



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Committee of the Whole

Claudia Balducci, Chair;
Jorge Barón, Vice Chair;
Rod Dembowski, Reagan Dunn, Teresa Mosqueda, Sarah Perry,
Dave Upthegrove, Pete von Reichbauer, Girmay Zahilay

Lead Staff: Andy Micklow (206-263-3226)
Committee Clerk: Blake Wells (206-263-1617)

9:30 AM

Monday, November 18, 2024

Hybrid Meeting

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

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

HOW TO PROVIDE PUBLIC COMMENT: The Committee of the Whole values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

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

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

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

CONNECTING TO THE WEBINAR:
Webinar Meeting ID: 853 1323 8538

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 REMOTELY: There are several ways to watch or listen in to the meeting:

- 1) Stream online via this link: www.kingcounty.gov/kctv, or input the link web address into your web browser.
- 2) Watch King County TV Comcast Channel 22 and 322(HD), Astound Broadband Channels 22 and 711(HD).
- 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

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

3. Approval of Minutes p. 6

November 4, 2024 meeting minutes

4. Public Comment

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

5. [Proposed Motion No. 2024-0344](#) p. 9

A MOTION confirming the executive's appointment of Jacqueline Walsh, who resides in council district two, to the King County public defense advisory board, as a representative from the Washington Association of Criminal Defense Lawyers.

Sponsors: Zahilay

Melissa Bailey, Council staff

6. [Proposed Motion No. 2024-0345](#) p. 9

A MOTION confirming the executive's appointment of George Yeannakis, to the King County public defense advisory board, as a representative from the Washington State Office of Public Defense.

Sponsors: Barón

Melissa Bailey, Council staff

7. [Proposed Motion No. 2024-0346](#) p. 9

A MOTION confirming the executive's appointment of Christopher Petroni, who resides in council district two, to the King County public defense advisory board, as a representative from the King County Bar Association.

Sponsors: Zahilay



Melissa Bailey, Council staff

8. [Proposed Motion No. 2024-0353](#) p. 24

A MOTION confirming the King County board of health's appointment of LaMont Green to serve as an alternate member representing consumers of public health for a three-year term to expire on December 31, 2027.

Sponsors: Mosqueda

Sam Porter, Council staff

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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9. [Proposed Motion No. 2024-0356](#) p. 24

A MOTION confirming the King County board of health's appointment of Mustafa Mohammed to serve as a representative of consumers of public health for a three-year term to expire on December 31, 2027.

Sponsors: Mosqueda

Sam Porter, Council staff

10. [Proposed Motion No. 2024-0334](#) p. 35

A MOTION approving the extension of the executive's appointment of Ed Carter as acting director of the community corrections division within the King County department of adult and juvenile detention.

Sponsors: Balducci

Andy Micklow, Council staff

11. [Proposed Ordinance No. 2024-0359](#) p. 41

AN ORDINANCE relating to the sustained support programs for arts and heritage, and amending Ordinance 14440, Section 7, as amended, and K.C.C. 2.48.108 and Ordinance 14440, Section 8, as amended, and K.C.C. 2.48.109.

Sponsors: Balducci

Gene Paul, Council staff

12. [Proposed Ordinance No. 2024-0377](#) p. 50

AN ORDINANCE relating to the King County Doors Open Program to support cultural organizations; and amending Ordinance 19710, Section 8.

Sponsors: Balducci

Andy Micklow, Council staff

13. [Proposed Ordinance No. 2024-0370](#) p. 60

AN ORDINANCE adopting and ratifying amendments to the King County Countywide Planning Policies.

Sponsors: Perry

Andy Micklow, Council staff



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



14. [Proposed Ordinance No. 2024-0387](#) p. 83

AN ORDINANCE relating to wineries, breweries, distilleries, and remote tasting rooms; amending Ordinance 1888, Article III, Section 5, as amended, and K.C.C. 6.01.150, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, 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, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010, adding a new section to K.C.C. chapter 21A.06, repealing Ordinance 19030, Section 3, Ordinance 19030, Section 4, and K.C.C. 6.74.010, Ordinance 19030, Section 5, and K.C.C. 6.74.020, Ordinance 19030, Section 6, and K.C.C. 6.74.030, Ordinance 19030, Section 7, and K.C.C. 6.74.040, Ordinance 19030, Section 8, and K.C.C. 6.74.050, Ordinance 19030, Section 9, and K.C.C. 6.74.060, Ordinance 19030, Section 10, and K.C.C. 6.74.070, Ordinance 19030, Section 11, and K.C.C. 6.74.080, Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A, Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B, Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C, Ordinance 19030, Section 28, Ordinance 19030, Section 29, and K.C.C. 21A.55.110, Ordinance 19030, Section 32, prescribing penalties, and establishing an effective date.



Sponsors: Balducci

Erin Auzins, Council staff

Contingent upon referral to the Committee of the Whole

Other Business

Adjournment

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

*Claudia Balducci, Chair;
Jorge Barón, Vice Chair;
Rod Dembowski, Reagan Dunn, Teresa Mosqueda, Sarah
Perry,
Dave Upthegrove, Pete von Reichbauer, Girmay Zahilay*

*Lead Staff: Andy Micklow (206-263-3226)
Committee Clerk: Blake Wells (206-263-1617)*

9:30 AM

Monday, November 4, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Balducci called the meeting to order at 9:36 a.m.

2. **Roll Call**

Present: 9 - Balducci, Barón, Dunn, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

3. **Approval of Minutes**

*Councilmember Barón moved approval of the October 21, 2024 meeting minutes.
There being no objections, the minutes were approved.*

4. **Public Comment**

The following individuals provided public comment:

1. *Jeffrey Hermann*
2. *Madeline Dalton*
3. *Holly Jacobson*
4. *Putter Bert*

Discussion and Possible Action

5. [Proposed Motion No. 2024-0341](#)

A MOTION confirming the executive's appointment of Tina Keys, who resides in council district three, to the King County Housing Authority board of commissioners, representing the resident commissioner.

Olivia Brey, Council staff, briefed the Committee on the legislation and answered questions from the members. Tina Keys, appointee to the King County Housing Authority board of commissioners, and Grace Wood, Staff Liaison to KCHA Board of Commissioners, commented and answered questions from the members.

This item was expedited to the November 12, 2024 Council's Agenda.

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

Yes: 9 - Balducci, Barón, Dunn, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

6. [Proposed Motion No. 2024-0342](#)

A MOTION confirming the executive's appointment of Jerry Lee, who resides in council district six, to the King County Housing Authority board of commissioners.

Olivia Brey, Council staff, briefed the Committee on the legislation and answered questions from the members. Jerry Lee, appointee to the King County Housing Authority board of commissioners, and Grace Wood, Staff Liaison to KCHA Board of Commissioners, commented and answered questions from the members.

This item was expedited to the November 12, 2024 Council's Agenda.

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

Yes: 9 - Balducci, Barón, Dunn, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

7. [Proposed Motion No. 2024-0287](#)

A MOTION establishing the King County 2025 State Legislative Priorities.

Mac Nicholson, Director, Government Relations, King County Council, briefed the committee and answered questions from the members. Joe McDermott, Director of State Relations, commented and answered questions from the members.

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

Yes: 9 - Balducci, Barón, Dunn, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

8. [Proposed Ordinance No. 2024-0236](#)

AN ORDINANCE approving the King County Doors Open Program implementation plan, required by Ordinance 19710, Section 9, to govern the expenditure of the cultural access sales and use tax from 2024 through 2031 to achieve outcomes related to public and educational benefits and economic support for arts, science, and heritage organizations; amending section 1 of this ordinance, repealing Attachment A to this ordinance, and establishing an effective date.

Leah Krekel-Zoppi, Gene Paul, Council and, Andy Micklow, Council staff, briefed the committee on the legislation and answered questions from the members. Brian Carter, Executive Director, 4Culture, briefed the committee and answered questions from the members.

Councilmember Barón moved amendment A1. Amendments A1 was adopted as amended by amendments 1 and 2.

Councilmember Zahilay moved 1 to the Amendment 1. This amendment was adopted. Councilmember Barón moved 2 to the Amendment A1. This amendment was adopted There was a voice amendment moved by CM Baron it was adopted.

Councilmember Barón moved amendment A2. Amendment A2 was adopted.

Councilmember Barón moved amendment T1. Amendment T1 was adopted..

The meeting was recessed at 11:01 a.m. and the meeting reconvened at 11:10 a.m.

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

Yes: 9 - Balducci, Barón, Dunn, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 11:21 a.m.

Approved this _____ day of _____

Clerk's Signature



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	5, 6, & 7	Name:	Melissa Bailey
Proposed No.:	2024-0344 2024-0345 2024-0346	Date:	November 18, 2024

SUBJECT

Proposed motions to confirm the Executive's appointment of the following persons to the Public Defense Advisory Board (each for the remainder of a three-year term to expire on June 30, 2027):

- Proposed Motion 2024-0344 would confirm Jacqueline Walsh, who resides in Council District Two, as a representative from the Washington Association of Criminal Defense Lawyers;
- Proposed Motion 2024-0345 would confirm George Yeannakis, as a representative from the Washington State Office of Public Defense, for the remainder of a three-year term to expire on June 30, 2027; and
- Proposed Motion 2024-0346 would confirm Christopher Petroni, who resides in Council District Two, as a representative from the King County Bar Association.

BACKGROUND

Board Creation. The King County Department of Public Defense (DPD), the office of County Public Defender, and the Public Defense Advisory Board (the Board), were created by a charter amendment that was approved by voters in November 2013.¹ The King County Charter states the Council shall prescribe by ordinance the Board's membership, the process and qualifications for appointment to the Board, and the Board's rules and procedures.^{2,3} The Board began meeting in August 2014.

¹ Ordinance 17614. Both the Department and the Board were created in response to a Washington Supreme Court ruling and the proposed settlement of a class action lawsuit against King County regarding county benefits for public defense agency employees (*Dolan v. King County*).

² Section 350.20.65 of the King County Charter.

³ K.C.C. 2.60.031.C. provides that the Board shall establish its own rules of procedure, subject to the county charter, the county code and other applicable law, and shall choose its own chair.

Duties of the Board. The King County Charter and the King County Code (K.C.C.) assign duties to the Board, which are listed below in Table 1.⁴ Board members are not compensated for the performance of their duties but may be reimbursed for parking expenses.⁵

Table 1. Duties of the Public Defense Advisory Board

Authority	Duty
Section 350.20.65 of the King County Charter K.C.C. 2.60.031.A.	Review, advise and report on DPD. This includes regularly reviewing the activities and plans of DPD, making recommendations to the County Public Defender on matters concerning DPD, and advising the Executive and Council on matters of equity and social justice related to public defense.
Section 350.20.65 of the King County Charter K.C.C. 2.60.026.B. K.C.C. 2.60.031.A.	In the event of a vacancy in the office of County Public Defender, recommend candidates from whom the Executive shall make an appointment to fill the vacancy subject to confirmation by the Council.
K.C.C. 2.60.031.B.	Work collaboratively with the County Public Defender. Through the Board chair, consult with the County Prosecutor, the Courts, and DPD in the performance of all the Board’s duties except instances of conflict of interest, when it is not appropriate to discuss issues with all parties identified above, or for the recommendation of candidates.
Section 350.20.65 of the King County Charter K.C.C. 2.60.031.A. K.C.C. 2.60.031.I.	Meet at least once every two months. Issue at least two written reports to the Executive and the Council: one on the Board’s review of the Executive’s proposed budget for public defense, and another on the state of county public defense. The latter report must include an assessment of the county’s progress in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice. Each report shall be issued at least every other year.

⁴ According to the Charter, the Council may prescribe additional duties to the Board by ordinance (Section 350.20.65 of the King County Charter).

⁵ K.C.C. 2.60.031.F.

Board Membership.⁶ The County Code requires the 11-member Board to consist of one representative from each of the following:

1. The Washington Association of Criminal Defense Lawyers;
2. The Washington State Office of Public Defense;
3. The Washington Defender Association;
4. The King County Bar Association, and
5. Bar associations identified as minority bar associations by the Washington State Bar Association; and
6. The remaining six members of the Board shall represent areas or issues that may affect public defense clients, including mental health, substance abuse, military veterans, poverty, juvenile justice, and immigration issues.

Additional membership requirements set in the Code⁷ include:

- Each member shall have substantial experience and expertise relevant to DPD's work and the ability and willingness to commit the time necessary to attend meetings and participate effectively as a member of the Board;
- A majority of the members should have substantial familiarity with advocating on behalf of the indigent;
- To the extent practicable, the Board membership shall reflect the diversity of the county; and
- While serving on the Board, a member may not:
 - Hold or be a candidate for elective public office with the exception of precinct committee officer;
 - Serve as a King County judicial officer, prosecuting attorney, or public defender; or
 - Be an employee of a King County court, the Prosecuting Attorney's Office, or DPD.

Terms of Board Members.⁸ Board members serve staggered three-year terms. The Council may reappoint members for additional three-year terms and may remove any member of the board by motion adopted with at least five affirmative votes. If a board member leaves midterm, the person appointed as a replacement shall serve the remainder of the unexpired term, rather than beginning a new term of three years.

Board Selection Process.⁹ Upon learning of a pending or existing vacancy or 120 days before a scheduled vacancy, the Board Chair and County Public Defender are required to notify the Executive and the Council. The Executive will then send out notification, depending on the type of seat that needs to be filled, to the represented organizations, each bar association identified as a minority bar association, and

⁶ KCC 2.60.031.D.

⁷ K.C.C. 2.60.031.H.

⁸ K.C.C. 2.60.031.F.

⁹ K.C.C. 2.60.031.G.

organizations active in issues or areas that may affect public defense clients and referenced in the Code (mental health, substance abuse, military veterans, poverty, juvenile justice, and immigration issues).¹⁰

Within sixty days after the Executive provides the required notification, the organization must give the Executive three candidates recommended to fill the vacancy.¹¹ An individual candidate shall also submit a board application, resume and other relevant materials, including a written statement or other documents that establish the candidate's expertise in one of the areas listed.

Board Confirmation Process. Council confirmation of a Board appointment requires the affirmative votes of at least five councilmembers.¹² If the Council rejects the Executive's appointment of a candidate nominated by an organization, the represented organization¹³ is required to recommend another candidate to the Executive within 30 days after being notified of the rejection. The Executive then has an additional 30 days to make a new appointment from among all the recommended candidates (excluding those who have been rejected by the Council).¹⁴

APPOINTEE INFORMATION

Jacqueline (Jackie) Walsh. According to her resume, Appointee Walsh received her law degree from Gonzaga University in 1991. She began her career as a King County public defender at the Northwest Defender Association. Since 1997, she has been in private practice and has represented persons in the areas of criminal defense at the trial, appellate, and post-conviction levels. Appointee Walsh serves as Resource Counsel for the Federal Death Penalty Resource Counsel Project and as an attorney on the Criminal Justice Act (CJA) Trial Panel and the CJA Capital Crimes Panel.¹⁵ From 2011 to 2017, she was an Adjunct Professor at the Seattle University School of Law teaching a course on capital punishment to second- and third-year law students. She has also provided numerous defender training seminars across the country and internationally.

In June 2023, Appointee Walsh received the Washington Association of Criminal Defense Lawyers (WACDL) William O. Douglas Award for extraordinary courage and

¹⁰ K.C.C. 2.60.031.D.6.

¹¹ K.C.C. 2.60.031.G.2. All nominations shall include the board application, with the resume of each candidate and all other written materials that the organization considered in deciding to recommend the candidate. The organization shall not rate the candidates but may provide a brief description of the strengths of each candidate.

¹² K.C.C. 2.60.031.G.4.

¹³ The organization that nominated the rejected appointee.

¹⁴ K.C.C. 2.60.031.G.5. If the represented organization fails to recommend another candidate within the time allowed, the Executive shall proceed in the same manner as if the entity had recommended fewer than the required number of candidates.

¹⁵ The CJA Panel consists of qualified and court-approved attorneys who are appointed by the court to represent eligible clients who cannot be represented by the Federal Public Defender's office.

dedication to the practice of criminal law. WACDL has recommended Ms. Walsh represent their association on the King County Public Defense Advisory Board.

George Yeannakis. According to his resume, Appointee Yeannakis received his law degree from Boston University Law School in 1973. He has focused his career on public defense and, in particular, on improving juvenile defense. Appointee Yeannakis has been selected by various Washington state governors to serve on advisory boards, task forces, and councils focused on juvenile justice issues. In King County, he has served as an attorney with the Seattle/King County Public Defender Association, a supervisor for the Juvenile Offender Unit with the Society of Counsel Representing Accused Persons, and as an Executive Board Member for the King County Juvenile Drug Court. Appointee Yeannakis has also taught at the University of Washington School of Law and the Seattle University School of Law.

Appointee Yeannakis has served as the chair for the Juvenile Defense Sub-Committee of the Washington State Bar Association Council on Public Defense. He currently works with the Washington State Office of Public Defense, who has recommended Mr. Yeannakis represent their office on the King County Public Defense Advisory Board.

Christopher (Chris) Petroni. According to his resume, Appointee Petroni received his law degree from the University of California College of the Law, San Francisco in 2013. He currently serves as a staff attorney with the Washington Appellate Project where he defends indigent litigants in criminal, dependency, and involuntary commitment cases. Prior to joining the Washington Appellate Project, Appointee Petroni served as a litigation associate with Wilson Sonsini Goodrich & Rosati and as a law clerk for a United States district judge of the United States District Court for the District Court of Oregon and for a United States circuit judge of the United States Court of Appeals for the Ninth Circuit. The King County Bar Association has recommended Mr. Petroni represent their association on the King County Public Defense Advisory Board.

ANALYSIS

Staff has not identified any issues with the proposed appointments. They appear to be consistent with the requirements established in the King County Charter and King County Code.

INVITED

- Jacqueline Walsh, Appointee to the Public Defense Advisory Board
- George Yeannakis, Appointee to the Public Defense Advisory Board
- Christopher Petroni, Appointee to the Public Defense Advisory Board
- William Casey, Communications Manager, Department of Public Defense

ATTACHMENTS

1. Proposed Motion 2024-0344
2. Transmittal Letter
3. Proposed Motion 2024-0345
4. Transmittal Letter
5. Proposed Motion 2024-0346
6. Transmittal Letter



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0344.1

Sponsors Zahilay

1 A MOTION confirming the executive's appointment of
2 Jacqueline Walsh, who resides in council district two, to
3 the King County public defense advisory board, as a
4 representative from the Washington Association of
5 Criminal Defense Lawyers.

6 BE IT MOVED by the Council of King County:

7 The county executive's appointment of Jacqueline Walsh, who resides in council
8 district two, to the King County public defense advisory board, as a representative from

Motion

9

10 the Washington Association of Criminal Defense Lawyers, for the remainder of a three-
11 year term to expire on June 30, 2027, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

206-477-3306 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

October 15, 2024

The Honorable Dave Upthegrove

Chair, King County Council

Room 1200

C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of Jacqueline Walsh, who resides in council district two, to the King County Public Defense Advisory Board, as a representative from the Washington Association of Criminal Defense Lawyers, for the remainder of a three-year term expiring June 30, 2027.

Ms. Walsh's application, financial disclosure, board profile, and appointment letter, are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Tala Mahmoud, External Affairs Coordinator, at (206) 477-3306.

Sincerely,

Dow Constantine

King County Executive

Enclosures

cc: King County Councilmembers
 ATTN: Stephanie Cirkovich, Chief of Staff
 Melani Hay, Clerk of the Council
 Karan Gill, Chief of Staff, Office of the Executive
 Penny Lipsou, Council Relations Director, Office of the Executive
 Tala Mahmoud, External Affairs Coordinator, Office of the Executive
 William Casey, Staff Liaison
 Jacqueline Walsh



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0345.1

Sponsors Barón

1 A MOTION confirming the executive's appointment of
 2 George Yeannakis, to the King County public defense
 3 advisory board, as a representative from the Washington
 4 State Office of Public Defense.

5 BE IT MOVED by the Council of King County:

6 The county executive's appointment of George Yeannakis, to the King County
 7 public defense advisory board, as a representative from the Washington State Office of

Motion

8

9 Public Defense, for the remainder of a three-year term to expire on June 30, 2027, is

10 hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

206-477-3306 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

October 15, 2024

The Honorable Dave Upthegrove

Chair, King County Council

Room 1200

C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of George Yeannakis to the King County Public Defense Advisory Board, as a representative from the Washington State Office of Public Defense, for the remainder of a three-year term expiring June 30, 2027.

Mr. Yeannakis's application, financial disclosure, board profile, and appointment letter, are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Tala Mahmoud, External Affairs Coordinator, at (206) 477-3306.

Sincerely,

Dow Constantine

King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
 Melani Hay, Clerk of the Council
 Karan Gill, Chief of Staff, Office of the Executive
 Penny Lipsou, Council Relations Director, Office of the Executive
 Tala Mahmoud, External Affairs Coordinator, Office of the Executive
 William Casey, Staff Liaison
 George Yeannakis



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0346.1

Sponsors Zahilay

1 A MOTION confirming the executive's appointment of
2 Christopher Petroni, who resides in council district two, to
3 the King County public defense advisory board, as a
4 representative from the King County Bar Association.

5 BE IT MOVED by the Council of King County:

6 The county executive's appointment of Christopher Petroni, who resides in
7 council district two, to the King County public defense advisory board, as a

Motion

8

9 representative from the King County Bar Association, for the remainder of a three-year

10 term to expire on June 30, 2027, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

206-477-3306 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

October 15, 2024

The Honorable Dave Upthegrove

Chair, King County Council

Room 1200

C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of Christopher Petroni, who resides in council district two, to the King County Public Defense Advisory Board, as a representative from the King County Bar Association, for the remainder of a three-year term expiring June 30, 2027.

Mr. Petroni's application, financial disclosure, board profile, and appointment letter, are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Tala Mahmoud, External Affairs Coordinator, at (206) 477-3306.

Sincerely,

Dow Constantine

King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
 Melani Hay, Clerk of the Council
 Karan Gill, Chief of Staff, Office of the Executive
 Penny Lipsou, Council Relations Director, Office of the Executive
 Tala Mahmoud, External Affairs Coordinator, Office of the Executive
 William Casey, Staff Liaison
 Christopher Petroni



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	8 & 9	Name:	Sam Porter
Proposed No.:	2024-0353 2024-0356	Date:	November 18, 2024

SUBJECT

Proposed Motions to confirm the appointments of the following individual to the King County Board of Health to begin serving three-year terms starting in 2025:

- LaMont Green, to serve as the alternate nonelected member representing consumers of public health,¹ and
- Mustafa Mohammed, to serve as the regular nonelected member representing consumers of public health.²

BACKGROUND

King County Board of Health (KCBOH). In 2022, Board of Health was restructured in accordance with state law through Ordinance 19418 and KCBOH Rule and Regulation BOH22-02. The new composition of the Board replaces the three previous health professional positions with eight nonelected member positions, making the number of nonelected members on the KCBOH equal to elected members. These nonelected positions include a member selected by the American Indian Health Commission of Washington state (AIHC), and seven members selected by the KCBOH from the three categories of public health, health care facilities, and providers; consumers of public health; and other community stakeholders. Ordinance 19418 retains four alternate positions for elected members and creates four nonelected alternates, one of whom is designated by the AIHC.

The KCBOH sets county-wide public health policy, enacts local public health regulations, and carries out duties specified in RCW 70.05.060 including enforcing state public health statutes, preventing and controlling the spread of infectious disease, abating nuisances, and establishing fees for licenses, permits and other services. The Board Code includes but is not limited to, requirements pertaining to food service, pesticides, the handling of solid waste and hazardous materials, on-site sewage, tobacco products, and swimming pools. The interlocal agreement between King County

¹ Proposed Motion 2024-0353

² Proposed Motion 2024-0356

and City of Seattle regarding Public Health—Seattle & King County (PHSKC) reinforces that the Board provides policy influence over PHSKC pursuant to RCW 70.05 and has supervision over matters pertaining to the preservation of the life and health of the people within its jurisdiction.

KCBOH Vacancies and Recruitment. The Boardmember representing consumers of public health chose not to serve a second term, leaving that position vacant. Boardmember Mustafa Mohammed, who served as the alternate for that position indicated he would be willing to serve as the regular member. The Board chose to select him as the regular member representing consumers of public health for a three-year term to expire December 31, 2027 through BOH Resolution 24-04. Therefore, the Board recruited for the vacant alternate position representing consumers of public health.

Public Health staff released applications for the vacant alternate position in July 2023 and closed recruitment in August. Public Health staff distributed notices of the vacancy to those subscribed to the Board of Health email distribution list, Public Health staff, community partners, and Board of Health membership, as well as through the department's social media accounts on Twitter, Facebook, and Instagram, and the PHSKC Blog³. The vacancy was also advertised in the Seattle Times, Vashon Maury Island Beachcomber, Woodinville Weekly, and Sound Publishing newspapers which are published in 14 cities across the county. Applications were made available in English and Spanish and other languages upon request.

The Board received five applications, four were invited for interviews, and three candidates participated in an interview with subcommittee members of the Board. Candidate Dr. LaMont Green was moved forward by resolution at the October 17, 2024, meeting.⁴ Dr. Green's appointment would be for a three-year term to expire December 31, 2027.

APPOINTEE INFORMATION

LaMont Green. Proposed Motion 2024-0353 would confirm the appointment of LaMont Green as the alternate member representing consumers of public health. According to his application materials, Dr. Green has more than 20 years of experience, "helping local communities and governments identify and dismantle the persistent drivers of inequity across public health, human services, homelessness, housing, behavioral health, and criminal justice systems." Dr. Green holds a Doctor of Social Work degree from the University of Southern California and currently serves as the Director of Diversity Equity and Inclusion for the Technical Assistance Collaborative (TAC) and Director of TAC's Systems Alignment Innovation Hub, which is funded by the Robert

³ Join the King County Board of Health! – PUBLIC HEALTH INSIDER, <https://publichealthinsider.com/2023/07/06/join-the-king-county-board-of-health/>

⁴ BOH Resolution 24-06

Wood Johnson Foundation in partnership with the University of Colorado School of Public Health.

Mustafa Mohammed. Proposed Motion 2024-0356 would confirm the appointment of Mustafa Mohammed as the regular member representing consumers of public health on the Board of Health. Mr. Mohammed currently serves as the alternate member for this position and serves on the King County Behavioral Health Advisory Board. Mr. Mohammed is a Certified Mental Health Professional, licensed Cross-Cultural Counselor, is a medical interpreter for Washington State, and earned a Bachelor of Medicine, Bachelor of Surgery (MBCHB) in Iraq. His work at Lutheran Community Services Northwest as an intake specialist, clinician, and clinical supervisor focuses on diverse refugee and asylum clients who are victims of war trauma in their home countries.

ANALYSIS

Staff has not identified any issues with the proposed appointments that appears to be consistent with the requirements of county code and state law.

INVITED

- LaMont Green, Appointee, Board of Health
- Mustafa Mohammed, Appointee, Board of Health
- Joy Carpine-Cazzanti, Board of Health Administrator, Public Health—Seattle & King County

ATTACHMENTS

1. Proposed Motion 2024-0353
2. Biography, LaMont Green
3. Proposed Motion 2024-0356
4. Biography, Mustafa Mohammed
5. 2025 Board of Health Profile, November 2024



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0353.1

Sponsors Mosqueda

1 A MOTION confirming the King County board of health's
2 appointment of LaMont Green to serve as an alternate
3 member representing consumers of public health for a
4 three-year term to expire on December 31, 2027.

5 WHEREAS, in 2021 RCW 70.05.035 was amended to require an equal number of
6 elected to nonelected members on local boards of health, with one nonelected member
7 selected by the American Indian Health Commission for Washington State, and the
8 remaining members selected by the King County board of health from three specific
9 categories of interests: public health, health care facilities, and providers; consumers of
10 public health; and other community stakeholders, and

11 WHEREAS, in accordance with Chapter 205, Laws of Washington 2021, the
12 Washington state Board of Health adopted chapter 246-90 WAC, the King County
13 council amended King County Code to reflect the new state law, and the King County
14 board of health amended Board of Health Code to reflect those changes, and

15 WHEREAS, due to a vacancy on the King County board of health, the board
16 conducted a robust and successful recruitment and selection process to seek applicants for
17 an alternate member position to represent consumers of public health, and

18 WHEREAS, the selected applicants represent a breadth of lived experience and
19 expertise that will enhance the board's efforts to preserve and protect the public's health,
20 and

21 WHEREAS, in accordance with K.C.C. 2.35.024.D., the board adopted
22 Resolution 24-06, dated October 17, 2024, and subsequently transmitted the requisite
23 materials to the King County council;

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

25 The King County board of health's appointment of LaMont Green, to serve as an

Motion

- 26 alternate member representing consumers of public health for a three-year term to expire
27 on December 31, 2027.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None

Bio for Dr. LaMont Green

Dr. LaMont Green (he, him) has nearly 20 years of experience helping local communities and governments identify and dismantle the persistent drivers of inequity in human services, homelessness, housing, behavioral health, and criminal justice systems. Green is a person with lived experience of homelessness and is a military Veteran. He has led several community-driven initiatives centered on improving systems of care for complex health and historically disenfranchised populations, and currently codirects the Technical Assistance Collaborative's (TAC) [Systems Alignment Innovation Hub](#), funded by the Robert Wood Johnson Foundation to help practice-based organizations in low-income and BIPOC communities to expand and utilize the evidence base for solutions that improve health outcomes and reduce racial and social disparities. Dr. Green also brings expertise in Department of Housing and Urban Development (HUD) homelessness programs, human-centered design, continuous quality improvement, and implementation science. He is a nationally recognized racial equity leader and has spoken at numerous conferences to inspire action towards undoing institutional racism and other forms of oppression. He received his Doctorate of Social Work from the University of Southern California with a focus on harnessing social innovation to address the Grand Challenge of Achieving Equal Opportunity and Justice for All.

Prior to joining TAC, Dr. Green worked as the Special Initiatives Director for the Seattle-King County (WA) Continuum of Care. He led this community's implementation of the Youth Homelessness Demonstration Program, which resulted in significantly fewer unaccompanied youth experiencing unsheltered homelessness and advanced young adult participation in governing, designing, and evaluating housing and supportive services. Dr. Green is also a co-founder of the WA State Lived Experience Coalition.

Recent Publications

[Boosting the Power of Harm Reduction with Culturally Responsive Housing, Recovery Supports, and Treatment](#)

[Heart Equity Action Lab \(HEAL\) Racial Equity & Social Justice Tool](#)



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0356.1

Sponsors Mosqueda

1 A MOTION confirming the King County board of health's
2 appointment of Mustafa Mohammed to serve as a
3 representative of consumers of public health for a three-
4 year term to expire on December 31, 2027.

5 WHEREAS, in 2021 RCW 70.05.035 was amended to require an equal number of
6 elected to nonelected members on local boards of health, with one nonelected member
7 selected by the American Indian Health Commission for Washington State, and the
8 remaining members selected by the King County board of health from three specific
9 categories of interests: public health, health care facilities, and providers; consumers of
10 public health; and other community stakeholders, and

11 WHEREAS, in accordance with K.C.C. 2.35.024.D., the board adopted
12 Resolution 24-05, dated October 17, 2024, and subsequently transmitted the requisite
13 materials to the King County council;

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

15 The King County board of health's appointment of Mustafa Mohammed, to serve

16 as a representative of consumers of public health, for a three-year term to expire on
17 December 31, 2027, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

Mustafa Mohammed

I was born & lived in Iraq until 2006. I speak English, Arabic, Turkish, and Turkman languages, some Kurdish, I'm currently a resident of the State of Washington. I lived & worked as a physician in Baghdad during the first & second Gulf Wars.

I completed my medical school in Iraq (MBCHB) in 1993 & continued work as an MD for 25 years in governmental, private hospitals and clinics. I immigrated to the USA in 2008, rebuilt myself as a Mental Health Profession, and specialize working with refugees and immigrants (Middle East).

I'm a Certified Mental Health Professional and Cross-Cultural Counselor licensed in Seattle Washington, employed at Lutheran Community Services (LCSNW). The focus of my work there is both as an intake specialist & clinician to diverse refugee clients, who are victims of War Trauma in their home countries and were displaced as refugees or sought asylum here in the US. I started an Iraqi Men's Group in 2015, and it became very successful program at LCSNW.

I have completed many thousands of hours in training over the years, including a year-long Global Mental Health program with Harvard Medical School for Trauma and Recovery. Besides counseling, I specialize also in client advocacy and community empowerment for refugees, immigrant rights, and the needs of our minority populations such as the BIPOC and the LGBTQ communities.

I occupied many positions through my career in Iraq and USA including: A Physician in Health Facilities (both Governmental and Private), A Liaison Doctor, A Captain in the Iraqi Ministry of Defense, Chairman of the Neighborhood Advisory Council & Member of the District Advisory Council in Iraq, A volunteer at the United Nation High Commission for Refugees (UNHCR). Medical Interpreter public health king county, Health Educator at International Medicine clinic at Harborview Medical Center, Board Member and Vice President of the Iraqi/Arab Health Board, A Member of the Community Health Board Coalition, President and cofounder of the International Organization for Human Rights Protection and Global Peace (HRP&GP) , A Clinical Supervisor at Living Well Kent, A member of the Community Advisory Council/Health Equity Zone in the Washington Health Department , a member in "PEAR CAT" PRO-EQUITY ANTI-RACISM (PEAR) Community Advisory Team (CAT) , king county behavior health member, Executive Ambassador Mideastern Specialist at The Musketeer Association (TMA), On-Call Telehealth nationally and Internationally, Youth Mental Health Clinician-WISE program .

I have been recognized for my Dedication to Saving Lives through the nonprofit I cofounded Human right protection & global peace (HRP&GP) and have received an Award of Excellence from the NPS counselling team at LCSNW. More of my life story, struggle and accomplishments are featured in a permanent museum piece in the Tacoma History Museum, Washington.



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	10	Name:	Andy Micklow
Proposed No.:	2024-0334	Date:	November 18, 2024

SUBJECT

Proposed Motion 2024-0334 would approve an extension of the Executive's appointment of Ed Carter as acting director of the Community Corrections Division within the King County Department of Adult and Juvenile Detention through February 9, 2025.

SUMMARY

King County Code (K.C.C.) 2.16.110 defines the process for appointment and confirmation of exempt public officials. K.C.C. requires that a motion be approved by the King County Council for the interim director to serve for more than 150 days. Ed Carter was initially appointed to serve as acting director effective March 16, 2024. Mr. Carter's appointment was extended through October 14, 2024, by Motion 16655 and through December 11, 2024, by Motion 16674. K.C.C. allows the appointee to continue serving if the Executive transmits a motion to Council for continued confirmation. Proposed Motion 2024-0334 would extend Mr. Carter's appointment through February 9, 2025.

BACKGROUND

King County Department of Adult and Juvenile Detention (DAJD) Community Corrections Division. The DAJD is made up of five divisions: the King County Correctional Facility in Seattle, the Maleng Regional Justice Center in Kent, the Juvenile Division, the Community Corrections Division, and the Administrative Services Division.

King County is responsible for the detention of all felons arrested in the county and presented for booking into jail, as well as misdemeanants arrested in the unincorporated King County or who have committed offenses that are adjudicated by the King County District Court ("state cases"). Additionally, other jurisdictions contract with DAJD for the detention of misdemeanants who fall under their jurisdiction, including the University of Washington, the Port of Seattle, and approximately 30 cities in King County. In addition to housing such individuals pre-trial, DAJD is responsible for the detention of individuals post-adjudication who are serving sentences of less than one year.¹

¹ K.C.C. 2.16.120

In 2002,² the King County Council adopted as County policy that its secure detention facilities would only be used to house offenders who present a public safety risk. As a result, the County has developed alternatives to secure detention, provides treatment resources to offenders, and provides other community services to offenders to reduce recidivism. Alternatives to secure detention and treatment programs for adults are administered through the department's Community Corrections Division. The Community Corrections Division also provides services to the courts to support judicial placement decisions for both pre-trial and sentenced inmates.

K.C.C. Requirements. K.C.C. 2.16.110 outlines timeframes and requires specific actions be taken by the Executive and Council for the appointment and confirmation of exempt public officials. Individuals who are temporarily appointed during the recruitment for a permanent appointee serve in an acting capacity. Individuals appointed to acting positions may serve for no more than 150 days unless extended by a motion adopted by Council. Such extensions last no more than 60 days.

Appointee Information. Before being appointed acting director, Mr. Carter served as the Community Corrections Division deputy director since February 2017.

ANALYSIS

Proposed Motion 2024-0334 would extend Ed Carter's appointment as acting director of the Community Corrections Division within the King County Department of Adult and Juvenile Detention through February 9, 2025. The motion appears consistent with code requirements.

Executive staff indicate that interviews for the position are underway, and DAJD expects an appointment to fill the vacancy before the expiration of this motion.

INVITED

- Allen Nance, Director, Department of Adult and Juvenile Detention

ATTACHMENTS

1. Proposed Motion 2024-0334
2. Transmittal Letter

² Adult Justice Operational Master Plan, Ordinance 14430, adopted July 22, 2002.



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0334.1

Sponsors Balducci

1 A MOTION approving the extension of the executive's
2 appointment of Ed Carter as acting director of the
3 community corrections division within the King County
4 department of adult and juvenile detention.

5 BE IT MOVED by the Council of King County:

6 In accordance with KCC 2.16.110.E., the King County council approves the
7 continuation of Ed Carter as acting director of the community corrections division within

Motion

8 the King County department of adult and juvenile detention for a succeeding period
9 ending on February 9, 2025.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

206-263-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

October 4, 2024

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

Dear Councilmember Upthegrove:

On March 16, 2024, I appointed Edward (Ed) Carter to serve as the acting director of the Community Corrections Division within the Department of Adult and Juvenile Detention (DAJD). The enclosed proposed Motion would, if enacted, approve the extension of my appointment of Ed Carter as acting director of the Community Corrections Division at DAJD through February 9, 2025, per King County Code 2.16.110(E).

Mr. Carter is successfully serving King County as the acting Community Corrections Division Director as we continue to provide alternatives to jail and promote more productive behaviors and lifestyles. Mr. Carter's extensive experience overseeing home detention programs, partnering with community service providers, and working with the courts make him uniquely qualified for this role.

The position of Community Corrections Division Director is subject to confirmation by the King County Council per King County Code 2.16.122. The County retained the services of the Byers Group, a specialized recruiting firm, to lead the effort to fill the vacancy. A job announcement was posted nationally in late August and a candidate pool was identified in late September. DAJD expects to complete interviews, including final candidate presentations to interested parties, in October. Once the background check process is complete, I will announce my appointment to fill the vacancy and work with the successful candidate to establish an effective start date.

The Honorable Upthegrove
October 4, 2024
Page 2

Thank you for your consideration of this proposed Motion. If your staff have questions regarding this matter, please contact Dwight Dively, Chief Operating Officer, Office of the Executive, at 206-263-9687.

Sincerely,



for

Dow Constantine
King County Executive

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Whitney Abrams, Chief People Officer, Office of the Executive
Dwight Dively, Chief Operating Officer, Office of the Executive
Jay Osborne, Director, Department of Human Resources
Allen Nance, Director, Department of Adult and Juvenile Detention (DAJD)
Ed Carter, Acting Director, Community Corrections Division, DAJD



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	11	Name:	Gene Paul
Proposed No.:	2024-0359	Date:	November 18, 2024

SUBJECT

Proposed Ordinance 2024-0359 would move the grant applications and awards for 4Culture's existing arts and heritage sustained support programs from a two-year cycle to a three-year cycle.

SUMMARY

The King County Council established lodging tax-backed sustained support programs for arts and heritage operating expenses in 2002. These programs were established in the King County Code with two-year applications and awards cycles.¹ As part of the Doors Open implementation plan, 4Culture, the County's Cultural Public Development Authority, is proposing to administer the existing sustained support programs and the Doors Open sustained support program together. 4Culture is also proposing a three-year award cycle for the sustained support programs. Proposed Ordinance 2024-0359 would update the code for the existing sustained support programs to make them three-year grant and award cycles. This update would enable 4Culture to administer all operating support programs together and on the same timelines.

BACKGROUND

Sustained support programs. In July 2002, the King County Council adopted an ordinance establishing the two cultural sustained support programs in the King County Code and making them eligible for lodging tax funding.² The first of the sustained support programs was for arts, with the purpose of providing "operating support to arts organizations and local arts agencies with a demonstrated record of providing or facilitating quality arts experiences for residents of and visitors to King County."³ The second program was for heritage and meant to provide "operating support to historical museums and heritage organizations that make exceptional contributions to the

¹ K.C.C. 2.48.108 and K.C.C. 2.48.109 established the Sustained Support program for the arts and heritage respectively [[Link](#)].

² Ordinance 14440, enacted August 9, 2002. [[Link](#)]

³ Section 7 of Ordinance 14440.

preservation, collection, exhibition, interpretation or protection of resources related to the history of the people and places of King County."⁴ Both programs were intended to provide general support for operating expenses like the "costs related to staff, utilities, supplies, fees or services."⁵

Both sustained support programs were established in King County Code (K.C.C.) chapter 2.48 with a biennial application process, which meant applicants were to submit applications once every two years. The grants from the award process were also required to be allocated on an annual basis for two consecutive years. While the code originally designated the Office of Cultural Resources (OCR) as the agency to administer the arts and heritage programs, 4Culture was given that responsibility when it was established as King County's Cultural Public Development Authority and replaced the functions of OCR in October 2002.⁶

Doors Open. In December 2023, King County enacted the Doors Open cultural access program.⁷ Funded by a 0.1 percent sales tax for seven years beginning in April 2024, the Doors Open program was created to provide grant funding to arts, heritage, science, and historical preservation non-profit organizations to increase the public benefits cultural organizations provide throughout King County. Among the uses of proceeds in the ordinance that established the Doors Open program is "operating support to meet the ongoing needs of cultural organizations, including but not limited to assistance with rent, utilities, payroll, and other basic annual expenses."⁸

4Culture is the agency authorized by the Council in the Doors Open legislation to administer the Doors Open program. As part of the Doors Open program's implementation plan, 4Culture is proposing a three-year award cycle for Doors Open sustained support grants.⁹ 4Culture is also proposing to administer the lodging tax and Doors Open sustained support programs together to simplify both the application burden for cultural organizations and 4Culture's administrative efforts. An amendment to K.C.C. chapter 2.48 is necessary to administer the programs together.

ANALYSIS

Proposed Ordinance 2024-0359 would amend K.C.C. 2.48.108 and K.C.C. 2.48.109 to change the application cycle for arts and heritage sustained support programs from biennial to triennial. The proposed legislation would also require grants to be allocated on an annual basis for three years. These combined changes would effectuate sustained support grants moving from two-year to three-year cycles.

⁴ Section 8 of Ordinance 14440.

⁵ Sustained Support Program Guidelines found in Attachments A and B to Ordinance 14440.

⁶ Ordinance 14482, enacted October 1, 2002. [\[Link\]](#)

⁷ Ordinance 19710, enacted December 18, 2023 [\[Link\]](#)

⁸ Section 4 of Ordinance 19710.

⁹ File No. 2024-0236 [\[Link\]](#)

Proposed Ordinance 2024-0359 would also make minor technical amendments to K.C.C 2.48.108 and K.C.C. 2.48.109. These technical edits include the addition of serial commas and the use of the term "moneys" instead of "funds" in the description of sustained support expenditures. The term "funds" is generally reserved used for accounting units, such as those described in K.C.C. chapter 4A.200.

INVITED

- Brian Carter, Executive Director, 4Culture
- Claire Miccio, Government and Community Relations Manager, 4Culture

ATTACHMENTS

1. Proposed Ordinance 2024-0359



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2024-0359.1

Sponsors Balducci

1 AN ORDINANCE relating to the sustained support
 2 programs for arts and heritage, and amending Ordinance
 3 14440, Section 7, as amended, and K.C.C. 2.48.108 and
 4 Ordinance 14440, Section 8, as amended, and K.C.C.
 5 2.48.109.

6 STATEMENT OF FACTS:

7 1. The King County council, through Ordinance 19710, created the Doors
 8 Open Program to support arts, science, and heritage organizations, and
 9 approved a new one-tenth of one percent sales tax to fund the Doors Open
 10 Program.

11 2. Ordinance 19710, Section 9, requires the executive, in consultation
 12 with 4Culture, to transmit the implementation plan and an ordinance to
 13 approve the plan to the council. The implementation plan, once effective,
 14 will govern the expenditure of the sales and use tax’s proceeds until the
 15 tax expires in 2031.

16 3. The implementation plan, which was transmitted to council through
 17 Proposed Ordinance 2024-0236, is proposing to move sustained support
 18 programs from a biennial application cycle to a triennial application cycle.

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

20 SECTION 1. Ordinance 14440, Section 7, as amended, and K.C.C. 2.48.108 are
21 each hereby amended to read as follows:

22 A. There is hereby established the King County sustained support program for
23 arts. The purpose of this program shall be to provide operating support to arts
24 organizations and local arts agencies with a demonstrated record of providing or
25 facilitating quality arts experiences for residents of and visitors to King County.

26 B. The sustained support program for arts shall be administered by the cultural
27 development authority. The program shall consist of a (~~biennial~~) triennial application
28 process. Grants shall be allocated on an annual basis for (~~two~~) three consecutive years.
29 Approval of grants shall be made by the cultural development authority consistent with
30 this chapter and the charter. Financial stability and a previous record of artistic
31 accomplishments, and a demonstrated commitment to provide ongoing cultural programs
32 or events for the benefit of King County residents and visitors shall be considered in the
33 application review process. Grant recommendations shall reflect a countywide
34 geographic distribution, and shall include organizations of all sizes and in all artistic
35 disciplines.

36 C. Eligible applicants are:

37 1. Not-for-profit arts organizations based in King County with a minimum of
38 three years presenting or producing arts programs for King County residents. For the
39 purposes of this subsection, "not-for-profit arts organizations" means those legally
40 incorporated nonprofit entities that provide as their primary mission a regular season of
41 arts programs or services, which may include a season or annual program of

42 performances, exhibitions, media presentations, festivals, readings or literary
43 publications;

44 2. Not-for-profit arts service organizations that provide arts education and
45 training, and professional services such as administrative support, technical assistance₂ or
46 services to a variety of arts professionals or disciplines, including special populations,
47 ethnic communities₂ and underserved communities;

48 3. Local arts agencies, which are arts councils, arts commissions₂ or similar
49 entities that are nonprofit organizations or official units of municipal government based
50 in a suburban or rural King County community specifically dedicated to providing arts
51 services for its residents that meet the following criteria:

52 a. Have a minimum three-year history of providing arts services to the
53 community in which it is based;

54 b. Are primarily dedicated to the provision of planning, financial support,
55 services, programs₂ and development opportunities for community based arts
56 organizations, artists₂ and the public during a major portion of the year; and

57 c. Are involved on a regular basis activities or programs in more than one arts
58 discipline or arts service area;

59 4. Organizations that do not have a tax exemption under section 501(c)(3) of the
60 Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)), which may apply under the
61 sponsorship of another organization that is tax-exempt under section 501(c)(3) of the
62 Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)). The applying organization
63 shall act as an independent fiscal agent for the sponsoring organization and shall assume
64 responsibilities required by the contract.

65 D. Eligible applicants must have a record of artistic or cultural accomplishments
66 and must have been in operation for at least three years.

67 E. The ~~((funds))~~ moneys expended for the King County sustained support
68 program for arts shall be used to support the role of arts organizations and local arts
69 agencies in King County, within the intent and purposes authorized by RCW
70 67.28.180(3)(a). ~~((Funds))~~ Moneys shall be used to support annual operating expenses,
71 which may include staff, utilities, supplies, fees, or services relating to arts programs and
72 services that provide public benefit and are accessible to King County residents and
73 visitors. ~~((Funds))~~ Moneys shall not be used for capital projects or fundraising purposes.

74 SECTION 2. Ordinance 14440, Section 8, as amended, and K.C.C. 2.48.109 are
75 each hereby amended to read as follows:

76 A. There is hereby established the King County sustained support program for
77 heritage. The purpose of this program shall be to provide operating support to historical
78 museums and heritage organizations that make exceptional contributions to the
79 preservation, collection, exhibition, interpretation, or protection of resources related to
80 the history of the people and places of King County.

81 B. The sustained support program for heritage shall be administered by the
82 cultural development authority. The program shall consist of a ~~((biennial))~~ triennial
83 application process. Grants shall be allocated on an annual basis for ~~((two))~~ three
84 consecutive years. Approval of grants shall be made by the cultural development
85 authority consistent with this chapter and the charter. Grant recommendations shall
86 reflect a countywide geographic distribution, and shall include organizations of all sizes
87 and in all heritage disciplines. Financial stability and a previous record of

88 accomplishments, and a demonstrated commitment to provide ongoing cultural programs
89 or events for the benefit of King County residents and visitors shall be considered in the
90 application review process.

91 C. Eligible applicants are:

92 1. Historical museums or heritage organizations with any combination of
93 ongoing programs, exhibitions, presentations, or tours and must be tax-exempt under
94 section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)); and

95 2. Public development authorities.

96 D. Eligible applicants must operate a heritage facility in King County and have a
97 minimum of two years' experience managing collections, presenting exhibits, or
98 providing other public services and programs with a focus on King County history and
99 heritage.

100 E. The ~~((funds))~~ moneys expended for the King County sustained support
101 program for heritage shall be used to expand the role of local heritage organizations and
102 provide access to cultural programs in King County, within the intent and purposes
103 authorized by RCW 67.28.180(3)(a). The purpose of these ~~((funds))~~ moneys is to offset
104 the expenses and costs of heritage facility operations, including those for staff, utilities,
105 supplies, fees, or services that relate to public access to, or public benefits deriving from,
106 programs and services involving the collection, preservation, exhibition, and
107 interpretation of King County history and heritage resources, as well as the education of
108 the public about them. The ~~((funds))~~ moneys expended for the King County sustained
109 support program for heritage shall not be used for any programs or services that do not:
110 provide public access or public benefit; serve King County residents or visitors; comply

- 111 with existing federal, state, or local legislation; involve heritage facilities in King County;
- 112 or relate to King County history and heritage.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	12	Name:	Andy Micklow
Proposed No.:	2024-0377	Date:	November 18, 2024

SUBJECT

A proposed ordinance amending Ordinance 19710 to increase the allocation to the Doors Open one-time capital and one-time operating support programs.

SUMMARY

Proposed Ordinance 2024-0377 would amend Ordinance 19710 to increase the allocation to the Doors Open one-time capital and one-time operating support programs. The Doors Open program currently sets aside up to 67% of the 2024 tax proceeds for the one-time 2024 programs. The proposed ordinance would increase the set aside for 2024 programs from up to 67% of 2024 tax proceeds to all the remaining proceeds after start-up and administrative costs. Any proceeds not distributed in 2024 would be used for the 2025 – 2031 Doors Open program.

The proposed ordinance was referred as a mandatory dual referral to the Committee of the Whole and then the Regional Policy Committee.

BACKGROUND

Doors Open Program. In December 2023, Ordinance 19710 created the King County Doors Open Program to provide grant funding to arts, heritage, science, and historical preservation non-profit organizations to increase the public benefits cultural organizations provide throughout King County. The Doors Open Program is funded through the imposition of a 1/10th of 1% increase in sales and use tax for seven years from April 2024 to March 2031. As of August 2024, the revenues collected for the Doors Open program are forecasted to be approximately \$69.2 million in 2024.

The Doors Open program sets aside up to 67% of the 2024 Doors Open tax proceeds for one-time Doors Open capital and operating grant programs. The one-time capital grant program will provide grant funding for building, modifying, and acquiring cultural facilities. The one-time operating grant program will provide one-time operating grants to support cultural organizations in meeting ongoing needs such as rent, utilities, payroll, and other expenses.

As required by the Doors Open ordinance, for both the 2024 capital and operating programs, 4Culture will allocate a minimum of 25% to support cultural organizations outside of Seattle and a minimum of 10% to cultural organizations and activities that support vulnerable populations and Communities of Opportunity (COO).

November 4, 2024, Committee of the Whole Amendment. At the November 4, 2024, Committee of the Whole meeting, the committee approved an amendment to the Doors Open Implementation Plan to reflect an increase in allocation to 2024 one-time capital and one-time operating support programs from 67% to all remaining proceeds after the up to 5% allocation for start-up and administrative costs. The amendment would only go into effect if Proposed Ordinance 2024-0377 amending the allocations in Ordinance 19710 is adopted and becomes effective.

ANALYSIS

Proposed Ordinance 2024-0377 would amend Ordinance 19710 to increase the allocation to the one-time capital and one-time operating support programs. As shown in Table 1, the Doors Open program currently sets aside up to 67% of the 2024 tax proceeds for the one-time 2024 programs, up to 2% for start-up funding, and up to 3% for administrative costs. The remaining 2024 revenues will be allocated to the 2025 – 2031 Doors Open program.

Table 1. Doors Open Revenue Allocation

Ordinance 19710	Proposed Ordinance 2024-0377
2% for repayment of start-up funding	2% for repayment of start-up funding
3% for administrative costs	3% for administrative costs
67% for one-time capital and one-time operating support programs <ul style="list-style-type: none"> • 10% for cultural organizations by underserved populations and/or organizations located in Communities of Opportunity, and cultural organizations providing mentoring services • 25% supports organizations outside of Seattle 	The remainder for one-time capital and one-time operating support programs <ul style="list-style-type: none"> • 10% for cultural organizations by underserved populations and/or organizations located in Communities of Opportunity, and cultural organizations providing mentoring services • 25% supports organizations outside of Seattle
Remaining funding to 2025 programs	Any proceeds not distributed to 2024 programs will go to 2025 programs

The proposed ordinance would increase the set aside for 2024 programs from up to 67% of 2024 tax proceeds to all the remaining proceeds after start-up and administrative costs. Any proceeds not distributed in 2024 would be used for the 2025 – 2031 Doors Open program. This would increase the available funding for 2024 programs by an estimated \$17.5 million.

Table 2. 2024 Doors Open Grant Programs Funding

	Ordinance 19710¹		Proposed Ordinance 2024-0377²	
	Capital Facilities	Operating and Program Support	Capital Facilities	Operating and Program Support
Estimated Annual Funding	\$24.1 million	\$24.1 million	\$32.9 million	\$32.9 million
Programming or Projects outside Seattle	Minimum of \$6 million	Minimum of \$6 million	Minimum of \$8.2 million	Minimum of \$8.2 million
Programming in COO or for Vulnerable Populations	Minimum of \$2.4 million	Minimum of \$2.4 million	Minimum of \$3.3 million	Minimum of \$3.3 million

INVITED

- Brian Carter, Executive Director, 4Culture
- Aaron Rubardt, Deputy Budget Director, Office of Performance, Strategy and Budget (PSB)

ATTACHMENTS

1. Proposed Ordinance 2024-0377

¹ The transmitted Doors Open Implementation Plan funding amounts assume \$48.1 million in revenue for 2024 grants based of \$72 million in tax proceeds. Actual revenues may be higher or lower. Not included in the 2024 Programs list is startup and administrative funding (2% and 3% of revenue, respectively).

² The transmitted Doors Open Implementation Plan funding amounts assume \$65.7 million in revenue for 2024 grants based of \$69.2 million in tax proceeds (updated August 2024 estimate). Actual revenues may be higher or lower. Not included in the 2024 Programs list is startup and administrative funding (2% and 3% of revenue, respectively).



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2024-0377.1

Sponsors Balducci

1 AN ORDINANCE relating to the King County Doors Open
2 Program to support cultural organizations; and amending
3 Ordinance 19710, Section 8.

4 **STATEMENT OF FACTS:**

5 1. Ordinance 19710, Section 8, allocates the tax proceeds received by the
6 county in 2024 for startup funding to 4Culture and the county and the
7 2024 one-time capital and one-time operating support program.

8 2. Doors Open Program one-time grant programs will allow cultural
9 organizations to deploy resources to their most emergent operating and
10 capital needs.

11 3. Providing increased financial support in 2024 for cultural organizations
12 through one-time operating and capital grant programs is essential to
13 ensure their survival and growth and to prevent further losses in the
14 cultural sector.

15 4. Councilmembers have expressed interest in ensuring as much of the
16 Doors Open proceeds collected in 2024 are allocated to cultural
17 organizations at the earliest possible opportunity.

18 5. With projections indicating that up to sixty-seven percent of 2024
19 revenue collections will be approximately forty-eight million dollars,
20 adding the remaining nineteen million and four hundred thousand dollars

21 to the one-time grant program allocation would significantly expedite
22 funding for cultural organizations.

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 SECTION 1. Findings: It is the intent of the council that all the tax proceeds
25 received by the county in 2024 for Doors Open be allocated for 2024 startup and one-
26 time grant programs and not rolled over to the 2025-2031 Doors Open programs.

27 SECTION 2. Ordinance 19710, Section 8, is hereby amended to read as follows:

28 A. Tax proceeds received by the county in 2024 shall be used as follows:

29 1. Up to two percent for repayment of start-up funding;

30 2. Up to three percent for administrative costs;

31 3.a. (~~Up to sixty-seven percent~~) The remainder after reserving the amount
32 required in subsection A.1. and 2. of this section for the 2024 one-time capital and one-
33 time operating support program described in Ordinance 19710, ~~((s))~~Section 4.A.2.; and

34 b. Of this allocation, at least ten percent shall be distributed to:

35 (1) cultural organizations, which in fulfilling their primary purpose, focus
36 their programming or facilities to serve one or more vulnerable populations, such as, but
37 not limited to, veterans, seniors, unhoused individuals or individuals at risk of becoming
38 unhoused, individuals experiencing mental illness or substance use disorders, individuals
39 with disabilities, households with an annual income at or below eighty percent of the area
40 median income, survivors of domestic violence, communities at risk of gun violence, or
41 justice-system impacted youth or youth at risk of being impacted by the justice system; or

42 (2) cultural organizations with their primary locations and conducting a
43 majority of their activities within census tracts ranked in certain percentiles on the

44 Communities of Opportunity composite index and such percentiles will be determined by
45 4Culture; or

46 (3) cultural organizations for providing mentoring services to such cultural
47 organizations as described in subsection ~~((s-8.))~~ A.3.b.(1) and ~~((8-A.3.b.))~~(2) of this
48 section; and

49 c. Of this allocation, at least twenty-five percent shall be distributed to support
50 sustainability and growth of cultural organizations outside established cultural centers;
51 and

52 4. ~~((The remainder after reserving the amount required in subsection A.1.~~
53 ~~through 3. of this section))~~ Tax proceeds not distributed under subsection A.3. of this
54 section shall be used for the elements described in Ordinance 19710, ((s))Section 4.A.1.
55 ~~((of this ordinance))~~, in the percentages provided in subsection B.2.a. through f. of this
56 section.

57 B. The tax proceeds received by the county from January 1, 2025, through March
58 31, 2031, shall be used as follows:

59 1. Up to three percent for administrative costs;

60 2. Approximately seventy-two percent for the elements described in Ordinance
61 19710, ((s))Section 4.A.1. ((of this ordinance)), allocated according to the following
62 percentages; provided that 4Culture shall ensure that in fulfilling the required allocations
63 of the approximate percentage in this subsection ((8.))B.2. ((of this ordinance)) that at
64 least ten percent of the approximate percentage in this subsection ((8.))B.2. ((of this
65 ordinance)) be used to support: (1) cultural organizations, which, in fulfilling their
66 primary purpose, focus their Ordinance 19710, ((s))ection 4.A.1.a., qualifying

67 programming or facilities to serve one or more vulnerable populations, such as, but not
68 limited to, veterans, seniors, unhoused individuals or individuals at risk of becoming
69 unhoused, individuals experiencing mental illness or substance use disorders, individuals
70 with disabilities, households with an annual household income at or below eighty percent
71 of the area median income, survivors of domestic violence, communities at risk of gun
72 violence, or justice-system impacted youth or youth at risk of being impacted by the
73 justice system; (2) cultural organizations with their primary locations and conducting a
74 majority of their activities within census tracts ranked in certain percentiles on the
75 Communities of Opportunity composite index that will be determined in the
76 implementation plan required in Ordinance 19710, ~~((s))Section 9 ((of this ordinance))~~; or
77 (3) cultural organizations for providing mentoring services to such cultural organizations
78 as described in Ordinance 19710, ~~((s))ection 8.B.2.(1) and (2) ((of this ordinance))~~:

79 a. approximately fifteen percent for the public school cultural access program
80 as more fully described in Ordinance 19710, ~~((s))Section 4.A.1.a. ((of this ordinance))~~;

81 b. approximately three percent for launch funding for new or emerging
82 cultural organizations as more fully described in Ordinance 19710, ~~((s))ection 4.A.1.b.~~
83 ~~((of this ordinance))~~;

84 c. approximately seven percent for reimbursing cultural organizations for
85 regional initiatives and projects, as more fully described in Ordinance 19710,
86 ~~((subs))Section 4.A.1.c. ((of this ordinance))~~;

87 d. approximately ten percent for Doors Open Program Building for Equity
88 grants as more fully described in Ordinance 19710, ~~((s))Section 4.A.1.d. ((in this~~
89 ~~ordinance))~~;

90 e. approximately fifteen percent to reimburse cultural organizations for
91 providing free public access to cultural experiences as more fully described in Ordinance
92 19710, ((s))Section 4.A.1.e. ((of this ordinance)); and

93 f. approximately fifty percent for operating support as more fully described in
94 Ordinance 19710, ((s))Section 4.A.1.f. ((of this ordinance)); and

95 3. At least twenty-five percent for a program dedicated to increasing the
96 number, capacity, and stability of cultural organizations or cultural facilities, or both, in
97 geographical areas that need additional cultural capacity as more fully described in
98 Ordinance 19710, ((s))Section 4.A.3. ((of this ordinance)), and of which at least ten
99 percent for: (1) a program supporting cultural organizations, which in fulfilling their
100 primary purpose, focus their programming or facilities to serve one or more vulnerable
101 populations, such as, but not limited to, veterans, seniors, unhoused individuals or
102 individuals at risk of becoming unhoused, individuals experiencing mental illness or
103 substance use disorders, individuals with disabilities, households with an annual
104 household income at or below eighty percent of the area median income, survivors of
105 domestic violence, communities at risk of gun violence, or justice-system impacted youth
106 or youth at risk of being impacted by the justice system; (2) cultural organizations with
107 their primary locations and conducting a majority of their activities within census tracts
108 ranked in certain percentiles on the Communities of Opportunity composite index that
109 will be determined in the implementation plan required in Ordinance 19710, ((s))Section
110 9 ((of this ordinance)); or (3) cultural organizations for providing mentoring services to
111 such cultural organizations as described in subsection ((8-))B.3.(1) and (2) of this
112 ((ordinance)) section.

113 C. Reasonable operating and staffing costs for each element of the Doors Open
114 Program may be paid from the proceeds allocated in subsections A.4., B.2., and B.3. of
115 this section, in addition to the allocation for administrative costs in this ordinance.

116 D. The Doors Open Program may grant proceeds on a reimbursement basis to a
117 fiscal sponsor for the purpose of contracting with a sponsored cultural entity for specific
118 activities or uses approved by the Doors Open Program, but only if the fiscal sponsor:
119 retains control and discretion as to the use of the proceeds; maintains records establishing
120 that the proceeds were used for purposes authorized under section 501(c)(3) of the
121 Internal Revenue Code of 1986, as amended; and limits distributions to specific projects
122 of sponsored cultural entities that are in furtherance of the fiscal sponsor's own exempt
123 purposes. The fiscal sponsor may provide proceeds to a sponsored cultural entity only if
124 the specific projects of the sponsored cultural entity provide or continue to provide public
125 benefits identified in Ordinance 19710, ~~((s))~~Section 5 ~~((of this ordinance))~~. The fiscal
126 sponsor shall be fully responsible and liable for the completion of the specific projects of

127 the sponsored cultural entity receiving proceeds and the provision of public benefits the
128 specific project was to achieve.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	13	Name:	Andy Micklow
Proposed No.:	2024-0370	Date:	November 18, 2024

SUBJECT

A proposed ordinance adopting and ratifying amendments to the King County Countywide Planning Policies.

SUMMARY

Proposed Ordinance 2024-0370 would approve amendments to the King County Countywide Planning Policies related to the Urban Growth Area boundary adjacent to Maple Valley and the planning expectations for countywide centers, as recommended by the Growth Management Planning Council, and ratify them on behalf of the population of unincorporated King County.

BACKGROUND

Growth Management Planning Council (GMPC). The GMPC is a formal body comprised of elected officials from King County, Seattle, Bellevue, other cities and towns in King County, and special purpose districts. The GMPC was created in 1992 by an interlocal agreement in response to a provision in the Washington State Growth Management Act (GMA) requiring cities and counties to work together to adopt Countywide Planning Policies (CPPs).

The CPPs are a series of policies that address growth management issues in King County. The CPPs present the shared vision of King County and the 39 cities within King County to guide jurisdictions as they develop and amend their comprehensive plans. For King County specifically, the CPPs relate to the King County Comprehensive Plan (KCCP) and its implementing development regulations.

As provided for in the GMPC interlocal agreement, the GMPC developed and recommended the original CPPs, which were adopted by the King County Council and ratified by the cities in 1992. Subsequent amendments to the CPPs follow the same adoption process outlined in CPP FW-1 and includes recommendation by the GMPC, adoption and ratification by the King County Council, and ratification by the cities. Amendments to the CPPs become effective when ratified by at least 30% of the city and county governments representing at least 70% of the population of King County. A city

shall be deemed to have ratified an amendment to the CPPs unless the city disapproves it by legislative action within 90 days of adoption by King County.

Countywide Centers. King County uses a centers approach to growth management, consistent with the Regional Growth Strategy. King County's Centers Framework was updated in 2021 to include the designation of countywide centers. CPP DP-33 requires that jurisdictions establish subarea plans for designated regional and countywide centers that align with the criteria established in the King County Centers Framework (Appendix 6 of the CPPs). In 2024, the GMPC Work Program included a review of the criteria and planning expectations in the CPPs related to countywide centers.

GMPC Motion 24-1. At its September 2024 meeting, the GMPC adopted Motion 24-1, which would amend the Urban Growth Area (UGA) boundary on the maps in the CPPs. The GMPC was also briefed on this topic at its July 2024 meeting.

GMPC Motion 24-2. At its September 2024 meeting, the GMPC also adopted Motion 24-2, which would amend the planning expectations for countywide centers in the CPPs. The GMPC was also briefed on this topic at its March, June, and July 2024 meetings.

ANALYSIS

Proposed Ordinance 2024-0370 would approve amendments to King County Countywide Planning Policies. The proposed amendment to the UGA boundary adjacent to the Maple Valley is Attachment A to the proposed ordinance and the proposed amendments to the planning expectations for countywide centers is Attachment B to the proposed ordinance.

Maple Valley UGA. The proposed ordinance would amend the UGA boundary adjacent to the City of Maple Valley to move three parcels out of the UGA and into the Rural Area. The new UGA boundary would coincide with the northern city limit in this area. This amendment is linked to a Land Use and Zoning Map Amendment 1 in the 2024 King County Comprehensive Plan Update, which would change the land use designation from Industrial to Rural Area. Map Amendment 1 would also remove and repeal a property-specific development condition that limits the impacts of potential industrial uses on the property. Policies in the CPPs and Comprehensive Plan guide the review of UGA amendments.

Planning Expectations for Countywide Centers. The proposed ordinance would make changes to CPP DP-33 and Appendix 6 of the CPPs regarding how jurisdictions meet the planning expectations for countywide centers. The CPPs require subarea plans or dedicated Comprehensive Plan chapters for countywide centers. The proposed changes to the CPPs would retain the planning expectations but allow for more flexibility for jurisdictions regarding how the expectations are addressed by removing the subarea-specific language.

GMPC Action. On September 18, 2024, the GMPC approved Motions 24-1 and 24-2, which recommend amendments to the King County Countywide Planning Policies. GMPC action is a recommendation to the King County Council and is not binding.

Consistent with CPP adoption requirements, Proposed Ordinance 2024-0370 forwards the GMPC recommendation to the King County Council for consideration for possible approval. The proposed ordinance would also ratify the changes on behalf of the population of unincorporated King County and would begin the ratification process by cities.

INVITED

- Ivan Miller, Principal Analyst, Countywide Planning, Office of Performance, Strategy, and Budget

ATTACHMENTS

1. Proposed Ordinance 2024-0370 (and its attachments)
2. Transmittal Letter
3. Fiscal Note



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2024-0370.1

Sponsors Perry

1 AN ORDINANCE adopting and ratifying amendments to
2 the King County Countywide Planning Policies.

3 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

4 SECTION 1. Findings:

5 A. The 2021 King County Countywide Planning Policies (“the CPPs”) were
6 adopted by Ordinance 19384, amended by Ordinances 19553 and 19660, and ratified by
7 King County and the cities in King County.

8 B. In September 2024, the King County Growth Management Planning Council
9 (“the GMPC”) reviewed and recommended amendments to the CPPs related to the urban
10 growth area boundary in GMPC Motion 24-1.

11 C. In September 2024, the GMPC reviewed and recommended amendments to
12 the CPPs related to the planning expectations for countywide centers in GMPC Motion
13 24-2.

14 SECTION 2. The amendments to the CPPs, as shown in Attachment A to this
15 ordinance, and Attachment B to this ordinance, are hereby adopted by King County and
16 ratified on behalf of the population of unincorporated King County.

17 SECTION 3. Severability. If any provision of this ordinance or its application to

- 18 any person or circumstance is held invalid, the remainder of the ordinance or the
19 application of the provision to persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: A. GMPC Motion 24-1, B. GMPC Motion 24-2

09/18/2024

Sponsored By: Executive Committee**GMPC MOTION 24-1**

1
2 A MOTION to amend the Urban Growth Area boundary adjacent to the
3 City of Maple Valley and update the maps in the King County
4 Countywide Planning Policies.
5

6 WHEREAS, the Washington State Growth Management Act, Revised Code of Washington
7 (RCW) 36.70A.110, requires counties to designate an urban growth area within which urban growth shall
8 be encouraged and outside of which growth can occur if it is not urban in nature; and

9 WHEREAS, King County Countywide Planning Policy Framework 1 (FW-1) recognizes that
10 King County may initiate amendments to the Urban Growth Area; and

11 WHEREAS, King County Countywide Planning Policy Development Patterns 16 (DP-16) allows
12 amendments to the urban growth area if the proposed amendment is under review by the County as part of
13 an amendment process of the King County Comprehensive Plan and King County submits the proposal to
14 the Growth Management Planning Council for the purposes of review and recommendation; and

15 WHEREAS, on June 7, 2022, the County Council adopted Motion 16142, specifying the scope of
16 work for its 2024 Comprehensive Plan Update, and the scope included direction to review the land use
17 designations and implementing zoning in an area with unincorporated urban parcels near the northern
18 edge of the City of Maple Valley; and

19 WHEREAS, King County conducted an Area Zoning and Land Use Study and concluded that
20 this site should be redesignated to Rural Area because it lacks urban services and infrastructure adequate
21 for an urban industrial site; it is encumbered by environmental constraints; it is surrounded on three sides
22 by rural residential properties; it abuts an agricultural parcel which could create further incompatibilities;
23 and

24 WHEREAS, the City of Maple Valley has not affiliated this area as part of its potential
25 annexation area due to its lack of infrastructure, topographical separation, sensitive areas, and separation
26 by linear utility and park rights-of-way; and

27 WHEREAS, consistent with Countywide Planning Policy DP-19, the area is not served by public
28 sewers, is contiguous with the Rural Area, is not characterized by urban development, and is
29 characterized by environmentally sensitive areas making it inappropriate for higher-density development;

30 WHEREAS, on June 5, 2024, the King County Local Services and Land Use Committee
31 recommended the proposed amendment to the Urban Growth Area adjacent to the City of Maple Valley
32 be considered by the King County Council as part of their approval of the 2024 King County
33 Comprehensive Plan; and

34 WHEREAS, on July 24, 2024, and September 18, 2024, the Growth Management Planning
35 Council received a briefing on the proposed amendment to the urban growth area under consideration by
36 King County;

37 NOW, THEREFORE, BE IT MOVED that the Growth Management Planning Council hereby
38 recommends approval of this amendment to the urban growth area boundary and that the 2021 King
39 County Countywide Planning Policies be amended as follows:

40 Amend the urban growth area boundary shown in Appendix 1: Generalized Land Use Categories
41 Map, Appendix 2: Potential Annexation Area Map; and Appendix 3: Urban Separators Map, as
42 depicted on the maps in Attachment A.

Dow Constantine

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44

Dow Constantine, Chair, Growth Management Planning Council

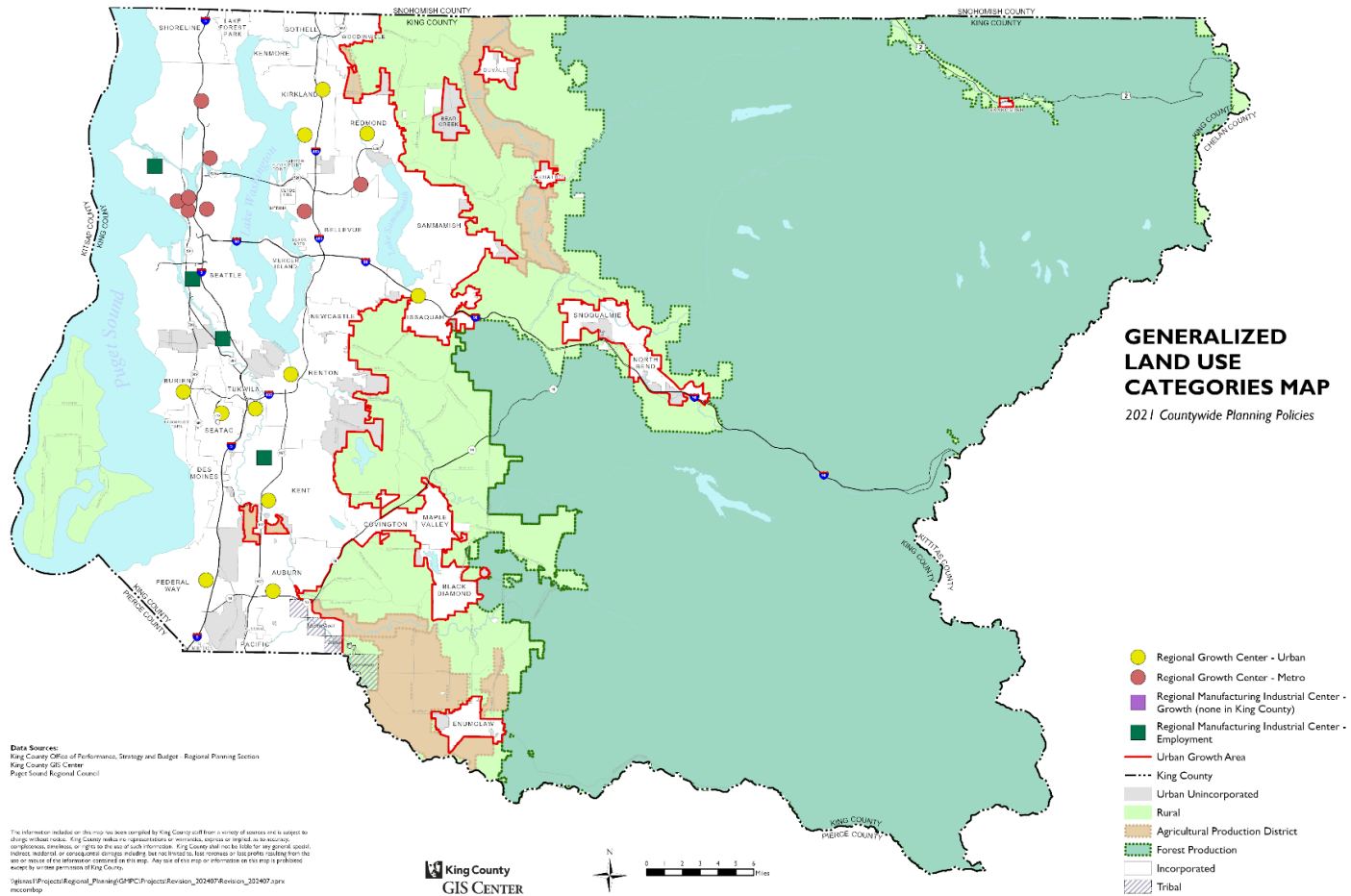
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46
47 Attachment

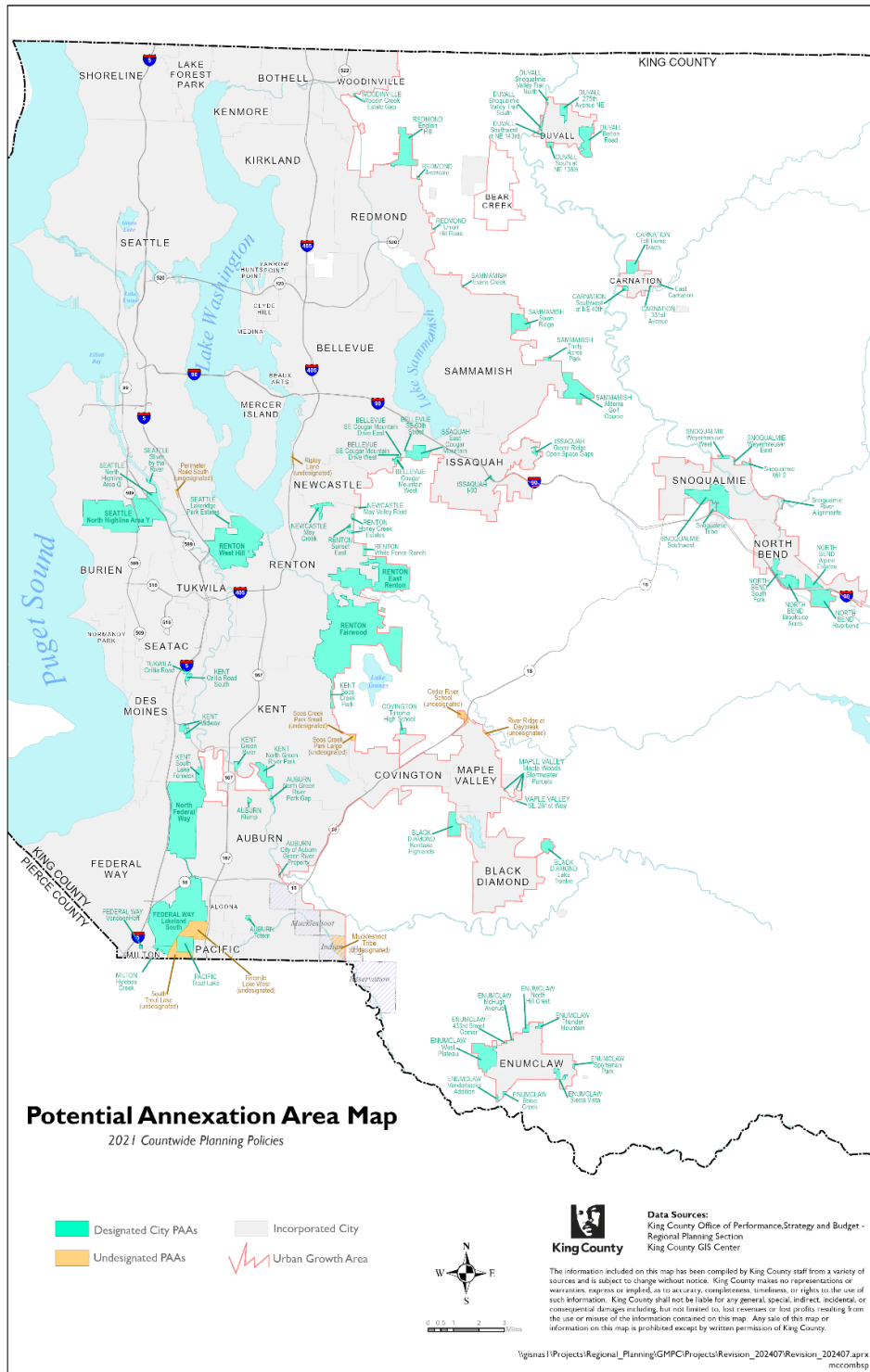
48 A: Amendments to the Urban Growth Area boundary shown on the maps in the King County
49 Countywide Planning Policies

Attachment A: Amendments to the Urban Growth Area boundary shown on the maps in the King County Countywide Planning Policies

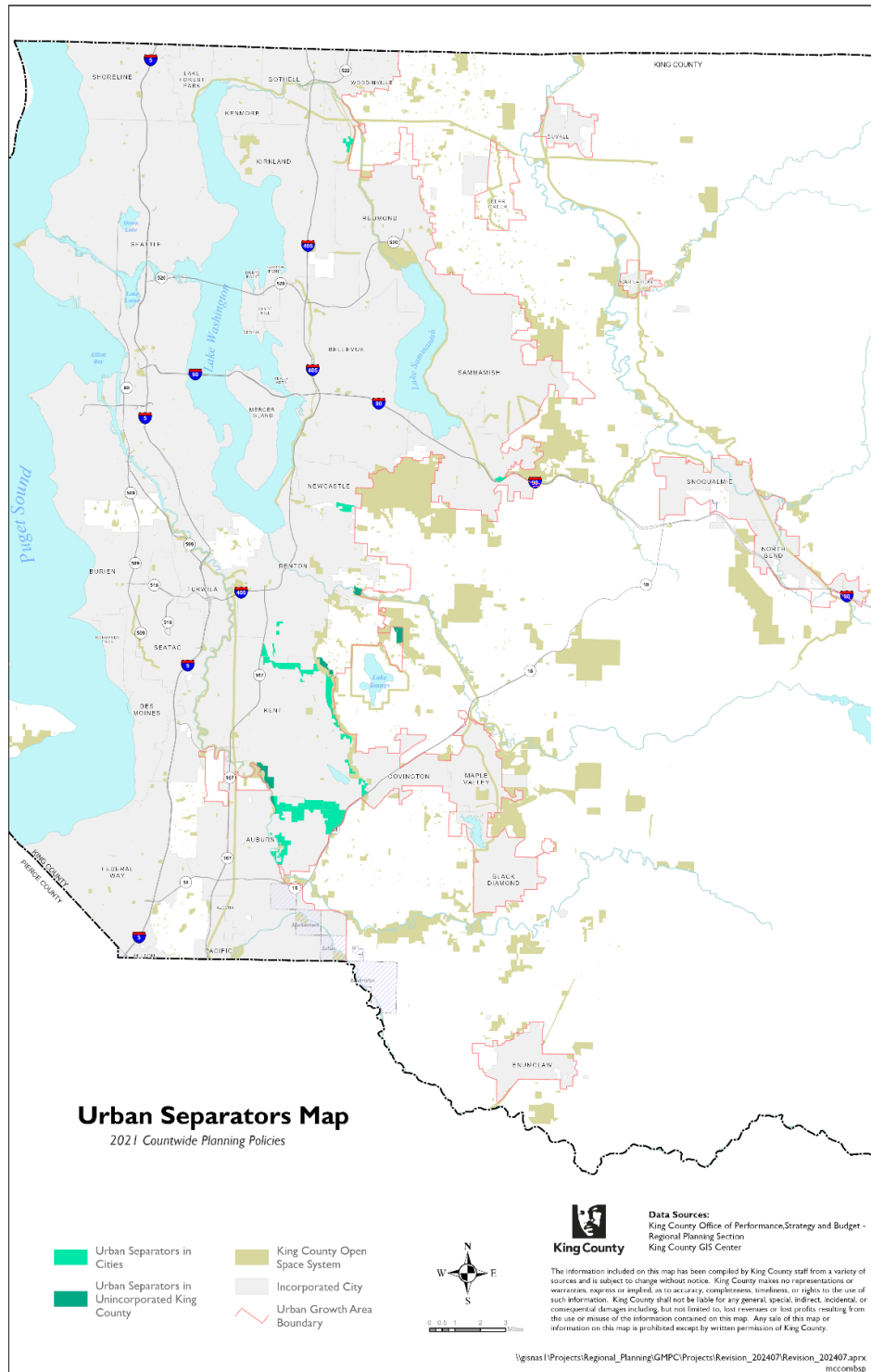
In Appendix 1: Generalized Land Use Categories Map, on page 71, strike the map and replace with the following.



In Appendix 2: Potential Annexation Area Map, on page 72, strike the map and replace with the following:



In Appendix 3: Urban Separators Map, on page 73, strike the map and replace with the following:



09/18/2024

Sponsored By: Executive Committee1
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24**GMPC MOTION 24-2**

A MOTION to amend the Planning Expectations for Countywide Centers in the King County Countywide Planning Policies.

WHEREAS, in 2018 the Puget Sound Regional Council (PSRC) adopted a Regional Centers Framework for the central Puget Sound region, which includes King County, and said framework expanded the growth management centers framework to include a new countywide center designation; and

WHEREAS, in 2020 the PSRC adopted VISION 2050, a regional growth plan for the central Puget Sound region; and

WHEREAS, VISION 2050 includes the central Puget Sound region's Multicounty Planning Policies (MPPs), per Revised Code of Washington (RCW) 36.70A.210(8), and these policies call for the designation of countywide centers; and

WHEREAS, PSRC serves as the Metropolitan Planning Organization (MPO) for the central Puget Sound Region, per 23 Code of the Federal Register, Section 450.310, and the Regional Transportation Planning Organization (RTPO), per RCW 47.80; and

WHEREAS, as the MPO and RTPO for the central Puget Sound region, PSRC manages the distribution of federal transportation funding and in this capacity has adopted a Policy Framework for PSRC's Federal Funds and said framework calls for the distribution of federal funding to support transportation investments in countywide centers; and

WHEREAS, in 2019 the King County Growth Management Council (GMPC) established a process for the identification and designation of Candidate Countywide Centers in order to allow jurisdictions in King County to compete for the aforementioned federal transportation funding managed by PSRC; and

25 WHEREAS, in 2021 the GMPC adopted GMPC Motion 21-3 which approved a list of Candidate
26 Countywide Centers in jurisdictions in King County; and

27 WHEREAS, GMPC Motion 21-3 states that the Candidate Countywide Centers would have
28 status until such time as Comprehensive Plans are updated in 2024, per RCW 36.70A.130; and that
29 following adoption of Comprehensive Plans, jurisdictions could then apply for designation by the GMPC
30 in 2025 to 2026; and

31 WHEREAS, in 2021 the King County Countywide Planning Policies (CPPs) were updated to be
32 consistent with the MPPs, and CPP Appendix 6: King County Centers Designation Framework
33 established criteria for countywide centers; and

34 WHEREAS, in 2024 the GMPC adopted its 2024 Work Program which included a review of the
35 criteria and planning expectations in the CPPs related to countywide centers; and

36 WHEREAS, in March 2024, June 2024, and July 2024 the GMPC's Interjurisdictional Team
37 (IJT) reviewed the CPPs and recommended to GMPC amendments to the planning expectations for
38 countywide centers in the CPPs; and

39 WHEREAS, in June 2024 and July 2024 the GMPC discussed these recommended amendments;

40 NOW, THEREFORE BE IT RESOLVED that the King County GMPC hereby approves
41 amendments to the CPPs related to the planning expectations for countywide centers, as shown in
42 Attachment A.

43 

44 _____
45 Dow Constantine, Chair, Growth Management Planning Council

46
47 Attachment

- 48 A. Amendments to the Planning Expectations in the King County Countywide Planning Policies for
49 Countywide Centers

Attachment A: Amendments to the Planning Expectations in the King County Countywide Planning Policies for Countywide Centers

All King County Countywide Planning Policy amendments are shown in ~~((~~strike~~through))~~ and underlined text.

In the Development Patterns Chapter, on page 30, amend the text as follows:

The King County Centers Designation Framework in Appendix 6 provides designation processes and timelines, minimum existing and planned density thresholds, and ~~((subarea))~~ planning expectations for regional and countywide centers. Regionally designated centers are shown on the Generalized Land Use Categories Map in Appendix 1.

In the Development Patterns Chapter, on page 30, amend countywide planning policy as follows:

DP-33 Establish subarea plans for designated regional ~~((and countywide))~~ centers that meet the criteria in the King County centers Designation Framework, as adopted in Appendix 6.

In Appendix 6: King County Centers Designation Framework, starting on page 106, amend countywide planning policy appendix as follows:

Appendix 6: King County Centers Designation Framework

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
1. Purpose of Center	Regional Metro Growth Centers have a primary regional role. They have dense existing jobs and housing, high-quality transit service, and are planning for significant, equitable growth and opportunity. They serve as major transit hubs for the region and provide regional services and serve as major civic and cultural centers.	Regional Urban Growth Centers play an important regional role, with dense existing jobs and housing, high-quality transit service, and planning for significant, equitable growth and opportunity. These centers may represent areas where major investments – such as high-capacity transit –offer new opportunities for growth.	Countywide growth centers ¹⁵ serve important roles as places for equitably concentrating jobs, housing, shopping, and recreational opportunities. These are often smaller downtowns, high-capacity transit station areas, or neighborhood centers that are linked by transit, provide a mix of housing and services, and serve as focal points for local and county investment.	Regional Industrial Employment Centers are highly active industrial areas with significant existing jobs, core industrial activity, evidence of long-term demand, and regional role. They have a legacy of industrial employment and represent important long-term industrial areas, such as deep-water ports and major manufacturing and can be accessed by transit. Designation is to, at a minimum, preserve existing industrial jobs and land use and to continue to equitably grow industrial employment and opportunity in these centers where possible.	Regional Industrial Growth Centers are clusters of industrial lands that have significant value to the region and potential for future equitable job growth. These large areas of industrial land serve the region with international employers, industrial infrastructure, concentrations of industrial jobs, evidence of long-term potential, and can be accessed by transit. Designation will continue growth of industrial employment and preserve the region’s industrial land base for long-term growth and retention.	Countywide industrial centers serve as important local industrial areas. These areas support equitable access to living wage jobs and serve a key role in the county’s manufacturing/industrial economy.

¹⁵ King County does not yet have designated countywide centers, although many jurisdictions have local centers that may be equivalent. Local centers are eligible for regional and countywide funding, and this funding is distributed based on criteria and formula.

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
2. Distribution of Centers	Centers are designated to achieve the countywide land use vision and are based on meeting the expectations of the framework. No arbitrary limit on the number of centers will be established.	Same	Same	Same	Same	Same
PART 1. DESIGNATION PROCESS AND SCHEDULE						
A. Designation Process						
1. jurisdiction ordinance, motion, or resolution authorizing submittal of application	Yes	Yes	Yes	Yes	Yes	Yes
2. Fill out Form	Yes	Yes	KC to have an application form and process.	Yes	Yes	KC to have an application form and process.
3. Submit for eligibility review. Staff review and report	Yes	Yes	IJT staff to review and present to GMPC.	Yes	Yes	IJT staff to review and present to GMPC.
4. GMPC recommendation to PSRC	Yes	Yes	KC to have an application form and process.	Yes	Yes	KC to have an application form and process.
B. Schedule						
1. Applications limited to major updates. Call for new application approx. every 5 years.	Yes	Yes	Yes. KC to have a 5-year cycle or consider following PSRC major plan updates.	Yes	Yes	Yes. KC to have a 5 year cycle or consider following PSRC major plan updates.
C. Redesignation						
1. Follows PSRC re-designation process	Yes	Yes	Yes	Yes	Yes	Yes
PART 2: CENTER ELIGIBILITY						
A. Local and Countywide Commitment						
1. center identified in Comprehensive Plan	Yes	Yes	Yes	Yes	Yes	Yes
2. demonstrate center is local priority for growth and investments	Yes	Yes	Yes	Yes	Yes. And, commitment to protecting and preserving industrial uses, strategies, and incentives to encourage industrial uses in the center, and established partnerships with relevant parties to ensure success of manufacturing/industrial center.	Yes. And area has important county role and concentration of industrial land or jobs with evidence of long-term demand.

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
B. Planning						
1. completed center plan meeting Plan Review Manual specifications ¹⁶	Yes	Yes	Yes ¹⁷	Yes	Yes. And, in consultation with public ports and other affected government entities.	Yes ¹⁷
2. environmental review shows area appropriate for density	Yes	Yes	Yes	Yes	Yes	Yes
3. assessment of housing need and cultural assets, including displacement of residents and businesses	Yes	Yes	Yes((, as part of subarea plan or in dedicated Comprehensive Plan chapter)))	Not applicable	Not applicable	Not applicable
4. documentation of tools to provide range of affordable and fair housing	Yes	Yes	Yes((, as part of subarea plan or in dedicated Comprehensive Plan chapter)))	Not applicable	Not applicable	Not applicable
5. documentation of community engagement, including with priority populations ¹⁸	Yes	Yes	Yes((, as part of subarea plan or in dedicated Comprehensive Plan chapter)))	Yes	Yes	Yes
C. Jurisdiction and Location						
1. new Centers should be in cities	Yes	Yes	Cities or Unincorporated Urban ¹⁹	Yes	Yes	Cities or Unincorporated Urban ¹⁹
2. if unincorporated area: a. it has link light rail and is affiliated for annexation	Not allowed in unincorporated urban area	Not allowed in unincorporated urban area	Encouraged	Not allowed in unincorporated urban area	Not allowed in unincorporated urban area	Encouraged
b. joint planning is occurring	Not allowed in unincorporated urban area	Not allowed in unincorporated urban area	Encouraged	Not allowed in unincorporated urban area	Not allowed in unincorporated urban area	Encouraged
c. plans for annexation or incorporation are required	Not applicable (center type does not exist in unincorporated area).	Not applicable (center type does not exist in unincorporated area).	Encouraged	Not allowed in unincorporated urban area	Not allowed in unincorporated urban area	Encouraged
D. Existing Conditions						
1. infrastructure and utilities can support growth	Yes	Yes	Yes	Yes. Must include presence of irreplaceable industrial infrastructure such as working maritime port facilities, air and rail freight facilities.	Yes. Access to relevant transportation infrastructure including freight.	Yes
2. center has mix of housing and employment	Yes	Yes	Yes	Not applicable	The center has an economic impact.	Not applicable.
E. Boundaries						

¹⁶ The PSRC [Center Plan Checklist](#) defines key concepts and provisions jurisdictions should use in planning for the designated centers. This includes the following: establishing a vision, considering natural and built environment topics, establishing geographic boundaries and growth targets, planning for a mix of land uses, addressing design standards, planning for a variety of housing types including affordable housing in growth centers, addressing economic development, and providing for public services and facilities, including multimodal transportation, all as appropriate and tailored to the center type and function.

¹⁷ For Countywide Centers the topics in the [Center Plan Checklist](#) should be addressed(~~(, except that growth targets are not required, and they can be met through inclusion of a dedicated chapter in the Comprehensive Plan that specifies how each required topic is addressed for each countywide center, rather than in stand-alone subarea plans))~~).

¹⁸ King County's "Fair and Just" Ordinance 16948, as amended, identifies four demographic groups, including: low-income, limited English proficiency, people of color, and immigrant populations.

¹⁹ For multi-jurisdiction centers, please describe the manner and structure (e.g. interlocal agreement, memorandum of understanding) with which the jurisdictions will plan together over the long-term.

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
1. justification for center boundaries	Yes	Yes	Yes	Yes	Yes	Yes
2. boundary generally round or square	Yes	Yes	Compact, walkable size	Not applicable	Not applicable	Not applicable
F. Transportation						
1. center has bicycle and pedestrian infrastructure and amenities	Yes	Yes	Yes. Supports multimodal transportation, including pedestrian infrastructure and amenities, and bicycle infrastructure and amenities.	Defined transportation demand management strategies in place.	Defined transportation demand management strategies in place.	Defined transportation demand management strategies in place
2. center has street pattern supporting walkability	Yes	Yes	Yes. Supports multimodal transportation, including street pattern that supports walkability.	Not applicable	Not applicable	Not applicable
3. freight access	Yes	((To be addressed in subarea plan)) <u>Yes</u>	((To be addressed in subarea plan)) <u>Yes</u>	Access to relevant transportation infrastructure including freight.	((Same)) <u>Yes</u>	((To be addressed in subarea plan)) <u>Yes</u>
PART 3: CENTER CRITERIA						
A. Purpose						
1. Compatibility with VISION centers concept, Regional Growth Strategy and Multicounty Planning Policies	Yes	Yes	Yes	Yes	Yes	Yes
B. Activity level/Zoning ²⁰						
1. existing activity ²¹	60 activity unit density	30 activity unit density (AUs refer to combined jobs and population)	18 activity unit density	10,000 jobs	4,000 jobs	1,000 existing jobs and/or 500 acres of industrial land
2. planned activity	Above 120 activity unit density	60 activity unit density	30 activity unit density	20,000 jobs	10,000 jobs	4,000 jobs
3. sufficient zoned capacity	Yes. Should be higher than target and supports a compact, complete, and mature urban form.	Yes. Should be higher than target.	Should have capacity and be planning for ((additional growth.)) <u>at least the planned activity level</u>	Yes. Should be higher than target.	Yes. Should be higher than target.	Should have capacity and be planning for ((additional growth.)) <u>at least the planned activity level</u>
4. planning mix of housing types and employment types	Planning for at least 15% residential and 15% employment activity	Planning for at least 15% residential and 15% employment activity	Planning for at least 20% residential and 20% employment, unless unique circumstances make these percentages not possible to achieve.	At least 50% of the employment must be industrial employment. Strategies to retain industrial uses are in place.	At least 50% of the employment must be industrial employment. Strategies to retain industrial uses are in place.	At least 50% of the employment must be industrial employment. Strategies to retain industrial uses are in place.
C. Geographic Size						
1. minimum size	320 acres	200 acres	160	No set threshold; size based on justification for the boundary.	2000 acres	1,000 existing jobs and/or 500 acres of industrial land

²⁰ PSRC’s 2015 guidance on [Transit Supportive Densities and Land Uses](#) cites an optimal level of 56-116 activity units per acre to support light rail, dependent on transit costs per mile. The guidance indicates an optimal threshold of at least 17 activity units per acre to support bus rapid transit. Note: the existing threshold in the CPPs is roughly equivalent to 85 AUs existing activity for King County Urban Centers.

²¹ For existing centers, not meeting existing activity unit thresholds is not grounds for de-designation or re-designation by the Growth Management Planning Council.

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
2. maximum size	640 acres (larger if internal HCT)	640 acres (larger if internal HCT)	500 acres	No set threshold; size based on justification for the boundary.	No set threshold; size based on justification for the boundary.	No set threshold; size based on justification for the boundary.
D. Transit						
1. existing or planned transit service levels	Major transit hub, has high quality/high-capacity existing or planned service including existing or planned light rail, commuter rail, ferry, or other high-capacity transit with similar frequent service as light rail. (18 hours, 15-minute headways)	Fixed route bus, regional bus, Bus Rapid Transit or frequent all-day bus service (16 hours, 15 minute headways). High-capacity transit may substitute for fixed-route bus.	Yes, has frequent, all-day, fixed-route bus service (16 hours, 15-minute headways).	Must have existing or planned frequent, local, express, or flexible transit service. Should have documented strategies to reduce commute impacts through transportation demand management that are consistent with the Regional TDM Action Plan.	Same.	Should have local fixed-route or flexible transit service.
2. transit-supportive infrastructure	Provides transit priority (bus lanes, queue jumps, signal priority, etc.) within the right-of-way to maintain speed and reliability of transit service. Provides infrastructure (i.e. pedestrian and bicycle) that improves rider access to transit service and increases amenities to make transit an inviting option.	Provides transit priority (bus lanes, queue jumps, signal priority, etc.) within the right-of-way to maintain speed and reliability of transit service. Provides infrastructure (i.e. pedestrian and bicycle) that improves rider access to transit service and increases amenities to make transit an inviting option.	Supports connection/transfers between routes and other modes. Provides infrastructure (i.e. pedestrian and bicycle) that improves rider access to transit service and increases amenities to make transit an inviting option.	Provides transit priority (bus lanes, queue jumps, signal priority, etc.) within the right-of-way to maintain speed and reliability of transit service. Provides infrastructure (i.e. pedestrian and bicycle) that improves rider access to transit service and increases amenities to make transit an inviting option.	Supports connection/transfers between routes and other modes, and increases amenities to make transit an inviting option.	Supports connection/transfers between routes and other modes, and increases amenities to make transit an inviting option.
E. Market Potential						
1. Evidence of future market potential to support target and planned densities	Yes, with Market Study required	Yes, with Market Study required	Market Study encouraged	Yes, with Market Study required	Yes, with Market Study required	Market Study encouraged
2. Market data will inform adoption of land use, housing, economic development, and investment strategies, including equitable development strategies. ²²	Required within Market Study	Required within Market Study	Encouraged within Market Study	Required within Market Study, tailored for industrial employment.	Required within Market Study, tailored for industrial employment.	Encouraged within Market Study, tailored for industrial employment.
F. Role						
1. Evidence of regional or countywide role by serving as important destination	Yes	Yes	Yes	Yes	Yes	Yes
2. Planning for long-term, significant, and equitable growth	Yes	Yes	Yes	Yes	Yes	Yes

²² For residential development, strategies and tools could include mandatory inclusionary housing, multifamily tax exemption, or others. For commercial and industrial development, strategies and tools could include priority hire policies, incentives for affordable commercial space, or others.

	Metro Growth Centers	Urban Growth Centers	Countywide Growth Centers	Industrial Employment Centers	Industrial Growth Centers	Countywide Industrial Centers
G. Zoning						
1. specific zones required	No	No	No	At least 75% land area zoned for core industrial uses. This includes manufacturing, transportation, warehousing and freight terminals.	Same	At least 75% of land area zoned for core industrial uses.
2. specific zones prohibited	No	No	No	Commercial uses within core industrial zones shall be strictly limited.	Same	Same



King County

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

October 30, 2024

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that would, if enacted, adopt amendments to the 2021 King County Countywide Planning Policies (CPPs). The enclosed proposed amendments were unanimously recommended by the King County Growth Management Planning Council (GMPC) on September 18, 2024.

The CPPs establish a shared framework for growth management planning for all jurisdictions in King County. In its 2024 work program, the GMPC included consideration of potential Urban Growth Area (UGA) changes proposed in the 2024 King County Comprehensive Plan (2024 Comprehensive Plan) as well as a review of the policies and criteria in the CPPs related to Countywide Centers.

Regarding the UGA amendment, the 2024 Comprehensive Plan process included the review of three unincorporated urban parcels along the northern edge of the City of Maple Valley. In December 2023, the Executive proposed in the 2024 Comprehensive Plan that the parcels be removed from the UGA and be redesignated to Rural Area. This recommendation was carried forward in the King County Council's Local Services and Land Use Committee's recommended plan, which was voted on in June 2024. This potential UGA amendment was brought to the GMPC for their review in July 2024, and at its September 2024 meeting, the GMPC unanimously approved GMPC Motion 24-1 recommending the UGA amendment.

Regarding the countywide centers amendment, in 2024 the GMPC reviewed the CPPs related to the planning expectations for Countywide Centers. Proposed CPPs amendments were brought to the GMPC for its review in July 2024, and at its September 2024 meeting, the GMPC unanimously approved GMPC Motion 24-2 recommending the countywide center planning expectation amendments.

The collaborative process used to develop this proposed legislation embodies the ethic of

The Honorable Dave Upthegrove

October 30, 2024

Page 2

coordinated planning required by the Growth Management Act. King County staff, municipal planners, elected officials, and community-based organizations were involved in developing the recommendations in the proposed legislation. No budget action is needed to support the proposed Ordinance.

Thank you for your consideration of this proposed Ordinance. This important legislation is one of the many steps needed to ensure King County protects its environment while accommodating and managing growth.

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

Sincerely,



for

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff, King County Council

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Dwight Dively, Director, Office of Performance, Strategy and Budget (PSB)

Lauren Smith, Deputy Director, Regional Planning, PSB

2023-2024 FISCAL NOTE

Ordinance/Motion: 2024-XXXX
 Title: King County Countywide Planning Policies Amendments
 Affected Agency and/or Agencies: King County Office of Performance, Strategy and Budget (PSB)
 Note Prepared By: Ivan Miller, Countywide Planning, Office of Performance, Strategy and Budget
 Date Prepared: 8/16/24
 Note Reviewed By: T.J. Stutman, Budget Analyst, Office of Performance, Strategy and Budget
 Date Reviewed: 8/23/24

Description of request:

Amendments to the Countywide Planning Policies to amend the Urban Growth Area boundary near the City of Maple Valley and to amend the planning expectations for Countywide Centers. Following County Council action, the amended targets will be sent to the jurisdictions in King County for ratification, consistent with the process described in the Countywide Planning Policies.

Revenue to:

Agency	Fund Code	Revenue Source	2023-2024	2025-2026	2027-2028
TOTAL			0	0	0

Expenditures from:

Agency	Fund Code	Department	2023-2024	2025-2026	2027-2028
TOTAL			0	0	0

Expenditures by Categories

	2023-2024	2025-2026	2027-2028
TOTAL	0	0	0

Does this legislation require a budget supplemental? No

Notes and Assumptions:

The Countywide Planning Policies is a document that guides the development of comprehensive plans in unincorporated King County and within each of the cities. Any fiscal impact to King County government should be addressed within the legislation updating King County's Comprehensive Plan.



King County

**Metropolitan King County Council
Committee of the Whole**

STAFF REPORT

Agenda Item:	14	Name:	Erin Auzins
Proposed No.:	2024-0387	Date:	November 18, 2024

SUBJECT

Proposed Ordinance 2024-0387 would amend regulations for wineries, breweries, distilleries, and remote tasting rooms.

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 (WBDs), and remote tasting rooms, in unincorporated King County. After a lengthy litigation process, on September 19, 2024, the Washington State Supreme Court published an opinion reinstating a January 2022 order from the Growth Management Hearings Board that invalidated Ordinance 19030, Sections 12 through 29, Section 31, and Map Amendments 1 and 2.

Proposed Ordinance 2024-0387 is adopted to comply with the Supreme Court's decision, as well as an evaluation by the King County Hearing Examiner that the licensing system for WBDs was preempted by RCW 66.08.120.

BACKGROUND

Prior to Ordinance 19030. Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code.¹ Prior to Ordinance 19030, the development conditions had not changed since 2003,² when standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted.³ Distilleries were first recognized as a land use in 2013.⁴ Wineries, breweries, and distilleries were considered the same land use category under the code, and for each zone in which they were allowed (either outright as a permitted use, or with a conditional use permit), they had the same development conditions.

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.

Starting around 2015, neighbors of wineries and tasting rooms within the Sammamish Valley filed a number of code enforcement complaints with the Permitting Division 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.

During deliberations on a previous WBD ordinance, Executive staff 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:

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.

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 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.

Due to these concerns, 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 2016.⁵

Between September 2016 and April 2018, the Executive worked on a series of proposed policy changes that would apply to the entire unincorporated area, not just the Sammamish Valley. A public review draft of the Executive's proposed countywide 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.

During deliberations on Ordinance 19030, there was a list of WBD businesses known to be located in the unincorporated area that was cited in a Council staff report that stated that only 4 of 45 were legally established. This was incorrect information based on an incomplete understanding of the landscape. While 4 businesses did have permits from the County, that is not the only path to providing a nonconformance. Many known businesses are/were home occupations or were established in existing structures, neither of which necessarily require a permit from the County.

Ordinance 19030. Ordinance 19030 was adopted in December 2019, after seven Committee meetings, a town hall meeting, and two public hearings at full Council.

⁵ Link to report: <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Sammamish-Study-Area/CAISammValleyWineBeverageStudyFINAL-091216.ashx?la=en>.

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.

Litigation on 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 (Board). On January 3, 2022, the Growth Management Hearing's 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.

After a lengthy litigation process, on September 19, 2024, the Washington State Supreme Court published an opinion reinstating the Board's January 2022 Order. The County is required to comply with this Order.

The Board has issued a Notice of Status Conference for November 25, 2024, for the parties to discuss the status of judicial review and a compliance schedule for compliance with the Board's January 2022 Order.

Hearing Examiner Opinion. While the Board did not invalidate the adult beverage business license requirement, and there has been no court decision on this issue, the King County Hearing Examiner considered several preemption-based challenges to the licensing provisions. Although the Hearing Examiner determined that he was unable to resolve the core constitutional issues because it was beyond his jurisdiction, he engaged in a lengthy analysis of applicable authorities. The Hearing Examiner concluded that a local license for alcohol-related sales, distribution and premises "...sounds like the local power the State explicitly withdrew in RCW 66.08.120."

ANALYSIS

Proposed Ordinance 2024-0387 Summary. Proposed Ordinance 2024-0387 would make substantive changes to the regulations for wineries, breweries, distilleries (WBDs), and remote tasting rooms, including:

- Repealing the requirement for an adult beverage business license.
- Modifying the definition of winery, brewery, and distillery to match those in state law.
- Allowing a remote tasting room in the CB and RB zone, with a development condition setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area.
- Prohibiting WBDs in the A and RA zones.
- Allowing a WBD in the NB and CB zones, as a Permitted use, with a development condition:
 - Limiting the size to 3,500sf, or in an historic building to 5,000sf;
 - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;

- Allowing on-site tasting and retail sales, consistent with state law;
 - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
 - Allowing events with a Temporary Use Permit (TUP).
- Allowing a WBD in the NB and CB zones, with a Conditional Use Permit (CUP), with a development condition:
 - Allowing on-site tasting and retail sales, consistent with state law;
 - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
 - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area, or as set by the CUP; and
 - Allowing events with a TUP.
- Allowing a WBD in the RB zone, as a Permitted use, with a development condition:
 - Allowing on-site tasting and retail sales, consistent with state law;
 - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
 - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
 - Allowing events with a TUP.
- Allowing a WBD in the I zone, as a Permitted use, with a development condition:
 - Prohibiting wineries and remote tasting rooms for wineries;
 - Allowing on-site tasting and retail sales, consistent with state law;
 - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
 - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
 - Allowing events with a TUP.
- Prohibiting WBDs and remote tasting rooms as home occupations and home industries.
- Temporary Use Permit changes include:
 - Removes the triggers for when an event at a WBD or remote tasting rooms require a TUP;
 - Removes an exemption from TUP requirements for certain WBDs in the RA zone; and
 - Removes duration, frequency, and maximum attendee requirements for WBD uses in the A and RA zones. Returns to prior condition for temporary uses at wineries in the A and RA zone, limiting them to two per month and requiring all parking to be accommodated on-site.
- Repeals remote tasting room demonstration project, removes the zoning condition from impacted parcels, and removes a reference in the Retail Land Uses permitted use table.
- Repeals the efficacy report required by Ordinance 19030.
- Adds an effective date that is 61 days after notice of adoption, or 31 days after the final decision is issued by the Board, if an appeal is filed.

SEPA Review. Proposed Ordinance 2024-0387 is subject to nonproject SEPA review. Council staff continue to work with the SEPA Responsible Official on the necessary SEPA review for this Proposed Ordinance. SEPA review must be completed prior to the public hearing for this Proposed Ordinance.

Impacts to Existing Businesses. Councilmembers have expressed interest in how this Proposed Ordinance would impact existing businesses. While Proposed Ordinance 2024-0387 is prospective and would prohibit any new WBD or remote tasting room in the A or RA zones, there are existing businesses in those zones that this Proposed Ordinance may impact.

There are 47 known WBDs⁶ (those that have a state liquor license) in the A and RA zones in unincorporated King County. Of those, 9 have applied for a state liquor license since 2020 – the County objected to issuance of those licenses, as there was a moratorium in place that prevented establishment of new WBDs. Permitting also reports that they have communicated to these businesses that operating would create an enforcement risk; it is not known if each one is currently operating at locations in unincorporated King County.

Table 1 shows the breakdown of those existing businesses by Community Service Area.

Table 1. Existing WBD Businesses

Community Service Area	Number of WBDs
Greater Maple Valley/Cedar River	A zones: 0 RA zones: 2
SE King County	A zones: 1 RA zones: 3
Bear Creek/Sammamish	A zones: 0 RA zones: 16 ⁷
Four Creeks/Tiger Mountain Area	A zones: 0 RA zones: 3
Greater Maple Valley/Cedar River Area	A zones: 0 RA zones: 4
Snoqualmie Valley/NE King County Area	A zones: 1 RA zones: 7
Vashon-Maury Island Area	A zones: 0 RA zones: 10
Total	A zones: 2 RA zones: 45

If Proposed Ordinance 2024-0387 is adopted, these businesses (plus any others unknown to the County) will either need to prove conformance with the code in place when they were established (either as a permitted use or as a home occupation), modify their operations to conform, or close their current location.

For the 9 WBDs that applied for state liquor license starting in 2020, if they are operating, they will likely need to close their current location, as they will not have any nonconforming rights under the County's code. This is also true for any WBD that were licensed by the state as remote tasting rooms in the A and RA zones.

⁶ There are an additional 25 WBDs that were open when Ordinance 19030 was under consideration, that are now closed or have moved.

⁷ Six of these are within the remote tasting room demonstration project area.

For the other businesses, the impacts of this Proposed Ordinance are unknown. Code enforcement will be site-specific and based on several factors, including:

- When the liquor license was issued by the state and whether the County objected to its issuance;
- Whether any facts or evidence that indicate the business was legally established, such interaction with government agencies;
- Whether the business can prove the development conditions for a Permitted use were met (minimum lot size, product content, setbacks, etc.); and/or
- Whether the business met the requirements for a home occupation.

It could be that many existing WBD businesses have a legal nonconformance, as many of them, across the County, have been in place for decades. It could also be that many existing WBD businesses have a legal nonconformance for part of their operations, but not other parts (for example, a nonconformance for the production spaces and a small tasting room, but not for an expanded tasting room that draws a lot of vehicle traffic.) In this second case, a WBD may not be required to close, but to scale back their operations.

Procedural Requirements. As with any development regulation, Proposed Ordinance 2024-0387 is subject to a review by state agencies, as well as a 30-day public hearing notice.

Council staff have begun the state agency review. Under the GMA, the state has 60 days to submit comments to the County on the Proposed Ordinance, and the County cannot act until that state agency review period has concluded. Council staff have asked for an expedited 15-day review, and should hear whether that request has been granted by November 22, 2024. If it is not granted, then the County cannot act until January 2025.

The Council's protocol is that for complex or controversial development regulation ordinances, the public hearing is not issued until after the Committee acts. If the Committee acts at the next meeting, then the schedule could look like Table 2 (if standard amendment deadlines are used).

Table 2. Potential Council Review Schedule

Action	Potential Date
Committee of the Whole discussion	November 18, 2025
Direction for striking amendment due	January 21, 2025
Striking amendment released	January 23, 2025
Direction for line amendments due	January 24, 2025
Committee of the Whole action	January 28, 2025
Direction for amendment concepts for the public hearing	January 31, 2025
Public hearing notice issued	February 14, 2025
Direction for striking amendment due	March 11, 2025
Striking amendment released	March 13, 2025
Direction for line amendments due	March 14, 2025
Council hearing/action	March 18, 2025

Post-adoption notice issued	March 28, 2025
Effective date (if no appeal)	May 28, 2025

Proposed Ordinance 2024-0254, which is scheduled for a public hearing and potential action on November 26, 2024, would extend a current moratorium on WBD uses through June 23, 2025. To avoid extending the moratorium, Council would need to act on Proposed Ordinance 2024-0387 no later than April 22, 2025.

AMENDMENTS

Council staff will work with Councilmembers on, at a minimum, a technical striking amendment to engross the changes made by Ordinances that are passed between when this Proposed Ordinance was introduced and when it is up for action at Full Council (including the Proposed Ordinance adopting the 2024 Comprehensive Plan, which will be acted on before this Proposed Ordinance).

If Councilmembers are interested in substantive changes, please contact Council staff to give direction on potential amendments.

INVITED

- Calli Knight, Director of Strategic Initiatives and Partnerships, Executive's Office
- Jim Chan, Division Director, Permitting, Department of Local Services
- Mark Rowe, Deputy 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 2024-0387 (and its attachment)



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2024-0387.1

Sponsors Balducci

1 AN ORDINANCE relating to wineries, breweries,
2 distilleries, and remote tasting rooms; amending Ordinance
3 1888, Article III, Section 5, as amended, and K.C.C.
4 6.01.150, Ordinance 10870, Section 336, as amended, and
5 K.C.C. 21A.08.070, Ordinance 10870, Section 335, as
6 amended, and K.C.C. 21A.08.080, Ordinance 10870,
7 Section 336, as amended, and K.C.C. 21A.08.090,
8 Ordinance 10870, Section 407, as amended, and K.C.C.
9 21A.18.030, Ordinance 10870, Section 536, as amended,
10 and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as
11 amended, and K.C.C. 21A.30.085, Ordinance 10870,
12 Section 537, as amended, and K.C.C. 21A.30.090,
13 Ordinance 10870, Section 547, as amended, and K.C.C.
14 21A.32.100, Ordinance 10870, Section 548, as amended,
15 and K.C.C. 21A.32.110, Ordinance 10870, Section 549, as
16 amended, and K.C.C. 21A.32.120, Ordinance 13623,
17 Section 37, as amended, and K.C.C. 23.32.010, adding a
18 new section to K.C.C. chapter 21A.06, repealing Ordinance
19 19030, Section 3, Ordinance 19030, Section 4, and K.C.C.
20 6.74.010, Ordinance 19030, Section 5, and K.C.C.

21 6.74.020, Ordinance 19030, Section 6, and K.C.C.
22 6.74.030, Ordinance 19030, Section 7, and K.C.C.
23 6.74.040, Ordinance 19030, Section 8, and K.C.C.
24 6.74.050, Ordinance 19030, Section 9, and K.C.C.
25 6.74.060, Ordinance 19030, Section 10, and K.C.C.
26 6.74.070, Ordinance 19030, Section 11, and K.C.C.
27 6.74.080, Ordinance 19030, Section 14, and K.C.C.
28 21A.06.1427A, Ordinance 19030, Section 15, and K.C.C.
29 21A.06.1427B, Ordinance 19030, Section 16, and K.C.C.
30 21A.06.1427C, Ordinance 19030, Section 28, Ordinance
31 19030, Section 29, and K.C.C. 21A.55.110, Ordinance
32 19030, Section 32, prescribing penalties, and establishing
33 an effective date.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 **SECTION 1. Findings.**

36 A. Ordinance 19030 established updated regulations for winery, brewery,
37 distillery facilities and remote tasting rooms in unincorporated King County.

38 B. After a lengthy litigation process, on September 19, 2024, the Washington
39 state Supreme Court, in a 5-4 decision, published an opinion reinstating a January 2022
40 order from the Growth Management Hearings Board that invalidated Ordinance 19030,
41 Sections 12 through 29, Section 31, and Map Amendments 1 and 2.

42 C. Ordinance 19030 created a licensing system to assist with enforcement, which
43 the Growth Management Hearings Board left in place. While the Board’s litigation was

44 pending at the Court of Appeals, the King County Hearing Examiner considered several
45 preemption-based challenges to the licensing provisions. Although the Hearing Examiner
46 determined that he was unable to resolve the core constitutional issues because it was
47 beyond his jurisdiction, he engaged in a lengthy analysis of applicable authorities. The
48 Hearing Examiner concluded that a local license for alcohol-related sales, distribution
49 and premises '...sounds like the local power the State explicitly withdrew in RCW
50 66.08.120.'

51 D. This ordinance amends the provisions adopted by Ordinance 19030. Where
52 provisions adopted by Ordinance 19030 are unchanged, they are not included in this
53 ordinance, and the council's intent is that they remain in effect.

54 E. The council finds that this ordinance complies with the decision of the
55 Washington state Supreme Court, as well as potential preemption issues with the
56 licensing system.

57 SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
58 6.01.150 are hereby amended to read as follows:

59 A. The office of the hearing examiner is designated to hear appeals by parties
60 aggrieved by actions of the director pursuant to any business license ordinance. For
61 appeals under K.C.C. chapter 6.65 the office of the hearing examiner is designated to hear
62 such appeals unless a different party is designated by the director. The examiner may adopt
63 reasonable rules or regulations for conducting its business. Copies of all rules and
64 regulations adopted by the examiner shall be delivered to the director, who shall make them
65 freely accessible to the public. All decisions and findings of the examiner shall be rendered
66 to the appellant in writing, with a copy to the director.

67 B. For-hire transportation appeals under K.C.C. chapter 6.64 (~~and adult beverage~~
68 ~~businesses appeals under K.C.C. chapter 6.74~~) shall be filed in accordance with K.C.C.
69 20.22.080 and the hearing process conducted in accordance with K.C.C. chapter 20.22.
70 Appeals under K.C.C. chapter 6.65 shall be filed in accordance with K.C.C. 6.65.450 and
71 the hearing process conducted in accordance with that same section. Subsections C.
72 through H. of this section do not apply to this subsection B.

73 C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and
74 order or any action of the director by filing at the office of the director within seven days
75 from the date of service of such order, a written appeal containing;

- 76 1. A heading in the words: "Before the Office of the Hearing Examiner";
- 77 2. A caption reading: "Appeal of" giving the names of all appellants
78 participating in the appeal;
- 79 3. A brief statement setting forth the legal interest of each of the appellants in the
80 business or entertainment involved in the notice and order;
- 81 4. A brief statement in concise language of the specific order or action protested,
82 together with any material facts claimed to support the contentions of the appellant;
- 83 5. A brief statement in concise language of the relief sought, and the reasons why
84 it is claimed the protested order or action should be reversed, modified, or otherwise set
85 aside;
- 86 6. The signatures of all parties named as appellants, and their official mailing
87 addresses; and
- 88 7. The verification (by declaration under penalty of perjury) of at least one
89 appellant as to the truth of the matters stated in the appeal.

90 D. As soon as practicable after receiving the written appeal, the examiner shall fix
91 a date, time, and place for the hearing of the appeal. The date shall be neither less than ten
92 days nor more than sixty days from the date the appeal was filed with the director. Written
93 notice of the time and place of the hearing shall be given at least ten days before the date of
94 the hearing to each appellant by the examiner either by causing a copy of the notice to be
95 delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
96 addressed to the appellant at the appellant's address shown on the appeal.

97 E. At the hearing the appellant shall be entitled to appear in person, ~~((and))~~ be
98 represented by counsel, and offer such evidence as is pertinent and material to the action of
99 the director.

100 F. Only those matters or issues specifically raised by the appellant in the written
101 notice of appeal shall be considered in the hearing of the appeal.

102 G. Failure of any person to file an appeal in accordance with this section shall
103 constitute a waiver of the person's right to an administrative hearing and adjudication of the
104 notice and order, or any portion thereof.

105 H. Enforcement of any notice and order of the director shall be stayed during the
106 pendency of an appeal therefrom that is properly and timely filed.

107 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06
108 a new section to read as follows:

109 Winery, brewery, or distillery: as defined in RCW 66.04.010.

110 SECTION 4. Ordinance 10870, Section 336, as amended, and K.C.C.
111 21A.08.070 are hereby amended to read as follows:

112 A. Retail land uses.

Ordinance

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	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
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings									P	P		

Ordinance

	Stores												
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				((P13))					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video, and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		

*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

113 B. Development conditions.

114 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
 115 thousand square feet, unless located in a building designated as historic resource under
 116 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
 117 thousand five hundred square feet may be allowed. Greenhouses used for the display of
 118 merchandise other than plants shall be considered part of the covered sales area.
 119 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
 120 considered part of the covered sales area;

- 121 b. The site area shall be at least four and one-half acres;
- 122 c. Sales may include locally made arts and crafts; and
- 123 d. Outside lighting is permitted if no off-site glare is allowed.

124 2. Only hardware stores.

125 3.a. Limited to products grown on site.

126 b. Covered sales areas shall not exceed a total area of five hundred square feet.

127 4. No permanent structures or signs.

128 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
 129 maximum of two thousand square feet of gross floor area.

130 6. Limited to a maximum of five thousand square feet of gross floor area.

131 7. Off-street parking is limited to a maximum of one space per fifty square feet
 132 of tasting and retail areas.

- 133 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 134 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 135 10. Excluding SIC Industry No. 5813-Drinking Places.
- 136 11. No outside storage of fuel trucks and equipment.
- 137 12. Excluding vehicle and livestock auctions.
- 138 13. ~~((Permitted as part of the demonstration project authorized by K.C.C.~~
- 139 21A.55.110.)) Repealed.
- 140 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
- 141 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 142 21A.12.230; and
- 143 b. Before filing an application with the department, the applicant shall hold a
- 144 community meeting in accordance with K.C.C. 20.20.035.
- 145 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
- 146 feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 147 b. Before filing an application with the department, the applicant shall hold a
- 148 community meeting in accordance with K.C.C. 20.20.035.
- 149 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
- 150 Places, and limited to a maximum of five thousand square feet of gross floor area, and
- 151 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
- 152 b. Before filing an application with the department, the applicant shall hold a
- 153 community meeting in accordance with K.C.C. 20.20.035.
- 154 17. Repealed.
- 155 18. Repealed.

- 156 19. Only as:
- 157 a. an accessory use to a permitted manufacturing or retail land use, limited to
- 158 espresso stands to include sales of beverages and incidental food items, and not to include
- 159 drive-through sales; or
- 160 b. an accessory use to a recreation or multiuse park, limited to a total floor area
- 161 of three thousand five hundred square feet.
- 162 20. Only as:
- 163 a. an accessory use to a recreation or multiuse park; or
- 164 b. an accessory use to a park and limited to a total floor area of one thousand
- 165 five hundred square feet.
- 166 21. Accessory to a park, limited to a total floor area of seven hundred fifty
- 167 square feet.
- 168 22. Only as an accessory use to:
- 169 a. a large active recreation and multiuse park in the urban growth area; or
- 170 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
- 171 total floor area of seven hundred and fifty square feet.
- 172 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
- 173 Industry No. 2431-Millwork and;
- 174 a. limited to lumber milled on site; and
- 175 b. the covered sales area is limited to two thousand square feet. The covered
- 176 sales area does not include covered areas used to display only milled lumber.

177 24. Requires at least five farmers selling their own products at each market and
178 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
179 vendors.

180 25. Limited to sites located within the urban growth area and:

181 a. The sales area shall be limited to three hundred square feet and must be
182 removed each evening;

183 b. There must be legal parking that is easily available for customers; and

184 c. The site must be in an area that is easily accessible to the public, will
185 accommodate multiple shoppers at one time and does not infringe on neighboring
186 properties.

187 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
188 of gross floor area devoted to, and in support of, the retail sale of marijuana.

189 b. Notwithstanding subsection B.26.a. of this section, the maximum
190 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
191 may be increased to up to three thousand square feet if the retail outlet devotes at least
192 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
193 the operator maintains a current medical marijuana endorsement issued by the
194 Washington state Liquor and Cannabis Board.

195 c. Any lot line of a lot having any area devoted to retail marijuana activity
196 must be one thousand feet or more from any lot line of any other lot having any area
197 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
198 retail marijuana activity may not be within one thousand feet of any lot line of any lot
199 having any area devoted to existing retail marijuana activity.

200 d. Whether a new retail marijuana activity complies with this locational
201 requirement shall be determined based on the date a conditional use permit application
202 submitted to the department of local services, permitting division, became or was deemed
203 complete, and:

204 (1) if a complete conditional use permit application for the proposed retail
205 marijuana use was not submitted, or if more than one conditional use permit application
206 became or was deemed complete on the same date, then the director shall determine
207 compliance based on the date the Washington state Liquor and Cannabis Board issues a
208 Notice of Marijuana Application to King County;

209 (2) if the Washington state Liquor and Cannabis Board issues more than one
210 Notice of Marijuana Application on the same date, then the director shall determine
211 compliance based on the date either any complete building permit or change of use
212 permit application, or both, were submitted to the department declaring retail marijuana
213 activity as an intended use;

214 (3) if more than one building permit or change of use permit application was
215 submitted on the same date, or if no building permit or change of use permit application
216 was submitted, then the director shall determine compliance based on the date a complete
217 business license application was submitted; and

218 (4) if a business license application was not submitted or more than one
219 business license application was submitted, then the director shall determine compliance
220 based on the totality of the circumstances, including, but not limited to, the date that a
221 retail marijuana license application was submitted to the Washington state Liquor and
222 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease

223 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
224 illustrating the timing of substantial investment in establishing a licensed retail marijuana
225 use at the proposed location.

226 e. Retail marijuana businesses licensed by the Washington state Liquor and
227 Cannabis Board and operating within one thousand feet of each other as of August 14,
228 2016, and retail marijuana businesses that do not require a permit issued by King County,
229 that received a Washington state Liquor and Cannabis Board license to operate in a
230 location within one thousand feet of another licensed retail marijuana business prior to
231 August 14, 2016, and that King County did not object to within the Washington state
232 Liquor and Cannabis Board marijuana license application process, shall be considered
233 nonconforming and may remain in their current location, subject to the provisions of
234 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

235 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;

236 and

237 (2) the gross floor area of a nonconforming retail outlet may be increased up to
238 the limitations in subsection B.26.a. and B.26.b. of this section.

239 27. Per lot, limited to a maximum aggregated total of five thousand square feet
240 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

241 a. Any lot line of a lot having any area devoted to retail marijuana activity must
242 be one thousand feet or more from any lot line of any other lot having any area devoted to
243 retail marijuana activity; and any lot line of a lot having any area devoted to new retail
244 marijuana activity may not be within one thousand feet of any lot line of any lot having any
245 area devoted to existing retail marijuana activity; and

246 b. Whether a new retail marijuana activity complies with this locational
247 requirement shall be determined based on the date a conditional use permit application
248 submitted to the department of local services, permitting division, became or was deemed
249 complete, and:

250 (1) if a complete conditional use permit application for the proposed retail
251 marijuana use was not submitted, or if more than one conditional use permit application
252 became or was deemed complete on the same date, then the director shall determine
253 compliance based on the date the Washington state Liquor and Cannabis Board issues a
254 Notice of Marijuana Application to King County;

255 (2) if the Washington state Liquor and Cannabis Board issues more than one
256 Notice of Marijuana Application on the same date, then the director shall determine
257 compliance based on the date either any complete building permit or change of use permit
258 application, or both, were submitted to the department declaring retail marijuana activity as
259 an intended use;

260 (3) if more than one building permit or change of use permit application was
261 submitted on the same date, or if no building permit or change of use permit application
262 was submitted, then the director shall determine compliance based on the date a complete
263 business license application was submitted; and

264 (4) if a business license application was not submitted or more than one
265 business license application was submitted, then the director shall determine compliance
266 based on the totality of the circumstances, including, but not limited to, the date that a retail
267 marijuana license application was submitted to the Washington state Liquor and Cannabis
268 Board identifying the lot at issue, the date that the applicant entered into a lease or

269 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
270 illustrating the timing of substantial investment in establishing a licensed retail marijuana
271 use at the proposed location; and

272 c. Retail marijuana businesses licensed by the Washington state Liquor and
273 Cannabis Board and operating within one thousand feet of each other as of August 14,
274 2016, and retail marijuana businesses that do not require a permit issued by King County,
275 that received a Washington state Liquor and Cannabis Board license to operate in a
276 location within one thousand feet of another licensed retail marijuana business prior to
277 August 14, 2016, and that King County did not object to within the Washington state
278 Liquor and Cannabis Board marijuana license application process, shall be considered
279 nonconforming and may remain in their current location, subject to the provisions of
280 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

281 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
282 and

283 (2) the gross floor area of a nonconforming retail outlet may be increased up to
284 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

285 28. If the agricultural product sales or livestock sales is associated with
286 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

287 29. Businesses selling firearms that have a storefront, have hours during which it
288 is open for business, and post advertisements or signs observable to passersby that firearms
289 are available for sale shall be located at least five hundred feet or more from any
290 elementary, middle/junior high, and secondary or high school properties. Businesses
291 selling firearms in existence before June 30, 2020, shall be considered nonconforming and

292 may remain in their current location, subject to the provisions of K.C.C. 21A.32.020
 293 through 21A.32.075 for nonconforming uses.

294 SECTION 5. Ordinance 10870, Section 335, as amended, and K.C.C.
 295 21A.08.080 are hereby amended to read as follows:

296 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
((*)	Winery/Brewery /Distillery Facility I				P32								
((*)	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31))
* _	Winery/ Brewery /Distillery								<u>P17</u> <u>C29</u>	<u>P17</u> <u>C29</u>	<u>P29</u>		<u>P31</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C

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27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass, and Concrete Products									P6	P9		P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P

39	Miscellaneous Light Manufacturing											C		P
*	Motor Vehicle and Bicycle Manufacturing													C
*	Aircraft, Ship, and Boat Building													P10C
7534	Tire Retreading											C		P
781-82	Movie Production/Distribution											P		P

297 B. Development conditions.

298 1. Repealed.

299 2. Except slaughterhouses.

300 3. ~~(a. In the A zone, only allowed on sites where the primary use is SIC Industry~~

301 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~

302 ~~Animals;~~

303 ~~b. Only allowed on lots of at least two and one half acres, except that this~~

304 ~~requirement shall not apply on Vashon Maury Island to winery, brewery or distillery~~

305 ~~business locations in use and licensed to produce by the Washington state Liquor and~~

306 ~~Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a~~

307 ~~building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots~~

308 ~~of at least two acres;~~

309 ~~c. The aggregated floor area of structures and areas for winery, brewery,~~

310 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~

311 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~

312 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~

313 ~~winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the~~

314 RA zone and five thousand square feet in the A zone. Decks that are not occupied and
315 not open to the public are excluded from the calculation for maximum aggregated floor
316 area;

317 d. Structures and parking areas for winery, brewery, distillery facility uses
318 shall maintain a minimum distance of seventy five feet from interior property lines
319 adjoining rural area and residential zones, unless located in a building designated as
320 historic resource under K.C.C. chapter 20.62, except that on Vashon Maury Island this
321 setback requirement shall not apply to structures and parking areas in use on December 4,
322 2019, by existing winery, brewery or distillery business locations licensed to produce by
323 the Washington state Liquor and Cannabis Board before January 1, 2019;

324 e. In the A zone, sixty percent or more of the products processed must be
325 grown on site. At the time of the initial application under K.C.C. chapter 6.74, the
326 applicant shall submit a projection of the source of products to be produced;

327 f. At least two stages of production of wine, beer, cider or distilled spirits, such
328 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
329 Washington state Liquor and Cannabis Board production license, shall occur on site. At
330 least one of the stages of production occurring on site shall include crushing, fermenting
331 or distilling;

332 g. In the A zone, structures and area for non agricultural winery, brewery,
333 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
334 for agricultural purposes, such as areas within the already developed portion of such
335 agricultural lands that are not available for direct agricultural production, or areas without

336 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
337 ~~a nonagricultural accessory use;~~

338 ~~h. Tasting and retail sales of products produced on site may occur only as~~
339 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
340 ~~in accordance with state law. The area devoted to on site tasting or retail sales shall be~~
341 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
342 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~
343 ~~on tasting and retail sales of products produced on site shall not apply on Vashon Maury~~
344 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~
345 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~
346 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~
347 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~
348 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~
349 ~~operation for on site tasting of products shall be limited as follows: Mondays, Tuesdays,~~
350 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~
351 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~
352 ~~11:00 a.m. through 9:00 p.m.;~~

353 ~~i. Access to the site shall be directly to and from an arterial roadway, except~~
354 ~~that this requirement shall not apply on Vashon Maury Island to winery, brewery,~~
355 ~~distillery facility business locations in use and licensed to produce by the Washington~~
356 ~~state Liquor and Cannabis Board before January 1, 2019;~~

357 ~~j. Off street parking is limited to a maximum of one hundred fifty percent of~~
358 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

359 ~~k. The business operator shall obtain an adult beverage business license in~~
360 ~~accordance with K.C.C. chapter 6.74;~~

361 ~~l. Events may be allowed with an approved temporary use permit under K.C.C.~~
362 ~~chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and~~

363 ~~m. The impervious surface associated with the winery, brewery, distillery~~
364 ~~facility use shall not exceed twenty-five percent of the site, or the maximum impervious~~
365 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
366 ~~whichever is less.)) Repealed.~~

367 4. Limited to rough milling and planing of products grown on-site with portable
368 equipment.

369 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
370 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
371 minimum site area is four and one-half acres.

372 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
373 No. 2431-Millwork, (excluding planing mills).

374 7. Limited to photocopying and printing services offered to the general public.

375 8. Only within enclosed buildings, and as an accessory use to retail sales.

376 9. Only within enclosed buildings.

377 10. Limited to boat building of craft not exceeding forty-eight feet in length.

378 11. For I-zoned sites located outside the urban growth area designated by the
379 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
380 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
381 rural industrial uses as set forth in K.C.C. chapter 21A.12.

382 12. ~~((a. In the A zone, only allowed on sites where the primary use is SIC~~
383 ~~Industry Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and~~
384 ~~Small Animals;~~

385 b. ~~The aggregated floor area of structures and areas for winery, brewery,~~
386 ~~distillery facility uses shall not exceed a total of eight thousand square feet. Decks that~~
387 ~~are not occupied and not open to the public are excluded from the calculation for~~
388 ~~maximum aggregated floor area;~~

389 c. ~~Only allowed on lots of at least four and one half acres. If the aggregated~~
390 ~~floor area of structures for winery, brewery, distillery uses exceeds six thousand square~~
391 ~~feet, the minimum site area shall be ten acres;~~

392 d. ~~Wineries, breweries and distilleries shall comply with Washington state~~
393 ~~Department of Ecology and King County board of health regulations for water usage and~~
394 ~~wastewater disposal, and must connect to an existing Group A water system. The~~
395 ~~definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and~~
396 ~~provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

397 e. ~~Structures and parking areas for winery, brewery distillery facility uses shall~~
398 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~
399 ~~rural area and residential zones, unless located in a building designated as historic~~
400 ~~resource under K.C.C. chapter 20.62;~~

401 f. ~~In the A Zone, sixty percent or more of the products processed must be~~
402 ~~grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the~~
403 ~~applicant shall submit a projection of the source of products to be processed;~~

404 g. ~~At least two stages of production of wine, beer, cider or distilled spirits,~~

405 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized
406 by the Washington state Liquor and Cannabis Board production license, shall occur on-
407 site. At least one of the stages of on-site production shall include crushing, fermenting or
408 distilling;

409 h. In the A zone, structures and areas for non-agricultural winery, brewery,
410 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
411 for agricultural purposes, such as areas within the already developed portion of such
412 agricultural lands that are not available for direct agricultural production, or areas without
413 prime agricultural soils. No more than one acre of agricultural land may be converted to
414 a nonagricultural accessory use;

415 i. Tasting and retail sales of products produced on-site may occur only as
416 accessory to the primary winery, brewery, distillery production use and may be provided
417 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
418 limited to no more than thirty percent of the aggregated floor area and shall be included
419 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

420 Incidental retail sales of merchandise related to the products produced on-site is allowed
421 subject to the restrictions described in this subsection. Hours of operation for on-site
422 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
423 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
424 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
425 through 9:00 p.m.;

426 j. Access to the site shall be directly to and from an arterial roadway;

427 k. Off-street parking maximums shall be determined through the conditional

428 use permit process, and should not be more than one hundred fifty percent of the
429 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

430 l. ~~The business operator shall obtain an adult beverage business license in
431 accordance with K.C.C. chapter 6.74;~~

432 m. ~~Events may be allowed with an approved temporary use permit under
433 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~

434 and

435 n. ~~The impervious surface associated with the winery, brewery, distillery
436 facility use shall not exceed twenty five percent of the site, or the maximum impervious
437 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
438 whichever is less.)) Repealed.~~

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

442 a. as accessory to a primary forestry use and at a scale appropriate to process
443 the organic waste generated on the site; or

444 b. as a continuation of a sawmill or lumber manufacturing use only for that
445 period to complete delivery of products or projects under contract at the end of the
446 sawmill or lumber manufacturing activity.

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

450 a. as accessory to a primary mineral use; or

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

453 15. Continuation of a materials processing facility after reclamation in
454 accordance with an approved reclamation plan.

455 16. Only a site that is ten acres or greater and that does not use local access
456 streets that abut lots developed for residential use.

457 17.a. The aggregated floor area of structures and areas for a winery, brewery, or
458 distillery (~~((facility uses))~~) shall not exceed three thousand five hundred square feet, unless
459 located in whole or in part in a structure designated as historic resource under K.C.C.
460 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to a
461 winery, brewery, or distillery (~~((facility uses))~~) shall not exceed five thousand square feet.
462 Decks that are not occupied and not open to the public are excluded from the calculation
463 for maximum aggregated floor area;

464 b. Structures and parking areas for a winery, brewery, or distillery (~~((facility~~
465 ~~uses))~~) shall maintain a minimum distance of seventy-five feet from interior property lines
466 adjoining rural area and residential zones, unless located in a building designated as
467 historic resource under K.C.C. chapter 20.62;

468 c. Tasting and retail sale of products produced on-site, and merchandise related
469 to the products produced on-site, may be provided in accordance with state law. The area
470 devoted to on-site tasting or retail sales shall be included in the aggregated floor area
471 limitation in subsection B.17.a. of this section;

472 d. Off-street parking for the tasting and retail areas shall be limited to a
473 maximum of one space per fifty square feet of tasting and retail areas; and

474 e. (~~The business operator shall obtain an adult beverage business license in~~
475 ~~accordance with K.C.C. chapter 6.74; and~~

476 f.) Events may be allowed with an approved temporary use permit under
477 K.C.C. chapter 21A.32.

478 18. Limited to:

479 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
480 Millwork, as follows:

481 (1) If using lumber or timber grown off-site, the minimum site area is four
482 and one-half acres;

483 (2) The facility shall be limited to an annual production of no more than one
484 hundred fifty thousand board feet;

485 (3) Structures housing equipment used in the operation shall be located at
486 least one-hundred feet from adjacent properties with residential or rural area zoning;

487 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
488 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

489 (5) In the RA zone, the facility's driveway shall have adequate entering sight
490 distance required by the 2007 King County Road Design and Construction Standards. An
491 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
492 the roadway that the driveway accesses; and

493 (6) Outside lighting is limited to avoid off-site glare; and

494 b. SIC Industry No. 2411-Logging.

495 19. Limited to manufacture of custom made wood furniture or cabinets.

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

- 497 b. Only as an accessory use to a Washington state Liquor Control Board
498 licensed marijuana production facility on the same lot;
- 499 c. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;
- 500 d. Only with documentation that the operator has applied for a Puget Sound
501 Clean Air Agency Notice of Construction Permit. All department permits issued to either
502 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
503 Clean Air Agency Notice of Construction Permit be approved before marijuana products
504 are imported onto the site; and
- 505 e. Accessory marijuana processing uses allowed under this section are subject
506 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
- 507 21.a. Only in the CB and RB zones located outside the urban growth area;
- 508 b. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;
- 509 c. Only with documentation that the operator has applied for a Puget Sound
510 Clean Air Agency Notice of Construction Permit. All department permits issued to either
511 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
512 Clean Air Agency Notice of Construction Permit be approved before marijuana products
513 are imported onto the site;
- 514 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
515 support of, processing marijuana together with any separately authorized production of
516 marijuana shall be limited to a maximum of two thousand square feet; and
- 517 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
518 every marijuana-related entity occupying space in addition to the two-thousand-square-
519 foot threshold area on that lot shall obtain a conditional use permit as set forth in

520 subsection B.22. of this section.

521 22.a. Only in the CB and RB zones located outside the urban growth area;

522 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
523 support of, processing marijuana together with any separately authorized production of
524 marijuana shall be limited to a maximum of thirty thousand square feet;

525 c. With a lighting plan, only if required by K.C.C. 21A.12.220.H.; and

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

531 23.a. Only in the CB and RB zones located inside the urban growth area;

532 b. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;

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

538 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
539 support of, processing marijuana together with any separately authorized production of
540 marijuana shall be limited to a maximum of two thousand square feet; and

541 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
542 every marijuana-related entity occupying space in addition to the two-thousand-square-

543 foot threshold area on that lot shall obtain a conditional use permit as set forth in
544 subsection B.24. of this section.

545 24.a. Only in the CB and RB zones located inside the urban growth area;

546 b. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;

547 c. Only with documentation that the operator has applied for a Puget Sound

548 Clean Air Agency Notice of Construction Permit. All department permits issued to either

549 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

550 Clean Air Agency Notice of Construction Permit be approved before marijuana products

551 are imported onto the site; and

552 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

553 support of, processing marijuana together with any separately authorized production of

554 marijuana shall be limited to a maximum of thirty thousand square feet.

555 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;

556 b. Only with documentation that the operator has applied for a Puget Sound

557 Clean Air Agency Notice of Construction Permit. All department permits issued to either

558 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

559 Clean Air Agency Notice of Construction Permit be approved before marijuana products

560 are imported onto the site; and

561 c. Per lot, limited to a maximum aggregate total of two thousand square feet of

562 gross floor area devoted to, and in support of, the processing of marijuana together with

563 any separately authorized production of marijuana.

564 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;

565 b. Only with documentation that the operator has applied for a Puget Sound

566 Clean Air Agency Notice of Construction Permit. All department permits issued to either
567 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
568 Clean Air Agency Notice of Construction Permit be approved before marijuana products
569 are imported onto the site; and

570 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
571 gross floor area devoted to, and in support of, the processing of marijuana together with
572 any separately authorized production of marijuana.

573 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
574 Island, that do not require a conditional use permit issued by King County, that receive a
575 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
576 and that King County did not object to within the Washington state Liquor and Cannabis
577 Board marijuana license application process, shall be considered nonconforming as to
578 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
579 21A.32.075 for nonconforming uses;

580 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.H;;

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

586 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
587 Island;

588 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

589 except on Vashon-Maury Island;

590 f. Only as an accessory use to a Washington state Liquor Cannabis Board

591 licensed marijuana production facility on the same lot; and

592 g. Accessory marijuana processing uses allowed under this section are subject to

593 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

594 28. If the food and kindred products manufacturing or processing is associated

595 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

596 29.a. Tasting and retail sales of products produced on-site, and merchandise

597 related to the products produced on-site, may be provided in accordance with state law;

598 b. Structures and parking areas for a winery, brewery, or distillery (~~facility~~
599 ~~uses~~)) shall maintain a minimum distance of seventy-five feet from interior property lines

600 adjoining rural area and residential zones, unless located in a building designated as

601 historic resource under K.C.C. chapter 20.62;

602 c. For a winery, brewery, or distillery (~~facility uses~~) that does not require a
603 conditional use permit, off-street parking for the tasting and retail areas shall be limited to

604 a maximum of one space per fifty square feet of tasting and retail areas. For a winery,

605 brewery, or distillery (~~facility uses~~) that (~~do~~) requires a conditional use permit, off-

606 street parking maximums shall be determined through the conditional use permit process,

607 and off-street parking for the tasting and retail areas should be limited to a maximum of

608 one space per fifty square feet of tasting and retail areas; and

609 d. (~~The business operator shall obtain an adult beverage business license in~~

610 ~~accordance with K.C.C. chapter 6.74; and~~

611 e.) Events may be allowed with an approved temporary use permit under

612 K.C.C. chapter 21A.32.

613 ~~30.(a. Only allowed on lots of at least two and one-half acres;~~

614 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~
615 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
616 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
617 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
618 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~
619 ~~that are not occupied and not open to the public are excluded from the calculation for~~
620 ~~maximum aggregated floor area;~~

621 ~~c. Structures and parking areas for winery, brewery, distillery facility uses~~
622 ~~shall maintain a minimum distance of seventy-five feet from interior property lines~~
623 ~~adjoining rural area and residential zones, unless located in a building designated as~~
624 ~~historic resource under K.C.C. chapter 20.62;~~

625 ~~d. Tasting and retail sales of products produced on-site may only occur as~~
626 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
627 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
628 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
629 ~~in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental~~
630 ~~retail sales of merchandise related to the products produced on-site is allowed subject to~~
631 ~~the restrictions described in this subsection. Hours of operation for on-site tasting of~~
632 ~~products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,~~
633 ~~tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,~~
634 ~~Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00~~

635 p.m.;

636 e. ~~Access to the site shall be directly to and from a public roadway;~~

637 f. ~~Off street parking is limited to a maximum of one hundred fifty percent of~~
638 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

639 g. ~~The business operator shall obtain an adult beverage business license in~~
640 ~~accordance with K.C.C. chapter 6.74;~~

641 h. ~~Events may be allowed with an approved temporary use permit under~~
642 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~

643 i. ~~At least two stages of production of wine, beer, cider or distilled spirits, such~~
644 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
645 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
646 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~
647 ~~or distilling; and~~

648 j. ~~The impervious surface associated with the winery, brewery, distillery~~
649 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
650 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
651 ~~whichever is less.)) Repealed.~~

652 31.a. Limited to ((~~businesses with non-retail brewery and distillery production~~
653 ~~licenses from the Washington state Liquor and Cannabis board)) brewery or distillery
654 uses. Wineries and remote tasting rooms for wineries shall not be allowed;~~

655 b. Tasting and retail sale of products produced on-site and merchandise related
656 to the products produced on-site may be provided in accordance with state law. The area
657 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred

658 square feet;

659 c. Structures and parking areas for a brewery (~~(and)~~) or distillery (~~(facility~~
660 ~~uses))~~) shall maintain a minimum distance of seventy-five feet from interior property lines
661 adjoining rural area and residential zones, unless located in a building designated as
662 historic resource under K.C.C. chapter 20.62;

663 d. ~~((For a brewery and distillery facility uses that do not require a conditional~~
664 ~~use permit, o))~~Off-street parking for the tasting and retail areas shall be limited to a
665 maximum of one space per fifty square feet of tasting and retail areas. ~~((For brewery and~~
666 ~~distillery facility uses that do require a conditional use permit, off-street parking~~
667 ~~maximums shall be determined through the conditional use permit process, and off-street~~
668 ~~parking for the tasting and retail areas should be limited to a maximum of one space per~~
669 ~~fifty square feet of tasting and retail areas)); and~~

670 e. ~~((The business operator shall obtain an adult beverage business license in~~
671 ~~accordance with K.C.C. chapter 6.74; and~~

672 f.)) Events may be allowed with an approved temporary use permit under
673 K.C.C. chapter 21A.32.

674 ~~((32.a. The aggregated floor area of structures and areas for winery, brewery,~~
675 ~~distillery facility uses shall not exceed one thousand five hundred square feet;~~

676 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
677 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
678 ~~adjoining rural area and residential zones, unless located in a building designated as~~
679 ~~historic resource under K.C.C. chapter 20.62;~~

680 e. ~~One on-site parking stall shall be allowed for the winery, brewery, distillery~~

681 facility I use;

682 ~~d. The business operator shall obtain an adult beverage business license in~~

683 ~~accordance with K.C.C. chapter 6.74;~~

684 ~~e. At least two stages of production of wine, beer, cider or distilled spirits, such~~

685 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~

686 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~

687 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~

688 ~~or distilling;~~

689 ~~f. No product tasting or retail sales shall be allowed on-site;~~

690 ~~g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and~~

691 ~~h. The impervious surface associated with the winery, brewery, distillery~~

692 ~~facility use shall not exceed twenty five percent of the site or the maximum impervious~~

693 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~

694 ~~whichever is less.))~~

695 SECTION 6. Ordinance 10870, Section 336, as amended, and K.C.C.

696 21A.08.090 are hereby amended to read as follows:

697 A. Resource land uses.

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

Ordinance

								48					
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P2 4C	P2 4C		P24 C	P24 C							
*	Agricultural Support Services	P2 5C	P2 5C		P26 C	P26 C	P2 6C		P27 C28	P27 C28			
*	Marijuana producer	P1 5 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P1 2											
*	Agricultural Anaerobic Digester	P1 3											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND												

	WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10, 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P2 3 P2 9	P4 P2 9	P5 P2 9	P3 P29	P3 P29							P4 P29
*	Farm Worker Housing	P1 4			P14								

698

B. Development conditions.

699

1. May be further subject to K.C.C. chapter 21A.25.

700

2. Only forest research conducted within an enclosed building.

701

3. Farm residences in accordance with K.C.C. 21A.08.030.

702

4. Excluding housing for agricultural workers.

703 5. Limited to either maintenance or storage facilities, or both, in conjunction
704 with mineral extraction or processing operation.

705 6. Allowed in accordance with K.C.C. chapter 21A.30.

706 7. Only in conjunction with a mineral extraction site plan approved in
707 accordance with K.C.C. chapter 21A.22.

708 8. Only on the same lot or same group of lots under common ownership or
709 documented legal control, which includes, but is not limited to, fee simple ownership, a
710 long-term lease₂ or an easement:

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

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

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

716 9. Limited to mineral extraction and processing:

717 a. on a lot or group of lots under common ownership or documented legal control,
718 which includes but is not limited to, fee simple ownership, a long-term lease₂ or an
719 easement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

760 (1) passive recreation;

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

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

763 (4) agriculture education for youth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

836 c. imported organic waste-derived material, such as food processing waste,
837 may be processed in the digester for the purpose of increasing methane gas production for

838 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
839 and

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

841 14. Farm worker housing. Either:

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

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

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

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

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

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

857 (1) Not more than:

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

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

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

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

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

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

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

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

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

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

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

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

888 b. With a lighting plan, only if required by and that complies with K.C.C.
889 21A.12.220.H.;

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

895 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
896 within structures that are nondwelling unit structures that exist as of October 1, 2013,
897 subject to the size limitations in subsection B.15.e. of this section;

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

903 f. Outdoor production area fencing as required by the Washington state Liquor
904 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall

905 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
906 feet; and

907 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
908 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
909 marijuana-related entity occupying space in addition to the two-thousand-square-foot
910 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
911 B.22. of this section.

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

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

921 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
922 21A.12.220.H.;

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

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

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

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

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

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

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

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

- 950 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
951 Island;
- 952 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
953 except on Vashon-Maury Island;
- 954 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
955 21A.12.220.H.;
- 956 d. Only with documentation that the operator has applied for a Puget Sound
957 Clean Air Agency Notice of Construction Permit. All department permits issued to either
958 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
959 Clean Air Agency Notice of Construction Permit be approved before marijuana products
960 are imported onto the site;
- 961 e. Production is limited to outdoor and indoor within marijuana greenhouses subject to
962 the size limitations in subsection B.17.f. of this section;
- 963 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
964 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
965 aggregated total of thirty thousand square feet and shall be located within a fenced area or
966 marijuana greenhouse that is no more than ten percent larger than that combined area;
967 and
- 968 g. Outdoor production area fencing as required by the Washington state Liquor
969 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
970 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
971 of one hundred fifty feet from any existing residence.
- 972 18.a. Production is limited to indoor only;

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

974 21A.12.220.H.;

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

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

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

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

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

991 21A.12.220.H.;

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

995 Clean Air Agency Notice of Construction Permit be approved before marijuana products
996 are imported onto the site; and

997 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
998 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
999 aggregated total of thirty thousand square feet and shall be located within a building or
1000 tenant space that is no more than ten percent larger than the plant canopy and separately
1001 authorized processing area.

1002 20.a. Production is limited to indoor only;

1003 b. With a lighting plan only as required by and that complies with K.C.C.
1004 21A.12.220.H.;

1005 c. Only with documentation that the operator has applied for a Puget Sound
1006 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1007 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1008 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1009 are imported onto the site;

1010 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1011 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1012 aggregated total of two thousand square feet and shall be located within a building or
1013 tenant space that is no more than ten percent larger than the plant canopy and separately
1014 authorized processing area; and

1015 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1016 every marijuana-related entity occupying space in addition to the two-thousand-square-

1017 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1018 subsection B.21. of this section.

1019 21.a. Production is limited to indoor only;

1020 b. With a lighting plan only as required by and that complies with K.C.C.

1021 21A.12.220.H.;

1022 c. Only with documentation that the operator has applied for a Puget Sound
1023 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1024 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1025 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1026 are imported onto the site; and

1027 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1028 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1029 aggregated total of thirty thousand square feet and shall be located within a building or
1030 tenant space that is no more than ten percent larger than the plant canopy and separately
1031 authorized processing area.

1032 22. Marijuana production by marijuana producers licensed by the Washington
1033 state Liquor and Cannabis Board is subject to the following standards:

1034 a. With a lighting plan only as required by and that complies with K.C.C.

1035 21A.12.220.H.;

1036 b. Only allowed on lots of at least four and one-half acres;

1037 c. Only with documentation that the operator has applied for a Puget Sound
1038 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1039 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1040 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1041 are imported onto the site;

1042 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1043 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1044 subject to the size limitations in subsection B.22.e. and f. of this section;

1045 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1046 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1047 be limited to a maximum aggregated total of five thousand square feet and shall be
1048 located within a fenced area or marijuana greenhouse that is no more than ten percent
1049 larger than that combined area, or may occur in nondwelling unit structures that exist as
1050 of October 1, 2013;

1051 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1052 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1053 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1054 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
1055 that combined area, or may occur in nondwelling unit structures that exist as of October
1056 1, 2013; and

1057 g. Outdoor production area fencing as required by the Washington state Liquor
1058 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1059 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1060 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1061 residence.

1062 23. The storage and processing of non-manufactured source separated organic
1063 waste that originates from agricultural operations and that does not originate from the
1064 site, if:

1065 a. agricultural is the primary use of the site;

1066 b. the storage and processing are in accordance with best management
1067 practices included in an approved farm plan; and

1068 c. except for areas used for manure storage, the areas used for storage and
1069 processing do not exceed three acres and ten percent of the site.

1070 24.a. For activities relating to the processing of crops or livestock for
1071 commercial purposes, including associated activities such as warehousing, storage,
1072 including refrigeration, and other similar activities, and excluding winery, brewery,
1073 distillery, ~~((facility I, II, III))~~ and remote tasting room uses:

1074 (1) limited to agricultural products and sixty percent or more of the products
1075 processed must be grown in the Puget Sound counties. At the time of initial application,
1076 the applicant shall submit a projection of the source of products to be produced;

1077 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1078 half acres;

1079 (3)(a) as a permitted use, the floor area devoted to all processing shall not
1080 exceed two thousand square feet, unless located in a building designated as an historic
1081 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1082 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1083 floor area as follows: up to three thousand five hundred square feet of floor area may be
1084 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

1085 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in
1086 the A zone; and

1087 (b) as a permitted use, the floor area devoted to all warehousing,
1088 refrigeration, storage, or other similar activities shall not exceed two thousand square
1089 feet, unless located in a building designated as historic resource under K.C.C. chapter
1090 20.62. The agricultural technical review committee, as established in K.C.C.
1091 21A.42.300, may review and approve an increase of up to three thousand five hundred
1092 square feet of floor area devoted to all warehouseing, storage, including refrigeration, or
1093 other similar activities in the RA zones, or on farms less than thirty-five acres located in
1094 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in
1095 the A zone;

1096 (4) in the A zone, structures and areas used for processing, warehousing,
1097 refrigeration, storage, and other similar activities shall be located on portions of
1098 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1099 the already developed portion of such agricultural lands that are not available for direct
1100 agricultural production, or areas without prime agricultural soils; and

1101 (5) structures and areas used for processing, warehousing, storage, including
1102 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1103 five feet from property lines adjoining rural area and residential zones, unless located in a
1104 building designated as historic resource under K.C.C. chapter 20.62.

1105 b. For activities relating to the retail sale of agricultural products, except
1106 livestock:

1107 (1) sales shall be limited to agricultural products and locally made arts and
1108 crafts;

1109 (2) in the RA and UR zones, only allowed on sites at least four and one-half
1110 acres;

1111 (3) as a permitted use, the covered sales area shall not exceed two thousand
1112 square feet, unless located in a building designated as a historic resource under K.C.C.
1113 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
1114 21A.42.300, may review and approve an increase of up to three thousand five hundred
1115 square feet of covered sales area;

1116 (4) forty percent or more of the gross sales of agricultural product sold
1117 through the store must be sold by the producers of primary agricultural products;

1118 (5) sixty percent or more of the gross sales of agricultural products sold
1119 through the store shall be derived from products grown or produced in the Puget Sound
1120 counties. At the time of the initial application, the applicant shall submit a reasonable
1121 projection of the source of product sales;

1122 (6) tasting of products, in accordance with applicable health regulations, is
1123 allowed;

1124 (7) storage areas for agricultural products may be included in a farm store
1125 structure or in any accessory building; and

1126 (8) outside lighting is permitted if there is no off-site glare.

1127 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1128 d. Farm operations, including equipment repair and related facilities, except
1129 that:

1130 (1) the repair of tools and machinery is limited to those necessary for the
1131 operation of a farm or forest;

1132 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1133 half acres;

1134 (3) the size of the total repair use is limited to one percent of the farm size in
1135 the A zone, and up to one percent of the size in other zones, up to a maximum of five
1136 thousand square feet unless located within an existing farm structure, including but not
1137 limited to barns, existing as of December 31, 2003; and

1138 (4) Equipment repair shall not be permitted in the Forest zone.

1139 e. The agricultural technical review committee, as established in K.C.C.
1140 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1141 residential zones and minimum setbacks from rural and residential zones.

1142 25. The department may review and approve establishment of agricultural
1143 support services in accordance with the code compliance review process in K.C.C.

1144 21A.42.300 only if:

1145 a. project is sited on lands that are unsuitable for direct agricultural production
1146 based on size, soil conditions, or other factors, and cannot be returned to productivity by
1147 drainage maintenance; and

1148 b. the proposed use is allowed under any Farmland Preservation Program
1149 conservation easement and zoning development standards.

1150 26. The agricultural technical review committee, as established in K.C.C.
1151 21A.42.300, may review and approve establishment of agricultural support services only
1152 if the project site:

1153 a. adjoins or is within six hundred sixty feet of the agricultural production
1154 district;

1155 b. has direct vehicular access to the agricultural production district;

1156 c. except for farmworker housing, does not use local access streets that abut
1157 lots developed for residential use; and

1158 b. has a minimum lot size of four and one-half acres.

1159 27. The agricultural technical review committee, as established in K.C.C.

1160 21A.42.300, may review and approve establishment of agricultural support services only
1161 if the project site:

1162 a. is outside the urban growth area,

1163 b. adjoins or is within six hundred sixty feet of the agricultural production
1164 district,

1165 c. has direct vehicular access to the agricultural production district,

1166 d. except for farmworker housing, does not use local access streets that abut
1167 lots developed for residential use; and

1168 e. has a minimum lot size of four and one-half acres.

1169 28. Only allowed on properties that are outside the urban growth area.

1170 29. Battery energy storage systems are considered a resource accessory use
1171 when the total system capacity is two megawatts or less, and:

1172 (1) the system provides electricity for on-site use only, with "on-site use"
1173 including net metering as well as charging of vehicles on-site or in the right-of-way

1174 immediately adjacent to the site; or

1175 (2) the system is intended primarily for on-site use, but also participates in
1176 load sharing or another grid-connected electricity-sharing arrangement.

1177 SECTION 7. Ordinance 10870, Section 407, as amended, and K.C.C.
1178 21A.18.030 are hereby amended to read as follows:

1179 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
1180 areas shall contain at a minimum the number of parking spaces as stipulated in the
1181 following table. Off-street parking ratios expressed as number of spaces per square feet
1182 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
1183 public areas include but are not limited to building maintenance areas, storage areas,
1184 closets, or restrooms. If the formula for determining the number of off-street parking
1185 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
1186 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
1187 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit

Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per

	bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs, and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students

High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)

Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet

Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery (Facility II and III)	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

1188 B. An applicant may request a modification of the minimum required number of
 1189 parking spaces by providing that parking demand can be met with a reduced parking
 1190 requirement. In such cases, the director may approve a reduction of up to fifty percent of
 1191 the minimum required number of spaces.

1192 C. When the county has received a shell building permit application, off-street
1193 parking requirements shall be based on the possible tenant improvements or uses
1194 authorized by the zoning classification and compatible with the limitations of the shell
1195 permit. When the range of possible uses result in different parking requirements, the
1196 director will establish the amount of parking based on a likely range of uses.

1197 D. Where other provisions of this code stipulate maximum parking allowed or
1198 reduced minimum parking requirements, those provisions shall apply.

1199 E. In any development required to provide six or more parking spaces, bicycle
1200 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
1201 facilities unless otherwise specified.

1202 1. Off-street parking areas shall contain at least one bicycle parking space for
1203 every twelve spaces required for motor vehicles except as follows:

1204 a. The director may reduce bike rack parking facilities for patrons when it is
1205 demonstrated that bicycle activity will not occur at that location.

1206 b. The director may require additional spaces when it is determined that the
1207 use or its location will generate a high volume of bicycle activity. Such a determination
1208 will include but not be limited to the following uses:

1209 (1) Park/playfield,

1210 (2) Marina,

1211 (3) Library/museum/arboretum,

1212 (4) Elementary/secondary school,

1213 (5) Sports club, or

1214 (6) Retail business (when located along a developed bicycle trail or
1215 designated bicycle route).

1216 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1217 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
1218 structure attached to the pavement.

1219 3. All bicycle parking and storage shall be located in safe, visible areas that do
1220 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1221 4. When more than ten people are employed on site, enclosed locker-type
1222 parking facilities for employees shall be provided. The director shall allocate the
1223 required number of parking spaces between bike rack parking and enclosed locker-type
1224 parking facilities.

1225 5. One indoor bicycle storage space shall be provided for every two dwelling
1226 units in townhouse and apartment residential uses, unless individual garages are provided
1227 for every unit. The director may reduce the number of bike rack parking spaces if indoor
1228 storage facilities are available to all residents.

1229 SECTION 8. Ordinance 10870, Section 536, as amended, and K.C.C.

1230 21A.30.080 are hereby amended to read as follows:

1231 In the R, UR, NB, CB₂ and RB zones, residents of a dwelling unit may conduct
1232 one or more home occupations as accessory activities, only if:

1233 A. The total floor area of the dwelling unit devoted to all home occupations shall
1234 not exceed twenty percent of the floor area of the dwelling unit.

1235 B. Areas within garages and storage buildings shall not be considered part of the
1236 dwelling unit and may be used for activities associated with the home occupation;

1237 C. All the activities of the home occupation or occupations shall be conducted
1238 indoors, except for those related to growing or storing of plants used by the home
1239 occupation or occupations;

1240 D. A home occupation or occupations is not limited in the number of employees
1241 that remain off-site. No more than one nonresident employee shall be permitted to work
1242 on-site for the home occupation or occupations;

1243 E. The following uses, by the nature of their operation or investment, tend to
1244 increase beyond the limits permitted for home occupations. Therefore, the following shall
1245 not be permitted as home occupations:

- 1246 1. Automobile, truck, and heavy equipment repair;
- 1247 2. Auto body work or painting;
- 1248 3. Parking and storage of heavy equipment;
- 1249 4. Storage of building materials for use on other properties;
- 1250 5. Hotels, motels, or organizational lodging;
- 1251 6. Dry cleaning;
- 1252 7. Towing services;
- 1253 8. Trucking, storage or self service, except for parking or storage of one
1254 commercial vehicle used in home occupation;
- 1255 9. Veterinary clinic;
- 1256 10. Recreational marijuana processor, recreational marijuana producer, or
1257 recreational marijuana retailer; and
- 1258 11. Winery, brewery, distillery ((facility I, II and III)), and remote tasting room
1259 ~~uses((, except that home occupation adult beverage businesses operating under an active~~

1260 ~~Washington state Liquor and Cannabis Board production license issued for their current~~
1261 ~~location before December 31, 2019, and where King County did not object to the location~~
1262 ~~during the Washington state Liquor and Cannabis Board license application process, shall~~
1263 ~~be considered legally nonconforming and allowed to remain in their current location~~
1264 ~~subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this~~
1265 ~~section as of December 31, 2019. Such nonconforming businesses shall remain subject~~
1266 ~~to all other requirements of this section and other applicable state and local regulations.~~
1267 ~~The resident operator of a nonconforming winery, brewery or distillery home occupation~~
1268 ~~shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~

1269 F. In addition to required parking for the dwelling unit, on-site parking is provided
1270 as follows:

- 1271 1. One stall for each nonresident employed by the home occupations; and
1272 2. One stall for patrons when services are rendered on-site;

1273 G. Sales are limited to:

- 1274 1. Mail order sales;
1275 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;

1276 and

- 1277 3. Items accessory to a service provided to patrons who receive services on the
1278 premises;

1279 H. On-site services to patrons are arranged by appointment;

1280 I. The home occupation or occupations use or store a vehicle for pickup of
1281 materials used by the home occupation or occupations or the distribution of products from
1282 the site, only if:

- 1283 1. No more than one such a vehicle is allowed; and
- 1284 2. The vehicle is not stored within any required setback areas of the lot or on
- 1285 adjacent streets; and
- 1286 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
- 1287 ton;
- 1288 J. The home occupation or occupations do not:
- 1289 1. Use electrical or mechanical equipment that results in a change to the
- 1290 occupancy type of the structure or structures used for the home occupation or occupations;
- 1291 or
- 1292 2. Cause visual or audible interference in radio or television receivers, or
- 1293 electronic equipment located off-premises, or fluctuations in line voltage off-premises;
- 1294 K. There shall be no exterior evidence of a home occupation, other than growing or
- 1295 storing of plants under subsection C. of this section or a permitted sign, that would cause
- 1296 the premises to differ from its residential character. Exterior evidence includes, but is not
- 1297 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
- 1298 by using normal senses from any lot line, or on average increase vehicular traffic by more
- 1299 than four additional vehicles at any given time;
- 1300 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1301 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
- 1302 M. Uses not allowed as home occupations may be allowed as a home industry
- 1303 under K.C.C. 21A.30.090.
- 1304 SECTION 9. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085
- 1305 are hereby amended to read as follows:

1306 In the A, F₂ and RA zones, residents of a dwelling unit may conduct one or more
1307 home occupations as accessory activities, under the following provisions:

1308 A. The total floor area of the dwelling unit devoted to all home occupations shall
1309 not exceed twenty percent of the dwelling unit.

1310 B. Areas within garages and storage buildings shall not be considered part of the
1311 dwelling unit and may be used for activities associated with the home occupation;

1312 C. Total outdoor area of all home occupations shall be permitted as follows:

1313 1. For any lot less than one acre: Four hundred forty square feet; and

1314 2. For lots one acre or greater: One percent of the area of the lot, up to a
1315 maximum of five thousand square feet.

1316 D. Outdoor storage areas and parking areas related to home occupations shall be:

1317 1. No less than twenty-five feet from any property line; and

1318 2. Screened along the portions of such areas that can be seen from an adjacent
1319 parcel or roadway by the:

1320 a. planting of Type II landscape buffering; or

1321 b. use of existing vegetation that meets or can be augmented with additional
1322 plantings to meet the intent of Type II landscaping;

1323 E. A home occupation or occupations is not limited in the number of employees
1324 that remain off-site. Regardless of the number of home occupations, the number of
1325 nonresident employees is limited to no more than three who work on-site at the same time
1326 and no more than three who report to the site but primarily provide services off-site;

1327 F. In addition to required parking for the dwelling unit, on-site parking is provided
1328 as follows:

- 1329 1. One stall for each nonresident employed on-site; and
- 1330 2. One stall for patrons when services are rendered on-site;
- 1331 G. Sales are limited to:
- 1332 1. Mail order sales;
- 1333 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 1334 3. Items accessory to a service provided to patrons who receive services on the
- 1335 premises;
- 1336 4. Items grown, produced, or fabricated on-site; and
- 1337 5. On sites five acres or larger, items that support agriculture, equestrian, or
- 1338 forestry uses except for the following:
- 1339 a. motor vehicles and parts (North American Industrial Classification System
- 1340 ("NAICS" Code 441);
- 1341 b. electronics and appliances (NAICS Code 443); and
- 1342 c. building material and garden equipments and supplies (NAICS Code 444);
- 1343 H. The home occupation or occupations do not:
- 1344 1. Use electrical or mechanical equipment that results in a change to the
- 1345 occupancy type of the structure or structures used for the home occupation or occupations;
- 1346 2. Cause visual or audible interference in radio or television receivers, or
- 1347 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 1348 3. Increase average vehicular traffic by more than four additional vehicles at any
- 1349 given time;
- 1350 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1351 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1352 J. The following uses, by the nature of their operation or investment, tend to
1353 increase beyond the limits permitted for home occupations. Therefore, the following shall
1354 not be permitted as home occupations:

- 1355 1. Hotels, motels, or organizational lodging;
- 1356 2. Dry cleaning;
- 1357 3. Automotive towing services, automotive wrecking services, and tow-in parking
1358 lots;
- 1359 4. Recreational marijuana processor, recreational marijuana producer, or
1360 recreational marijuana retailer; and
- 1361 5. Winery, brewery, distillery ((~~facility I, II and III~~)), and remote tasting
1362 room(~~s, except that home occupation adult beverage businesses operating under an~~
1363 ~~active Washington state Liquor and Cannabis Board production license issued for their~~
1364 ~~current location before December 31, 2019, and where King County did not object to the~~
1365 ~~location during the Washington state Liquor and Cannabis Board license application~~
1366 ~~process, shall be considered legally nonconforming and allowed to remain in their current~~
1367 ~~location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance~~
1368 ~~with this section as of December 31, 2019. Such nonconforming businesses shall remain~~
1369 ~~subject to all other requirements of this section and all applicable state and local~~
1370 ~~regulations. The resident operator of a nonconforming home occupation winery, brewery~~
1371 ~~or distillery shall obtain an adult beverage business license in accordance with K.C.C.~~
1372 ~~chapter 6.74)) uses;~~

1373 K. Uses not allowed as home occupation may be allowed as a home industry under
1374 K.C.C. chapter 21A.30; and

1375 L. The home occupation or occupations may use or store vehicles, as follows:

1376 1. The total number of vehicles for all home occupations shall be:

1377 a. for any lot five acres or less: two;

1378 b. for lots greater than five acres: three; and

1379 c. for lots greater than ten acres: four;

1380 2. The vehicles are not stored within any required setback areas of the lot or on

1381 adjacent streets; and

1382 3. The parking area for the vehicles shall not be considered part of the outdoor

1383 storage area provided for in subsection C. of this section.

1384 SECTION 10. Ordinance 10870, Section 537, as amended, and K.C.C.

1385 21A.30.090 are hereby amended to read as follows:

1386 A resident may establish a home industry as an accessory activity, as follows:

1387 A. The site area is one acre or greater;

1388 B. The area of the dwelling unit used for the home industry does not exceed fifty

1389 percent of the floor area of the dwelling unit.

1390 C. Areas within attached garages and storage buildings shall not be considered part

1391 of the dwelling unit for purposes of calculating allowable home industry area but may be

1392 used for storage of goods associated with the home industry;

1393 D. No more than six nonresidents who work on-site at the time;

1394 E. In addition to required parking for the dwelling unit, on-site parking is provided

1395 as follows:

1396 1. One stall for each nonresident employee of the home industry; and

1397 2. One stall for customer parking;

1398 F. Additional customer parking shall be calculated for areas devoted to the home
1399 industry at the rate of one stall per:

1400 1. One thousand square feet of building floor area; and

1401 2. Two thousand square feet of outdoor work or storage area;

1402 G. Sales are limited to items produced on-site, except for items collected, traded,
1403 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1404 H. Ten feet of Type I landscaping are provided around portions of parking and
1405 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
1406 way;

1407 I. The department ensures compatibility of the home industry by:

1408 1. Limiting the type and size of equipment used by the home industry to those that
1409 are compatible with the surrounding neighborhood;

1410 2. Providing for setbacks or screening as needed to protect adjacent residential
1411 properties;

1412 3. Specifying hours of operation;

1413 4. Determining acceptable levels of outdoor lighting; and

1414 5. Requiring sound level tests for activities determined to produce sound levels
1415 that may be in excess of those in K.C.C. chapter 12.88;

1416 J. Recreational marijuana processors, recreational marijuana producers, and
1417 recreational marijuana retailers shall not be allowed as home industry; and

1418 K. Winery, brewery, distillery (~~facility I, II and III~~), and remote tasting room
1419 uses shall not be allowed as home industry(~~except that home industry adult beverage~~
1420 ~~businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use~~

1421 ~~permit application before December 31, 2019, shall be considered legally nonconforming~~
1422 ~~and allowed to remain in their current location subject to K.C.C. 21A.32.020 through~~
1423 ~~21A.32.075. Such nonconforming businesses remain subject to all other requirements of~~
1424 ~~this section and all applicable state and local regulations. The resident operator of a~~
1425 ~~nonconforming winery, brewery or distillery home industry shall obtain an adult~~
1426 ~~beverage business license in accordance with K.C.C. chapter 6.74)).~~

1427 SECTION 11. Ordinance 10870, Section 547, as amended, and K.C.C.
1428 21A.32.100 are hereby amended to read as follows:

1429 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
1430 required for any of the following:

1431 A. A use not otherwise permitted in the zone that can be made compatible for a
1432 period of up to sixty days a year; or

1433 B. The expansion of an established use that :

- 1434 1. Is otherwise allowed in the zone;
- 1435 2. Is not inconsistent with the original land use approval;
- 1436 3. Exceeds the scope of the original land use approval; and
- 1437 4. Can be made compatible with the zone for a period of up to sixty days a
1438 year(~~or~~

1439 ~~C. Events at a winery, brewery, distillery facility or remote tasting room that~~
1440 ~~include one or more of the following activities:~~

- 1441 ~~1. Exceeds the permitted building occupancy;~~
- 1442 ~~2. Utilizes portable toilets;~~
- 1443 ~~3. Utilizes parking that exceeds the maximum number of spaces allowed by this~~

1444 ~~title on-site or utilizes off-site parking;~~

1445 ~~4. Utilizes temporary stages;~~

1446 ~~5. Utilizes temporary tents or canopies that require a permit;~~

1447 ~~6. Requires traffic control for public rights-of-way; or~~

1448 ~~7. Extends beyond allowed hours of operation)).~~

1449 SECTION 12. Ordinance 10870, Section 548, as amended, and K.C.C.

1450 21A.32.110 are hereby amended to read as follows:

1451 A. The following uses shall be exempt from requirements for a temporary use
1452 permit when located in the RB, CB, NB, O₂ or I zones for the time period specified
1453 below:

1454 1. Uses not to exceed a total of thirty days each calendar year:

1455 a. Christmas tree lots; and

1456 b. Produce stands.

1457 2. Uses not to exceed a total of fourteen days each calendar year:

1458 a. Amusement rides, carnivals, or circuses;

1459 b. Community festivals; and

1460 c. Parking lot sales.

1461 B. Any use not exceeding a cumulative total of two days each calendar year shall
1462 be exempt from requirements for a temporary use permit.

1463 C. Any community event held in a park and not exceeding a period of seven days
1464 shall be exempt from requirements for a temporary use permit.

1465 D. Christmas tree sales not exceeding a total of thirty days each calendar year
1466 when located on Rural Area (RA) zoned property with legally established non-residential
1467 uses shall be exempt from requirements for a temporary use permit.

1468 ~~((E.1. Events at a winery, brewery, distillery facility II or III shall not require a
1469 temporary use permit if:~~

1470 ~~a. The business is operating under an active Washington state Liquor and
1471 Cannabis Board production license issued for their current location before December 31,
1472 2019, and where King County did not object to the location during the Washington state
1473 Liquor and Cannabis Board license application process;~~

1474 ~~b. The parcel is at least eight acres in size;~~

1475 ~~c. The structures used for the event maintain a setback of at least one hundred
1476 fifty feet from interior property lines;~~

1477 ~~d. The parcel is located in the RA zone;~~

1478 ~~e. The parcel has access directly from and to a principal arterial or state
1479 highway;~~

1480 ~~f. The event does not use amplified sound outdoors before 12:00 p.m. or after
1481 8:00 p.m.~~

1482 ~~2. Events that meet the provisions in this subsection E. shall not be subject to
1483 the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than
1484 an annual average of eight days per month.))~~

1485 SECTION 13. Ordinance 10870, Section 549, as amended, and K.C.C.
1486 21A.32.120 are hereby amended to read as follows:

1487 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
1488 temporary use permits shall be limited in duration and frequency as follows:

1489 A. The temporary use permit shall be effective for one year from the date of
1490 issuance and may be renewed annually as provided in subsection D. of this section;

1491 B.~~((1-))~~ The temporary use shall not exceed a total of sixty days in any three-
1492 hundred-sixty-five-day period. For a winery in the A or RA zones, the temporary use
1493 shall not exceed a total of two events per month and all parking for the events must be
1494 accommodated on site. This subsection B.~~((1-))~~ applies only to the days that the event or
1495 events actually take place(~~(-~~

1496 2. ~~For a winery, brewery, distillery facility II and III in the A zone, the~~
1497 ~~temporary use shall not exceed a total of two events per month and all event parking must~~
1498 ~~be accommodated on site or managed through a parking management plan approved by~~
1499 ~~the director. This subsection B.2. applies only to the days that the event or events~~
1500 ~~actually take place.~~

1501 3. ~~For a winery, brewery, distillery facility II and III in the RA zone, the~~
1502 ~~temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-~~
1503 ~~five-day period and all event parking must be accommodated on site or managed through~~
1504 ~~a parking management plan approved by the director. This subsection B.3. applies only~~
1505 ~~to the days that the event or events actually take place.~~

1506 4. ~~For a winery, brewery, distillery facility II in the A or RA zones, in addition~~
1507 ~~to all other relevant facts, the department shall consider building occupancy and parking~~
1508 ~~limitations during permit review, and shall condition the number of guests allowed for a~~
1509 ~~temporary use based on those limitations. The department shall not authorize attendance~~

1510 ~~of more than one hundred fifty guests.~~

1511 ~~5. For a winery, brewery, distillery facility III in the A or RA zones, in addition~~
1512 ~~to all other relevant facts, the department shall consider building occupancy and parking~~
1513 ~~limitations during permit review, and shall condition the number of guests allowed for a~~
1514 ~~temporary use based on those limitations. The department shall not authorize attendance~~
1515 ~~of more than two hundred fifty guests.~~

1516 ~~6. Events for any winery, brewery, distillery facility I in the RA zone, any~~
1517 ~~nonconforming winery, brewery, distillery facility home occupation, or any~~
1518 ~~nonconforming winery, brewery, distillery facility home industry shall be limited to two~~
1519 ~~per year, and limited to a maximum of fifty guests. If the event complies with this~~
1520 ~~subsection B.6., a temporary use permit is not required for a special event for a winery,~~
1521 ~~brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,~~
1522 ~~brewery, distillery facility or a nonconforming home industry winery, brewery, distillery~~
1523 ~~facility.~~

1524 ~~7. For a winery, brewery, distillery facility II and III in the RA zone, events~~
1525 ~~exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use~~
1526 ~~permit shall not be subject to the provisions of this section));~~

1527 C. The temporary use permit shall specify a date upon which the use shall be
1528 terminated and removed; and

1529 D. A temporary use permit may be renewed annually for up to a total of five
1530 consecutive years as follows:

1531 1. The applicant shall make a written request and pay the applicable permit
1532 extension fees for renewal of the temporary use permit at least seventy days before the
1533 end of the permit period;

1534 2. The department must determine that the temporary use is being conducted in
1535 compliance with the conditions of the temporary use permit;

1536 3. The department must determine that site conditions have not changed since
1537 the original temporary permit was issued; and

1538 4. At least forty-five days before the end of the permit period, the department
1539 shall notify property owners within five hundred feet of the property boundaries that a
1540 temporary use permit extension has been requested and contact information to request
1541 additional information or to provide comments on the proposed extension.

1542 SECTION 14. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
1543 are hereby amended to read as follows:

1544 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
1545 remedial purposes and shall be assessed for each violation identified in a citation, notice
1546 and order, voluntary compliance agreement, or stop work order pursuant to the following
1547 schedule:

 a. citations, except for winery, brewery, distillery, ~~((facility~~
~~I, II and III))~~ and remote tasting room uses:

- | | |
|--|-------|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter | \$125 |

12.86 within the past twelve months

- (3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months \$250
 - (4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months \$500
 - (5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months Double the rate of the previous penalty
- b. citations for violations of winery, brewery, distillery, ~~((facility I, II and III))~~ and remote tasting room use zoning conditions, including but not limited to unapproved events;
- (1) with no previous similar code violations within the past twelve months; \$500
 - (2) with one or more previous similar code violations within the past twelve months; \$1,000
- c. violation of notice and orders and stop work orders:
- (1) stop work order basic penalty \$500
 - (2) voluntary compliance agreement and notice and order basic penalty \$25
- (3) additional initial penalties may be added in the following amounts for violations where there is:

(a) public health risk	\$15
(b) environmental damage risk	\$15
(c) damage to property risk	\$15
(d) one previous similar code violation	\$25
(e) two previous similar code violations	\$50
(f) three or more previous similar code violations	\$75
(g) economic benefit to person responsible for violation	\$25
d. cleanup restitution payment: as specified in K.C.C. 23.02.140.	
e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:	
(1) first reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order	\$150
(2) second reinspection, which shall occur no sooner than fourteen days following the first reinspection	\$300
(3) third reinspection, which shall occur no sooner than fourteen days following the second reinspection	\$450
(4) reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting	\$450

attorney for the purpose of presenting evidence in the course of
litigation or administrative hearing against the person
responsible for code compliance

1548 2. For the purposes of this section, previous similar code violations that can
1549 serve as a basis for a higher level of civil penalties include violations of the same chapter
1550 of the King County Code. Any citation, stop work order, or notice and order previously
1551 issued by the department shall not constitute a previous code violation for the purposes of
1552 this section if that stop work order or notice and order was appealed and subsequently
1553 reversed.

1554 B. The penalties assessed pursuant to this section for any failure to comply with a
1555 notice and order or voluntary compliance agreement shall be assessed daily, according to
1556 the schedule in subsection A of this section, for the first thirty days following the date the
1557 notice and order or voluntary compliance agreement required the code violations to have
1558 been cured. If after thirty days the person responsible for code compliance has failed to
1559 satisfy the notice and order or voluntary compliance agreement, penalties shall be
1560 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
1561 assessed daily until the person responsible for code compliance has fully complied with
1562 the notice and order.

1563 C. Penalties based on violation of a stop work order shall be assessed, according
1564 to the schedule in subsection A. of this section, for each day the department determines
1565 that work or activity was done in violation of the stop work order.

1566 D. Citations and cleanup restitution payments shall only be subject to a one-time
1567 civil penalty.

1568 E. The director may suspend the imposition of additional civil penalties if the
1569 person responsible for code compliance has entered into a voluntary compliance
1570 agreement. If the person responsible for code compliance enters into a voluntary
1571 compliance agreement and cures the code violations, the director may also waive all or
1572 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
1573 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
1574 necessary permits applied for are denied, canceled, or not pursued, or if corrective action
1575 identified in the voluntary compliance agreement is not completed as specified.

1576 F. The civil penalties in this section are in addition to, and not in lieu of, any
1577 penalties, sanctions, restitution, or fines provided for in any other provisions of law.

1578 SECTION 15. Map Amendment #1 is hereby adopted, as shown in Attachment A
1579 to this ordinance.

1580 SECTION 16. The following are hereby repealed:

- 1581 A. Ordinance 19030, Section 3;
- 1582 B. Ordinance 19030, Section 4, and K.C.C. 6.74.010;
- 1583 C. Ordinance 19030, Section 5, and K.C.C. 6.74.020;
- 1584 D. Ordinance 19030, Section 6, and K.C.C. 6.74.030;
- 1585 E. Ordinance 19030, Section 7, and K.C.C. 6.74.040;
- 1586 F. Ordinance 19030, Section 8, and K.C.C. 6.74.050;
- 1587 G. Ordinance 19030, Section 9, and K.C.C. 6.74.060;
- 1588 H. Ordinance 19030, Section 10, and K.C.C. 6.74.070;
- 1589 I. Ordinance 19030, Section 11, and K.C.C. 6.74.080;
- 1590 J. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A;

1591 K. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B;

1592 L. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C;

1593 M. Ordinance 19030, Section 28;

1594 N. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

1595 O. Ordinance 19030, Section 32.

1596 SECTION 17. This ordinance shall be effective on the latter of the following

1597 dates:

1598 A. Sixty-one days after the date of publication of notice of adoption of this

1599 ordinance, as provided in RCW 36.70A.290; or

1600 B. If a petition for review challenging adoption of this ordinance is timely filed with

1601 the growth management hearings board, then thirty-one business days after issuance of the

1602 board's final order of compliance in accordance with RCW 30.70A.300.

1603 SECTION 18. Severability. If any provision of this ordinance or its application

1604 to any person or circumstance is held invalid, the remainder of the ordinance or the
1605 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Map Amendment #1 - Remote Tasting Room Demonstration Project A Repeal

Attachment A

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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:








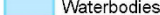
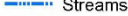
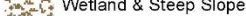
ZONING

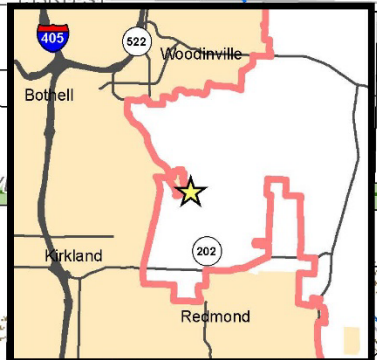
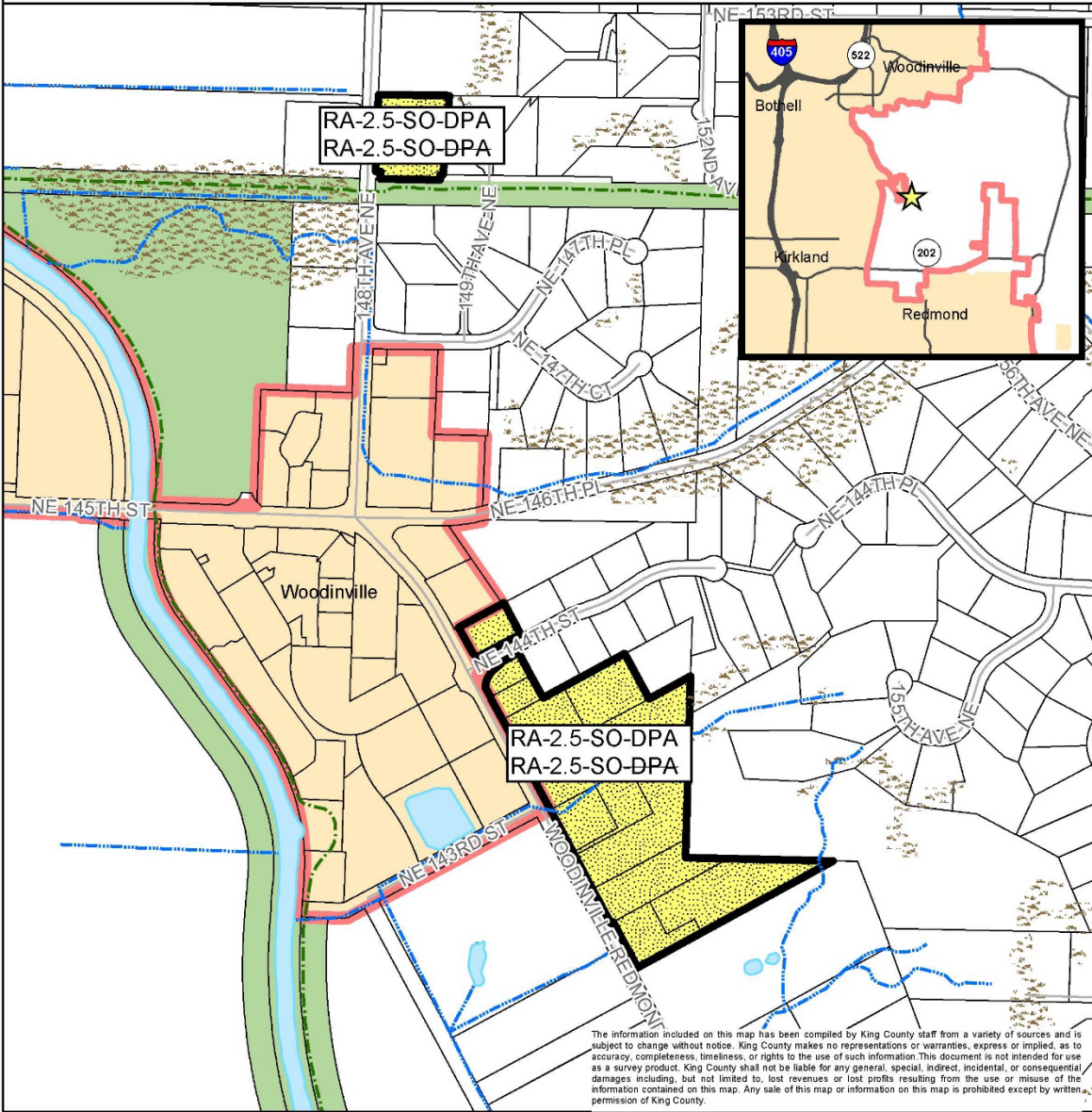
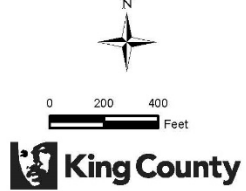
Repeal the Demonstration Project (-DPA) established in Ordinance 19030, Section 28 and 29, and remove the -DPA designation from the following parcels. Make no other changes to the land use designation or zoning:

Parcel	Current Zoning	Area
2481600120	RA-2.5	Sammamish Valley
3404700026	RA-2.5	Sammamish Valley
3404700027	RA-2.5	Sammamish Valley
3404700030	RA-2.5-SO	Sammamish Valley
3404700031	RA-2.5-SO	Sammamish Valley
3404700035	RA-2.5-SO	Sammamish Valley
3404700040	RA-2.5-SO	Sammamish Valley
3404700041	RA-2.5-SO	Sammamish Valley
3404700043	RA-2.5-SO	Sammamish Valley
3404700050	RA-2.5-SO	Sammamish Valley
3404700055	RA-2.5-SO	Sammamish Valley
3404700057	RA-2.5-SO	Sammamish Valley
3407700006	RA-2.5-SO	Sammamish Valley

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.

Map Amendment #1 - Remote Tasting Room Demonstration Project Overlay A Repeal

-  Study Area
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



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.