easily).

Relatively little water enters the aquifer from bounding strata where the aquifer has cut into bedrock or glacial till.
Docket Request # 1: Cedar River Critical Aquifer Recharge Area Maps

Federal Register / Vol. 83, No. 191 / Monday, October 3, 1988 / Notices

May 24, 2022
**Docket Request #1: Cedar River Critical Aquifer Recharge Area Maps**

**County Map of Docket Area**

<table>
<thead>
<tr>
<th>Vicinity:</th>
<th><img src="image" alt="County Map of Docket Area" /></th>
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</thead>
</table>

<table>
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<tr>
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<th>n/a</th>
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<tr>
<td>Zoning:</td>
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<tr>
<td>Land Use:</td>
<td>n/a</td>
</tr>
<tr>
<td>Elevations:</td>
<td>n/a</td>
</tr>
<tr>
<td>Property Specific Development Conditions and Special District Overlays:</td>
<td>n/a</td>
</tr>
</tbody>
</table>
**Docket Request # 2: Cedar River Area Industrial Rezone**

**Name of Requestor(s):** Eric Hudson  
**Council District:** #9  
**Summary Category:** Land Use and Zoning Map Change

**Submitted Request**

This amendment is to correct a deficiency, but it is urgent as the deficiency is resulting in a threat of harm to the Cedar River and KC residents.

This amendment will help protect the Cedar River from pollution, and to protect ordinary KC Citizens from an imminent health threat.

This is also to be consistent with the KCCP objectives and GMA requirements per RCW 36.70A, which states that Industrial sites should not be located outside the urban growth area. KC Code grants the KCCP hierarchical authority over development regulations.

KC Code was violated in 2008 when the KC Council enacted a noncompliant site-specific zoning change to designate one parcel Industrial outside the rural area, effectively breaking up a rural area zone along the Cedar River and causing risk to adjacent properties. More detailed explanation on attached page.

**Address/Parcel Identification Number**

Parcels 1923069011, 1923069013, 1923069026, 1923069016, 1923069017

Note: Parcel 1923069026 is the only one proposed for changing the zoning. The parcel is approximately 25 acres.

**Submitted Background Information**

A. Docket Form Answers

<table>
<thead>
<tr>
<th>Why amendment is needed or useful?</th>
<th>For compliance with the GMA RCW 36.70A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>How is this amendment consistent with the Growth Management Act?</td>
<td>This corrects a deficiency in the zoning and creates a continuous zone of RA-5 parcels across from the Cedar River, restoring the zoning to 1994-2008 to comply with the GMA and KCCP. Some relevant policies in the KCCP are attached. This change restores the zoning to RA-5, compliant with the GMA objectives regarding limitation of Industrial land uses in the rural area.</td>
</tr>
<tr>
<td>Requested Change and Rationale</td>
<td>Create a continuous RA-5 zone among the 5 parcels, for the protection of the Cedar River and compliance with the GMA.</td>
</tr>
<tr>
<td>Proposed Uses of Parcel</td>
<td>existing compliant uses apply.</td>
</tr>
<tr>
<td>How will change affect adjoining parcels?</td>
<td>It will enhance compatibility with surrounding parcels and preserve rural character.</td>
</tr>
<tr>
<td>How is change compatible with the surrounding area?</td>
<td>It restores the zoning as it should be, RA-5, which was grandfathered in from 1994-2008.</td>
</tr>
<tr>
<td>Additional information?</td>
<td>This deficiency correction will protect the Cedar River and Rural Area.</td>
</tr>
</tbody>
</table>
B. Additional Submitted Materials

I may not be the property owner of parcel 1923069026, but those who live in a community and are impacted by potential property uses should be able to request zoning changes that are compliant with the Comprehensive Plan. The earth belongs to everyone and every living thing that inhabits it. To grant property owners greater rights will ultimately result in granting the rich greater rights than the poor.

In 2008, the process used to rezone Parcel 1923069026 from RA-5 to Industrial was noncompliant with KC Code, and the GMA.

The 2008 SEPA addendum did not have any analysis as required by the GMA and related state laws. The amendment contradicted KC staff recommendations to leave the zoning at RA-5. The amendment was done at the last possible committee meeting 8/5/2008 after 7 months of public meetings had already been held. so, BMA public participation requirements were violated.

In addition, KC Code Title 20 requires hearing examiner review of site-specific rezones and in 2008 there was no hearing examiner review.

The current zoning of Industrial contradicts the policies listed below as well as the principles of the KCCP in general. RA-5 will still allow Landscaping materials processing to be done on the property, which is what Sunset Materials did.

This request is just to update paperwork to be in sync with the true and legal zoning of RA-5.

Thank you.

R-514 Development regulations for new industrial development in the Rural Area shall require the following:

a. Greater setbacks, and reduced building height, floor area ratios, and maximum impervious surface percentage standards in comparison to standards for urban industrial development;

b. Maximum protection of sensitive natural features, especially salmonid habitat and water quality;

c. Building and landscape design that respects the aesthetic qualities and character of the Rural Area, and provides substantial buffering from the adjoining uses and scenic vistas;

d. Building colors and materials that are muted, signs that are not internally illuminated, and site and building lighting that is held to the minimum necessary for safety;

e. Heavier industrial uses, new industrial uses producing substantial waste byproducts or wastewater discharge, or new paper, chemical and allied products manufacturing uses in the urban industrial zone shall be prohibited; and

f. Industrial uses requiring substantial investments in infrastructure such as water, sewers or transportation facilities, or facilities that generate substantial volumes of heavy gross weight truck trips, shall be reduced in size to avoid the need for public funding of the infrastructure.

R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.
Hello,

Attached I've submitted a docket request to correct a deficiency in the KCCP, and correct the paperwork to properly show RA-5 zoning near the Cedar River as it was from 1994-2008.

Below, I've corrected the zoning map in the Cedar River vicinity to show the zoning as RA-5, as it properly and rightfully should be since KC Code was violated when it was changed previously.

Besides a noncompliance, this deficiency is also an imminent public health threat and a risk to the environment, since potentially harmful land uses can be allowed, or at least perceived to be allowed, by the improperly enacted Industrial zoning.

Please make this update to correct this deficiency in the KCCP for the protection of the environment and human health.

Thank you for doing your difficult job for which you receive inadequate support from the KC Council and KC gov leadership.

Eric Hudson, P.E.
License 26785
All,

I would like to add that it even says in the letter DDES sent to Martin Durkan on 10/18/2006 (attached) that a site-specific rezone "must be reviewed by the King County Hearing Examiner"

Below is a snip from the letter

There was no hearing examiner review, therefore the amendment to change to industrial zoning was invalid.

The neighbors living around the proposed Cedar River Asphalt Plant have rights also. Don't just protect corporations.

The right of the neighbors to life should come before the right of Lakeside to profit

THE ZONING IS RA-5. DENY THE PERMIT.
Docket Request # 2: Cedar River Area Industrial Rezone

King County
Department of Development
and Environmental Services
500 Oakadale Avenue Southwest
Renton, WA 98055-1219

October 18, 2006

Mr. Dukas
330 SW 4th Street, # 357
Renton, WA 98055

Dear Mr. Dukas,

Thank you for participating in this year's docketing process. We appreciate hearing from you on your proposed change to the King County Comprehensive Plan (KCCP).

In your docket you requested that 21.3 acres of land owned by Goodnight Properties Inc., which you represent, be rezoned from Rural to Industrial.

The following King County Comprehensive Plan policies and text are applicable to your request:

R-412 New industrial use in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood of Preston.

In order to preserve rural character and protect sensitive natural features, new rural industrial development needs to be of a scale and nature that is distinct from urban industrial development. The scale and intensity and many of the uses allowed in urban industrial development are not appropriate for rural/industrial areas. The following policy applies to all new industrial development in the Rural Area.

R-413 Development regulations for nonvested industrial development in the Rural Area shall require the following:

a. Greater setbacks, and reduced building height, floor/area ratios, and maximum impervious surface percentage standards in comparison to standards for urban industrial development.

b. Minimum protection of sensitive natural features, especially salmonid habitat and water quality.

c. Building and landscape design that respects the aesthetic qualities and
Docket Request # 2: Cedar River Area Industrial Rezone

**County Maps of Docket Area (parcels highlighted in blue)**

Vicinity:

![2022 Docket 2: Cedar River Rezone Vicinity Map](image-url)
Docket Request # 2: Cedar River Area Industrial Rezone

Aerial:

2022 Docket 2: Cedar River Rezone Aerial
Docket Request # 2: Cedar River Area Industrial Rezone

Zoning:

2022 Docket 2: Cedar River Rezone Zoning

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Date: 4/13/2022
Docket Request # 2: Cedar River Area Industrial Rezone

Land Use:

2022 Docket 2: Cedar River Rezone Land Use
Docket Request # 2: Cedar River Area Industrial Rezone

Elevations

2022 Docket 2: Cedar River Rezone Elevations

Property Specific Development Conditions and Special District Overlays:
n/a
# Docket Request # 3: Sammamish Area Residential Rezone

**Name of Requestor(s):** Ashwin Selka Padmanabhan  
**Council District:** #3  
**Summary Category:** Land Use and Zoning Map Change

## Submitted Request
Redesignation to Medium Residential/Rezone to R-4P. Total acres are 1.21.

## Address/Parcel Identification Number
2625069099

## Submitted Background Information

### A. Docket Form Answers

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why amendment is needed or useful?</td>
<td>New environmental information allowing in-fill density in UGA</td>
</tr>
<tr>
<td>How is this amendment consistent with the Growth Management Act?¹</td>
<td>Please see &quot;B. Additional Submitted Materials&quot; below.</td>
</tr>
<tr>
<td>Requested Change and Rationale</td>
<td>The Applicant is requesting a land use designation change (from Low to Medium) and zoning classification change (from R-1 to R-4). The property abuts R-4 zoned properties to the west, which exhibit the same environmental characteristics as the subject site.</td>
</tr>
<tr>
<td>Proposed Uses of Parcel</td>
<td>The Applicant hopes to go through a 2-lot short plat process with the County. If approved, the Applicant plans to remove the existing home and construct two new homes for multi-generational family use.</td>
</tr>
<tr>
<td>How will change affect adjoining parcels</td>
<td>The properties adjacent to the west are zoned R-4. Those neighboring sites are similar in characteristics and are zoned to allow for even greater development than the Applicant hopes to pursue. The parcels abutting the property on the north and east are also zoned R1-P and currently have comparable single-family residences on-site. The property directly south of the subject site (across NE 18th St; also zoned R1-P) possesses a large estate home and ADU.</td>
</tr>
<tr>
<td>How is change compatible with the surrounding area</td>
<td>There are presently three different development actions on NE 18th Street and within a 1/4 mile of the subject site. The development happening in this area will significantly increase the density, reducing the rural characteristics that are present now.</td>
</tr>
</tbody>
</table>

¹ Revised Code of Washington, 36.70A and related chapters
B. Additional Submitted Materials

Date: June 3rd, 2021
To: King County Office of Performance, Strategy and Budget - Comprehensive Planning Manager
From: Encompass Engineering & Surveying on behalf of Ashwin Padmanabhan
Re: Answer to Docket Form Section III Question 3

APPLICANT
Ashwin Selka Padmanabhan
1316 270th Lane SE
Sammamish, WA 98075
s.p.unwinn@gmail.com
327-371-7827

FINDINGS AND CONCLUSIONS FOR THE REDESIGNATION AND REZONING OF THE SUBJECT PROPERTY:

1. Findings: Density Guidance
   a. The Growth Management Act (GMA) is a series of state statutes that requires rapidly growing counties and cities to manage their population growth through utilization of Comprehensive Plans.
   b. Of primary importance is encouraging urban growth within the Urban Growth Boundary to reduce urban sprawl (RCW 36.70A.110).
   c. The GMA states that zoning densities can be increased to accommodate “reasonable land market supply factor” (RCW 36.70A.110(2)).
   d. The GMA further guides density and development locations by specifying that urban growth should be located in areas “already characterized by urban growth with adequate public facility and service capabilities” (RCW 36.70A.110(3)).
   e. The King County Comprehensive Plan RP-203 states the County “shall continue to support the reduction of sprawl by focusing growth and future development in the Urban Growth Areas” (2020 Comprehensive Plan Update, page 1-16).
   f. One such in-fill area is within the East Sammamish Subarea Plan. While most of this area has been incorporated in the City of Sammamish, the subject property’s neighborhood remains in unincorporated King County, immediately adjacent to the Sammamish city limits, and will eventually become incorporated into the City of Sammamish.
   g. This neighborhood exemplifies the description in the GMA of areas in which to locate density. Northeast 18th Street is already built, the utilities are already available in the right-of-way, and services are available locally in downtown Sammamish, 1.5 miles to the southwest of the subject property.

2. Findings: Environmental Information - Availability
   a. When an environmental area is delineated, an edge is established.
Docket Request # 3: Sammamish Area Residential Rezone

b. From this edge, there is a buffer or an area of lower development established at a certain distance from the delineated edge of the protected area.
c. In the case of the subject property, the area of lower development is not established at a certain distance from the delineated edge. Instead, it conforms to the remainder of the Township-Range in which the protected area is located.
d. While arbitrary, this would make sense if the resources, access, or time to establish the exact location of the buffer edge were not available when crafting regulations. In particular, it is unlikely that the County would be allowed access to the privately held properties adjacent to the newly protected area if the process would devalue the property and create unbuildable areas.
e. Instead, a general area would be established as a place holder until the County could require additional environmental study through a development application by the owner of the property. This is consistent with land use planning required in the Land Use Element of the Comprehensive Plan.
f. However, as information becomes available, these maps require updating.
g. In preparation for this rezone application, the applicant retained the services of a consulting biologist, who has prepared an environmental assessment of the property.
h. This assessment shows that there are no wetlands or streams on the property as mapped by King County iMap. These features are located on neighboring properties along NE 18th St where more dense development is under construction.
i. The subject property has some small areas of wetland buffer, the protection of which is already provided in the King County's development regulations, while meeting the density and dimensional requirements for short plating.

3. Conclusion:
   a. New environmental information shows that both density and protection can be achieved in this location.
   b. Redesignation and Rezoning of this property to Medium Residential and R-4 supports the objectives of the Growth Management Act by achieving infill density in an Urban Growth Area while protecting environmentally sensitive spaces.
   c. Therefore, the King County Comprehensive Plan instructs the County to approve the redesignation and rezoning request.

Padmanabhan Redesignation and Rezone
Answer to Section III: Question 3
06-03-2021
Page 2 of 2
Docket Request # 3: Sammamish Area Residential Rezone

County Maps of Docket Area **(parcels highlighted in blue)**

Vicinity:

2022 Docket 3: Sammamish Area Rezone Vicinity
Docket Request # 3: Sammamish Area Residential Rezone

Aerial:

2022 Docket 3: Sammamish Area Rezone Aerial
Docket Request # 3: Sammamish Area Residential Rezone

Zoning:

2022 Docket 3: Sammamish Area Rezone Zoning
Docket Request # 3: Sammamish Area Residential Rezone

Land Use:

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</thead>
<tbody>
<tr>
<td><img src="image" alt="Map of Sammamish Area Rezone Land Use" /></td>
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</tbody>
</table>

**Property Specific Development Conditions and Special District Overlays:**

**Properties in this area are subject to development condition ES-P20:**

- **Description:** Wildlife Corridor/Urban Separator.
- **Date:** Established on August 18, 1997, and amended subsequently by ordinances 13307 (1997), 13232 (1998), and 15028 (2004).
- **Summary:** Permanent open space for wildlife corridors and urban separators shall be secured through lot clustering on all parcels of land located within the East Sammamish Community Planning Area.
- **Link:** https://kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/Psuffix/EastSammamish/ES-P20.aspx
Docket Request # 4: Vashon Island Rezone to Neighborhood Business

Name of Requestor(s): Jennifer Potter and Rusty Willoughby
Council District: #8
Summary Category: Land Use and Zoning Map Change

Submitted Request
Rezone property from Rural Area-5 to Neighborhood Business to allow former Grange Hall to be used for retail sales such as a neighborhood market.

Address/Parcel Identification Number
8887000660

County Maps of Docket Area (parcels highlighted in blue)

Vicinity:
**Docket Request # 4: Vashon Island Rezone to Neighborhood Business**

**Aerial:**

![2022 Docket 4: Vashon Island Rezone Aerial](image-url)

*The information provided in this aerial has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, regarding the accuracy, completeness or fitness for a particular purpose of such information. While care has been taken to ensure the accuracy of the data, variations may exist. The data is subject to interpretation and should be used in conjunction with other information sources. The data is not intended to be used for any legal, financial, or technical purposes. Use at your own risk.*

*King County*

*Date: 4/5/2022*

*Notes:*
Docket Request # 4: Vashon Island Rezone to Neighborhood Business

Zoning:

2022 Docket 4: Vashon Island Rezone Zoning
Docket Request # 4: Vashon Island Rezone to Neighborhood Business

Land Use:

2022 Docket 4: Vashon Island Rezone Land Use

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**Docket Request # 4: Vashon Island Rezone to Neighborhood Business**

**Elevations:**

![2022 Docket 4: Vashon Island Rezone Elevations](image)

**Property Specific Development Conditions and Special District Overlays:**

n/a
<table>
<thead>
<tr>
<th><strong>Docket Request # 5: East Auburn Area Industrial Rezone</strong></th>
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<tbody>
<tr>
<td><strong>Name of Requestor(s):</strong> Scarsella Bros Inc.</td>
</tr>
<tr>
<td><strong>Council District:</strong> #9</td>
</tr>
<tr>
<td><strong>Summary Category:</strong> Land Use and Zoning Map Change</td>
</tr>
</tbody>
</table>

**Submitted Request**
Change land use and zoning to Industrial.

**Address/Parcel Identification Number**
East Kent (adjacent to Pacific Raceways Site). Parcel Numbers: 102105-9098, 102105-9097, 102105-9076, 102105-9047, 102105-9036, 102105-9036, 102105-9033, 102105,9056, 102105-9051

**Submitted Background Information**

<table>
<thead>
<tr>
<th>Is there a Special District Overlay or Property Development Condition?</th>
<th>No. But one is likely to be required (as with neighboring property) to allow for industrial development in this location.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requested Change and Rationale</strong></td>
<td>Redesignate and rezone 38.59 acres currently RA-5 to I (Industrial) with a P-suffix requiring either a UGA expansion or a specific development conditions in conjunction with the Soos Creek Community Plan. Owners would like to see property developed for additional employment in East Kent central to housing concentrations in Auburn, Kent, Covington, Maple Valley and Black Diamon. Property is adjacent to the Urban Growth Boundary and within one-half (1/2) mile of ingress/egress to Highway 18. Property could support industrial uses, including manufacturing and warehousing/distribution.</td>
</tr>
<tr>
<td><strong>Proposed Uses of Parcel</strong></td>
<td>Light industrial uses, including warehousing, distribution, manufacturing, etc.</td>
</tr>
<tr>
<td><strong>How will change affect adjoining parcels?</strong></td>
<td>Adjacent parcels include the Pacific Raceway and some rural residential development. The proposal would draw additional traffic to the area (at different times than the raceway), but development of site is not likely to impact adjacent parcels as appropriate buffers, setbacks, etc. would be imposed by existing code.</td>
</tr>
<tr>
<td><strong>How is change compatible with the surrounding area?</strong></td>
<td>Proposed change is located on the edge of the existing urban boundary and is adjacent to a raceway. Appropriate buffers, landscaping and other typical code requirements can ensure compatibility with the surrounding area.</td>
</tr>
</tbody>
</table>
B. Additional Submitted Materials

The information contained herein was submitted to King County and is subject to change without notice. King County makes no representations or warranties, expressed or implied, with regard to the accuracy, reliability, success or failure of the information contained herein. This map is intended to be used for general guidance only. It is not intended to be used for site development. For more information, please contact King County Planning and Development Services. King County’s Proclamation No. 21-16, adopted on March 16, 2021, establishes King County’s policy for uses of existing, organized, and coordinated natural community values and resources. The policy is to provide a framework for the development of lands and other natural resources.

Date: 11/10/2021
Notes: Response to Industrial
Docket Request # 5: East Auburn Area Industrial Rezone

Property Specific Development Conditions and Special District Overlays:

n/a
**Docket Request # 6: Maple Valley Area Split Parcel Rezone**

**Name of Requestor(s):** Sean Foley, property owner  
**Council District:** #9  
**Summary Category:** Land Use and Zoning Map Change

**Submitted Request**

This request is to change the zoning designation of the property (parcel# 2752200005) from a split RA-5/NB-P to be fully zoned as NB (Neighborhood Business).

**Address/Parcel Identification Number**  
2752200005. Parcel is 1.01 acres.

<table>
<thead>
<tr>
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<th></th>
</tr>
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<tbody>
<tr>
<td><strong>A. Docket Form Answers</strong></td>
<td></td>
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<tr>
<td><strong>Why is this amendment needed?</strong></td>
<td>This amendment is needed to bring this parcel into compatibility with the adjacent properties that are zoned as Neighborhood Business, a zone the County has identified already fits the subject property but due to its split zone (RA-5/NB-P) is limited for commercial development because of an irregular and abnormal boundary. This amendment is also needed to bring the property into compliance with the King County Municipal Code.</td>
</tr>
<tr>
<td><strong>What are the expected or desired outcomes of this change?</strong></td>
<td>The expected/desired outcome of this change will remove a split zoned parcel and helps the parcel better match the surrounding uses that are also zoned NB thus creating a fully established Neighborhood Business commercial area for the community. With this change the parcel and existing business would be brought into compliance with the King County Municipal Code.</td>
</tr>
<tr>
<td><strong>What are the positive or negative impacts of this change?</strong></td>
<td>Positives from this change will produce a more comprehensive Neighborhood Business area that already serves numerous people in the community. As an existing produce stand that has grown alongside the community, a fully zoned NB parcel will help a local small business continue to grow and provide fresh fruits and vegetables to the community and by all accounts, the available produce is as organic as the growth in the community around it. By providing local produce, this small business provides seasonal jobs in addition to helping people feel better connected to their community and geography. As a rural area a local produce stand helps alleviate food desert concerns as they do not have to rely on imported goods or for affordable and nutritious foods. This business has been in operation for more than 20 years and its success in the community is evidenced by its growth from the community that has supported and relied on it. A change for this parcel only provides positives to its community. Additionally, As the business on this parcel has grown unpermitted development occurred. As such a change to the parcels zoning would mitigate concerns of non-compliance to better free up King County resources. A change to a fully NB zoned parcel would ease the process in bringing the existing community produce business into compliance with King County standards. Negative impacts if this rezone and designation is denied would mean the local produce stand that serves the community would have to significantly scale back its business thus preventing the local community from fresh and affordable fruits and vegetables.</td>
</tr>
</tbody>
</table>
**Docket Request # 6: Maple Valley Area Split Parcel Rezone**

| How is this amendment consistent with the Growth Management Act? | This amendment is consistent with RCW 36.70A.070(5)(b); (c)(ii); (d)(i); and (C)(iv) among others for Rural Development. (5)(b) - A rezoned parcel to NB helps accommodate rural economic advancement in an area not characterized by urban growth and as permitted use of a produce stand is consistent with rural character. (c)(ii) - A fully zoned NB parcel would assure visible compatibility of rural development with the surrounding area (as a split zoned parcel, King County has already identified this parcel as an area considered Neighborhood Business). This requested change would fully implement the County vision for this property and area) (d)(i) - The rural element allows for limited areas of intensive rural development. As an existing commercial development, a fully zoned NB promotes infill for an area the county has already identified as a commercial space and any potential further development or redevelopment of the property. (C)(iv) - Development use, the existing local produce stand, is consistent with the character of the existing area and conforms to the new use (that was already identified by the county), of a Neighborhood Business. As such setting the NB zone along an established parcel line is a logical outer boundary of more intensive development that was illogically established by the County and did not preserve the character of the existing community, conform to physical boundaries, and did not prevent an irregular and abnormal boundary. |

| Is there a Special District Overlay or Property Development Condition? | Subject Parcel has a -P Suffix for property-specific development standards as indicated on the King County iMAP zoning layer. |

| Requested Change and Rationale | Change the Split Zoned RA-5/NB-P Parcel to a single NB zone. Fully zoned will bring the property into consistency with the neighboring adjacent properties and further allow for commercial development. As a currently split zoned parcel, commercial development is limited for a local produce business that has been in operation and grown substantially over the years in tandem with the community. |

| Proposed Uses of Parcel | Neighborhood Business for local produce stand. |

| How will change affect adjoining parcels? | This will bring the property into a fully zoned Neighborhood Business parcel that is in line with all neighboring parcels on Renton-Maple Valley Rd. |

| How is change compatible with the surrounding area? | The adjacent parcels on Renton-Maple Valley Rd are all fully zoned NB. The subject property is the only split zoned parcel in the vicinity. The requested change will ensure full compatibility with the surrounding area and establish a full NB area. |

**B. Additional Submitted Materials**
The requester submitted 41 pages of additional materials. These are included at the end of the Docket Submittals Report as Attachment A.
Docket Request # 6: Maple Valley Area Split Parcel Rezone

County Maps of Docket Area (parcels highlighted in blue)

Vicinity:
Docket Request # 6: Maple Valley Area Split Parcel Rezone

Aerial:

![Maple Valley Area Rezone Aerial Image]
Docket Request # 6: Maple Valley Area Split Parcel Rezone

Zoning:

2022 Docket 6: Maple Valley Area Rezone Zoning

[Map showing the area with zoning details]
Docket Request # 6: Maple Valley Area Split Parcel Rezone

**Land Use:**

![2022 Docket 6: Maple Valley Area Rezone Land Use](image)

**Property Specific Development Conditions and Special District Overlays:**

A development condition applies to only this property TR-P22: 284-79R.

- **Date:** Established on August 18, 1997 by Ordinance 12824.
- **Summary:** The building to be 2,500 square feet or less in floor area.
<table>
<thead>
<tr>
<th>Docket Request # 7: North Highline Residential Rezone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of Requestor(s):</strong> Richard Miller</td>
</tr>
<tr>
<td><strong>Council District:</strong> #8</td>
</tr>
<tr>
<td><strong>Summary Category:</strong> Land Use and Zoning Map Change</td>
</tr>
</tbody>
</table>

**Submitted Request**
Request to change zoning on one unincorporated urban parcel in the North Highline Potential Annexation Area from Urban Residential 8 to Urban Residential 24. Request includes a land use designation change from Urban Residential Medium to Urban Residential High.

**Address/Parcel Identification Number**
0623049298

**Submitted Background Information**
A. Docket Form Answers

<table>
<thead>
<tr>
<th>Requested Change or Rationale</th>
<th>Urban residential high.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Comprehensive Plan Policies U-114, U-118, U-121, U-141, U-142</td>
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</table>

<table>
<thead>
<tr>
<th>Proposed Use of Parcel</th>
<th>Apartment or townhouse</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>How will parcel affect adjoining parcels</th>
<th>Will not affect</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>How is change compatible with the surrounding area?</th>
<th>Site borders 4 story 76-unit complex</th>
</tr>
</thead>
</table>

B. Additional Submitted Materials
None.
Docket Request # 7: North Highline Residential Rezone

County Maps of Docket Area (parcels highlighted in blue)

Vicinity:
Docket Request # 7: North Highline Residential Rezone

Aerial:

2022 Docket 7: North Highline Rezone Aerial
Docket Request # 7: North Highline Residential Rezone

Zoning:

2022 Docket 7: North Highline Rezone Zoning
Docket Request # 7: North Highline Residential Rezone

Land Use:

2022 Docket 7: North Highline Rezone Land Use

Property Specific Development Conditions and Special District Overlays:

n/a
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<th><strong>Docket Request # 8: Materials Processing in Rural Area</strong></th>
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<tr>
<td><strong>Name of Requestor(s):</strong> Seven Unincorporated Area Councils:</td>
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<td>Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV)</td>
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<td><strong>Request:</strong> See Additional Submitted Materials below.</td>
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<td><strong>Summary Category:</strong> Policy, Text, and Code Change</td>
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<td><strong>Address/Parcel Identification Number:</strong> n/a</td>
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</table>

**Submitted Background Information**

A. Docket Form Answers

n/a
Docket Request # 8: Materials Processing in Rural Area

B. Additional Submitted Materials

KCCP Docket Item Request

Requesting Organizations: The Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GVLHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); and Friends of Sammamish Valley (FoSV).

Introduction

King County Code Title 21A.06.742 Materials processing facility allows industrial-scale operations, such as "materials processing facilities," in the Rural Area.

"21A.06.742 Materials processing facility. Materials processing facility:

A. A site or establishment, not accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site, and

B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials."

This Code section, which allows industrial-scale operations, such as "materials processing facilities," in the Rural Area, is flawed. It is inconsistent with basic Rural Area policies elsewhere in the King County Comprehensive Plan (KCCP). It is one of many unintended and irreversible consequences such a broad brush approach to Mining (M) and Industrial (I) zoning has on Rural Area. Clearly, there is a need for "M" and "I" land-uses to be addressed in a more strategic way, e.g., by congregating such uses in areas where road capacity is adequate and water quality, citizen safety, noise, and air quality are all properly mitigated. Industrial-scale facilities simply do not belong in the Rural Area.

To be consistent with PSRC's VISION 2050, the Countywide Planning Policies (CPPs), and the KCCP, there should be no industrial-scale operations, including industrial-scale farming or industrial-scale livestock operations, located in the Rural Area (see Background below).

It is the law that King County Code must be consistent with and implement KCCP policies, not vice versa—it is not the Code that drives KCCP Policies, rather KCCP Policies drive the Code to be consistent with and conform to same. It is neither illegal, nor contrary to the State's Growth Management Act, for KCCP Policies to direct certain land uses to particular areas of the County, so as to be compatible with surrounding land uses, especially in the Rural Area (our emphases):

RCW 36.70A.011: "The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life. . . . [T]he legislature finds that in defining its rural element under RCW 36.70A.070(6), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life."

On September 4, 2019, the Executive issued Executive Order: LUD-12-3-EO: Clean Water Health Habitat. The EO stated (part), that (our emphases):
Docket Request # 8: Materials Processing in Rural Area

"King County has implemented protective land use policies and active habitat restoration programs, yet continued habitat loss, stormwater pollution, and toxics have resulted in critically endangered orca and declining salmon runs, threatening our shared natural heritage and Tribes’ ability to exercise treaty rights;...

King County’s forests, rivers, lakes, wetlands, shorelines, estuaries, and marine waters are connected systems that require an integrated and coordinated approach;...

...develop King County-wide 30-year water quality and habitat goals based on the best environmental outcomes believed possible as part of the Clean Water, Healthy Habitat Strategic Plan."

Clearly, King County Code Title 21A.06.742 Materials processing facility is not consistent with Executive Order: LUD-12-2-EO.

To be clear, we have no problem with the processing of organic materials for reuse, which is beneficial for all. However, what we do have problems with are industrial-scale operations being located in the Rural Area.

Request

The KC Code should be amended as follows to meet the KCCP Policies regarding the Rural Area:

"21A.06.742 Organic Materials processing facility. Materials processing facility:

A. A site or establishment, not industrial in scale nor accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site, and

B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials."

Above, we call for such “facilities” to process only “organic materials” and call for the elimination of “facilities” that are “industrial in scale” and that process “earth materials” (e.g., mining materials) or “construction and demolition materials.”

Background

VISION 2050 (adopted October 2020)

Maintaining Rural Area character and siting of industrial-scale operations are discussed in:

MPP-DP-32: “Contribute to improved ecological functions and more appropriate use of rural lands by minimizing impacts through innovative and environmentally sensitive land use management and development practices.”

MPP-DP-37: “Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.”

MPP-DP-41: “Establish best management practices that protect the long-term integrity of the natural environment, adjacent land uses, and the long-term productivity of resource lands.”

CPPs (2012 as amended in 2016; currently undergoing a major update in 2021)
Docket Request # 8: Materials Processing in Rural Area

Maintaining Rural Area character and siting of industrial-scale operations are discussed in:

EN-1: “Incorporate environmental protection and restoration efforts into local comprehensive plans to ensure that the quality of the natural environment and its contributions to human health and vitality are sustained now and for future generations.”

DP-45: “Limit growth in the Rural Area to prevent sprawl and the overburdening of rural services, reduce the need for new rural infrastructure, maintain rural character, and protect the natural environment.”

KCP (adopted July 2020)

Maintaining Rural Area character and siting of industrial-scale operations are discussed in:

Chapter 3. RURAL AREAS AND NATURAL RESOURCE LANDS, Part I. Rural Area (our emphases):

“Preserving rural King County plays a key role in ensuring a continuing variety of landscapes, maintaining the diverse communities that often portray the rural legacy, and supporting the evolving rural economic opportunities for the county and its residents. ... Rural Areas and rural-based economies contribute to the range of choices and enhance the quality of life of all county residents. ... King County is committed to sustaining rural economic clusters and rural character. ... The glacial soils and terrain that give King County its natural beauty also create significant environmentally critical areas, such as steep, erodible slopes, wetlands and groundwater recharge areas. Maintenance of tree cover, natural vegetation and wetlands are critical to the continued functioning of the ecosystem and preservation of rural character. The interplay of forest cover, soils and water are essential to watershed health, ensuring adequate unpolluted groundwater recharge, stormwater runoff flow control and pollution reduction, carbon sequestration and habitat functions. Conserving Rural Areas and Natural Resource Lands in King County is integral to providing diversity in lifestyle choices; sustaining farming, livestock, and forestry economies; protecting environmental quality and wildlife habitat; providing recreation opportunities and maintaining a link to the county's resource-based heritage.”

Chapter 3. RURAL AREAS AND NATURAL RESOURCE LANDS, Part V. Rural Commercial Centers, Section D. Non-Resource Industrial Uses and Development Standards in the Rural Area:

Policy R-512: “The creation of new Industrial-zoned lands in the Rural Area shall be limited to those that have long been used for industrial purposes, do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from State Route 169.”
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KCCP Docket Item Request

Requesting Organizations: The Greater Maple Valley Unincorporated Area Council (GMVUAC), Enumclaw Plateau Community Association (EPCA), Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FoSV).

Introduction

King County Code (KCC) Title 21A22.050 [DEVELOPMENT STANDARDS - MINERAL EXTRACTION] Periodic review, states:

“A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design and operating standards at five-year intervals from the date of issuance of the permit.

B. The periodic review is a Type 2 land use decision.

C. The periodic review shall:

1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and

2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.

(Ord. 19146 § 59, 2020; Ord. 15032 § 28, 2004; Ord. 11157 § 21, 1993; Ord. 10870 § 443, 1993).”

This Code section describes Periodic Reviews of mineral extraction (i.e., mining) and/or materials processing sites to be conducted at 5-yr intervals. Unfortunately, for the sake of our shared environment and for residents’ quality of life, King County (KC) Department of Local Services-Permitting Division (DLS-P) interprets 21A22.050 as not to include the reclamation phases on such sites, even though no permits are issued for such operations without the permittee committing to specific reclamation actions.

The implementing King County Comprehensive Plan (KCCP) Policy is R-688 (2020 Mid-Point Update, p. 3-74):

“The periodic review process for mineral extraction and processing operations shall include sufficient public notice and comment opportunities. The purpose of the periodic review process is to provide opportunities for public review and comment on the mineral resource facility’s fulfillment of state and County regulations and implementation of industry-standard best management practices, and for King County to modify, add or remove conditions to address new circumstances and/or
Docket Request # 9: Periodic Review and Reclamation Process

King County

unanticipated project-generated impacts. The periodic review process is not intended to re-examine the appropriateness of the mineral resource use, or to consider expansion of operations beyond the scope of existing permitted operations since that review would be accomplished through the County’s permitting process. The periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites, and not to be a part of the County’s permitting process.”

This KCCP Policy specifically states that the “periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites,...” However, again, KC DLS-P interprets the Periodic Review as not being applicable to the reclamation phases on such sites.

This is a loophole that deprives the general Public of Code-required periodic reviews.

Request

To ensure there is no misinterpretation of Periodic Reviews, we propose the following changes (using standard editing: additions—underlined and deletions—strikethrough) to both KC Code and KCCP Policy:

KCC Title 21A22.050 [DEVELOPMENT STANDARDS - MINERAL EXTRACTION]
Periodic review.:

“A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design and operating standards at five-year intervals from the date of issuance of the permit.
B. The periodic review is a Type 2 land use decision.
C. The periodic review shall:
   1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and
   2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.
   3. Address all reclamation activities prior to final closure of the operation.

(Ord. 19146 § 59, 2020; Ord. 15032 § 26, 2004; Ord. 11157 § 21, 1993; Ord. 10870 § 443, 1993).”

KCCP Policy R-688:
Docket Request # 9: Periodic Review and Reclamation Process

King County

“The periodic review process for mineral extraction, and processing, and reclamation operations shall include sufficient public notice and comment opportunities. The purpose of the periodic review process is to provide opportunities for public review and comment on the mineral resource facility’s fulfillment of state and County regulations and implementation of industry-standard best management practices, and for King County to modify, add or remove conditions to address new circumstances and/or unanticipated project-generated impacts. The periodic review process is not intended to re-examine the appropriateness of the mineral resource use, or to consider expansion of operations beyond the scope of existing permitted operations since that review would be accomplished through the County’s permitting process. The periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites, and not to be a part of the County’s permitting process.”

Supporting Rationale

Washington State RCWs

78.44.081: “Reclamation permits required—Applications. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.”

RCW 78.44.081 clearly states that a reclamation permit be obtained prior to the commencement of any mining operation, thus establishing that reclamation is part and parcel of the mining operation and thus, by inference, indicating that any subsequent Code or Policy that calls for Periodic Reviews of mining operations include reclamation activities. Consequently, Periodic Reviews apply to reclamation activities.

VISION 2050 (adopted October 2020)

Protecting the general public and maintaining Rural Area character in relation to industrial-scale operations such as mining are discussed in:

MPP-DP-32: “Contribute to improved ecological functions and more appropriate use of rural lands by minimizing impacts through innovative and environmentally sensitive land use management and development practices.”
King County

**MPP-DP-37:** “Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.”

**MPP-DP-41:** “Establish best management practices that protect the long-term integrity of the natural environment, adjacent land uses, and the long-term productivity of resource lands.”

Each of these MPPs apply to ensuring mining site reclamation is conducted and completed in a manner as to protect the environment and the general Public. To do so, the Public must be kept informed and the Periodic Review process used to do so.

**Countywide Planning Policies (CPPs) (2012 as amended in 2016; currently undergoing a major update in 2021)**

Maintaining Rural Area character and siting of industrial-scale operations are discussed in:

**EN-1:** “Incorporate environmental protection and restoration efforts into local comprehensive plans to ensure that the quality of the natural environment and its contributions to human health and vitality are sustained now and for future generations.”

This CPP calls for the KCCP and its policies to include “…environmental protection and restoration efforts….” To do this KCCP policies calling for Periodic Reviews must include mining site reclamation activities.

**KCCP (adopted July 2020)**

Maintaining Rural Area character with respect to industrial-scale mining operations are discussed in:

Chapter 3. **RURAL AREAS AND NATURAL RESOURCE LANDS, Part I. Rural Area** (our emphases):

“Preserving rural King County plays a key role in ensuring a continuing variety of landscapes, maintaining the diverse communities that often portray the rural legacy, and supporting the evolving rural economic opportunities for the county and its residents…. Rural Areas and rural- based economies contribute to the range of choices and enhance the quality of life of all county residents…. King County is committed to sustaining rural economic clusters and rural character…. The glacial soils and terrain that give King County its natural beauty also create significant environmentally critical areas, such as steep, erodible slopes, wetlands and groundwater recharge areas. Maintenance of tree cover,
Docket Request # 9: Periodic Review and Reclamation Process

King County

natural vegetation and wetlands are critical to the continued functioning of the ecosystem and preservation of rural character. The interplay of forest cover, soils and water are essential to watershed health, ensuring adequate unpolluted groundwater recharge, stormwater runoff flow control and pollution reduction, carbon sequestration and habitat functions. Conserving Rural Areas and Natural Resource Lands in King County is integral to providing diversity in lifestyle choices; sustaining farming, livestock, and forestry economies; protecting environmental quality and wildlife habitat; providing recreation opportunities and maintaining a link to the county's resource-based heritage.

This KCCP section specifically calls for: “Conserving Rural Areas and Natural Resource Lands...” This cannot be done without proper and adequately monitored reclamation of mining sites. Public disclosure and participation are integral to such oversight.

Closing Remarks

Environmental Impacts
It is relevant and factual to point out that multiple mining facilities in King County (particularly in SE King County) have a record of substantial environmental, permit and code violations during the “reclamation” phase, which can take as long or as in a number of cases in SE King County, take far longer than the mining activity. Further, there is a record of such sites causing harm to public resources, including, but not limited to, waters of the state. Site examples include: Reserve Silica, Erickson/Wagner site, John Henry Mine, and Landsberg (Rogers Seam).

State Department of Ecology
Also worthy of note, when the State Department of Ecology (DOE) was updating the National Pollution Discharge Elimination System (NPDES) permit for stormwater and mine-water discharges from the John Henry Mine, it wrote requirements both for a return to active mining (which was still a potential at the time), or reclamation as it was DOE’s opinion that reclamation activities at the John Henry Mine posed a substantial threat of pollution to waters of the state.

Reclamation
Clearly, the aforementioned examples demonstrate that reclamation activity can and frequently has lasted for decades. Claimed reclamation is often historically and presently paired with disposal. Reclamation is often abused through disposal of off-specification or hazardous materials. The current interpretation by DLS-P serves to keep such reclamation/disposal activity opaque and out of the public view, which in turn only serves to increase the opportunities for additional harm to rural residents and public resources, in particular through pollution of surface and groundwater that can last for many decades beyond the completion reclamation activity (as seen with high pH and arsenic discharges from the Reserve Silica site that continue today).
Docket Request # 9: Periodic Review and Reclamation Process

King County

Enforcement
Reclamation requires significant permitting and enforcement review, just like mining itself, and is clearly an activity associated with mining and part of the integrated planning, design, and permitting of mines in King County. Consequently, it is illogical and a source of significant harm to require Periodic Review and opportunity for public comment during mining, but not during reclamation that includes many if not most of the same impacts and violations of code as active mining, with the addition of potential illegal disposal activities. There is no valid argument to conclude that the necessity of the Periodic Review, and opportunity for public comment should apply for active mining, but not apply, or isn’t necessary for reclamation.

Conclusions
The changes in King County Code and KCCP Policy enumerated in this Docket Request will resolve the problems detailed herein for the good of all.
III. FOR MORE INFORMATION

The purpose of the Docket Submittals Report is to provide notification regarding the proposals that have submitted. The report is posted shortly after the Docket deadline of December 31 and is therefore released prior to conducting analysis on the request(s). The next steps in the process are described in the aforementioned Docket Reports.

Contact: Ivan Miller, ivan.miller@kingcounty.gov, 206-263-8297.
King County
Office of Performance, Strategy, & Budget
Regional Planning Section
Chinook Office Building
401 Fifth Ave, Suite 810
Seattle, WA 98104

RE: 21-112 | 21409 Renton Maple Valley, King County Comprehensive Plan Docket Process Form submittal for Parcel 2752200005 located at 21409 Renton-Maple Valley Rd SE, Maple Valley and within the jurisdiction of King County.

To Whom It May Concern:

On behalf of our client Sean Foley, Abbey Road Group Land Development Services is submitting King County Comprehensive Plan Docket Process Form for the property located at 21409 Renton-Maple Valley Rd SE, Maple Valley WA 98038, Parcel 2752200005.

This property is unique in that it is split zoned as RA-5/NB-P. Per the King County Municipal Code, the RA-5 zone is for rural residential allowed uses and NB Neighborhood Business. The existing use and structures on the property currently fall in the NB zone which is the use of the property.

This Docket Process Form is in support of a Rezone of the property from the current split zone of RA-5/NB-P to NB (Neighborhood Business) only. The rezone of the property to NB-P which allows for the existing allowed use of the property for a Food Produce stand and matches adjacent properties and the King County Comprehensive Plan for Neighborhood Businesses. A NB zoned parcel ensure visual compatibility, establish a logical outer boundary, and preserve the character of the existing community consistent with the Growth Management Act.

Through this Docket Process for a Rezone and Land Use Designation amendment the property will be brought into compliance with the King County Municipal Code and would aid our client, the property owner, from having to pursue a lengthy and costly rezone classification process.

Project Site Information:
Current Lot:
  - Zoning: RA-5/NB-P (Rural Area, one DU per 5 acres; Neighborhood Business)
  - Site Area: 43,995 sf (NB-P zone: ~27,518.7 sf; RA-5: ~16,476.3 SF)
Access:
  - SE 214th St
  - Renton Maple Valley Rd SE
Proposed Zone:
  - NB – Neighborhood Business

Enclosure(s):
Cover Letter
Docket Process Form
Vicinity Map
Zoning Map
Boundary and Topographic Survey
Site Observation Report

If you have questions or would like to request additional information, please do not hesitate to contact me by phone at (253) 435-3699 or via e-mail at Gil.Hulsmann@AbbeyRoadGroup.com.

Sincerely,

Gil Hulsmann
CEO - Director of Land Development Services
Abbey Road Group Land Development Services Company, LLC
253-435-3699 Phone (ext 101) | 253-446-3159 Fax
253-405-1246 Cell
Gil.Hulsmann@AbbeyRoadGroup.com
www.AbbeyRoadGroup.Com
GFH/rj

Job # 21-112
T:\PROJECTS FILES (ACTIVE)\21-112, 21409 Renton Maple Valley RD\PERMITTING\Docket Process

Enclosure(s):
Cover Letter
Docket Process Form
Vicinity Map
Zoning Map
Boundary and Topographic Survey
Site Observation Report
Feasibility Report
SITE OBSERVATION NARRATIVE

FOLEY RENTON-MAPLE VALLEY PROJECT

21409 Renton- Maple Valley Rd SE
Renton, Washington (King County)

Job #21-112

March 2021

Prepared for:
Sean Foley
PO Box 1290
Maple Valley, Washington 98038

2102 East Main Ave, Suite 109, Puyallup, WA  98372
P.O. Box 1224, Puyallup, WA  98371
(253) 435-3699 / Fax (253) 446-3159
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4. Appendix B - Site Observation Narrative Photographs
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.
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Date: 3/18/2021
Notes:
Site Observation Narrative

Proposed Parcel Research Location

This property assessment consists of 1 parcel: 2752200005. The physical address of this site is as followed: 21409 Renton-Maple Valley Rd SE Renton, Washington 98038.

Parcel Legal Description:

GIBBON W D FARM UNREC N 275 FT OF E 260.70 FT MEAS ALG N LN AT R/A THTO LESS BEG 620 FT E & 100 FT S OF NW COR TH S 175 FT TH E TO W LN OF HWY TH NWLY TO A PT 200 FT M/L E FR BEG TH W 200 FT M/L TO BEG LESS CO RD Plat Block: Plat Lot #1.

Narrative Purpose:

The information in this narrative is intended to provide substantial and accurate information of the above parcel in question to aid in the resolution for King County Code Violation Code Enforcement Case #ENFR20-0079. This narrative will be limited to only onsite observations of the existing site conditions as well as some use of historical aerial photographs taken of the parcel provided by King County GIS Portal.

This report will reference King County Code Violation Code Enforcement Case #ENFR20-0079 documents and these items will be included in Appendix A of this report.

King County Code Violation Code Enforcement Case #ENFR20-0079

This case was investigated by King County Code Enforcement Office Holly Swain and was reported to Mr. Sean Foley on the date of February 26th, 2020. The reported violations are listed below:

1. Operation of a fruit and vegetable market from a parcel divided into two different zones (NB-P allows businesses, RA-5 does not allow business) in violation of Section 21A.08.070 ( Section 21A.08.070 is a Retail Land Used Table )
2. Construction and Site Development:
   a. A cooler (900 Sq ft with 360 sq ft attached roof structure)
   b. Two-story wood building (approximately 250 sq ft Office Bldg.)
   c. Setup of a Tent Structure (frame left up year round, canvas put on structure for several months of the year) without required fire permit.
   d. Over 2,000 sq ft of new impervious for parking and other purposes, cumulative clearing over 7,000 sq ft. Structures within setbacks and use of the RA-5 portion of the parcel, which is not zoned for this business, in violation of sections 16.02.240, 16.82.051, 21A.12.030, 21A.12.040, 21A.28.020 of the parcel zoned NB-P All setbacks would need to be met.
Site Observation Remarks

Upon reviewing this project and the King County alleged violations a Site Observation was conducted to verify or refute the allegations presented to Mr. Sean Foley. The below is a brief narrative of items observed onsite.

Structures:

Permanent Building Structures:

Two Story Wooden Office Building /Shack (Total 240 SQ FT). The office building is actually a 12’ x 16’ (192 SQFT) building with a 4’ wide porch on the front side, and the Freezer Unit (1,200 SQ FT). Both structures have been provided power. The Freezer unit appears to have a roof drain systems and French drain associated with it.

2 Conex Storage Containers (160 SQ FT Each). These two items are technically a mobile items as they are shipping containers.

Temporary Structures:

The temporary event tent which is also the seasonal sales area for the Retail Nursery, Garden Center and Farm Supply Stores. Is approximately 4,500 Sq ft total, this area is split between NB-P zoning and RA-5 Zoning. The portion of the Covered area in RA-5 Zoning is 745 SQ FT. with the remainder 3,755 SQ FT being on the NB-P Zoning portion of the parcel. The King County Violation References King County Code Section 21A.08.070. The below is the chart for this specific code. Under Rural Retail Nurseries are permitted with a conditional use permit that meets the condition listed below:

![Chart](image-url)
An additional temporary RV Tent (340 SQ FT) was also observed on site and is used for additional storage.

Lastly, the ecology block walls throughout the parcel are considered a structural item. The ecology block walls in the “Loading Dock Area” are technically under 4-feet of height so they should not require a building permit. Unfortunately, approximately 60 linear feet of this portion of the eco block wall is constructed on the parcel to the west: Parcel 2752200009. This parcel is not currently owned by Mr. Sean Foley, because this was constructed on property that Mr. Sean Foley does not own then it is highly recommended to either remove the wall, request an easement for the structure, or purchase this area from the current owner of parcel 2752200009. In addition to the wall section being constructed on the neighboring property there is approximately 25 linear feet of wall that has been constructed in the building setback area. This was specifically mentioned in the King County Violation Report.

The wall along the southeastern property line shares the same complication as the loading dock section of the wall. This can be observed in the Existing Conditions Plan shown on Page 7 of this report.

New Impervious Surfaces:

This site has added additional impervious surfaces over the years to include expanding the asphalt paved parking area, the gravel storage/work areas, additional buildings, and the small asphalt path to the loading dock area along the western property line.

The total asphalt/gravel impervious surface on site totals approximately 24,640 SQ FT for both onsite and office constructed surfaces.

The small asphalt path (approximately 10-feet Wide) has approximately 475 SQ FT of asphalted path constructed on the neighboring parcel 2752200009. Like the situation with the wall constructed on the neighboring property this portion of pavement will need to be addressed through easements, purchase, or removal.

Violation Remarks:

King County Violation item number 1 Operation of a Fruit and Vegetable Market from a parcel divided into two different zones is in violation of Section 21A.08.070.

There is a number of resolutions to this violation, but it is Abbey Road Groups Recommendation that a conditional use permit be applied for as the Violation specifically states that the RA-5 Portion of the property is in violation, which is currently the case only because a Conditional Use Permit has not been applied for at this time. With the area of sales facility in RA-5 is under 2,000 SQ FT the application should be considered.

If this option does not satisfy violation #1 then rezoning the parcel to be NB-P should be pursued.
King County Violation #2A – A cooler has been constructed on the RA-5 Portion of the property.

This will require a building permit and will need to be included in the conditional use permit application process.

King County Violation #2B - Two story Office approximately 250’

This will require a building permit as an accessory and will need to be included in the conditional use permit application process.

King County Violation #2C- Setup of a Tent Structure (Temporary Use)

This will require an additional permit – further investigation will need to be conducted for which permit type would be the most applicable for this facility. King County recommends a fire permit. This permit may be a yearly permit. This also will need to be included in the Conditional Use permit application.

King County Violation #2D- Over 2,000 SQFT of new impervious surface, clearing, and set back issues.

The site will need to resolve the items that have been constructed offsite or in the process of resolving or prior to submitting a King County ABC (already been constructed) Permit. This permit will require a site plan and engineering calculations for walls, stormwater management, building structural engineering, etc. This will also need to be included in the Conditional Use permit.

Note: Some of the violations can be resolved by simply contesting the violation. For example, King County’s Definition of “Clearing” is as followed: "Clearing" means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical or any other similar means. KCMC 16.82.020(D).

If this is truly accurate then every time someone mows their lawn in King County they are in violation of this code.
Appendix A

King County Violation Case ENFR20-0079

Document
February 26, 2020

Sean Foley
Foley’s Produce LLC
PO Box 1290
Maple Valley, WA 98038

RE: King County Code Violation Code Enforcement Case #ENFR20-0079
At: 21415 Renton Maple Valley Rd SE       Zoning: NB-P & RA-5

Dear Mr. Sean Foley,

An inspection of the subject property and/or review of the file has confirmed the following violation(s) of the King County Code exists on the subject property.

1. Operation of a Fruit and Vegetable market from a parcel divided into two different zones (NB-P allows business, RA-5 does not allow business) in violation of Section 21A.08.070 of King County Code.

2. Construction and site development:
   a.) a cooler (900 sq.ft. with 360 sq.ft. attached roof structure.
   b.) two-story wood building (approximately 250 sq.ft. used as office and storage)
   c.) setup of a tent structure (framing left up year round, canvas put on structure for several months of the year) without the required fire permit
   d.) over 2,000 sq. ft. of new impervious for parking and other purposes (estimated over 27,000 sq.ft. of new impervious surface) cumulative clearing over 7,000 sq.ft. (most of parcel is cleared, with over 4,000 sq.ft. of clearing after 2011)

With structures within setbacks and use of the RA-5 portion of the parcel which is not zoned for this business, in violation of Sections 16.02.240, 16.82.050, 16.82.051, 21A.12.030, 21A.12.040, 21. A.28.020 of the King County Code and Sections 105.1 and 114 of the International Building Code.

Note: Entire fruit and vegetable business (including trucks, structures) would need to be relocated to the portion of the parcel zoned NB-P. All setbacks would need to be meet.

To correct these violation(s):

1. And 2.

1a. Apply for and obtain the required permits, inspections and approvals with complete application to be submitted by the following schedule:
   
   A. Submit complete commercial permit pre-screening meeting request by April 6, 2020.

   Note: Foley’s Produce business would need to be entirely on the NB-P portion of the parcel.
B. Submitted application to the Health Department (if required) within 30 days of the permit pre-screen meeting; provide a copy of the Health Department application to Code Enforcement.

**NOTE:** A Critical Areas Designation (CAD) from Permitting may be required prior to Health Department submittal if a new septic design is required.

C. Submit complete building permit application is to be submitted **within 45 days of the building permit pre-application meeting.**

**NOTE:** Application for a permit does not ensure that a permit will be issued. An applicant should also be aware that permit fees and/or site conditions and/or repair expenses may make the application cost prohibitive. The only alternative may be to demolish the non-permitted construction.

D. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Request a building inspection **within 15 days of building permit issuance**, make any required corrections and obtain final approval for occupancy **within one year** of permit issuance.

E. If permit application or any required approvals including but not limited to Health Department approval is denied, apply for and obtain a demolition and grading permits to remove the new construction and address the grading issues. Demolition must be completed **within 60 days of permit issuance** even though a demolition permit is good for 1 year. The grading permit must be finalised within the one-year issuance time period.

**OR**

1b. Relocate business to a new location. Obtain a demolition permit and follow 1a above for violation 2d. construction. Demolition must be completed **within 60 days of permit issuance** even though a Date to be determined. Based on our conversation this is not a preferred option.

Our office will follow up to determine compliance after the compliance date above. If the violations are not corrected at the time of the follow up, our office has the authority to and will issue a legal notice which requires compliance by a specific date. The legal notice, also known as a Notice and Order, subjects you to civil penalties and is recorded against your property title. To avoid the Notice and Order you have the option of entering into a Voluntary Compliance Agreement (VCA) to achieve compliance. Similar to the Notice and Order, the VCA is a legal document in which you acknowledge that you have violations on your property and agree to bring them into compliance by a specific date. The VCA can also subject you to civil penalties and is recorded against your property title.

Please contact me at (206) 477-0291 or by email at holly.sawin@kingcounty.gov. Thank you for your cooperation.

Officer Sawin  
King County Code Enforcement

Enclosure:

Commercial ABC permit pre-screen application packet  
21A.08.070 King County Code  
Code Enforcement Brochure
Appendix B

Site Observation Narrative Photographs
Above: Looking west at face of parcel

Below: Looking West inside gate
Above: looking Southwest at wall and temp tent

Below: Ecology Block wall (2 Blocks High) 53” tall
Above: Looking West along wall

Below: Looking Northwest over parking lot
Above: Looking Northeast over northern portion of parking lot and lot drain

Below: Looking at Rip rap pad where lot drains to as well as CB in eastern parking lot
Above: Looking at Temp Tent structure

Below: Temp Tent Structure tie-downs north side of tent
Above: Temp Tent tie downs south side

Below: tent die downs and gravel walking / operating path
Above: Wall on south side of Parking lot showing Handy-cap stall

Below: Showing the east side of the Freezer Unit
Above: Freezer unit south side of building

Below: Freezer unit west side of building
Above: freezer unit west side of freezer unit

Below: Freezer unit north side
Above: Freezer unit French drain

Below: Freezer unit 4” concrete pad below unit
Above: RV Cover Temp and Conex storage unit

Below: Both Conex storage units
Above: Office Building east side of structure

Below: 10' wide asphalt path to loading dock
Above: 10’ wide asphalt path to loading dock looking north

Below: 10’ wide asphalt path to loading dock and eco block wall looking north
Above: loading dock looking northeast

Below: Loading dock looking west
Above: loading area north of loading dock looking north

Below: Loading dock area looking south from Road
Above: Loading area looking southeast from road

Below: Looking north at driveway access and storm drain out fall
Above: Rip Rap Pad drainage from Renton Maple Valley Road and Parking Lot outfalls here

Below: Driveway access looking northeast
Above: Driveway access showing catch basin looking north

Below: Eastern Parking Lot looking south
Attachment B: Public Comments on 2022 Docket Submittals

The following public comment was submitted following the release of the 2022 Docket Submittals Report.

In Reference to Docket #1 and Docket #2

From: Karen Deal <Karen.Deal@lakesideindustries.com>
Sent: Wednesday, February 23, 2022 1:42 PM
Cc: John Hempelmann <JHempelmann@Cairncross.com>
Subject: Comment on King County Comprehensive Plan Docket

On behalf of Lakeside Industries, I am writing to oppose two comprehensive plan docket items on the 2022 Docket Submittals Report for the 2024 Comprehensive Plan Update. Lakeside Industries owns property on SR 169 that is designated and zoned Industrial, and is the subject of permit applications for an asphalt plant. One of the vocal opponents of Lakeside’s permit applications is Eric Hudson. Eric Hudson has requested two Comprehensive Plan Amendments, which are listed on the 2022 Docket Submittals Report for consideration in the 2024 Comprehensive Plan Update. One of the Hudson requests is to change the Comprehensive Plan Designation of the Lakeside property from Industrial to Rural. Lakeside opposes this request. The second Hudson request is to designate the Cedar River Basin as a Critical Aquifer Recharge Area. Lakeside opposes this request. Please include me as a party of record in the County’s Comprehensive Plan Update process. Thank you.

Sincerely,
Karen

Karen Deal, Environmental & Land Use Director
Lakeside Industries, Inc. | 6505 226th Place S.E. - Suite 200| PO Box 7016| Issaquah, WA | 98027
Phone: (425) 313-2660| Cell: (425) 864-5081| karen.deal@lakesideindustries.com

LSLU Meeting Materials Page 339 May 24, 2022
# 2024 King County Comprehensive Plan Update
## Executive Summary of "Mini-Docket" Scoping Requests

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<tr>
<th>#</th>
<th>Proponent</th>
<th>Request</th>
<th>Summary of Executive Response</th>
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<tbody>
<tr>
<td>1</td>
<td>Julie Buck</td>
<td><strong>Requested Change?</strong>&lt;br&gt;I would like Urban Government services to include publicly accessible restrooms as a regional plan component subarea that tracks location and capacity, and includes them in planning.</td>
<td>The Executive will evaluate this request further as part of 2024 Update or identify another appropriate venue if warranted as analysis continues. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work.</td>
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<td><strong>If addressed already in the plan or code, what change is needed?</strong></td>
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<td></td>
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<td><strong>Why is this amendment needed?</strong>&lt;br&gt;The King County Comprehensive Plan has prioritized pro-equity actions and includes institution for public health and the environment. Places to use the restroom without charge are in line with equity and address both public health and the environment.</td>
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<td><strong>What are the expected or desired outcomes of this change?</strong>&lt;br&gt;There are several expected desired outcomes to this being a part of the county's planning purview: fewer people urinating/defecating in public, lower amounts of untreated biowaste washing into Puget Sound, lower amounts of biowaste in public areas and the attendant risk of disease. It also would alleviate one of the major complaints from business owners and housed people about unhoused people, and offer a lot of people a modicum of dignity.</td>
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<td><strong>What are the potential positive or negative impacts of this change?</strong>&lt;br&gt;A positive impact of including restrooms as a public good planned for and inventoried by the county would alleviate the burden for restroom access from being borne solely by business owners and their staff, and provide coverage for when businesses are not open. Providing bathrooms to people is a secondary service for restaurants and cafes, not their primary responsibility, but they're often the only ones available. A negative impact might be the amount of time and effort to consolidate across parks, privately-managed rest stops, and [SIC]</td>
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Executive Summary of "Mini-Docket" Scoping Requests

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<td>How is this amendment consistent with the Growth Management Act?</td>
<td>The GMA defines capital facilities to include public health and environmental protection services, and Urban Governmental Services like sanitary sewer systems. However, the current King County Comprehensive Plan does not track publicly accessible restrooms. Restrooms that are publicly available and limited-mobility-accessible are not currently &quot;inventoried and showing locations and capacities&quot;. But access to restroom facilities is both a matter of public health and environmental protection, and an important component of creating a pro-equity environment in King County.</td>
<td>This request is beyond KCCP scope and more appropriate for more detailed Metro and Sound Transit plans. Based on this, the Executive does not support advancing this request as part of the 2024 Update.</td>
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<tr>
<td></td>
<td>Requested Change?</td>
<td>I would like to request some changes to the planning of mass transit, including Metro service and rail expansion, as a part of the comprehensive plan. I would also like to[ SIC]</td>
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<td></td>
<td>If addressed already in the plan or code, what change is needed?</td>
<td>I would propose that additional funding needs to be sourced from employers beyond the voluntary ORCA card as a commute benefit. I would also like to see additional transit planning to address shift workers outside of the 9-5 workday and essential workers, and a better solution for particularly rural areas around a streetcar suburb/spoke model.</td>
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<td></td>
<td>Why is this amendment needed?</td>
<td>It seems likely that the COVID-19 pandemic will have a permanent shift on the number of daily commuters, shifting away from a consistent Monday through Friday flow of office workers, which puts commute benefit programs into jeopardy as a source of funding. However, we can shift our service to help both people who work nontraditional hours and are more likely to need to be physically in their place of employment, and people who transit to places besides work. King County is experiencing a crisis</td>
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<td>paying for rural road upkeep. Part of this is because rural populations have little choice but to drive, and individual car traffic means more congestion and more wear on roads. 81% of travel in King County is individual car trips according to the last update; that doesn't make sense from an accessibility, equity, or climate perspective. We need both more funding and more transit to shift the culture on how people get from place to place.</td>
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<td>2</td>
<td>Peter Eberle</td>
<td>Requested Change? There are language conflicts in service provision within potential annexation areas. These are in the Comp Plan and also in other documents used by King County such as the KC Annexation Databook. In the comp plan the language is on page 2-37 and in u-207 page 2-40. In the Annexation Databook the language is in PF-3 on page 9.</td>
<td>The current language on page 2-37 and in Policy U-207 of the Comprehensive Plan is consistent with the directives of the Washington State Growth Management. Additionally, amending PF-3 of the Countywide Planning Policies is out of the scope of</td>
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### Executive Summary of "Mini-Docket" Scoping Requests

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<td>If addressed already in the plan or code, what change is needed?</td>
<td>remove language that favors cities over Special Service Districts that currently provide services to PAA's.</td>
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<td></td>
<td>Why is this amendment needed?</td>
<td>This is needed to protect SSD's financially from losing customer base that share in costs associated with maintaining and replacing aging infrastructure. Without this, debt load would be placed on a smaller base of customers and cause undue raises in rates.</td>
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<td></td>
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<td>What are the expected or desired outcomes of this change?</td>
<td>Many Special Service Districts find themselves with aging infrastructure that needs upgrading and or replacement. If it is thought that cities would take over systems in the PAA's on annexation they may be forced to change their business model and shift their focus to service areas outside of the PAA's. Also an outcome should be that all current service providers are to be part of any conversation about annexation and participating with any interlocal agreements with cities and the county.</td>
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<td>What are the potential positive or negative impacts of this change?</td>
<td>The positive is that current capital plans and comprehensive plans of SSD would continue in the PAA's.</td>
</tr>
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<td>How is this amendment consistent with the Growth Management Act?</td>
<td>It should be consistent with GMA.</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td><strong>Incorporate the updated housing element requirements in RCW 36.70A.070(2).</strong></td>
<td>Implementation of the updated housing element requirements of RCW 36.70A.070(2) (as adopted by House Bill 1220) is included in the Executive's proposed 2024 Scope of Work.</td>
</tr>
<tr>
<td>3</td>
<td>Futurewise</td>
<td>We recommend that the comprehensive plan and development regulations update incorporate the new housing element requirements in RCW 36.70A.070(2). This will advance equity and affordable housing.</td>
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2024 King County Comprehensive Plan Update  
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<td>We support addressing climate change mitigation and adaption in the comprehensive plan.</td>
<td>We support the decision to address climate in the comprehensive plan. Both mitigation and adaption to climate change are needed to address the adverse impacts of climate change. Comprehensive planning is an important method of reducing greenhouse gas pollution, mitigation, and adapting to the changes caused by climate change. The U.S. Environmental Protection Agency (EPA) found that state and local governments can significantly reduce greenhouse gas emissions through land and materials management practices such as materials efficiency, industrial ecology, green design, land revitalization, sustainable consumption, smart growth, pollution prevention, and design for environment. Land use planning that focuses growth in existing cities and towns and encourages the use of transit, walking and cycling, and the creation of mixed-use urban centers can improve air quality by reducing automobile trips and congestion. Focusing growth away from flood plains, areas with low instream flows and closed basins, and into existing cities and towns especially areas near high-capacity transit stations can help adapt to climate impacts on lands uses. Since HB 1099 will likely pass before the comprehensive plan update deadline if not this legislative session, we recommend that the requirements of HB 1099 be incorporated into the comprehensive plan and development regulations. We appreciate that the last comprehensive plan update included measures to address sea level rise. However, a recent analysis of sea-level measurements for tide-gage stations, including the Seattle, Washington tide-gage, shows that sea level rise is accelerating. As of 2020, Seattle’s sea level rise was 1.974 millimeters a year and it was accelerating at a rate of 0.038 millimeters per year. Virginia Institute of Marine Science (VIMS) “emeritus professor John Boon, says ‘The year-to-year trends are becoming very informative. The 2020 report cards continue a clear trend toward acceleration in rates of sea-level rise at 27 of our 28 tide-gage stations along the continental U.S. coastline.’” “Acceleration can be a game changer in terms of impacts and planning, so we really need to pay heed to these patterns,’ says Boon.”</td>
<td>Advancing the climate change mitigation and adaptation directives of the 2020 SCAP, as well as local implementation of related elements of HB 1099, are included in the Executive proposed 2024 Scope of Work.</td>
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<td>Unless wetlands and shoreline vegetation can migrate landward, their area and ecological functions will decline. If development regulations are not updated to address the need for vegetation to migrate landward in feasible locations, wetlands and shoreline vegetation will decline. This loss of shoreline vegetation will harm the environment. It will also deprive marine shorelines of the vegetation that protects property from erosion and storm damage by modifying soils and accreting sediment. This will increase damage to upland properties.</td>
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<td>We appreciate that the sea level rise requirements adopted in the last update will provide increased protection for structures by elevating the structures and well casings. These requirements are well supported by the science and Futurewise supported them. We also recommend that new lots and new buildings be located outside the area of likely sea level rise where possible. These requirements will provide better protection for buildings and people and will also allow wetlands and marine vegetation to migrate as the sea level rises.</td>
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<td>In addition, we suggest that the County take a more comprehensive approach to adapting to sea level rise and its adverse impacts modeled on the process California’s coastal counties and cities use. The process includes six steps.</td>
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<td>1. Determine the range of sea level rise projections relevant to King County’s marine shorelines. The California Coastal Commission recommends analyzing intermediate and long-term projections because “development constructed today is likely to remain in place over the next 75-100 years, or longer.”</td>
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<td>2. Identify potential physical sea level rise impacts in King County’s marine shorelines.</td>
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<td>3. Assess potential risks from sea level rise to coastal resources and development.</td>
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<td>4. Identify adaptation strategies to minimize risks. The California Coastal Commission Sea Level Rise Policy Guidance includes recommended adaptation strategies to consider.</td>
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<td>5. Adopt an updated comprehensive plan and development regulations incorporating the selected adaption strategies.</td>
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<td>6. Implement the updated comprehensive plan and development regulations and monitor and revise as needed. Because the scientific data on sea level rise is evolving, the California Coastal Commission recommends modifying “the current and future hazard areas on a five to ten year basis or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.”</td>
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The Transportation and Capital Facilities Plan Elements should invest equitably and in historically underserved communities. | Advancing equitable investments and supporting |
### Executive Summary of "Mini-Docket" Scoping Requests

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<td>King County</td>
<td>King County has excellent equity principles. One important method of implementing those principles is to ensure that the investments in the transportation and capital facility plan elements equitably invest in unincorporated King County. This should include investing in historically underserved communities and neighborhoods.</td>
<td>efforts to invest upstream are included in the Executive proposed 2024 Scope of Work.</td>
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<td><strong>Policies and regulations should require that new development must comply with applicable instream flow rules.</strong></td>
<td>Consistent with state law requirements, King County has long-standing policy direction that limits new permit-exempt wells and requires new development to be connected to larger public water systems, known as Group A water systems. Additionally, King County continues to participate in the State's watershed planning efforts required to further address the new instream flow rules. The County continues to evaluate whether local regulatory changes are needed to implement the watershed plans as they are completed; what vehicle this occurs under (such as in the 2024 Update or some other body of work) will be evaluated as needed.</td>
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<td>Permit-exempt wells are reducing instream flows, reducing instream habitat, increasing temperatures, and reducing dissolved oxygen levels. The adverse impacts of development on instream flows is one of the reasons that RCW 36.70A.590 requires in part that “[d]evelopment regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.” The rules adopted pursuant to chapters 90.22 and 90.54 RCW are the instream flow rules. The County should adopt policies and regulations that require developments using wells to comply with the applicable instream flow rules. Policies and regulations should also ensure that developments relying on existing water systems only connect to water systems that also comply with instream flow rules. Climate change is increasing winter flows and floods and decreasing summer and fall flows. So, the problem of low flows in county rivers and streams is only going to get worse. Policies and regulations that comply with RCW 36.70A.590 are needed now. In addition to being a climate and environmental issue, this is also an equity issue. Low flows are suppressing salmon production, reducing the salmon available to everyone and especially Native American Tribes and Nations that have a treaty right to salmon. Equity, climate, and environmental concerns all require the County to address this important issue now.</td>
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<td>King County has a well-earned reputation for conserving agricultural land. Maintaining working farms and ranches requires water. We recommend that King County adopt a comprehensive plan policy and development regulations prohibiting the transfer of agricultural water to allow residential development. These policies and regulations are well within the County’s authority to conserve agricultural land and regulate subdivisions and other forms of residential development.</td>
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<td>The County needs policies and a system for directing traffic from cities off county roads and for obtaining mitigating from city projects that degrade county roads.</td>
<td>The Executive will evaluate this request further as part of 2024 Update, including advancing related 2021 Countywide Planning Policy DP-11. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work.</td>
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<td>The County needs to take a fresh look at its policies and regulations for the conservation of agricultural land to make sure they are conserving farmland and update them.</td>
<td>Review of resource regulations is included in the Executive proposed high-level 2024 Scope of Work, including ways to increase the amount of farmland in active production.</td>
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<td>King County needs to adopt regulations to protect forest cover and limit impervious surfaces to protect salmon and steelhead habitat.</td>
<td>The Executive will evaluate this request further as part of</td>
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Executive Summary of "Mini-Docket" Scoping Requests

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<td>The declining salmon in King County and Washington State show the need to better protect the aspects of the environment that provide salmon habitat. These include forests and pervious areas. Forest cover is declining and impervious surfaces are increasing and we must reverse these trends.</td>
<td>2024 Update. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work.</td>
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<td>Unfortunately, King County’s innovative 65/10 requirements were struck down by the Court of Appeals. The continued decline of the salmon underlines the need to update those requirements to comply with the court’s decision or to adopt a new measure to accomplishes the same purposes.</td>
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<td>For example, King County had been working on a method that could be used as an alternative to clearing and impervious surface limits, the “Suitability (Limitations) and Sensitivity Analysis: A Framework for the Choice of Best Management Practices for Landowners.” This is a promising alternative.</td>
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<td>Require case-by-case determinations of landslide buffers based on the risk to the proposed development.</td>
<td>The Executive will evaluate this request further as part of 2024 Update. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work.</td>
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<td>The March 22, 2014, Oso landslide “claimed the lives of 43 people, making it the deadliest landslide event in United States history. Of the approximately 10 individuals who were struck by the landslide and survived, several sustained serious injuries.” So properly designating geologically hazardous areas and protecting people from geological hazards is very important.</td>
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<td>Homeowner’s insurance does not cover the damage from landslides. “Insurance coverage for landslides is uncommon. It is almost never a standard coverage and is difficult to purchase inexpensively as a policy endorsement.”</td>
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<td>None of the Oso victims’ homes were covered by insurance for landslide hazards. And that is common when homes are damaged by landslides. For example, on March 14, 2011, a landslide damaged the home of Rich and Pat Lord. This damage required the homeowners to abandon their home on Norma Beach Road near Edmonds, Washington. Because their homeowner’s insurance did not cover landslides, they lost their home. This loss of what</td>
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<td>may be a family’s largest financial asset is common when homes are damaged or destroyed by landslides or other geological hazards.</td>
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<td>Landslide buyouts are rare and when they occur the property owner often only recovers pennies on the dollar. The property owners bought out after the Aldercrest-Banyon landslide in Kelso, Washington destroyed their homes received 30 cents on the dollar.</td>
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<td>This underlines why preventing development in geologically hazardous areas is just plain ordinary consumer protection.</td>
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<td>Landslides in King County and Western Washington can run out long distances. The 1949 Tacoma Narrows Landslide, in Tacoma “failed catastrophically along steep&quot; 300 feet high bluffs and ran out 1,500 feet into Puget Sound. This is five times the buff height. The 2014 Oso slide ran out for over a mile (5,500 feet) even through the slope height was 600 feet. This was nine times the slope height. Recent research shows that long runout landslides are more common than had been realized. This research documents that over the past 2000 years, the average landslide frequency of long runout landslides in the area near the Oso landslide is one landslide every 140 years. The landslides ran out from 656 feet to the 6,561 feet of the 2014 landslide. The 2013 Ledgewood- Bonair Landslide on Whidbey Island extended approximately 300 feet into Puget Sound. In a study of shallow landslides along Puget Sound from Seattle to Everett, the average runout length was 197.5 feet (60.2 m) and the maximum runout length was 771 feet (235 m). So limiting landslide buffers to 75 feet as K.C.C. 21A.24.310B.2. does if a critical area report is not submitted will not adequately protect people and property. Further, as the long runout distances documented above show, limiting the requirement for a critical area report to steep slope hazard areas that only extend into property being developed or into the coastal high hazard areas or the sea level rise risk areas will also not protect people or property due to the long landslide runouts from the source of the slide.</td>
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<td>The Joint SR 530 Landslide Commission recommends identifying “[c]ritical area buffer widths based on site specific geotechnical studies” as an “innovative development regulation[]” that counties and cities should adopt. So we recommend that all properties that may be adversely impacted by a steep slope hazard should have their buffers based on a critical areas report for that site. Construction should not be allowed in buffer areas.</td>
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2024 King County Comprehensive Plan Update
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| 4 | Julie Seitz | Preface: “This cemetery” is 23646 Military Rd S, Kent, WA in unincorporated South King County. **King County Zoning Title 21A.06.180, 21A.27.030**  
I. This cemetery  
*Requested Land Use Designation Amendment:*  
What we are looking for on Docket Form Page 2 under “Requested Land Use Designation Amendment” doesn’t exist in the drop-down menu. We request a cemetery be used exclusively for a cemetery and for cemetery purposes. Land use designations on a cemetery property should have a specific cemetery use, not anything unrelated to a cemetery. Regarding economic development, a wireless facility siting and collocation (modification of antenna) are not cemetery uses and not accessory uses to a cemetery. The cell tower project here is inside active Burial Block 13 at this historic 2-acre cemetery. Humans, pets, and K-9 Officers are buried here since 1948. The property is officially eligible for King County Landmark designation per King County HPP.  
*Requested Zoning Classification Amendment:*  
What we are looking for on Docket Form Page 2 under “Requested Zoning Classification Amendment” also doesn’t exist in the drop-down menu. We request a separate zoning for cemeteries and/or a suffix to NB zone to clearly show zoning means that this is a cemetery and land uses will be restricted. We request a cemetery be used exclusively for a cemetery and for cemetery purposes. Regarding economic development, a wireless facility siting and collocation (modification of antenna) are not cemetery uses. The two permits (wireless facility siting 2020 and collocation 2021) | Change land use designation on Parcel 1522049162 (Pet Cemetery) from Industrial to Neighborhood Business Center to match NB zoning - The Executive will evaluate this request further as part of 2024 Update. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work. Regulate cemetery uses (add a p-suffix to this specific pet cemetery property to limit it to only cemetery activities/uses; change land use tables in K.C.C. Title 21A to limit cemetery properties to only have cemetery activities/uses; create a Cemetery zone; and/or require notification of cemetery patrons of proposed land use actions on such... |
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| 5 | Joint team of King County Unincorporated Rural Area organizations | **1. Event Centers**
Event Centers are not defined in KC code and, therefore, not allowed in the Rural Area. However, the Winery/Brewery/Distillery (WBD) controversy opened a can of worms. There are several entities that just want Event Centers, and they thought they were going to get properties - The County does not create broad land use regulations to address situation/site-specific concerns. Aside from the concerns with this current cell tower on this pet cemetery property, the County has not experienced or heard about concerns/issues regarding its cemetery regulations. Based on this, the Executive does not support advancing this request as part of the 2024 Update.

Removal of existing permitted cell tower – This request is outside of the scope of the 2024 update. In addition, the cell tower has already been permitted and the permit was not appealed; so, the County does not have authority to revoke the permit. Based on this, the Executive does not support advancing this request as part of the 2024 Update.

There is Winery/Brewery/ Distillery legislation currently being reviewed by the Council that could address this issue. That is currently the most

were permitted under IP zone. The cemetery property has never been zoned IP. This cemetery property is zoned NB. You cannot have a 100 foot cell tower in an NB zone. How did this happen? To avoid confusion in the future, a cell tower project in a cemetery will not be permitted.

**Requested removal of cell tower project:**
The cell tower project here was a relocate from a Sound Transit eminent domain takeover a little less than a half mile away. It was imposed on the multi-diverse, racial and ethnic, marginalized South King County neighborhood and marginalized cemetery patrons. This is a neighborhood of immigrants and lower income people. We request the cell tower project be removed on grounds of social justice and equity.

**II. This cemetery and every cemetery in King County**
Requested notification of cemetery patrons for proposed land use actions. A cemetery in King County should have its own zone or a zone with or without a suffix so that the cemetery property be used exclusively for a cemetery and for cemetery purposes.” A cemetery be “… used exclusively for a cemetery and for cemetery purposes.” RCW 68.24.040
Every cemetery in King County should be subject to state cemetery laws and codes.

| 5 | Joint team of King County Unincorporated Rural Area organizations | **1. Event Centers**
Event Centers are not defined in KC code and, therefore, not allowed in the Rural Area. However, the Winery/Brewery/Distillery (WBD) controversy opened a can of worms. There are several entities that just want Event Centers, and they thought they were going to get | **Summary of Executive Response** - The County does not create broad land use regulations to address situation/site-specific concerns. Aside from the concerns with this current cell tower on this pet cemetery property, the County has not experienced or heard about concerns/issues regarding its cemetery regulations. Based on this, the Executive does not support advancing this request as part of the 2024 Update.

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<td>Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holms Association (GV/LHA), Hollywood Hills Association (HHA), Soos Creek Area Response (SCAR), and Upper Bear Creek Unincorporated Area Council (UBCUAC)</td>
<td>them through the WBD legislation. That seems highly unlikely at this point, given the conflict with the GMA. However, we fear is that if these people don’t get Event Centers as part of WBD legislation, they will come back to the County and try to get them another way. Consequently, we seek a KC Code change such that Event Centers, as “stand-alone” operations, are not allowed in the Rural Area and on Ag-zoned parcels. We also seek a definition for Special Events be included in the KC Code.</td>
<td>appropriate venue to address concerns about such events. Based on this, the Executive does not support advancing this request as part of the 2024 Update. However, the Executive proposed 2024 Scope of Work in reviewing regulations for resorts in the rural area, which might include regulation of other events associated with those resort uses, pending additional analysis.</td>
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|     |                                                                           | 2. Rural Area As Receiving Site for TDRs  
Existing KCCP Policy R-313 states: “The purpose of the Transfer of Development Rights Program is to reduce development potential in the Rural Area and designated Natural Resource Lands, and its priority is to encourage the transfer of development rights from private rural properties into the Urban Growth Area.” 

This should be retained and language should be made clear that parcels in the Rural Area should not be receiving sites. | Review of Transfer of Development Rights regulations is included in the Executive’s proposed 2024 Scope of Work. |                                                                                                                                                                                                 |
|     |                                                                           | 3. Agricultural Production District Mitigation  
In the 2020 KCCP Mid-Point Update the KC Council rejected this Line Amendment: 

“Amends mitigation requirements for when land is removed from an agricultural production district. Land is required to be replaced at a 1:1 ratio in the same agricultural production district, at a 1.5:1 ratio in a different agricultural production district, or 2:1 ratio for the financial value of the land if no other land is available.” 

The existing code language that requires a 1:1 swap in the same Agricultural Production District (APD) should be retained and strengthened. | This topic was recently addressed in the 2020 midpoint update of the Comprehensive Plan. Based on this, the Executive does not support advancing this request as part of the 2024 Update. |                                                                                                                                                                                                 |
## 2024 King County Comprehensive Plan Update
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<td>The effect of the failed language above is that speculators will buy land in close-in APDs near urban centers (such as the Sammamish Valley APD) and try to swap it out for land in APDs that are in farther flung corners of the County. This will destroy the close-in APDs. Even worse, the subsequent line amendment allows for financial consideration. All a speculator has to do is pay off at twice the value in cash and they can sit on farmland. It might be argued that speculators won't get development rights from permitting, but there is never a guarantee. Further, any sign that the Council is weakening protections for APD farmland means speculators will be more encouraged to buy and hold for a future weakening. Even if a speculator can't get it developed in the near term, just sitting on it— which they can usually afford to do—means it is not leasable to farmers. Farmers require 10-year leases to justify the improvements they must make to the land. Speculators won’t do long-term leases to farmers, removing access to APD farmland for farmers, which fundamentally destroys farming. Speculation is not theory. This situation already exists in the Sammamish Valley APD, where speculators (and WBD violators) are just sitting on APD farmland waiting to see what happens with the WBD code. They ultimately want to commercialize the APD land and are willing to wait out the legal process to see if they will be able to do so, and to what extent. Weakening the swap rules puts yet another “For Sale” sign on farmland and signals to speculators the tide is turning in their direction. Also important to consider is that an APD ecosystem need to maintain enough protected acreage and rural buffer areas to remain ecologically viable for farming. Chipping away bit by bit at rural buffer areas and the farmland itself can set in motion a chain reaction that ultimately renders the entire APD unusable for farming.</td>
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<td>4. Pacific Raceways Map Amendment</td>
<td>Map Amendment 9 in Attachment D to the 2020 Comprehensive Plan is a reference map that is specific to direction of zoning classification changes on properties in the zoning atlas map and/or land use</td>
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*In the 2020 KCCP Mid-Point Update the KC Council approved this Line Amendment: “Modifies Map Amendment 9 to modify the uses allowed on the site, the reversion of the zoning to RA-5 if the racetrack use is abandoned, the procedural and substantive requirements for a conservation easement, and a process to undo the*
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<td><em>changes in the Map Amendment if the requirements of the conservation easement aren't met.</em>&quot;</td>
<td>designation changes on properties on the land use map. These requested &quot;mini-docket&quot; changes are about unrelated reference information that do not address zoning classifications and/or land use designations. Therefore, it would not be appropriate to change the reference information in that map at this time if no additional zoning and/or land use designation changes are being proposed. Further, even such information was added to a current proposed map amendment, it would only be for point-in-time reference purposes and would not carry any legal weight, as zoning and land use map amendments do not and cannot impose or implement conservation easements or critical areas and their buffers. Based on this, the Executive does not support advancing this request as part of the 2024 Update.</td>
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<td>We seek changes to the Pacific Raceways Map to reflect: (1) Recently enacted conservation easement with Pacific Raceways which additionally requires revegetation of the currently disturbed areas within the conservation easement area. (2) Buffer requirement on the steep slopes in the northwest area of Pacific Raceways property where Soos Creek flows.</td>
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5. **Non-Resource Industrial Uses in the Rural Area**

This topic was recently addressed in the 2020 midpoint update of the
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<td>We seek to strengthen KCCP Policy language. “Non-Resource Industrial Uses in the Rural Area” were addressed during the 2020 KCCP Midpoint Update KC Council deliberations and striker proposals, some of which sought to “Modify Policy R-512 to limit new industrial-zoned lands to existing sites or those that have long been used for industrial or comparable purposes with similar impacts.” That was completely inconsistent with existing policy and the SEPA review, e.g., changing wording that states there are three sites to citing three named sites simply as “examples” and changing policies to allow sites to be zoned Industrial if they have &quot;long been used&quot; for &quot;comparable purposes with similar impacts&quot; to industrial. Clearly, these were last-minute changes that were not well thought-out, nor vetted, and had no place in the Update, as they would have allowed new sites to be added during any annual update and allow them to be located anywhere in the Rural Area. Fortunately, our concerns were heeded by the KC Council when it decided to retain the existing KCCP language. We seek to retain the existing language and strengthen it, as non-resource industrial-scale facilities simply do not belong in the Rural Area.</td>
<td>Comprehensive Plan. Further, the Executive does not support the premise that non-resource industrial facilities do not belong in the rural area. Based on this, the Executive does not support advancing this request as part of the 2024 Update.</td>
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### 6. Non-Hydroelectric Facilities in the Rural Area

Current County Code TITLE 21A.08.100 Regional land use allows such facilities in the Rural Area under Development Conditions 12 and 29 using a CUP or SUP, respectively. Such facilities should not be sited in the Rural Area. At a minimum, all such facilities sited in the Rural Area should require a SUP and the requirements under Development Condition 29. | This topic was recently addressed in the 2020 midpoint update of the Comprehensive Plan. Further, the Executive does not support the premise that non-hydroelectric facilities do not belong in the rural area; and the Executive feels the very limited allowance of accessory facilities via a conditional use permit is appropriate. Based on this, the Executive does not support advancing this request. |
## 7. Property Specific Development Standards/Special District Overlays

We are concerned with existing standards for *alternative* development for sites with unique characteristics not addressed by the general zoning requirements of KC Code. These include “Property Specific Development Standards” (-P Suffix) and the designation for “Special District Overlay” (-SO Suffix), as described in County Code Chapter 21A.38, General Provisions- Property Specific Development Standards/Special District Overlays.

We seek changes to Chapter 21A.38 that would tighten up language on definitions and requirements related to both the -P and -SO suffixes.

## 8. Demonstration Projects in the Rural Area

KC Code Title 21A.55 DEMONSTRATION PROJECTS states in 21A55.010 Purpose that: “All demonstration projects shall have broad public benefit….” However changes in code language are needed that backs up and reinforces this purpose.

For example, 21A55.105 Regional motor sports facility – master planning process demonstration project and 21A55.1010 Remote tasting room – demonstration project A do not belong in the Rural Area.
### 9. Surface Water Management—Drainage Districts

Proper Surface Water Management (SWM) requires Drainage Districts to have their activities directed and managed by King County, otherwise Drainage Districts should be re-thought and King County perform their functions, including maintaining ditches/waterways.

We seek changes to King County Code to address this issue.

**Summary of Executive Response:**
This request is inconsistent with the authority of drainage districts as established under state law. Based on this, the Executive does not support advancing this request as part of the 2024 Update.

### 10. Cumulative Impacts of Mineral Extraction Operations

Limitations are needed on the number of mineral extraction sites in a Subarea. Mitigation of collective impacts on roads, safety, environment need to be systematically addressed per King County goals to reduce Greenhouse Gas (GHG) emissions 80% by 2050.

In addition, operations at mineral extraction sites should not include material processing/debris storage/disposal operations (no stumps, or “inert material” allowed from offsite), as allowing same creates additional impacts and makes mitigation within a Subarea much more difficult to identify and monitor.

Although we have more research to conduct here, we cite the following KCCP Policies: R-616, R-681, R-686, and R-690. We seek appropriate changes in KCCP Policy and King County Code, as necessary.

**Summary of Executive Response:**
The Executive will likely be reviewing some of the County's mineral processing regulations as part of the 2024 Update. The scope and nature of this review will be dependent on available resources, which is still to be determined, however. But the Executive will aim to consider this request as part of that review, where possible. Because this is a more discrete issue, this is not included in the Executive proposed high-level 2024 Scope of Work.

### 11. Code Compliance for Permitting on Resource Lands

It is important that King County retain productive resource lands—mines and forests. However, due to lack of enforcement of King County Code and specific Permit Conditions, the retention of productive resource lands is in jeopardy. When bad actors continue to have compliance issues, yet continue to receive permit after permit, the system begins to fall apart. Besides the obvious long-term environmental issues that arise, such behavior costs King County money.

**Summary of Executive Response:**
There is existing code language that already allows the County to deny permit applications if there are outstanding code compliance issues related to the property/site/project that a
## 2024 King County Comprehensive Plan Update
### Executive Summary of "Mini-Docket" Scoping Requests

<table>
<thead>
<tr>
<th>#</th>
<th>Proponent</th>
<th>Request</th>
<th>Summary of Executive Response</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>We seek changes in King County Code, so that permits are not granted to applicants with outstanding compliance issues on the same or other applicant-owned properties. We see that the Rural Forest Commission (RFC) possesses the similar concerns (see the soon-to-be-published <em>King County Rural Forest Commission Strategic Priorities: Recommendations and Actions for Conservation of Forestland in King County, January 2022</em>—Focus Area 1: Protection, Restoration, and Stewardship of Private Forestland; 1.6.7 Revise King County Code so that permits are not granted to applicants with outstanding compliance issues on the same or other applicant-owned property.)</td>
<td>The Executive has concerns about the legality of taking such action for properties/sites/projects owned by a person that is subject of an unrelated code enforcement case on a different property/site/project. Based on this, the Executive does not support advancing this request as part of the 2024 Update.</td>
</tr>
</tbody>
</table>
| 6 | Water District 90 | **Requested Change?**
If addressed already in the plan or code, what change is needed? | The King County Annexation Databook, page 9, policy PF-3 states “Within the Urban Growth Area, as time and condition warrant, cities will assume local urban services provided by special service Districts.”

Included in previous Comp Plans and included in the Databook as noted above. |
|   | **Why is this amendment needed?** | We strongly disagree with this statement and feel that there is no evidence to support it. Why should cities be the preferred providers of services. Since all we do is water (no parks, streets, police, etc.) why isn’t there a presumption that Special Purpose Districts can actually do this job better. |
|   | **What are the expected or desired outcomes of this change?** | We would like this policy revised as it is not accurate. Please see facts about SPD at [economic_impact_flyer.pdf (waswdsmap.org)](http://waswdsmap.org) | Amending the language of Policy PF-3 of the Countywide Planning Policies as referenced in an informational County report is out of the scope of the Comprehensive Plan. Not only is that report not part of the Comprehensive Plan, but any changes to that policy would need to be proposed, reviewed, and approved as a formal amendment to the Countywide Planning Policies (which is separate from the Comprehensive Plan). Further, the current language of the policy (as amended in 2021 as policy PF-4), is consistent with the directives of the Growth Management LSLU Meeting Materials Page 358 May 24, 2022
## Executive Summary of "Mini-Docket" Scoping Requests

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>What are the potential positive or negative impacts of this change?</strong></td>
<td>Special Purpose Districts (SPD) serve potable water to 19% of the state, and sewer services to 14%. SPD’s are paid by ratepayers, not tax payers. Annually SPD’s spend $135 Million on infrastructure improvements; SPD’s pay $17 million in Excise tax. Now most SPD’s are also taxed by their city and/or county. <strong>Act. Based on this, the Executive does not support advancing this request as part of the 2024 Update.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>How is this amendment consistent with the Growth Management Act?</strong></td>
<td>Chapter Nine of the 2016 Comp Plan, updated in 2020 includes policy F-101 &amp; F-102. These policies do a better job of stating the intended relationship between the city/county/special purpose Districts. <strong>See page 9-2.</strong></td>
</tr>
</tbody>
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II. Executive Summary

In accordance with the 2016 King County Comprehensive Plan (Workplan Action 2) and King County Motion 15014 creating the King County Comprehensive Plan Performance Measures Framework, the 2022 Comprehensive Plan Performance Measures Report analyzes recent trends relative to the core functions of the Comprehensive Plan and makes recommendations for actions in the 2024 periodic update to the Comprehensive Plan (“2024 update”). This report also establishes a baseline for future comprehensive plan performance measurement.

A. Background

The King County Comprehensive Plan ("Plan") is King County’s long-range guiding policy document for all land use and development regulations in unincorporated King County, local services for unincorporated areas, and for regional services throughout the County including transit, sewers, parks, trails, and open space. King County is required by the Washington State Growth Management Act to update the comprehensive plan every eight years.¹

In 2016, King County adopted an update to the Comprehensive Plan via Ordinance 18427.² In Chapter 12: Implementation, Amendments and Evaluation, the 2016 Plan contains a series of Workplan Action Items ("actions" or "action"). Action 2 calls on the County to develop a Performance Measures Program for the Plan to provide insight into whether the long-term goals of the Plan are being achieved or if amendments to the Plan’s policies are needed. The framework for the Performance Measures Program, including the specific performance measures analyzed in this report, was established in Motion 15014, approved by the King County Council in 2017.³ The key purpose of this report is to inform the scoping process for the 2024 update, required by the Growth Management Act to be completed by December 31, 2024.

The 2022 Comprehensive Plan Performance Measures Report was prepared by the Office of Performance, Strategy and Budget, drawing from locally, regionally, state and nationally produced datasets and existing King County performance monitoring. Measures are primarily analyzed at a countywide scale, with additional geographic detail for relevant Growth Management Act geographies as appropriate and practicable given the dataset used.⁴ Wherever possible, disparate equity and social impacts were also analyzed.⁵

B. Performance Measures

The following table lists the Performance Measures analyzed in this report and summarizes key performance findings and recommended actions for the 2024 update. Each Performance Measure is analyzed individually in detail in the main body of this report.

¹ Revised Code of Washington Section 36.70A.130 [LINK]
² Ordinance 18427 [LINK]
³ Motion 15014 [LINK]
⁴ Growth Management Act geographies include incorporated cities, unincorporated urban areas, rural areas, and natural resource lands
⁵ The Plan focuses on issues that are directly affected by land use planning. Land use planning directly affects topics like affordable housing, public health, and mobility; analysis of these topics in this report is framed through a lens of how they specifically relate to land use.

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## Figure 1: Summary of Performance Measures, Status, and Recommended Actions

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<tr>
<th>Performance Measure</th>
<th>Performance Status</th>
<th>Recommended Actions for the 2024 Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Development occurs in areas planned for growth: Change in number of jobs, population, and housing units, compared to growth targets</td>
<td>✅ Growth is primarily urban, and on track to meet targets.</td>
<td>Maintain strong urban growth and rural protection policies.</td>
</tr>
<tr>
<td>2. Adequate zoning capacity exists in areas planned for growth: Urban land zoning capacity, compared to growth targets</td>
<td>✅ Adequate capacity exists to accommodate growth targets. Nearly 60 percent of urban unincorporated King County’s development capacity is in neighborhoods with an elevated risk for displacement.</td>
<td>Strengthen anti-displacement policies.</td>
</tr>
<tr>
<td>3. Urban land is used efficiently: Change in jobs, population, and housing units densities in centers, compared to countywide and regional goals, as adopted in the Countywide Planning Policies and VISION 2050</td>
<td>✅ Centers are accommodating a significant portion of growth, in line with countywide and regional goals. Per the 2021 Countywide Planning Policies, new countywide centers will be designated after the 2024 update.</td>
<td>Evaluate designating countywide centers in White Center and Skyway.</td>
</tr>
<tr>
<td>4. Total supply of housing keeps up with, or exceeds, job and population growth: Change in number of housing units by type, compared to change in jobs and population</td>
<td>⚠️ Housing supply is not keeping up with population and job growth.</td>
<td>Evaluate the types of housing allowed in low-density urban residential zones. Evaluate how more multifamily and middle-density housing could be developed in urban unincorporated King County.</td>
</tr>
<tr>
<td>5. Peak hour travel is not degrading faster than growth: Change in corridor peak hour travel times on major routes, compared to population and job change</td>
<td>✅ Travel times have not worsened despite population and employment growth. Congestion remains high on many routes.</td>
<td>Stay the course; provide transit service, complete streets, and alternatives to driving on congested routes. Continue to support housing near transit, especially high-capacity transit.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
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</tr>
<tr>
<td>6. Urban unincorporated areas are annexed into cities: Change in acreage, population, and jobs in unincorporated urban Potential Annexation Areas</td>
<td>Annexation levels have been steady for the last two decades, but minimal since 2016.</td>
<td>The Plan has strong policies for promoting annexation. Statewide legislation is necessary to provide financial incentives like those that have been successful in promoting annexation in the past. Promote integration of 2021 Countywide Planning Policies about annexation in local comprehensive plan updates.</td>
</tr>
<tr>
<td>7. Housing is affordable to residents at all income levels: Change in percent of households paying more than 30% and 50% of income for housing costs</td>
<td>The overall level of housing cost burden has decreased but remains high and has increased for specific demographics.</td>
<td>Evaluate strategies to incentivize or require, where appropriate, housing affordable to households earning less than 80 percent of area median income.</td>
</tr>
<tr>
<td>8. The economy is strong and diverse: Job change by sectors</td>
<td>The economy has grown, particularly in the services sector.</td>
<td>Stay the course; continue to support a strong and diverse economy.</td>
</tr>
<tr>
<td>9. Residents have access to transit: Change in number of housing units by type and jobs, near transit stops</td>
<td>85 percent of recently built homes and 92 percent of recently created jobs are located near transit.</td>
<td>Stay the course; continue to support development of housing near transit.</td>
</tr>
<tr>
<td>10. Residents have access to healthy food options: Proximity to healthy food options (supermarkets, small grocers, farmers markets, and produce vendors)</td>
<td>82 percent of King County residents live near a healthy food option. 56 percent of urban unincorporated King County residents live near a healthy food option.</td>
<td>Support improved access to healthy food in urban unincorporated King County.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
</tr>
<tr>
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</tr>
<tr>
<td>11. <strong>Residents have access to parks and open space</strong>: Proximity to parks and open spaces (including bicycle paths, trails, active and passive open space, playgrounds)</td>
<td>79 percent of King County residents live near a park or open space amenity. 49 percent of urban unincorporated residents have limited access to nearby parks and open space. Black, Hispanic and Latinx, and Native Hawaiian and Pacific Islander residents have lower access to nearby parks and open spaces.</td>
<td>Support the investment in urban greenspace, particularly in urban unincorporated King County communities, and communities with disparate access.</td>
</tr>
<tr>
<td>12. <strong>Non single occupant vehicle modes are increasing and per capita vehicle miles traveled (VMT) is decreasing</strong>: Change in percentage of residents using alternatives to the single occupant vehicle, and per capita VMT</td>
<td>✅ VMT per capita has decreased nine percent as population has grown 15 percent. The share of non-single occupant vehicle commute trips has increased by 35 percent.</td>
<td>Stay the course; continue to support alternatives to non-single vehicle commute trips, including high-capacity transit, regional trails connecting job centers, and telecommuting. Continue to enable the development of housing in and near job centers and along high-capacity transit routes.</td>
</tr>
<tr>
<td>13. <strong>Farms and forest lands are protected</strong>: Change in total acreage of Agricultural Production District and Forest Production District, including acreage permanently privately protected or in public ownership</td>
<td>✅ The acreage of designated farm and forest lands has increased.</td>
<td>Stay the course; preserve working farm and forest land through purchase of land and development rights within Agricultural Production Districts and Forest Production Districts.</td>
</tr>
<tr>
<td>14. <strong>Farmland in active production</strong>: Change in acres of farmland in active production, compared to total acreage</td>
<td>✅ The acreage of farmland in active production has increased.</td>
<td>Stay the course; continue to support actions that make farmland affordable (such as purchase of land and development rights) and that keep farmland in production (such as succession planning, agricultural market support, farmland for new farmers).</td>
</tr>
</tbody>
</table>
C. Implementation and Next Steps
The purpose of the 2022 Comprehensive Plan Performance Measures Report is to examine longer-term indicators of Plan performance to provide insight into whether the goals of the Plan are being achieved or if revisions are necessary. As such and as required in Action 2, the Executive will use the findings of this Report to inform the development of the scope of work for the 2024 Update. Continuing from the development of the scope of work, the Executive will develop the Executive Recommended 2024 update, to be delivered to Council by December 31, 2023, for Council’s consideration, revision, and adoption by December 31, 2024.

<table>
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<tr>
<th>Performance Measure</th>
<th>Performance Status</th>
<th>Recommended Actions for the 2024 Update</th>
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<tbody>
<tr>
<td>15. <strong>Priority open space lands are permanently protected</strong>: Change in acres of priority non-resource land open space permanently privately preserved or in public ownership</td>
<td>✅ Priority open space lands have increased by nearly 4,000 acres since 2016. Limited access to parks and open space in urban unincorporated King County (Measure 11) highlights the importance of urban open space investment.</td>
<td>Prioritize urban open space investments, especially in urban unincorporated King County communities with the most in need.</td>
</tr>
<tr>
<td>16. <strong>Countywide greenhouse gas emissions goals are being met</strong>: Percent reduction in countywide greenhouse emissions compared to a 2007 baseline (targets = 25 percent reduction by 2020, 50 percent reduction by 2030)</td>
<td>⚫ Greenhouse gas emissions per capita have declined by 11 percent but did not meet the 2020 goal.</td>
<td>The 2020 Strategic Climate Action Plan (“SCAP”) updated the greenhouse gas reduction goals. Strategies designed to meet the revised goals should align with the adopted SCAP actions, including addressing emissions from growth and development. Continue to encourage housing growth near transit and active transportation infrastructure, and green building practices.</td>
</tr>
</tbody>
</table>

**Key:**
- ✅ Meeting Goal or Positive Trend
- ⚫ Needs More Information or Mixed Progress
- ⚠ Not Meeting Goal or Negative Trend
III. Background

Department Overview: The Office of Performance, Strategy and Budget (PSB) provides comprehensive planning, management, budgeting and performance assessment for King County government. PSB’s work is guided by best practices in financial stewardship and performance management, which includes enhancing accountability, transparency, and integrating strategic planning, business planning, resource allocation, and continuous improvement into a systematic approach throughout the County.

The Regional Planning Section of PSB provides leadership, management and accountability for King County’s long-range planning efforts. The Section coordinates and integrates comprehensive, countywide and regional planning efforts as directed by King County policy and in concert with the County’s elected leaders. Guided by the King County Strategic Plan, the King County Comprehensive Plan, the Countywide Planning Policies, and VISION 2050, the Regional Planning Section works across King County government and with other jurisdictions to advance initiatives that support resilient, healthy, diverse, and sustainable communities.

Historical Context: The King County Comprehensive Plan (“the Plan”) is King County’s long-range guiding policy document for all land use and development regulations in unincorporated King County, local services for unincorporated areas, and for regional services throughout the County including transit, sewers, parks, trails, and open space. The Plan was first adopted in 1964 and has been regularly updated since 1994 after the passage the Washington State Growth Management Act in 1990.6

On December 5, 2016, King County adopted an update to the Plan via Ordinance 18427.7 In Chapter 12: Implementation, Amendments and Evaluation, the 2016 Plan contains a series of Workplan Action Items (“actions” or “action”). Action 2 calls on the County to develop a Performance Measures Program (“the Program”) for the Plan to provide insight into whether the long-term goals of the Plan are being achieved or if amendments to the Plan’s policies are needed. The Action is included as Appendix A to this Report. The framework for the Performance Measures Program, including the specific performance measures analyzed in this report, was established in Attachment A to Motion 15014 (“the Motion”), approved by the King County Council in 2017.8 The Motion is included as Appendix B to this Report.

Current Context: The 2022 Comprehensive Plan Performance Measures Report (“the report” or “this report”) is intended to inform the scoping process for the 2024 periodic update to the King County Comprehensive Plan (“2024 Update”). The 2024 update is required by the Washington State Growth Management Act and is due to the state Department of Commerce by December 31, 2024.9

The framework for the Performance Measures is structured around how well the County is meeting the aspirations of the six Guiding Principles policies in the Plan, as consistent with the planning goals of the Growth Management Act. Detailed descriptions of the Guiding Principles are included in Appendix D of this report. The topics addressed in the Guiding Principles policies are as follows:

---

6 Revised Code of Washington Chapter 36.70A [LINK]
7 Ordinance 18427 [LINK]
8 Motion 15014 [LINK]
9 Revised Code of Washington Section 36.70A.130 [LINK]
• RP-201 Creating Sustainable Neighborhoods
• RP-202 Preserving and Maintaining Open Space and Natural Resource Lands
• RP-203 Directing Development Toward Existing Communities
• RP-204 Providing a Variety of Transportation Choices
• RP-205 Addressing Health, Equity, and Social and Environmental Justice
• RP-206 Achieving Environmental Sustainability

The long-term indicators identified in the Motion creating the Performance Measures Program and detailed in section IV below.

Report Methodology: This report was prepared by Office of Performance, Strategy, and Budget, Regional Planning Section staff. Data was collected and analyzed in conjunction with relevant subject matter experts across King County departments. All attempts were made to use existing departmental monitoring or performance measurement to complete this report. Where possible, data was disaggregated to measure disparate impacts for equity and social justice populations across King County, primarily Black, Indigenous, and People of Color populations and low-income populations. Brief information on data sources is provided in the “How We Measured This” section for each measure in section IV below. Detailed data sources and analysis notes are comprehensively provided in Appendix C.

The data supporting each performance measure was collected and analyzed in accordance with the Performance Measures Program foundations laid out in the Motion. Each performance measure is individually reported on in section IV of this Report, with descriptive text including context on how each specific measure aligns with the guiding principles of the Plan; a summary of the performance measure data collected; interpretation of the data; and a summary of findings relevant to the core land use planning functions directly affected by the Plan. Data reporting years differ across measures and were selected based on data availability, existing King County monitoring programs, and subject matter relevancy.10

The Washington State Growth Management Act planning requirements define specific geographies relevant to comprehensive planning, including urban lands, rural lands, and natural resource lands.11 Urban lands are defined by the Urban Growth Area and include incorporated cities and towns and urban portions of unincorporated King County. Rural lands include the portion of unincorporated King County outside the Urban Growth Area. Natural resource lands include agricultural, forest, and mineral lands of long-term commercial significance in unincorporated King County. For this report, where possible, countywide data analysis is disaggregated to these geographies, specifically incorporated cities, unincorporated King County, urban unincorporated King County, and rural King County. Natural resource lands are addressed in performance measures related to trends on these lands. Geography disaggregation was not possible or relevant for all measures, and limitations are identified in the “How We Measured This” section for each measure.

---

10 The Plan focuses on issues that are directly affected by land use planning. Land use planning directly affects topics like affordable housing, public health, and mobility; analysis of these topics in this report is framed through a lens of how they specifically relate to land use.
11 The planning goals of the Growth Management Act (Revised Code of Washington Section 36.70A.030) emphasize the importance of geography in achieving the acts goals by encouraging growth in urban areas to preserve and sustain working natural resource landscapes; open space for habitat, recreation, and environmental quality, and rural character.
IV. Report Requirements

Building from the Performance Measures Framework established in the Motion, the following sections compose the main body of the 2022 Comprehensive Plan Performance Measures Report required by 2016 Comprehensive Plan Workplan Action 2.

Per the Performance Measures Framework, individual measures are analyzed at a countywide scale and include additional detail for incorporated cities, unincorporated King County, urban unincorporated King County, and rural King County, where practicable. Individual measures also present equity and social justice effects where datasets allowed.

A. Performance Measures

This section includes an analysis of each performance measure included in the Performance Measures Program Framework. Each performance measure composes a subsection of this section, and includes the following components:

- **Why this Measure Matters.** A description of how the measure relates to the guiding principles, noted parenthetically, and content of the Plan.
- **How We Measured This.** A summary of how the analysis was performed, including definitions, years of analysis, geographic scale limitations, and necessary background on data sources.
- **What this Measure Tells Us.** Presents analysis and interpretation of Performance Measure data
- **What This Means for the 2024 Comprehensive Plan Update.** A summary of finding implications for the Plan update.

Performance Measure analysis begins on the following page.
1. Development occurs in areas planned for growth: Change in number of jobs, population, and housing units, compared to growth targets

Why This Measure Matters
Directing development towards existing communities is a guiding principle (RP-203) of the King County Comprehensive Plan and embedded in the adopted growth targets, which focus growth into the urban area and to jurisdictions with infrastructure and resources to serve the greatest concentrations of growth. Efficient land use and urban growth are essential to creating sustainable neighborhoods (RP-201) and achieving King County’s environmental and climate goals.

How We Measured This
This measure compares housing and employment growth data from 2006 to 2020 with adopted growth targets for 2006 to 2035 in urban unincorporated King County. King County does not adopt population targets; so, population growth is presented in this measure, but not compared to a target. To compare these different time periods, this measure compares the rate of growth under the growth targets to the rate of growth observed in the time passed to date under these targets. Employment data was sourced from the Puget Sound Regional Council’s covered employment estimates. Population and housing data comes from the Office of Financial Management (2006) and the decennial census (2020). This measure does not address rural King County, as growth targets are not created for the rural area.

What This Measure Tells Us
Growth in urban unincorporated King County represents a small share of the overall growth anticipated in urban King County, with urban unincorporated King County accounting for four percent of targeted housing growth, and one percent of targeted employment growth between 2006 and 2031. As shown in Figure 2, growth in urban unincorporated King County has been tracking very closely to housing and employment targets. The rate of housing and employment growth from 2006 to 2020 were both 101 percent of the rate of growth prescribed by the housing and employment targets.

Figure 2: Growth Compared to Growth Targets

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>King County</td>
<td>424,466</td>
<td>162,849</td>
<td>238,451</td>
<td>122%</td>
<td>303,711</td>
<td>428,068</td>
<td>127%</td>
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<tr>
<td>Cities</td>
<td>396,675</td>
<td>153,828</td>
<td>222,011</td>
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<td>296,290</td>
<td>421,258</td>
<td>126%</td>
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<tr>
<td>Urban Unincorporated King County</td>
<td>20,490</td>
<td>6,286</td>
<td>11,066</td>
<td>101%</td>
<td>3,853</td>
<td>6,810</td>
<td>101%</td>
</tr>
</tbody>
</table>

Consistency with growth targets under Growth Management Act statutes is assessed at the jurisdictional scale, which, in King County’s case, means all of the unincorporated urban areas as a whole. Given this, the County shows remarkable consistency between growth and growth targets.

What This Means For The 2024 Comprehensive Plan Update
The 2024 Update will plan for a new set of targets representing growth from 2019 to 2044. The share of growth apportioned to the urban unincorporated area under these targets

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12 Adopted in the 2021 King County Countywide Planning Policies [LINK]
represents two percent of countywide housing growth and one percent of countywide employment growth, approximately half of the amount of growth under the previous targets.

These revised targets are scaled to the current capacity of the urban unincorporated area, which is sufficient to accommodate the growth. Urban unincorporated King County will continue to be on pace for achieving targets.

With the recent changes to the Growth Management Act, the Plan will need to ensure that King County can accommodate the housing needs of all economic segments and for permanent supportive housing and emergency sheltering. Quantities of housing need at different income levels and specific purpose housing needs will be evaluated as part of the 2024 Update.

13 Engrossed Second Substitute House Bill 1220 (2021 session) [LINK]
2. Adequate zoning capacity exists in areas planned for growth: Urban land zoning capacity, compared to growth targets

Why This Measure Matters
As required by the Growth Management Act, King County must plan for sufficient urban zoned capacity to accommodate its growth targets. Planning for adequate zoned capacity within the Urban Growth Area ensures that growth is directed toward existing urban communities, consistent with VISION 2050, adopted growth targets, and Guiding Principle RP-203.

How We Measured This
This measure calculates zoned capacity in urban unincorporated King County by combining the base density and dimension assumptions from the King County Zoning Code (K.C.C. Chapters 21A.12 and 21A.14) with the vacant and redevelopable land identified in the 2021 Urban Growth Capacity Report. For cities, zoned capacity reflects capacity from the Urban Growth Capacity Report. This calculation of zoned capacity is then compared to the 2019 to 2044 growth targets from the 2021 Countywide Planning Policies. Redevelopable and vacant land were also compared to the Puget Sound Regional Council’s displacement risk index to evaluate the relative displacement risk of future development. This measure does not address rural King County, as growth targets are not created for the rural area.

What This Measure Tells Us
Urban unincorporated King County has enough zoned capacity for 2019 to 2044 growth targets, for housing and employment. The overall share of urban growth accommodated in urban unincorporated King County is only two percent of the county’s projected housing growth and 0.25 percent of employment growth. Figure 3 compares residential capacity and 2019 to 2044 growth targets; urban unincorporated King County has sufficient capacity to accommodate its housing targets. Each potential annexation area with a growth target has sufficient zoned capacity to accommodate its growth target. As a whole, King County and cities in King County have sufficient residential capacity for housing targets.

Figure 3: Residential Zoned Capacity Compared to 2019-2044 Housing Targets
Figure 4 compares zoned employment capacity and 2019 to 2044 employment targets. Because of the limited locations of commercial and industrially zoned land in urban unincorporated King County, fewer potential annexation areas have employment targets and the urban unincorporated area’s share of urban employment is correspondingly small. Urban unincorporated King County has sufficient urban capacity for employment, as do King County cities and the county as a whole. King County Because of the number of assumptions inherent in calculating employment capacity and the limits of land use control on number of jobs that locate within buildings employment capacity is more variable estimate than residential capacity.14

Figure 4: Employment Zoned Capacity Compared to 2019-2044 Employment Targets

New development on vacant or redevelopable land, can place existing residents and businesses at risk for physical, economic, or cultural displacement, due to increased property values and subsequent rent or ownership costs, redevelopment of existing, more affordable buildings and homes, or the loss of neighborhood community anchors. Rising housing prices and rents throughout King County, and the concentration of cost-burdened and low income households in urban unincorporated King County, place residents and at greater risk for displacement.15 This is especially true for particularly Black, Indigenous, and People of Color households that face greater housing cost burden. Given that capacity is a measurement of where development is likely to occur, the locations of development capacity were compared to neighborhood risk for displacement to evaluate the potential displacement risk of growth in urban unincorporated King County.

14 Unlike residential zoning, which specifies a maximum density for housing units, non-residential zoning does not generally specify employment density, and job capacity is calculated through a jobs per square feet (of built space) assumption. This assumption varies widely by sector and organization size, and layers on top of mixed use and other density assumptions used to estimate non-residential built space capacity.

15 King County, Skyway-West Hill and North Highline Anti-displacement Strategies Report, 2021. [LINK]
The Puget Sound Regional Council’s displacement risk index combines a variety of social, economic, and land use indicators to categorize census tracts at lower, moderate, and higher risk of displacement. A map of displacement risk is shown in Figure 5. 48 percent of zoned housing capacity and 39 percent of zoned employment capacity are in tracts at the lowest displacement risk category. 42 percent and 41 percent of housing and employment capacity, respectively, are in tracts with moderate displacement risk. Ten percent and 19 percent of housing and employment capacity, respectively, are in tracts with the highest displacement risk. While displacement can happen anywhere, nearly 60 percent of urban unincorporated King County’s development capacity is in neighborhoods with an elevated risk for displacement.

**Figure 5: Map of Displacement Risk**

What Does This Mean For The 2024 Comprehensive Plan Update?

Urban unincorporated King County has sufficient zoned capacity to accommodate its targeted growth. The capacity estimates in this measure do not represent fully built out urban areas (which is different from zoned capacity), and thus additional capacity does exist to accommodate targets. While urban unincorporated King County has sufficient capacity, policies

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16 Puget Sound Regional Council, Displacement Risk Mapping, 2019. [LINK](#)

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should address the risk of displacement for existing residents and businesses, allowing people to remain in their neighborhood of choice, and enable strategies described in the Skyway-West Hill and North Highline Anti-displacement Strategies Report.
3. **Urban land is used efficiently**: Change in jobs, population, and housing unit densities in centers, compared to countywide and regional goals, as adopted in the Countywide Planning Policies and VISION 2050\(^\text{17}\)

**Why This Measure Matters**
Directing growth towards existing communities to reduce sprawl and achieve environmental sustainability are guiding principles of the comprehensive plan (RP-203). Regional and countywide policy requires that centers, supported by high-capacity transit, must absorb a significant share of future growth and development and meet density goals. Housing and employment density in centers is essential to support transit investments and create sustainable and complete communities (RP-201).

**How We Measured This**
This measure reports housing, population, and employment growth in designated Regional Growth Centers and their 2019 densities compared to the density goals expressed in the Puget Sound Regional Council’s Regional Centers Framework and the 2021 Countywide Planning Policies.\(^\text{18}\) Density goals for Regional Growth Centers are expressed in “activity units,” which are equivalent to the total population and employment of the center, divided by the area of the center in acres. Employment growth in designated Manufacturing/Industrial Centers is also reported. Manufacturing/Industrial Centers are more focused on the preservation of industrial land and employment and do not have density goals, but they do have minimum employment and concentration of industrial employment thresholds.

Regional Growth Centers are only designated in cities, so countywide and unincorporated geographies are not analyzed in this trend. The revised centers framework in the Countywide Planning Policies creates a new category of designated countywide centers. Countywide centers will be designated after the 2024 periodic update of comprehensive plans is complete, so this designation is not evaluated in this report. Local urban centers are designated in the King County Comprehensive Plan, but they do not have area boundaries or density goals like regional and countywide centers. Instead, they typically follow zoning classifications and land use designations.

**What This Measure Tells Us**
Regional Growth Centers accommodated 24 percent of King County’s population growth, 35 percent of housing growth, and 49 percent of King County’s employment growth between 2010 and 2019. Collectively ten percent of King County’s population, 13 percent of housing, and 40 percent of jobs are located in Regional Growth Centers. Figure 6 reports current estimates for Regional Growth Centers, change between 2010 and 2019, and change in activity unit densities.

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\(^{17}\) VISION 2050 was adopted in October, 2020 and supersedes VISION 2040.

\(^{18}\) Puget Sound Regional Council, Regional Centers Framework, 2018. [LINK](#)
Below, Figure 7 demonstrates how individual Regional Growth Centers are meeting regional and countywide activity unit density goals for existing development. There are two subgroups of Regional Growth Centers, Metro and Urban Centers, with the distinction determined by the Puget Sound Regional Council. Regional and countywide existing density thresholds vary and are detailed in the chart in Figure 8. The countywide criteria, expressed in the King County Countywide Planning Policies, have higher existing activity unit density thresholds. All Regional Growth Centers, except for Federal Way, meet the regional existing activity unit density criteria. Seven Regional Growth Centers do not meet the countywide existing activity unit density criteria. For existing centers, the Countywide Planning Policies note that not meeting existing activity unit thresholds is not grounds for de-designation or re-designation, and having the higher threshold establishes the goals for transit supportive densities rather than reflecting existing densities on the ground today.
Figure 7: Activity Unit Density of Regional Growth Centers, 2019

Figure 8: Existing Activity Unit Density Thresholds

<table>
<thead>
<tr>
<th>Policy Document</th>
<th>Metro Regional Growth Centers</th>
<th>Urban Regional Growth Centers</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSRC Centers Framework</td>
<td>18</td>
<td>30</td>
</tr>
<tr>
<td>Countywide Planning Policies</td>
<td>30</td>
<td>60</td>
</tr>
</tbody>
</table>

Figure 9 reports current employment estimates for the four designated Manufacturing/Industrial Centers in King County. While there are two categories of Manufacturing/Industrial Centers in regional and countywide criteria, all are designated as Industrial Employment Centers in King County, the more intense designation for Manufacturing/Industrial Centers. All Manufacturing/Industrial Centers contain core industrially zoned land and have at least 10,000 jobs, meeting the existing employment criteria for Industrial Employment Centers. The Ballard-Interbay center is slightly below the 50 percent industrial employment criteria, but the other three centers meet this criterion.

Figure 9: Manufacturing/Industrial Centers Employment

<table>
<thead>
<tr>
<th>Manufacturing/Industrial Center</th>
<th>2019 Employment</th>
<th>2010-19 Change</th>
<th>% Industrial Jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballard-Interbay</td>
<td>14,160</td>
<td>-80</td>
<td>48%</td>
</tr>
<tr>
<td>Duwamish</td>
<td>70,050</td>
<td>11,280</td>
<td>61%</td>
</tr>
<tr>
<td>Kent</td>
<td>50,340</td>
<td>12,690</td>
<td>91%</td>
</tr>
<tr>
<td>North Tukwila</td>
<td>11,690</td>
<td>-1,810</td>
<td>61%</td>
</tr>
</tbody>
</table>

What This Means For The 2024 Comprehensive Plan Update

While unincorporated King County does not have designated Regional Growth Centers or Manufacturing/Industrial Centers, the 2024 periodic update to the comprehensive plan will explore whether the White Center and Skyway business districts should be designated Countywide Centers. Both were designated as Candidate Countywide Centers in 2021 to recognize their function and potential as Countywide Centers.
4. **Total supply of housing keeps up with, or exceeds, job and population growth**: Change in number of housing units by type, compared to change in jobs and population

**Why This Measure Matters**
King County saw historic growth in population and the economy coming out of the recession at the end of the 2000s. Most of the population growth experienced was from people moving into King County from somewhere else. Ensuring that an abundant, diverse, and equitably distributed housing supply is being produced is necessary to prevent the existing affordable housing crisis from worsening, and for creating sustainable, complete neighborhoods (RP-201 and RP-203).

**How We Measured This**
This measure reviews population and household growth data from the 2010 and 2020 decennial censuses. Employment data was sourced from the Puget Sound Regional Council’s covered employment estimates. Information on the type of housing units produced comes from residential construction permit data.

For a variety of reasons, the mix of population and employment varies greatly from place to place. An even ratio of population to housing and job growth is not expected across King County but comparing the number of new jobs to new households provides insight into how economic growth spurs population growth. Even without a specific goal for the ratio of jobs per housing unit, comparing the ratio of housing units to jobs in different years can describe how development may be underproducing housing for demand over time. By comparing household growth and housing unit growth we can learn if a sufficient number of housing units are being constructed to house new residents, or if housing underproduction is threatening to make housing scarce and more unaffordable. By examining the types of housing units produced, we can understand how the housing stock is changing as the population grows.

**What This Measure Tells Us**
Housing production is not keeping pace with population growth spurred by economic growth. For each household added to King County between 2010 and 2020, 2.6 jobs were created, but only 0.9 housing units were constructed. The land use mix across King County, measured by the ratio of the number of housing units to the number of jobs, is employment heavy, with about 0.7 housing units per job in 2020. This ratio was 0.8 in 2010, showing that employment has continued to concentrate in King County, and housing development has not kept up. Stated another way, for every 100 adults added between 2010 and 2020, 44 new households were formed, but only 40 housing units were constructed.

Unincorporated King County accommodated only two percent of King County’s overall job growth and three percent of the county’s housing growth between 2010 and 2020. The ratio of housing to jobs in unincorporated King County is more residential than the county overall, with 2.3 housing units for each job in 2020. Like King County overall, unincorporated King County also experienced a decrease in this ratio from 2010 to 2020. A more balanced jobs to housing ratio is meaningful for the unincorporated area: increasing...
employment opportunities and services closer to residential areas is a policy goal, but the pace of housing growth did not match that of household growth. For each new household added in unincorporated King County between 2010 and 2020, 0.8 new housing units were constructed, and 1.7 jobs were added. This trend was observed in both rural and urban unincorporated King County.

As population and housing growth was overwhelmingly urban and in cities, 80 percent of the housing units added in King County between 2010 and 2020 were in buildings with multiple units. The growth in unincorporated King County was more concentrated in single-family units, with only 17 percent of new units in multifamily structures. This reflects the generally lower density land use pattern of the unincorporated area.

Figure 12: Housing Units by Structure Type

<table>
<thead>
<tr>
<th></th>
<th>Single-family Units</th>
<th>Multifamily Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>King County</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>Cities</td>
<td>16%</td>
<td>84%</td>
</tr>
<tr>
<td>Unincorporated King County</td>
<td>83%</td>
<td>17%</td>
</tr>
<tr>
<td>Urban Unincorporated King County</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>Rural King County</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

What This Means For The 2024 Comprehensive Plan Update

Ensuring an abundant and affordable housing supply is essential to creating a welcoming King County where everyone has the opportunity to thrive, and to support a healthy economy. The Plan should encourage and remove barriers to expeditious housing development and development of a variety of housing types. This could include evaluating the types of housing allowed in lower density residential zones and how more small multifamily developments can be constructed in urban unincorporated King County.

With recent changes to the Growth Management Act, the comprehensive plan will need to ensure that King County can accommodate the housing needs of all income segments and for permanent supportive housing and emergency sheltering. Quantities of housing need at different income levels and specific purpose housing needs have not yet been determined.
5. Peak hour travel is not degrading faster than growth: Change in corridor peak hour travel times on major routes, compared to population and job change.

**Why This Measure Matters**
As King County continues to grow, roads, sidewalks, and trails will become more congested. To ensure an efficient multimodal transportation system, residents, workers, and visitors will need a range of transportation choices to respond to community needs and reduce greenhouse gas emissions and other environmental impacts (RP-204).

**How We Measured This**
This measure draws from proprietary data from a traffic data firm, INRIX, furnished by the Puget Sound Regional Council for the month of May 2015 and 2019. Travel corridors are identified by the company. This measure analyzes the change in travel time for the afternoon peak, typically the most congested time of day for the transportation network. Travel trends are analyzed in both roadway directions, and travel times represent end-to-end travel times along the corridor. “Congestion” is measured by the amount of corridor where travel speeds average 70 percent or less of the posted speed limit and are not a measure of road capacity.

Population and employment growth were identified from block-level data over the same period, by selecting blocks within a half-mile distance of the corridor roadway. This measure summarizes trends along individual travel corridors that cross city and unincorporated boundaries and the urban and rural areas. Separate analyses were not possible for all Growth Management Act Geographies, but observations for routes serving unincorporated King County are shared in the “What does this mean for the 2024 Comprehensive Plan update?” section.

**What This Measure Tells Us**
About half of the travel corridors analyzed experienced small, one to four-minute reductions in travel time between 2015 and 2019, while over 40 percent of routes experienced increased travel times. Figure 13 summarizes countywide population and employment growth and compares it to the change in miles of congested roadway from 2015 to 2019. Despite strong population and employment growth countywide, the overall number of miles of congested roadways decreased by four percent overall.

Figure 13: Growth and Change in Roadway Congestion, 2015-2019
Figure 14 illustrates the locations of the analyzed travel corridors and summarizes the afternoon travel time change, in minutes, during the analysis period, in both travel directions. During this period, all corridors experienced population growth, while employment grew along 34 of the 42 corridors.

Figure 15 details travel time changes and population and job growth along each corridor. Estimates of congestion, the percentage of the corridor where average speeds are less than 70 percent of the posted speed limit, are also provided for context. Corridors where at least 90 percent of the roadway is experiencing these congestion-affected speeds during the afternoon peak are shown in bold text.
Figure 14: Travel Corridors and Travel Time Changes, 2015-2019
### Figure 15: Travel Time Changes and Changes in Population and Employment, 2015-2019

<table>
<thead>
<tr>
<th>Corridor</th>
<th>Population % Change</th>
<th>Employment % Change</th>
<th>Travel Time % Change North/East</th>
<th>Travel Time % Change South/West</th>
<th>% of Corridor with Congestion-affected Speeds North/East (2019)</th>
<th>% of Corridor with Congestion-affected Speeds South/West (2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td>112th</td>
<td>12%</td>
<td>15%</td>
<td>-9%</td>
<td>5%</td>
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<td>99%</td>
</tr>
<tr>
<td>124th</td>
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<td>12%</td>
<td>-11%</td>
<td>-8%</td>
<td>98%</td>
<td>98%</td>
</tr>
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<td>148th Avenue</td>
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<td>5%</td>
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<td>97%</td>
</tr>
<tr>
<td>15th Ave</td>
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<td>100%</td>
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<tr>
<td>188th</td>
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<td>17%</td>
<td>-4%</td>
<td>-6%</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>23rd / Montlake</td>
<td>11%</td>
<td>19%</td>
<td>-2%</td>
<td>-3%</td>
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<td>100%</td>
</tr>
<tr>
<td>25th</td>
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<td>18%</td>
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<td>76%</td>
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</tr>
<tr>
<td>Ballinger</td>
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<tr>
<td>Bothell Way</td>
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<td>97%</td>
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<tr>
<td>Coal Creek Parkway</td>
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<td>-22%</td>
<td>-16%</td>
<td>99%</td>
<td>82%</td>
</tr>
<tr>
<td>Delridge</td>
<td>7%</td>
<td>5%</td>
<td>-10%</td>
<td>-11%</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>East Lake Sammamish</td>
<td>17%</td>
<td>22%</td>
<td>-19%</td>
<td>-25%</td>
<td>47%</td>
<td>51%</td>
</tr>
<tr>
<td>Issaquah-Hobart Road</td>
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<td>21%</td>
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<td>56%</td>
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<tr>
<td>Kent-Des Moines Road</td>
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<td>4%</td>
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<td>85%</td>
</tr>
<tr>
<td>Kent-Kangley Road (SR-516)</td>
<td>8%</td>
<td>7%</td>
<td>-33%</td>
<td>7%</td>
<td>95%</td>
<td>96%</td>
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<tr>
<td>Lake Wash, Blvd</td>
<td>7%</td>
<td>17%</td>
<td>-4%</td>
<td>-14%</td>
<td>90%</td>
<td>77%</td>
</tr>
<tr>
<td>MLK Blvd. (SR-900)</td>
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<td>100%</td>
<td>94%</td>
</tr>
<tr>
<td>NE 124th</td>
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<td>NE 145th Street</td>
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<td>95%</td>
</tr>
<tr>
<td>NE 50th / Market</td>
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<td>NE 75th</td>
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<td>78%</td>
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<tr>
<td>NE 85th</td>
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<td>Rainier Ave S</td>
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<td>3%</td>
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<td>100%</td>
</tr>
<tr>
<td>Renton-Issaquah (SR-900)</td>
<td>7%</td>
<td>19%</td>
<td>2%</td>
<td>-11%</td>
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<td>100%</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>15%</td>
<td>-6%</td>
<td>-22%</td>
<td>-5%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>S 240th</td>
<td>6%</td>
<td>11%</td>
<td>-11%</td>
<td>-13%</td>
<td>81%</td>
<td>81%</td>
</tr>
<tr>
<td>S 277th</td>
<td>6%</td>
<td>1%</td>
<td>-20%</td>
<td>-14%</td>
<td>60%</td>
<td>72%</td>
</tr>
<tr>
<td>S 320th</td>
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<td>-3%</td>
<td>10%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>SE Petrovitsky</td>
<td>6%</td>
<td>11%</td>
<td>2%</td>
<td>-10%</td>
<td>99%</td>
<td>99%</td>
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<tr>
<td>SR-169</td>
<td>5%</td>
<td>21%</td>
<td>1%</td>
<td>-5%</td>
<td>87%</td>
<td>87%</td>
</tr>
<tr>
<td>SR-18</td>
<td>10%</td>
<td>0%</td>
<td>-1%</td>
<td>18%</td>
<td>46%</td>
<td>42%</td>
</tr>
<tr>
<td>SR-202</td>
<td>12%</td>
<td>9%</td>
<td>-2%</td>
<td>-2%</td>
<td>99%</td>
<td>89%</td>
</tr>
<tr>
<td>SR-522</td>
<td>10%</td>
<td>13%</td>
<td>-13%</td>
<td>-9%</td>
<td>91%</td>
<td>84%</td>
</tr>
<tr>
<td>Woodinville-Duvall Road</td>
<td>4%</td>
<td>9%</td>
<td>-8%</td>
<td>-5%</td>
<td>100%</td>
<td>59%</td>
</tr>
</tbody>
</table>
While population grew on all travel corridors, and employment grew on nearly every corridor, travel times decreased on 57 percent of corridors. Despite decreases in travel time, roadways are still experiencing congestion overall. Of the 24 corridors experiencing a decrease in travel time from 2015 to 2019, 20 corridors experienced congestion-affected speeds along 90 to 100 percent of the corridor during afternoon peak commute times.

**What This Means For The 2024 Comprehensive Plan Update**

Key routes serving the unincorporated area, i.e., State Route 18, State Route 169, Avondale Road, Delridge Way, Kent-Kangley Road (State Route 516), Martin Luther King Jr. Way (State Route 900), Rainier Avenue South, Renton-Issaquah Road (State Route 900), Petrovitsky Road, and Woodinville-Duvall Road, experience congestion, but travel times have been relatively stable despite recent population and employment growth. Seven of these routes also experienced travel time increases in at least one direction over the analysis period. Given the congestion of roads serving both the urban and rural areas, rural areas are likely being affected by urban originating trips. Continuing to support urban corridors with high capacity and frequent transit service remains important for access and creating travel alternatives to avoid traffic congestion. Supporting regional trails connecting activity centers and on-street infrastructure that supports walking, biking, and rolling in the county’s densest neighborhoods will also reduce pressure from congested car routes. Building more housing for all income levels, near transit and with access to employment centers will also support multimodal commutes.
6. Urban unincorporated areas are annexed into cities: Change in acreage, population, and jobs in unincorporated urban Potential Annexation Areas

Why This Measure Matters
Urban residents are most efficiently served in cities because of the revenue options they have to provide needed urban services and because they provide more local representation with much smaller ratios of residents to elected officials (RP-203). Regional and county policy directs King County and its cities to facilitate annexation of urban unincorporated areas. Annexation is an equity issue, as past patterns of incorporation and annexation have left King County’s most diverse and lowest income communities underserved in major urban unincorporated islands. To serve and represent these communities equitably, these areas should be annexed to cities (RP-201).

How We Measured This
This trend examines annexation activity over the past two decades. A land survey and census of population and housing within a proposed annexation area must take place as part of the annexation process. This information is approved and tracked by the Washington Office of Financial Management. Employment estimates come from the Puget Sound Regional Council’s covered employment estimates. As annexation is an urban dynamic, this measure only examines activity between urban unincorporated King County and cities in King County.

What This Measure Tells Us
Significant progress has been made to annex urban unincorporated land to cities in the last two decades, but major annexation activity has slowed dramatically in the last several years once the financial incentive provided by the State expired in 2015. As shown in Figure 14, about 40 percent of the urban unincorporated area that existed in 2000 remains unincorporated.

Figure 16: Area of Urban Unincorporated King County, Current and Annexed 2001-2020

As shown in Figure 17, from between 2011 and 2020, about 16,000 acres were annexed to cities. This is approximately the same area annexed between 2001 and 2010. Annexations annexed between 2011 and 2020 were denser than in the previous decade but contained less employment.

19 Senate Bill 6686 (2006 session) [LINK] and Senate Bill 5321 (2009 session) [LINK]
Figure 17: Population, Jobs, Housing, and Area Annexed 2001-2020

<table>
<thead>
<tr>
<th>Amount annexed:</th>
<th>2001-10</th>
<th>2011-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>56,500</td>
<td>97,700</td>
</tr>
<tr>
<td>Housing Units</td>
<td>23,000</td>
<td>37,100</td>
</tr>
<tr>
<td>Jobs</td>
<td>6,900</td>
<td>5,100</td>
</tr>
<tr>
<td>Acres</td>
<td>16,200</td>
<td>16,000</td>
</tr>
</tbody>
</table>

Figure 18 and Figure 19 show the annual acreage and population annexed to cities, respectively. Annexation activity peaked from approximately 2008 to 2016, coinciding with the time a sales tax credit for cities was authorized by the State Legislature to incentivize annexation and when it expired. Previous King County analysis indicated that this incentive was the most effective tool to promote annexation.

Figure 18: Acres Annexed to Cities, 2001-2020
What This Means For The 2024 Comprehensive Plan Update

Incentives and planning to move the urban unincorporated area towards annexation are still necessary. Without additional incentives or state requirements, the Growth Management Act's goal of annexing the remaining unincorporated urban areas is unlikely to be realized. This will leave the residents in the remaining urban unincorporated areas underserved and limit the County from achieving its equity goals.
7. Housing is affordable to residents at all income levels: Change in percent of households paying more than 30% and 50% of income for housing costs.

Why This Measure Matters
Affordable, abundant housing is central to creating sustainable and complete neighborhoods across King County, to ensure that everyone can live within the neighborhood of their choice (RP-201). Ensuring a sufficient supply of affordable housing enables the creation of a resilient economy, prevents homelessness, and spreads opportunities to create wealth in line with King County's commitment to equity and social justice (RP-205). When housing costs exceed 30 percent of a household’s income, other necessities like transportation and food become a struggle to afford, particularly for lower income households. A household paying 30 percent or more of their income on housing is considered “cost burdened.”

How We Measured This
This measure reviewed housing and household income data from the United States Department of Housing and Urban Development on housing costs as a share of total income in 2010 and 2018. Cost burdened households are defined as those paying 30 percent or more of their income towards housing expenses; severely cost burdened households are defined as those paying 50 percent or more of their income for housing. The data source also breaks down cost burden by race, income, and tenure to help identify how housing affordability is disproportionately affecting specific demographics. Most trends in this measure are reported at the countywide level, but an analysis of cost burden by all growth management geographies is also included.

What This Measure Tells Us
Between 2010 and 2018, fewer households in King County were paying 30 percent or more of their income toward housing expenses, and fewer households were paying more than 50 percent on housing costs.

Figure 20: Percent of Cost Burdened Households in King County

<table>
<thead>
<tr>
<th></th>
<th>Percent Households</th>
<th>Percent Cost Burdened (&gt;30%)</th>
<th>Percent Severely Cost Burdened (&gt;50%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>62%</td>
<td>38%</td>
<td>17%</td>
</tr>
<tr>
<td>2018</td>
<td>67%</td>
<td>33%</td>
<td>15%</td>
</tr>
<tr>
<td>Change</td>
<td>5%</td>
<td>-5%</td>
<td>-2%</td>
</tr>
</tbody>
</table>

While this is a positive finding, the reduction in cost burden was not shared evenly across the county by race, income, or ownership status.

Figure 21 shows that the prevalence of cost burden decreased for most racial groups from 2010 to 2018, with Native Hawaiian and Pacific Islander households as an exception, but all non-white racial groups are more likely to be cost burdened than white households.
Cost burden is not distributed evenly across income brackets. Lower income households, those earning less than 80 percent of area median income (AMI), continue to have the high rates of cost burden. King County households that experienced decreased cost burden were more likely to be making the county median income or higher. Low-income households experienced increases in cost burden and are far more likely to be cost burdened in general. Over half of households making less than 80 percent of AMI are cost burdened.
While the overall share of cost burdened homeowner and renter households decreased from 2010 to 2018, renters continued to have a higher level of cost burden. In 2018, 43 percent of renter households were cost burdened, compared to only 24 percent of owner households.

As shown in Figure 24, cost burden is slightly less prevalent in unincorporated King County relative to the county as a whole, but rates of cost burden in urban unincorporated King County are higher than observed in King County overall. Rural households are less likely to be cost burdened than urban households and county households in aggregate.

Figure 24: Cost Burden by Geography, 2010 and 2018

What This Means For The 2024 Comprehensive Plan Update

Housing cost burden remains an issue throughout King County. Households that enjoyed the greatest benefits of reduced cost burden were disproportionately higher income, homeowners, and white. Cost burden is particularly acute for low-income and renter households, and Black, Indigenous, and other People of Color households. Renter households in unincorporated King County, especially in the urban unincorporated area, tend to be more cost burdened than other renter households in cities.

Efforts to address housing affordability should focus on households earning less than 80% of area median income, in alignment with the 2021 Countywide Planning Policies. “Missing” middle density rental and ownership housing, such as multiplexes, small multifamily buildings, and accessory dwelling units can also add lower cost housing choices. Recent amendments to the Growth Management Act will require the comprehensive plan to demonstrate that King County can accommodate the housing needs of all income segments and for permanent supportive housing and emergency sheltering for unsheltered residents.
8. The economy is strong and diverse: Job change by sectors

Why This Measure Matters
King County’s economy is large and diverse, and the engine of recent historic growth. The strength of the economy attracts new residents and businesses, and the diversity of the economy enables stability. Truly sustainable economic growth distributes economic gains equitably across communities (RP-201).

How We Measured This
This measure analyzes employment data from the Puget Sound Regional Council’s covered employment estimates between 2010 and 2020 to measure the amount of growth across economic sectors and geographies. Employment data from this data source reflects March of the estimate year, and 2020 data does not reflect the effects of the COVID-19 pandemic. A separate, but related dataset is used to examine employment growth by educational requirements and monthly wages to observe how equitably the economy has grown over a similar time period.

What This Measure Tells Us
Rebuilding from the recession at the end of the 2000s, King County added over 331,000 jobs between 2010 and 2020. While unincorporated King County has about three percent of the total jobs within King County, it grew by about 26 percent, adding over 8,000 jobs between 2010 and 2020. Slightly more than half of unincorporated jobs are located in the urban unincorporated area today, while just over half of the new jobs added between 2010 and 2020 were located in the rural area. Figure 25 presents estimates for total employment and employment growth across King County geographies.

Figure 25: Employment in King County, 2010-2020

<table>
<thead>
<tr>
<th></th>
<th>2010 Employment</th>
<th>2020 Employment</th>
<th>2010-2020 Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>King County</td>
<td>1,099,720</td>
<td>1,430,940</td>
<td>331,220</td>
</tr>
<tr>
<td>Cities</td>
<td>1,054,680</td>
<td>1,374,090</td>
<td>319,420</td>
</tr>
<tr>
<td>Unincorporated King County</td>
<td>31,740</td>
<td>39,940</td>
<td>8,200</td>
</tr>
<tr>
<td>Urban Unincorporated King County</td>
<td>13,300</td>
<td>16,910</td>
<td>3,610</td>
</tr>
<tr>
<td>Rural King County</td>
<td>18,440</td>
<td>23,030</td>
<td>4,590</td>
</tr>
</tbody>
</table>

Figure 25 illustrates employment by sector in 2020. Service sector employment occupies a majority of jobs in cities and King County as a whole, and a plurality of jobs in unincorporated King County geographies. While smaller in number, unincorporated King County has a greater share of resource and construction sector jobs than the county as a whole, owing to resource-based industries in the rural area. Public education sector jobs make up a greater share of employment in urban unincorporated King County than in other geographies.

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Figure 27 shows the sector of jobs added and lost between 2010 and 2020. Employment growth during this period was predominantly in the services and construction/resource sectors. The warehousing/transportation/utilities (WTU) sector lost employment in the rural area, offsetting gains in urban unincorporated King County. Other sectors showed modest growth.

21 Note the different scales used across Figure 24.
To evaluate how equitably employment growth has been over the past decade, we can examine employment by monthly earnings and the educational level. The monthly earnings categories associated with this data source are set evenly across the United States and are less descriptive for a higher cost of living area like King County. Nonetheless, they are helpful to show how wages differ for employment in the unincorporated area versus the cities in King County. As shown in Figure 28, the distribution of jobs across earnings categories is similar for the rural and urban unincorporated areas, but cities in King County have a greater concentration of higher wage jobs. While educational attainment associated with employment sorts similarly across rural, urban unincorporated, and incorporated King County, there is a higher concentration of jobs with workers that have at least a college degree in cities than in the unincorporated geographies.
What This Means For The 2024 Comprehensive Plan Update

The comprehensive plan supports a strong and diverse economy. Recent employment growth in unincorporated King County has been driven by service and public service sector jobs in the last decade. Growth in these sectors will continue to occupy mixed use and commercial land. Resource and construction sector jobs also grew in the rural area, but these jobs tend to be mobile and less demanding for built space for offices or storefronts. The effects of COVID-19 on work locations and built space needs are still evolving and the long-term effects are not clear, but recent employment growth indicates that sectors that are generally less able to telework have been growing. As discussed in Measure 2, adequate capacity exists for employment growth in urban unincorporated areas.
9. Residents have access to transit: Change in number of housing units by type and jobs, near transit stops.

**Why This Measure Matters**
Maximizing home and work locations near transit creates sustainable, liveable communities with a variety of transportation choices connecting residents to greater opportunity, while addressing climate goals (RP-201, RP-204, RP-205, RP-206).

**How We Measured This**
This measure relates total housing units from King County Assessor data and jobs from the Puget Sound Regional Council’s covered employment dataset to 2014 and 2020 Metro transit networks. A quarter mile buffer around Metro transit stops was calculated using the street network, and then overlaid on the housing and job estimates for 2014 and 2020 to identify homes and jobs within a short distance to transit. This measure examines trends at a countywide level and provides some detail about transit access for urban geographies. Rural homes and jobs near transit stops are included in the countywide totals, but because public transit is defined as an urban service, trends are not examined for the rural area alone.22

**What This Measure Tells Us**
The number of homes and jobs are located near transit stops has increased between 2014 and 2020. Through growth and transit service changes, an additional 100,000 housing units and 200,000 jobs were located within a walk-, bike-, or roll-able quarter mile of a transit stop. Over two-thirds of housing units and nearly three-quarters of jobs in King County are located near transit currently, while 85 percent of housing units and 92 percent of jobs added between 2014 and 2020 were near transit.

![Figure 29: Housing Units and Jobs Near Transit, 2014-2020](image)

Examining the types of housing near transit, in 2020, 51 percent of King County single-family homes, and 85% of multifamily units, were within a quarter mile of transit. 86 percent of units in King County’s subsidized housing database are near transit.

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22 Revised Code of Washington Section 36.70A.030 [LINK]

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Access to transit varies by geography. While the share of housing and jobs near transit increased between 2014 and 2020, as illustrated in Figure 31, the share of homes and employment near transit in urban unincorporated King County is lower than in cities and the county as a whole.

**Figure 31: Share of Housing and Jobs near Transit by Geography, 2014 and 2020**

**What This Means For The 2024 Comprehensive Plan Update**

While the share of housing and jobs near transit in the unincorporated area increased between 2014 and 2020, the share of unincorporated homes and jobs within proximity to transit is less than in cities. The 2024 update to the King County Comprehensive Plan should continue to support expansion and enrichment of transit network to support sustainable communities and regional climate and growth goals, and continue to focus growth in areas near existing and planned transit, particularly in the urban unincorporated area.
10. Residents have access to healthy food options: Proximity to healthy food options (supermarkets, small grocers, farmers markets, and produce vendors)

Why This Measure Matters
Food choices influence health outcomes, and residents of neighborhoods lacking a nearby grocery store or fresh food vendor face more barriers in accessing a nutritious diet. While proximate access to a neighborhood store does not necessarily mean that healthy food options are affordable or culturally appropriate for residents, it is a helpful indication of where residents may be underserved and in need of support, and an indicator of sustainable, liveable neighborhoods (RP-201 and RP-205).

How We Measured This
Supermarkets, small grocers, and produce vendors were identified from Public Health’s Food and Facility Permit Holder Database and cross-referenced with Supplemental Nutrition Assistance Plan (SNAP) vendors. Farmers market locations were obtained from King County GIS data. Access levels were calculated by identifying the percent of residents in census blocks living within the proximity buffers of the food vendor types, using the following distances: a mile from urban stores and markets, a half mile from stores in urban areas with limited car ownership, and five miles in the rural area. Distance from a food store was measured as a straight-line distance from a store or market. Access was also compared to King County’s Social Economic Risk Index (SERI) as a reference for disparities based on social vulnerabilities across King County. The SERI was developed to help identify communities that may be placed at greater risk of COVID-19 due to social and economic factors in King County.

What This Measure Tells Us
82 percent of King County residents live within proximity (as defined above) to a grocery store, small grocer, or produce vendor. 34 percent of King County residents live within proximity to a farmers market. There is significant overlap of farmers market locations with other healthy food vendors, and when combined with food stores, the percentage of residents living in proximity to a healthy food option increases marginally to 83 percent.

Not all King County residents share equal or equitable access to healthy food options as shown in Figure 32. Intersecting locations within and beyond the stated proximity buffers with King County’s SERI vulnerability index, residents in areas with less risk of vulnerability to social or economic stressors enjoyed greater access to healthy food options than residents living in areas with moderate or high risk. 93 percent of residents in low-risk tracts live near a healthy food option, compared to 78 percent of residents in moderate and high-risk areas.
As shown in Figure 33, access to healthy food varies by geography. Residents of urban and rural unincorporated King County have less proximate access to healthy food options (57 percent) than residents of cities (86 percent). Urban unincorporated residents have less proximate access to healthy food options than residents in cities.
Examining access by race, disparate healthy food access appears to be most pronounced for Indigenous King County residents. It is challenging to draw additional conclusions about food access by race and income from a distance-based analysis, as locations further from dense, mixed-use areas with grocery and other food stores tend to be whiter and relatively affluent.

What This Means For The 2024 Comprehensive Plan Update
Healthy and nearby food access in urban unincorporated King County lags other urban places and the county as a whole. Access also continues to lag for residents that may be enduring other social or economic stressors. The 2024 update to the King County Comprehensive Plan should continue to support food access for underserved communities. Land use and zoning changes that intend to create more complete communities should consider factoring food access levels into their development.
11. Residents have access to parks and open space: Proximity to parks and open spaces (including bicycle paths, trails, active and passive open space, playgrounds)

Why This Measure Matters
Parks and open space provide active and passive recreation opportunities for residents, workers, and visitors and are key elements to creating sustainable and livable neighborhoods (RP-201 and RP-202). They provide ecosystem services to protect, restore, and enhance the environment. Ensuring equitable access to parks and open space can reduce health and service inequities and promote environmental justice (RP-205 and RP-206).

How We Measured This
This measure draws from a regional assessment of parks and open space completed by the Trust for Public Lands, in partnership with local governments and non-profits in 2018. The assessment mapped parks, playgrounds, trails and bike paths, and active and passive open spaces; identified 10-minute pedestrian distances surrounding parks and open space; and intersected other demographics to identify places with moderate, low, and very low access to park space. Park need was intersected with 2020 population data and King County’s Social Economic Risk Index (SERI) to quantify residents with and without access to parks and open space and analyze how equitable access varies across King County. This measure defines “access” as proximity to parks, trails, and open space, but a nearby park or open space amenity may not be fully accessible to all residents because of lacking transportation infrastructure (e.g., sidewalks and curb cuts), other physical barriers, or amenity features.

What This Measure Tells Us
In general, King County residents enjoy good access to parks and open space, with 79 percent of residents living within a 10-minute walking or rolling distance of a park or open space. Of the residents living further from a park or open space amenity, 15 percent were categorized as having low or very low access to parks and open space.
Greater parks and open space access correlates with lower socio-economic vulnerability. Only 6% of residents in areas with lower risk for social or economic stressors have moderate, low, or very low park and open space access, while 32 percent of residents in area with high risk experience moderate or lower park and open space access. Park and open space access also varies by race. 33 percent of Native Hawaiian and Pacific Islander, 25 percent of Black and African American, and 24 percent of Hispanic and Latinx residents experience moderate or lower park or open space access near their home.
Figure 35: Residents with Limited Park and Open Space Access by Race, 2020

Park and open space access also varies by place. Only 49 percent of urban unincorporated King County residents enjoy adequate parks access, compared to 66 percent or rural residents, and 81 percent of city residents. Urban unincorporated King County residents are disproportionately limited in park and open space access.

Figure 36: Park and Open Space Access by Geography, 2020

What This Means For The 2024 Comprehensive Plan Update

There is a clear need for improving park and open space access for urban unincorporated King County residents. Acquisition of urban greenspace is a key priority for the Land Conservation Initiative and has multiple benefits for the equitable distribution of parks and open space and environmental sustainability. Urban greenspace is generally more expensive to acquire than rural or natural resource land properties, as shown in Measure 15, and a variety of financing tools are needed to support improving park and open space access in urban areas.
**12: Non single occupant vehicle modes are increasing and per capita vehicle miles traveled (VMT) is decreasing:** Change in percentage of residents using alternatives to the single occupant vehicle, and per capita VMT

*Why This Measure Matters*
Reducing single-occupancy vehicle trips and overall vehicle miles traveled reduces greenhouse gas emissions (RP-204) and helps King County reach its climate goals expressed in the Comprehensive Plan and Strategic Climate Action Plan. Increased use of alternative modes to single occupancy vehicles is essential to achieving climate and livability goals as King County grows (RP-206).

*How We Measured This*
This measure draws from per capita vehicle miles traveled estimates from the Washington State Department of Transportation. Mode split data comes from the U.S. Census Bureau's American Community Survey data regarding means of transportation to work. Vehicle miles traveled per capita data is available at a countywide level, while means of transportation to work data is available for King County and selected other geographies. This measure examines the period from 2010 to 2019, to avoid observations affected by the COVID-19 pandemic in 2020 data.

*What This Measure Tells Us*
Vehicle miles travelled per capita decreased between 2010 and 2019, even as King County experienced historic population growth. King County’s population increased 15 percent between 2010 and 2019. This corresponded with a smaller five percent increase in vehicle miles traveled overall, and a nine percent decrease in vehicle miles traveled per capita. The reduction means that trips shifted to different modes (e.g., transit or walking trips) or that average travel distances decreased. Examining the mode split of work trips during this same period shows how shifting transportation modes contributed to the decrease in per capita vehicle miles traveled.

Figure 37: Vehicle miles traveled per capita compared to population, 2010-2019

The share of commute trips by King County residents traveling by single occupant vehicle decreased from 66 percent to 62 percent between 2010 and 2019. The share of non-single occupant vehicle work trips increased 35 percent over the same period. Nearly 40 percent of commutes in 2019 used an alternative mode to driving alone. Transit trips contributed greatly to
this trend, increasing from 11 percent to 14 percent of all work trips, a 50 percent increase in the number of transit commute trips from 2010 to 2019. The number of bicycle and walking work trips and telecommuting also increased 50 percent from 2010 to 2019, also contributing to the reduction of single occupant vehicle trips.

Figure 38: Means of transportation to work, 2010 and 2019

While assessing the vehicle miles traveled per capita was not possible for unincorporated King County geographies, or for different equity populations, commute mode split information can be disaggregated by geography and by race and ethnicity. As shown in Figure 39, the share of workers commuting by modes other than driving alone is lower in unincorporated King County than King County and cities overall, but a similar trend of decreasing single occupancy vehicle trips can be seen. Between 2010 and 2019, the share of urban unincorporated workers driving alone to work fell from 74 percent to 70 percent of work trips. The share of workers riding transit to work increased from six percent to nine percent of work trips, while other modes stayed about the same.
Figure 39: Share of Non-Single Occupant Vehicle Commute Trips, 2010 and 2019\textsuperscript{24}

![Graph showing the share of non-single occupant vehicle commute trips, 2010 and 2019.](image)

Figure 39 examines non-single occupancy vehicle commute rates by race and ethnicity in 2019. The share of commuters using alternative modes to driving alone varies between 35 and 45 percent. Overall, the share of Black, Indigenous, and People of Color commuters not driving alone to work (42 percent) is higher than for white alone commuters (38 percent).

Figure 40: Percent of Non-Single Occupancy Vehicle Commutes by Race, 2019

![Bar chart showing the percent of non-single occupancy vehicle commutes by race in 2019.](image)

\textsuperscript{24} This data approximates these geographies because the spatial units of the data sources do not match them exactly.
**What This Means For The 2024 Comprehensive Plan Update**

The 2024 update to the King County Comprehensive Plan should continue to support expansion and enrichment of transit and active transportation networks to support reduced vehicle miles traveled and single occupant vehicle trips, and regional climate and growth goals. Continuing to support growth and development in places with high opportunity that allow for alternatives to driving alone will also aid this effort. This is particularly true in urban unincorporated King County where more commutes are made by driving alone.

While the share of workers telecommuting has increased in response to the COVID-19 pandemic, it is uncertain how much of the increase will be permanent. It will remain important to provide transportation choices for all workers from an equity perspective, as many jobs that require on-site attendance are lower wage positions.
13. Farms and forest lands are protected: Change in total acreage of Agricultural Production District and Forest Production District, including acreage permanently privately protected or in public ownership

**Why This Measure Matters**
Preserving and maintaining natural resource lands is a guiding principle of the comprehensive plan (RP-202). The Agriculture and Forest Production Districts preserve lands with long-term economic significance and provide ecosystem services that contribute to the ecologic health of King County (RP-206).

**How We Measured This**
This measure analyzes changes in the amount of all agriculture and forest zoned land in King County in 2010 and 2021. Public and private ownership and current use taxation status were ascertained from 2021 assessment data. Privately protected land was identified through a database of conservation easements maintained by the organization Forterra. The lack of comprehensive date data for all means of public and private protection prevented measurement of how protection status has changed over time. This analysis provides a baseline for future performance monitoring. This measure focuses on natural resource lands, and as such does not include any urban analysis.

**What This Measure Tells Us**
The amount of natural resource land in King County’s production districts has increased over the past decade. The Agricultural and Forest Production Districts have been successful in preserving resource lands over time. In 1994, the Agricultural Production District contained approximately 43,000 acres and the Forest Production District was approximately 676,000 acres.25

![Figure 41: Agriculture and Forest Production District Area, 2010 and 2021](image)

<table>
<thead>
<tr>
<th></th>
<th>2010 Acres</th>
<th>2021 Acres</th>
<th>Change 2010-2021</th>
</tr>
</thead>
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<td>Agriculture Production District</td>
<td>41,150</td>
<td>41,550</td>
<td>+ 400</td>
</tr>
<tr>
<td>Forest Production District</td>
<td>824,100</td>
<td>825,400</td>
<td>+ 1,300</td>
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</tbody>
</table>

In addition to the protection afforded by agriculture and forest zoning in the production districts, conservation easements or other extinguishment of development rights, current use taxation, and public ownership offer additional layers of protection to natural resource lands. Figure 42 shows the percentage of Agriculture and Forest Production District area protected by these measures. Approximately 70 percent of the Agriculture Production District and 97 percent of the Forest Production District are protected by a long-term or permanent method, in addition to natural resource land zoning.

---

25 King County Comprehensive Plan Final Supplemental Environmental Impact Statement, 1994. [LINK]
Figure 42: Means of Preservation in Agriculture and Forest Production Districts, 2021

What This Means For The 2024 Comprehensive Plan Update
Continuing to preserve land and support sustainable agriculture and forestry remain important to securing food and wood supply in the face of climate change impacts, maintaining the character of rural King County, and fostering a sustainable environment and economy. The Plan should continue to support efforts to acquire land and development rights to preserve natural resource lands.
14. Farmland in active production: Change in acres of farmland in active production, compared to total acreage.

Why This Measure Matters
Preserving and maintaining natural resource lands, including agricultural land, is a guiding principle of the comprehensive plan (RP-202). King County has a variety of programs directed towards preserving farmland from encroaching development, keeping existing farmland in agricultural use, and expanding farmland in active production; all which are essential actions to bolster the food system, agricultural economy, sustainable environment, and character of rural King County (RP-206).

How We Measured This
This measure reports on trends observed from iterative surveys of agricultural land use in and outside of Agriculture Production Districts, performed by King County Water and Land Resources Division staff in 2013 and 2017. This measure focuses on natural resource land and rural farmland and as such does not include any urban analysis.

What This Measure Tells Us
King County had approximately 48,200 acres of total farmland in 2017, 81 percent of which was actively in production. This represents an increase from the previous 2013 survey where 46,900 acres of total farmland were identified, with approximately 78 percent in active production.

Figure 43: King County Farmland Area and Area in Production, 2013-2017

<table>
<thead>
<tr>
<th></th>
<th>2013 Acres</th>
<th>2017 Acres</th>
<th>Change in Acres</th>
<th>Change in Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmland in Active Production</td>
<td>36,800</td>
<td>39,200</td>
<td>2,400</td>
<td>7%</td>
</tr>
<tr>
<td>Total Farmland</td>
<td>46,900</td>
<td>48,200</td>
<td>1,300</td>
<td>3%</td>
</tr>
</tbody>
</table>

What This Means For The 2024 Comprehensive Plan Update
Continuing efforts to monitor and keep farmland in production remain important to support a sustainable agricultural economy and environment. Supporting succession planning to keep farmland active as farmers reach retirement and lowering agricultural land costs as much as possible through purchase or transfer of development rights, land acquisition, or other financing programs will help keep farmland available for active use. Beyond ensuring an adequate agricultural land supply, farmer training and education programs can help create a pipeline of farmers and supporting demand-side solutions bolstering agricultural infrastructure and markets ensure a healthy market for agricultural products.
15. **Priority open space lands are permanently protected**: Change in acres of priority non-resource land open space permanently privately preserved or in public ownership.

**Why This Measure Matters**
Preserving and maintaining open space is a guiding principle of the comprehensive plan (RP-202). Passive and active open spaces create sustainable, liveable neighborhoods and protect, restore, and enhance the natural environment (RP-206). As King County continues to grow, open space must be preserved to ensure these benefits persist and are shared equitably.

**How We Measured This**
This measure examines the change in area of priority open space, as identified through the Land Conservation Initiative, from 2016 to 2021. The Initiative has a goal of conserving 65,000 acres of priority open space, including natural resource lands. The Land Conservation Initiative aims to conserve approximately 45,000 acres of the total goal through purchase of the land or development rights. This measure focuses on countywide land acquisition and analyzes trends for the whole of King County, though discussion relates the analysis to other data in unincorporated King County.

**What This Measure Tells Us**
From 2016 to 2021, nearly 4,000 acres of priority, non-resource open space land has been preserved. These lands are preserved from a variety of Figure 44 explores how the acquired lands sort into different categories.

Figure 44: Acres of Open Space Preserved by Type, 2016-2021

[Bar chart showing acres of open space preserved by type, with Natural Lands at 3,300 acres, Regional Trails at 150 acres, Rivers at 300 acres, and Urban Greenspace at 100 acres.]

Specific funding is available for open space acquisition in “opportunity areas,” communities underserved by open space and parks infrastructure and meeting certain income and health criteria. Between 2016 and 2021, about four acres of parks and open space were acquired in the defined opportunity areas. Other acquisitions not meeting the stated opportunity area criteria, but still demonstrating that the open space serves a community with limited park and open space access and other social and economic barriers may also qualify as opportunity areas, but are not counted in the four acres, so the total land acquired serving underserved areas is likely higher.
Park and open space lands were acquired through easements and outright purchase. Approximately 51 percent of the land protected was acquired through purchase, 49 percent by conservation easement. Funding for these acquisitions came from a variety of sources, as shown in Figure 45.

Figure 45: Land Conservation Initiative Funding Sources 2016-2020

What This Means For The 2024 Comprehensive Plan Update
As shown previously in Measure 11, residents of urban unincorporated areas experience less proximate access to parks and open space, and these communities should be a focus of preservation efforts for open space and parks access and environmental benefits. Supporting the Land Conservation Initiative in acquiring urban greenspace is essential to reaching this goal. Other efforts should continue to support open space acquisition efforts, particularly in opportunity areas and other underserved communities.
16. Countywide greenhouse gas emissions goals are being met: Percent reduction in countywide greenhouse emissions compared to a 2007 baseline (targets = 25 percent reduction by 2020, 50 percent reduction by 2030)\textsuperscript{26}

\textbf{Why This Measure Matters}
As greenhouse gases are leading contributors to climate change, reducing emissions is central to achieving King County’s climate action goals, creating sustainable and liveable communities, and preventing environmental degradation (RP-206).

\textbf{How We Measured This}
This measure references a goal stated in and reported on in the Strategic Climate Action Plan, King County’s blueprint for climate action. The Strategic Climate Action Plan (SCAP) is updated every five years to respond to emergent priorities in climate action. Reporting on climate goals and commitments, including greenhouse gas emission reductions, is completed every two years. Data for this measure comes from a quantitative analysis of the drivers of emissions change between 2008 and 2017, developed and compiled by King County’s Department of Natural Resources and Parks.\textsuperscript{27} This measure focuses on countywide emissions and meeting shared countywide reduction goals; disaggregate analysis was not possible.

\textbf{What This Measure Tells Us}
King County has made progress towards its goal of reducing countywide greenhouse gas emissions but has not reached its targeted goal of 25 percent reduction of all emissions by 2020.

Countywide greenhouse gas emissions fell by nearly two percent from 2008 to 2017. While further reductions during this period were offset by significant population and economic growth, per capita greenhouse gas emissions notably declined by 11 percent between 2008 and 2017, as shown in Figure 46. The infographic from the SCAP in Figure 47 illustrates the key drivers behind the modest progress in reaching our climate goals.

Figure 46: Greenhouse Gas Emissions (per capita), 2008-2017

\textsuperscript{26} This goal is currently reflected in the Plan but has been updated in the 2020 Strategic Climate Action Plan. The 2024 update will plan for the revised emissions goal. [LINK]

\textsuperscript{27} King County Greenhouse Gas Emissions, 2019. [LINK]
Greenhouse gas emission sources are classified into two groups: geographic emissions stemming from activities within in King County including electricity use, and consumption-based emissions stemming from the lifecycle of consuming goods and services. Geographic emissions happen in King County, while consumption-based emissions happen all over the world. Consumption-based emissions are more than double geographic-based emissions. Figure 48 details the sources for both classes of emissions in King County.

**Figure 48: Sources of Greenhouse Gas Emissions in King County**

*What This Means For The 2024 Comprehensive Plan Update*

While significant growth is not anticipated in unincorporated King County The 2020 update of the SCAP included a new section on “Sustainable and Resilient Frontline Communities.” Communities throughout urban and rural unincorporated King County are frequently frontline communities disproportionately affected by climate change because of their location and demographics.

An updated greenhouse gas emissions inventory analysis was under development in 2021. This inventory will provide updated and more robust data on greenhouse gas emissions from sources in King County, consumption of goods and services, and governmental operations; and
an updated “wedge analysis” that quantifies how specific strategies to reduce greenhouse gases can help achieve climate action goals.

**B. Implementation, Reporting, and Future Refinements**

The content of the 2022 Comprehensive Plan Performance Measures Report will be implemented in the development of the scope of work for the 2024 Update. The Report will serve as a baseline for future performance measurement to be implemented on the eight-year comprehensive plan update schedule.

No refinements to the Performance Measures are recommended at this time. Future refinements may be recommended via a separate motion in advance of the subsequent Performance Measures Report.

**V. Conclusion/Next Steps**

The purpose of this Report is to examine longer-term indicators of Plan performance to provide insight into whether the goals of the Plan are being achieved or if revisions are necessary. As such, and as required in Action 2, the Executive will use the findings from this Report to inform the development of the scope of work for the 2024 Update. Figure 49 below summarizes performance relative to each measure and includes recommendations for action in the 2024 Update.

Continuing from the development of the scope of work, the Executive will develop the Executive Recommended 2024 Update, to be delivered to Council by December 31, 2023, for Council’s consideration, revision, and adoption by December 31, 2024.

Figure 49: Summary of Performance Measures, Status, and Recommended Actions

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Performance Status</th>
<th>Recommended Actions for the 2024 Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Development occurs in areas planned for growth:</strong> Change in number of jobs, population, and housing units, compared to growth targets</td>
<td>✅ Growth is primarily urban, and on track to meet targets.</td>
<td>Maintain strong urban growth and rural protection policies.</td>
</tr>
<tr>
<td>2. <strong>Adequate zoning capacity exists in areas planned for growth:</strong> Urban land zoning capacity, compared to growth targets</td>
<td>✅ Adequate capacity exists to accommodate growth targets. Nearly 60 percent of urban unincorporated King County’s development capacity is in neighborhoods with an elevated risk for displacement.</td>
<td>Strengthen anti-displacement policies.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3. <strong>Urban land is used efficiently</strong>: Change in jobs, population, and housing units densities in centers, compared to countywide and regional goals, as adopted in the Countywide Planning Policies and VISION 2050</td>
<td>✅ Centers are accommodating a significant portion of growth, in line with countywide and regional goals. Per the 2021 Countywide Planning Policies, new countywide centers will be designated after the 2024 update.</td>
<td>Evaluate designating countywide centers in White Center and Skyway.</td>
</tr>
<tr>
<td>4. <strong>Total supply of housing keeps up with, or exceeds, job and population growth</strong>: Change in number of housing units by type, compared to change in jobs and population</td>
<td>❗ Housing supply is not keeping up with population and job growth.</td>
<td>Evaluate the types of housing allowed in low-density urban residential zones. Evaluate how more multifamily and middle-density housing could be developed in urban unincorporated King County.</td>
</tr>
<tr>
<td>5. <strong>Peak hour travel is not degrading faster than growth</strong>: Change in corridor peak hour travel times on major routes, compared to population and job change</td>
<td>✅ Travel times have not worsened despite population and employment growth. Congestion remains high on many routes.</td>
<td>Stay the course; provide transit service, complete streets, and alternatives to driving on congested routes. Continue to support housing near transit, especially high-capacity transit.</td>
</tr>
<tr>
<td>6. <strong>Urban unincorporated areas are annexed into cities</strong>: Change in acreage, population, and jobs in unincorporated urban Potential Annexation Areas</td>
<td>❗ Annexation levels have been steady for the last two decades, but minimal since 2016.</td>
<td>The Plan has strong policies for promoting annexation. Statwide legislation is necessary to provide financial incentives like those that have been successful in promoting annexation in the past. Promote integration of 2021 Countywide Planning Policies about annexation in local comprehensive plan updates.</td>
</tr>
<tr>
<td>7. <strong>Housing is affordable to residents at all income levels</strong>: Change in percent of households paying more than 30% and 50% of income for housing costs</td>
<td>✔ The overall level of housing cost burden has decreased but remains high and has increased for specific demographics.</td>
<td>Evaluate strategies to incentivize or require, where appropriate, housing affordable to households earning less than 80 percent of area median income.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8. The economy is strong and diverse: Job change by sectors</td>
<td>✅ The economy has grown, particularly in the services sector.</td>
<td>Stay the course; continue to support a strong and diverse economy.</td>
</tr>
<tr>
<td>9. Residents have access to transit: Change in number of housing units by type and jobs, near transit stops</td>
<td>✅ 85 percent of recently built homes and 92 percent of recently created jobs are located near transit.</td>
<td>Stay the course; continue to support development of housing near transit.</td>
</tr>
<tr>
<td>10. Residents have access to healthy food options: Proximity to healthy food options (supermarkets, small grocers, farmers markets, and produce vendors)</td>
<td>✗ 82 percent of King County residents live near a healthy food option. 56 percent of urban unincorporated King County residents live near a healthy food option.</td>
<td>Support improved access to healthy food in urban unincorporated King County.</td>
</tr>
<tr>
<td>11. Residents have access to parks and open space: Proximity to parks and open spaces (including bicycle paths, trails, active and passive open space, playgrounds)</td>
<td>✗ 79 percent of King County residents live near a park or open space amenity. 49 percent of urban unincorporated residents have limited access to nearby parks and open space. Black, Hispanic and Latinx, and Native Hawaiian and Pacific Islander residents have lower access to nearby parks and open spaces.</td>
<td>Support the investment in of urban greenspace, particularly in urban unincorporated King County communities, and communities with disparate access.</td>
</tr>
<tr>
<td>12. Non single occupant vehicle modes are increasing and per capita vehicle miles traveled (VMT) is decreasing: Change in percentage of residents using alternatives to the single occupant vehicle, and per capita VMT</td>
<td>✅ VMT per capita has decreased nine percent as population has grown 15 percent. The share of non-single occupant vehicle commute trips has increased by 35 percent.</td>
<td>Stay the course; continue to support alternatives to non-single vehicle commute trips, including high-capacity transit, regional trails connecting job centers, and telecommuting. Continue to enable the development of housing in and near job centers and along high-capacity transit routes.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>13. Farms and forest lands are protected: Change in total acreage of Agricultural Production District and Forest Production District, including acreage permanently privately protected or in public ownership</td>
<td>✅ The acreage of designated farm and forest lands has increased.</td>
<td>Stay the course; preserve working farm and forest land through purchase of land and development rights within Agricultural Production Districts and Forest Production Districts.</td>
</tr>
<tr>
<td>14. Farmland in active production: Change in acres of farmland in active production, compared to total acreage</td>
<td>✅ The acreage of farmland in active production has increased.</td>
<td>Stay the course; continue to support actions that make farmland affordable (such as purchase of land and development rights) and that keep farmland in production (such as succession planning, agricultural market support, farmland for new farmers).</td>
</tr>
<tr>
<td>15. Priority open space lands are permanently protected: Change in acres of priority non-resource land open space permanently privately preserved or in public ownership</td>
<td>✅ Priority open space lands have increased by nearly 4,000 acres since 2016. Limited access to parks and open space in urban unincorporated King County (Measure 11) highlights the importance of urban open space investment.</td>
<td>Prioritize urban open space investments, especially in urban unincorporated King County communities with the most in need.</td>
</tr>
<tr>
<td>Performance Measure</td>
<td>Performance Status</td>
<td>Recommended Actions for the 2024 Update</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>16. Countywide greenhouse gas emissions goals are being met:</strong> Percent reduction in countywide greenhouse emissions compared to a 2007 baseline (targets = 25 percent reduction by 2020, 50 percent reduction by 2030)</td>
<td>⚫️ Greenhouse gas emissions per capita have declined by 11 percent but did not meet the 2020 goal.</td>
<td>The 2020 Strategic Climate Action Plan (“SCAP”) updated the greenhouse gas reduction goals. Strategies designed to meet the revised goals should align with the adopted SCAP actions, including addressing emissions from growth and development. Continue to encourage housing growth near transit and active transportation infrastructure, and green building practices.</td>
</tr>
</tbody>
</table>

**Key:**
- ✅ Meeting Goal or Positive Trend
- ⚫️ Needs More Information or Mixed Progress
- ⬤ Not Meeting Goal or Negative Trend
VI. Appendices

A. 2016 Comprehensive Plan Workplan Action 2: Develop a Performance Measures Program for the Comprehensive Plan

Action 2: Develop a Performance Measures Program for the Comprehensive Plan. The purpose of the program is to develop longer-term indicators to provide insight into whether the goals of the Comprehensive Plan are being achieved or if revisions are needed. Given the longer-term nature of the issues addressed in the Comprehensive Plan, this program will be implemented on an eight-year update schedule. Reports are to be released in the year prior to the initiation of the eight-year update in order to guide the scoping process for the update. Additionally, to the extent practicable for each dataset, indicators will be reported at the level most consistent with the major geographies in the Growth Management Act and Comprehensive Plan – incorporated cities, unincorporated urban areas, Rural Areas, and Natural Resource Lands.

- **Timeline:** The motion adopting the program framework shall be transmitted by June 1, 2017. A 2022 Comprehensive Plan Performance Measures Report released by March 1, 2022, will inform the 2022 Scope of Work for the 2024 Comprehensive Plan update.

- **Outcomes:** The 2017 framework for the program shall be transmitted by the Executive to the Council by June 1, 2017, in the form of a motion that adopts the framework. The 2022 Comprehensive Plan Performance Measures Report shall be completed as directed by the 2017 framework motion adopted by the Council. The Executive shall file with the Council the 2022 Comprehensive Plan Performance Measures Report. The 2022 Scope of Work for the 2024 Comprehensive Plan update shall be informed by the 2022 Performance Measures Report. The Executive’s transmitted 2024 Comprehensive Plan shall include updated references to the new Performance Measures Program.

- **Lead:** Office of Performance Strategy and Budget. Executive staff shall work with the Council’s Comprehensive Plan lead staff in development of the 2017 framework for the program.
Appendix B

B. Motion 15014

KING COUNTY
Signature Report
December 12, 2017
Motion 15014

Proposed No. 2017-0245.2

A MOTION approving the Comprehensive Plan
Performance Measures Program Framework.

WHEREAS, the Washington state Growth Management Act, chapter 36.70A
RCW, was adopted in 1990 and 1991 and establishes a requirement for jurisdictions to
adopt comprehensive plans and requires updates once every eight years, and
WHEREAS, in 2012, King County adopted a comprehensive plan update via
Ordinance 17485 that meets Growth Management Act requirements to update the plan
once every eight years, and
WHEREAS, as allowed by K.C.C. chapter 20.18, the Comprehensive Plan was
updated in 2016 and adopted via Ordinance 18427, which is considered an annual update
under the Growth Management Act, and
WHEREAS, the 2016 Comprehensive Plan, in Chapter 12: Implementation,
Amendments and Evaluation, contains a set of workplan actions items that, working in
conjunction with other King County tools and programs, implement the Comprehensive
Plan, and
WHEREAS, 2016 Comprehensive Plan Workplan Action 2 directs the
development of long-term indicators to monitor performance that provide insight into
whether the goals of the Comprehensive Plan are being achieved or if revisions are
needed, and

28 Dates listed in this motion have been superseded by subsequent updates to Comprehensive Plan
Workplan Action 2.
2022 Comprehensive Plan Performance Measures Report
Page 164
Motion 15014

WHEREAS, K.C.C. chapter 20.18 establishes the procedures for four-year cycle amendments of the Comprehensive Plan and specifies that a motion be transmitted specifying a scope of work for proposed amendments to the Comprehensive Plan. The scope of work must be transmitted to the council the year before the four-year update transmittal. At such a time as the scope of work is established, a report monitoring performance has use and function in guiding what is included in the scope of work, and

WHEREAS, the Comprehensive Plan contains a set of overarching Guiding Principle policies that frame the Comprehensive Plan, and such Guiding Principle policies are an appropriate framework for establishing long-term indicators, and

WHEREAS, given that land use is the core function of the Comprehensive Plan, long-term indicators should be established that focus on core land use planning functions that are affected by the Comprehensive Plan, and

WHEREAS, land use planning affects other important topics such as affordable housing, public health, and mobility, and it is appropriate to include these in comprehensive plan monitoring and discuss them through a lens of how they relate to and impact land use, and

WHEREAS, given the long-term nature of the Comprehensive Plan, long-term indicators should be established that track change over time, and

WHEREAS, the Growth Management Act establishes broad geographies, including incorporated areas, unincorporated urban areas, rural areas, and natural resource lands, and long-term indicators should analyze data consistent with these geographies, as datasets allow, and

WHEREAS, the Comprehensive Plan includes a strong focus on equity and social
Motion 15014

43 justice issues, and long-term indicators should assess equity and social justice effects, as
44 datasets allow, and
45 WHEREAS, King County has other monitoring programs that provide a greater
46 level of specificity on issues related to those topics directly affected by the
47 Comprehensive Plan, and reports on comprehensive plan indicators should incorporate
48 information from these other programs to provide greater detail and context. Linking to
49 other programs will allow the comprehensive plan monitoring to be efficiently
50 implemented, to use existing data to supplement measures, and to have a sustainable
51 scale that allows for better communication with the multiple audiences for the
52 Comprehensive Plan, and
53 WHEREAS, the framework in Attachment A to this motion establishes a new
54 performance measures program and reporting schedule designed to support the
55 Comprehensive Plan update process, and
56 WHEREAS, the performance measures program shall be first implemented and
57 reported on in 2018, so as to inform the 2019 scope of work for the 2020 Comprehensive
58 Plan update, and
59 WHEREAS, the framework may be reviewed for potential refinements before the
60 establishment of future scopes of work required under K.C.C. 20.18.060, but only if any
61 refinements are approved via motion by the King County council;
62 NOW, THEREFORE, BE IT MOVED by the Council of King County:
63 The Comprehensive Plan Performance Measures Framework in Attachment A to
64 this motion is approved. The performance measures report shall be completed as directed
65 in Attachment A and shall inform the scope of work for four-year Comprehensive Plan
Motion 15014

66 updates. The report shall be released by December 1 of the year before the establishment of a scope of work required by K.C.C. 20.18.060. Any changes to the framework in Attachment A or the performance measures reporting schedule, or both, shall not be implemented unless approved via a motion that is passed by the council.

Motion 15014 was introduced on 6/12/2017 and passed by the Metropolitan King County Council on 12/11/2017, by the following vote:

Yes: 7 - Mr. von Reichbauer, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 2 - Mr. Gossett and Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

Attachments: A. King County Comprehensive Plan Performance Measures Program Framework, dated December 5, 2017
Attachment A to Proposed Motion 2017-0245
December 5, 2017

King County Comprehensive Plan Performance Measures Program Framework

Background
On December 5, 2016 King County adopted a four-year cycle update to the King County Comprehensive Plan ("the Plan") via Ordinance 18427. In Chapter 12: Implementation, Amendments and Evaluation, the 2016 Plan contains a series of Workplan Action Items ("actions" or "action"). Action 2, included below, calls on the County to develop a Performance Measures Program ("Program") for the Plan to provide insight into whether the goals of the Plan are being achieved or if amendments to the Plan’s policies are needed.

Action 2: Develop a Performance Measures Program for the Comprehensive Plan. The purpose of the program is to develop longer-term indicators to provide insight into whether the goals of the Comprehensive Plan are being achieved or if revisions are needed. Given the longer-term nature of the issues addressed in the Comprehensive Plan, this program will be implemented on a four-year cycle. Reports are to be released in the year prior to the initiation of the four-year update in order to guide the scoping process for the update. Additionally, to the extent practicable for each dataset, indicators will be reported at the level most consistent with the major geographies in the Growth Management Act and Comprehensive Plan – incorporated cities, unincorporated urban areas, Rural Areas, and Natural Resource Lands.

- **Timeline:** The motion adopting the program framework shall be transmitted by June 1, 2017. A 2018 Comprehensive Plan Performance Measures Report released by December 1, 2018, will inform the 2019 Scope of Work for the 2020 Comprehensive Plan update.

- **Outcomes:** The 2017 framework for the program shall be transmitted by the Executive to the Council by June 1, 2017, in the form of a motion that adopts the framework. The 2018 Comprehensive Plan Performance Measures Report shall be completed as directed by the 2017 framework motion adopted by the Council. The Executive shall file with the Council the 2018 Comprehensive Plan Performance Measures Report. The 2019 Scope of Work for the 2020 Comprehensive Plan Update shall be informed by the 2018 Performance Measures Report. The Executive’s transmitted 2020 Comprehensive Plan shall include updated references to the new Performance Measures Program.
Proposed Motion 2017-0245 – Attachment A
King County Comprehensive Plan Performance Measures Program Framework
December 5, 2017

- **Lead**: Office of Performance Strategy and Budget. Executive staff shall work with the Council’s Comprehensive Plan lead staff in development of the 2017 framework for the program.

As required by 2016 Workplan Action 2, the following is the framework for the new Comprehensive Plan Performance Measures Program.

**Program Foundations**
The following comprises the policy guidance, contextual considerations, and program goals that form the foundations for the Performance Measures Program.

**Purpose**: To establish a strategic land use planning performance measurement system that clarifies whether amendments are needed to the Comprehensive Plan and guides what is included the scope of work for four-year cycle Plan updates.

"Guiding Principles" Policies Frame the Program: The six "Guiding Principles" policies, as adopted in Chapter 1: Regional Growth Management Planning of the Comprehensive Plan, frame the Program and selection of measures. The Principles reflect the planning goals of the Growth Management Act, as well as the goals of the King County Strategic Plan, and are used in County funding decisions and in the creation and operation of County programs and projects. These Guiding Principles policies read as follows:

- **Creating Sustainable Neighborhoods - Policy RP-201**: In its policies and regulations, King County shall strive to promote sustainable neighborhoods and communities. King County shall seek to ensure that the benefits and impacts of the County’s activities are equitably distributed among all segments of the population.

- **Preserving and Maintaining Open Space and Natural Resource Lands - Policy RP-202**: King County shall pursue opportunities to preserve and maintain remaining high-priority forest, agriculture and other open space lands.

- **Directing Development Toward Existing Communities - Policy RP-203**: King County shall continue to support the reduction of sprawl by focusing growth and future development in the Urban Growth Area, consistent with adopted growth targets.

- **Providing a Variety of Transportation Choices - Policy RP-204**: King County shall continue to promote an efficient multimodal transportation system that provides residents with a range of transportation choices that respond to community needs and reduce impacts on the natural environment.
Appendix B

Proposed Motion 2017-0245 – Attachment A
King County Comprehensive Plan Performance Measures Program Framework
December 5, 2017

- **Addressing Health, Equity, and Social and Environmental Justice - Policy RP-205:** King County will seek to reduce health inequities and proactively address issues of equity, social and environmental justice when evaluating and implementing its land use policies, programs, and practices.

- **Achieving Environmental Sustainability - Policy RP-206:** King County will protect, restore and enhance its natural resources and environment, encourage sustainable agriculture and forestry, reduce climate pollution and prepare for the effects of climate change, including consideration of the inequities and disparities that may be caused by climate change.

**Measures to focus on core land use planning functions directly affected by the Plan:**
Measures shall focus on issues that are directly affected by land use planning. As land use planning affects other important topics, such as affordable housing, public health, and mobility, these topics shall be included in the program. Analysis of these topics shall be framed through a lens of how they specifically relate to land use.

**Measures are spatially-oriented and align with geographies in Growth Management Act:** As feasible given the data-sets, all measures shall be analyzed primarily at countywide scale, and separated into geographies most consistent with the Growth Management Act– incorporated cities, unincorporated urban areas, rural areas, and natural resource lands.

**Measures include Equity and Social Justice effects:** Assessment of equity and social justice effects shall be reported on in each measure, where data-sets allow.

**Report to link to other County monitoring programs:** King County has many programs that monitor performance and outcomes at a deeper subject-specific level – examples include Equity and Social Justice Indicators, Local Food Initiative Annual Report, Communities of Opportunity Indexes, Transfer of Development Rights Annual Report, Strategic Climate Action Plan Annual Report, and others. To provide additional detail and context, the Report (will) shall use information gathered in these other programs. This allows the scale of the Performance Measures program to be efficiently implemented, to use existing data to supplement measures, and to have a sustainable scale. Additionally, the Report may also include data on trends in other counties, the central Puget Sound region, or the state.

**Performance Measures**
Based on the Program foundations outlined above, the long-term indicators that shall be measured and reported on are as follows.
<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Applicable Guiding Principles Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Development occurs in areas planned for growth: Change in number of jobs, population, and housing units, compared to growth targets</td>
<td>RP-201, RP-203</td>
</tr>
<tr>
<td>2. Adequate zoning capacity exists in areas planned for growth: Urban land zoning capacity, compared to growth targets</td>
<td>RP-201, RP-203</td>
</tr>
<tr>
<td>3. Urban land is used efficiently: Change in jobs, population, and housing units densities in centers, compared to countywide and regional goals, as adopted in the Countywide Planning Policies and VISION 2040</td>
<td>RP-201, RP-203</td>
</tr>
<tr>
<td>4. Total supply of housing keeps up with, or exceeds, job and population growth: Change in number of housing units by type, compared to change in jobs and population</td>
<td>RP-201, RP-203</td>
</tr>
<tr>
<td>5. Peak hour travel is not degrading faster than growth: Change in corridor peak hour travel times on major routes, compared to population and job change</td>
<td>RP-204</td>
</tr>
<tr>
<td>6. Urban unincorporated areas are annexed into cities: Change in acreage, population and jobs in unincorporated urban Potential Annexation Areas</td>
<td>RP-201, RP-203</td>
</tr>
<tr>
<td>7. Housing is affordable to residents at all income levels: Change in percent of households paying more than 30% and 50% of income for housing costs</td>
<td>RP-201, RP-205</td>
</tr>
<tr>
<td>8. The economy is strong and diverse: Job change by sectors</td>
<td>RP-201</td>
</tr>
<tr>
<td>9. Residents have access to transit: Change in number of housing units by type and jobs, near transit stops</td>
<td>RP-201, RP-203, RP-204, RP-205, RP-206</td>
</tr>
</tbody>
</table>
### Proposed Motion 2017-0245 – Attachment A
King County Comprehensive Plan Performance Measures Program Framework
December 5, 2017

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Code</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. <strong>Residents have access to healthy food options:</strong> Proximity to healthy food options (supermarkets, small grocers, farmers markets, and produce vendors)</td>
<td>RP-201</td>
<td>RP-205</td>
</tr>
<tr>
<td>11. <strong>Residents have access to parks and open space:</strong> Proximity to parks and open spaces (including bicycle paths, trails, active and passive open space, playgrounds)</td>
<td>RP-201</td>
<td>RP-202</td>
</tr>
<tr>
<td>12. <strong>Non-single occupant vehicle modes are increasing and per capita vehicle miles traveled (VMT) is decreasing:</strong> Change in percentage of residents using alternatives to the single occupant vehicle, and per capita VMT</td>
<td>RP-204</td>
<td>RP-206</td>
</tr>
<tr>
<td>13. <strong>Farms and forest lands are protected:</strong> Change in total acreage of Agricultural Production District and Forest Production District, including acreage permanently privately protected or in public ownership</td>
<td>RP-202</td>
<td>RP-206</td>
</tr>
<tr>
<td>14. <strong>Farmland in active production:</strong> Change in acres of farmland in active production, compared to total acreage</td>
<td>RP-202</td>
<td>RP-206</td>
</tr>
<tr>
<td>15. <strong>Priority open space lands are permanently protected:</strong> Change in acres of priority non-resource land open-space permanently privately preserved or in public ownership</td>
<td>RP-202</td>
<td>RP-206</td>
</tr>
<tr>
<td>16. <strong>Countywide greenhouse gas emissions goals are being met:</strong> Percent reduction in countywide greenhouse emissions compared to a 2007 baseline (targets = 25 percent reduction by 2020, 50 percent reduction by 2030)</td>
<td>RP-206</td>
<td></td>
</tr>
</tbody>
</table>
Implementation, Reporting, and Future Refinements

The Comprehensive Plan Performance Measures Program shall be implemented and reported on by December 1, 2018, consistent with the measures adopted in this framework. The 2018 Performance Measures Report shall be used to inform the 2019 scope of work for the 2020 Comprehensive Plan update regarding any policy amendments that may be necessary to ensure the goals of the Plan are being met. This cycle of measurement, reporting, and scoping for potential Comprehensive Plan refinement shall continue for subsequent four-year Plan updates, whereby future Performance Measures Reports shall be released by December 1 of the year prior to establishment of a scope of work required by K.C.C. 20.18.060.

As the Program is implemented over time, there may be a need to refine the framework and/or any individual measures. Such framework refinements, including any changes to the ongoing December 1 reporting deadline or the required incorporation of the report results into scoping for Plan updates, shall not be implemented unless approved via a motion that is passed by the Council.
C. Data Sources

This appendix lists the data sources used to develop the 2022 Comprehensive Plan Performance Measures Report.

<table>
<thead>
<tr>
<th>Measure 1: Development occurs in areas planned for growth</th>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2020</td>
<td>Census block-level data aggregated to jurisdictions representing 2020 municipal boundaries</td>
<td></td>
</tr>
<tr>
<td>Housing Units</td>
<td>Office of Financial Management, Small Area Estimates</td>
<td>2006</td>
<td>Census block-level data aggregated to jurisdictions with 2020 municipal boundaries</td>
<td></td>
</tr>
<tr>
<td>Housing Units</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2020</td>
<td>Census block-level data aggregated to jurisdictions representing 2020 municipal boundaries</td>
<td></td>
</tr>
<tr>
<td>Employment</td>
<td>Puget Sound Regional Council, Covered Employment Estimates</td>
<td>2006, 2020</td>
<td>Workplace point-level data aggregated to jurisdictions representing 2020 municipal boundaries</td>
<td></td>
</tr>
<tr>
<td>Growth Targets</td>
<td>King County, 2012 King County Countywide Planning Policies</td>
<td>2006-2035</td>
<td>Growth targets were adjusted for major annexations between 2010-2020</td>
<td></td>
</tr>
</tbody>
</table>
### Measure 2: Adequate zoning capacity exists in areas planned for growth

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing and Employment Capacity</td>
<td>King County, 2021 Urban Growth Capacity Report King County Code</td>
<td>N/A</td>
<td>Zoned capacity was calculated for urban unincorporated King County using base densities by zone from the King County Code and the vacant and redevelopable land supply identified in the Urban Growth Capacity Report. Capacity from the Urban Growth Capacity report was used to calculate capacity for cities.</td>
</tr>
<tr>
<td>Growth Targets</td>
<td>King County, 2012 King County Countywide Planning Policies</td>
<td>2019-2044</td>
<td></td>
</tr>
<tr>
<td>Displacement Risk</td>
<td>Puget Sound Regional Council, Displacement Risk Mapping</td>
<td>N/A</td>
<td>Land supply parcels were overlaid with census tract-level displacement risk to assess their relative risk for displacement.</td>
</tr>
</tbody>
</table>

### Measure 3: Urban land is used efficiently

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2010</td>
<td>Census block-level data aggregated to Regional Growth Center boundaries</td>
</tr>
<tr>
<td>Housing Units</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2010</td>
<td>Census block-level data aggregated to Regional Growth Center boundaries</td>
</tr>
<tr>
<td>Housing Units</td>
<td>Office of Financial Management, Small Area Estimates</td>
<td>2019</td>
<td>Census block-level data aggregated to Regional Growth Center boundaries</td>
</tr>
</tbody>
</table>
### Measure 4: Total supply of housing keeps up with, or exceeds, job growth

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2010, 2020</td>
<td>Census block-level data aggregated to jurisdictional boundaries</td>
</tr>
<tr>
<td>Housing Units</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2010, 2020</td>
<td>Census block-level data aggregated to jurisdictional boundaries</td>
</tr>
<tr>
<td>Employment</td>
<td>Puget Sound Regional Council, Covered Employment Estimates</td>
<td>2010, 2020</td>
<td>Workplace point-level data aggregated to jurisdictional boundaries</td>
</tr>
<tr>
<td>Residential building permits</td>
<td>Puget Sound Regional Council, Residential Building Permit Summaries</td>
<td>2010-2019</td>
<td></td>
</tr>
</tbody>
</table>

### Measure 5: Peak hour travel is not degrading faster than growth

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>Office of Financial Management, Small Area Estimates</td>
<td>2015, 2019</td>
<td>Census block-level data selected by to half-mile buffer of corridor roadway</td>
</tr>
<tr>
<td>Employment</td>
<td>U.S Census Bureau, LEHD Origin-Destination Employment Statistics (LODES) dataset</td>
<td>2015, 2019</td>
<td>Census block-level data selected by to half-mile buffer of corridor roadway. Series used: workplace area characteristics for all job types</td>
</tr>
</tbody>
</table>
### Travel Times and Congestion

Puget Sound Regional Council, INRIX corridor travel times and congestion estimates.

- **Measure 6: Urban unincorporated areas are annexed into cities**

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area, Population, and Housing Annexed</td>
<td>Office of Financial Management, Central Annexation Tracking Database</td>
<td>2001-2020</td>
<td>Annexations are certified by the Office of Financial Management and are required to include a surveyed area, and a population and housing census</td>
</tr>
<tr>
<td>Employment</td>
<td>Puget Sound Regional Council, Covered Employment Estimates</td>
<td>2001, 2010, 2020</td>
<td>Unincorporated King County and urban unincorporated King County estimates were compared in reporting years</td>
</tr>
</tbody>
</table>

### Measure 7: Housing is affordable to residents at all income levels

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Cost Burden</td>
<td>U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS) Data</td>
<td>2010, 2018</td>
<td>CHAS data is a special computation of the U.S. Census Bureau’s American Community Survey for Census Places, Census Tracts, and Counties. Urban unincorporated geography was approximated by aggregating Census Places (Bryn Mawr-Skyway, Boulevard Park, Fairwood, Lakeland North, Lakeland South, Union Hill-Novelty Hill, and White Center).</td>
</tr>
</tbody>
</table>
### Measure 8: The economy is strong and diverse

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment by Wage Level and Educational Attainment</td>
<td>U.S Census Bureau, LEHD Origin-Destination Employment Statistics (LODES) dataset</td>
<td>2019</td>
<td>Census block-level data aggregated to jurisdictional boundaries. Series used: workplace area characteristics for all job types.</td>
</tr>
</tbody>
</table>

### Measure 9: Residents have access to transit

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Networks</td>
<td>King County Metro, Service Planning Division</td>
<td>2014, 2020</td>
<td>Transit stops were buffered by a quarter mile street network distance.</td>
</tr>
<tr>
<td>Measure 10: Residents have access to healthy food options</td>
<td>Unit Measured</td>
<td>Source</td>
<td>Reporting Years</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>Healthy Food Stores</td>
<td>Public Health—Seattle and King County Food and Facility Permit Holder Database</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td>Farmers Markets</td>
<td>King County GIS Center</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census U.S. Census Bureau, American Community Survey (vehicle ownership)</td>
<td>2020, 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Socio-economic Risk

<table>
<thead>
<tr>
<th>King County, Social Economic Risk Index</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index combines demographic data (household size; essential workers; educational attainment; Black, Indigenous, and People of Color population; foreign born population; linguistic isolation; and population below 200% of federal poverty level to identify census tracts more vulnerable to risks because of social or economic factors. Census blocks were assigned a SERI risk value by their presence in a census tract.</td>
<td></td>
</tr>
</tbody>
</table>

#### Measure 11: Residents have access to parks and open space

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Open Space</td>
<td>Trust for Public Land, ParkServe dataset.</td>
<td>2018</td>
<td>ParkServe mapped existing parks, open space, and trails and determined need for additional park access by distance to facilities and demographic characteristics.</td>
</tr>
<tr>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2020</td>
<td>Census block-level data. Selected by presence within park access shapes.</td>
</tr>
<tr>
<td>Socio-economic Risk</td>
<td>King County, Social Economic Risk Index</td>
<td>2019</td>
<td>Index combines demographic data (household size; essential workers; educational attainment; Black, Indigenous, and People of Color population; foreign born population; linguistic isolation; and population below 200% of federal poverty level to identify census tracts more vulnerable to risks because of social or economic factors. Blocks were assigned a SERI risk value by their presence in a census tract.</td>
</tr>
</tbody>
</table>

**Measure 12: Non-single occupant vehicle modes are increasing and per capita vehicle miles traveled (VMT) is decreasing**

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Miles Traveled</td>
<td>Washington State Department of Transportation, Highway Performance Management System</td>
<td>2010-2019</td>
<td>County-level dataset</td>
</tr>
<tr>
<td>Population</td>
<td>U.S. Census Bureau, Decennial Census</td>
<td>2010</td>
<td></td>
</tr>
<tr>
<td>Means of Transportation to Work</td>
<td>U.S. Census Bureau, American Community Survey</td>
<td>2019</td>
<td>County and Census Place level datasets used to approximate unincorporated King County geographies.</td>
</tr>
</tbody>
</table>

**Measure 13: Farms and forest lands are protected**

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Forest Production Districts</td>
<td>King County GIS Center</td>
<td>2010, 2021</td>
<td>Acreage totals for lands zoned for Agriculture and Forest</td>
</tr>
</tbody>
</table>
## Appendix C

<table>
<thead>
<tr>
<th>Publicly owned land</th>
<th>King County GIS Center</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land in Current Use Taxation</td>
<td>King County Department of Assessments/King County GIS Center</td>
<td>2021</td>
</tr>
<tr>
<td>Natural Resource Lands privately protected</td>
<td>Forterra, Central Puget Sound Protected Lands Database</td>
<td>2016-2021</td>
</tr>
</tbody>
</table>

### Measure 14: Farmland in active production

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmland in Active Production</td>
<td>King County Department of Natural Resources and Parks, Agriculture Program, Farmland field surveys</td>
<td>2013, 2017</td>
<td>Data comes directly from detailed field surveys measuring farmland in active production were conducted in 2013 and 2017 by DNRP Agriculture Program staff.</td>
</tr>
</tbody>
</table>

### Measure 15: Priority open space lands are permanently protected

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres of Priority Open Space</td>
<td>King County Department of Natural Resources and Parks, Land Conservation Initiative</td>
<td>2016-2021</td>
<td>Data comes directly from LCI reporting</td>
</tr>
</tbody>
</table>

### Measure 16: Countywide greenhouse gas emissions goals are being met

<table>
<thead>
<tr>
<th>Unit Measured</th>
<th>Source</th>
<th>Reporting Years</th>
<th>Processing Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse Gas Emissions and Emissions Per Capita</td>
<td>King County Climate Action Team (eds.), 2020. King County 2020 Strategic Climate Action Plan</td>
<td>2017</td>
<td>Data comes directly from SCAP reporting</td>
</tr>
</tbody>
</table>
D. Comprehensive Plan Guiding Principles

King County’s Comprehensive Plan has long been based on a vision of the county as a livable area with healthy, thriving and dense urban communities; ample open space, forest and farmlands preserved for long-term use; a vibrant economy inclusive of numerous sectors; and a transportation system providing a variety of options. In addition, the Plan reflects the 14 goals of the Growth Management Act and the goals of the King County Strategic Plan. In 2015, King County adopted an update to its Strategic Plan, which aims to promote: mobility; health and human services; economic vitality; safety and justice; accessible, affordable housing; a healthy environment; and efficient, accountable regional and local government. The following principles, first adopted in the 2012 Comprehensive Plan, are updated to reflect these long-term goals and priorities.

RP-201 Creating Sustainable Neighborhoods. Strive to promote sustainable neighborhoods and communities. Seek to ensure that the benefits and impacts of the county’s activities are equitably distributed among all segments of the population.

RP-202 Preserving and Maintaining Open Space and Natural Resource Lands. Pursue opportunities to preserve and maintain remaining high propriety forest, agriculture, and other open space lands.

RP-203 Directing Development Towards Existing Communities. Continue to support the reduction of sprawl by focusing growth and future development in the Urban Growth Area, consistent with adopted growth targets.

RP-204 Providing a Variety of Transportation Choices. Continue to promote an efficient multimodal transportation system that provides residents with a range of transportation choices that respond to community needs and reduce impacts on the natural environment.

RP-205 Addressing Health, Equity and Social Justice and Environmental Justice. Seek to reduce health inequities and proactively address issues of equity, social and environmental justice when evaluating and implementing its land use policies, programs and practices.

RP-206 Achieving Environmental Sustainability. Protect, restore and enhance the county’s natural resources and environment, encourage sustainable agriculture and forestry, reduce climate pollution and prepare for the effects of climate change, including consideration of the inequities and disparities that may be caused by climate change.
SUBJECT

Proposed Ordinances 2022-0147 and 2022-0148 would update the County's winery, brewery, and distillery (WBD) regulations.

SUMMARY

Ordinance 19030 was adopted in December 2019 after a years-long process to review and update the development regulations for wineries, breweries, and distilleries in unincorporated King County. After appeal to the Growth Management Hearings Board, the Board found Ordinance 19030 noncompliant with the Growth Management Act and invalid. There are two Proposed Ordinances before the Committee today, for Discussion and Possible Action.

Proposed Ordinance 2022-0147 (Ordinance 1) would consolidate the requirements for WBDs into one chapter of the code; and would modify the regulations adopted by Ordinance 19030: regulations for WBDs in the A and RA zones countywide, most notably to prohibit WBDs within the A zone; regulations in the RA zone regarding water usage that would apply countywide except for Vashon-Maury Island; repeal remote tasting room demonstration project A; modify the regulations for events and temporary use permits for WBDs; and modify provisions related to definitions, state law references to on-site retail and tasting, nonconforming use status, and WBD land use licenses.

Proposed Ordinance 2022-0148 (Ordinance 2) would amend Ordinance 1, to allow WBDs in the UR zone, to add a separation requirement between WBDs in the RA zone, and to specify a requirement for compliance with the federal Clean Water Act.

There are striking amendments for each of the Proposed Ordinances. The striking amendment for Ordinance 1 includes: streamlining the Findings, modify the development conditions for WBD I, II, and III in the RA zone (parking, septic requirements, incidental sales, historic resources), modifying and clarifying the requirements for function and special events that require temporary use permits, and building permit and business license issuance.
For Ordinance 2, the changes include: engrossing the changes made in Ordinance 1, modifying or clarifying the development conditions for WBD I, II, and III in the RA and UR zones (hours of operation, removing reference to federal laws, separation requirement), allowing wineries in the Industrial zone, and adding UR zone to business license provisions that are applied to the RA zone in Ordinance 1.

BACKGROUND

Prior to Ordinance 19030. Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code. Prior to Ordinance 19030, the development conditions had not changed since 2003, when standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted. Distilleries were first recognized as a land use in 2013. Wineries, breweries, and distilleries were considered the same land use category under the code, and for each zone in which they are allowed (either outright as a permitted use, or with a conditional use permit), they had the same development conditions.

In 2010, the City of Woodinville submitted a docket request that would have expanded the urban growth boundary and established new commercial zoning for an area close to the Woodinville city limits. In 2011, a private resident submitted a similar docket request. In each case, the County Executive did not support the proposal, and as part of the 2012 Comprehensive Plan Update, the Council adopted a work plan item to work with the City of Woodinville on joint recommendations for wine and agriculture industries.

Following the 2012 Comprehensive Plan work program, and as part of the mid-biennial budget supplemental in 2016, the Executive requested, and the Council approved, an appropriation of $75,000 for the Office of Performance, Strategy and Budget to hire a consultant to conduct a “[s]tudy to develop recommendations to improve the interface of the burgeoning wine industry with the surrounding communities. The funding will be used to secure consultant assistance to support the outreach, research and recommendation process. The study will focus on economic development, transportation, land use and agriculture in the Sammamish Valley area, and may also make recommendations for other parts of unincorporated King County as appropriate.”

Around the same time, neighbors of wineries and tasting rooms within the Sammamish Valley filed a number of code enforcement complaints against some of those businesses alleging they were operating in violation of the zoning code and some of them for construction activity without required permits. The Department of Permitting and Environmental Review (DPER) (now the Permitting Division of the Department of Local Services), knowing that the Executive would be beginning a study to look at policy recommendations, offered settlement agreements to all known WBD businesses – whether associated an alleged code violation or not - in unincorporated King County.

---

1 Ordinance 10870
2 Ordinance 14781
3 There were some changes in 2007 with Ordinance 15974, and allowances for WBDs in commercial zones was added in 2010 with Ordinance 16950
4 Ordinance 17539
5 Ordinance 17485, Section 50.P.
6 Ordinance 18239
These settlement agreements stated that the property/business owners acknowledged that aspects of the WBD uses may not be permitted, that the business owner would not increase any non-conformance, and that any life-safety issues would be corrected. In return, DPER would not move forward with any code enforcement process for any alleged violations while the Executive’s study was being completed and before any legislative changes were considered and adopted by the Council.

Following approval of the budget supplemental request, the Executive formed a stakeholder group of Sammamish Valley wineries, agricultural interests, and the Cities of Woodinville and Redmond. The consultant performed stakeholder interviews and held five meetings with the stakeholders to review the goals and priorities, agricultural industry needs and issues, wine industry needs and issues, the issues with the existing development regulations, transportation issues, and potential policy changes and infrastructure improvements. The consultant also held an open public meeting and used an online public comment tool. The stakeholder group and consultant provided a series of policy recommendations in their final report, issued in September 2016.7

Between September 2016 and April 2018, the Executive worked on a series of proposed policy changes, as well as on improvements within the Sammamish Valley (shutttle van, trail connections, signage). A public review draft of the Executive's proposed regulations was issued in June 2017, outlining an initial proposal for public comment. After reviewing and considering the feedback on the public review draft, the Executive transmitted a final report and Proposed Ordinance 2018-0241 (enacted as Ordinance 19030) to the Council in April 2018.

Ordinance 19030. Ordinance 19030 was adopted in December 2019, after seven Committee meetings, a town hall meeting and two public hearings at full Council. Ordinance 19030 substantively modified the regulations for WBDs in several ways, including:

- Establishing a county business license to aid in enforcement of the land use regulations.
- Changing the structure of the regulations from a two-tiered approach to a three-tiered approach. The former code regulated WBDs as either a permitted use or a conditional use, while Ordinance 19030 adopted regulations for production WBD I (very small), WBD II (small), and WBD III. Establishing WBD I, II and IIIs in the Manufacturing Land Uses permitted use table with varying development conditions for each zone and size of facility; more stringent conditions were adopted for the A and RA zones to reflect the need to protect those lands as required by the King County Comprehensive Plan and Washington State Growth Management Act (GMA). In general, the development conditions in the A and RA zone:
  - Maintained, reduced, and established minimum lot sizes
  - Maintained or reduced maximum building sizes
  - Specified additional limitations on on-site tasting and retail sales
  - Required water hookup for WBD IIIs

• Required access to an arterial or public roadway
• Established an on-site grow requirement for products in the A zone and eliminated a requirement in the RA zone for sourcing in Puget Sound counties.
• Established minimum on-site production requirements
• Established requirements for locating facilities on agricultural lands
• Modified parking minimums and maximums
• Maintained and added parking areas to setbacks from Rural Area and Residential zones
• Established maximum impervious surfaces
• Establishing a new "remote tasting room" use to mirror state licensing in the CB and RB zones, including within the CB zone of the Vashon and Fall City Rural Towns.
• Establishing a 3-year demonstration project to test whether remote tasting rooms could be an allowed use in the Rural Area zone.
• Prohibiting WBDs and remote tasting rooms as home occupations and home industries.
• Modifying temporary use permits (TUP) for WBD-related events, with stricter limits in the A and RA zone than for other zones, such as limiting events for breweries and distilleries to 2 per month (A zone) or 24 per year (RA) zone, and setting a maximum guest size that did not exist previously. Adding triggers for Permitting to easily identify when a TUP is required. Establishing an exemption from TUP requirements for certain existing WBDs in the RA zone including those that had at least 8 acres in lot size and had access to a principal arterial or state highway, and where the County did not object to issuance of the state liquor license.
• Increasing citation penalties for code violations by WBDs and remote tasting rooms.

SEPA Review. As is the case for most development regulations, State Environmental Policy Act (SEPA) review was required for Ordinance 19030 prior to adoption. A SEPA checklist was prepared, dated April 24, 2019. Based on that checklist, the SEPA Responsible Official issued a Determination of Nonsignificance on April 26, 2019. After the public comment period on the threshold determination, the SEPA Responsible Official issued a June 10, 2019 memo summarizing the comments received and concluded that "none of the comments have identified unmitigated environmental impacts of the limited code changes that would result in a more than likely probable significant impact." After additional public process, including two public hearings at full Council and two committee meetings that occurred after the SEPA Responsible Official's June 10, 2019 memo, the Council adopted Ordinance 19030 with amendments responding to public comments.

One question frequently raised during review of Ordinance 19030 was how many properties in the A and RA zones would be able to, in theory, establish WBD IIs based on the changes to the minimum lot sizes. Under Ordinance 19030, the minimum lot size for WBD IIs is 2.5 acres in the RA zone, which is lower than the minimum lot size allowed for smaller WBD uses under the former code. The former code did not have a minimum lot size for WBDs with less than 3,500 square feet of floor area in the A zone. There was concern that this lower lot size would create opportunity for a substantially higher number of WBDs than was previously allowed. However, the minimum lot size reduction for WBD
IIs was coupled with other changes, most notably, a requirement for direct access to either a public road or an arterial that limits the number of lots that could theoretically become a WBD II under Ordinance 19030. In addition, as noted below, home occupation WBDs were allowed on nearly any A or RA zoned parcel, which is reflected in the tables below.

Recent GIS analysis shows that more properties could establish a WBD under the former code (the code in place prior to Ordinance 19030) than under Ordinance 19030, when the access requirement is also taken into account. Table 1 shows a summary of this high-level analysis for the RA zone.

Table 1a includes information in the RA zone excluding Vashon-Maury Island. Under the former code, all properties in the RA zone (over 47,000) could have attempted to establish a home occupation WBD, and over 10,000 properties in the RA zone could have attempted to establish a WBD with a lot size of over 4.5 acres with no access requirement. Under 19030, under 6,000 properties in the RA zone could attempt to establish a WBD II, even with the lower minimum lot size, due to the access requirement.

Table 1a. GIS analysis of parcels available for WBDs II – RA zone

<table>
<thead>
<tr>
<th>King County minus Vashon-Maury Island - RA zone</th>
<th>Less than 2.5ac</th>
<th>2.5ac to less than 4.5ac</th>
<th>4.5ac or more</th>
<th>All properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>All properties</td>
<td>32,662</td>
<td>4,498</td>
<td>10,247</td>
<td>47,407</td>
</tr>
<tr>
<td>Accessible by a public road (inc. arterial)</td>
<td>21,041</td>
<td>1,948</td>
<td>3,732</td>
<td>26,721</td>
</tr>
<tr>
<td>Accessible by arterial</td>
<td>4,441</td>
<td>970</td>
<td>2,021</td>
<td>7,432</td>
</tr>
</tbody>
</table>

- 47,407 properties could have attempted to establish a home occupation WBD prior to 19030
- 10,247 properties could have attempted to establish a WBD II prior to 19030
- 5,680 (1,948 plus 3,732) properties could attempt to establish a WBD II under 19030

Table 1b. GIS analysis of parcels available for WBDs II – RA zone

<table>
<thead>
<tr>
<th>Vashon-Maury Island - RA zone</th>
<th>Less than 2.5ac</th>
<th>2.5ac to less than 4.5ac</th>
<th>4.5ac or more</th>
<th>All properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>All properties</td>
<td>5,059</td>
<td>803</td>
<td>1,557</td>
<td>7,419</td>
</tr>
<tr>
<td>Accessible by a public road (inc. arterial)</td>
<td>2,947</td>
<td>432</td>
<td>884</td>
<td>4,263</td>
</tr>
<tr>
<td>Accessible by arterial</td>
<td>1,077</td>
<td>218</td>
<td>506</td>
<td>1,801</td>
</tr>
</tbody>
</table>

- 7,419 properties could have attempted to establish a home occupation WBD prior to 19030
- 1,557 properties could have attempted to establish a WBD II prior to 19030
- 1,316 (432 plus 884) properties could attempt to establish a WBD II under 19030
Table 1c. GIS analysis of parcels available for WBDs II – A zone

<table>
<thead>
<tr>
<th>King County minus Vashon-Maury Island - A Zones</th>
<th>Less than 2.5ac</th>
<th>2.5ac to less than 4.5ac</th>
<th>4.5ac or more</th>
<th>All properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>All properties</td>
<td>1,049</td>
<td>332</td>
<td>2,135</td>
<td>3,516</td>
</tr>
<tr>
<td>Accessible by a public road (inc. arterial)</td>
<td>722</td>
<td>180</td>
<td>1,203</td>
<td>2,105</td>
</tr>
<tr>
<td>Accessible by arterial</td>
<td>325</td>
<td>104</td>
<td>858</td>
<td>1,287</td>
</tr>
</tbody>
</table>

- 3,516 properties could have attempted to establish a home occupation WBD prior to 19030
- 2,135 properties could have attempted to establish a WBD II prior to 19030
- 1,383 (180 plus 1,203) properties could attempt to establish a WBD II under 19030

Table 1d. GIS analysis of parcels available for WBDs II – A zone

<table>
<thead>
<tr>
<th>Vashon-Maury Island - A Zones</th>
<th>Less than 2.5ac</th>
<th>2.5ac to less than 4.5ac</th>
<th>4.5ac or more</th>
<th>All properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>All properties</td>
<td>4</td>
<td>4</td>
<td>17</td>
<td>25</td>
</tr>
<tr>
<td>Accessible by a public road (inc. arterial)</td>
<td>1</td>
<td>2</td>
<td>14</td>
<td>17</td>
</tr>
<tr>
<td>Accessible by arterial</td>
<td>1</td>
<td>1</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

- 25 properties could have attempted to establish a home occupation WBD prior to 19030
- 17 properties could have attempted to establish a WBD II prior to 19030
- 16 (2 plus 14) properties could attempt to establish a WBD II under 19030

Table Notes:
- These are estimates using available GIS data.
- Arterials are line features in ArcGIS. Parcels were selected based on an intersect with the Arterial feature line with a 50 ft tolerance. 50 ft was used because rights-of-way are typically 80-100 ft wide. The arterial feature is not a centerline, and there may be parcels that are accessible by arterial but not picked up in this analysis. The file is TNet (transportation network) with principal, minor, and collector selected.
- Public roads are also line features in ArcGIS. The file used is Roadlog, which captures all unincorporated and maintained streets. Parcels were selected based on an intersect with the feature line with a 35 ft tolerance. These roads usually have a smaller right-of-way than arterials.

Litigation Related to Ordinance 19030. Ordinance 19030 was challenged on SEPA and GMA grounds by petitioners that included Friends of Sammamish Valley, Futurewise, and other farming interests (FOSV, et al.) to the Central Puget Sound Growth Management Hearings Board. On May 26, 2020, the board issued its Order on Dispositive Motions for Case No. 20-3-0004c (May 2020 order), which granted the petitioners’ summary judgment and invalidated most of the substantive sections of Ordinance 19030. Ordinance 19030, Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030, were also invalidated by the Board. Ordinance 19030, Sections 12 through 30, include definitions, zoning conditions, parking restrictions, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project.
The May 2020 order was primarily focused on SEPA. The Board concluded that the analysis contained in the April 2019 SEPA checklist was insufficient to support the SEPA Threshold Determination of Nonsignificance issued in April 2019. The Board set a compliance schedule requiring additional compliance action by the County with a November 2020 deadline. As part of the May 2020 order, the uses that were defined and regulated as part of the ordinance were invalidated, including WBDs and remote tasting rooms. The County then did not have clear regulations for residents and business owners to comply with and for the County to enforce. As a result, the County adopted a moratorium on June 23, 2020, prohibiting establishment or expansion of WBDs and remote tasting rooms. The Council also adopted a motion the same day, asking the Executive to develop a new SEPA checklist in response to the Board's Order, and to issue a new, amended or addended threshold determination, in response to the May 2020 order.

In tandem with the work on the new SEPA checklist and threshold determination, the County also filed an appeal of the Board's May 2020 order in King County Superior Court. As part of this, the County requested and the Superior Court granted a stay on all further board activity, including compliance schedule requirements, pending resolution of the County's Superior Court appeal. The Superior Court reversed the Board's May 2020 order on April 16, 2021, by its Order Granting King County's Appeal From an Order of the Central Puget Sound Region Growth Management Hearings Board (Superior Court's April 2021 order).

After an appeal by the petitioners to the Court of Appeals, a settlement agreement regarding the Court of Appeals, which included adoption of Ordinance 19309 declaring a one-year moratorium on WBD uses through December 23, 2022, and settlement discussions between the County and the petitioners, the Board held a hearing on the merits of the FOSV, et al., appeal to Ordinance 19030 on November 17, 2021. On January 3, 2022, the Board issued its Final Decision and Order for Case No. 20-3-0004c (Board's January 2022 order), which granted the petitioners' appeal and invalidated Ordinance 19030 Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030. These sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations, and a demonstration project. The Board's January 2022 order also remanded Ordinance 19030 to the County. The board named thirteen issues that led to the invalidity order, including issues with the April 2019 SEPA checklist, insufficient protection of agricultural lands, noncompliance with the County's Comprehensive Plan policies, and incompatibility of remote tasting room demonstration project overlay A.

On January 28, 2022, the county appealed the Board's January 2022 order in King County Superior Court. On March 7, 2022, the Superior Court agreed to transfer the case to the Court of Appeals. The timing for a decision on the litigation in the Court of Appeals is unknown at this time.

The Council is considering policy changes to the provisions adopted in Ordinance 19030 while litigation is ongoing.

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8 Ordinance 19122
9 Motion 15649
ANALYSIS

A detailed comparison of the former code (prior to Ordinance 19030), Ordinance 19030, and Proposed Ordinances 2022-0147 (Ordinance 1) and 2022-0148 (Ordinance 2) is attached to this staff report.

Proposed Ordinance 2022-0147 (Ordinance 1) Summary. Proposed Ordinance 2022-0147 would make substantive changes from those adopted in Ordinance 19030.

WBDs in A/RA zone countywide. Proposed Ordinance 2022-0147 would make the following changes for the A and RA zones that would apply in all unincorporated areas:
1. Prohibit all WBDs in A zone.
2. Add 75-foot interior lot line setback for WBDs and associated impervious surfaces from A zone properties (this applies to WBDs in RA, NB, CB, RB and I zones).
3. For WBD IIIs in RA zone, require a minimum lot size of 10 acres when the floor area exceeds 5,000 sf (decreased from 6,000 sf in Ordinance 19030).
4. Require 3 stages of production on-site, including 2 active stages for WBD II and III in RA. A summary of the steps in production for winery, brewery and distillery uses is included as an attachment to this staff report.
5. For on-site retail and tasting for WBD IIIs in RA zone:
   a. Modify language to say "limited to products produced on-site, as provided in subsection X.X (on-site production requirements) except as provided in RCW/WAC citations" for state license exemptions related to this requirement.
   b. Maximum floor area: 20% (decreased from 30%).
   c. Tasting hours: 11am to 8pm daily where they are specified (WBD II, III in RA zone in all unincorporated areas). In Ordinance 19030, hours of operation are 11am to 7pm on weekdays and 11am to 9pm on weekends.
6. Create a specific requirement/cross reference to comply with the King County Surface Water Design Manual and the Stormwater Code in K.C.C. Title 9 for WBD II and III in RA.

WBDs in RA zone, excluding Vashon-Maury Island. Proposed Ordinance 2022-0147 would make the following changes that would apply to all RA zones in unincorporated areas except for those on Vashon-Maury Island:
1. Prohibit WBD II distilleries in closed basins.
2. Require a Group A or B water hookup for WBD IIIs.

Remote Tasting Rooms. Proposed Ordinance 2022-0147 would repeal Remote Tasting Room Demonstration Project A.

Events/Temporary Use Permits. Proposed Ordinance 2022-0147 would make the following changes related to special events and TUPs:
1. Remove exemption from TUP requirements for specific existing WBD IIIs and IIIs in RA.
2. Reduce event size and frequency for WBD IIIs and IIIs in RA zone to 1 event/month, 75 guests maximum for WBD IIIs, 125 guests maximum for WBD IIIs.
3. Allow for functions that are related to the production of WBDs (i.e. tours, paint and sips, private tastings, bottle release, etc.). Add restrictions for functions and events by prohibiting those that require portable toilets, stages, require traffic control, or use on-site parking that exceeds the maximum allowed. Requires a temporary use permit for any event that exceeds the permitted building occupancy, uses off-site parking, uses tents or canopies, or extend beyond the hours of operation.

Other changes. Proposed Ordinance 2022-0147 would make these additional changes:

1. Move all requirements for WBDs to a new chapter.
2. Remove reference to state law for retail/tasting for commercial zones in all unincorporated areas.
3. Remove compliance period from business licenses.
4. Modify language regarding documentation of nonconforming status, in order to clarify what would be considered a legal nonconforming use.
5. Modify definitions and development conditions to remove general references to state law regarding on-site tasting and retail sales.
6. Remove efficacy evaluation, which asked for the Executive to track implementation of the regulations and report back on how permitting and code enforcement of 19030 occurred, and asked for specific recommendations on citations, parking requirements, hours of operation, temporary use permit triggers, product content requirements in the A zone, and the agricultural accessory use language.
7. Restrict issuance of the initial business license until all required building or change of use permits are issued. Allow for one initial license without a building permit, issued for a maximum of 6 months, for existing businesses.
8. Change the name of the business license from “adult beverage business license” to “WBD land use business license.” Add statement that business license is to assist in enforcement of the County’s land use regulations.

SEPA review for Ordinance 1. The changes in Proposed Ordinance 2022-0147 are not anticipated to require additional SEPA analysis, as they were contemplated in the November 2020 updated SEPA checklist and subsequent SEPA Threshold Determination of Nonsignificance issued in January 2021. The SEPA Responsible Official would need to finalize the SEPA review process based on the public comments received on the January 2021 threshold determination, prior to the full Council taking action on the Proposed Ordinance.

Proposed Ordinance 2022-0148 (Ordinance 2) Summary. Proposed Ordinance 2022-0148 would amend the regulations in 2021-0147 (Ordinance 1), with additional substantive changes, including:

1. Allow WBD Is, IIs, and IIIs in UR zone with the same development conditions as in the RA zone (does not effect Vashon-Maury Island, as there is no UR zoning there).
2. Add separation requirement for WBD IIs and IIIs in RA and UR zones: Any lot line of a lot having any area devoted to a WBD use shall be one thousand feet or more from any lot line of any other lot having any area devoted to a WBD use.
3. Require compliance with the federal Clean Water Act for WBD IIs in the RA and UR zones.
**SEPA review for Ordinance 2.** The changes in Proposed Ordinance 2022-0148 are anticipated to require additional SEPA analysis, as they were not contemplated in the November 2020 updated SEPA checklist and subsequent SEPA Threshold Determination of Nonsignificance issued in January 2021. Because of the reforms to the County’s SEPA process that were made as a result of the litigation for Ordinance 19030, SEPA review cannot be completed in time and these changes would need to be adopted after the July 1, 2022 Board compliance deadline.

**Council Considerations.** The Council may want to consider the following as the Committee and full Council deliberate on the proposed changes.

**Liquor license conflict preemption.** In addition to the County’s requirements under the Growth Management Act and constitutional considerations, state law specifically prohibits regulations that conflict with the Washington State Liquor and Cannabis Board’s licensing requirements.

The conflict preemption restriction comes from state law (in particular, after the "PROVIDED," the restriction on regulations that conflict with the RCW or WAC) (highlight added):

**RCW 66.08.120**  
**Preemption of field by state—Exception.**

No municipality or county shall have power to license the sale of, or impose an excise tax upon, liquor as defined in this title, or to license the sale or distribution thereof in any manner; and any power now conferred by law on any municipality or county to license premises which may be licensed under this section, or to impose an excise tax upon liquor, or to license the sale and distribution thereof, as defined in this title, shall be suspended and shall be of no further effect: PROVIDED, That municipalities and counties shall have power to adopt police ordinances and regulations not in conflict with this title or with the regulations made by the board.

When considering the limitations on production and on-site tasting and sales, the Council should keep this statute in mind. In particular, the state liquor licenses for WBDs have allowances for the business to sell products from other WBDs, and to sell food and nonalcoholic beverages. The RCW and WAC allowances cited in the Proposed Ordinance are found in Attachment 7 to this staff report.

**Parcel analysis.** Attachment 8 to this staff reports shows analysis done by Council staff to evaluate how many WBDs could theoretically establish for two specific areas. It compares the former code (that in place prior to Ordinance 19030), Ordinance 19030, and Proposed Ordinances 2022-0147 and 2022-0148.

For the Sammamish Valley Area, under the three scenarios:
- Former code would theoretically allow up to 62 WBDs
- Ordinance 19030 would theoretically allow up to 36 WBDs
- Proposed Ordinances 2022-0147/8 would theoretically allow less than 10 WBDs
For the Novelty Hill Area,\textsuperscript{10} under the three scenarios:

- Former code would theoretically allow up to 132 WBDs
- Ordinance 19030 would theoretically allow up to 57 WBDs
- Proposed Ordinances 2022-0147/8 would theoretically allow less than 11 WBDs

Notably, there are only 3 parcels in the Sammamish Valley area and 8 parcels in the Novelty Hill area that are currently vacant and could comply with the lot size, access, and/or 75-foot setback requirements for WBD I, II, or III. For new WBD IIs and IIIs, there is a higher likelihood that they would be developed on vacant land rather than existing land developed as another use, particularly because of the prohibition on home occupations and home industries that is maintained in these Proposed Ordinances. Although the theoretical maximums would allow additional WBDs, the demand for additional WBDs may not exist to develop up to those maximums.

\textit{Enforcement of Former Code.} Councilmembers have asked about enforcement of the former code throughout the last six years. Executive staff have provided information that outlines their concerns with enforcement of the code that was in place prior to Ordinance 19030 (references to "current code" mean the code in place prior to Ordinance 19030):

After deliberation at the County Council, Executive staff was asked to provide context for what would happen if the county were to abandon the proposed code update and just enforce the current code. Below is an attempt to catalogue ambiguities in the current code and the problems that would remain unsolved if a code update was not implemented:

\textbf{Product Content Requirement:}
The current code requires that any winery, brewery, or distillery must make 60% of their product content with products grown in Puget Sound Counties.

As of today, only a small handful of known businesses are meeting that requirement. Many wineries in the unincorporated areas ship their grapes in from areas in eastern Washington where grapes can be grown more easily.

Although most businesses would not be able to comply with code, enforcing the product content rule would be difficult, because tracking and proving product content would often require processes outside of Permitting staff’s capabilities and implicates the interstate commerce clause in its enforceability.

\textbf{Home Occupation/Home Industry:}

Current code as it relates to home occupation and home industries is very vague and does not address wineries, breweries, or distilleries whatsoever. The home

\textsuperscript{10} There was written public comment about this area submitted at the March 22, 2022 LSLU Committee meeting that stated that 43 properties could be eligible for WBD II or III under Proposed Ordinances 2022-0147/8. Council staff attempted to but could not conduct an apples-to-apples comparison, as the analysis submitted at Committee did not consider the full proposal under Proposed Ordinances 2022-0147/8 (notably the 1,000 ft separation requirement for WBD II and III), and excluded some properties that could theoretically meet the requirements for a WBD II or III. The written public comment also did not compare the analysis to what was allowed under Former Code, which allowed any parcel to establish a home occupation WBD with no limit on square footage.
occupation code as written did not anticipate these types of businesses and therefore
did not contemplate issues of tastings and eating and drinking establishments.
Because of this ambiguity, code enforcement has found over the years that many
winery, brewery, and/or distillery businesses operating as home occupations are not
legally established, meaning no one is actually living on-site. Constitutional limits
on enforcement and search of residences adds to the enforcement challenges for
home occupations and home industries.

Conversely, residents who want to start a winery, brewery, or distillery business
find the code vague and confusing to comply with, leading to businesses having to
go to the hearing examiner for clarity on what exactly the code means and does in
relation to their specific business model. If current code were to be enforced, the
loopholes and challenges for well-meaning business owners would remain
unresolved.

**Fines:**
According to Title 23, fines for when a winery, brewery, or distillery business
violates the current code are very low. For businesses that cannot come into
compliance with the current code and/or businesses that violate the county’s code
governing the operation of WBDs, it is often cheaper for them to just pay the fine
than do the work with Permitting to become a lawful business.

If the current code were to be enforced, fines for businesses that violate county code
would remain low and would not incentivize businesses to work to become
compliant or relocate. Conversely, businesses who have invested the time and
resources to become compliant with code had to work harder and pay more money
than those who choose to remain in violation of the code, leaving a major equity
issue unaddressed.

**Impacts of these businesses on surrounding communities:**
Currently, the code is unclear about the hours a winery or adult beverage business
can conduct tastings and/or hold events. The current code is also unclear about
whether or not a winery or adult beverage business can operate on a private
driveway shared with other neighbors, within a cul-de-sac in a residential zone, and
how many people are allowed for special events like concerts, weddings, and
fundraisers. Because the code lacks specificity in these areas, the impacts on
surrounding communities have been and remain significant. If current code were to
be enforced businesses located in these areas may continue to operate at a size and
scale that is not appropriate for the rural and agriculturally zoned areas. In the same
vein, businesses seeking to operate legally would be stuck with the same ambiguity
that makes it difficult to do just that.

**Agricultural Production Districts (APD):**
One of the main recommendations that came out of the stakeholder group process
was to maintain protections for the APD by not changing current code OR creating
more restrictive code for winery and adult beverage businesses looking to locate on
agricultural land. The current code allows for 60% of product content to be grown
in Puget Sound Counties, rather than on the agricultural land itself. The current
code also allows for home occupations and home industries to be located on APD
properties. If current code were to be enforced, businesses could continue to locate on agricultural land with no incentive to actually put the land into production. These businesses could also act as home occupations or home industries, which the King County Agricultural Commission and many farmers and environmental organizations do not support.

**Processing Requirements:**
Current code does not address or define processing requirements for winery and adult beverage businesses, meaning that no actual production is required to happen on-site. If current code were to be enforced, winery and adult beverage businesses would not be required to conduct any stage of production for their product on-site, allowing a number of businesses to essentially operate as urban-scale event venues.

**Business License:**
Current code does not require a winery or adult beverage business to get a county business license, making it difficult for Permitting to track the number of businesses that have proliferated in the over 15 years since the current code was written. Because we have a complaint-based model for code-enforcement, it remains challenging for our code enforcement officers to track where and when new businesses are beginning to operate. If current code were to be enforced, a winery and/or adult beverage business in King County would need to obtain a liquor license from the LCB, but no license for land use purposes. It is also worth noting that the LCB's practice is to issue state licenses over the objections of the local jurisdiction based on zoning, further complicating enforcement.

One additional note on the former code: for home occupations in the RA zone, there is no minimum lot size or 75-foot setback requirement, meaning nearly any property could establish a home occupation WBD. Additionally, outbuildings are not limited in size. Although there are some limitations on traffic generation, a home occupation WBD could have the size and intensity of a larger facility with fewer restrictions and the impacts of a home occupation WBD could be greater than a WBD III under Ordinance 19030 or under the two Proposed Ordinances before the Committee today.

**Comprehensive Plan.** The [King County Comprehensive Plan](https://www.kingcounty.gov/departments/development-services/planning/) is the guiding policy document for land use in unincorporated King County; all development regulations are required to be consistent with the Comprehensive Plan. As noted in the Findings of the Proposed Ordinances, there are numerous Comprehensive Plan policies that pertain to the WBD zoning regulations. For example, Chapter 3 of the Comprehensive Plan includes policies that require protection of agricultural land and rural character, and Chapter 10 of the Comprehensive Plan includes policies that require rural economic development of a size and scale compatible with the rural area. The County's current Comprehensive Plan was adopted in 2016, with amendments most recently in 2020.

The County's next GMA-mandated update, to incorporate changes made in state law, the Multicounty Planning Policies, and the 2021 Countywide Planning Policies, is required to be adopted by December 31, 2024.
AMENDMENT

Councilmember Perry has issued striking amendments for both Proposed Ordinances, they are included in Attachments 3 and 4 to this staff report.

Striking Amendment S1 to PO 2022-0147. Striking amendment S1 to Ordinance 1 would make the following changes:

Substantive Changes
1. For WBD I in the RA zone, modifies the off-street parking requirements to match what is required for WBD II and III (minimum 0.9 spaces per 1,000 square feet of manufacturing area, maximum 150% of the minimum).
2. For WBD I in the RA zone, removes requirement for commercial septic system.
3. For WBDs in historic structures, require that the WBD be entirely within the historic structure to be eligible for the larger floor area allowance.
4. For WBD II and III in the RA zone, limits the square footage of area for incidental sales to 20% of the tasting and sales area.
5. For WBD II and III in the RA zone, limits the percentage of incidental sales to 20% of annual gross sales on a 3-year average, and require documentation of compliance with this requirement with the land use business license.
6. For WBD II and III in the RA zone, requires documentation of the on-site production and on-site tasting and retail sales conditions with the land use business license.
7. For WBD I, II, and III in the RA zone, allows for a conditional use permit to reduce the 75' setback subject to specific criteria.
8. Allows up to two portable toilets with events requiring a temporary use permit, and requires a temporary use permit for any event that uses portable toilets.
9. Allows the initial land use business license for existing WBDs for 12 months, with 6-month extensions if the business has taken substantial steps to obtain building permits.
10. Adds a requirement for the Executive to contact known WBD businesses with information regarding the changes made by this ordinance and PO 2022-0148 (Ordinance 2) and to develop materials for technical assistance for WBD businesses.
11. Adds a requirement for the Executive to complete an environmental evaluation for components of the WBD regulations.
12. Delays the effective date of the ordinance until Proposed Ordinance 2022-0148 (Ordinance 2) is adopted.

Clarifying Changes
13. Streamlines the Findings to better reflect the provisions in this ordinance.
14. For WBDs in the RA zone, requires that the stages of production are in addition to a production WBD license from the state.
15. For WBD II in the RA zone, a WBD use is required to get a CUP to be eligible for access to and from a public roadway.
16. Differentiates between on-site functions, and on-site events that require a temporary use permit.
17. States that the requirement for a WBD to obtain required building permits prior to issuance of the land use business license applies to the permits required to establish the use, not future expansions or alterations.
18. Allows the initial land use business license for existing WBDs to be issued before building permit issuance, if life safety requirements are met.
19. Differentiates between a legal nonconforming or vested use, for purposes of issuing the land use business license.
20. States that the WBD land use business license is subject to the appeal to the hearing examiner in accordance with K.C.C. 20.22, not Title 6.

Technical Changes
21. Corrects and updates cross references.
22. Corrects typos.

Striking Amendment S1 to PO 2022-0148. Striking amendment S1 to Ordinance 2 would make the following changes:

Substantive Changes
1. For WBD II and III in the RA and UR zones, modifies the hours of operation for tasting and sales from 11am to 8pm to 11am to 6pm.
2. For WBD II and III in the RA zone, removes a reference to compliance with the federal Clean Water Act.
3. Allows WBD III wineries in the Industrial zone.

Clarifying Changes
4. For WBD II and III in RA and UR zones, the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots, and only for those that are in the RA and UR zones. Establishes requirements to direct which uses are considered to be "first in line" in the event multiple WBDs have similar vesting timeframes, for this requirement.

Technical Changes
5. Engrosses the changes made in the Striking Amendment to PO 2022-0147, Version 1.

Title Amendments. There will be title amendments for both Proposed Ordinances to conform the titles to the changes made in the striking amendments. They will be available at the May 24, 2022 Committee meeting.

Schedule for Review. The current schedule for finalizing and publishing amendments ahead of the May 24, 2022 Committee meeting is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>May 17</td>
<td>Striking amendment direction due to staff</td>
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<tr>
<td>End of Day</td>
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<tr>
<td>May 19</td>
<td>Striking amendment finalized and distributed</td>
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<tr>
<td>May 20</td>
<td>Line amendment direction due to staff</td>
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The schedule and amendment deadlines for full Council is shown in Attachment 9 to this staff report.
A public hearing notice has been issued for the June 14, 2022 full Council meeting. The public hearing notice is Attachment 10 to this staff report; note that if Councilmembers raise amendment concepts during the Local Services and Land Use Committee, these concepts can be considered at the full Council adoption.

INVITED

- Calli Knight, External Relations Director, Executive's Office
- Jim Chan, Division Director, Permitting, Department of Local Services
- Cristy Craig, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
- Lena Madden, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
- Darren Carnell, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office

ATTACHMENTS

1. Proposed Ordinance 2022-0147 and its attachment (Ordinance 1, modify 19030)
2. Proposed Ordinance 2022-0148 (Ordinance 2, modify Ordinance 1)
3. Striking Amendment S1 to PO 2022-0147
4. Striking Amendment S1 to PO 2022-0148
5. Summary Table Comparison – Former Code, Ordinance 19030, and PO 2022-0147/8 with Striking Amendment changes, updated May 19, 2022
6. Steps in Production for Alcohol Making
7. RCW and WAC Allowances for Production Licenses
8. Parcel Analysis May 2022
9. Schedule for Adoption – updated May 4, 2022

Information regarding the Proposed Ordinances, including meeting materials, public notices, and a public comment form, can be found at this website: https://kingcounty.gov/council/issues/winery-code.aspx.
Proposed No. 2022-0147.1  

Sponsors: Perry

1 AN ORDINANCE relating to winery, brewery and
distillery uses; amending Ordinance 19030, Section 4, and

2 K.C.C. 6.74.010, Ordinance 19030, Section 5, and K.C.C.

3 6.74.020, Ordinance 19030, Section 6, and K.C.C.

4 6.74.030, Ordinance 19030, Section 7, and K.C.C.

5 6.74.040, Ordinance 19030, Section 8, and K.C.C.

6 6.74.050, Ordinance 19030, Section 9, and K.C.C.

7 6.74.060, Ordinance 19030, Section 10, and K.C.C.

8 6.74.070, Ordinance 19030, Section 11, and K.C.C.

9 6.74.080, Ordinance 1888, Article III, Section 5, as

amended, and K.C.C. 6.01.150, Ordinance 19030, Section

10 13, and K.C.C. 21A.06.996, Ordinance 19030, Section 14,

11 and K.C.C. 21A.06.1427, Ordinance 19030, Section 15, and

12 K.C.C. 21A.06.1427B, Ordinance 19030, Section 16, and

13 K.C.C. 21A.06.1427C, Ordinance 10870, Section 334, as

14 amended, and K.C.C. 21A.08.070, Ordinance 10870,

15 Section 335, as amended, and K.C.C. 21A.08.080,

16 Ordinance 10870, Section 536, as amended, and K.C.C.

17 21A.30.080, Ordinance 15606, Section 20, as amended,

18 and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as
amended, and K.C.C. 21A.30.090, Ordinance 10870,
Section 547, as amended, and K.C.C. 21A.32.100,
Ordinance 10870, Section 548, as amended, and K.C.C.
21A.32.110 and Ordinance 10870, Section 549, as
amended, and K.C.C. 21A.32.120, adding a new chapter to
K.C.C. Title 21A, repealing Ordinance 19030, Section 28,
Ordinance 19030, Section 29, and K.C.C. 21A.552.110 and
Ordinance 19030, Section 32.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Washington state Growth Management Act ("GMA"), including RCW
36.70A.130, requires that King County take action to review, and if needed, revise its
Comprehensive Plan and development regulations implementing the Comprehensive
Plan.

B. Ordinance 19030 established updated regulations for winery, brewery,
distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

C. Ordinance 19030 was challenged on State Environmental Policy Act
("SEPA") and GMA grounds by Friends of Sammamish Valley, a Washington nonprofit
corporation, A Farm in the Sammamish Valley, LLC, Marshal Leroy d/b/a Alki Market
Garden, Eunomia Farms LLC, Olympic Nursery Inc., C-T Corp., Roots of Our Times
Cooperative, Regeneration Farms LLC, Hollywood Hill Association, Terry and David R.
Orkiolla, Judith Allen and Futurewise ("petitioners") to the Central Puget Sound Growth
Management Hearings Board ("the board").
D. On May 26, 2020, the board issued its Order on Dispositive Motions for Case No. 20-3-0004c ("the May 2020 order"), which granted petitioners' summary judgment motion and invalidated most of the substantive sections of Ordinance 19030.

E. The May 2020 order was primarily focused on SEPA. The board concluded that the analysis contained in the SEPA checklist was insufficient to support the SEPA Determination of Nonsignificance.

F. As part of the May 2020 order, the uses that were defined and regulated as part of the ordinance were invalidated, including WBDs and remote tasting rooms. As a result, the county did not have clear regulations for residents and business owners to comply with, and the county did not have clear regulations to enforce.

G. In order to provide clarity to residents, business owners and county permit review and code enforcement staff, the county declared a moratorium that prevented new WBDs and remote tasting rooms as primary uses, as home occupations and as home industries, from locating or being established in unincorporated King County, while the council and executive determined and implemented the next steps in responding to the board's May 2020 order. The moratorium was declared by Ordinance 19122, and was extended twice, with Ordinances 19217 and 19290.

H. In 2020, in response to the board's May 2020 order, the county developed and issued a revised SEPA checklist, dated November 4, 2020, for the regulations adopted as part of Ordinance 19030. Based on the SEPA checklist, the county's SEPA Responsible Official issued a Determination of Nonsignificance on January 15, 2021, for the regulations adopted in 19030, including the range of options defined in the checklist. The
comment period ended February 12, 2021. Comments were received by the SEPA
Responsible Official during the comment period.

I. The county also filed an appeal of the board's May 2020 order in King County
superior court. The superior court reversed the board's May 2020 order on April 16,
2021, by its Order Granting King County's Appeal from an Order of the Central Puget
Sound Region Growth Management Hearings Board ("the superior court's April 2021
order"), and remanded the matter back to the board for a full hearing on the merits.

J. On May 14, 2021, petitioners appealed the superior court's April 2021 order to
the Washington state Court of Appeals, Division I, and the county cross-appealed. The
county filed with superior court a Motion to Enforce Order, for Partial Remand and to
Modify Stay for matter No. 20-2-10245-8 SEA on June 23, 2021, asking the superior
court to direct the board to rescind the finding of noncompliance and its May 2020 order
of invalidity by June 30, 2021 and update the Washington state departments of
Commerce and Ecology that the board's finding of noncompliance has been rescinded by
July 2, 2021.

K. On June 24, 2021, the parties agreed to a settlement that dismissed all appeals
and cross-appeals in the Court of Appeals, allowed the superior court's May 2021 order to
go into effect, directed the board to rescind its May 2020 order, specifically including its
finding of noncompliance and Order of Invalidity, except on the issues on which the
superior court's order upheld the board's authority, and to conduct a hearing on the merits
and issue a new decision on an expedited basis. As part of the settlement, the county
agreed to declare a one-year moratorium on acceptance of applications for or
establishment of new or expansion of existing WBDs and remote tasting rooms. The
one-year moratorium was adopted through Ordinance 19309 and took effect on December 23, 2021. 

M. The board held a hearing on the merits of the petitioner's appeal of Ordinance 19030 on November 17, 2021. 

N. On January 3, 2022, the board issued its Final Decision and Order for Case No. 20-3-0004c ("the board's January 2022 Order"), which granted the petitioners' appeal based on SEPA and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project. The board's January 2022 order also remanded Ordinance 19030 to the county to take actions to bring it into compliance. 

O. On January 28, 2022, the county filed an appeal of the board's January 2022 order in King County superior court and sought a transfer to the court of appeals for direct review. On March 7, 2022, the superior court agreed to transfer the case to the court of appeals. 

P. Ordinance 19030 adopted regulations for WBDs that were last substantively amended by Ordinance 14781 in 2003, which adopted substantive requirements for wineries and breweries in unincorporated King County. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for WBD have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the WBD industry and
Ordinance

causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.

Q. Population growth, combined with the growing popularity of small producers and local sourcing within the WBD industry has created a need for clarification regarding core industry functions compared to other types of more impactful on-site special events that may help support marketing for developing businesses and consideration of GMA planning requirements, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas. Changes in state regulations have also occurred, driving a need to bring the county's WBD development regulations up to date with state licensing allowances.

R. Adoption of Ordinance 19030 followed a multiyear study of the WBD industry, which included the 2016 King County Sammamish Valley Wine and Beverage Study. The study period was necessary to evaluate previously existing zoning regulations for the WBD industry in light of changes in industry practices, state licensing allowances and the growing popularity of WBD industry across King County and the state of Washington.

S. The changes made by Ordinance 19030, and as modified by this ordinance, will help King County to prepare for and support the future of the WBD industry as it evolves in the region, to better implement and comply with the policies of the King County Comprehensive Plan ("Comprehensive Plan"), Countywide Planning Policies and the Growth Management Act, and to minimize the ambiguities in existing development regulations that were identified in the study period. The changes are intended to improve clarity, administrative efficiencies and enforceability while avoiding confusion for the...
industry users that may have been caused by lack of consistency with state regulatory systems. Ordinance 19030 and this ordinance provide guidance on enhancing economic activity in the Rural Area zones while also honoring and protecting rural character and nearby farmland.

T. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts. King County also supports the WBD industry and recognizes the synergistic relationship between the agricultural and the WBD industries. Ordinance 19030 and this ordinance aim to establish a strong foundation for moving both industries into the future. There is a historical and continuing crossover between the agricultural industry and the WBD industry, including factors such as: agricultural uses providing aesthetic value and raw materials that support the WBD industry; and the exposure, opportunity and market demand for agricultural products that the WBD industry provides for the agricultural industry. Ordinance 19030 and this ordinance recognize competing and complimentary interests between the two industries, and aim to provide a balance consistent with the GMA and the Comprehensive Plan.

U. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-677b, the WBD industry uses allowed by Ordinance 19030 and this ordinance support development of new markets for local agricultural products and help ensure that agricultural production districts continue to be economically viable and farmed into the future. By promoting complimentary relationships with the WBD industry, these regulations will help to improve access to locally grown agricultural products throughout King County.
V. Economic development policies in the Comprehensive Plan, including ED-102, ED-103 and ED-106, recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. Ordinance 19030 and this ordinance aim to implement these Comprehensive Plan policies and are focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area. Ordinance 19030 and this ordinance allow for small, limited-scope WBDs that are compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

W. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for WBD industry uses, Ordinance 19030 and this ordinance protect rural character while encouraging new economic and employment opportunities for rural residents. Comprehensive Plan Policy ED-602, in part, "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." Ordinance 19030 and this ordinance take advantage of the existing, organically developing WBD industry to implement this policy in a variety of ways. The Comprehensive Plan, in ED-602, directs the county to explore opportunities to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled beverages, and wine in
the county. Ordinance 19030 and this ordinance carefully follow this directive, and were
developed over several years as the county considered existing and proposed regulations,
balancing the differing needs and emerging trends of the agricultural and WBD
industries. Ordinance 19030 and this ordinance maintain or increase size and scale limits
on WBD industry uses in the rural area and add new limits to enhance open and green
space values and preserve the natural aesthetic which helps both industries grow while
protecting the rural area character and local food production.

X. The Comprehensive Plan addresses the GMA's requirement to plan for
industrial uses; Policy ED-211 encourages the county to "support programs and strategies
to preserve and plan for an adequate supply of industrial and commercial land," including
through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land
and the rezoning of industrial land to other uses." This ordinance recognizes that
although King County has a finite amount of industrial land available, at their highest
levels of intensity, some WBD businesses can grow to a level of mechanization, volume
and intensity suited for the Industrial zone, but avoids funneling smaller, less
mechanized, community-serving businesses into the county's limited Industrial zoned
areas. Those smaller scale WBD uses are appropriately placed in more aesthetically
pleasing areas, where rural community consumers and visitors to the county's many
regional recreation and tourism opportunities can support economic success. This
ordinance aims to avoid bringing low-impact, low-intensity WBD uses into limited
Industrial zone spaces that are reserved for more intensive industrial uses.

Y. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small
Although rapid industry growth has resulted in some WBD businesses becoming incompatible with rural character, Ordinance 19030 and this ordinance honor the sometimes-competing Comprehensive Plan policies to support and retain existing small businesses with equally important policy to protect rural character by setting clear scope and size limits to protect the Rural Area zone.

Z. The GMA requires that rural development be contained and controlled to ensure the protection of rural character, assure the visual compatibility of rural development with the surrounding Rural Area and Natural Resource Lands, protect environmentally critical areas and habitat, and protect against conflicts with natural resource uses, such as farming, forestry and mining. Proximity to existing agricultural uses and rural area recreational destinations provide the raw materials and customer base to allow traditional small-scale WBD industry uses to thrive. The WBD industry relies on all of these elements to succeed. For example, the definition of agriculture in the GMA, in RCW 36.70A.030(3), includes viticulture, an essential component of a winery use. Viticulture, and agricultural practices related to brewery and distillery uses and their associated processing and sales activities, are all examples of activities the Comprehensive Plan requires the county to support and protect.

AA. Chapter 3 of the Comprehensive Plan describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics." For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle," while "[i]n the Snoqualmie Valley, farming is still the mainstay." The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character,
despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated WBD districts. Some of the regulations adopted as part of Ordinance 19030 and this ordinance, such as the various allowances for on-site tasting and retail sales associated with WBD production facilities, vary across the different rural communities in unincorporated King County. Individual rural communities take different positions and have different priorities, and this is reflected in some of the regulations; however, generally a countywide lens was used for analyzing potential regulatory impacts on the wider rural area and natural resource lands.

BB. Comprehensive Plan Policy R-201 defines the characteristics of rural character and the rural area. Four of these characteristics are particularly relevant to the changes made in this ordinance: "b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries," "d. Community small-town atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses of a size and scale that blend with historic rural development" and "i. Rural uses that do not include primarily urban-serving facilities."

CC. Public testimony on Ordinance 19030 was consistent with Comprehensive Plan policy goals and included discussion of WBD industry uses as being community gathering places, rural residents' desire to take advantage of economic opportunities created by the WBD industry and the need for solid customer bases to allow small businesses to thrive.

DD. The county is required to balance protecting rural character and agricultural resources in diverse communities, with creating space for rural industries to thrive within those communities. Previously existing regulations and the regulations adopted by
Ordinance 19030 and this ordinance regarding the WBD industry are created for a size
and scale appropriate for the rural communities they are located in, and add measures that
enhance enforceability of the regulations. Ordinance 19030 and this ordinance aim to
implement Comprehensive Plan Policy R-204, which encourages "the retention of
existing and establishment of new rural resource-based uses, with appropriate site
management and that protects habitat resources" and Comprehensive Plan Policy R-205
which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries,
such as the raising of livestock, growing of crops, creating value-added products, and sale
of agricultural products; small-scale cottage industries; and recreational and small-scale
tourism uses that rely on a rural location" are appropriate in the Rural Area zones.

EE. Comprehensive Plan Policy R-324 describes the type of nonresidential use
appropriate for the Rural Area. These include uses that "[p]rovide convenient local
products and services for nearby residents," "[r]equire location in a Rural Area,""[s]upport natural resource-based industries" or "[p]rovide recreational and tourism
opportunities that are compatible with the surrounding Rural Area," as long as the use is
"sited, sized and landscaped to complement rural character" and "prevent impacts to the
environment and function with rural services including on-site wastewater disposal."

Ordinance 19030 and this ordinance implement the Plan by creating clear regulations for
the WBD industry, requiring uses to be sited, sized and landscaped to be compatible with
rural character, and by creating a winery, brewery, distillery land use business license so
WBD industry uses can be better enforced and evaluated. WBD uses provide convenient
local products for rural residents, support agricultural resource-based industries, and
provide new regional recreational and tourism opportunities.
FF. K.C.C. Title 13 establishes standards for water facilities. In part, those standards prioritize connection to Group A water systems, then to Group B water systems, followed by use of private wells, subject to specified criteria. As part of Ordinance 19030 and this ordinance, WBD III uses in the RA zones are required to connect to a Group A water system, and WBD II uses are required to connect to a Group A or Group B water system. This ordinance adopts a clear standard that improves enforceability.

GG. Ordinance 19030 and this ordinance protect the Rural Area zones by limiting on-site tasting of products and retail sales for WBD manufacturing uses to the extent allowed by state law, and by allowing on-site tasting of products and retail sales only as accessory to production. This ordinance places a twenty percent maximum on spaces devoted to on-site tasting of products and retail sales, in order to prevent potential traffic and noise sometimes associated with those uses, and to prevent the more intensive impacts that they can have on rural character and nearby agricultural production districts.

HH. Other development regulations, including stormwater management, impervious surface, critical areas and landscaping requirements, remain in place and are unchanged by Ordinance 19030 and this ordinance.

II. Existing special district overlays and property-specific development conditions are in effect and provide additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires
clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits impervious surface maximums for WBD facilities in the RA zones to twenty five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

JJ. During the study period preceding adoption of Ordinance 19030, many WBD industry uses were found to be unaware of local health and building codes. Ordinance 19030 and this ordinance establish a winery, brewery, distillery land use business license for the WBD industry to provide greater certainty about where WBD uses are located, so that King County agencies can more easily educate business owners and verify that they comply with county land use, health and safety regulations.

KK. Public testimony on Ordinance 19030 included discussion of congestion on local roads caused by population growth. With that concern in mind, Ordinance 19030 and this ordinance ban WBDs as home occupation or home industry uses which would allow any A or RA zoned property to attempt to establish a WBD home occupation or home industry, and require the largest WBD facilities to be sited where there is direct access to an arterial. Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are designed to accommodate higher traffic volumes, at higher speeds than local roads," and the county should "encourage such traffic to use highways or arterials whenever possible." Ordinance 19030 and this ordinance implements the Comprehensive Plan's directive by requiring larger WBD uses to utilize arterial roads.

LL. Chapter 3 of the Comprehensive Plan states that "[t]he purposes of Rural
Town designations within the Comprehensive Plan are to recognize existing concentrations of higher density and economic activity in Rural Areas and to allow modest growth of residential and economic uses to keep them economically viable into the future." Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers for the Rural Area and Natural Resource Lands and may be served by a range of utilities and services, and may include several or all of the following land uses, if supported by necessary utilities and other services and if scaled and designed to protect rural character: a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and Natural Resource Lands population … c. Other retail, commercial, and industrial uses, such as resource industries, tourism, commercial recreation, and light industry." Remote tasting rooms are similar to other, more intensive uses contained within the stated categories and may be appropriately located in Rural Towns. Other Community Business and Regional Business zones, outside of Rural Towns, are located within the urban growth area or have access to an arterial.

This ordinance attempts to respond to the board's January 2022 order by making changes to strengthen the protections for agricultural production districts and Agricultural zones, clarifying the regulations in the Rural Area zones, and removing provisions no longer permitted under the board's January 2022 order.

This ordinance reorganizes the regulations, so that all requirements for WBD production facilities are located in the same chapter of code. This reorganization is shown with the substantive provisions for WBDs placed at the beginning of the ordinance, and followed by other changes, including changes to the winery, brewery, distillery land use business license, definitions, retail land use table, manufacturing land
Ordinance

use table, home occupation and home industry, temporary use permits, and then repeal of

certain provisions of Ordinance 19030.

This ordinance responds to the board's January 2022 order with several

substantive changes. To improve the protection of agricultural lands and agricultural

production districts, this ordinance:

1. Prohibits all WBDs within the A zone. Removing the provision for WBDs in
the A zone recognizes the lack of interest in WBDs to site within these zones. There are
very few WBDs currently located within the A zone, and as of January 2022, the county
has not received notice of application for any Washington state Liquor and Cannabis
Board applications for WBDs within the A zone. Prohibiting WBDs would not prohibit
growing grapes, hops, or other source materials within the A zone;

2. Requires all WBDs in other zones, including structures, associated parking
and other impervious surfaces associated with the WBD, to be setback seventy-five feet
from property lines adjoining agricultural zoned properties; and

3. Removes allowances for special events for WBDs in the A zone.

PP. This ordinance responds to the board's January 2022 order to protect and
enhance rural character by making the following changes in the RA zone development
conditions. These changes are carefully considered and balanced to reflect both the
requirements in Policy R-201 with other Comprehensive Plan policies, cited above in
these Findings, that call for the RA zone to be a mixed-use zone that encourages small-

scale economic development and business activity:

1. Repealing remote tasting room demonstration project A, which was
authorized by Ordinance 19030 to test whether remote tasting rooms would be
Ordinance

1. Strengthening on-site production requirements for WBD IIs and IIIs, by requiring that a minimum of three stages of production occur on-site, and a minimum of two be active stages;

2. Reducing the percentage of floor area that can be dedicated to on-site tasting and retail sales for WBD IIs and IIIs;

3. Limiting on-site tasting and retail sales to those products produced on-site, with exceptions for cited state liquor license allowances and for incidental retail items for WBD IIs and IIIs;

4. Limiting on-site tasting and retail sales hours of operation for WBD IIs and IIIs;

5. Adding a specific requirement for compliance with the county's surface water management regulations in K.C.C. Title 9 and the King County Surface Water Design Manual, during construction and operation of WBD IIs and IIIs. Many of these requirements already apply to WBDs and this specific cross-reference for the RA zone is intended to ensure that surface water management requirements are met throughout development and operation of the WBD, including but not limited to, requirements such as prohibition of illicit discharges during crushing of products;

6. To address water use and water quality impacts, prohibiting distillery IIs in basins closed to new wells due to the more intensive water use by distilleries; and requiring all WBD IIs to be hooked up to a Group A or Group B water system;

7. Restricting issuance of the winery, brewery, distillery land use business license for new WBDs until after a building permit or change of use permit has been
Ordinance

issued, in order to ensure compliance with water and wastewater requirements, and
requiring existing WBDs to obtain a building permit or change of use permit within six
months of their initial license; and

9. Reducing the number of events for WBDs to one per month, with lower
maximum guest sizes, and prohibiting events that would require portable toilets,
permanent or temporary stages, or traffic control. The exemption from temporary use
permit requirements, adopted in Ordinance 19030, for certain WBDs in the RA zone is
also removed by this ordinance.

QQ. Many of the changes above do not apply to WBD I in the RA zone, as this
very small-scale production facility is not likely to cause impacts to rural character. In
addition, in order to maintain the small-scale nature of WBD Is, on-site tasting and retail
sales are prohibited, to eliminate any impacts for these activities. WBDs that are
intending to have on-site tasting and retail sales are at a larger scale than WBD I, and in
order to protect rural character and avoid urban-looking uses in the rural area, would need
to meet the more stringent requirements for WBD II or III.

RR. This ordinance modifies the county's licensing program for WBDs in order
to assist in enforcement of the county's WBD land use regulations, consistent with the
state liquor licensing law requirements. This ordinance also removes the allowance in
Ordinance 19030 for nonconforming WBDs to obtain an initial county license while
continuing to document or demonstrate a nonconforming status, and modifies the
language regarding nonconforming status to clarify what is necessary to demonstrate a
nonconforming status.

SS. This ordinance also modifies the definitions for WBDs and remote tasting
rooms to reflect changes to state allowances, and to remove general references to state law for on-site tasting and retail sales, that are more appropriately regulated in the development conditions.

TT. Ordinance 19030 adopted an efficacy evaluation that is removed by this ordinance. This efficacy evaluation was closely tied to the remote tasting room demonstration project, which is also repealed by this ordinance, and to provisions related to WBDs in the A, which are prohibited by this ordinance.

SECTION 2. Sections 3 through 6 of this ordinance shall constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 3. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. The establishment and operation of any winery, brewery, distillery facility I, II or III is subject to the provisions of this chapter. Except as otherwise provided in this chapter, all other standards of the King County Code shall apply.

B. The following standards apply to all winery, brewery, distillery facilities:

1. The business operator shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;

2. Events may be allowed only with an approved temporary use permit under K.C.C. chapter 21A.32 and in conformance with section 6 of this ordinance;

3. Winery, brewery, distillery facility I, II or IIIs, excluding those on Vashon-Maury Island, shall meet the standards in section 4 of this ordinance; and

4. Winery, brewery, distillery facility I, II or IIIs on Vashon-Maury Island shall meet the standards in section 5 of this ordinance.
NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-Maury Island, the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

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

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

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

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

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

g. Distilleries may not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Department of Ecology;

and

h. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system.

2. For winery, brewery, distillery facility II:

a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

c. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones;

d. At least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling;
e. Tasting and retail sales of products is limited to those produced on-site, as provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244, 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use. The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize use of public roadway for access to and from the site through the conditional use permit process and shall consider site conditions, including known traffic issues, impact on neighboring residential uses;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the
adopted King County Surface Water Design Manual shall be met for construction and
operation of the winery, brewery, distillery facility;

j. (1) Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology and King County board of health regulations for water usage and
wastewater disposal, and shall connect to a Group A or Group B water system. The
definitions and limits of Group A and Group B water systems are described in K.C.C.
13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140
and 13.24.142; and

(2) Distilleries may not be located within a basin that is closed or partially
closed to new surface water or groundwater withdrawals by the Washington state
Department of Ecology; and

k. Wineries, breweries, and distilleries must comply with all commercial septic
system regulations and shall not be connected to a sewer system.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated
floor area of structures for winery, brewery, distillery uses exceeds five thousand square
feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology and King County board of health regulations for water usage and
wastewater disposal, and shall connect to a Group A water system. The definitions and
limits of Group A water systems are described in K.C.C. 13.24.007, and provision of

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

   e. At least three stages of production of wine, beer or distilled spirits, such as
crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging,
finishing, or bottling or packaging, as authorized by the Washington state Liquor and
Cannabis Board production license, shall occur on-site. At least two of the stages of on-site
production shall include crushing or milling, pressing, fermenting or distilling;

   f. Tasting and retail sales of products is limited to those produced on-site, as
provided in subsection A.3.e. of this subsection, except as provided in RCW 66.24.244,
occur only as accessory to the primary winery, brewery, distillery production use. The
area devoted to on-site tasting or retail sales shall be limited to no more than twenty
percent of the aggregated floor area and shall be included in the aggregated floor area
limitation in subsection A.3.a. of this section. The limitation on tasting and retail sales of
products produced on-site shall not apply on sites that contain a building designated as
historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise
related to the products produced on-site is allowed subject to the restrictions described in
this subsection A.3. Hours of operation for on-site tasting and retail sales of products
shall be limited to 11:00 a.m. through 8:00 p.m. daily;

g. Access to the site shall be directly to and from an arterial roadway;
h. Off-street parking is limited to a maximum of one hundred fifty percent of
the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
i. The impervious surface associated with the winery, brewery, distillery
facility use shall not exceed twenty-five percent of the site, or the maximum impervious
surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less;
j. All requirements of Title 9, Surface Water Management, and the adopted
King County Surface Water Design Manual shall be met for construction and operation
of the winery, brewery, distillery facility; and
k. Wineries, breweries, and distilleries must comply with all commercial septic
system regulations and shall not be connected to a sewer system.

B. In the NB and CB zones:
1. For winery, brewery, distillery facility II:
   a. The aggregated floor area of structures and areas for winery, brewery,
distillery facility uses shall not exceed three thousand five hundred square feet, unless
located in whole or in part in a structure designated as historic resource under K.C.C.
chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
winery, brewery, distillery facility uses shall not exceed five thousand square feet;
b. Structures, parking areas and impervious surfaces associated with winery,
brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
from interior property lines adjoining agricultural, rural area and residential zones, unless
located in a building designated as historic resource under K.C.C. chapter 20.62;
c. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.1.a. of this section; and
d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

2. For winery, brewery, distillery facility III:
   a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
   b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

C. In the RB zone:
   1. For winery, brewery, distillery facility III:
      a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
      b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

D. In the I zone:
   1. For winery, brewery, distillery facility III:
      a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote
tasting rooms for wineries shall not be allowed;

b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

c. Structures, parking areas and impervious surfaces associated with brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

For any winery, brewery, distillery facility I, II or III on Vashon-Maury Island the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

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

c. One on-site parking stall shall be allowed for the winery, brewery, distillery facility I use;
d. At least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

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

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

2. For winery, brewery, distillery facility II:

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

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

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

d. At least three stages of production of wine, beer or distilled spirits, such as
    crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging,
    finishing, or bottling or packaging, as authorized by the Washington state Liquor and
    Cannabis Board production license, shall occur on-site. At least two of the stages of on-
    site production shall include crushing or milling, pressing, fermenting or distilling;

e. Tasting and retail sales of products is limited to those produced on-site, as
    provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
    occur only as accessory to the primary winery, brewery, distillery production use. The
    area devoted to on-site tasting or retail sales shall be limited to no more than twenty
    percent of the aggregated floor area and shall be included in the aggregated floor area
    limitation in subsection A.2.b. of this section. The limitation on tasting and retail sales of
    products produced on-site shall not apply to winery, brewery or distillery business
    locations in use and licensed to produce by the Washington state Liquor and Cannabis
    Board before January 1, 2019, or on sites that contain a building designated as historic
    resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the
products produced on-site is allowed subject to the restrictions described in this subsection A.2. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that this requirement shall not apply to winery, brewery, distillery facility business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019. The department may authorize use of public roadway for access to and from the site through the conditional use permit process and shall consider site conditions, including known traffic issues, impact on neighboring residential uses;

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

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

i. All requirements of Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility.

3. For winery, brewery, distillery facility III:

a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet;
b. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds five thousand square feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

e. At least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least two of the stages of on-site production shall include crushing, pressing, fermenting or distilling;

f. Tasting and retail sales of products is limited to those produced on-site, as provided in subsection A.3.e. of this section, except as provided in RCW 66.24.244, 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use. The area devoted to on-site tasting or retail sales shall be limited to no more than twenty
percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.3.a of this section. The limitation on tasting and retail sales of products produced on-site shall not apply to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.3. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

  g. Access to the site shall be directly to and from an arterial roadway;
  h. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
  i. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less; and
  j. All requirements of Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility.

B. In the NB and CB zones:

  1. For winery, brewery, distillery facility II:

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

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

c. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.1.a. of this section; and

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

2. For winery, brewery, distillery facility III:

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

D. In the I zone:

1. For winery, brewery, distillery facility III:
   a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;
   b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;
   c. Structures, parking areas and impervious surfaces associated with brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
   d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. Uses regulated under this chapter shall be allowed to conduct functions that are accessory to the principal winery, brewery, or distillery facility use, limited to those that are directly related to the on-site production of the winery, brewery, distillery facility use, including, but not limited to, tours of the facility, private tastings, product releases, or dinners with the alcohol producers, subject to the temporary use permit requirements under K.C.C. chapter 21A.32 only if the function includes the activities listed in
subsection B. of this section. Winery, brewery, distillery facility functions and events requiring a temporary use permit under subsection B. of this section and K.C.C. chapter 21A.32 may not include any of the following activities:

1. Utilizing portable toilets;
2. Utilizing temporary or permanent stages;
3. Requiring traffic control for public rights-of-way; or
4. Except as allowed in subsection B.2. of this section, utilizes on-site parking that exceeds the maximum number of spaces allowed by this title.

B. A temporary use permit under K.C.C. chapter 21A.32 shall be required for any events at a winery, brewery, distillery facility that includes one or more of the following activities:

1. Exceeding the permitted building occupancy;
2. Utilizing off-site parking;
3. Utilizing temporary tents or canopies that require a permit; or
4. Extending beyond allowed hours of operation.

C. Temporary use permits shall be limited in duration and frequency as follows:

1. The temporary use permit for events shall be effective for one year from the date of issuance and may be renewed annually as provided in K.C.C. 21A.32.120;
2. For a winery, brewery, distillery facility II and III in the RA zone, the temporary use shall not exceed one day per month and all event parking shall be accommodated on-site or managed through a parking management plan approved by the director. This subsection C.2. applies only to the days that the event or events actually take place;
3. For a winery, brewery, distillery facility II in the RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than seventy-five guests;

4. For a winery, brewery, distillery facility III in the RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred twenty-five guests;

5. Events for any winery, brewery, distillery facility I in the RA zone shall be limited to two days per year, and limited to a maximum of fifty guests. If the event complies with this subsection C.5., a temporary use permit is not required for a special event for a winery, brewery, distillery facility I in the RA zone; and

6. Events for winery, brewery, distillery facilities located outside of the RA zone shall be limited to a total of sixty days per year. This subsection C.6. applies only to the days that the event or events actually take place;

D. All functions and events authorized under this section shall comply with K.C.C. chapter 12.86, Noise.

E. A temporary use permit issued under this section shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection G.
F. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

G. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

1. The applicant shall make a written request and pay the applicable permit extension fees for renewal of the temporary use permit at least seventy days before the end of the permit period;

2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 7. Ordinance 19030, Section 4, and K.C.C. 6.74.010, are hereby amended to read as follows:

It is the purpose of this chapter to establish winery, brewery, distillery land use business licensing standards for ((adult beverage businesses)) wineries, breweries and distilleries located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents, and to assist with enforcement of land use related portions of the King County Code, including, but not limited to, the development conditions found in K.C.C. chapter 21A.xx (the new
chapter created in section 2 of this ordinance), critical areas requirements found in K.C.C. chapter 21A.24, and health code requirements found in K.C.C. Title 13.

**SECTION 8.** Ordinance 19030, Section 5, and K.C.C. 6.74.020, are hereby amended to read as follows:

For the purpose of this chapter, unless the context clearly requires otherwise, "adult beverage business") "winery, brewery, distillery" means a winery, brewery, distillery (or cidery, and) facility or remote tasting room((s for any of those businesses)). A nonconforming home occupation and a nonconforming home industry is ((an "adult beverage business") a "winery, brewery, distillery" for the purposes of this section.

**SECTION 9.** Ordinance 19030, Section 6, and K.C.C. 6.74.030, are hereby amended to read as follows:

A person or entity shall not operate or maintain ((an adult beverage business)) a winery, brewery, distillery facility in unincorporated King County unless the business has obtained a winery, brewery, distillery land use business license issued by the director as provided by this chapter. A current ((adult beverage business)) winery, brewery, distillery land use business license issued under this chapter shall be prominently displayed on the licensed premises. The ((adult beverage business)) winery, brewery, distillery land use business licensee shall comply with all applicable laws.

**SECTION 10.** Ordinance 19030, Section 7, and K.C.C. 6.74.040, are hereby amended to read as follows:

An application for ((an adult beverage business)) a winery, brewery, distillery land use business license or license renewal ((must)) shall be submitted in the name of
the person, the persons or the entity proposing to operate the business. The application
shall be signed by each person, or a responsible principal or officer of the entity
proposing to operate the business, certified as true under penalty of perjury. All
applications shall be submitted on a form supplied by the director, and shall include the
following:

A. The full name and current residential, email and mailing address of each
person, including all partners if the applicant is a partnership, and all officers or
principals if the applicant is a corporation or limited liability company, and the Universal
Business Identifier number, the identity of the registered agent and the address of the
principal office, if the applicant is a corporation or limited liability company;

B. The name, street address and telephone number of the ((adult beverage
business)) winery, brewery, distillery facility;

C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor
license or non-retail liquor license with retail endorsement associated with the business
address; and

D. ((For businesses in the A zone, a signed statement that at least sixty percent of
the products to be used by the business are grown on-site, as prescribed under K.C.C.
21A.08.030 and 21A.08.080; and

E.)) For any ((adult beverage)) business((es)) attempting to demonstrate legal
nonconforming use status under 6.74.080.B.((i)) and operating under an active
Washington state Liquor and Cannabis Board production license issued for ((their)) the
current location ((before December 31, 2019, and where King County did not object to
the location during the Washington state Liquor and Cannabis Board license application

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ordinance process), the applicant shall submit documentation sufficient to establish that the requirements of K.C.C. ((Title)) chapter 21A.32 have been met, and documentation of the county's response to the Washington state Liquor and Cannabis Board license notice of application, if any. If King County objected to the current location during the Washington state Liquor and Cannabis Board license application process, the Department may presume that the associated use was not legally established and a license application under this subsection D. shall be denied, unless the applicant can clearly establish that the objection was based on an erroneous interpretation of K.C.C. Title 21A.

SECTION 11. Ordinance 19030, Section 8, and K.C.C. 6.74.050, are hereby amended to read as follows:

An applicant for ((an adult beverage business)) a winery, brewery, distillery land use business license or renewal under this chapter shall pay an application fee at the time of application submittal. The nonrefundable application fee for ((an adult beverage business)) a winery, brewery, distillery land use business license or renewal is one hundred dollars.

SECTION 12. Ordinance 19030, Section 9, and K.C.C. 6.74.060, are hereby amended to read as follows:

The director shall deny, suspend or revoke a winery, brewery, distillery land use business license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of local services, permitting division receives notice that the state license issued to the business is suspended or revoked, or was not reissued, or if, after an investigation, the director determines that the proposed business location does not comply with K.C.C. Title 21A.
A business owner whose application for a winery, brewery, distillery land use business license has been denied or whose winery, brewery, distillery land use business license has been suspended or revoked may appeal the decision to the office of the hearing examiner in accordance with K.C.C. 6.01.150.

SECTION 13. Ordinance 19030, Section 10, and K.C.C. 6.74.070, are hereby amended to read as follows:

((An adult beverage business)) A winery, brewery, distillery land use business license expires one year from the date the ((business)) license is issued by the department of local services, permitting division. To avoid a lapse in the effectiveness of a license, an application to renew a license ((must)) shall be submitted to the director, on a form provided by the director, at least thirty days before the expiration of the ((business)) previous license. ((An adult beverage business)) A winery, brewery, distillery land use business license renewal expires one year from the previous license's expiration date.

SECTION 14. Ordinance 19030, Section 11, and K.C.C. 6.74.080, are hereby amended to read as follows:

A. ((Within thirty days of the director's receipt of a complete adult beverage business license application, the director shall issue or deny the license.)) 1. The director shall not issue the initial winery, brewery, distillery land use business license until the director has either issued all county required building or change of use permits for the winery, brewery, distillery in conformance with the requirements of this chapter, K.C.C. chapter 21A.xx (the new chapter created in section 2 of this ordinance) and Title 16, or determined in writing that a building or change of use permit is not required. A license application may be denied if the applicant has not obtained all required permits within a
reasonable time, except for any winery, brewery, distillery business operating under an
active Washington state Liquor and Cannabis Board production license issued for the
current location before June 21, 2021, and where King County did not object to the
location during the Washington state Liquor and Cannabis Board license application
process. If all other requirements of this chapter are met, the director shall issue the first
business license regardless of whether a building permit or change of use permit has been
issued. The first license shall be valid for a maximum of six months from the date of
issuance if the applicant has not received the required building permit or change of use
permit. No additional licenses or renewals shall be issued beyond the first license until
the building permit or change of use permit has been issued.

2. Within thirty days of the director's receipt of a complete renewal application,
the director shall issue or deny the renewal.

B. For any winery, brewery, distillery facility operating under an active Washington state Liquor and Cannabis Board production license issued for the current location, before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A. Subsequent) winery, brewery, distillery land use business licenses or renewals for such locations shall only be approved by the
The requirements to establish a legal nonconforming use have been met; the applicant has otherwise established a vested legal nonconforming use; or (
(The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or
4.) The business (has come into conformance)) conformed with the winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted in K.C.C. 21A.08.070(, or 21A.08.080 ((or K.C.C. 21A.55.110)) and 21A.xx (the new chapter created by section 2 of this ordinance).

SECTION 15. Ordinance 1888, Article III, Section 5, as amended, and K.C.C. 6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties aggrieved by actions of the director pursuant to any business license ordinance. The examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the examiner shall be delivered to the director, who shall make them freely accessible to the public. All decisions and findings of the examiner shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and ((adult beverage businesses)) winery, brewery, distillery land use business license appeals under K.C.C. chapter 6.74 shall be filed in accordance with K.C.C. 20.22.080 and the hearing process conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this section do not apply to this subsection B.
C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and order or any action of the director by filing at the office of the director within seven days from the date of service of such order, a written appeal containing:

1. A heading in the words: "Before the Office of the Hearing Examiner";
2. A caption reading: "Appeal of ........" giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;
4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
6. The signatures of all parties named as appellants, and their official mailing addresses; and
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix a date, time and place for the hearing of the appeal. The date shall be neither less than ten days nor more than sixty days from the date the appeal was filed with the director. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each appellant by the examiner either by causing a copy of the notice to be...
delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be
represented by counsel and offer such evidence as is pertinent and material to the action of
the director.

F. Only those matters or issues specifically raised by the appellant in the written
notice of appeal shall be considered in the hearing of the appeal.

G. Failure of any person to file an appeal in accordance with this section shall
constitute a waiver of the person's right to an administrative hearing and adjudication of the
notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the
pendency of an appeal therefrom that is properly and timely filed.

SECTION 16. Ordinance 19030, Section 13, and K.C.C. 21A.06.996, are hereby
amended to read as follows:

Remote tasting room: A small facility licensed by the Washington state Liquor
and Cannabis Board and limited to the following non-retail liquor licenses: an off-site
tasting room license for a distillery licensed as a Distillery or Craft Distillery; a Tasting
Room - Additional Location for a winery licensed as a Domestic Winery; or a
Microbrewery, including, but not limited to, a Microbrewery operating in accordance
with an off-site tavern license subject to the retail sale limitations for a Microbrewery in
WAC 314-20-015(1). "Remote tasting room" does not include any additional privileges
allowed for such licenses or approvals or any use that would require a license under
chapter 314-02 WAC, except as specifically set forth in this chapter.
Ordinance

SECTION 17. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427, are hereby amended to read as follows:

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the ((state of)) Washington state Liquor and Cannabis Board to produce ((adult beverages such as)) alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits, ((and that includes an adult beverage production use such as)) through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or packaging. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as authorized by state law)). On-site tasting of products or retail sales are not allowed.

"Winery, brewery, distillery facility I" does not include any additional privileges or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

SECTION 18. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B, are hereby amended to read as follows:

Winery, brewery, distillery facility II: A small-scale production facility licensed by the ((state of)) Washington state Liquor and Cannabis Board to produce ((adult beverages such as)) alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits ((and that includes an adult beverage production use such as)) through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or packaging. A winery, brewery, distillery facility II may include additional production-
related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law)). "Winery, brewery, distillery facility II" does not include any additional privileges or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

SECTION 19. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C, are hereby amended to read as follows:

Winery, brewery, distillery facility III: A production facility licensed by the ((state of)) Washington state Liquor and Cannabis Board to produce ((adult beverages such as)) alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits ((and that includes an adult beverage production use such as)) through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or packaging. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available as authorized by state law)). "Winery, brewery, distillery facility III" does not include any additional privileges or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

SECTION 20. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, are hereby amended to read as follows:
### A. Retail land uses.

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<td>*</td>
<td>Retail Nursery, Garden Center and Farm Supply Stores</td>
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<td>Forest Products Sales</td>
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<td>Department and Variety Stores</td>
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<td>Food Stores</td>
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<td>Motor Vehicle and Boat Dealers</td>
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|                | Book,             |
|                | Stationery,       |
|                | Video and Art     |
|                | Supply Stores     |
|                | P15               |
|                | P                 |
|                | P                 |

|                | Jewelry Stores    |
|                | P                 |

|                | Monuments,        |
|                | Tombstones,       |
|                | and Gravestones   |
|                | P                 |
B. Development conditions.

1. a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area.

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

b. The site area shall be at least four and one-half acres;

c. Sales may include locally made arts and crafts; and

d. Outside lighting is permitted if no off-site glare is allowed.
2. Only hardware stores.

3.a. Limited to products grown on site.

b. Covered sales areas shall not exceed a total area of five hundred square feet.

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of five thousand square feet of gross floor area.

7.a. Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and

b. The business operator shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74.

8. Excluding retail sale of trucks exceeding one-ton capacity.

9. Only the sale of new or reconditioned automobile supplies is permitted.


11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. ((Permitted as part of the demonstration project authorized by K.C.C. 21A.55.110)) Repealed.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
15. a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and 
   b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

16. a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and 
   b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Repealed.

18. Repealed.

19. Only as:
   a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or
   b. an accessory use to a recreation or multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:
   a. an accessory use to a recreation or multiuse park; or
   b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.
22. Only as an accessory use to:
   
a. a large active recreation and multiuse park in the urban growth area; or

b. a park, or a recreation or multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork and;
   
a. limited to lumber milled on site; and

b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

24. Requires at least five farmers selling their own products at each market and the annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

25. Limited to sites located within the urban growth area and:
   
a. The sales area shall be limited to three hundred square feet and must be removed each evening;

b. There must be legal parking that is easily available for customers; and

c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
ordinance may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.

c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.

d. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;
(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

e. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 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 and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.26.a. and B.26.b. of this section.

27. Per lot, limited to a maximum aggregated total of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and;

a. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and any lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity; and

b. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;
(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

c. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 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 and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

28. If the agricultural product sales or livestock sales is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

29. Businesses selling firearms that have a storefront, have hours during which it is open for business, and post advertisements or signs observable to passersby that firearms are available for sale shall be located at least five hundred feet or more from any elementary, middle/junior high and secondary or high school properties. Businesses selling firearms in existence before June 30, 2020, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses.

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

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>C-Conditional Use</th>
<th>S-Special Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tr>
<td>SIC #</td>
<td>SPECIFIC LAND USE</td>
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<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
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<td>20</td>
<td>Food and Kindred Products (28)</td>
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<tr>
<td>*</td>
<td>Winery/Brewery /Distillery Facility I</td>
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<tr>
<td>*</td>
<td>Winery/Brewery /Distillery Facility II</td>
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<td>Code</td>
<td>Description</td>
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<td>Column 4</td>
<td>Column 5</td>
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<td>22</td>
<td>Textile Mill Products</td>
<td>P13 C</td>
<td>P14 C15</td>
<td>P16 C</td>
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<td>Apparel and other Textile Products</td>
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<td>24</td>
<td>Wood Products, except furniture</td>
<td>P4 P18 C18</td>
<td>P4 P18 C15</td>
<td>P4 P18 C5</td>
<td>C6</td>
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<td>25</td>
<td>Furniture and Fixtures</td>
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<td>Paper and Allied Products</td>
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<td>27</td>
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<td>P7 P7</td>
<td>P7C</td>
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<td>Leather and Leather Goods</td>
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<td>32</td>
<td>Stone, Clay, Glass and Concrete Products</td>
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<td>Primary Metal Industries</td>
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<td>Fabricated Metal Products</td>
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<td>Industrial and</td>
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<td>Ordinance</td>
<td>Commercial Machinery</td>
<td>351-55 Heavy Machinery and Equipment</td>
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<td>Commercial Machinery</td>
<td>Computer and Office Equipment</td>
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<td>Electronic and other Electric Equipment</td>
<td>36</td>
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<td>Miscellaneous Transportation Vehicles</td>
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<td>Measuring and Controlling Instruments</td>
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<td>C C P</td>
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<tr>
<td>Miscellaneous Light Manufacturing</td>
<td>39</td>
<td>C P</td>
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<tr>
<td>Motor Vehicle and Bicycle Manufacturing</td>
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<td>Aircraft, Ship and Boat Building</td>
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<td>Tire Retreading</td>
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<td></td>
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</tr>
</tbody>
</table>

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.
3. (a.) In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

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

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

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

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

g. In the A zone, structures and area for non-agricultural winery, brewery,
distillery facility uses shall be located on portions of agricultural lands that are unsuitable
for agricultural purposes, such as areas within the already-developed portion of such
agricultural lands that are not available for direct agricultural production, or areas without
prime agricultural soils. No more than one acre of agricultural land may be converted to
a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as
accessory to the primary winery, brewery, distillery production use and may be provided
in accordance with state law. The area devoted to on-site tasting or retail sales shall be
limited to no more than thirty percent of the aggregated floor area and shall be included
in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury
Island to winery, brewery, or distillery business locations in use and licensed to produce
by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
in the RA zone that contain a building designated as historic resource under K.C.C.
chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
site is allowed subject to the restrictions described in this subsection B.3. Hours of
operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
11:00 a.m. through 9:00 p.m.;

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

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

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

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

m. The impervious surface associated with the winery, brewery, distillery
facility use shall not exceed twenty-five percent of the site, or the maximum impervious
surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
whichever is less)) Winery, brewery, distillery facility I, II, and III uses shall comply with
the standards in K.C.C. chapter 21A.xx (the new chapter created by section 2 of this
ordinance).

4. Limited to rough milling and planing of products grown on-site with portable equipment.

5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the minimum site area is four and one-half acres.


7. Limited to photocopying and printing services offered to the general public.

8. Only within enclosed buildings, and as an accessory use to retail sales.


10. Limited to boat building of craft not exceeding forty-eight feet in length.

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12. (a. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;
c. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the minimum site area shall be ten acres;

d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

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

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

h. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such
agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA zone that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

and

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

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

a. as accessory to a primary forestry use and at a scale appropriate to process
the organic waste generated on the site; or

b. as a continuation of a sawmill or lumber manufacturing use only for that
period to complete delivery of products or projects under contract at the end of the
sawmill or lumber manufacturing activity.

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

a. as accessory to a primary mineral use; or

b. as a continuation of a mineral processing use only for that period to
complete delivery of products or projects under contract at the end of mineral extraction.
15. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

16. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.

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

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

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

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

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74; and
f. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32)) Repealed.

18. Limited to:

a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork, as follows:

(1) If using lumber or timber grown off-site, the minimum site area is four and one-half acres;

(2) The facility shall be limited to an annual production of no more than one hundred fifty thousand board feet;

(3) Structures housing equipment used in the operation shall be located at least one-hundred feet from adjacent properties with residential or rural area zoning;

(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

(6) Outside lighting is limited to avoid off-site glare; and

b. SIC Industry No. 2411-Logging.

19. Limited to manufacture of custom made wood furniture or cabinets.

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

b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
e. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

21.a. Only in the CB and RB zones located outside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

22.a. Only in the CB and RB zones located outside the urban growth area;
b. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site.

23.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.24. of this section.
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24.a. Only in the CB and RB zones located inside the urban growth area;

b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet.

25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

c. Per lot, limited to a maximum aggregate total of two thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana together with any separately authorized production of marijuana.


b. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana together with any separately authorized production of marijuana.

27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;
b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Only allowed on lots of at least four and on-half acres on Vashon-Maury Island;
e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres, except on Vashon-Maury Island;
f. Only as an accessory use to a Washington state Liquor Cannabis Board
Ordinance

g. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

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

((29.a. Tasting and retail sales of products produced on-site, and merchandise related to the products produced on-site, may be provided in accordance with state law; b. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

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

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

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

d. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA zone that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;
e. Access to the site shall be directly to and from a public roadway;
f. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
g. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;
h. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;
i. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling; and
j. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.
31.a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;
b. Tasting and retail sale of products produced on-site and merchandise related
to the products produced on-site may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

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

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

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

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

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

1651 historic resource under K.C.C. chapter 20.62;
1652  
ed. One on-site parking stall shall be allowed for the winery, brewery, distillery
1653 facility use;
1654  
d. The business operator shall obtain an adult beverage business license in
1655 accordance with K.C.C. chapter 6.74;
1656  
e. At least two stages of production of wine, beer, cider or distilled spirits, such
1657 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
1658 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
1659 least one of the stages of production occurring on-site shall include crushing, fermenting
1660 or distilling;
1661  
f. No product tasting or retail sales shall be allowed on-site;
1662  
g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and
1663  
h. The impervious surface associated with the winery, brewery, distillery
1664 facility use shall not exceed twenty-five percent of the site or the maximum impervious
1665 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1666 whichever is less.)
1667  
SECTION 22. Ordinance 10870, Section 536, as amended, and K.C.C.
1668 21A.30.080, are hereby amended to read as follows:
1669  
In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
1670 or more home occupations as accessory activities, only if:
1671  
A. The total floor area of the dwelling unit devoted to all home occupations shall
1672 not exceed twenty percent of the floor area of the dwelling unit.
B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. All the activities of the home occupation or occupations shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation or occupations;

D. A home occupation or occupations is not limited in the number of employees that remain off-site. No more than one nonresident employee shall be permitted to work on-site for the home occupation or occupations;

E. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting;

3. Parking and storage of heavy equipment;

4. Storage of building materials for use on other properties;

5. Hotels, motels or organizational lodging;

6. Dry cleaning;

7. Towing services;

8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation;

9. Veterinary clinic;

10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation (adult beverage) winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for (their) the current location before December 31, 2019, (and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,)) shall be (considered legally nonconforming and) allowed to remain in (their) the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 (if the use is in compliance with this section as of December 31, 2019)). Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The resident operator of a nonconforming winery, brewery, distillery or remote tasting room home occupation shall obtain (adult beverage business) a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed by the home occupations; and

2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;

2. Telephone, Internet or other electronic commerce sales with off-site delivery; and
3. Items accessory to a service provided to patrons who receive services on the premises;

H. On-site services to patrons are arranged by appointment;

I. The home occupation or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site, only if:

1. No more than one such a vehicle is allowed; and

2. The vehicle is not stored within any required setback areas of the lot or on adjacent streets; and

3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

J. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations; or

2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises;

K. There shall be no exterior evidence of a home occupation, other than growing or storing of plants under subsection C. of this section or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;
L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

M. Uses not allowed as home occupations may be allowed as a home industry under K.C.C. 21A.30.090.

SECTION 23. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, are hereby amended to read as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. Total outdoor area of all home occupations shall be permitted as follows:

1. For any lot less than one acre: Four hundred forty square feet; and

2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet.

D. Outdoor storage areas and parking areas related to home occupations shall be:

1. No less than twenty-five feet from any property line; and

2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:

a. planting of Type II landscape buffering; or

b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping;
E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site;

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:
   a. motor vehicles and parts (North American Industrial Classification System "NAICS" Code 441);
   b. electronics and appliances (NAICS Code 443); and
   c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
3. Increase average vehicular traffic by more than four additional vehicles at any given time;

I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

J. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Hotels, motels or organizational lodging;
2. Dry cleaning;
3. Automotive towing services, automotive wrecking services and tow-in parking lots;
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms, except that home occupation (adult beverage) winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for (their) the current location before December 31, 2019, (and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,) shall be (considered legally nonconforming and) allowed to remain in (their) the current location subject to
compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 (if the use is in compliance with this section as of December 31, 2019)). Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery, distillery or remote tasting room shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74; K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and L. The home occupation or occupations may use or store vehicles, as follows:

1. The total number of vehicles for all home occupations shall be:
   a. for any lot five acres or less: two;
   b. for lots greater than five acres: three; and
   c. for lots greater than ten acres: four;

2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and

3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section.

SECTION 24. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, are hereby amended to read as follows:

A resident may establish a home industry as an accessory activity, as follows:

A. The site area is one acre or greater;
B. The area of the dwelling unit used for the home industry does not exceed fifty percent of the floor area of the dwelling unit.

C. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home industry;

D. No more than six nonresidents who work on-site at the time;

E. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employee of the home industry; and

2. One stall for customer parking;

F. Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:

1. One thousand square feet of building floor area; and

2. Two thousand square feet of outdoor work or storage area;

G. Sales are limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

H. Ten feet of Type I landscaping are provided around portions of parking and outside storage areas that are otherwise visible from adjacent properties or public rights-of-way;

I. The department ensures compatibility of the home industry by:

1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88;

J. Recreational marijuana processors, recreational marijuana producers and recreational marijuana retailers shall not be allowed as home industry; and

K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall not be allowed as home industry, except that home industry (adult beverage) winery, brewery, distillery businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit application before December 31, 2019, shall be (considered legally nonconforming and) allowed to remain in (their) the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home industry shall obtain (an adult beverage business) a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74.

SECTION 25. Ordinance 10870, Section 547, as amended, and K.C.C. 21A.32.100, are hereby amended to read as follows:

Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for any of the following:
A. A use not otherwise permitted in the zone that can be made compatible for a period of up to sixty days a year;

B. The expansion of an established use that:
   1. Is otherwise allowed in the zone;
   2. Is not inconsistent with the original land use approval;
   3. Exceeds the scope of the original land use approval; and
   4. Can be made compatible with the zone for a period of up to sixty days a year;

or

C. Events at a winery, brewery, distillery facility (or remote tasting room that include one or more of the following activities:
   1. Exceeds the permitted building occupancy;
   2. Utilizes portable toilets;
   3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;
   4. Utilizes temporary stages;
   5. Utilizes temporary tents or canopies that require a permit;
   6. Requires traffic control for public rights-of-way; or
   7. Extends beyond allowed hours of operation)) under section 6 of this ordinance.

SECTION 26. Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110, are hereby amended to read as follows:

A. The following uses shall be exempt from requirements for a temporary use permit when located in the RB, CB, NB, O or I zones for the time period specified below:
1. Uses not to exceed a total of thirty days each calendar year:
   a. Christmas tree lots; and
   b. Produce stands.

2. Uses not to exceed a total of fourteen days each calendar year:
   a. Amusement rides, carnivals or circuses;
   b. Community festivals; and
   c. Parking lot sales.

B. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Christmas tree sales not exceeding a total of thirty days each calendar year when located on Rural Area (RA) zoned property with legally established non-residential uses shall be exempt from requirements for a temporary use permit.

(E.1. Events at a winery, brewery, distillery facility II or III shall not require a temporary use permit if:
   a. The business is operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process;
   b. The parcel is at least eight acres in size;
   e. The structures used for the event maintain a setback of at least one hundred fifty feet from interior property lines;
d. The parcel is located in the RA zone;

e. The parcel has access directly from and to a principal arterial or state highway;

f. The event does not use amplified sound outdoors before 12:00 p.m. or after 8:00 p.m.

2. Events that meet the provisions in this subsection E. shall not be subject to the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than an annual average of eight days per month.)

SECTION 27. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, are hereby amended to read as follows:

Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45 or section 6 of this ordinance, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection D. of this section;

B.1. The temporary use shall not exceed a total of sixty days in any three-hundred-sixty-five-day period. This subsection B.1 applies only to the days that the event or events actually take place.

2. ((For a winery, brewery, distillery facility II and III in the A zone, the temporary use shall not exceed a total of two events per month and all event parking must be accommodated on-site or managed through a parking management plan approved by the director. This subsection B.2. applies only to the days that the event or events actually take place.
3. For a winery, brewery, distillery facility II and III in the RA zone, the temporary use shall not exceed a total of twenty-four days in any three-hundred sixty-five-day period and all event parking must be accommodated on-site or managed through a parking management plan approved by the director. This subsection B.3. applies only to the days that the event or events actually take place.

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred fifty guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.

6. Events for any winery, brewery, distillery facility I in the RA zone, any nonconforming winery, brewery, distillery facility home occupation, or any nonconforming winery, brewery, distillery facility home industry shall be limited to two per year, and limited to a maximum of fifty guests. If the event complies with this subsection (B.6.) B.2., a temporary use permit is not required for a special event for a (winery, brewery, distillery facility I in the RA zone, a) nonconforming home occupation winery, brewery, distillery facility or a nonconforming home industry winery, brewery, distillery facility.
((7. For a winery, brewery, distillery facility II and III in the RA zone, events
exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
permit shall not be subject to the provisions of this section));
C. The temporary use permit shall specify a date upon which the use shall be
terminated and removed; and
D. A temporary use permit may be renewed annually for up to a total of five
consecutive years as follows:
1. The applicant shall make a written request and pay the applicable permit
extension fees for renewal of the temporary use permit at least seventy days before the
end of the permit period;
2. The department must determine that the temporary use is being conducted in
compliance with the conditions of the temporary use permit;
3. The department must determine that site conditions have not changed since
the original temporary permit was issued; and
4. At least forty-five days before the end of the permit period, the department
shall notify property owners within five hundred feet of the property boundaries that a
temporary use permit extension has been requested and contact information to request
additional information or to provide comments on the proposed extension.

SECTION 28. The following are hereby repealed:
A. Ordinance 19030, Section 28;
B. Ordinance 19030, Section 29, and K.C.C. 21A.552.110; and
C. Ordinance 19030, Section 32.
SECTION 29. Map Amendment #1 is hereby adopted, as shown in Attachment A to this ordinance.

SECTION 30. Severability. If any provision of this ordinance or its application
to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Claudia Balducci, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____________, ______.

Dow Constantine, County Executive

Attachments: A. Map Amendment #1-Remote Tasting Room Demonstration Project A Repeal
Map Amendment # 1- Remote Tasting Room Demonstration Project A

Repeal

Sammamish Valley near the City of Woodinville

AMENDMENT TO THE KING COUNTY ZONING ATLAS

Amend Sections 14 and 23, Township 26, Range 5, as follows:

ZONING

Repeal the Demonstration Project (-DPA) established in Ordinance 19030, Section 28 and 29, and remove the -DPA designation from the following parcels. Make no other changes to the land use designation or zoning:

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<th>Current Zoning</th>
<th>Area</th>
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Effect: Amends the zoning atlas to repeal the Remote Tasting Room Demonstration Project A to all or a portion of 13 parcels within the Sammamish Valley near the City of Woodinville.
AN ORDINANCE relating to winery, brewery and
distillery uses; amending Ordinance XXXXX (Proposed
Ordinance 2022-01xx), Section 4, and K.C.C. 21A.xx.xxx.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Washington state Growth Management Act ("GMA"), including RCW
36.70A.130, requires that King County take action to review, and if needed, revise its
Comprehensive Plan and development regulations implementing the Comprehensive
Plan.

B. Ordinance 19030 established updated regulations for winery, brewery,
distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

C. Ordinance 19030 was challenged on State Environmental Policy Act
("SEPA") and GMA grounds by Friends of Sammamish Valley, a Washington nonprofit
corporation, A Farm in the Sammamish Valley, LLC, Marshal Leroy d/b/a Alki Market
Garden, Eunomia Farms LLC, Olympic Nursery Inc., C-T Corp., Roots of Our Times
Cooperative, Regeneration Farms LLC, Hollywood Hill Association, Terry and David R.
Orkiolla, Judith Allen and Futurewise ("the petitioners") to the Central Puget Sound
Growth Management Hearings Board ("the board").

D. The board held a hearing on the merits of the petitioner's appeal to Ordinance
19030 on November 17, 2021.
E. On January 3, 2022, the board issued its Final Decision and Order for Case No. 20-3-0004c ("the board's January 2022 order"), which granted the petitioners' appeal based on SEPA and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project. The board's January 2022 order also remanded Ordinance 19030 to the county to take actions to bring it into compliance.

F. Ordinance XXXXX (Proposed Ordinance 2022-01XX) responds to the board's January 2022 order with several substantive changes, including changes to improve the protection of agricultural lands and agricultural production districts, protection and enhancement of rural character, and strengthening the licensing program, among other changes.

G. This ordinance builds on Ordinance XXXXX (Proposed Ordinance 2022-01XX) in several ways:

1. Allows WBD I, II and IIIIs within the UR zone, consistent with the development regulations in the RA zone;
2. Adds a separation requirement for WBD IIs and IIIIs in the RA zone, to avoid impacts of clustering these uses; and

SECTION 2. Ordinance XXXXX (Proposed Ordinance 2022-01xx), Section 4, and K.C.C. 21A.xx.xxx are hereby amended to read as follows:
For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-
Maury Island, the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

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

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

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

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

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

   g. Distilleries may not be located within a basin that is closed or partially
closed to new surface water or groundwater withdrawals by the Department of Ecology;

and

h. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system.

2. For winery, brewery, distillery facility II:

a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

c. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones;

d. At least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling;

e. Tasting and retail sales of products is limited to those produced on-site, as provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use. The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize use of public roadway for access to and from the site through the conditional use permit process and shall consider site conditions, including known traffic issues, impact on neighboring residential uses;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility;
j. (1) Wineries, breweries and distilleries shall comply with Washington state Department of Ecology regulations and permit requirements, including, without limitation, those administered under the federal Clean Water Act, and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A or Group B water system. The definitions and limits of Group A and Group B water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142; and

(2) Distilleries may not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Washington state Department of Ecology; (and)

k. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system; and

l. Any lot line of a lot having any area devoted to a winery, brewery or distillery use shall be one thousand feet or more from any lot line of any other lot having any area devoted to a winery, brewery, or distillery use.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds five thousand square feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology regulations and permit requirements, including, without
limitation, those administered under the federal Clean Water Act, and King County board
of health regulations for water usage and wastewater disposal, and shall connect to a
Group A water system. The definitions and limits of Group A water systems are
described in K.C.C. 13.24.007, and provision of water service is described in K.C.C.


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

e. At least three stages of production of wine, beer or distilled spirits, such as
crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging,
finishing, or bottling or packaging, as authorized by the Washington state Liquor and
Cannabis Board production license, shall occur on-site. At least two of the stages of on-
site production shall include crushing or milling, pressing, fermenting or distilling;
f. Tasting and retail sales of products is limited to those produced on-site, as
provided in subsection A.3.e. of this subsection, except as provided in RCW 66.24.244,
occur only as accessory to the primary winery, brewery, distillery production use. The
area devoted to on-site tasting or retail sales shall be limited to no more than twenty
percent of the aggregated floor area and shall be included in the aggregated floor area
limitation in subsection A.3.a. of this section. The limitation on tasting and retail sales of
products produced on-site shall not apply on sites that contain a building designated as
Ordinance

historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.3. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

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

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

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

j. All requirements of Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility; (and)

k. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system; and

l. Any lot line of a lot having any area devoted to a winery, brewery, or distillery use shall be one thousand feet or more from any lot line of any other lot having any area devoted to a winery, brewery, or distillery use.

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:

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

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

c. The area devoted to on-site tasting or retail sales shall be included in the  
aggregated floor area limitation in subsection B.1.a. of this section; and  
d. Off-street parking for the tasting and retail areas shall be limited to a  
maximum of one space per fifty square feet of tasting and retail areas.

2. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery,  
brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet  
from interior property lines adjoining agricultural, rural area and residential zones, unless  
located in a building designated as historic resource under K.C.C. chapter 20.62; and  
b. Off-street parking for the tasting and retail areas shall be limited to a  
maximum of one space per fifty square feet of tasting and retail areas.

C. In the RB zone:

1. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery,  
brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet  
from interior property lines adjoining agricultural, rural area and residential zones, unless  
located in a building designated as historic resource under K.C.C. chapter 20.62; and
b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

D. In the I zone:

1. For winery, brewery, distillery facility III:
   a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;
   b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;
   c. Structures, parking areas and impervious surfaces associated with brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
   d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

E. In the UR zones:

1. For winery, brewery, distillery facility I:
   a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;
   b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;
c. One on-site parking stall shall be allowed for the winery, brewery, distillery facility I use;

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

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

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

g. Distilleries may not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Department of Ecology.

2. For winery, brewery, distillery facility II:

a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

c. Structures, parking areas and impervious surfaces associated with winery,
brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones;

d. At least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling;

e. Tasting and retail sales of products is limited to those produced on-site, as provided in subsection E.2.d. of this section, except as provided in RCW 66.24.244, 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use. The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection E.2.b. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection E.2. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize use of public roadway for access to and from the site through the conditional use permit process and shall consider site conditions, including
known traffic issues, impact on neighboring residential uses;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the
adopted King County Surface Water Design Manual shall be met for construction and
operation of the winery, brewery, distillery facility;

j.(1) Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology regulations and permit requirements, including, without
limitation, those administered under the federal Clean Water Act, and King County board
of health regulations for water usage and wastewater disposal, and shall connect to a
Group A or Group B water system. The definitions and limits of Group A and Group B
water systems are described in K.C.C. 13.24.007, and provision of water service is

(2) Distilleries may not be located within a basin that is closed or partially
closed to new surface water or groundwater withdrawals by the Washington state
Department of Ecology; and

k. Any lot line of a lot having any area devoted to a winery, brewery, or
distillery use shall be one thousand feet or more from any lot line of any other lot having
any area devoted to a winery, brewery, or distillery use.

3. For winery, brewery, distillery facility III:
a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet;

b. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds five thousand square feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology regulations and permit requirements, including, without limitation, those administered under the federal Clean Water Act, and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

e. At least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling;

f. Tasting and retail sales of products is limited to those produced on-site, as provided in subsection E.3.e. of this subsection, except as provided in RCW 66.24.244.
66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use. The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection E.3.a. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection E.3. Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

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

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

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

j. All requirements of Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility; and

k. Any lot line of a lot having any area devoted to a winery, brewery, or distillery use shall be one thousand feet or more from any lot line of any other lot having any area devoted to a winery, brewery, or distillery use.
SECTION 3. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Claudia Balducci, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of ______________, _____.

Dow Constantine, County Executive

**Attachments:** None
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2022-0147, VERSION

On page 2, beginning on line 29, strike everything through page 94, line 1995, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Washington state Growth Management Act ("GMA"), including RCW 36.70A.130, requires that King County take action to review, and if needed, revise its Comprehensive Plan and development regulations implementing the Comprehensive Plan.

B. Ordinance 19030 established updated regulations for winery, brewery, distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

C. Ordinance 19030 was challenged to the Central Puget Sound Growth Management Hearings Board ("the board").

D. On May 26, 2020, the board issued an Order on Dispositive Motions for Case No. 20-3-0004c ("the board's May 2020 order"), which invalidated most of the substantive sections of Ordinance 19030.

E. As part of the board's May 2020 order, the uses that were defined and regulated as part of the ordinance were invalidated. As a result, the county did not have
clear regulations to enforce.

F. In order to provide clarity to county permit review and code enforcement staff, the county declared a moratorium that prevented new WBDs and remote tasting rooms as primary uses, as home occupations and as home industries, from locating or being established in unincorporated King County, while the council and executive determined and implemented the next steps in responding to the board's May 2020 order. The moratorium was declared by Ordinance 19122, and was extended twice, with Ordinances 19217 and 19290.

G. In 2020, in response to the board's May 2020 order, the county developed and issued a revised SEPA checklist, dated November 4, 2020. Based on the SEPA checklist, the county's SEPA Responsible Official issued a Determination of Nonsignificance on January 15, 2021. The comment period ended February 12, 2021. Comments were received by the SEPA Responsible Official during the comment period.

H. The superior court reversed the board's May 2020 order on April 16, 2021, by an Order Granting King County's Appeal from an Order of the Central Puget Sound Region Growth Management Hearings Board, and remanded the matter back to the board for a full hearing on the merits.

I. As part of a settlement agreement to resolve Court of Appeals review of the board's dispositive motion process, the county agreed to declare an additional one-year moratorium on acceptance of applications for or establishment of new or expansion of existing WBDs and remote tasting rooms. The one-year moratorium was adopted through Ordinance 19309 and took effect on December 23, 2021.

J. The board held a hearing on the merits of the appeal of Ordinance 19030 on
K. On January 3, 2022, the board issued its Final Decision and Order for Case No. 20-3-0004c ("the board's January 2022 order"), which granted the appeal based on SEPA and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project. The board's January 2022 order also remanded Ordinance 19030 to the county to take actions to bring it into compliance.

L. On January 28, 2022, the county filed an appeal of the board's January 2022 order in King County superior court and sought a transfer to the court of appeals for direct review. On March 7, 2022, the superior court agreed to transfer the case to the court of appeals.

M. Ordinance 19030 adopted regulations for WBDs that were last substantively amended by Ordinance 14781 in 2003, which adopted substantive requirements for wineries and breweries in unincorporated King County. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for WBD have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to WBD uses and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.

N. Population growth, combined with the growing popularity of small WBD
producers has created a need for clarification regarding core WBD functions compared to
other types of more impactful on-site special events that may help support marketing for
developing businesses and consideration of GMA planning requirements, including
economic growth, rural character and protection for water resources and Agricultural and
Industrial zoned areas. Changes in state regulations have also occurred, driving a need to
bring the county's WBD development regulations up to date with state licensing
allowances.

O. As part of the legislative process, the county conducted a multiyear study of
WBD uses, which included the 2016 King County Sammamish Valley Wine and
Beverage Study. The study period was necessary to evaluate previously existing zoning
regulations for WBD uses in light of changes in operational practices, state licensing
allowances and the growing popularity of WBD uses across King County and the state of
Washington.

P. The changes to WBD zoning regulations provided by this ordinance will help
King County prepare for and support the future of farming, natural resources and WBD
uses, as they evolve in the region, to better implement and comply with the goals of the
Growth Management Act, and policies of the King County Comprehensive Plan ("the
Comprehensive Plan") and Countywide Planning Policies, and to minimize the
ambiguities in existing development regulations that were identified in the study period.
The changes are intended to improve clarity, administrative efficiencies and
enforceability while avoiding confusion for WBD uses that may have been caused by
lack of consistency with King County Code and systems regulating state tasting room
allowances. The changes provide guidance on honoring and protecting rural character
and nearby farmland while establishing appropriate levels of economic activity in the Rural Area zones as called for in the Comprehensive Plan.

Q. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts, including Snoqualmie Valley, Sammamish Valley, Lower Green River Valley, Upper Green River Valley, and Enumclaw Plateau. King County also supports WBD uses and recognizes the relationship between agricultural and WBD uses. There is a historical and continuing crossover between agricultural and WBD uses, including factors such as: agricultural uses providing aesthetic value and the opportunity for WBD uses to promote local agricultural products. The changes to WBD zoning regulations recognize competing and complimentary interests between agriculture and WBD uses and aim to provide a balance, consistent with the GMA and the Comprehensive Plan.

R. Economic development polices in the Comprehensive Plan, including ED-102, ED-103 and ED-106, recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. The changes to WBD zoning regulations aim to implement those Comprehensive Plan policies and are focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area. The changes allow for small, limited-scope WBDs that are compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

S. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that
allows rural residents to live and work throughout the Rural Area and Natural Resource
Lands." By creating clear direction regarding scope and intensity limits for WBD uses, the changes to WBD zoning regulations protect rural character while encouraging new
economic and employment opportunities for rural residents. Comprehensive Plan Policy
ED-602, in part, "recognizes the value of home-based business, recreation and tourism,
and commercial and industrial clusters for their ability to provide job opportunities in the
Rural Area and Natural Resource Lands, and help sustain the rural economic base." The
changes to WBD zoning regulations take advantage of the existing, organically
developing WBD uses to implement this policy in a variety of ways. The Comprehensive
Plan, in ED-602, directs the county to explore opportunities to encourage value-added
programs related to the production of food specifically including specialty beverages
such as beer, distilled beverages, and wine in the county. The changes carefully follow
this directive, and were developed over several years as the county considered existing
and proposed regulations, balancing the differing needs and emerging trends of
agricultural and WBD uses. Size and scale limits on WBD uses in the rural area are
maintained and new limits to enhance open and green space values and preserve the
natural aesthetic are added, which helps protect the rural area character and local food
production while allowing WBD uses at a size and scale appropriate for the rural area.

T. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small
businesses." Although rapid growth has resulted in some WBD businesses becoming
incompatible with rural character, the changes to WBD zoning regulations honor the
sometimes-competing Comprehensive Plan policies to support and retain existing small
businesses with equally important policy to protect rural character by setting clear scope and size limits to protect the Rural Area zone.

U. The GMA requires that rural development be contained and controlled to ensure the protection of rural character, assure the visual compatibility of rural development with the surrounding Rural Area and Natural Resource Lands, protect environmentally critical areas and habitat, and protect against conflicts with natural resource uses, such as farming, forestry and mining. Proximity to existing agricultural uses and rural area recreational destinations provide the customer base to allow traditional small-scale WBD uses to thrive. WBD uses rely on all of these elements to succeed. For example, the definition of agriculture in the GMA, in RCW 36.70A.030(3), includes viticulture, an essential component of a winery use. Viticulture, and agricultural practices related to brewery and distillery uses and their associated processing and sales activities, are all examples of activities the Comprehensive Plan requires the county to support and protect.

V. Chapter 3 of the Comprehensive Plan describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics." For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle," while "[i]n the Snoqualmie Valley, farming is still the mainstay." The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character, despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated WBD districts. Adopting varying allowances for on-site tasting and sales associated with WBD production facilities acknowledges the needs of different
rural communities in unincorporated King County. Individual rural communities take
different positions and have different priorities, and this is reflected in some of the
regulations; however, generally a countywide lens was used for analyzing potential
regulatory impacts on the wider rural area and natural resource lands.

W. Comprehensive Plan Policy R-201 defines the characteristics of rural
coloracter and the rural area. Four of these characteristics are particularly relevant to the
changes made in this ordinance: "b. Commercial and noncommercial farming, forestry,
fisheries, mining, home-occupations and home industries," "d. Community small-town
atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses
of a size and scale that blend with historic rural development" and "i. Rural uses that do
not include primarily urban-serving facilities."

X. Public testimony on Ordinance 19030 was consistent with Comprehensive
Plan policy goals and included discussion of WBD uses as being community gathering
places, rural residents' desire to take advantage of economic opportunities created by
WBD uses and the need for solid customer bases to allow small businesses to thrive.

Y. The county is required to balance protecting rural character and agricultural
resources in diverse communities, with creating space for rural industries to thrive within
those communities. The changes to WBD zoning regulations allow for WBDs at a size
and scale appropriate for the rural communities they are located in and add measures that
enhance enforceability of the regulations. The changes to WBD zoning regulations aim
to implement Comprehensive Plan Policy R-204, which encourages "the retention of
existing and establishment of new rural resource-based uses, with appropriate site
management and that protects habitat resources" and Comprehensive Plan Policy R-205
which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location" are appropriate in the Rural Area zones. The County continues to encourage and support the growing and harvesting of produce and crops in the rural area where on-site conditions can support successful farming activities, such as growing hops, berries or apples, and the changes made by this ordinance do not impact current allowances to grow and harvest.

Z. Comprehensive Plan Policy R-324 describes the type of nonresidential use appropriate for the Rural Area. Those include uses that "[p]rovide convenient local products and services for nearby residents," "[r]equire location in a Rural Area," "[s]upport natural resource-based industries" or "[p]rovide recreational and tourism opportunities that are compatible with the surrounding Rural Area," as long as the use is "sited, sized and landscaped to complement rural character" and "prevent impacts to the environment and function with rural services including on-site wastewater disposal."

Creating clear regulations for WBD uses, requiring uses to be sited, sized and landscaped to be compatible with rural character, and creating a winery, brewery, distillery land use business license so WBD uses can be better enforced and evaluated implements the policy. WBD uses provide convenient local products for rural residents, support agricultural resource-based industries and provide new regional recreational and tourism opportunities.

AA. K.C.C. Title 13 establishes standards for water facilities. In part, those standards prioritize connection to Group A water systems, then to Group B water
systems, followed by use of private wells, subject to specified criteria. WBD III uses in the RA zones are required to connect to a Group A water system, and WBD II uses are required to connect to a Group A or Group B water system. This ordinance adopts a clear standard that improves enforceability.

BB. The changes to WBD zoning regulations protect the Rural Area zones by limiting on-site tasting of products and sales for WBD manufacturing uses to the extent allowed by state law, and by allowing on-site tasting of products and sales only as accessory to production. This ordinance places a twenty percent maximum on spaces devoted to on-site tasting and sales of products, in order to prevent potential traffic and noise sometimes associated with those uses, and to prevent the more intensive impacts that they can have on rural character and nearby agricultural production districts.

CC. Other development regulations, including stormwater management, impervious surface, critical areas and landscaping requirements, remain in place and are unchanged.

DD. Existing special district overlays and property-specific development conditions are in effect and provide additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits
impervious surface maximums for WBD facilities in the RA zones to twenty five percent,
or the percentage identified in the zoning code, whichever is less, to be consistent with
rural character.

EE. During the study period preceding adoption of Ordinance 19030, many WBD
uses were found to be unaware of local health and building codes. Establishment of a
winery, brewery, distillery land use business license for WBD uses provides greater
certainty about where WBD uses are located, so that King County agencies can more
easily educate business owners and verify that they comply with county land use, health
and safety regulations.

FF. Public testimony on Ordinance 19030 included discussion of congestion on
local roads caused by population growth. With that concern in mind WBDs are banned
as home occupation or home industry uses which would allow any A or RA zoned
property to attempt to establish a WBD home occupation or home industry, and require
the largest WBD facilities to be sited where there is direct access to an arterial.

Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are
designed to accommodate higher traffic volumes, at higher speeds than local roads," and
the county should "encourage such traffic to use highways or arterials whenever
possible." Requiring larger WBD uses to utilize arterial roads responds to the public
testimony received and the Comprehensive Plan policies.

GG. Chapter 3 of the Comprehensive Plan states that "[t]he purposes of Rural
Town designations within the Comprehensive Plan are to recognize existing
concentrations of higher density and economic activity in Rural Areas and to allow
modest growth of residential and economic uses to keep them economically viable into
Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers for the Rural Area and Natural Resource Lands and may be served by a range of utilities and services, and may include several or all of the following land uses, if supported by necessary utilities and other services and if scaled and designed to protect rural character: a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and Natural Resource Lands population … c. Other retail, commercial, and industrial uses, such as resource industries, tourism, commercial recreation, and light industry." Remote tasting rooms are similar to other, more intensive uses contained within the stated categories and may be appropriately located in Rural Towns. Other Community Business and Regional Business zones, outside of Rural Towns, are located within the urban growth area or have access to an arterial.

The WBD zoning changes are intended to show a progression in a business's growth, from a small-scale production facility that only sells product off-site and to a small client base to a medium-sized facility that has grown large enough to support on-site tasting and sales to the general public, and to the largest-sized facility where the additional conditions are intended to limit the impacts of the facility. The development conditions reflect that intent and are designed to balance the various interests of the GMA and the Comprehensive Plan.

This ordinance attempts to respond to the board's January 2022 order by making changes to strengthen the protections for agricultural production districts and Agricultural zones, clarifying the regulations in the Rural Area zones, and removing provisions no longer permitted under the board's January 2022 order.

This ordinance reorganizes the regulations, so that all requirements for WBD
production facilities are located in the same chapter of code. This reorganization is shown with the substantive provisions for WBDs placed at the beginning of the ordinance, and followed by other changes, including changes to the winery, brewery, distillery land use business license, definitions, retail land use table, manufacturing land use table, home occupation and home industry, temporary use permits, and then repeal of certain provisions of Ordinance 19030.

KK. This ordinance responds to the board's January 2022 order with several substantive changes. To improve the protection of agricultural lands and agricultural production districts, this ordinance:

1. Prohibits all WBDs within the A zone. Removing the provision for WBDs in the A zone recognizes the lack of interest in WBDs to site within these zones. There are very few WBDs currently located within the A zone, and as of January 2022, the county has not received notice of application for any Washington state Liquor and Cannabis Board applications for WBDs within the A zone. Prohibiting WBDs would not prohibit growing grapes, hops, or other source materials within the A zone;

2. Requires all WBDs in other zones, including structures, associated parking and other impervious surfaces associated with the WBD, to be setback seventy-five feet from property lines adjoining agricultural zoned properties, with an allowance to reduce the setback for reuse of existing structures with a conditional use permit; and

3. Removes allowances for special events for WBDs in the A zone.

LL. This ordinance responds to the board's January 2022 order to protect and enhance rural character by making the following changes in the RA zone development conditions. These changes are carefully considered and balanced to reflect both the
requirements in Policy R-201 with other Comprehensive Plan policies, cited in subsections A. through KK. of this section, that call for the RA zone to be a mixed-use zone that encourages small-scale economic development and business activity:

1. Repealing remote tasting room demonstration project A, which authorized remote tasting rooms in a limited section of the RA zone for a time-limited period, but was invalidated by the board's January 2022 order and would not have been successful due to other underlying zoning requirements for nonresidential uses in the RA zone;

2. Strengthening on-site production requirements for WBD IIs and IIIs, by requiring that a minimum of three stages of production occur on-site, and a minimum of two be active stages;

3. Reducing the percentage of floor area that can be dedicated to on-site tasting and sales for WBD IIs and IIIs, and limiting the amount of area and percentage of sales that can be dedicated to incidental sales;

4. Limiting on-site tasting and sales to those products produced on-site, with exceptions for cited state liquor license allowances and for incidental retail items for WBD IIs and IIIs;

5. Limiting on-site tasting and sales hours of operation for WBD IIs and IIIs;

6. Adding a specific requirement for compliance with the county's surface water management regulations in K.C.C. Title 9 and the King County Surface Water Design Manual, during construction and operation of WBD IIs and IIIs. Many of these requirements already apply to WBDs and this specific cross-reference for the RA zone is intended to ensure that surface water management requirements are met throughout development and operation of the WBD, including but not limited to, requirements such
as prohibition of illicit discharges during crushing of products;

7. To address water use and water quality impacts, prohibiting distillery IIIs in basins closed to new wells due to the more intensive water use by distilleries; and requiring all WBD IIIs to be hooked up to a Group A or Group B water system;

8. Restricting issuance of the winery, brewery, distillery land use business license for new WBDs until after a building permit or change of occupancy permit has been issued, in order to ensure compliance with water and wastewater requirements, and requiring existing WBDs to obtain any required building permit or change of occupancy permit before the business receives full business license approval; and

9. Reducing the number of events for WBDs to one per month, with lower maximum guest sizes, and prohibiting events that would require permanent or temporary stages, or traffic control. The exemption from temporary use permit requirements, adopted in Ordinance 19030, for certain WBDs in the RA zone is also removed by this ordinance.

MM. Many of the changes above do not apply to WBD I in the RA zone, as this very small-scale production facility is not likely to cause impacts to rural character. In addition, in order to maintain the small-scale nature of WBD IIs, on-site tasting and sales are prohibited, to eliminate any impacts for these activities. WBDs that are intending to have on-site tasting and sales are at a larger scale than WBD I, and in order to protect rural character and avoid urban-looking uses in the rural area, would need to meet the more-stringent requirements for WBD II or III.

NN. This ordinance modifies the county's licensing program for WBDs in order to assist in enforcement of the county's WBD land use regulations, consistent with the
state liquor licensing law requirements. This ordinance also removes the allowance in Ordinance 19030 for nonconforming WBDs to obtain an initial county license while continuing to document or demonstrate a nonconforming status, and modifies the language regarding nonconforming status to clarify what is necessary to demonstrate a nonconforming status.

This ordinance also modifies the definitions for WBDs and remote tasting rooms to reflect changes to state allowances, and to remove general references to state law for on-site tasting and sales, that are more appropriately regulated in the development conditions.

Ordinance 19030 adopted an efficacy evaluation that is removed by this ordinance. This efficacy evaluation was closely tied to the remote tasting room demonstration project, which is also repealed by this ordinance, and to provisions related to WBDs in the A zone, which are prohibited by this ordinance.

SECTION 2. Sections 3 through 6 of this ordinance shall constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 3. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. The establishment and operation of any winery, brewery, distillery facility I, II or III is subject to the provisions of this chapter. Except as otherwise provided in this chapter, all other standards of the King County Code shall apply.

B. The following standards apply to all winery, brewery, distillery facilities:

1. The business operator shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;
2. Events may be allowed only with an approved temporary use permit under K.C.C. chapter 21A.32 and in conformance with section 6 of this ordinance;

3. Winery, brewery, distillery facility I, II or III, excluding those on Vashon-Maury Island, shall meet the standards in section 4 of this ordinance; and

4. Winery, brewery, distillery facility I, II or III on Vashon-Maury Island shall meet the standards in section 5 of this ordinance.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-Maury Island, the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

   b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

   (1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;
(2) sufficient existing or proposed landscape screening between the winery, 
brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

e. Product tasting or retail sales shall not be allowed on-site;

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

g. Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Department of Ecology.

2. For winery, brewery, distillery facility II:

a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;
b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located wholly within a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures devoted to winery, brewery, distillery facility uses shall not exceed seven thousand square feet;

c. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling.
At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site required by this subsection A.2.d. and that the on-site tasting and retail sales requirements in subsection A.2.e. of this section are met;


(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under
K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize a winery, brewery, distillery facility use with access directly to and from a public roadway if the winery, brewery, distillery facility use obtains a conditional use permit;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility;

j.(1) Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A or Group B water system. The definitions and limits of Group A and Group B water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140.
and 13.24.142.

(2) Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Washington state Department of Ecology; and

k. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds five thousand square feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

d. Structures, parking areas and impervious surfaces associated with winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the
following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

e. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of application for the initial or renewed winery, brewery, distillery land use business license under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site required by this subsection A.3.e. and the on-site tasting and retail sales requirements in subsection A.3.f. of this section are met;

(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

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

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

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

j. All requirements of K.C.C. Title 9, Surface Water Management, and the
adopted King County Surface Water Design Manual shall be met for construction and
operation of the winery, brewery, distillery facility; and

k. Wineries, breweries, and distilleries must comply with all commercial septic
system regulations and shall not be connected to a sewer system.

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:

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

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

c. The area devoted to on-site tasting or retail sales shall be included in the
aggregated floor area limitation in subsection B.1.a. of this section; and

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

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

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

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

D. In the I zone:

1. For winery, brewery, distillery facility III:

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

   b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

   c. Structures, parking areas and impervious surfaces associated with brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from
interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
d. Off-street parking for the tasting and retail areas shall be limited to a
maximum of one space per fifty square feet of tasting and retail areas.

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

For any winery, brewery, distillery facility I, II or III on Vashon-Maury Island the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

b. Structures, parking areas and impervious surfaces associated with winery,
brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;
(3) anticipated impacts to neighboring residential uses such as noise or odor; and

(4) parcel size, topography and proximity to critical areas;

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

e. Product tasting or retail sales shall not be allowed on-site; and

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

2. For winery, brewery, distillery facility II:

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

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

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling.

At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site as required by this subsection A.2.d. and the on-site tasting and retail sales requirements in subsection A.2.e. are met;

e.(1) Tasting and retail sales of products is limited to those produced on-site, as provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years' sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

Hours of operation for on-site tasting and retail sales of products shall be
limited to 11:00 a.m. through 8:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that this requirement shall not apply to winery, brewery, distillery facility business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019. The department may authorize a winery, brewery, distillery facility use with access directly to and from a public roadway for access if the winery, brewery, distillery facility use obtains a conditional use permit;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds five thousand square feet, the minimum site area shall be ten acres;
c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

d. Structures, parking areas and impervious surfaces associated with winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

e. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
on-site production shall include crushing, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site as required by this subsection A.3.e. and the on-site tasting and retail sales requirements in subsection A.3.f. of this section are met;


(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites that contain a building designated as historic resource under K.C.C. chapter 20.62;

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area;
(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average; and

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 8:00 p.m. daily;

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

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

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

   j. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility.

B. In the NB and CB zones:

   1. For winery, brewery, distillery facility II:

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

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

c. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.1.a. of this section; and

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

2. For winery, brewery, distillery facility III:

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

D. In the I zone:

1. For winery, brewery, distillery facility III:
   a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;
   b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;
   c. Structures, parking areas and impervious surfaces associated with brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
   d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

A. Uses regulated under this chapter shall be allowed to conduct on-site functions that are accessory to the principal winery, brewery, or distillery facility use, limited to those that are directly related to the on-site production of the winery, brewery, distillery facility use, including, but not limited to, tours of the facility, private tastings, product releases, or dinners with the alcohol producers. If an on-site activity includes any of the elements listed in subsection C. of this section, the on-site activity shall be subject to the
temporary use permit requirements under K.C.C. chapter 21A.32.

B. Winery, brewery, distillery facility functions and events requiring a temporary use permit under subsection C. of this section and K.C.C. chapter 21A.32 may not include any of the following activities:

1. Utilizing temporary or permanent stages;
2. Requiring traffic control for public rights-of-way; or
3. Except as allowed in subsection C.2. of this section, utilizing on-site parking that exceeds the maximum number of spaces allowed by this title.

C. A temporary use permit under K.C.C. chapter 21A.32 shall be required for any events at a winery, brewery, distillery facility that includes one or more of the following activities:

1. Exceeding the permitted building occupancy;
2. Utilizing off-site parking;
3. Utilizing temporary tents or canopies that require a permit;
4. Extending beyond allowed hours of operation; or
5. Utilizing portable toilets.

D. Temporary use permits shall be limited as follows:

1. The temporary use permit for events shall be effective for one year from the date of issuance and may be renewed annually as provided in K.C.C. 21A.32.120;
2. For a winery, brewery, distillery facility II and III in the RA zone, the temporary use shall not exceed one day per month and all event parking shall be accommodated on-site or managed through a parking management plan approved by the
director. This subsection D.2. applies only to the days that the event or events actually
take place;

3. For a winery, brewery, distillery facility II in the RA zones, in addition to all
other relevant facts, the department shall consider building occupancy and parking
limitations during permit review, and shall condition the number of guests allowed for a
temporary use based on those limitations. The department shall not authorize attendance
of more than seventy-five guests;

4. For a winery, brewery, distillery facility III in the RA zones, in addition to all
other relevant facts, the department shall consider building occupancy and parking
limitations during permit review, and shall condition the number of guests allowed for a
temporary use based on those limitations. The department shall not authorize attendance
of more than one hundred twenty-five guests;

5. Events for any winery, brewery, distillery facility I in the RA zone shall be
limited to two days per year, and limited to a maximum of fifty guests. If the event
complies with this subsection D.5., a temporary use permit is not required for a special
event for a winery, brewery, distillery facility I in the RA zone;

6. Events for winery, brewery, distillery facilities located outside of the RA
zone shall be limited to a total of sixty days per year. This subsection D.6. applies only
to the days that the event or events actually take place;

7. All functions and events authorized under this section shall comply with
K.C.C. chapter 12.86, Noise; and

8. Permitting shall set the maximum number of portable toilets for events based
on compliance with applicable laws, with no more than two portable toilets allowed for
any event.

E. A temporary use permit issued under this section shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection G. of this section;

F. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

G. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

1. The applicant shall make a written request and pay the applicable permit extension fees for renewal of the temporary use permit at least seventy days before the end of the permit period;

2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 7. Ordinance 19030, Section 4, and K.C.C. 6.74.010 are hereby amended to read as follows:

It is the purpose of this chapter to establish winery, brewery, distillery land use business licensing standards for adult beverage businesses) wineries, breweries and
distilleries located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents, and to assist with enforcement of land use related portions of the King County Code, including, but not limited to, the development conditions found in K.C.C. chapter 21A.xx (the new chapter created in section 2 of this ordinance), critical areas requirements found in K.C.C. chapter 21A.24, and health code requirements found in K.C.C. Title 13.

SECTION 8. Ordinance 19030, Section 5, and K.C.C. 6.74.020 are hereby amended to read as follows:

For the purpose of this chapter, unless the context clearly requires otherwise, (("adult beverage business")) "winery, brewery, distillery" means a winery, brewery, distillery ((or cidery, and)) facility or remote tasting room((s for any of those businesses)). A nonconforming home occupation and a nonconforming home industry is ((an "adult beverage business")) a "winery, brewery, distillery" for the purposes of this section.

SECTION 9. Ordinance 19030, Section 6, and K.C.C. 6.74.030 are hereby amended to read as follows:

A person or entity shall not operate or maintain ((an adult beverage business)) a winery, brewery, distillery facility in unincorporated King County unless the business has obtained a winery, brewery, distillery land use business license issued by the director as provided by this chapter. A current ((adult beverage business)) winery, brewery, distillery land use business license issued under this chapter shall be prominently displayed on the licensed premises. The ((adult beverage business)) winery, brewery, distillery land use business licensee shall comply with all applicable laws.
SECTION 10. Ordinance 19030, Section 7, and K.C.C. 6.74.040 are hereby amended to read as follows:

An application for a winery, brewery, distillery land use business license or license renewal shall be submitted in the name of the person, the persons or the entity proposing to operate the business. The application shall be signed by each person, or a responsible principal or officer of the entity proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

A. The full name and current residential, email and mailing address of each person, including all partners if the applicant is a partnership, and all officers or principals if the applicant is a corporation or limited liability company, and the Universal Business Identifier number, the identity of the registered agent and the address of the principal office, if the applicant is a corporation or limited liability company;

B. The name, street address and telephone number of the winery, brewery, distillery facility;

C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor license or non-retail liquor license with retail endorsement associated with the business address;

D. (For businesses in the A zone, a signed statement that at least sixty percent of the products to be used by the business are grown on site, as prescribed under K.C.C. 21A.08.030 and 21A.08.080)) For businesses in the RA zone:

1. A projection that demonstrates compliance with the incidental retail sales
limitation in chapter 21A.xx (the chapter created in section 2 of this ordinance), and for
renewals, documentation regarding incidental retail sales for previous years that
demonstrates compliance on a three-year average; and

2. Documentation that demonstrates that the equipment on-site is sufficient to
produce the quantity of products sold on-site to demonstrate compliance with the on-site
production and on-site tasting and retail sales requirements in chapter 21A.xx (the
chapter created in section 2 of this ordinance). Such documentation could include federal
or state reporting forms that document the on-site production quantities, verification of
purchase for equipment at that level of on-site production or calculations demonstrating
that the on-site tasting and retail sales requirements are met, or some combination of
documentation that the director deems sufficient to demonstrate compliance with the on-
site production and on-site tasting and retail sales requirements in chapter 21A.xx (the
chapter created in section 2 of this ordinance); ((and))

E. For any ((adult beverage)) business((es)) attempting to demonstrate legal
nonconforming use status under 6.74.080.B.((;)) and operating under an active
Washington state Liquor and Cannabis Board production license issued for ((their)) the
current location ((before December 31, 2019, and where King County did not object to
the location during the Washington state Liquor and Cannabis Board license application
process)), the applicant shall submit documentation sufficient to establish that the
requirements of K.C.C. ((Title)) chapter 21A.32 have been met, and documentation of the
county's response to the Washington state Liquor and Cannabis Board license notice of
application, if any. If King County objected to the current location during the
Washington state Liquor and Cannabis Board license application process, the Department
may presume that the associated use was not legally established and a license application
under this subsection D. shall be denied, unless the applicant can clearly establish that the
objection was based on an erroneous interpretation of K.C.C. Title 21A; and

F. A statement acknowledging that the director or designee may conduct site
inspections in accordance with K.C.C. 6.01.110.

SECTION 11. Ordinance 19030, Section 8, and K.C.C. 6.74.050 are hereby
amended to read as follows:

An applicant for ((an adult beverage business)) a winery, brewery, distillery land
use business license or renewal under this chapter shall pay an application fee at the time
of application submittal. The nonrefundable application fee for ((an adult beverage
business)) a winery, brewery, distillery land use business license or renewal is one
hundred dollars.

SECTION 12. Ordinance 19030, Section 9, and K.C.C. 6.74.060 are hereby
amended to read as follows:

The director shall deny, suspend or revoke a winery, brewery, distillery land use
business license issued under this chapter if the Washington state Liquor and Cannabis
Board does not issue a license to the business, or if the department of local services,
permitting division receives notice that the state license issued to the business is
suspended or revoked, or was not reissued, or if, after an investigation, the director
determines that the proposed business location does not comply with K.C.C. Title 21A.
A business owner whose application for a winery, brewery, distillery land use business
license has been denied or whose winery, brewery, distillery land use business license has
been suspended or revoked may appeal the decision to the office of the hearing examiner
in accordance with K.C.C. 6.01.150.

SECTION 13. Ordinance 19030, Section 10, and K.C.C. 6.74.070 are hereby amended to read as follows:

((An adult beverage business)) A winery, brewery, distillery land use business license expires one year from the date the ((business)) license is issued by the department of local services, permitting division. To avoid a lapse in the effectiveness of a license, an application to renew a license ((must)) shall be submitted to the director, on a form provided by the director, at least thirty days before the expiration of the ((business)) previous license. ((An adult beverage business)) A winery, brewery, distillery land use business license renewal expires one year from the previous license's expiration date.

SECTION 14. Ordinance 19030, Section 11, and K.C.C. 6.74.080 are hereby amended to read as follows:

A. ((Within thirty days of the director's receipt of a complete adult beverage business license application, the director shall issue or deny the license.)) 1.a. The director shall not issue the initial winery, brewery, distillery land use business license until the director has either issued all county required building or change of occupancy permits for the winery, brewery, distillery in conformance with the requirements of this chapter, K.C.C. chapters 21A.xx (the new chapter created in section 2 of this ordinance), 16.02 and 16.04 or determined in writing that a building or change of occupancy permit is not required for basic operations to establish the use. A license application may be denied if the applicant has not obtained all required permits within a reasonable time, except as provided in subsection A.1.b. of this section;

b. For any winery, brewery, distillery business operating under an active
Washington state Liquor and Cannabis Board production license issued for the current location before June 21, 2021, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process:

(1) if all other requirements of this chapter and life safety requirements are met, the director shall issue the first business license regardless of whether a building permit or change of occupancy permit has been issued:

(2) the first business license shall be valid for a maximum of twelve months from the date of issuance and may be extended, for additional six month periods, if the director determines that the business operator has taken substantial steps to obtain a building permit or change of occupancy permit; and

(3) additional extensions or renewals shall not be approved or issued beyond the first license if the business operator has not taken substantial steps to obtain a building permit or change of occupancy permit.

2. If the requirements of subsection A.1. of this section have been met, within thirty days of the director's receipt of a complete renewal application, the director shall issue or deny the renewal.

B. For any adult beverage businesses winery, brewery, distillery facility operating under an active Washington state Liquor and Cannabis Board production license issued for the current location, before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance.
business license may be extended, at no charge to the applicant, for an additional six
months, if the director determines that the business operator has taken substantial steps to
document compliance with K.C.C. Title 21A. Subsequent) winery, brewery, distillery
land use business licenses or renewals for such locations shall only be approved by the
director if:

1. The applicant has established that requirements ((to establish a)) for legal
nonconforming uses set forth in K.C.C. Title 21A have been met;

2. The applicant has otherwise established a vested or legal nonconforming use;

3. ((The director determines that the business operator has taken substantial
steps to document compliance with K.C.C. Title 21A; or

4.)) The business ((has come into conformance)) conforms with the
winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted
in K.C.C. 21A.08.070(()) or 21A.08.080 ((or K.C.C. 21A.55.110)) and K.C.C. chapter
21A.xx (the new chapter created by section 2 of this ordinance).

SECTION 15. Ordinance 1888, Article III, Section 3, as amended, and K.C.C.
6.01.130 are hereby amended to read:

A. The director shall issue a notice and order, pursuant to K.C.C. 6.01.120,
directed to the person whom the director has determined to be in violation of any of the
terms and provisions of any business license ordinance. The notice and order shall
contain:

1. The street address, when available, and a legal description sufficient for
identification of the premises upon which the violation occurred;
2. A statement that the director has found the conduct of the person to be in violation of any business license ordinance, with a brief and concise description of the conditions found to render the person in violation of the business license ordinance;

3. A statement of any action required to be taken as determined by the director.

If the director has determined to assess a civil penalty, the order shall require that the penalty shall be paid within a time certain from the date of the order as determined by the director to be reasonable;

4. A statement of any action taken by the director; and

5. Statements advising that:

a. (1) for actions of the director arising under K.C.C. chapter 6.64, for-hire transportation, or K.C.C. chapter 6.74, winery, brewery, distillery land use business license appeals, the person may appeal (from the notice and order of any action of the director arising under K.C.C. chapter 6.64, for-hire transportation) to the office of the hearing examiner in accordance with K.C.C. 20.22.080; or

(2) the person may appeal (from the notice and order) any action of the director, other than those arising under K.C.C. chapter 6.64 or 6.74, to the office of the hearing examiner, but only if the appeal is made in writing as provided in this chapter and filed with the director within seven days from the date of service of such notice and order;

b. the failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the person either personally or by mailing a copy of the notice and order.
order by certified mail, postage prepaid, return receipt requested to the person at the
person’s address as it appears on the license, registration or permit. Service by certified
mail in the manner provided in this section shall be effective on the date of mailing.

C. Proof of service of the notice and order shall be made at the time of service by
a written declaration under penalty of perjury executed by the person effecting service,
declaring the time, date, and manner in which service was made.

SECTION 16. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties
aggrieved by actions of the director pursuant to any business license ordinance. The
examiner may adopt reasonable rules or regulations for conducting its business. Copies of
all rules and regulations adopted by the examiner shall be delivered to the director, who
shall make them freely accessible to the public. All decisions and findings of the examiner
shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and (adult beverage
businesses) winery, brewery, distillery land use business license appeals under K.C.C.
chapter 6.74 shall be filed in accordance with K.C.C. 20.22.080 and the hearing process
conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this
section do not apply to this subsection B.

C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and
order or any action of the director by filing at the office of the director within seven days
from the date of service of such order, a written appeal containing;

1. A heading in the words: "Before the Office of the Hearing Examiner";
2. A caption reading: "Appeal of ..........." giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

6. The signatures of all parties named as appellants, and their official mailing addresses; and

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix a date, time and place for the hearing of the appeal. The date shall be neither less than ten days nor more than sixty days from the date the appeal was filed with the director. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each appellant by the examiner either by causing a copy of the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence as is pertinent and material to the action of the director.
F. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.

G. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

SECTION 17. Ordinance 19030, Section 13, and K.C.C. 21A.06.996 are hereby amended to read as follows:

Remote tasting room: A small facility licensed by the Washington state Liquor and Cannabis Board and limited to the following non-retail liquor licenses: an off-site tasting room license for a distillery licensed as a Distillery or Craft Distillery; a Tasting Room - Additional Location for a winery licensed as a Domestic Winery; or a Microbrewery, including, but not limited to, a Microbrewery operating in accordance with an off-site tavern license subject to the retail sale limitations for a Microbrewery in WAC 314-20-015(1). "Remote tasting room" does not include any additional privileges allowed for such licenses or approvals or any use that would require a license under chapter 314-02 WAC, except as specifically set forth in this chapter.

SECTION 18. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427 are hereby amended to read as follows:

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the Washington state Liquor and Cannabis Board to produce alcoholic beverages including, but not limited to, wine, cider,
beer and distilled spirits, ((and that includes an adult beverage production use such as))
through stages of production including, but not limited to, crushing or milling, pressing,
fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or
packaging. A winery, brewery, distillery facility I may include additional production-
related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as
authorized by state law)). On-site tasting of products or retail sales are not allowed.
"Winery, brewery, distillery facility I" does not include any additional privileges or uses
that would require a retail liquor license((s)) that would be authorized by chapter 314-02
WAC.

SECTION 19. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B are hereby
amended to read as follows:
Winery, brewery, distillery facility II: A small-scale production facility licensed
by the ((state of)) Washington state Liquor and Cannabis Board to produce ((adult
beverages such as)) alcoholic beverages including, but not limited to, wine, cider, beer
and distilled spirits ((and that includes an adult beverage production use such as)) through
stages of production including, but not limited to, crushing or milling, pressing,
fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or
packaging. A winery, brewery, distillery facility II may include additional production-
related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as
authorized by state law), on-site tasting of products and sales as authorized by state law
and sales of merchandise related to products available for tasting as authorized by state
law)). "Winery, brewery, distillery facility II" does not include any additional privileges
or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

SECTION 20. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C are hereby amended to read as follows:

Winery, brewery, distillery facility III: A production facility licensed by the state of Washington state Liquor and Cannabis Board to produce adult beverages such as alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits (and that includes an adult beverage production use such as) through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or packaging. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas ((as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available as authorized by state law)). "Winery, brewery, distillery facility III" does not include any additional privileges or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

SECTION 21. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are hereby amended to read as follows:

A. Retail land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>C-Conditional Use</th>
<th>S-Special Use</th>
<th>RESOURCES</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIC#</td>
<td>SPECIFIC LAND USE</td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
<td>UR</td>
</tr>
</tbody>
</table>

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LSLU Meeting Materials Page 622 May 24, 2022
<p>| * Building Materials and Hardware Stores | P23 | | P2 | P | P |
| * Retail Nursery, Garden Center and Farm Supply Stores | P1 C1 | P1 C1 | P | P | P |
| * Forest Products Sales | P3 and 4 | P4 | P3 and 4 | | P |
| * Department and Variety Stores | | C14a | P14 | P5 | P | P |
| 54 Food Stores | | C15a | P15 | P | P | P | C | P6 |
| * Motor Vehicle and Boat Dealers | | | | | | | | | P8 | P |
| 553 Auto Supply Stores | | | | | | | | | P9 | P9 | P |
| 554 Gasoline Service Stations | | | P | P | P | P | | | |
| 56 Apparel and Accessory Stores | | | | | | | | | | P | P |
| * Furniture and Home | | | | | | | | | | P | P |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Furnishings Stores</td>
<td>P21 C19</td>
</tr>
<tr>
<td>Eating and Drinking Places</td>
<td>P20 C16</td>
</tr>
<tr>
<td>Remote Tasting Room</td>
<td>(P13)</td>
</tr>
<tr>
<td>Drug Stores</td>
<td>C15 P15</td>
</tr>
<tr>
<td>Marijuana retailer</td>
<td>P26 C27</td>
</tr>
<tr>
<td>Liquor Stores</td>
<td>P</td>
</tr>
<tr>
<td>Used Goods: Antiques/Secondhand Shops</td>
<td>P</td>
</tr>
<tr>
<td>Sporting Goods and Related Stores</td>
<td>P22 and 29</td>
</tr>
<tr>
<td>Book, Stationery, Video and Art Supply Stores</td>
<td>C15a P15</td>
</tr>
<tr>
<td>Jewelry Stores</td>
<td>P</td>
</tr>
<tr>
<td>Monuments, Tombstones, and Gravestones</td>
<td>P</td>
</tr>
<tr>
<td>Hobby, Toy, Game Shops</td>
<td>P</td>
</tr>
<tr>
<td>Photographic and Electronic Shops</td>
<td>P</td>
</tr>
<tr>
<td>Fabric Shops</td>
<td>P</td>
</tr>
<tr>
<td>Fuel Dealers</td>
<td>C11 P</td>
</tr>
</tbody>
</table>

* indicates special categories.
B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area.

1.b. The site area shall be at least four and one-half acres;

1.c. Sales may include locally made arts and crafts; and

1.d. Outside lighting is permitted if no off-site glare is allowed.

2. Only hardware stores.

3.a. Limited to products grown on site.

3.b. Covered sales areas shall not exceed a total area of five hundred square feet.

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
6. Limited to a maximum of five thousand square feet of gross floor area.

7.a. Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and

b. The business operator shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74.

8. Excluding retail sale of trucks exceeding one-ton capacity.

9. Only the sale of new or reconditioned automobile supplies is permitted.


11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. ((Permitted as part of the demonstration project authorized by K.C.C. 21A.55.110)) Repealed.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

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

15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
16. a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Repealed.

18. Repealed.

19. Only as:
   a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or
   b. an accessory use to a recreation or multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:
   a. an accessory use to a recreation or multiuse park; or
   b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.

22. Only as an accessory use to:
   a. a large active recreation and multiuse park in the urban growth area; or
   b. a park, or a recreation or multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.
23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork and:
   a. limited to lumber milled on site; and
   b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

24. Requires at least five farmers selling their own products at each market and the annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

25. Limited to sites located within the urban growth area and:
   a. The sales area shall be limited to three hundred square feet and must be removed each evening;
   b. There must be legal parking that is easily available for customers; and
   c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.
   b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.
c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.

d. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and
(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

e. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 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 and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;

and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.26.a. and B.26.b. of this section.

27. Per lot, limited to a maximum aggregated total of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and;
a. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and any lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity; and

b. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and
(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

c. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 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 and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;

and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

28. If the agricultural product sales or livestock sales is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.
29. Businesses selling firearms that have a storefront, have hours during which it is open for business, and post advertisements or signs observable to passersby that firearms are available for sale shall be located at least five hundred feet or more from any elementary, middle/junior high and secondary or high school properties. Businesses selling firearms in existence before June 30, 2020, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses.

SECTION 22. Ordinance 10870, Section 335, as amended, and K.C.C. 20A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P2</td>
</tr>
<tr>
<td>*</td>
<td>Winery/Brewery /Distillery Facility I</td>
<td></td>
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<td>P((P2))</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td>C((P2))</td>
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<tr>
<td>*</td>
<td>Winery/Brewery /Distillery Facility II</td>
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<td></td>
<td>Winery/Brewery /Distillery Facility III</td>
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<td></td>
<td></td>
<td></td>
<td>C((P2))</td>
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<tr>
<td>*</td>
<td>Materials Processing Facility</td>
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<td>P13 C</td>
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<td>22</td>
<td>Textile Mill Products</td>
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<td>23</td>
<td>Apparel and other Textile Products</td>
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<td>24</td>
<td>Wood Products, except furniture</td>
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<td>25</td>
<td>Furniture and Fixtures</td>
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<td>26</td>
<td>Paper and Allied Products</td>
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<td>27</td>
<td>Printing and Publishing</td>
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<td></td>
<td>Marijuana Processor I</td>
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<td>P27</td>
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<td>28</td>
<td>Chemicals and Allied Products</td>
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<td>2911</td>
<td>Petroleum Refining and Related Industries</td>
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<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
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<td>31</td>
<td>Leather and Leather Goods</td>
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<td>32</td>
<td>Stone, Clay, Glass and Concrete Products</td>
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<td>P9</td>
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<td>33</td>
<td>Primary Metal Industries</td>
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<td>34</td>
<td>Fabricated Metal Products</td>
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<tr>
<td>35</td>
<td>Industrial and Commercial Machinery</td>
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<tr>
<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
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<tr>
<td>357</td>
<td>Computer and Office Equipment</td>
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</tbody>
</table>

* Note: Columns 1 and 2 are placeholders for specific codes or identifiers related to each category.
| 36 | Electronic and other Electric Equipment | C | P |
| 374 | Railroad Equipment | C |
| 376 | Guided Missile and Space Vehicle Parts | C |
| 379 | Miscellaneous Transportation Vehicles | C |
| 38 | Measuring and Controlling Instruments | C | C | P |
| 39 | Miscellaneous Light Manufacturing | C | P |
| * | Motor Vehicle and Bicycle Manufacturing | C |
| * | Aircraft, Ship and Boat Building | P10C |
| 7534 | Tire Retreading | C | P |
| 781-82 | Movie Production/Distribution | P | P |

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

3. (a. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

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

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

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

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

g. In the A zone, structures and area for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA zone that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;
i. Access to the site shall be directly to and from an arterial roadway, except that this requirement shall not apply on Vashon-Maury Island to winery, brewery, distillery facility business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

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

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

Winery, brewery, distillery facility I, II, and III uses shall comply with the standards in K.C.C. chapter 21A.xx (the new chapter created by section 2 of this ordinance).

4. Limited to rough milling and planing of products grown on-site with portable equipment.

5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the minimum site area is four and one-half acres.

7. Limited to photocopying and printing services offered to the general public.

8. Only within enclosed buildings, and as an accessory use to retail sales.


10. Limited to boat building of craft not exceeding forty-eight feet in length.

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12. (a. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

(b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

(c. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the minimum site area shall be ten acres;

(d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;
e. Structures and parking areas for winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

h. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a non-agricultural accessory use;

i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury
Island to winery, brewery, or distillery business locations in use and licensed to produce
by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
in the RA zone that contain a building designated as historic resource under K.C.C.
chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
site is allowed subject to the restrictions described in this subsection B.3. Hours of
operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
11:00 a.m. through 9:00 p.m.;

j. Access to the site shall be directly to and from an arterial roadway;
k. Off-street parking maximums shall be determined through the conditional
use permit process, and should not be more than one hundred fifty percent of the
minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
l. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.74;
m. Events may be allowed with an approved temporary use permit under
K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;
and
n. The impervious surface associated with the winery, brewery, distillery
facility use shall not exceed twenty-five percent of the site, or the maximum impervious
surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
whichever is less)) Repealed.
13. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
   a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or
   b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.

14. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
   a. as accessory to a primary mineral use; or
   b. as a continuation of a mineral processing use only for that period to complete delivery of products or projects under contract at the end of mineral extraction.

15. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

16. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.

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

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

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

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

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

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

18. Limited to:

a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
Millwork, as follows:

(1) If using lumber or timber grown off-site, the minimum site area is four
and one-half acres;

(2) The facility shall be limited to an annual production of no more than one
hundred fifty thousand board feet;
(3) Structures housing equipment used in the operation shall be located at least one-hundred feet from adjacent properties with residential or rural area zoning;

(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

(6) Outside lighting is limited to avoid off-site glare; and

b. SIC Industry No. 2411-Logging.

19. Limited to manufacture of custom made wood furniture or cabinets.

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

b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;

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

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

e. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

21.a. Only in the CB and RB zones located outside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

22.a. Only in the CB and RB zones located outside the urban growth area;

b. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site.
23.a. Only in the CB and RB zones located inside the urban growth area; b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.24. of this section.

24.a. Only in the CB and RB zones located inside the urban growth area; b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of thirty thousand square feet.

25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
b. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
c. Per lot, limited to a maximum aggregate total of two thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana together with any separately authorized production of marijuana.

b. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana together with any separately authorized production of marijuana.

27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis
Board marijuana license application process, shall be considered nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Only allowed on lots of at least four and on-half acres on Vashon-Maury Island;
e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres, except on Vashon-Maury Island;
f. Only as an accessory use to a Washington state Liquor Cannabis Board licensed marijuana production facility on the same lot; and
g. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

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

((29.a. Tasting and retail sales of products produced on site, and merchandise related to the products produced on site, may be provided in accordance with state law;
b. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines

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adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

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

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

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

d. Tasting and retail sales of products produced on-site may occur only as
accessory to the primary winery, brewery, distillery production use and may be provided
in accordance with state law. The area devoted to on-site tasting or retail sales shall be
limited to no more than thirty percent of the aggregated floor area and shall be included
in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury
Island to winery, brewery, or distillery business locations in use and licensed to produce
by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
in the RA zone that contain a building designated as historic resource under K.C.C.
chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
site is allowed subject to the restrictions described in this subsection B.3. Hours of
operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
11:00 a.m. through 9:00 p.m.;

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

f. Off-street parking is limited to a maximum of one hundred fifty percent of
the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
g. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.74;

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

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

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

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

b. Tasting and retail sale of products produced on-site and merchandise related to the products produced on-site may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

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

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

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

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

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

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

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

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

or distilling;

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

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

h. The impervious surface associated with the winery, brewery, distillery

facility use shall not exceed twenty-five percent of the site or the maximum impervious

surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,

whichever is less.))

SECTION 23. Ordinance 10870, Section 407, as amended, and K.C.C.

21A.18.030 are hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking

areas shall contain at a minimum the number of parking spaces as stipulated in the

following table. Off-street parking ratios expressed as number of spaces per square feet

means the usable or net square footage of floor area, exclusive of non-public areas. Non-

public areas include but are not limited to building maintenance areas, storage areas,

closets or restrooms. If the formula for determining the number of off-street parking

spaces results in a fraction, the number of off-street parking spaces shall be rounded to

the nearest whole number with fractions of 0.50 or greater rounding up and fractions

below 0.50 rounding down.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MINIMUM PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL (K.C.C. 21A.08.030.A):</td>
<td></td>
</tr>
<tr>
<td>Single detached/Townhouse</td>
<td>2.0 per dwelling unit</td>
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<tr>
<td>Apartment:</td>
<td></td>
</tr>
<tr>
<td>Type of Housing</td>
<td>どのように分布するか</td>
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<tr>
<td>---------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Studio units</td>
<td>1.2 per dwelling unit</td>
</tr>
<tr>
<td>One bedroom units</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>Two bedroom units</td>
<td>1.7 per dwelling unit</td>
</tr>
<tr>
<td>Three bedroom units or larger</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Senior citizen assisted</td>
<td>1 per 2 dwelling or sleeping units</td>
</tr>
<tr>
<td>Community residential facilities</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Dormitory, including religious</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Hotel/Motel including organizational hotel/lodging</td>
<td>1 per bedroom</td>
</tr>
<tr>
<td>Bed and breakfast guesthouse</td>
<td>1 per guest room, plus 2 per facility</td>
</tr>
<tr>
<td>Cottage housing</td>
<td>1 per dwelling unit</td>
</tr>
</tbody>
</table>

**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

<table>
<thead>
<tr>
<th>Recreation/culture uses:</th>
<th>1 per 300 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Bowling center</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Golf course</td>
<td>3 per hole, plus 1 per 300 square feet of club house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
</tr>
<tr>
<td>Building Type</td>
<td>Minimum Parking Spaces Required</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
</tr>
<tr>
<td>Conference center</td>
<td>1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES REQUIRED**

**GENERAL SERVICES (K.C.C. 21A.08.050.A):**

<table>
<thead>
<tr>
<th>General services uses:</th>
<th>Minimum Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>General services uses:</td>
<td>1 per 300 square feet</td>
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<tr>
<td>Exceptions:</td>
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<tr>
<td>Funeral home/Crematory</td>
<td>1 per 50 square feet of chapel area</td>
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<tr>
<td>Daycare I</td>
<td>2 per facility</td>
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<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
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<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</td>
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<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Secondary schools</td>
<td></td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td>Vocational schools</td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>Specialized instruction</td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Artist Studios</td>
<td>.9 per 1,000 square feet of area used for studios</td>
</tr>
</tbody>
</table>

**GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):**

<table>
<thead>
<tr>
<th>Government/business services uses:</th>
<th>1 per 300 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td>Location</td>
<td>Parking Spaces Required</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Courts</td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td>Police facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Fire facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Construction and trade</td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Warehousing and storage</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Self-service storage</td>
<td>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</td>
</tr>
<tr>
<td>Outdoor advertising services</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Heavy equipment repair</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**LAND USE MINIMUM PARKING SPACES REQUIRED**

**RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):**

Retail trade uses: 1 per 300 square feet

Exceptions:
<table>
<thead>
<tr>
<th>Type</th>
<th>Per Acreage/Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Remote tasting rooms</td>
<td>1 per 300 square feet of tasting and retail areas</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**MANUFACTURING (K.C.C. 21A.08.080.A):**

<table>
<thead>
<tr>
<th>Type</th>
<th>Per Acreage/Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery Facility ((II and III))</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

**RESOURCES (K.C.C. 21A.08.090.A):**

<table>
<thead>
<tr>
<th>Type</th>
<th>(director)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>

**REGIONAL (K.C.C. 21A.08.100.A):**

<table>
<thead>
<tr>
<th>Type</th>
<th>(director)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>

B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking.
requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

C. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zoning classification and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every twelve spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(1) Park/playfield,

(2) Marina,

(3) Library/museum/arboretum,

(4) Elementary/secondary school,
(5) Sports club, or
(6) Retail business (when located along a developed bicycle trail or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than ten people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

SECTON 24. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are hereby amended to read as follows:

In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, only if:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the floor area of the dwelling unit.
B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. All the activities of the home occupation or occupations shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation or occupations;

D. A home occupation or occupations is not limited in the number of employees that remain off-site. No more than one nonresident employee shall be permitted to work on-site for the home occupation or occupations;

E. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting;

3. Parking and storage of heavy equipment;

4. Storage of building materials for use on other properties;

5. Hotels, motels or organizational lodging;

6. Dry cleaning;

7. Towing services;

8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation;

9. Veterinary clinic;

10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation (adult beverage) winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for ((their)) the current location before December 31, 2019, ((and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,)) shall be ((considered legally nonconforming and)) allowed to remain in ((their)) the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 ((if the use is in compliance with this section as of December 31, 2019)). Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The resident operator of a nonconforming winery, brewery, (or) distillery or remote tasting room home occupation shall obtain ((an adult beverage business)) a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed by the home occupations; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;

H. On-site services to patrons are arranged by appointment;

I. The home occupation or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site, only if:

1. No more than one such a vehicle is allowed; and

2. The vehicle is not stored within any required setback areas of the lot or on adjacent streets; and

3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

J. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;

2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises;

K. There shall be no exterior evidence of a home occupation, other than growing or storing of plants under subsection C. of this section or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;
L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

M. Uses not allowed as home occupations may be allowed as a home industry under K.C.C. 21A.30.090.

SECTION 25. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are hereby amended to read as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. Total outdoor area of all home occupations shall be permitted as follows:

1. For any lot less than one acre: Four hundred forty square feet; and
2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet.

D. Outdoor storage areas and parking areas related to home occupations shall be:

1. No less than twenty-five feet from any property line; and
2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:

   a. planting of Type II landscape buffering; or
   b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping;
E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site;

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and

2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;

2. Telephone, Internet or other electronic commerce sales with off-site delivery;

3. Items accessory to a service provided to patrons who receive services on the premises;

4. Items grown, produced or fabricated on-site; and

5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:

   a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);

   b. electronics and appliances (NAICS Code 443); and

   c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or

3. Increase average vehicular traffic by more than four additional vehicles at any given time;

I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

J. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Hotels, motels or organizational lodging;

2. Dry cleaning;

3. Automotive towing services, automotive wrecking services and tow-in parking lots;

4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and

5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms, except that home occupation ((adult beverage)) winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for ((their)) the current location before December 31, 2019, ((and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,)) shall be ((considered legally nonconforming and)) allowed to remain in ((their)) the current location subject to
compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 (if the use is in compliance with this section as of December 31, 2019). Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery, distillery or remote tasting room shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;
K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and
L. The home occupation or occupations may use or store vehicles, as follows:
1. The total number of vehicles for all home occupations shall be:
a. for any lot five acres or less: two;
b. for lots greater than five acres: three; and
c. for lots greater than ten acres: four;
2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and
3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section.

SECTION 26. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:
A resident may establish a home industry as an accessory activity, as follows:
A. The site area is one acre or greater;
B. The area of the dwelling unit used for the home industry does not exceed fifty percent of the floor area of the dwelling unit.

C. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home industry;

D. No more than six nonresidents who work on-site at the time;

E. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employee of the home industry; and
2. One stall for customer parking;

F. Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:

1. One thousand square feet of building floor area; and
2. Two thousand square feet of outdoor work or storage area;

G. Sales are limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

H. Ten feet of Type I landscaping are provided around portions of parking and outside storage areas that are otherwise visible from adjacent properties or public rights-of-way;

I. The department ensures compatibility of the home industry by:

1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88;

J. Recreational marijuana processors, recreational marijuana producers and recreational marijuana retailers shall not be allowed as home industry; and
K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall not be allowed as home industry, except that home industry (adult beverage) winery, brewery, distillery businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit application before December 31, 2019, shall be (considered legally nonconforming and) allowed to remain in (their) the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home industry shall obtain ((an adult beverage business)) a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74.

SECTION 27. Ordinance 10870, Section 547, as amended, and K.C.C. 21A.32.100 are hereby amended to read as follows:

Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for any of the following:
A. A use not otherwise permitted in the zone that can be made compatible for a period of up to sixty days a year;

B. The expansion of an established use that:
   1. Is otherwise allowed in the zone;
   2. Is not inconsistent with the original land use approval;
   3. Exceeds the scope of the original land use approval; and
   4. Can be made compatible with the zone for a period of up to sixty days a year;

or

C. Events at a winery, brewery, distillery facility (or remote tasting room that include one or more of the following activities:
   1. Exceeds the permitted building occupancy;
   2. Utilizes portable toilets;
   3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;
   4. Utilizes temporary stages;
   5. Utilizes temporary tents or canopies that require a permit;
   6. Requires traffic control for public rights of way; or
   7. Extends beyond allowed hours of operation)) under section 6 of this ordinance.

SECTION 28. Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110 are hereby amended to read as follows:
A. The following uses shall be exempt from requirements for a temporary use permit when located in the RB, CB, NB, O or I zones for the time period specified below in this subsection A.:

1. Uses not to exceed a total of thirty days each calendar year:
   a. Christmas tree lots; and
   b. Produce stands.

2. Uses not to exceed a total of fourteen days each calendar year:
   a. Amusement rides, carnivals or circuses;
   b. Community festivals; and
   c. Parking lot sales.

B. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Christmas tree sales not exceeding a total of thirty days each calendar year when located on Rural Area (RA) zoned property with legally established non-residential uses shall be exempt from requirements for a temporary use permit.

(E. Events at a winery, brewery, distillery facility II or III shall not require a temporary use permit if:

a. The business is operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process;
b. The parcel is at least eight acres in size;

e. The structures used for the event maintain a setback of at least one hundred fifty feet from interior property lines;

d. The parcel is located in the RA zone;

e. The parcel has access directly from and to a principal arterial or state highway;

f. The event does not use amplified sound outdoors before 12:00 p.m. or after 8:00 p.m.

2. Events that meet the provisions in this subsection E. shall not be subject to the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than an annual average of eight days per month.

SECTION 29. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby amended to read as follows:

Except as otherwise provided in this chapter, or in K.C.C. chapter 21A.45 or section 6 of this ordinance, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection D. of this section;

B.1. The temporary use shall not exceed a total of sixty days in any three-hundred-sixty-five-day period. This subsection B.1 applies only to the days that the event or events actually take place.

2. ((For a winery, brewery, distillery facility II and III in the A zone, the temporary use shall not exceed a total of two events per month and all event parking must...))
be accommodated on-site or managed through a parking management plan approved by
the director. This subsection B.2. applies only to the days that the event or events
actually take place.

3. For a winery, brewery, distillery facility II and III in the RA zone, the
temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
five-day period and all event parking must be accommodated on-site or managed through
a parking management plan approved by the director. This subsection B.3. applies only
to the days that the event or events actually take place.

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
to all other relevant facts, the department shall consider building occupancy and parking
limitations during permit review, and shall condition the number of guests allowed for a
temporary use based on those limitations. The department shall not authorize attendance
of more than one hundred fifty guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
to all other relevant facts, the department shall consider building occupancy and parking
limitations during permit review, and shall condition the number of guests allowed for a
temporary use based on those limitations. The department shall not authorize attendance
of more than two hundred fifty guests.

6.) Events for ((any winery, brewery, distillery facility I in the RA zone,)) any
nonconforming winery, brewery, distillery facility home occupation, or any
nonconforming winery, brewery, distillery facility home industry shall be limited to two
per year, and limited to a maximum of fifty guests. If the event complies with this
subsection ((B.6.)) B.2., a temporary use permit is not required for a special event for a
For a winery, brewery, distillery facility II and III in the RA zone, events exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use permit shall not be subject to the provisions of this section);

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

1. The applicant shall make a written request and pay the applicable permit extension fees for renewal of the temporary use permit at least seventy days before the end of the permit period;

2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 30. The following are hereby repealed:

A. Ordinance 19030, Section 28;
B. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

C. Ordinance 19030, Section 32.

SECTION 31. Map Amendment #1 is hereby adopted, as shown in Attachment A to this ordinance.

SECTION 32. Before the moratorium adopted by Ordinance 19309 expires, the executive shall contact known winery, brewery, distillery businesses with information regarding the changes to the regulations made by this ordinance and Proposed Ordinance 2022-0148 if it is adopted, and develop materials for technical assistance for winery, brewery, distillery businesses.

SECTION 33. A. The executive shall transmit a winery, brewery, distillery environmental evaluation report which includes the following topics:

1. Interior lot line setback requirements for winery, brewery, distillery facilities, including evaluation of other similar uses allowed in the RA zone and the setbacks required for them, evaluation of the setbacks adopted by this ordinance, evaluation of the setback necessary to implement the policies of the Comprehensive Plan regarding preservation of rural character, protection of farmland and support of rural economic development, and the environmental impacts of various proposed setbacks; and

2. Functions and events for winery, brewery, distillery facilities, including the criteria for obtaining a temporary use permit and the requirements for functions and events that are established in this ordinance, and the environmental impact of these requirements and any proposed changes; and

3. Winery, brewery, distillery use environmental impacts on riparian and shoreline habitats, water quality, water quantity including volumes and velocities, vegetation
communities and habitat structures and the county's obligations to protect threatened and
endangered salmonid species, and recommended changes to winery, brewery, distillery use
regulations.

B. The executive shall electronically file the winery, brewery, distillery
environmental evaluation report no later than October 1, 2022 with the clerk of the council,
who shall retain the original and provide an electronic copy to all councilmembers, the
council chief of staff and the lead staff for the local services and land use committee or its
successor.

SECTION 34. Contingent effective date. Sections 2 through 31 of this
ordinance take effect only upon adoption of Proposed Ordinance 2022-0148.

SECTION 35. Severability. If any provision of this ordinance or its application
to any person or circumstance is held invalid, the remainder of the ordinance or the
application of the provision to other persons or circumstances is not affected."

EFFECT prepared by E. Auzins: Striking Amendment S# to PO 2022-0147
(Ordinance 1) would make the following changes:

Substantive Changes

1. For WBD I in the RA zone, modify the off-street parking requirements to
   match what is required for WBD II and III (minimum 0.9 spaces per 1,000
   square feet of manufacturing area, maximum 150% of the minimum).

2. For WBD I in the RA zone, remove requirement for commercial septic
   system.

3. For WBDs in historic structures, require that the WBD be entirely within the
   historic structure to be eligible for the larger floor area allowance.

4. For WBD II and III in the RA zone, limit the square footage of area for
   incidental sales to 20% of the tasting and sales area.

5. For WBD II and III in the RA zone, limit the percentage of sales for
   incidental items to 20% of annual gross sales on a 3-year average, and
   require documentation of compliance with this requirement with the land use
   business license.
6. For WBD II and III in the RA zone, require documentation of the on-site production and on-site tasting and retail sales conditions with the land use business license.

7. For WBD I, II, and III in the RA zone, allows for a conditional use permit to reduce the 75' setback subject to specific criteria.

8. Allows up to two portable toilets with events requiring a temporary use permit, and requires a temporary use permit for any event that uses portable toilets.

9. Allows the initial land use business license for existing WBDs for 12 months, with 6 month extensions if the business has taken substantial steps to obtain building permits.

10. Adds a requirement for the Executive to contact known WBD businesses with information regarding the changes made by this ordinance and PO 2022-0148 (Ordinance 2) and to develop materials for technical assistance for WBD businesses.

11. Adds a requirement for the Executive to complete an environmental evaluation for components of the WBD regulations.

12. Delays the effective date of the ordinance until Proposed Ordinance 2022-0148 (Ordinance 2) is adopted.

Clarifying Changes

13. Streamlines the Findings to better reflect the provisions in this ordinance.

14. For WBDs in the RA zone, require that the stages of production are in addition to a production WBD license from the state.

15. For WBD II in the RA zone, a WBD use is required to get a CUP to be eligible for access to and from a public roadway.

16. Differentiates between on-site functions, and on-site events that require a temporary use permit.

17. States that the requirement for a WBD to obtain required building permits prior to issuance of the land use business license applies to the permits required to establish the use, not future expansions or alterations.

18. Allows the initial land use business license for existing WBDs to be issued before building permit issuance, if life safety requirements are met.

19. Differentiates between a legal nonconforming or vested use, for purposes of issuing the land use business license.

20. States that the WBD land use business license is subject to the appeal to the hearing examiner in accordance with K.C.C. 20.22, not Title 6.

Technical Changes

21. Corrects and updates cross references.

22. Corrects typos.
5/19/22
Ordinance 2 Striker – v2

Sponsor: Perry
Proposed No.: 2022-0148

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2022-0148, VERSION

1 On page 1, beginning on line 5, strike everything through page 16, line 344, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Washington state Growth Management Act ("GMA"), including RCW 36.70A.130, requires that King County take action to review, and if needed, revise its

Comprehensive Plan and development regulations implementing the Comprehensive Plan.

B. Ordinance 19030 established updated regulations for winery, brewery,

distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

C. Ordinance 19030 was challenged to the Central Puget Sound Growth

Management Hearings Board ("the board").

D. The board held a hearing on the merits of the petitioner's appeal to Ordinance

19030 on November 17, 2021.

E. On January 3, 2022, the board issued its Final Decision and Order for Case No.

20-3-0004c ("the board's January 2022 order"), which granted the appeal based on SEPA

and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map
amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project. The board's January 2022 order also remanded Ordinance 19030 to the county to take actions to bring it into compliance.

F. Ordinance XXXXX (Proposed Ordinance 2022-0147) responds to the board's January 2022 order with several substantive changes, including changes to improve the protection of agricultural lands and agricultural production districts, protection and enhancement of rural character, and strengthening the licensing program, among other changes.

G. The Comprehensive Plan addresses the GMA's requirement to plan for industrial uses; Policy ED-211 encourages the county to "support programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," including through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." This ordinance recognizes that although King County has a finite amount of industrial land available, at their highest levels of intensity, some WBD businesses can grow to a level of mechanization, volume and intensity suited for the Industrial zone, but avoids funneling smaller, less mechanized, community-serving businesses into the county's limited Industrial zoned areas. Those smaller scale WBD uses are appropriately placed in more aesthetically pleasing areas, where rural community consumers and visitors to the county's many regional recreation and tourism opportunities can support economic success. This ordinance aims to avoid bringing low-impact, low-intensity WBD uses into limited
Industrial zone spaces that are reserved for more intensive industrial uses.

H. This ordinance builds on Ordinance XXXXX (Proposed Ordinance 2022-0147) in several ways:

1. Allows WBD I, II and IIIs within the UR zone, consistent with the development regulations in the RA zone;

2. Adds a separation requirement for WBD IIs and IIIs in the RA and UR zones, to avoid impacts of clustering these uses;

3. Allows wineries in the Industrial zone; and

4. Limits the tasting and retail hours of operation for WBD IIs and IIIs in the RA and UR zones.

SECTION 2. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 4, K.C.C. 21A.xx.xxx are hereby amended to read as follows:

For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-Maury Island, the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

   b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional...
use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

e. Product tasting or retail sales shall not be allowed on-site;

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

g. Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Department of Ecology.
2. For winery, brewery, distillery facility II:
   a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;
   b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located wholly within a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures devoted to winery, brewery, distillery facility uses shall not exceed seven thousand square feet;
   c. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:
      (1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;
      (2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;
      (3) anticipated impacts to neighboring residential uses such as noise or odor;
      and
      (4) parcel size, topography and proximity to critical areas;
d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site required by this subsection A.2.d. and that the on-site tasting and retail sales requirements in subsection A.2.e. of this section are met;


(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area
devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 6:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize a winery, brewery, distillery facility use with access directly to and from a public roadway if the winery, brewery, distillery facility use obtains a conditional use permit;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility;
j. (1) Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A or Group B water system. The definitions and limits of Group A and Group B water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142.

(2) Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Washington state Department of Ecology; (and)

k. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system; and

l. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection A.2.l. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (l), or if more than one permit application for a proposed winery, brewery, distillery use became or was deemed complete on the same date, then the director shall determine compliance based
on the date the Washington state Liquor and Cannabis Board issues a Notice of
Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of
Application is issued to King County on the same date, then the director shall determine
compliance based on the date a current complete winery, brewery, distillery land use
business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was
not submitted or more than one current winery, brewery, distillery land use business
license application was submitted, then the director shall determine compliance based on
the totality of the circumstances, including, but not limited to, the date that a license
application was submitted to the Washington state Liquor and Cannabis Board
identifying the lot at issue, the date that the applicant entered into a lease or purchased the
lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
illustrating the timing of substantial investment in establishing a licensed winery,
brewery, distillery facility use at the proposed location.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated
floor area of structures for winery, brewery, distillery uses exceeds five thousand square
feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology and King County board of health regulations for water usage and
wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

d. Structures, parking areas and impervious surfaces associated with winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

e. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business
license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site required by this subsection A.3.e. and the on-site tasting and retail sales requirements in subsection A.3.f. of this section are met;


(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales.
sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through ((8:00)) 6:00 p.m. daily;

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

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

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

j. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility; ((and))

k. Wineries, breweries, and distilleries must comply with all commercial septic system regulations and shall not be connected to a sewer system; and

l. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone.

Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection A.3.1. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local
services, permitting division, specifically identifying a winery, brewery or distillery as

the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (l), or if more than one permit application for a proposed winery, brewery, distillery use became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of Application is issued to King County on the same date, then the director shall determine compliance based on the date a current complete winery, brewery, distillery land use business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was not submitted or more than one current winery, brewery, distillery land use business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts illustrating the timing of substantial investment in establishing a licensed winery, brewery, distillery facility use at the proposed location.

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:
a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located wholly within a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet;

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

c. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.1.a. of this section; and

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

2. For winery, brewery, distillery facility III:

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

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

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

D. In the I zone:

1. For winery, brewery, distillery facility III:

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

b. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

E. In the UR zone:

1. For winery, brewery, distillery facility I:

a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;
b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

e. Product tasting or retail sales shall not be allowed on-site;
f. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less; and

g. Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Department of Ecology.

2. For winery, brewery, distillery facility II:

a. Only allowed on lots of at least two and one-half acres, except that for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

c. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery,
brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site required by this subsection E.2.d. and that the on-site tasting and retail sales requirements in subsection E.2.e. of this section are met;

e.(1) Tasting and retail sales of products is limited to those produced on-site, as provided in subsection E.2.d. of this section, except as provided in RCW 66.24.244, 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070, 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may occur only as accessory to the primary winery, brewery, distillery production use;

(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection E.2.b. of this section;

(3) The limitation on area devoted to tasting and retail sales of products
produced on-site shall not apply on sites that contain a building designated as historic under K.C.C. chapter 20.62;

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection E.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average; and

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 6:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that the department may authorize a winery, brewery, distillery facility use with access directly to and from a public roadway if the winery, brewery, distillery facility use obtains a conditional use permit;

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

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

i. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility;

j.(1) Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A or Group B water system. The definitions and limits of Group A and Group B water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142.

(2) Distilleries shall not be located within a basin that is closed or partially closed to new surface water or groundwater withdrawals by the Washington state Department of Ecology; and

k. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection E.2.k. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (k), or if more
than one permit application for a proposed winery, brewery, distillery use became or was
deemed complete on the same date, then the director shall determine compliance based
on the date the Washington state Liquor and Cannabis Board issues a Notice of
Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of
Application is issued to King County on the same date, then the director shall determine
compliance based on the date a current complete winery, brewery, distillery land use
business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was
not submitted or more than one current winery, brewery, distillery land use business
license application was submitted, then the director shall determine compliance based on
the totality of the circumstances, including, but not limited to, the date that a license
application was submitted to the Washington state Liquor and Cannabis Board
identifying the lot at issue, the date that the applicant entered into a lease or purchased the
lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
illustrating the timing of substantial investment in establishing a licensed winery,
brewery, distillery facility use at the proposed location. 3. For winery, brewery,
distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated
floor area of structures for winery, brewery, distillery uses exceeds five thousand square
feet, the minimum site area shall be ten acres;
c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

d. Structures, parking areas and impervious surfaces associated with winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this minimum distance for existing structures under this subsection E.3.d., considering the following factors:

(1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

(2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

(3) anticipated impacts to neighboring residential uses such as noise or odor;

and

(4) parcel size, topography and proximity to critical areas;

e. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
on-site production shall include crushing or milling, pressing, fermenting or distilling. At
the time of the initial or renewal of the winery, brewery, distillery land use business
license application under K.C.C. chapter 6.74, the applicant shall submit documentation
that demonstrates that the equipment on-site is sufficient to produce the quantity of
products sold on-site required by this subsection E.3.e. and the on-site tasting and retail
sales requirements in subsection E.3.f. of this section are met:

f.(1) Tasting and retail sales of products is limited to those produced on-site, as
provided in subsection E.2.d. of this section, except as provided in RCW 66.24.244,
occur only as accessory to the primary winery, brewery, distillery production use.

(2) The area devoted to on-site tasting or retail sales shall be limited to no
more than twenty percent of the aggregated floor area and shall be included in the
aggregated floor area limitation in subsection E.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products
produced on-site shall not apply on sites that contain a building designated as historic
resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-
site is allowed subject to the restrictions described in this subsection E.2, and the area
devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty
percent of annual gross sales on a three-year average, and at the time of the initial or
renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through 6:00 p.m. daily;

g. Access to the site shall be directly to and from an arterial roadway;
h. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
i. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less;
j. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility; and

k. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection E.3.k. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local
services, permitting division, specifically identifying a winery, brewery or distillery as
the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (k), or if more
than one permit application for a proposed winery, brewery, distillery use became or was
deemed complete on the same date, then the director shall determine compliance based
on the date the Washington state Liquor and Cannabis Board issues a Notice of
Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of
Application is issued to King County on the same date, then the director shall determine
compliance based on the date a current complete winery, brewery, distillery land use
business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was
not submitted or more than one current winery, brewery, distillery land use business
license application was submitted, then the director shall determine compliance based on
the totality of the circumstances, including, but not limited to, the date that a license
application was submitted to the Washington state Liquor and Cannabis Board
identifying the lot at issue, the date that the applicant entered into a lease or purchased the
lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
illustrating the timing of substantial investment in establishing a licensed winery,
brewery, distillery facility use at the proposed location.

SECTION 3. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 5,
and K.C.C. 21A.xx.xxx are hereby amended to read as follows:
For any winery, brewery, distillery facility I, II or III on Vashon-Maury Island the following standards shall apply:

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

   b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

   (1) proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;

   (2) sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;

   (3) anticipated impacts to neighboring residential uses such as noise or odor;

   and

   (4) parcel size, topography and proximity to critical areas;

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

   d. In addition to an approved Washington state Liquor and Cannabis Board
production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of production occurring on-site shall include crushing or milling, pressing, fermenting or distilling;

e. Product tasting or retail sales shall not be allowed on-site; and

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

2. For winery, brewery, distillery facility II:

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

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

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

d. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site as required by this subsection A.2.d. and the on-site tasting and retail sales requirements in subsection A.2.e. are met;


(2) The area devoted to on-site tasting or retail sales shall be limited to no more than twenty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection A.2.b. of this section.
(3) The limitation on area devoted to tasting and retail sales of products produced on-site shall not apply to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

(4) Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection A.2, and the area devoted to incidental sales is limited to twenty percent of the on-site tasting and retail sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty percent of annual gross sales on a three-year average, and at the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail sales that demonstrates compliance with the twenty percent of annual gross sales limit, and for renewals, documentation of previous years sales to demonstrate compliance with the twenty percent of annual gross sales limit on a three-year average.

(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through ([8:00]) 6:00 p.m. daily;

f. Access to the site shall be directly to and from an arterial roadway, except that this requirement shall not apply to winery, brewery, distillery facility business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019. The department may authorize a winery, brewery, distillery facility use with access directly to and from a public roadway for access if the
winya, brewery, distillery facility use obtains a conditional use permit;

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

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

whichever is less; and

i. All requirements of K.C.C. Title 9, Surface Water Management, and the
adopted King County Surface Water Design Manual shall be met for construction and
operation of the winery, brewery, distillery facility.

3. For winery, brewery, distillery facility III:

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

b. Only allowed on lots of at least four and one-half acres. If the aggregated
floor area of structures for winery, brewery, distillery uses exceeds five thousand square
feet, the minimum site area shall be ten acres;

c. Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology and King County board of health regulations for water usage and
wastewater disposal, and shall connect to a Group A water system. The definitions and
limits of Group A water systems are described in K.C.C. 13.24.007, and provision of

d. Structures, parking areas and impervious surfaces associated with winery,
brewery distillery facility uses shall maintain a minimum distance of seventy-five feet
from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

1. proximity of the winery, brewery, distillery facility use to neighboring residential uses and other winery, brewery, distillery facility uses;
2. sufficient existing or proposed landscape screening between the winery, brewery, distillery facility use and adjacent uses;
3. anticipated impacts to neighboring residential uses such as noise or odor;
4. parcel size, topography and proximity to critical areas;

e. In addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site as required by this subsection A.3.e. and the on-site tasting and retail sales requirements in subsection A.3.f. are met;

f.1) Tasting and retail sales of products is limited to those produced on-site, as
provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
occur only as accessory to the primary winery, brewery, distillery production use.

(2) The area devoted to on-site tasting or retail sales shall be limited to no
more than twenty percent of the aggregated floor area and shall be included in the
aggregated floor area limitation in subsection A.2.b. of this section.

(3) The limitation on area devoted to tasting and retail sales of products
produced on-site shall not apply to winery, brewery, or distillery business locations in use
and licensed to produce by the Washington state Liquor and Cannabis Board before
January 1, 2019, or on sites that contain a building designated as historic resource under

(4) Incidental retail sales of merchandise related to the products produced on-
site is allowed subject to the restrictions described in this subsection A.2, and the area
devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
sales area.

(5) Incidental retail sales of merchandise is limited to no more than twenty
percent of annual gross sales on a three-year average, and at the time of the initial or
renewal of the winery, brewery, distillery land use business license application under
K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
sales that demonstrates compliance with the twenty percent of annual gross sales limit,
and for renewals, documentation of previous years sales to demonstrate compliance with
the twenty percent of annual gross sales limit on a three-year average.
(6) Hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through ((8:00)) 6:00 p.m. daily;

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

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

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

j. All requirements of K.C.C. Title 9, Surface Water Management, and the adopted King County Surface Water Design Manual shall be met for construction and operation of the winery, brewery, distillery facility.

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:

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

   b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;
c. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.1.a. of this section; and
d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

2. For winery, brewery, distillery facility III:
   a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
   b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

C. In the RB zone:
   1. For winery, brewery, distillery facility III:
      a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and
      b. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas.

D. In the I zone:
   1. For winery, brewery, distillery facility III:
      a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board.
tasting rooms for wineries shall not be allowed;

b.)) The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

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

SECTION 4. Ordinance 19030, Section 7, and K.C.C. 6.74.040 are hereby amended to read as follows:

An application for a winery, brewery, distillery land use business license or license renewal shall be submitted in the name of the person, the persons or the entity proposing to operate the business. The application shall be signed by each person, or a responsible principal or officer of the entity proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

A. The full name and current residential, email and mailing address of each person, including all partners if the applicant is a partnership, and all officers or principals if the applicant is a corporation or limited liability company, and the Universal Business Identifier number, the identity of the registered agent and the address of the principal office, if the applicant is a corporation or limited liability company;
B. The name, street address and telephone number of winery, brewery, distillery
facility;

C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor
license or non-retail liquor license with retail endorsement associated with the business
address;

D. For businesses in the RA and UR zones:

   1. A projection that demonstrates compliance with the incidental retail sales
   limitation in chapter 21A.xx (the chapter created in Ordinance XXXX (Proposed
   Ordinance 2022-0147), ((s))Section 2 ((of this ordinance)), and for renewals,
   documentation regarding on-site tasting and retail sales for previous years that
   demonstrates compliance on a three-year average; and

   2. Documentation that demonstrates that the equipment on-site is sufficient to
   produce the quantity of products sold on-site to demonstrate compliance with the on-site
   production and on-site tasting and retail sales requirements in chapter 21A.xx (the
   chapter created in Ordinance XXXX (Proposed Ordinance 2022-0147), ((s))Section 2
   ((of this ordinance))). Such documentation could include federal or state reporting forms
   that document the on-site production quantities, verification of purchase for equipment at
   that level of on-site production, or calculations demonstrating that the on-site tasting and
   retail sales requirements are met, or some combination of documentation that the director
   deems sufficient to demonstrate compliance with the on-site production and on-site
   tasting and retail sales requirements in chapter 21A.xx (the chapter created in Ordinance
   XXXX (Proposed Ordinance 2022-0147), ((s))Section 2 ((of this ordinance));

E. For any business attempting to demonstrate legal nonconforming use status
under 6.74.080.B. and operating under an active Washington state Liquor and Cannabis
Board production license issued for the current location, the applicant shall submit
documentation sufficient to establish that the requirements of K.C.C. chapter 21A.32
have been met, and documentation of the county's response to the Washington state
Liquor and Cannabis Board license notice of application, if any. If King County objected
to the current location during the Washington state Liquor and Cannabis Board license
application process, the Department may presume that the associated use was not legally
established and a license application under this subsection D. shall be denied, unless the
applicant can clearly establish that the objection was based on an erroneous interpretation
of K.C.C. Title 21A; and
F. A statement acknowledging that the director or designee may conduct site
inspections in accordance with K.C.C. 6.01.110.

SECTION 5. Ordinance 10870, Section 335, as amended, and K.C.C.
21A.08.080 are hereby amended to read as follows:
A. Manufacturing land uses.

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<td>36</td>
<td>Electronic and other Electric Equipment</td>
<td></td>
<td></td>
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<tr>
<td>374</td>
<td>Railroad Equipment</td>
<td></td>
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</tr>
<tr>
<td>376</td>
<td>Guided Missile and Space Vehicle Parts</td>
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<tr>
<td>379</td>
<td>Miscellaneous Transportation Vehicles</td>
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<tr>
<td>38</td>
<td>Measuring and Controlling Instruments</td>
<td></td>
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</tr>
<tr>
<td>39</td>
<td>Miscellaneous Light Manufacturing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

3. Winery, brewery, distillery facility I, II, and III uses shall comply with the standards in K.C.C. chapter 21A.xx (the new chapter created by Ordinance XXXX (Proposed Ordinance 2022-0147), ((s))Section 2 ((of this ordinance))).

4. Limited to rough milling and planing of products grown on-site with portable equipment.

5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the minimum site area is four and one-half acres.


7. Limited to photocopying and printing services offered to the general public.

8. Only within enclosed buildings, and as an accessory use to retail sales.


10. Limited to boat building of craft not exceeding forty-eight feet in length.
11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12. Repealed.

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

   a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or

   b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.

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

   a. as accessory to a primary mineral use; or

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

15. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

16. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.
17. Repealed.

18. Limited to:

a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork, as follows:

(1) If using lumber or timber grown off-site, the minimum site area is four and one-half acres;

(2) The facility shall be limited to an annual production of no more than one hundred fifty thousand board feet;

(3) Structures housing equipment used in the operation shall be located at least one-hundred feet from adjacent properties with residential or rural area zoning;

(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

(6) Outside lighting is limited to avoid off-site glare; and

b. SIC Industry No. 2411-Logging.

19. Limited to manufacture of custom made wood furniture or cabinets.

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

b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;

c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and

e. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

21.a. Only in the CB and RB zones located outside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

22.a. Only in the CB and RB zones located outside the urban growth area;
b. Per lot, the aggregated total gross floor area devoted to the use of, and in
support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of thirty thousand square feet;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
d. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site.
23.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in
support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
every marijuana-related entity occupying space in addition to the two-thousand-square-
foot threshold area on that lot shall obtain a conditional use permit as set forth in
subsection B.24. of this section.
24.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet.

25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

c. Per lot, limited to a maximum aggregate total of two thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana together with any separately authorized production of marijuana.


b. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products
c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
gross floor area devoted to, and in support of, the processing of marijuana together with
any separately authorized production of marijuana.

27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury

Island, that do not require a conditional use permit issued by King County, that receive a
Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
and that King County did not object to within the Washington state Liquor and Cannabis
Board marijuana license application process, shall be considered nonconforming as to
subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
21A.32.075 for nonconforming uses;

b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site;

d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
Island;
e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
except on Vashon-Maury Island;
f. Only as an accessory use to a Washington state Liquor Cannabis Board
licensed marijuana production facility on the same lot; and
g. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

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

SECTION 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

EFFECT prepared by E. Auzins: Striking Amendment S# to PO 2022-0148 (Ordinance 2) would make the following changes:

Substantive Changes
1. For WBD II and III in the RA and UR zones, modifies the hours of operation for tasting and sales from 11am to 8pm to 11am to 6pm.
2. For WBD II and III in the RA zone, removes a reference to compliance with the federal Clean Water Act.
3. Allows WBD III wineries in the Industrial zone.

Clarifying Changes
4. For WBD II and III in RA and UR zones, the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots, and only for those that are in the RA and UR zones. Establishes requirements to direct which uses are considered to be "first in line" in the event multiple WBDs have similar vesting timeframes, for this requirement.

Technical Changes
5. Engrosses the changes made in Striking Amendment # to PO 2022-0147, Version 1.
### Manufacturing Uses – Agriculture and Rural Area – Production Facilities

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>P: Permitted when accessory to agricultural use and the &quot;P&quot; conditions in the following tables are met</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td></td>
<td>C: Requires Conditional Use Permit and must meet the &quot;C&quot; conditions in the following tables</td>
<td>WBD II: Permitted as an accessory to agricultural use</td>
<td>WBD II: Not Permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: Conditional Use Permit, accessory to agricultural use</td>
<td>WBD III: Not Permitted</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>P: Permitted when the &quot;P&quot; conditions in the following tables are met</td>
<td>WBD I: Permitted</td>
<td>WBD I: Permitted &amp; Conditional Use (depending on the &quot;P&quot; and &quot;C&quot; conditions in the following tables)</td>
</tr>
<tr>
<td></td>
<td>C: Requires Conditional Use Permit and must meet the &quot;C&quot; conditions in the following table</td>
<td>WBD II: Permitted &amp; Conditional Use (depending on the &quot;P&quot; and &quot;C&quot; conditions in the following tables)</td>
<td>WBD II: Permitted &amp; Conditional Use (depending on the &quot;P&quot; and &quot;C&quot; conditions in the following tables)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>P: No minimum lot size if building is under 3,500 square feet</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td></td>
<td>C: 4.5 acres, except if floor area is over 6,000 square feet; then the minimum lot size is 10 acres and minimum 2.5 acres must be used to grow products</td>
<td>WBD II: 2.5 acres</td>
<td>WBD II: Not Permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: 4.5 acres, except if floor area is over 6,000 square feet, then the minimum lot size is 10 acres</td>
<td>WBD III: Not Permitted</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>P: 4.5 acres</td>
<td>WBD I: No minimum lot size established</td>
<td>WBD I: No minimum lot size established</td>
</tr>
<tr>
<td></td>
<td>C: 4.5 acres, except if floor area is over 6,000 square feet; then the minimum lot size is 10 acres and minimum 2.5 acres must be used to grow products</td>
<td>WBD II: 2.5 acres, except historic resources 2 acres. Does not apply to existing businesses on Vashon-Maury Island</td>
<td>WBD II: 2.5 acres, except historic resources 2 acres. Does not apply to existing businesses on Vashon-Maury Island</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: 4.5 acres, except if floor area is over 6,000 square feet, then the minimum lot size is 10 acres</td>
<td>WBD III: 4.5 acres, except if floor area is over 5,000 square feet, then the minimum lot size is 10 acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Floor Area</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>P: 3,500 square feet, except historic buildings</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td></td>
<td>C: 8,000 square feet; additional 8,000 square feet for underground storage, on Vashon-Maury Island, maximum floor area 6,000 square feet, including underground storage</td>
<td>WBD II: 3,500 square feet (historic buildings maximum is 5,000 square feet)</td>
<td>WBD II: Not Permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: 8,000 square feet</td>
<td>WBD III: Not Permitted</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>P: 3,500 square feet, except historic buildings</td>
<td>WBD I: 1,500 square feet</td>
<td>WBD I: 1,500 square feet</td>
</tr>
<tr>
<td>Maximum Floor Area</td>
<td>Former Code</td>
<td>Ordinance 19030</td>
<td>Proposed Ordinances 2022-0147 and -0148</td>
</tr>
<tr>
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</tr>
<tr>
<td>C: 8,000 square feet; additional 8,000 square feet for underground storage; on Vashon-Maury Island, maximum floor area 6,000 square feet, including underground storage</td>
<td>WBD II: 3,500 square feet (historic buildings maximum is 7,000 square feet)</td>
<td>WBD II: 3,500 square feet (historic structure maximum is 7,000 square feet if WBD use is wholly within the historic structure)</td>
<td></td>
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<tr>
<td>WBD III: 8,000 square feet</td>
<td>WBD III: 8,000 square feet</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>On-Site Tasting and Retail</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>P: Retail sales (for wine and beer only) and tasting of products produced on site is allowed; no extra floor area allowed for tasting</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not permitted</td>
</tr>
<tr>
<td>C: Retail sales (for wine and beer only) and tasting of products produced on site is allowed; no extra floor area allowed for tasting</td>
<td>WBD II: Tasting and retail sales of products produced on site are accessory to production use, allowed only in accordance with state law and limited to 30% of the floor area. Hours for on-site tasting limited to: Monday–Thursday: 11 am to 7 pm Friday–Sunday: 11 am to 9 pm</td>
<td>WBD II: Not Permitted</td>
<td></td>
</tr>
<tr>
<td>WBD III: Tasting and retail sales of products produced on site are accessory to production use, allowed only in accordance with state law and limited to 30% of the floor area. Hours for on-site tasting limited to: Monday–Thursday: 11 am to 7 pm Friday–Sunday: 11 am to 9 pm</td>
<td>WBD III: Not Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone</td>
<td>P: Retail sales (for wine and beer only) and tasting of products produced on site is allowed; no extra floor area allowed for tasting</td>
<td>WBD I: Not allowed</td>
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<td>C: Retail sales (for wine and beer only) and tasting of products produced on site is allowed; no extra floor area allowed for tasting</td>
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<td>WBD II: Tasting and retail sales limited to products produced on-site are accessory to production use except as provided in specific RWC/WAC citations, and limited to 20% of the floor area. Hours for on-site tasting limited to 11am to 8pm 6pm daily. Incidental retail sales limited to 20% of the tasting and sales area and limited to 20% of gross sales revenue. Requires documentation that the gross sales revenue requirement is met with the land use business license. Limitations on floor area do not apply on Vashon-Maury Island existing businesses or sites with historic resources.</td>
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</tr>
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<td>WBD III: Tasting and retail sales of products produced on site are accessory to production use, allowed only in accordance with state law and limited to 30% of the floor area. Hours for on-site tasting limited to: Monday–Thursday: 11 am to 7 pm Friday–Sunday: 11 am to 9 pm. Limitations do not apply on Vashon-Maury Island existing businesses or sites with historic resources.</td>
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## WBD Comparison summary – updated 5/19/22

### Striking Amendment changes shown in red

<table>
<thead>
<tr>
<th>Product Content</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P: 60% of products must be grown in Puget Sound counties</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
<td></td>
</tr>
<tr>
<td>C: Limited to processing of agricultural products, and 60% of the products must be grown in Puget Sound counties</td>
<td>WBD II: 60% of product to be processed must be grown on site</td>
<td>WBD II: Not Permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBD III: 60% of product to be processed must be grown on site</td>
<td>WBD III: Not Permitted</td>
<td></td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P: 60% of products must be grown in Puget Sound counties</td>
<td>WBD I: No product content requirement</td>
<td>WBD I: No product content requirement</td>
<td></td>
</tr>
<tr>
<td>C: Limited to processing of agricultural products, and 60% of the products must be grown in Puget Sound counties</td>
<td>WBD II: No product content requirement</td>
<td>WBD II: No product content requirement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBD III: No product content requirement</td>
<td>WBD III: No product content requirement</td>
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</table>

<table>
<thead>
<tr>
<th>Production/ Facility Location</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P: Not specified</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
<td></td>
</tr>
<tr>
<td>C: Not specified</td>
<td>WBD II: Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses. Requires production to include two or more of the stages of production: crushing, fermentation, distilling, barrel or tank aging, or finishing; requires one of the two stages of production, to include crushing, fermenting, or distilling</td>
<td>WBD II: Not Permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBD III: Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Limit conversion of agricultural land to less than 1 acre for nonagricultural accessory uses. Requires production to include two or more of the stages of production: crushing, fermentation, distilling, barrel or tank aging, or finishing; requires one of the two stages of production, to include crushing, fermenting, or distilling</td>
<td>WBD III: Not Permitted</td>
<td></td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P: Not specified</td>
<td>WBD I: Requires production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing; Requires one of the two stages of production, to include crushing, fermenting, or distilling</td>
<td>WBD I: Requires a state production liquor license. Requires production to include two or more of the stages of production: crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging; requires one stage of production, to include crushing or milling, pressing, fermenting, or distilling.</td>
<td></td>
</tr>
<tr>
<td>C: Not specified</td>
<td>WBD II: Requires production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing; Requires one of the two stages of production, to include crushing, fermenting, or distilling</td>
<td>WBD II: Requires a state production liquor license. Requires production to include three or more of the stages of production: crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging; requires two stages of production, to include crushing or milling, pressing, fermenting, or distilling.</td>
<td></td>
</tr>
</tbody>
</table>
### Production/Facility Location

<table>
<thead>
<tr>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>WBD III: Requires production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing; requires one of the two stages of production, to include crushing, fermenting, or distilling</td>
<td>WBD III: Requires a state production liquor license. Requires production to include three or more of the stages of production: crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging; requires two stages of production, to include crushing or milling, pressing, fermenting, or distilling.</td>
<td></td>
</tr>
</tbody>
</table>

### Maximum Impervious Surface

<table>
<thead>
<tr>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>P: 15% for A-10 zone; 10% for A-35 zone</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td>C: 15% for A-10 zone; 10% for A-35 zone</td>
<td>WBD II: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
<td>WBD II: Not Permitted</td>
</tr>
<tr>
<td>WBD III: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less.</td>
<td>WBD III: Not permitted</td>
<td></td>
</tr>
<tr>
<td>P: 40%</td>
<td>WBD I: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
<td>WBD I: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
</tr>
<tr>
<td>C: 40%</td>
<td>WBD II: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
<td>WBD II: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
</tr>
<tr>
<td>WBD III: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less.</td>
<td>WBD III: Limited to 25% of the site, or the maximum allowed under the zone, whichever is less.</td>
<td></td>
</tr>
</tbody>
</table>

### Surface Water Management

<table>
<thead>
<tr>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zone: Not specified</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td>WBD II: Not specified</td>
<td>WBD II: Not Permitted</td>
<td></td>
</tr>
<tr>
<td>WBD III: Not specified</td>
<td>WBD III: Not permitted</td>
<td></td>
</tr>
<tr>
<td>RA zone: Not specified</td>
<td>WBD I: Not specified</td>
<td>WBD I: Not specified</td>
</tr>
<tr>
<td>WBD II: Not specified</td>
<td>WBD II: Compliance with Surface Water Management Code and Surface Water Design Manual specified</td>
<td></td>
</tr>
<tr>
<td>WBD III: Not specified</td>
<td>WBD III: Compliance with Surface Water Management Code and Surface Water Design Manual specified</td>
<td></td>
</tr>
</tbody>
</table>
### Water/Sewer

**Former Code**

- **A zone**
  - P: Not specified, existing water regulations would apply
  - C: Must meet requirements for water and wastewater; water meters required for use of wells.

- **RA zone**
  - P: Not specified, existing water regulations would apply
  - C: Must meet requirements for water and wastewater; water meters required for use of wells.

**Ordinance 19030**

- WBD I: Not permitted
- WBD II: Not specified, existing water regulations would apply
- WBD III: Must connect to an existing Group A water system.

**Proposed Ordinances 2022-0147 and -0148**

- WBD I: Not Permitted
- WBD II: Not Permitted
- WBD III: Not Permitted

Note: Proposed Ordinance 2022-0148 (Ordinance 2) would also require compliance with the federal Clean Water Act.

### Access

**Former Code**

- **A zone**
  - P: No special access requirement.
  - C: No special access requirement.

- **RA zone**
  - P: No special access requirement.
  - C: No special access requirement.

**Ordinance 19030**

- WBD I: Not permitted
- WBD II: Requires that the WBD have arterial access. Does not apply to existing businesses on Vashon-Maury Island
- WBD III: Requires that the WBD have arterial access

**Proposed Ordinances 2022-0147 and -0148**

- WBD I: Not Permitted
- WBD II: Not Permitted
- WBD III: Not Permitted

- WBD II: Arterial access, except allows public road with CUP. Does not apply to existing businesses on Vashon-Maury Island
- WBD III: Requires that the WBD have arterial access

Note: Arterial access requirement does not apply to existing businesses on Vashon-Maury Island.
<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>P: Buildings must be set back 75 feet from property lines RA and R zones, except historic buildings</td>
<td>WBD I: Not permitted</td>
<td>WBD I: Not Permitted</td>
</tr>
<tr>
<td></td>
<td>C: Buildings must be set back 75 feet from property lines RA and R zones, except historic buildings</td>
<td>WBD II: 75 feet from RA and R zones, except historic buildings. Includes parking areas</td>
<td>WBD II: Not Permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: 75 feet from RA and R zones, except historic buildings. Includes parking areas.</td>
<td>WBD III: Not permitted</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>P: Buildings must be set back 75 feet from property lines RA and R zones, except historic buildings</td>
<td>WBD I: 75 feet from RA and R zones, except historic buildings. Includes parking areas.</td>
<td>WBD I: 75 feet from A, RA and R zones, except historic buildings. Includes parking areas and impervious surfaces. Allows the director to reduce the setback with a CUP, subject to certain criteria.</td>
</tr>
<tr>
<td></td>
<td>C: Buildings must be set back 75 feet from property lines RA and R zones, except historic buildings</td>
<td>WBD II: 75 feet from RA and R zones, except historic buildings. Includes parking areas. Does not apply to existing businesses on Vashon-Maury Island.</td>
<td>WBD II: 75 feet from A, RA and R zones, except historic buildings. Includes parking areas and impervious surfaces. Allows the director to reduce the setback with a CUP, subject to certain criteria. Setback does not apply to existing businesses on Vashon-Maury Island. Note that Proposed Ordinance 2022-0148 (Ordinance 2) would add a requirement requiring separation of 1,000 feet between any WBDs within the RA and UR zones, with provisions to determine who is &quot;first in line&quot;.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III: 75 feet from RA and R zones, except historic buildings. Includes parking areas.</td>
<td>WBD III: 75 feet from A, RA and R zones, except historic buildings. Includes parking areas and impervious surfaces. Allows the director to reduce the setback with a CUP, subject to certain criteria. Note that Proposed Ordinance 2022-0148 (Ordinance 2) would add a requirement requiring separation of 1,000 feet between any WBDs within the RA and UR zones, with provisions to determine who is &quot;first in line&quot;.</td>
</tr>
</tbody>
</table>
### Other Requirements for WBDs

<table>
<thead>
<tr>
<th>Former Code Regulating Wineries, Breweries, and Distilleries</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary use permit (TUP) for events for wineries:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In A or RA zones, events limited to 2 days per month per site and all parking for events must be accommodated on site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For all other uses (and wineries in other zones), events limited to 60 days in a 1-year period.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No clarity regarding the meaning of &quot;event&quot; that would trigger a TUP requirement vs. part of the base use for some wine-centric large gatherings (i.e. release parties). No limit on size of events that may be permitted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary use permit (TUP) requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For WBD II and III in A zones, 2 days per month and all parking must be accommodated on site or through a plan approved by the director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For WBD II and III in RA zone, 24 days within a one-year period and all parking must be accommodated on site or through a plan approved by the director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For WBD II in A and RA zones, temporary use permits may allow up to 150 guests, considering building occupancy limits and parking limitations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For WBD III in A and RA zones, temporary use permits may allow up to 250 guests, considering building occupancy limits and parking limitations</td>
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<td></td>
</tr>
<tr>
<td>For WBD II and III in all other zones, events limited to up to 60 days a year are allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For WBD I, legal nonconforming home occupations, and legal nonconforming home industries in RA zone, events limited to up to 2 days per year with a maximum 50 people are allowed without a TUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specifies when a TUP is required, such as when events would exceed the building occupancy; use portable toilets; need off-site parking or parking beyond the maximum; use temporary stages, temporary tents, or canopies that require a permit; would require traffic control in public rights-of-way; or would extend beyond allowed hours of operation.</td>
<td></td>
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</tr>
<tr>
<td>No TUP would be required for events at WBD II and III facilities in RA zones that meet the following criteria:</td>
<td></td>
<td></td>
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<tr>
<td>- They have an active business license at their current location as of the effective date of the ordinance;</td>
<td></td>
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<tr>
<td>- Parcel is minimum 8 acres;</td>
<td></td>
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<tr>
<td>- Parcel has direct access to a principal arterial or state highway;</td>
<td></td>
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</tr>
<tr>
<td>- The event does not use amplified noise between 8 pm and noon; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- There are not events for more than 8 days per month on an annual average</td>
<td></td>
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</tr>
<tr>
<td>Adds language limiting functions to those related to production of WBDs, and prohibited functions and events that would include portable toilets, temporary or permanent stages, require traffic control, or need more than the maximum number of parking spaces allowed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specifies when a TUP is required for events, to remove the items listed as prohibited above and maintains triggers for events that use portable toilets (which are capped at 2 for any event) exceed the building occupancy; use off-site parking; use temporary tents or canopies that require a permit; or extend beyond allowed hours of operation. Requires functions and events to comply with the County’s noise regulations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removes TUP exemption adopted by Ordinance 19030.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former Code Regulating Wineries, Breweries, and Distilleries</td>
<td>Ordinance 19030</td>
<td>Proposed Ordinances 2022-0147 and -0148</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-----------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td><strong>No county license required</strong></td>
<td>Requires a county license for &quot;adult beverage businesses.&quot; Adds a definition for &quot;adult beverage business&quot;: a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. Adds application requirements, including a signed statement for 60% on-site grow requirement with business license. Allows existing businesses to demonstrate past compliance by submitting documentation of that compliance with first business license application. An existing business may obtain one temporary business license (6 months), which may be extended for an additional 6 months if the business demonstrates that they are making substantial steps to prove compliance. A subsequent County business license would not be issued unless that business demonstrates their legal nonconforming use status, the director has determined there have been substantial steps toward compliance, or it complies with the zoning regulations adopted in the WBD ordinance. Provides for the Permitting Division to deny a business license if the business does not comply with the Zoning Code.</td>
<td>Requires a business license for &quot;winery, brewery, distillery land uses&quot;. States that the purpose of the WBD land use business license is to promote and protect the health, safety and general welfare of unincorporated King County’s residents, and to assist with enforcement of land use related portions of the King County Code. Adds a definition for &quot;winery, brewery, distillery&quot;: a winery, brewery, distillery, or remote tasting rooms. Adds application requirements, and removes references to documentation for 60% on-site grow requirement, as WBDs are prohibited in the A zone. Modifies language regarding documentation to establish nonconforming use, and removes allowance for initial license to be issued for existing businesses without nonconforming status being demonstrated. Requires that for the initial license, a building permit or change of use permit to establish the WBD use be issued (or documentation by Permitting that a permit is not required). Allows one 12-month license to be issued prior to building permit issuance for existing businesses if other requirements and life safety requirements are met, with 6-month extensions of the business has taken substantial steps to obtain the permit. Requires documentation that the gross sales revenue requirement is met with the land use business license.</td>
</tr>
<tr>
<td><strong>Remote (off-site) tasting was not a defined use</strong></td>
<td><strong>Definition for remote tasting room:</strong> A small facility licensed by the Washington state Liquor and Cannabis Board and limited to the following non-retail liquor licenses: a Craft Distillery; a Tasting Room - Additional Location for a winery licensed as a Domestic Winery; or a Microbrewery, including, but not limited to, a Microbrewery operating in accordance with an off-site tavern license subject to the retail sale limitations for a Microbrewery in WAC 314-20-015(1). &quot;Remote tasting room&quot; does not include any additional privileges allowed for such licenses or approvals or any use that would require a license under WAC 314-02, except as specifically set forth in this chapter.</td>
<td><strong>Definition for remote tasting room:</strong> A small facility licensed by the Washington state Liquor and Cannabis Board and limited to the following non-retail liquor licenses: an off-site tasting room license for a distillery licensed as a Distillery or Craft Distillery; a Tasting Room - Additional Location for a winery licensed as a Domestic Winery; or a Microbrewery, including, but not limited to, a Microbrewery operating in accordance with an off-site tavern license subject to the retail sale limitations for a Microbrewery in WAC 314-20-015(1). &quot;Remote tasting room“ does not include any additional privileges allowed for such licenses or approvals or any use that would require a license under chapter 314-02 WAC, except as specifically set forth in this chapter.</td>
</tr>
<tr>
<td><strong>Definition for winery, brewery, distillery facility I:</strong></td>
<td><strong>Definition for winery, brewery, distillery facility I:</strong> A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law. On-site tasting of products or retail sales are not allowed. &quot;Winery, brewery, distillery facility I&quot; does not include any retail liquor licenses that would be authorized by WAC 314-02.</td>
<td>A very small-scale production facility licensed by the Washington state Liquor and Cannabis Board to produce alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits, through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, finishing, and bottling or packaging. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas. On-site tasting of products or retail sales are not allowed. &quot;Winery, brewery, distillery facility I&quot; does not include any additional privileges or uses that would require a retail liquor license that would be authorized by chapter 314-02 WAC.</td>
</tr>
<tr>
<td>Former Code Regulating Wineries, Breweries, and Distilleries</td>
<td>Ordnance 19030</td>
<td>Proposed Ordinances 2022-0147 and -0148</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Defines wineries only, relies on SIC Codes for breweries</td>
<td>Definition for winery, brewery, distillery facility II:</td>
<td>Definition for winery, brewery, distillery facility II:</td>
</tr>
<tr>
<td>and distilleries</td>
<td>A small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery facility II may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law. <em>Winery, brewery, distillery facility II</em> does not include any retail liquor licenses that would be authorized by WAC 314-02.</td>
<td>A small-scale production facility licensed by the Washington state Liquor and Cannabis Board to produce alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, finishing, and bottling or packaging. A winery, brewery, distillery facility II may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas. <em>Winery, brewery, distillery facility II</em> does not include any additional privileges or uses that would require a retail liquor license that would be authorized by chapter 314-02 WAC.</td>
</tr>
<tr>
<td>Defines wineries only, relies on SIC Codes for breweries</td>
<td>Definition for winery, brewery, distillery facility III:</td>
<td>Definition for winery, brewery, distillery facility III:</td>
</tr>
<tr>
<td>and distilleries</td>
<td>A production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available as authorized by state law. <em>Winery, brewery, distillery facility III</em> does not include any retail liquor licenses that would be authorized by WAC 314-02.</td>
<td>A production facility licensed by the Washington state Liquor and Cannabis Board to produce alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, finishing, and bottling or packaging. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas. <em>Winery, brewery, distillery facility III</em> does not include any additional privileges or uses that would require retail liquor license that would be authorized by chapter 314-02 WAC.</td>
</tr>
<tr>
<td>Minimum parking requirement for winery and brewery</td>
<td>Minimum parking requirements:</td>
<td>Minimum parking requirements:</td>
</tr>
<tr>
<td>facilities: 0.9 parking space per 1,000 square feet plus 1</td>
<td>For WBD II and III facilities a minimum of 0.9 parking space per 1,000 square feet, plus 1 per 300 square feet of tasting and retail area.</td>
<td>For WBD I, II and III facilities a minimum of 0.9 parking space per 1,000 square feet, plus 1 per 300 square feet of tasting and retail area.</td>
</tr>
<tr>
<td>per 50 square feet of tasting area. No minimum</td>
<td>For remote tasting rooms, a minimum of 1 parking space per 300 square feet of tasting and retail areas</td>
<td>For remote tasting rooms, a minimum of 1 parking space per 300 square feet of tasting and retail areas</td>
</tr>
<tr>
<td>identified for distilleries.</td>
<td>Maximum parking requirements:</td>
<td>Maximum parking requirements:</td>
</tr>
<tr>
<td>Uses requiring a CUP limited to 150% of the minimum</td>
<td>For WBD I, allows one additional on-site parking spot.</td>
<td>For WBD I, allows one additional on-site parking spot.</td>
</tr>
<tr>
<td>parking required.</td>
<td>In A and RA zones is 150% of the minimum required. For other zones, tasting/retail limited to 1 per 50 square feet of tasting area.</td>
<td>In RA zone, the maximum is 150% of the minimum required. For other zones, tasting/retail limited to 1 per 50 square feet of tasting area.</td>
</tr>
<tr>
<td></td>
<td>For remote tasting rooms, maximum of 1 space per 50 square feet of tasting and retail areas.</td>
<td>For remote tasting rooms, maximum of 1 space per 50 square feet of tasting and retail areas.</td>
</tr>
<tr>
<td>Former Code Regulating Wineries, Breweries, and Distilleries</td>
<td>Ordinance 19030</td>
<td>Proposed Ordinances 2022-0147 and -0148</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>----------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Home occupations and home industries are allowed for wineries, breweries, and distilleries, and on-site tasting is permitted as part of a production facility.</td>
<td>Prohibits WBDs and remote tasting rooms as home occupations and home industries. Existing home occupations and home industries that obtain a business license and show compliance with the former King County code provisions for home occupations and home industries at the time Ordinance 19030 was adopted would be allowed to continue as legal nonconforming uses.</td>
<td>Prohibits WBDs and remote tasting rooms as home occupations and home industries. Modifies language from 19030 to clarify what use will be considered a nonconforming use.</td>
</tr>
<tr>
<td>Remote (off-site) tasting not defined; eating and drinking places are permitted in RA zone (KCC 21A.08.070) as an accessory use to a park or as a conditional use accessory to a permitted manufacturing or retail land use or to a recreational or multiuse park, with limitations.</td>
<td>Creates a remote tasting room Demonstration Project Overlay A: Allows remote tasting rooms on 13 parcels within the RA zone adjacent to Woodinville in the Sammamish Valley, with the following criteria:</td>
<td>Repeals remote tasting room demonstration project and modifies Zoning Map to remove the overlay.</td>
</tr>
</tbody>
</table>

- One or more WBD I, II, or III may operate within a remote tasting room
- Total space for tasting and retail must be 1,000 square feet or less, not including storage, restroom, nonpublic uses
- Additional 500 square feet of outdoor space is allowed
- Incidental retail sales of products related to products tasted is allowed
- Hours of operation are limited to Monday through Thursday 11 am to 7 pm and Friday through Sunday 11 am to 9 pm
- Need a King County business license
- Need a Washington State liquor license
- Events limited to 2 per year; no more than 50 people for all proprietors within a single tasting room
- Off-street parking maximum of 1 space per 50 square feet of tasting and retail area
- Requires that all remote tasting rooms be consistent with general health, safety, and welfare and not violate state or federal law.
- Supersedes other variance, modification, and waiver criteria in Title 21A.
- Allows applications for approval under Demonstration Project Overlay A for 3 years from effective date of the ordinance.
- Requires the Executive to evaluate the applications submitted (date of submittal, complete application, and decision date and type) and code complaints annually for 4 years.
- After 5 years of the Demonstration Project, the permitting division would be required to submit a final evaluation and propose permanent code changes, including the evaluation of whether the purposes of the Demonstration Project were fulfilled. A public comment period on the evaluation must be provided.
<table>
<thead>
<tr>
<th>Former Code Regulating Wineries, Breweries, and Distilleries</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remote tasting rooms not a recognized use in the Zoning Code</td>
<td>Remote tasting rooms allowed in CB and RB zones, with a cross reference to Remote Tasting Room Demonstration Project Overlay A, subject to the requirements in 21A.55</td>
<td>Remote tasting rooms allowed in CB and RB zones</td>
</tr>
<tr>
<td>N/A</td>
<td>Modify the Special District Overlay for Fall City CB zoning to allow remote tasting room as a permitted use.</td>
<td>Maintain allowance for remote tasting room in Fall City Rural Town CB zone adopted in 19030 (not shown in PO)</td>
</tr>
<tr>
<td>N/A</td>
<td>Modify P-suffix condition for Vashon Rural Town CB Zoning to allow remote tasting rooms as a permitted use.</td>
<td>Maintain allowance for remote tasting room in Vashon Rural Town CB zone adopted in 19030 (not shown in PO)</td>
</tr>
<tr>
<td>$100 for first violation; $500 for subsequent violations</td>
<td>Modifies citation penalty: Add specific, increased citations for WBD I, II, and II, and remote tasting room violations, including unauthorized events: $500 for first violation, and $1,000 for subsequent violations.</td>
<td>Maintains citation penalties adopted in 19030 (not shown in PO): Add specific, increased citations for WBD I, II, and II, and remote tasting room violations, including unauthorized events: $500 for first violation, and $1,000 for subsequent violations.</td>
</tr>
<tr>
<td>N/A</td>
<td>Requires an efficacy evaluation: The evaluation must include an evaluation of regulations on existing businesses, including information on businesses licenses, permit applications, and code enforcement complaints/violations. The evaluation must recommend code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone. The public comment period for the efficacy evaluation occurs in conjunction with the public comment period for the remote tasting room Demonstration Project.</td>
<td>Remove efficacy evaluation adopted by 19030. Add WBD environmental evaluation report with a review of interior lot line setbacks, temporary use permits for functions and events, and impacts on salmonid species.</td>
</tr>
<tr>
<td>N/A</td>
<td>Add a requirement for the Executive to contact known WBD businesses with information regarding the changes to the regulations made by Proposed Ordinances 2022-0147 and 2022-0148 if it is adopted, and develop materials for technical assistance for WBD businesses.</td>
<td>Add a contingent effective date, so that the substantive portions of the ordinance do not take effect until Proposed Ordinance 2022-0148 is adopted. The requirement for contacting WBD businesses and developing technical assistance materials, the evaluation report, and the requirement for an EIS would become effective on the regular course.</td>
</tr>
</tbody>
</table>
### Manufacturing Use – Urban Reserve Zone – Production Facilities

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Former Code</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Permit</td>
<td>Permitted (no separate authorization for CUP in UR zone)</td>
<td>Prohibits WBD facilities in the UR zone.</td>
<td>Note: Proposed Ordinance 2022-0148 (Ordinance 2), would allow WBD I, II, III with the same permissions as the RA zone, as discussed above. Changes in RA would also be changed from former code in UR zone.</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>4.5 acres</td>
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<tr>
<td>Maximum Building Size</td>
<td>3,500 square feet, except historic buildings</td>
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</tr>
<tr>
<td>Tastings</td>
<td>Tasting of products produced on site, and no extra floor area allowed for tasting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>Not specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>Not specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Product Content</td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production/Facility Location</td>
<td>Not specified</td>
<td></td>
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<tr>
<td>Parking</td>
<td>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings</td>
<td></td>
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</table>
### Manufacturing Use – Commercial and Industrial Zones – Production Facilities

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Former Code NB and CB</th>
<th>Former Code RB and I</th>
<th>Ordinance 19030</th>
<th>Proposed Ordinances 2022-0147 and -0148</th>
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<tbody>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted</td>
<td>Permitted</td>
<td>WBD I – not permitted WBD II – permitted WBD III – conditional use</td>
<td>WBD I – not permitted WBD II – permitted WBD III – conditional use</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>No minimum lot size established</td>
<td>No minimum lot size established</td>
<td>No minimum lot size established</td>
<td>No minimum lot size established</td>
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<tr>
<td><strong>Maximum Building Size</strong></td>
<td>3,500 square feet, except historic buildings</td>
<td>No maximum building size established</td>
<td>WBD II – 3,500 square feet, except historic buildings are 5,000 square feet</td>
<td>WBD II – 3,500 square feet, except historic buildings are 5,000 square feet if WBD use is wholly within the historic structure</td>
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<tr>
<td><strong>Tastings</strong></td>
<td>Tasting of products produced on site, and no extra floor area allowed for tasting</td>
<td>Not specified</td>
<td>WBD II and III – tasting of products produced on site, and no extra floor area allowed for tasting</td>
<td>No extra floor area allowed for tasting</td>
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<td><strong>Water</strong></td>
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<td><strong>Access</strong></td>
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<td>No special access requirement</td>
<td>No special access requirement</td>
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<td><strong>Product Content</strong></td>
<td>No product content requirement</td>
<td>No product content requirement</td>
<td>No product content requirement</td>
<td>No product content requirement</td>
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<tr>
<td><strong>Production/Facility Location</strong></td>
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<td>Not specified</td>
<td>Not specified</td>
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<tr>
<td><strong>Setbacks</strong></td>
<td>75 feet from RA and R zones, except historic buildings</td>
<td>No setback requirements established</td>
<td>75 feet from RA and R zones, except historic buildings Includes parking areas</td>
<td>75 feet from A, RA and R zones, except historic buildings. Includes parking areas and impervious surfaces</td>
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Striking Amendment changes shown in red
Steps in Production for Alcohol Making

<table>
<thead>
<tr>
<th>Step</th>
<th>Wine</th>
<th>Beer</th>
<th>Cider</th>
<th>Liquor</th>
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<tbody>
<tr>
<td>1</td>
<td>Harvesting</td>
<td>Harvesting</td>
<td>Harvesting</td>
<td>Harvesting</td>
</tr>
<tr>
<td>2</td>
<td>Malting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Crushing</td>
<td>Milling (Crushing)</td>
<td>Crushing</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Mashing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Pressing</td>
<td>Lautering (Pressing)</td>
<td>Pressing</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Pressing</td>
<td>Boiling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Fermentation</td>
<td>Fermentation</td>
<td>Fermentation</td>
<td>Fermentation</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td>Distillation</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td>Aging</td>
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<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>Blending</td>
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<tr>
<td>11</td>
<td>Clarification (Filtration)</td>
<td>Filtration</td>
<td>Filtration</td>
<td>Filtration</td>
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<tr>
<td>12</td>
<td>Aging</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Bottling (Packaging)</td>
<td>Packaging</td>
<td>Packaging</td>
<td>Packaging</td>
</tr>
</tbody>
</table>

**Terms:**

**Harvesting:** Gathering of the crop to be made into alcohol.

**Malting:** Grain is steeped in water, then rested under precise conditions to encourage germination, and finally dried in a kiln and/or a roaster.

**Crushing (called Milling for beer):** organic matter (e.g. grapes or grain) is broken up.

**Mashing:** Natural enzymes found in grain break down the grain's starches; hot water then dissolves the starches so they leach out of the cracked grain. The mixture is then boiled.

**Pressing (called Lautering for beer):** liquid matter is separated from solid matter.

**Boiling:** Pressed liquid is heated to 212 degrees Fahrenheit.

**Fermentation:** Yeast converts sugars in the liquid to alcohol.

**Distillation:** Liquid is purified through a process of heating and cooling.

**Filtration (called Clarification for wine):** sediment and haze are removed from the liquid by passing it through a porous device.

**Aging:** Alcohol is stored in a cool, dark place for a period of time.

**Bottling/Packaging:** Finished product is transferred to bottles, cans, kegs, etc.
RCW and WAC Allowances for Production Licenses
March 2022

RCW 66.24.244

Microbrewery's license—Fee.

(1)(a) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, spirits, beer, and wine restaurant, or any combination thereof.
(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.
(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide food service subject to a food service permit requirement. [2021 c 6 § 5; 2020 c 230 § 2; 2015 c 42 § 1; 2014 c 105 § 3; 2013 c 238 § 3; 2011 c 195 § 5; (2011 c 62 § 3 expired December 1, 2012). Prior: 2008 c 248 § 2; (2008 c 248 § 1 expired June 30, 2008); 2008 c 41 § 9; (2008 c 41 § 8 expired June 30, 2008); prior: 2007 c 370 § 5; (2007 c 370 § 4 expired June 30, 2008); 2007 c 222 § 2; (2007 c 222 § 1 expired June 30, 2008); 2006 c 302 § 3; 2006 c 44 § 2; prior: 2003 c 167 § 1; 2003 c 154 § 2; 1998 c 126 § 3; 1997 c 321 § 12.]

RCW 66.24.140

Distiller's license—Fee—On-premises and off-premises consumption—Tasting room age restrictions.

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:
   (a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;
   (b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;
   (c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee;
   (d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum;
   (e) The annual fees in this subsection (1) are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:
      (i) Licenses that expire during the 12-month waiver period under this subsection (1)(e); and
      (ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(e);
   (f) The waivers in (e) of this subsection do not apply to any licensee that:
      (i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or
      (ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220; and
   (g) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (e) of this subsection for the reasons described in (f) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) Any distillery licensed under this section may:
(a) Sell, for off-premises consumption, spirits of the distillery's own production, spirits produced by another distillery or craft distillery licensed in this state, or vermouth or sparkling wine products produced by a licensee in this state. A distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and

(c) Serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms in accordance with this chapter, subject to the following conditions:

   (i) A distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be served or sold on the licensed premises under this section, or nonalcoholic mixers;

   (ii) A distillery may sell, for on-premises consumption, servings of spirits of the distillery's own production or spirits produced by another distillery or craft distillery licensed in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (2)(c)(ii) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

   (iii) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.

(3)(a) If a distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the distillery at its distillery premises and at any off-site tasting rooms licensed under RCW 66.24.146 may be vermouth, sparkling wine, or spirits made by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

   (b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated as authorized in this section.

   (c)(i) No person under twenty-one years of age may be on the premises of a distillery tasting room, including an off-site tasting room licensed under RCW 66.24.146, unless they are accompanied by their parent or legal guardian.

   (ii) Every distillery tasting room, including the off-site tasting rooms licensed under RCW 66.24.146, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.
(iii) Except for (c)(iv) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under RCW 66.24.146, past 9:00 p.m.

(iv) Notwithstanding the limitations of (c)(iii) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a distillery or an off-site tasting room licensed under RCW 66.24.146, may be in any area of a distillery, tasting room, or an off-site tasting room licensed under RCW 66.24.146, provided they must be under the direct supervision of their parent or legal guardian while on the premises.

(d) Any person serving or selling spirits or other alcohol authorized to be served or sold by a distillery must obtain a class 12 alcohol server permit.

(e) A distillery may sell nonalcoholic products at retail.

RCW 66.24.145

Craft distillery—On-premises and off-premises consumption—Tasting room age restrictions.

(1)(a) Any craft distillery may sell, for off-premises consumption, spirits of its own production, spirits produced by another craft distillery or distillery licensed in this state, and vermouth and sparkling wine products produced by a licensee in this state.

(b) A craft distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products.

(2) Any craft distillery may contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine products to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms, in accordance with this chapter, subject to the following conditions:

(a) A craft distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers;

(b) A craft distillery may sell, for on-premises consumption, servings of spirits of the craft distillery's own production and spirits produced by another distillery, craft distillery, or licensee in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (3)(b) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

(c) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.
(4)(a) If a craft distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the craft distillery at its craft distillery premises and at any off-site tasting rooms licensed under RCW 66.24.146 may be vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated.

(c) Any person serving or selling spirits or other alcohol authorized to be served or sold by a craft distillery must obtain a class 12 alcohol server permit.

(5) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(6) Distilling is an agricultural practice.

(7)(a) No person under twenty-one years of age may be on the premises of a craft distillery tasting room, including an off-site tasting room licensed under RCW 66.24.146, unless they are accompanied by their parent or guardian.

(b) Every craft distillery tasting room, including the off-site tasting rooms licensed under RCW 66.24.146, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(c) Except for (d) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under RCW 66.24.146, past 9:00 p.m.

(d) Notwithstanding the limitations in (c) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a craft distillery or an off-site tasting room licensed under RCW 66.24.146, may be in any area of a licensed craft distillery, tasting room, or an off-site tasting room licensed under RCW 66.24.146, provided they must be under the direct supervision of their parent or guardian while on the premises.

(8) A craft distillery may sell nonalcoholic products at retail.

RCW 66.24.170

Domestic winery license—Winery as distributor and/or retailer of own wine—Off-premises samples—Domestic wine made into sparkling wine—Sales at qualifying farmers markets.

(1)(a) There is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, one hundred dollars per year; and two hundred fifty thousand liters or more per year, four hundred dollars per year.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:
(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b);
and
(ii) Licenses issued to persons previously licensed under this section at any time during
the 12-month period prior to the 12-month waiver period under this subsection (1)(b).
(c) The waivers in (b) of this subsection do not apply to any licensee that:
(i) Had their license suspended by the board for health and safety violations of state
COVID-19 guidelines; or
(ii) Received an order of immediate restraint or citation from the department of labor and
industries for allowing an employee to perform work where business activity was prohibited in
violation of an emergency proclamation of the governor under RCW 43.06.220.
(d) Upon request of the department of revenue, the board and the department of labor and
industries must both provide a list of persons that they have determined to be ineligible for a fee
waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless
otherwise agreed, any list must be received by the department of revenue no later than 15
calendar days after the request is made.
(2) The license allows for the manufacture of wine in Washington state from grapes or
other agricultural products.
(3) Any domestic winery licensed under this section may also act as a retailer of wine of
its own production. Any domestic winery licensed under this section may act as a distributor of
its own production. Notwithstanding any language in this title to the contrary, a domestic winery
may use a common carrier to deliver up to one hundred cases of its own production, in the
aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for
any such common carrier shipments to licensed retailers of wine not of its own production.
Except as provided in this section, any winery operating as a distributor and/or retailer under this
subsection must comply with the applicable laws and rules relating to distributors and/or
retailers, except that a winery operating as a distributor may maintain a warehouse off the
premises of the winery for the distribution of wine of its own production provided that: (a) The
warehouse has been approved by the board under RCW 66.24.010; and (b) the number of
warehouses off the premises of the winery does not exceed one.
(4)(a) A domestic winery licensed under this section, at locations separate from any of its
production or manufacturing sites, may serve samples of its own products, with or without
charge, may sell wine of its own production at retail, and may sell for off-premises consumption
wines of its own production in kegs or sanitary containers meeting the applicable requirements of
federal law brought to the premises by the purchaser or furnished by the licensee and filled at the
tap at the time of sale, provided that: (i) Each additional location has been approved by the board
under RCW 66.24.010; (ii) the total number of additional locations does not exceed four; (iii) a
winery may not act as a distributor at any such additional location; and (iv) any person selling or
serving wine at an additional location for on-premises consumption must obtain a class 12 or
class 13 alcohol server permit. Each additional location is deemed to be part of the winery
license for the purpose of this title. At additional locations operated by multiple wineries under
this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single
licensee, the board may hold all licensees operating the additional location jointly liable. Nothing
in this subsection may be construed to prevent a domestic winery from holding multiple
domestic winery licenses.
(b) A customer of a domestic winery may remove from the premises of the domestic winery or from a tasting room location approved under (a) of this subsection, recorked or recapped in its original container, any portion of wine purchased for on-premises consumption.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the four additional retail locations limit specified in this section.

(b) For each month during which a domestic winery will sell wine at a qualifying farmers market, the winery must provide the board or its designee a list of the dates, times, and locations at which bottled wine may be offered for sale. This list must be received by the board before the winery may offer wine for sale at a qualifying farmers market.

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled wine; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010(8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection (5)(g)(i)(B), a farmers market is still considered a
"qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.370, a domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

(a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;

(b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;

(c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;

(d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;

(e) The wine is not sold for resale; and

(f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds with the special occasion licensee licensed under RCW 66.24.380.

[ 2021 c 6 § 3; 2019 c 169 § 1; 2017 c 238 § 1; 2016 c 235 § 1. Prior: 2014 c 105 § 1; 2014 c 27 § 1; 2013 c 238 § 2; 2009 c 373 § 4; (2011 c 62 § 2 expired December 1, 2012); 2008 c 41 § 5; 2007 c 16 § 2; 2006 c 302 § 1; 2003 c 44 § 1; 2000 c 141 § 1; 1997 c 321 § 3; 1991 c 192 § 2; 1982 c 85 § 4; 1981 1st ex.s. c 5 § 31; 1939 c 172 § 1 (23C); 1937 c 217 § 1 (23C) (adding new section 23-C to 1933 ex.s. c 62); RRS § 7306-23C. Formerly RCW 66.24.170, 66.24.180, and 66.24.190.]

WAC 314-20-015

Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.
(1) A licensed brewer may sell:
   (a) Beer of its own production at retail on the brewery premises;
   (b) Beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other brewery's brands do not exceed twenty-five percent of the microbrewery's on-tap offering of its own brands. Beer not of its own production must be purchased through normal distribution channels; and
   (c) Cider produced by a domestic winery. Cider must be purchased through normal distribution channels.

(2) In selling beer and/or cider at retail, as provided in subsection (1) of this section, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer and/or wine retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this section. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production except as set forth in subsection (1) of this section pursuant to RCW 66.24.244.

(8) Licensed beer manufacturers and their employees may:
   (a) Sample beer of their own manufacture for manufacturing, evaluating, or pricing product in areas where the public is not served so long as the licensee employee does not become apparently intoxicated; and
   (b) The licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public.

WAC 314-20-019

Domestic brewery or microbrewery endorsement for on-premises consumption of wine.

Consistent with RCW 66.24.246:
(1) A domestic brewery or microbrewery may apply for an endorsement to sell wine for on-premises consumption.
(2) The endorsement holder must comply with each of the following requirements:
   (a) The wine must be produced in Washington;
   (b) The wine must be sold by the single serving for on-premises consumption; and
   (c) The number of wine offerings for sale at any one time is limited to three.
(3) The annual fee for the on-premises consumption endorsement is two hundred dollars.

WAC 314-24-070

Domestic wineries—Purchase and use of bulk wines, brandy or wine spirits—Import permit required—Records—Wine returned to Washington.

(1) Domestic wineries may purchase and/or receive under federal bond from any holder of a domestic winery license, holder of the fruit and/or wine distillery license provided in RCW 66.24.140, or out-of-state holder of a federal winery or fruit distillery basic permit, bulk wine, brandy or bulk wine spirits manufactured or produced by such holder, and use the same in the manufacture or production of wines: Provided, That every domestic winery which imports wine, brandy or wine spirits manufactured outside the state of Washington for use as authorized in this section must first be in possession of a permit issued by the board, in accordance with RCW 66.20.010(5) of the Washington State Liquor Act. Applications for such permits must be submitted to the board in writing. Such permits expire at the end of the board's fiscal year, and are subject to renewal at that time upon written request and remittance of said annual fee. Wine manufactured or produced from one kind of fruit or berry may not receive wine, brandy or wine spirits manufactured or produced from another kind of fruit or berry. Such brandy or wine spirits so purchased shall be used exclusively and only for the purpose of adding wine spirits to wines. In those cases where the holder of a domestic winery license shall also hold such fruit and/or wine distillery license, then, and in such cases, such domestic winery may use brandy or wine spirits manufactured or produced under such distillery license as a wine spirits addition in the manufacture or production of wine by such holder of the domestic winery license.
(2) Any domestic winery using wine, brandy or wine spirits as provided in subsection (1) of this section, shall make and file with the board, not later than the tenth day of each month upon forms prescribed and furnished by the board, a report showing all transactions of such domestic winery in the purchase and/or use of wine, brandy or wine spirits as provided in said
subsection (1) of this section, and shall retain one copy of such report in its own files, and shall keep and preserve for a period of not less than two years any bills of lading or other documents supporting such report. One copy of the bill of lading covering such sale and shipment to a domestic winery is to be forwarded to the board by the shipping winery or fruit distillery, at the time of such shipment.

(3) A domestic winery may ship Washington wine out of and may return such wine to Washington state for ultimate sale. The following conditions apply:
   (a) The wine is produced and bottled in Washington by a licensed winery.
   (b) The export shall be from the licensed winery and returned to the same entity, a licensed wine distributor or bonded wine warehouse.
   (c) The returned wine must not have been altered in any way, with the exception of sparkling wine.
   (d) A domestic winery, a licensed wine distributor, or bonded wine warehouse directly receiving previously exported Washington wine must comply with tax collection and tracking requirements initiated by the liquor control board.
   (e) A domestic winery, a licensed wine distributor, or bonded wine warehouse directly receiving previously exported Washington wine must keep on file for audit purposes clear source records (shipping documents, etc.) with reporting documents. Records need to indicate what wine was returned to the state that was previously reported as an export (including number of cases and gallons).


WAC 314-24-160
Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine restaurant operation.

(1) A domestic winery may sell wine of its own production at retail on the winery premises.

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.
(4) A domestic winery or a lessee of a licensed domestic winery operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.295, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.295(2).

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

(7) A domestic winery may sell for off-premises consumption wine of its own production in kegs or sanitary containers brought to the premises by the purchaser or furnished by the licensee in compliance with WAC 314-24-006(4) and filled at the tap at the time of sale.

(8) A winery is required to obtain the appropriate retail license pursuant to chapter 66.24 RCW to sell beer, wine, or spirits on the winery premises that is not of its own production. The winery shall follow the appropriate rules for such retail licenses.

(9) Licensed wine manufacturers and their employees may: Sample wine of their own manufacture for manufacturing, evaluating, or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee is not also engaged in serving alcohol to the public.


WAC 314-24-163

Domestic winery endorsement for on-premises consumption of beer.

Consistent with RCW 66.24.246:

(1) A licensed domestic winery may apply for an endorsement to sell beer for on-premises consumption. A separate endorsement is required for each location.

(2) The endorsement holder must comply with each of the following requirements:
(a) The beer must be produced in Washington;
(b) The beer must be sold by the single serving for on-premises consumption; and
(c) The number of beer offerings for sale at any one time is limited to three.
(3) The annual fee for the on-premises consumption endorsement is two hundred dollars for each location.

WAC 314-24-265
Defining wine of a winery's own production.

A domestic winery holding a valid license in both Washington and Oregon may market and distribute wine produced in Oregon utilizing their Washington winery license as the premises for transactions if the following conditions are met:
(1) The licensee must request approval from the WSLCB to market and retail their Oregon wine at their Washington winery premises. Approval will be granted based on the documentation that demonstrates compliance with this regulation.
(2) The licensee must demonstrate a valid Oregon winery license and that the underlying ownership of the Oregon winery license is identical to the Washington winery license.
(3) Both the Washington and Oregon wineries must manufacture wine within the same TTB authorized appellation. Only wine from cross border appellations will be approved.
(4) Oregon wine to be marketed and/or sold in Washington must have the appropriate taxes paid (RCW 66.24.210).

WAC 314-28-065
Sampling, service, and sales requirements for distillery and craft distillery licensees—Annual report on revenue from tasting room sales of adulterated spirits for on-premises consumption.

Consistent with RCW 66.24.140 and 66.24.145:
(1) Distillery and craft distillery licensees may engage in the following sampling, service, and sales activities:
(a) Sell, for off-premises consumption:
(i) Spirits of their own production;
(ii) Spirits produced by another distillery or craft distillery licensed in Washington, subject to the alcohol stock-keeping unit requirements in subsection (2) of this section; and
(iii) Vermouth and sparkling wine produced by a licensee in Washington, subject to the alcohol stock-keeping unit requirements in subsection (2) of this section.
(b) Serve or sell, for on-premises consumption, samples of spirits of their own production or samples of spirits produced by another distillery or craft distillery licensed in Washington, subject to the alcohol stock-keeping unit requirements in subsection (2) of this section and the following requirements:
(i) Samples may be free or for a charge;
(ii) Each sample must be one-half ounce or less of spirits;
(iii) Spirits samples may be adulterated with water, ice, other alcohol allowed to be sold on-site, or nonalcoholic mixers; and

(iv) A licensee may not allow an individual person to receive more than a cumulative total of two ounces of unadulterated spirits for on-premises consumption. Additional spirits purchased for on-premises consumption must be adulterated.

c) Sell, for on-premises consumption, servings of spirits of their own production or servings of spirits produced by another distillery or craft distillery licensed in Washington, subject to the alcohol stock-keeping unit requirements in subsection (2) of this section and the following requirements:

(i) Servings must be adulterated with water, ice, other alcohol permitted to be sold at the location, or nonalcoholic mixers; and

(ii)(A) The revenue derived from the sale of adulterated spirits for on-premises consumption under (c) of this subsection must not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year.

(B) The thirty percent limit described in this subsection is an annual limit. As long as the thirty percent limit is not exceeded on an annual basis, revenue that exceeds the thirty percent limit in any one month does not violate the limit.

(C) Consistent with RCW 66.24.140 (2)(c)(ii) and 66.24.145 (3)(b), distilleries and craft distilleries that sell adulterated spirits for on-premises consumption under (c) of this subsection must file an annual report summarizing their revenue sources. The annual report on revenue from tasting room sales of adulterated spirits for on-premises consumption must be filed on a form furnished by the board or in a format approved by the board. The annual report must be submitted to the board by January 25th following the end of the calendar year for the reporting period. (For example, an annual report listing revenue sources for 2021 is due by January 25, 2022.)

(d) Sell, for on-premises consumption, servings of vermouth or sparkling wine produced by a licensee in this state, subject to the alcohol stock-keeping unit requirements in subsection (2) of this section.

(e) Sell nonalcoholic products at retail.

(2) A distillery or craft distillery licensee that provides or sells, for on-premises or off-premises consumption, spirits, sparkling wine, or vermouth produced by another licensee in this state, must meet the following alcohol stock-keeping unit requirements:

(a) Except as provided in (b) of this subsection, at any one time no more than twenty-five percent of a distillery or craft distillery licensee's total alcohol stock-keeping units, offered or sold at the distillery or craft distillery premises and at any off-site tasting rooms, may be vermouth, sparkling wine, or spirits produced by another licensee in this state.

(b) If a distillery or craft distillery licensee sells fewer than twenty different alcohol stock-keeping units of its own production at any one time, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits that are produced by another licensee in this state.

(3) Any person serving or selling spirits or other alcohol authorized to be served or sold by a distillery or craft distillery licensee must obtain a class 12 alcohol server permit.

WAC 314-28-067

Food offerings requirements.

(1) Consistent with RCW 66.24.1471, licensed distilleries, craft distilleries, and off-site
tasting rooms must comply with the food offerings requirements in this section. "Food offerings"
has the same meaning as provided in RCW 66.24.1471.
   (a) Food offerings may be prepackaged for individual sale and consumption.
   (b) Food offerings may be preprepared off-site for plating for the customer.
   (c) Food offerings are not required to be warmed, cooked, or heated off-site or on-site
prior to service.
   (d) Food heating devices or preparation apparatuses are not required to be installed,
maintained, or used to prepare any food offerings.

(2) In addition to the food offerings requirements in this section, licensed distilleries,
craft distilleries, and off-site tasting rooms must comply with all applicable requirements in
RCW 66.24.1471 including, but not limited to, requirements related to posting lists of local
restaurants or food trucks and any local city or county health requirements. For information on
local city or county health requirements, licensees need to contact their local health department.

WAC 314-28-300

Off-site tasting room license.

(1) Distillery and craft distillery licensees may apply for an off-site tasting room license
as authorized in RCW 66.24.146.

(2) Consistent with RCW 66.24.146:
   (a) A distillery or craft distillery licensee is eligible for up to two off-site tasting room
licenses located in this state, subject to the limit on the total number of off-site tasting room
licenses under RCW 66.24.1473.
   (b) Off-site tasting rooms may be indoors, outdoors, or a combined indoor and outdoor
area. For requirements related to outside alcohol service, see WAC 314-03-200.
   (c) The fee for each off-site tasting room license is two thousand dollars per year.

(3) An off-site tasting room must comply with all applicable requirements in
RCW 66.24.146 and any other applicable laws and rules including, but not limited to, the
sampling, service, and sales requirements in WAC 314-28-065, the tasting room age restrictions
in WAC 314-28-066, and the food offerings requirements in WAC 314-28-067. For information
on local city or county requirements, licensees need to contact their local government offices.

(4) RCW 66.24.146 allows an off-site tasting room to have a section identified and
separated as a federally bonded space for the storage of bulk or packaged spirits, and allows
products of the licensee's own production to be bottled or packaged in the space. A licensee
engaging in this activity at an off-site tasting room must comply with all applicable federal laws
and regulations and obtain any required federal approvals.

(5) Consistent with RCW 66.24.1474, an off-site tasting room licensee may add a spirits,
beer, and wine restaurant license as authorized in RCW 66.24.400 at the off-site tasting room
premises. The licensee must complete an application and submit the application and applicable
fees to the board for processing. For more information about spirits, beer, and wine restaurant license requirements, see WAC 314-02-015.

Parcel Analysis
Theoretical WBD Maximum for Sammamish Valley and Novelty Hill Areas
May 2022

Council Staff Analysis

This summary analyzes the theoretical maximum of WBDs that could located in two areas of unincorporated King County. This analysis compares the allowances for WBDs under Ordinance 19030, Proposed Ordinances 2022-0147/8, and the Former Code. The analysis considers lot size, access, and the potential to meet the 75’ setback requirements. There are several other requirements that would have to be met to establish a WBD use on any of these parcels.

Table 1. Number of Parcels for each category of WBD – Sammamish Valley Area.¹

<table>
<thead>
<tr>
<th>Category</th>
<th>Ord. 19030</th>
<th>PO 2022-0147/8</th>
<th>Former Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupation (20% of residence, 440sf outdoor, no sf or use limit on out buildings)</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Home industry (or home occupation) (20% of residence, outbuildings limited to storage)</td>
<td>0</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>8,000sf with CUP, 3,500sf w/o 16,000sf with CUP, 3,500sf w/o</td>
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<td>n/a</td>
<td>7</td>
</tr>
<tr>
<td>WBD I (1,500sf)</td>
<td>19</td>
<td>&lt;2</td>
<td>n/a</td>
</tr>
<tr>
<td>WBD II (3,500sf)</td>
<td>7</td>
<td>&lt;8, depends on where a WBD first locates</td>
<td>n/a</td>
</tr>
<tr>
<td>WBD II with CUP (3,500 with CUP)</td>
<td>n/a</td>
<td></td>
<td>n/a</td>
</tr>
<tr>
<td>WBD III (8,000sf with CUP)</td>
<td>10</td>
<td></td>
<td>n/a</td>
</tr>
<tr>
<td>Total WBD</td>
<td>36</td>
<td>&lt;10²</td>
<td>62</td>
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</tbody>
</table>

¹ This analysis does not account for the existing businesses, that may, or may not, have legal nonconforming status in this study area. Outside the 1,000 foot buffers for the existing businesses, there are 4 properties that are large enough to accommodate a WBD II or III (these properties have overlapping 1,000ft buffers so not all of them could develop), and another 2 that are theoretically able to establish as a WBD I.

² This number was determined based on the maps attached, and are based on what land is vacant, what land could meet the 75’ setback without modifying any site improvements, a review of the maximum number of parcels that could potentially locate within the subarea, and for Sammamish Valley, where the existing businesses are located.
Table 2. Number of Parcels for each category of WBD – Novelty Hill Area.

<table>
<thead>
<tr>
<th>Category</th>
<th>Ord. 19030</th>
<th>PO 2022-0147/8</th>
<th>PO 2022-0146 (also Former Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupation (20% of residence, 440sf outdoor, no sf or use limit on out buildings)</td>
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<td>0</td>
<td>68</td>
</tr>
<tr>
<td>Home industry (or home occupation) (20% of residence, outbuildings limited to storage)</td>
<td>0</td>
<td>0</td>
<td>41</td>
</tr>
<tr>
<td>8,000sf with CUP, 3,500sf w/o 16,000sf with CUP, 3,500sf w/o</td>
<td>n/a</td>
<td>n/a</td>
<td>15</td>
</tr>
<tr>
<td>WBD I (1,500sf)</td>
<td>24</td>
<td>&lt;4</td>
<td>n/a</td>
</tr>
<tr>
<td>WBD II (3,500sf)</td>
<td>11</td>
<td>&lt;7, depends on where a WBD first locates</td>
<td>n/a</td>
</tr>
<tr>
<td>WBD II with CUP (3,500 with CUP)</td>
<td>9</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>WBD III (8,000sf with CUP)</td>
<td>13</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Total WBD</strong></td>
<td><strong>57</strong></td>
<td><strong>&lt;11</strong></td>
<td><strong>132</strong></td>
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</table>

Background

The analysis considered lot size, access, compliance with 75’ setback requirement, and the separation requirement proposed in 2022-0148. It excludes unbuildable tracts, publicly owned or private utility owned properties, and parcels currently developed as schools, religious facilities, and recreation facilities. Below is a summary of what is allowed by each of the three scenarios.

Ordinance 19030

- WBD I: up to 1,500sf, no tasting or retail on-site, 75’ setback including parking
- WBD II: up to 3,500sf, on 2.5 acres, 75’ setback including parking, and public road access with CUP
- WBD III: up to 6,000sf on 4.5 acres, and up to 8,000sf with 10 acres, arterial access, 75’ setback including parking

Proposed Ordinances 2022-0147/8

- WBD I: up to 1,500sf, no tasting or retail on-site, 75’ setback including parking, impervious surfaces and from A zone
- WBD II: up to 3,500sf, on 2.5 acres, with 1,000’ separation, 75’ setback including parking, impervious surfaces and from A zone, and public road access with CUP
- WBD III: up to 5,000sf on 4.5 acres, and up to 8,000sf with 10 acres, with 1,000’ separation from any other WBD use, arterial access, 75’ setback including parking, impervious surfaces and from A zone

Former Code (prior to 19030)

Home occupation code allows:
• Max 20% of floor area of residences
• Outdoor area 440sf if less than 1 acre lot, 1% up to 5,000sf if over 1 acre.
• Outdoor storage and parking 25’ landscaped from all property lines
• No limit on garage and storage building square footage and may be used for activities

Home industry code allows (with CUP):

• Home industry 1 acre minimum
• Garage and other buildings not included in max floor area and may be used for storage
• 10’ landscaped from all property lines
• Max 20% of residence

Permitted WBD allows up to 3,500sf, and requires 4.5 acres, 75’ setback

CUP WBD allows up to 6,000sf on 4.5 acres, and up to 16,000 sf with 10 acres and 2.5 grow on-site. 75’ setback for buildings only
Lau Analysis Submitted for March 22, 2022 LSLU Committee meeting

- Does not include properties that could be WBD I, or were potentially permitted as home occupation/industry under Former Code.
- The Lau analysis did not include 5 properties that are inside the four streets that would be eligible for WBD II or III, and another 10 that could qualify as a WBD II with a CUP.
- To compare apples-to-apples to include WBD I and former code’s allowance for home occupations, the properties inside the four streets were compared. This removed 24 properties that were in the Lau analysis (see chart at the end for the Lau-identified parcels and their treatment in this analysis) that are on the other side of the street from the study area. If any of the properties established a WBD II or III use, the 1,000 foot separation requirement between WBD uses would preclude additional ones, including the 24 that area across the street from the study area.

<table>
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75' Setback, March 28, 2022
# Winery, Brewery, Distillery Code Updates

## King County Council Review and Adoption Schedule and Amendment Deadlines

*As of May 4, 2022 – subject to change*

## Proposed Ordinance 2022-0147

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 17</td>
<td>Legislation Introduced</td>
</tr>
<tr>
<td>March 22</td>
<td>Local Services and Land Use Committee – Briefing</td>
</tr>
<tr>
<td>April 28</td>
<td>Email sent out with details of hearing notice, special LSLU meeting, change to amendment deadlines, draft striker for both ordinances</td>
</tr>
<tr>
<td>May 3</td>
<td>End of day Councilmember Deadline for amendment concepts for public hearing notice</td>
</tr>
<tr>
<td>May 3 to June 13</td>
<td><em>Public Hearing Notice by Council staff</em></td>
</tr>
<tr>
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<td><em>SEPA Process by Executive/Council staff</em></td>
</tr>
<tr>
<td><strong>May 11th</strong></td>
<td><strong>Local Services and Land Use Committee – Briefing</strong></td>
</tr>
<tr>
<td>May 17 End of Day</td>
<td>Striking amendment direction due to staff</td>
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<tr>
<td>May 19 End of Day</td>
<td>Striking amendment finalized and distributed</td>
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<tr>
<td>May 20 End of Day</td>
<td>Line amendment direction due to staff</td>
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<tr>
<td><strong>May 24</strong></td>
<td><strong>Local Services and Land Use Committee – Vote</strong></td>
</tr>
<tr>
<td>9:30am</td>
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</tr>
<tr>
<td>June 14</td>
<td>Public Hearing at full Council</td>
</tr>
<tr>
<td>June 15 12:00pm</td>
<td>Striking Amendment direction due to staff for Full Council</td>
</tr>
<tr>
<td>June 17 8:00am</td>
<td>Striking Amendment shared with Councilmembers</td>
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<tr>
<td>June 18 8:00am</td>
<td>Line amendment direction due to staff for Full Council</td>
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<tr>
<td>June 20 5:00pm</td>
<td>All amendments finalized and distributed publicly</td>
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<tr>
<td><strong>June 21</strong></td>
<td><strong>Possible vote at full Council</strong></td>
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<td>1:00pm</td>
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<tr>
<td><strong>June 28</strong></td>
<td><strong>Back up vote if 1-week courtesy delay</strong></td>
</tr>
<tr>
<td>1:00pm</td>
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</tbody>
</table>

* Amendment deadlines to be determined for June 28, 2022 if needed.
## Proposed Ordinance 2022-0148

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
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<tbody>
<tr>
<td>March 17</td>
<td>Legislation Introduced</td>
</tr>
<tr>
<td>March 22</td>
<td>Local Services and Land Use Committee – Briefing</td>
</tr>
<tr>
<td>April 28</td>
<td>Email sent out with details of hearing notice, special LSLU meeting, change to amendment deadlines, draft striker for both ordinances</td>
</tr>
<tr>
<td><strong>May 11th</strong></td>
<td><strong>Local Services and Land Use Committee – Briefing</strong></td>
</tr>
<tr>
<td>1:00pm</td>
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</tr>
<tr>
<td>May 17</td>
<td>Striking amendment direction due to staff</td>
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<td>End of Day</td>
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<tr>
<td>May 19</td>
<td>Striking amendment finalized and distributed</td>
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<tr>
<td>May 20</td>
<td>Line amendment direction due to staff</td>
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<tr>
<td>End of day</td>
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<tr>
<td><strong>May 24</strong></td>
<td><strong>Local Services and Land Use Committee – VOTE</strong></td>
</tr>
<tr>
<td>9:30am</td>
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</tr>
<tr>
<td>May 27</td>
<td><strong>Councilmember Deadline</strong> for amendment concepts for public hearing notice</td>
</tr>
<tr>
<td>End of day</td>
<td></td>
</tr>
<tr>
<td><strong>May 28 to</strong></td>
<td><strong>Public Hearing Notice by Council staff</strong></td>
</tr>
<tr>
<td><strong>September 26</strong></td>
<td><strong>SEPA Process by Executive/Council staff</strong></td>
</tr>
<tr>
<td>1:00 pm</td>
<td><strong>Public Hearing at full Council</strong></td>
</tr>
<tr>
<td>September 27</td>
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</tr>
<tr>
<td>12:00pm</td>
<td>Striking Amendment direction due to staff for Full Council</td>
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<tr>
<td>September 29</td>
<td>Striking Amendment shared with Councilmembers</td>
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<td>8:00am</td>
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<tr>
<td>September 30</td>
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<td><strong>Back up vote if 1-week courtesy delay</strong></td>
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<td>1:00pm</td>
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</table>

* Amendment deadlines to be determined for October 11, 2022 if needed.
NOTICE IS HEREBY GIVEN that a public hearing will be held before the Metropolitan King County Council on the 14th day of June, 2022 at 1:00 p.m., to consider adoption of a Proposed Ordinance relating to development regulations for wineries, breweries and distilleries for unincorporated King County. The public hearing is planned to either be held at the King County Courthouse, 516 3rd Avenue, Room 1001, Seattle, Washington; or the hearing may be held remotely on Zoom. Information on the public hearing and how to submit public testimony can be found at this website: https://www.kingcounty.gov/council/committees/full_council.aspx. Following the public hearing, the Council may take action on the Proposed Ordinance on June 21, 2022.

Summary of Legislation:
Proposed Ordinance 2022-0147 is the first of two ordinances that would modify the regulations for wineries, breweries and distilleries (WBD). Proposed Ordinance 2022-0147 is Ordinance 1, and would make the following changes to the WBD regulations:

- Prohibit WBDs in the Agriculture zone.
- Require WBD III in the Rural Area (RA) zone to have a minimum site area of 10 acres if the floor area exceeds 5,000 square feet.
- Specify compliance with the County's stormwater regulations for WBD II and III in the RA zone.
- Add limitations on on-site tasting and sales: reducing the floor area allowed to 20% of the gross floor area for WBD II and III in the RA zone.
- Prohibit distilleries in basins closed or partially closed to new water withdrawals for WBD I and II in the RA zone (excludes Vashon-Maury Island).
- Require WBD II in the RA zone to connect to a Group A or Group B water system (excludes Vashon-Maury Island).
- Require commercial septic system and prohibits use of sewer systems for WBD I, II and III in the RA zone (excludes Vashon-Maury Island).
- Require additional stages of production to occur on-site (2 for WBD I, 3 for WBD II and III) in the RA zone, with additional "active" stages required on-site (1 for WBD I, 2 for WBD II and III).
- Require WBDs to be setback 75' from A zones, and adds impervious surface to the required setback.
- Modify event allowances, including differentiating between on-site functions that do not trigger permit requirements, events that do trigger permit requirements for temporary use permits, activities that are always prohibited for WBDs, and removing an exemption from temporary use permit requirements for certain WBDs.
- Modify the land use business license requirements to: reflect prohibition of WBDs in the Agriculture zone, modify the language regarding nonconforming businesses, require a building permit or change of use permit to be issued prior to approval of the license with an exception for existing businesses to come into compliance.
- Modify the definition of remote tasting room to reflect changes made in state law.
- Modify the definitions of WBD I, II, and III to recognize additional stages of production and to remove general references to state law.
- Repeal remote tasting room demonstration project overlay A, and adopt a map amendment to the Zoning Atlas to reflect this repeal.
- Repeal efficacy evaluation adopted by Ordinance 19030 in 2019.

The King County Council's Local Services and Land Use Committee is expected to make a recommendation on the legislation at their May 24, 2022, meeting. A draft striking amendment has been released by the Committee Chair, that would make the following changes to Proposed Ordinance 2022-0147:

- Clarifying provisions for WBDs in historic resources in the RA zone, so that additional floor area allowed must be wholly within the historic structure.
- Limiting incidental retail sales to 20% of the tasting and retail sales area, and 20% of the gross sales revenue. Requires documentation of that requirement with the business license.
- Removing requirements for commercial septic systems for WBD I in the RA zone.
- Specifying a requirement for a production liquor license from the state for WBD I, II and III in the RA zone, and requiring documentation demonstrating that the on-site production and tasting and retail sales are met.
• Allowing the Permitting director to reduce the 75' setback requirement for uses that obtain a conditional use permit, subject to specified criteria.
• Modifying the off-street parking requirements for WBD I to match the requirements for WBD II and III.
• Modifying the activities allowed on-site for functions and events by requiring a temporary use permit for events that use portable toilets, and capping the number of portable toilets to 2 for any event.
• Modifying the land use business license requirement for building permit prior to issuance of the license to that building permit needed to establish the WBD use, and giving existing businesses 12 months for their initial license, with discretion to issue 6-month extensions if substantial steps are taken by the applicant to obtain a building permit.
• Adding a requirement for the Executive to contact known WBD businesses and development materials for technical assistance.
• Adding an evaluation report for the Executive to review interior lot line setbacks, temporary use permit requirements related to WBD functions and events, and impacts of the regulations on salmonid species.
• Establishing a contingent effective date, so Proposed Ordinance 2022-0147 becomes effective only when Proposed Ordinance 2022-0148 is adopted. This contingent effective date would not impact the requirement for contacting WBD businesses and developing technical assistance materials, or the evaluation report.

Proposed Ordinance 2022-0148 is Ordinance 2 and would make additional changes to WBD regulations, and would establish a separation requirement between some WBD uses and allow WBD uses in the Urban Reserve zone. A draft striking amendment would also modify the hours of operation for tasting and retail and allow WBD wineries in the Industrial. A separate public hearing notice will be issued prior to any public hearing at the King County Council on the provisions in Proposed Ordinance 2022-0148.

Additional amendments may be offered at Committee on May 24th.

Final Consideration:
In addition to the proposed amendments contained in Proposed Ordinance 2022-0147, Councilmembers may offer additional amendments for consideration by the Council. As a result, persons interested in any of the issues raised in the Proposed Ordinance should make their views known at the public hearing on June 14, 2022. Amendments that may be considered for adoption by the Council on June 14, 2022, or thereafter include, but are not necessarily limited to:

• Any amendment offered, or relating to topics discussed, during the review of the legislation in committee.
• Any matter preserved for consideration by the Council by a member during previous committee meetings.
• Amendments that respond to public comment or public testimony received.
• Modifying regulations relating to accessory uses to WBDs, incidental sales, and/or functions and events.
• Rescinding the changes adopted in 2019 and readopt the provisions for WBDs that existed prior to that.

For more information:

DATED at Seattle, Washington this 12th day of May, 2022.

METROPOLITAN KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Melani Pedroza
Clerk of the Council