



King County

**Metropolitan King County Council
Transportation, Economy and Environment Committee**

STAFF REPORT

Agenda Item:	5	Name:	Christine Jensen
Proposed No.:	2016-0155	Date:	September 6, 2016

SUBJECT

A briefing on the proposed 2016 update to the King County Comprehensive Plan (KCCP).

SUMMARY

This year marks a four-year, “major” update to the KCCP, which allows for consideration of substantive policy changes to the Plan and potential revisions to the Urban Growth Area (UGA). The Executive transmitted the proposed 2016 KCCP to the Council on March 1.¹ The Council is in the process of reviewing and deliberating on the Executive’s proposal. The Council’s review thus far has included ten briefings in the Transportation, Economy and Environment Committee (TrEE), as well as numerous opportunities to submit written or verbal public comment. Based on the discussions in committee, public comments received to-date, and deliberations with the Executive and Councilmembers, the TrEE Chair has issued a proposed Striking Amendment, S1, to the transmitted 2016 KCCP.

Today’s briefing will highlight some of the key changes in the Striking Amendment in preparation for the scheduled vote on the Striking Amendment, any individual amendments to the Striking Amendment, and the 2016 KCCP in TrEE on September 20.^{2,3}

BACKGROUND

The KCCP is the guiding policy document for land use and development regulations in unincorporated King County, as well as for regional services throughout the County,

¹ Includes: the 2016 KCCP, updates to the development code, and land use map amendments in Proposed Ordinance 2016-0155; and the Real Property Asset Management Plan (RAMP) in Proposed Ordinance 2016-0159. The Striking Amendment to the 2016 RAMP will be addressed in a separate staff report at the September 6, 2016 TrEE meeting.

² There will also be vote in TrEE on September 20, 2016 on the 2016 RAMP (PO 2016-0159) as part of the 2016 KCCP update.

³Final adoption of the 2016 KCCP (PO 2016-0155) and the 2016 RAMP (PO 2016-0159) at the full Council is scheduled for late 2016.

including transit, sewers, parks, trails, and open space. The King County Code dictates the allowed frequency for updates to the KCCP.

Annual cycle. On an annual basis, only technical changes and other limited amendments to the KCCP are allowed to be adopted.⁴ This is known as the “annual cycle.” While the Code states that the KCCP “may be amended” annually,⁵ it is not required to be reviewed or amended on an annual basis.

Four-year cycle. Substantive changes to policy language and amendments to the UGA boundary⁶ are only allowed to be considered once every four years.^{7,8} This is known as the “four-year cycle.” The Code requires the County to complete a “comprehensive review” of the KCCP once every four years in order to “update it as appropriate” and ensure continued compliance with the Growth Management Act (GMA).⁹ The Code requires the Executive to transmit to the Council a proposed ordinance amending the KCCP once every four years.¹⁰ However, the Code does not require the Council to adopt a KCCP update during the four-year cycle.¹¹ This year’s four-year review of the KCCP is the fifth major review since 2000.

GMA update requirements. It is worth highlighting how the County’s KCCP cycles fit into the GMA planning cycles. The GMA requires cities and counties to update their comprehensive plans once every eight years.¹² The GMA authorizes, but does not require, cities and counties to amend their comprehensive plans annually.

For King County, the GMA-established plan update deadlines are in 2015 and 2023. For the purposes of the GMA, the 2012 update to the KCCP¹³ satisfied the State’s requirement to update the County’s comprehensive plan by 2015. The GMA does not require the County to complete another comprehensive update until 2023. Under the County’s current policies and Code, the County will complete this update in the 2020 four-year cycle.

⁴ K.C.C. 20.18.030

⁵ K.C.C. 20.18.030(B)

⁶ Note that Four-to-One UGA proposals may be considered during the annual cycle (see K.C.C. 20.18.030(B)(10), 20.18.040(B)(2), 20.18.170, and 20.18.180).

⁷ From year 2000 and forward. Substantive updates to the KCCP can be considered on a two-year cycle, but only if: “the county determines that the purposes of the KCCP are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data” (K.C.C. 20.18.030(C)). This determination must be authorized by a motion adopted by the Council. To date, this option has not been used by the County.

⁸ The annual Capital Improvement Plan (CIP), Transportation Needs Report (TNR), and school capital facilities plans are elements of the KCCP but are adopted in conjunction with the County budget, and thus follows separate timeline, process, and update requirements (see K.C.C. 20.18.060 and 20.18.070).

⁹ K.C.C. 20.18.030(C)

¹⁰ K.C.C. 20.18.060

¹¹ If the Council decides not to adopt a four-year update, the County may still need to formally announce that it has completed the required review; the mechanism to do that, whether legislatively or not, would need to be discussed with legal counsel.

¹² Revised Code of Washington (RCW) 36.70A.130

¹³ Ordinance 17485

Under the County's policies and regulations, the 2016 review of the KCCP constitutes a “four-year amendment.” However, under GMA requirements, the County's 2016 review is subject to the rules applicable to an “annual amendment,” which is not a required action.

Actions to date for the 2016 KCCP. In May 2015, the Council adopted the Scoping Motion¹⁴ for the 2016 KCCP update, a link to which is provided at the end of the staff report. The Scoping Motion outlined the key issues the Council and Executive identified for specific consideration in the forthcoming KCCP update. While the scope of work approved through the Scoping Motion was intended to be as thorough as possible, it does not establish the absolute limit on the scope of issues that can be considered. Based on subsequent public testimony, new information, or Council initiatives, other issues may also be considered by the Executive or the Council – except for UGA expansion proposals, which must follow the limitations of KCCP policy RP-107¹⁵ as discussed in the Area Zoning Studies and Land Use Map Amendments section of the March 15 staff report.¹⁶

King County Code (K.C.C.) 20.18.160 and RCW 36.70A.140 call for “early and continuous” public engagement in the development and amendment of the KCCP and any implementing development regulations. As part of that public engagement process, the Executive published a Public Review Draft (PRD) of the KCCP on November 6, 2015, which was open for public comment through January 2016.¹⁷ During that time, the Executive hosted six PRD community meetings: one each in Fairwood, Skyway, Fall City, Issaquah, and two in Vashon. A summary of the Executive’s outreach efforts can be found in Appendix R “Public Outreach for Development of KCCP.” A detailed listing of all of the public comments received during development of the Plan can be found in the Public Participation Report that is located on the Council’s KCCP website.¹⁸

On March 1, the Executive transmitted the proposed 2016 update to the KCCP.¹⁹ The Council’s review thus far has included ten briefings in the Transportation, Economy and Environment Committee (TrEE), as well as numerous opportunities to submit written or verbal public comment. Based on the discussions in committee, public comments received to-date, and deliberations with the Executive and Councilmembers, the TrEE Chair has issued a proposed Striking Amendment, S1, to the transmitted 2016 KCCP. As

¹⁴ Motion 14351, which was required to be transmitted by the Executive by K.C.C. 20.18.060. The Council approved the 2016 KCCP scoping motion after the April 30 deadline for Council action. However, as noted in the adopted Motion, the Executive agreed to treat the scope as timely and would proceed with the work program as established in the Council-approved version of the motion.

¹⁵ This policy is currently RP-203 in the adopted 2012 KCCP, and is proposed to be changed to RP-107 as part of the 2016 KCCP. Does not apply to Four-to-One proposals.

¹⁶ <http://www.kingcounty.gov/council/2016compplan/materials.aspx>

¹⁷ General public comment was open through January 6, 2016. Additional comments on the late addition of the East Cougar Mountain Potential Annexation Area to the Public Review Draft were allowed from January 27 to February 3.

¹⁸ <http://www.kingcounty.gov/council/2016compplan.aspx>

¹⁹ Includes: the 2016 KCCP, updates to the development code, and land use map amendments in Proposed Ordinance 2016-0155; and the Real Property Asset Management Plan (RAMP) in Proposed Ordinance 2016-0159. The Striking Amendment to the 2016 RAMP will be addressed in a separate staff report at the September 6, 2016 TrEE meeting.

noted above, today's briefing will highlight some of the key changes in the Striking Amendment in preparation for the scheduled vote on the Striking Amendment, any individual amendments to the Striking Amendment, and the 2016 KCCP in TrEE on September 20.²⁰²¹

ANALYSIS

Striking Amendment S1 consists of a number of components:

- **Changes to the proposed changes to the development code.** Striking Amendment S1 to Proposed Ordinance 2016-0155, which makes changes to the development code in the ordinance transmitted with the Comprehensive Plan, can be found in Attachment 2 of the staff report. A matrix that summarizes each of these changes can be found in Attachment 3 to the staff report, and a track changes version of the changes (for illustrative purposes only) can be found in Attachment 4 to the staff report.
- **Changes to the transmitted 2016 King County Comprehensive Plan.** The Striking Amendment replaces the transmitted 2016 KCCP²² with a new version of the 2016 KCCP, which can be found online at the link provided at the end of this staff report or in the binders provided to Councilmembers. The new version, dated September 1, 2016, accepts all of the transmitted strikethrough/underline changes from the Executive and then shows the Chair's proposed changes to the transmitted version in strikethrough/underline format.

A matrix that summarizes each of the changes to policies, as well as major changes to text, can be found online at the link provided at the end of this staff report or in the binders provided to the Councilmembers. Policies that have substantive changes are shown in bold text for emphasis. Policies that were unchanged by the Striking Amendment are in normal font, as are policies that only had technical, grammar, or typographical changes.

- **Changes to the land use map amendments.** The Striking Amendment replaces the transmitted land use map amendments²³ with a new version of the land use map amendments, which can be found in Attachment 6 of this staff report. A matrix that summarizes each of the changes can be found in Attachment 7.

²⁰ There will also be vote in TrEE on September 20, 2016 on the 2016 RAMP (PO 2016-0159) as part of the 2016 KCCP update.

²¹ Final adoption of the 2016 KCCP (PO 2016-0155) and the 2016 RAMP (PO 2016-0159) at the full Council is scheduled for late 2016.

²² Attachment A to PO 2016-0155

²³ Attachment B to PO 2016-0155

- **Changes to Technical Appendixes A through D.** The Striking Amendment replaces the transmitted version of Technical Appendixes A through D²⁴ with a new version of Technical Appendixes A through D, which can be found online at the link provided at the end of this staff report. No changes have been made to these appendixes in the Striking Amendment; the only changes made were to accept the Executive’s transmitted changes in a “clean” format, updating the Appendixes from their transmitted format in strikethrough/underline. Review for technical corrections will occur prior to final adoption at the full Council.
- **Changes to Technical Appendix R – Public Outreach.** The Striking Amendment replaces the transmitted version of Technical Appendix R – Public Outreach²⁵ with a new version of Technical Appendix R – Public Outreach, which can be found in Attachment 8 of the staff report. The appendix has been updated to reflect Council’s public participation portion of the 2016 KCCP process and to make technical corrections.
- **Amendment to the Vashon Town Plan.** The Striking Amendment adds a new attachment to the Ordinance,²⁶ an amendment to the Vashon Town Plan, which can be found in Attachment 9 of this staff report. This amendment implements the zoning change in one of the land use and zoning map changes in Attachment B.

There is also an associated Title Amendment, T1, which can be found in Attachment 3 to this staff report.

ATTACHMENTS

1. Proposed Ordinance 2016-0155
2. Striking Amendment S1
3. Title Amendment T1
4. Matrix of changes in Striking Amendment S1
5. Redline version of Striking Amendment S1
6. Land Use and Zoning Amendments (Attachment B) – Dated September 1, 2016
7. Matrix of Striker Land Use Map Amendments
8. Appendix R – Public Outreach (Attachment I) – Dated September 1, 2016
9. Addendum to Vashon Town Plan (Attachment K)
10. 2016 KCCP Schedule, updated as of August 10, 2016
11. Frequently Used Acronyms
12. Public comments, updated as of September 1, 2016

²⁴ Technical Appendix A: Capital Facilities Planning (Attachment C to PO 2016-0155); Technical Appendix B: Housing (Attachment D to PO 2016-0155); Technical Appendix C: Transportation (Attachment E to PO 2016-0155); Technical Appendix C1: Transportation Needs Report (Attachment F to PO 2016-0155); Technical Appendix C2: Regional Trail Needs Report (Attachment G to PO 2016-0155); Technical Appendix D: Growth Targets and the Urban Growth Area (Attachment H to PO 2016-0155).

²⁵ Attachment I to PO 2016-0155

²⁶ Attachment K to PO 2016-0155

INVITED

- Ivan Miller, KCCP Manager, Performance, Strategy and Budget

LINKS

All components of Striking Amendment S1 to the transmitted 2016 KCCP can be found at:

<http://www.kingcounty.gov/council/2016compplan/amendments>

These components include:

- Striking Amendment S1 to Proposed Ordinance 2016-0155
- Title Amendment T1 to Proposed Ordinance 2016-0155
- Matrix of changes in Striking Amendment S1
- Redline version of Striking Amendment S1
- 2016 KCCP (Attachment A)
- Matrix of changes made to 2016 KCCP (Attachment A)
- Land Use and Zoning Amendments (Attachment B)
- Appendix A: Capital Facilities (Attachment C) – *no changes, just replaces with a clean version*
- Appendix B: Housing (Attachment D) – *no changes, just replaces with a clean version*
- Appendix C: Transportation (Attachment E) – *no changes, just replaces with a clean version*
- Appendix C1: Transportation Needs Report (Attachment F) – *no changes, just replaces with a clean version*
- Appendix C2: Regional Trails Needs Report (Attachment G) – *no changes, just replaces with a clean version*
- Appendix D: Growth Targets and the Urban Growth Area (Attachment H) – *no changes, just replaces with a clean version*
- Appendix R: Public Outreach for Development of KCCP (Attachment I)
- Addendum to Vashon Town Plan (Attachment K)

All components of the transmitted 2016 KCCP can be found at:

<http://www.kingcounty.gov/council/2016compplan/transmittal.aspx>

These components include:

- Proposed Ordinance 2016-0155
- 2016 KCCP (Attachment A)
- Land Use and Zoning Amendments (Attachment B)
- Appendix A: Capital Facilities (Attachment C)
- Appendix B: Housing (Attachment D)
- Appendix C: Transportation (Attachment E)
- Appendix C1: Transportation Needs Report (Attachment F)
- Appendix C2: Regional Trails Needs Report (Attachment G)
- Appendix D: Growth Targets and the Urban Growth Area (Attachment H)
- Appendix R: Public Outreach for Development of KCCP (Attachment I)
- Skyway-West Hill Action Plan (Attachment J)
- Area Zoning Studies (*Attachment to transmittal package, does not get adopted*)
- Development Code Studies (*Attachment to transmittal package, does not get adopted*)
- Policy Amendment Analysis Matrix (*Attachment to transmittal package, does not get adopted*)
- Public Participation Report (*Attachment to transmittal package, does not get adopted*)

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KING COUNTY
Signature Report
September 2, 2016

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2016-0155.1

Sponsors Dembowski

1 AN ORDINANCE relating to comprehensive planning and
2 permitting; amending Ordinance 8421, Section 3, as
3 amended, and K.C.C. 14.56.020, Ordinance 8421, Section
4 4, as amended, and K.C.C. 14.56.030, and Ordinance
5 13147, Section 19, amended, and K.C.C. 20.18.030,
6 Ordinance 10870, Section 330, as amended, and K.C.C.
7 21A.08.030, Ordinance 10870, Section 332, as amended,
8 and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as
9 amended, and K.C.C. 21A.08.060, Ordinance 10870,
10 Section 334, as amended, and K.C.C. 21A.08.070,
11 Ordinance 10870, Section 335, as amended, and K.C.C.
12 21A.08.080, Ordinance 10870, Section 336, as amended,
13 and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as
14 amended, and K.C.C. 21A.08.100, Ordinance 13274,
15 Section 4, as amended, and K.C.C. 21A.37.020, Ordinance
16 13733, Section 10, as amended, and K.C.C. 21A.37.110,
17 adding new sections to K.C.C. chapter 21A.06, adding new
18 sections to K.C.C. chapter 21A.42, decodifying K.C.C.

19 20.54.010 and repealing Ordinance 8421, Section 2, and
20 K.C.C. 14.56.010, Ordinance 3064, Section 2, and K.C.C.
21 20.54.020, Ordinance 3064, Section 3, as amended, and
22 K.C.C. 20.54.030, Ordinance 3064, Section 4, as amended,
23 and K.C.C. 20.54.040, Ordinance 3064, Section 5, and
24 K.C.C. 20.54.050, Ordinance 3064, Section 6, as amended,
25 and K.C.C. 20.54.060, Ordinance 3064, Section 7, as
26 amended, and K.C.C. 20.54.070, Ordinance 3064, Section
27 8, as amended, and K.C.C. 20.54.080, Ordinance 3064,
28 Section 9, as amended, and K.C.C. 20.54.090, Ordinance
29 3064, Section 10, as amended, and K.C.C. 20.54.100,
30 Ordinance 3064, Section 11, as amended, and K.C.C.
31 20.54.110, Ordinance 3064, Section 12, and K.C.C.
32 20.54.120, Ordinance 3064, Section 13, and K.C.C.
33 20.54.130 and Ordinance 7889, Section 4, as amended, and
34 K.C.C. 26.08.010

35 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

36 **SECTION 1. Findings:** For the purposes of effective land use planning and
37 regulation, the King County council makes the following legislative findings:

38 A. King County adopted the King County Comprehensive Plan 2012 to meet the
39 requirements of the Washington State Growth Management Act ("the GMA");

40 B. The 2012 King County Comprehensive Plan, adopted by King County
41 Ordinance 17485, satisfied the GMA requirement for the county to update its
42 comprehensive plan by June 30, 2015;

43 C. In 2013 and 2014, King County adopted narrow amendments to the King
44 County Comprehensive Plan 2012;

45 D. The King County Code authorizes a review of the Comprehensive Plan and
46 allows substantive amendments to the Comprehensive Plan once every four years. The
47 King County Comprehensive Plan 2016 amendments are the fifth major review of the
48 Comprehensive Plan;

49 E. The GMA requires that King County adopt development regulations to be
50 consistent with and implement the Comprehensive Plan;

51 F. The changes to zoning contained in this ordinance are needed to maintain
52 conformity with the King County Comprehensive Plan, as required by the GMA. As
53 such, they bear a substantial relationship to, and are necessary for, the public health,
54 safety and general welfare of King County and its residents; and

55 G. King County engages in a comprehensive review of its Comprehensive Plan
56 and development regulations every four years. This ordinance constitutes the conclusion
57 of the county's review process. The 2016 King County Comprehensive Plan and King
58 County's development are intended to satisfy the requirements of the GMA.

59 SECTION 2. A. King County completed its fifth comprehensive four-cycle
60 review of the Comprehensive Plan in 2016. As a result of the review, King County
61 amended the King Comprehensive Plan 2012 through passage of the King County
62 Comprehensive Plan 2016.

63 B. The amendments to the King County Comprehensive Plan 2012 contained in
64 Attachments A, B, C, D, E, F, G, H, I and J to this ordinance are hereby adopted as
65 amendments to the King County Comprehensive Plan 2012.

66 C. Attachments A and B to this ordinance amend policies, text and maps of the
67 Comprehensive Plan and amend the Comprehensive Plan Land Use Zoning. The land
68 use and zoning amendments contained in Attachments A and B to this ordinance are
69 hereby adopted as the official land use and zoning controls for those portions of
70 unincorporated King County defined in Attachments A and B to this ordinance.

71 D. Attachment C to this ordinance contains Technical Appendix A (Capital
72 Facilities).

73 E. Attachment D to this ordinance contains Technical Appendix B (Housing).

74 F. Attachment E to this ordinance contains Technical Appendix C
75 (Transportation).

76 G. Attachment F to this ordinance contains Technical Appendix C.1
77 (Transportation Needs Report).

78 H. Attachment G to this ordinance contains Technical Appendix C.2 (Regional
79 Trails Needs Report).

80 I. Attachment H. to this ordinance contains Technical Appendix D (Growth
81 Targets and Urban Growth Area).

82 J. Attachment I to this report contains Technical Appendix R (Summary of Public
83 Outreach for Development of the 2016 KCCP Update.)

84 K. Attachment J to this ordinance contains the Skyway-West Hill Action Plan.

85 SECTION 3. Ordinance 8421, Section 2, and K.C.C. 14.56.010 are each hereby
86 repealed.

87 SECTION 4. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are
88 each hereby amended to read as follows:

89 There is established a (~~(non-motorized vehicle)~~) nonmotorized transportation
90 program (~~(to meet the following goals and objectives:~~

91 ~~A. To identify and document the needs of non-motorized transportation in King~~
92 ~~County, including bicyclists, equestrians, pedestrians, and special populations;~~

93 ~~B. To determine ways that the existing county transportation network, including~~
94 ~~transit, can be made more responsive to the needs of non-motorized users)).~~ The program

95 shall consist of the nonmotorized policies in the King County Comprehensive Plan and
96 the respective functional plans of the responsible county agencies, nonmotorized project
97 needs contained in agency capital improvement programs and operational activities that:

98 A. Identify and document the nonmotorized transportation needs in the county
99 for bicyclists, pedestrians, equestrians and special populations such as school children or
100 people with limited mobility and wheelchair users;

101 B. Determine ways that nonmotorized transportation can be integrated into the
102 current and future county transportation network and services, including transit;

103 ~~C. ((To i))~~ Inform and educate the public on issues relating to ((non-motorized))
104 nonmotorized transportation, including compliance with traffic laws; and

105 ~~D. ((To institute the consideration of non-motorized transportation in all related~~
106 ~~county-funded))~~ Consider nonmotorized transportation safety and other needs in all

107 related county programs, and ((to)) encourage the same consideration on an interlocal and
108 regional basis((;

109 ~~E. To improve non-motorized transport users and motorists compliance with~~
110 ~~traffic laws; and~~

111 ~~F. To guide development of a county functional plan for non-motorized~~
112 ~~transportation, to implement the adopted policies established in the county~~
113 ~~comprehensive plan, the county transportation plan, and current programs within county~~
114 ~~government)).~~

115 SECTION 5. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are
116 each hereby amended to read as follows:

117 The department of transportation shall ~~((carry out the following duties and~~
118 ~~responsibilities))):~~

119 A. Implement the ~~((non-motorized vehicle))~~ nonmotorized transportation
120 program in coordination with other county departments;

121 B. Provide support to any ad hoc ~~((non-motorized))~~ nonmotorized transportation
122 advisory committee; and

123 C. Work with ~~((governmental agencies))~~ other jurisdictions and nongovernmental
124 organizations to identify, develop and promote programs that encourage the use of ((non-
125 motorized)) nonmotorized modes of transportation.

126 SECTION 6. Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030 are
127 hereby amended to read as follows:

128 A. The King County Comprehensive Plan shall be amended in accordance with
129 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public

130 participation program whereby amendments are considered by the council no more
131 frequently than once a year as part of the amendment cycle established in this chapter,
132 except that the council may consider amendments more frequently to address:

- 133 1. Emergencies;
- 134 2. An appeal of the plan filed with the Central Puget Sound Growth
135 Management Hearings Board or with the court;
- 136 3. The initial adoption of a subarea plan, which may amend the urban growth
137 area boundary only to redesignate land within a joint planning area;
- 138 4. An amendment of the capital facilities element of the Comprehensive Plan
139 that occurs in conjunction with the adoption of the county budget under K.C.C.
140 4A.100.010; or
- 141 5. The adoption or amendment of a shoreline master program under chapter
142 90.58 RCW.

143 B. Every year the Comprehensive Plan may be amended to address technical
144 updates and corrections, and to consider amendments that do not require substantive
145 changes to policy language, changes to the priority areas map, or changes to the urban
146 growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section.
147 This review may be referred to as the annual cycle. The Comprehensive Plan, including
148 subarea plans, may be amended in the annual cycle only to consider the following:

- 149 1. Technical amendments to policy, text, maps or shoreline designations;
- 150 2. The annual capital improvement plan;
- 151 3. The transportation needs report;
- 152 4. School capital facility plans;

153 5. (~~A mining site conversion demonstration project. The demonstration project~~
154 ~~shall evaluate and address:~~

155 a. ~~potential options for the use of a reclaimed mine site, including the~~
156 ~~feasibility of residential use and/or long term forestry on the demonstration project site;~~

157 b. ~~the impacts to carbon sequestration as a result of reforestation, and for~~
158 ~~residential use, the impacts to carbon sequestration when implementing modified~~
159 ~~standards for lot clustering or transfer of development rights;~~

160 c. ~~the need for a site design that compatibly integrates any proposed residential~~
161 ~~development on the demonstration project site with uses occurring on the adjacent rural~~
162 ~~or forest production district lands, especially if the proposed residential development~~
163 ~~utilizes modified standards for lot clustering and/or transfer of development rights;~~

164 d. ~~the levels and standards for reclamation of mining sites that are appropriate~~
165 ~~to their use either for long term forestry and/or for residential development; and~~

166 e. ~~the need to ensure that the demonstration project provides an overall public~~
167 ~~benefit by providing permanent protection, as designated park or open space, of lands in~~
168 ~~the vicinity of the demonstration project site that form the headwaters of critical, high-~~
169 ~~valued habitat areas; or that remove the development potential from nonconforming legal~~
170 ~~parcels in the forest production district; or that provide linkages with other forest~~
171 ~~production district lands;~~

172 ~~6.)~~ Changes required by existing Comprehensive Plan policies;

173 ~~((7.))~~ 6. Changes to the technical appendices and any amendments required
174 thereby;

175 ~~((8.))~~ 7. Comprehensive updates of subarea plans initiated by motion;

176 ~~((9.))~~ 8. Changes required by amendments to the countywide planning policies
177 or state law;

178 ~~((10.))~~ 9. Redesignation proposals under the four-to-one program as provided
179 for in this chapter;

180 ~~((11.))~~ 10. Amendments necessary for the conservation of threatened and
181 endangered species; ~~((and))~~

182 ~~((12.))~~ 11. Site-specific ~~((comprehensive))~~ land use map amendments that do
183 not require substantive change to comprehensive plan policy language and that do not
184 alter the urban growth area boundary, except to correct mapping errors ;

185 12. Amendments resulting from subarea studies required by comprehensive plan
186 policy that do not require substantive change to comprehensive plan policy language and
187 that do not alter the urban growth area boundary, except to correct mapping errors; and

188 13. Changes required to implement a study regarding the provision of
189 wastewater services to a Rural Town. Such amendments shall be limited to policy
190 amendments and adjustment to the boundaries of the Rural Town as needed to implement
191 the preferred option identified in the study.

192 C. Every fourth year beginning in 2000, the county shall complete a
193 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
194 to ensure continued compliance with the GMA. This review may provide for a
195 cumulative analysis of the twenty-year plan based upon official population growth
196 forecasts, benchmarks and other relevant data in order to consider substantive changes to
197 policy language and changes to the urban growth area ("UGA"). This comprehensive
198 review shall begin one year in advance of the transmittal and may be referred to as the

199 four-year cycle. The urban growth area boundaries shall be reviewed in the context of
200 the four-year cycle and in accordance with countywide planning policy ((~~FW~~))G-1 and
201 RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan
202 are not being achieved as evidenced by official population growth forecasts, benchmarks,
203 trends and other relevant data, substantive changes to the Comprehensive Plan may also
204 be considered on even calendar years. This determination shall be authorized by motion.
205 The motion shall specify the scope of the even-year amendment, and identify that the
206 resources necessary to accomplish the work are available. An analysis of the motion's
207 fiscal impact shall be provided to the council before to adoption. The executive shall
208 determine if additional funds are necessary to complete the even-year amendment, and
209 may transmit an ordinance requesting the appropriation of supplemental funds.

210 D. The executive shall seek public comment on the comprehensive plan and any
211 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.
212 20.18.160 before making a recommendation, in addition to conducting the public review
213 and comment procedures required by SEPA. The public shall be afforded at least one
214 official opportunity to record public comment before to the transmittal of a
215 recommendation by the executive to the council. County-sponsored councils and
216 commissions may submit written position statements that shall be considered by the
217 executive before transmittal and by the council before adoption, if they are received in a
218 timely manner. The executive's recommendations for changes to policies, text and maps
219 shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of
220 their financial costs and public benefits, any of which may be included in environmental
221 review documents. Proposed amendments to the Comprehensive Plan shall be

222 accompanied by any development regulations or amendments to development
223 regulations, including area zoning, necessary to implement the proposed amendments.

224 SECTION 7. K.C.C. 20.54.010 is each hereby decodified.

225 SECTION 8. Ordinance 3064, Section 2, and K.C.C. 20.54.020 are each hereby
226 repealed.

227 SECTION 9. Ordinance 3064, Section 3, as amended, and K.C.C. 20.54.030 are
228 each hereby repealed.

229 SECTION 10. Ordinance 3064, Section 4, as amended, and K.C.C. 20.54.040 are
230 each hereby repealed.

231 SECTION 11. Ordinance 3064, Section 5, and K.C.C. 20.54.050 are each hereby
232 repealed.

233 SECTION 12. Ordinance 3064, Section 6, as amended, and K.C.C. 20.54.060 are
234 each hereby repealed.

235 SECTION 13. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.070 are
236 each hereby repealed.

237 SECTION 14. Ordinance 3064, Section 8, as amended, and K.C.C. 20.54.080 are
238 each hereby repealed.

239 SECTION 15. Ordinance 3064, Section 9, as amended, and K.C.C. 20.54.090 are
240 each hereby repealed.

241 SECTION 16. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100
242 are each hereby repealed.

243 SECTION 17. Ordinance 3064, Section 11, as amended, and K.C.C. 20.54.110
244 are each hereby repealed.

245 SECTION 18. Ordinance 3064, Section 12, and K.C.C. 20.54.120 are each
246 hereby repealed.

247 SECTION 19. Ordinance 3064, Section 13, and K.C.C. 20.54.130 are each
248 hereby repealed.

249 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter
250 21A.06 a new section to read as follows:

251 Agriculture: the use of land for commercial purposes for either the raising of
252 crops or livestock or the production of agricultural products, or both.

253 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter
254 21A.06 a new section to read as follows:

255 Agricultural activities: those agricultural uses and practices that pertain directly
256 to the commercial production of agricultural products, including, but not limited to:

257 A. Tilling, discing, planting, seeding, fertilization, composting and other soil
258 amendments and harvesting;

259 B. Grazing, animal mortality management and on-site animal waste storage,
260 disposal and processing;

261 C. Soil conservation practices including dust control, rotating and changing
262 agricultural crops and allowing agricultural lands to lie fallow under local, state or federal
263 conservation programs;

264 D. Maintenance of farm and stock ponds, agricultural drainage, irrigation systems
265 canals and flood control facilities;

266 E. Normal maintenance, operation and repair of existing serviceable equipment,
267 structures, facilities or improved areas, including, but not limited to, fencing, farm access
268 roads and parking; and

269 F. Processing, promotion, sale, storage, packaging and distribution.

270 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter

271 21A.06 a new section to read as follows:

272 Agricultural products: products that include, but are not limited to:

273 A. Horticultural, viticultural, floricultural and apiary products;

274 B. Livestock and livestock products;

275 C. Animal products including, but not limited to, upland finfish, dairy products,
276 meat, poultry and eggs;

277 D. Feed or forage for livestock;

278 E. Christmas trees, hybrid cottonwood and similar hardwood trees grown as
279 crops and harvested within fifteen years of planting; and

280 F. Turf, sod, seed and related products.

281 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter

282 21A.06 a new section to read as follows:

283 Agricultural support services: any activity that is directly related to agriculture
284 and directly dependent upon agriculture for its existence but is undertaken on lands that
285 are not predominately in agricultural use.

286 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter

287 21A.06 a new section to read as follows:

288 Farm: the land, buildings equipment and infrastructure used in the raising and
 289 production of agricultural products for commercial sales.

290 NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter

291 21A.06 a new section to read as follows:

292 Farm residence: a single detached dwelling unit that serves as the primary
 293 residence for a farm.

294 SECTION 26. Ordinance 10870, Section 330, as amended, and K.C.C.

295 21A.08.030 are each hereby amended to read as follows:

296 A. Residential land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	*	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	U	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		Z	R	R	N	R	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	B	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	A	R	N	D	H	N	U	N	O	N	C
		E	U	T	A		N	V		E	B	E	N	E	N	E	E
		L			L	A			E	N	O	S	I	S	A	S	R
		T				R				T	R	S	T	S	L	S	I
		U				E				I	H		Y				A
		R				A				A	O						L
		E								L	O						
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48		NB	CB	RB	O	I			
	DWELLING UNITS, TYPES:																
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12		P15							
*	Townhouse				C4	C4	P11	P		P3	P3	P3	P3				

							C12					
*	Apartment			C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park			S13		C8	P					
*	Cottage Housing					P15						
	GROUP RESIDENCES:											
*	Community Residential Facility-I			C	C	P14.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II					P14.b	P	P3	P3	P3	P3	
*	Dormitory			C6	C6	C6	P					
*	Senior Citizen Assisted Housing				P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:											
*	Residential Accessory Uses	P7 ((P17))	P7									
*	Home Occupation	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	((P18)) P17	
*	Home Industry	C		C	C	C						
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P9		P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses									P		
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.										

297

B. Development conditions.

298

1. Except bed and breakfast guesthouses.

299

2. In the forest production district, the following conditions apply:

300

a. Site disturbance associated with development of any new residence shall be

301

limited to three acres. Site disturbance shall mean all land alterations including, but not

302 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
303 disposal systems and driveways. Additional site disturbance for agriculture, including
304 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
305 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
306 21A.30. Animal densities shall be based on the area devoted to animal care and not the
307 total area of the lot;

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

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

313 3. Only as part of a mixed use development subject to the conditions of K.C.C.
314 chapter 21A.14, except that in the NB zone on properties with a land use designation of
315 commercial outside of center (CO) in the urban areas, stand-alone townhouse
316 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
317 21A.14.180.

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

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

321 (1) At least fifty percent of the site is constrained by unbuildable critical
322 areas. For purposes of this subsection B.5.a.(1), unbuildable critical areas includes
323 wetlands, aquatic areas and slopes forty percent or steeper and associated buffers; and

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

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

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

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

331 7.a. Accessory dwelling units:

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

333 (2) Only in the same building as the primary dwelling unit on:

334 (a) an urban lot that is less than five thousand square feet in area;

335 (b) except as otherwise provided in subsection B.7.a.(5) of this section, a
336 rural lot that is less than the minimum lot size; or

337 (c) a lot containing more than one primary dwelling;

338 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
339 occupied;

340 (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,
341 one of the dwelling units shall not exceed one thousand square feet of heated floor area
342 except when one of the dwelling units is wholly contained within a basement or attic; and

343 (b) When the primary and accessory dwelling units are located in the same
344 building, or in multiple buildings connected by a breezeway or other structure, only one
345 entrance may be located on each street;

346 (5) On a site zoned RA:

347 (a) If one transferable development right is purchased from the rural area
348 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum
349 floor area up to one thousand five hundred square feet; and

350 (b) If one transferable development right is purchased from the rural area
351 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5
352 zoned lot that is at least two and one-half acres and less than three and three-quarters
353 acres;

354 (6) One additional off-street parking space shall be provided;

355 (7) The accessory dwelling unit shall be converted to another permitted use or
356 shall be removed if one of the dwelling units ceases to be owner occupied; and

357 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
358 approved by the department of executive services, records and licensing services
359 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
360 The applicant shall submit proof that the notice was filed before the department shall
361 approve any permit for the construction of the accessory dwelling unit. The required
362 contents and form of the notice shall be set forth in administrative rules. If an accessory
363 dwelling unit in a detached building in the rural zone is subsequently converted to a
364 primary unit on a separate lot, neither the original lot nor the new lot may have an
365 additional detached accessory dwelling unit constructed unless the lot is at least twice the
366 minimum lot area required in the zone; and

367 (9) Accessory dwelling units and accessory living quarters are not allowed in
368 the F zone.

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

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

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

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

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

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

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

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

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

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

389 12. Required before approving more than one dwelling on individual lots,
390 except on lots in subdivisions, short subdivisions or binding site plans approved for

391 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.
392 of this section.

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

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

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

397 15. Only in the R4-R8 zones limited to:

398 a. developments no larger than one acre;

399 b. not adjacent to another cottage housing development such that the total
400 combined land area of the cottage housing developments exceeds one acre;

401 c. All units must be cottage housing units with no less than three units and no
402 more than sixteen units, provided that if the site contains an existing home that is not
403 being demolished, the existing house is not required to comply with the height limitation
404 in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.

405 21A.14.025.B.; and

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

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

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

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

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

414 17. (~~Housing for agricultural employees who are employed by the owner or~~
415 ~~operator of the site year round as follows:~~

416 a. ~~Not more than:~~

417 (1) ~~One agricultural employee dwelling unit on a site under twenty acres;~~

418 (2) ~~Two agricultural employee dwelling units on a site between twenty acres~~
419 ~~and fifty acres;~~

420 (3) ~~Three agricultural employee dwelling units on a site greater than fifty~~
421 ~~acres and less than one hundred acres; and~~

422 (4) ~~On sites one hundred acres and larger one additional agricultural~~
423 ~~employee dwelling unit for each additional one hundred acres;~~

424 b. ~~The primary use of the site shall be agricultural in SIC Industry Group No.~~
425 ~~01 Growing and Harvesting Crops or SIC Industry Group No. 02 Raising Livestock and~~
426 ~~Small Animals. If the primary use of the site changes to a nonagricultural use, all~~
427 ~~agricultural employee dwelling units shall be removed;~~

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

436 ~~d. An agricultural employee dwelling unit shall not exceed a floor area of one~~
 437 ~~thousand square feet and may be occupied by no more than eight unrelated agricultural~~
 438 ~~employees;~~

439 ~~e. One off street parking space shall be provided for each agricultural~~
 440 ~~employee dwelling unit; and~~

441 ~~f. The agricultural employee dwelling units shall be constructed in compliance~~
 442 ~~with K.C.C. Title 16.~~

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

444 SECTION 27. Ordinance 10870, Section 332, as amended, and K.C.C.

445 21A.08.050 are each hereby amended to read as follows:

446 A. General services land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z	A	F	M	R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S-Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		O	I	E	E	A	A E	A	I	G I	M I	I I	I
	N	C	S	R	L	N R	N	D	H N	U N	O N	C	S
	E	U	T	A		V		E	B E	N E	N E	E	T
	L		L	A		E		N	O S	I S	A S		R
	T			R				T	R S	T S	L S		I
	U			E				I	H	Y			A
	R			A				A	O				L
	E							L	O				
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	N B	CB	RB	O	I
	PERSONAL SERVICES:												
72	General Personal Service						C25 ((€37))	C25 ((€37))	P	P	P	P3	P 3

Ordinance

						<u>C36</u>	<u>C36</u>						
7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/Crematory				C4	C4	C4		P	P			
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P2 4	P24	P24 C5	P24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P 7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P 7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P1 0	P10	P10		P
753	Automotive Repair (1)								P1 1	P	P		P
754	Automotive Service								P1 1	P	P		P
76	Miscellaneous Repair	((P33)			P32 ((P33))	P32	P32	P32	P32	P3	P	P	P 2
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752	Animal specialty services				C P34 P35 ((P36))	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C						
*	Commercial Kennel or Commercial Cattery	P42			C43	C43				C43	P43		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling				P21	P21	P21	P21	P2	P22	P	P21	P

	Facility								2				
*	Dog training facility	((C34)) C33			((C34)) C33	((C34)) C33			P	P	P		P
	HEALTH SERVICES:												
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13a ((C37)) C36	P12 C13a ((C37)) C36	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	EDUCATION SERVICES:												
*	Elementary School				P38 P39 ((P40))	P	P	P		P16 ((P40)) P39	P16 ((P40)) P39	P16 ((P40)) P39	
*	Middle/Junior High School				((P40) C39)) P39 C38 and 31	P	P	P		P16 ((C40)) C39	P16 ((C40)) C39	P16 ((C40)) C39	
*	Secondary or High School				((C39) C38 and 31 ((C44) C40 and 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School					P13a C	P13a C	P13a C				P15	P17 P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	((P38)) P37
*	School District Support					P23 C	P23 C	P23 C	C1	P15	P15	P15	P

	Facility								5				15
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review											
		Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter											
		21A.06.											

- 447 B. Development conditions.
- 448 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
- 449 use table.
- 450 2. Except SIC Industry Group Nos.:
- 451 a. 835-Day Care Services, and
- 452 b. Community residential facilities.
- 453 3. Limited to SIC Industry Group and Industry Nos.:
- 454 a. 723-Beauty Shops;
- 455 b. 724-Barber Shops;
- 456 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 457 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 458 e. 217-Carpet and Upholstery Cleaning.
- 459 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 460 property is located within a designated unincorporated Rural Town.
- 461 5. Structures shall maintain a minimum distance of one hundred feet from
- 462 property lines adjoining rural area and residential zones.
- 463 6. Only as accessory to residential use, and:
- 464 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 465 with no openings except for gates, and have a minimum height of six feet; and

466 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
467 from property lines adjoining rural area and residential zones.

468 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
469 21A.08.060.A.

470 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
471 or an accessory use to a school, church, park, sport club or public housing administered
472 by a public agency, and:

473 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
474 with no openings except for gates and have a minimum height of six feet;

475 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
476 from property lines adjoining rural area and residential zones;

477 c. Direct access to a developed arterial street shall be required in any
478 residential zone; and

479 d. Hours of operation may be restricted to assure compatibility with
480 surrounding development.

481 9. As a home occupation only, but the square footage limitations in K.C.C.
482 chapter 21A.30 for home occupations apply only to the office space for the veterinary
483 clinic, and:

484 a. Boarding or overnight stay of animals is allowed only on sites of five acres
485 or more;

486 b. No burning of refuse or dead animals is allowed;

487 c. The portion of the building or structure in which animals are kept or treated
488 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be

489 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
490 concrete or other impervious material; and

491 d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

492 10.a. No burning of refuse or dead animals is allowed;

493 b. The portion of the building or structure in which animals are kept or treated
494 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
495 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
496 concrete or other impervious material; and

497 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

498 11. The repair work or service shall only be performed in an enclosed building,
499 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery
500 Repair Shops and Paint Shops is not allowed.

501 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
502 Before filing an application with the department, the applicant shall hold a community
503 meeting in accordance with K.C.C. 20.20.035.

504 13.a. Except as otherwise provided in subsection B.13.b. of this (~~sub~~)section,
505 only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

506 b. Allowed for a social service agency on a site in the NB zone that serves
507 transitional or low-income housing located within three hundred feet of the site on which
508 the social service agency is located.

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

511 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not
512 exceed twenty thousand square feet, but stabling areas, whether attached or detached,
513 shall not be counted in this calculation.

514 15. If located outside of the urban growth area, limited to projects that are of a
515 size and scale designed to primarily serve the rural area and shall be located within a rural
516 town.

517 16. If located outside of the urban growth area, shall be designed to primarily
518 serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12
519 schools with no more than one hundred students.

520 17. All instruction must be within an enclosed structure.

521 18. Limited to resource management education programs.

522 19. Only as accessory to residential use, and:

523 a. Students shall be limited to twelve per one-hour session;

524 b. Except as provided in ~~((subsection))~~ B.19.c. of this ~~((sub))~~section, all
525 instruction must be within an enclosed structure;

526 c. Outdoor instruction may be allowed on properties at least two and one-half
527 acres in size. Any outdoor activity must comply with the requirements for setbacks in
528 K.C.C. chapter 21A.12; and

529 d. Structures used for the school shall maintain a distance of twenty-five feet
530 from property lines adjoining rural area and residential zones.

531 20. Subject to the following:

532 a. Structures used for the school and accessory uses shall maintain a minimum
533 distance of twenty-five feet from property lines adjoining residential zones;

534 b. On lots over two and one-half acres:

535 (1) Retail sale of items related to the instructional courses is permitted, if total
536 floor area for retail sales is limited to two thousand square feet;

537 (2) Sale of food prepared in the instructional courses is permitted with
538 Seattle-King County department of public health approval, if total floor area for food
539 sales is limited to one thousand square feet and is located in the same structure as the
540 school; and

541 (3) Other incidental student-supporting uses are allowed, if such uses are
542 found to be both compatible with and incidental to the principal use; and

543 c. On sites over ten acres, located in a designated Rural Town and zoned any
544 one or more of UR, R-1 and R-4:

545 (1) Retail sale of items related to the instructional courses is permitted,
546 provided total floor area for retail sales is limited to two thousand square feet;

547 (2) Sale of food prepared in the instructional courses is permitted with
548 Seattle-King County department of public health approval, if total floor area for food
549 sales is limited to one thousand seven hundred fifty square feet and is located in the same
550 structure as the school;

551 (3) Other incidental student-supporting uses are allowed, if the uses are found
552 to be functionally related, subordinate, compatible with and incidental to the principal
553 use;

554 (4) The use shall be integrated with allowable agricultural uses on the site;

555 (5) Advertised special events shall comply with the temporary use
556 requirements of this chapter; and

557 (6) Existing structures that are damaged or destroyed by fire or natural event,
558 if damaged by more than fifty percent of their prior value, may reconstruct and expand an
559 additional sixty-five percent of the original floor area but need not be approved as a
560 conditional use if their use otherwise complies with the development condition in
561 subsection B.20.c. of this section and this title.

562 21. Limited to:

563 a. drop box facilities accessory to a public or community use such as a school,
564 fire station or community center; or

565 b. in the RA zone, a facility accessory to a retail nursery, garden center and
566 farm supply store that accepts earth materials, vegetation, organic waste, construction and
567 demolition materials or source separated organic materials, if:

568 (1) the site is five acres or greater;

569 (2) all material is deposited into covered containers or onto covered
570 impervious areas;

571 (3) the facility and any driveways or other access to the facility maintain a
572 setback of at least twenty five feet from adjacent properties;

573 (4) the total area of the containers and covered impervious area is ten
574 thousand square feet or less;

575 (5) ten feet of type II landscaping is provided between the facility and
576 adjacent properties;

577 (6) no processing of the material is conducted on site; and

578 (7) access to the facility is not from a local access street.

579 22. With the exception of drop box facilities for the collection and temporary
580 storage of recyclable materials, all processing and storage of material shall be within
581 enclosed buildings. Yard waste processing is not permitted.

582 23. Only if adjacent to an existing or proposed school.

583 24. Limited to columbariums accessory to a church, but required landscaping
584 and parking shall not be reduced.

585 25. Not permitted in R-1 and limited to a maximum of five thousand square feet
586 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

587 26.a. New high schools permitted in the rural and the urban residential and
588 urban reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

589 b. Renovation, expansion, modernization, or reconstruction of a school, or the
590 addition of relocatable facilities, is permitted.

591 27. Limited to projects that do not require or result in an expansion of sewer
592 service outside the urban growth area. In addition, such use shall not be permitted in the
593 RA-20 zone.

594 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
595 21A.32 or as a joint use of an existing public school facility.

596 29. All studio use must be within an enclosed structure.

597 30. Adult use facilities shall be prohibited within six hundred sixty feet of any
598 rural area and residential zones, any other adult use facility, school, licensed daycare
599 centers, parks, community centers, public libraries or churches that conduct religious or
600 educational classes for minors.

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

603 32. Limited to repair of sports and recreation equipment:

604 a. as accessory to a recreation or multiuse park in the urban growth area; or

605 b. as accessory to a park and limited to a total floor area of seven hundred fifty
606 square feet.

607 33. ~~((Accessory to agricultural or forestry uses provided:~~

608 ~~a. the repair of tools and machinery is limited to those necessary for the
609 operation of a farm or forest.~~

610 ~~b. the lot is at least five acres.~~

611 ~~c. the size of the total repair use is limited to one percent of the lot size up to a
612 maximum of five thousand square feet unless located in a farm structure, including but
613 not limited to barns, existing as of December 31, 2003.~~

614 34.)) Subject to the following:

615 a. the lot is at least five acres;

616 b. in the A zones, area used for dog training shall be located on portions of
617 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
618 the already developed portion of such agricultural lands that are not available for direct
619 agricultural production or areas without prime agricultural soils;

620 c. structures and areas used for dog training shall maintain a minimum distance
621 of seventy-five feet from property lines; and

622 d. all training activities shall be conducted within fenced areas or in indoor
623 facilities. Fences must be sufficient to contain the dogs.

624 ~~((35.))~~ 34. Limited to animal rescue shelters and provided that:

625 a. the property shall be at least four acres;

626 b. buildings used to house rescued animals shall be no less than fifty feet from
627 property lines;

628 c. outdoor animal enclosure areas shall be located no less than thirty feet from
629 property lines and shall be fenced in a manner sufficient to contain the animals;

630 d. the facility shall be operated by a nonprofit organization registered under the
631 Internal Revenue Code as a 501(c)(3) organization; and

632 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.
633 and no later than 7 p.m.

634 ~~((36.))~~ 35. Limited to kennel-free dog boarding and daycare facilities, and:

635 a. the property shall be at least four and one-half acres;

636 b. buildings housing dogs shall be no less than seventy-five feet from property
637 lines;

638 c. outdoor exercise areas shall be located no less than thirty feet from property
639 lines and shall be fenced in a manner sufficient to contain the dogs;

640 d. the number of dogs allowed on the property at any one time shall be limited
641 to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

642 e. training and grooming are ancillary services that may be provided only to
643 dogs staying at the facility; and

644 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.
645 and no later than 7 p.m.

646 (~~37~~) 36. Not permitted in R-1 and subject to the additional requirements in
647 K.C.C. 21A.12.250.

648 (~~38~~) 37. Driver training is limited to driver training schools licensed under
649 chapter 46.82 RCW.

650 (~~39~~) 38. A school may be located outside of the urban growth area only if
651 allowed under King County Comprehensive Plan policies.

652 (~~40~~) 39. Only as a reuse of an existing public school.

653 (~~41~~) 40. A high school may be allowed as a reuse of an existing public school
654 if allowed under King County Comprehensive Plan policies.

655 (~~42~~) 41. Commercial kennels and commercial catteries in the A zone are
656 subject to the following:

657 a. Only as a home occupation, but the square footage limitations in K.C.C.
658 chapter 21A.30.085 for home occupations apply only to the office space for the
659 commercial kennel or commercial cattery; and

660 b. Subject to K.C.C. 21A.30.020, except:

661 (1) A building or structure used for housing dogs or cats and any outdoor
662 runs shall be set back one hundred and fifty feet from property lines;

663 (2) The portion of the building or structure in which the dogs or cats are kept
664 shall be soundproofed;

665 (3) Impervious surface for the kennel or cattery shall not exceed twelve
666 thousand square feet; and

667 (4) Obedience training classes are not allowed except as provided in
668 subsection (~~B.34~~) B.33. of this section.

669 ((43-)) 42. Commercial kennels and commercial catteries are subject to K.C.C.

670 21A.30.020.

671 SECTION 28. Ordinance 10870, Section 333, as amended, and K.C.C.

672 21A.08.060 are each hereby amended to read as follows:

673 A Government/business services land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use		A	F	M	R	U R	U R		N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R E		E U	O U	E U	F	N
S-Special Use		Z R	R	N	R	B S	B S		I S	M S	G S	F	D
		O I	E	E	A	A E	A I		G I	M I	I I	I	U
		N C	S	R	L	N R	N D		H N	U N	O N	C	S
		E U	T	A			V		B E	N E	N E	E	T
		L		L	A		E		O S	I S	A S		R
		T			R				R S	T S	L S		I
		U			E				I	H			A
		R			A				A	O			L
		E							L	O			
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I ((30)) 29)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	((P16) P15
*	Public agency or utility yard				((P2 7)) P26	((P27)) P26	((P2 7)) P26	((P2 7)) P26			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P

9224	Fire Facility				C6 ((and 33))	C6	C6	C6	P	P	P	P	P
*	Utility Facility	((P2 9 C28) P28 C27	((P2 9 C28) P28 C27	((P2 9 C28) P28 C27	((P2 9 C28 and 33)) P28 C27	((P29 C28) P28 C27	((P2 9 C28) P28 C27	((P2 9 C28) P28 C27	P	P	P	P	P
*	Commuter Parking Lot				C ((33 P19)) P19	C ((P19) P18	C ((P1 9)) P18	C ((19) 18	P	P	P	P	((P35) P33
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	((P1 8)) P17	((P18)) P17	((P1 8)) P17	((P1 8)) P17	((P34)) P30	((P34)) P30	((P3 4)) P30	((P34) P30	P
	BUSINESS SERVICES:												
*	Construction and Trade				((P3 4)) P32						P	P9	P
*	Individual Transportation and Taxi									((P25)) P24	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	((P37)) P34	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage	((P1 5 C36))			((P1 5 and 33 C36))	((P15 C36))							P

Ordinance

*	Log Storage	P((+ 5)) <u>25</u>	P		P26 and 33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service								P	P	P		
48	Communication Offices									P	P		P
482	Telegraph and other Communications								P	P	P		P
*	General Business Service							P	P	P	P		((P16) <u>P15</u>)
*	Professional Office							P	P	P	P		((P16) <u>P15</u>)
7312	Outdoor Advertising Service									P		((P17) <u>P16</u>)	P
735	Miscellaneous Equipment Rental								((P17) <u>P16</u>)	P		((P17) <u>P16</u>)	P
751	Automotive Rental and Leasing								P	P			P
752	Automotive Parking							((P20) <u>P19a</u>)	((P20) <u>P19b</u>)	((P2 +)) <u>P20</u>)	((P20) <u>P19a</u>)		P
*	Off-Street Required Parking Lot				((P3 2)) <u>P31</u>	((P32) <u>P31</u>)	((P3 2)) <u>P31</u>)	((P3 2)) <u>P31</u>)	((P32) <u>P31</u>)	((P32) <u>P31</u>)	((P3 2)) <u>P31</u>)	P32)) <u>P31</u>)	((P32) <u>P31</u>)
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	((P2 2))				((P22) <u>P21</u>)	((P22) <u>P21</u>)	P	P	P

					<u>P21</u>								
*	Helistop					((C23))	((C2	((C2	((C23))	((C23))	((C2	((C2	((C24
						<u>C22</u>))	<u>C22</u>	<u>C23</u>	4))))
						<u>C22</u>	<u>C22</u>			<u>C23</u>	<u>C22</u>	<u>C23</u>	
GENERAL Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 through 21A.30;													
CROSS General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40													
REFERENCES: through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.													

- 674 B. Development conditions.
- 675 1. Except self-service storage.
- 676 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 677 Educational Research, see general business service/office.
- 678 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 679 subject to K.C.C. chapter 21A.32; or
- 680 b. only when accessory to a fire facility and the office is no greater than one
- 681 thousand five hundred square feet of floor area.
- 682 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 683 21A.32.
- 684 5. New utility office locations only if there is no commercial/industrial zoning
- 685 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 686 no feasible alternative location is possible, and provided further that this condition
- 687 applies to the UR zone only if the property is located within a designated unincorporated
- 688 Rural Town.
- 689 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 690 feet from property lines adjoining rural area and residential zones;
- 691 b. Any buildings from which fire-fighting equipment emerges onto a street
- 692 shall maintain a distance of thirty-five feet from such street;

- 693 c. No outdoor storage; and
- 694 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
695 feasible alternative location is possible.
- 696 7. Limited to storefront police offices. Such offices shall not have:
- 697 a. holding cells;
- 698 b. suspect interview rooms (except in the NB zone); or
- 699 c. long-term storage of stolen properties.
- 700 8. Private stormwater management facilities serving development proposals
701 located on commercial/industrial zoned lands shall also be located on
702 commercial/industrial lands, unless participating in an approved shared facility drainage
703 plan. Such facilities serving development within an area designated urban in the King
704 County Comprehensive Plan shall only be located in the urban area.
- 705 9. No outdoor storage of materials.
- 706 10. Limited to office uses.
- 707 11. Limited to self-service household moving truck or trailer rental accessory to
708 a gasoline service station.
- 709 12. Limited to self-service household moving truck or trailer rental accessory to
710 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 711 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 712 14. Accessory to an apartment development of at least twelve units provided:
- 713 a. The gross floor area in self service storage shall not exceed the total gross
714 floor area of the apartment dwellings on the site;

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

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

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

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

722 f. No residential occupancy of the storage units;

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

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

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

728 15. ~~((a. The floor area devoted to warehousing, refrigeration or storage shall not
729 exceed two thousand square feet;~~

730 ~~b. Structures and areas used for warehousing, refrigeration and storage shall
731 maintain a minimum distance of seventy five feet from property lines adjoining rural area
732 and residential zones; and~~

733 ~~c. Warehousing, refrigeration and storage is limited to agricultural products
734 and sixty percent or more of the products must be grown or processed in the Puget Sound
735 counties. At the time of the initial application, the applicant shall submit a projection of
736 the source of products to be included in the warehousing, refrigeration or storage.~~

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

738 ~~((17.))~~ 16. No outdoor storage.

739 ~~((18.))~~ 17. Only as an accessory use to a public agency or utility yard, or to a
740 transfer station.

741 ~~((19.))~~ 18. Limited to new commuter parking lots designed for thirty or fewer
742 parking spaces or commuter parking lots located on existing parking lots for churches,
743 schools, or other permitted nonresidential uses that have excess capacity available during
744 commuting; provided that the new or existing lot is adjacent to a designated arterial that
745 has been improved to a standard acceptable to the department of transportation;

746 ~~((20.))~~ 19.a. No tow-in lots for damaged, abandoned or otherwise impounded
747 vehicles~~((7.))~~; and

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

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

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

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

753 ~~((21.))~~ 20. No dismantling or salvage of damaged, abandoned or otherwise
754 impounded vehicles.

755 ~~((22.))~~ 21. Storage limited to accessory storage of commodities sold at retail on
756 the premises or materials used in the fabrication of commodities sold on the premises.

757 ~~((23.))~~ 22. Limited to emergency medical evacuation sites in conjunction with
758 police, fire or health service facility. Helistops are prohibited from the UR zone only if
759 the property is located within a designated unincorporated Rural Town.

760 ~~((24.))~~ 23. Allowed as accessory to an allowed use.

761 ~~((25.))~~ 24. Limited to private road ambulance services with no outside storage
762 of vehicles.

763 ~~((26.))~~ 25. Limited to two acres or less.

764 ~~((27.))~~ 26.a. Utility yards only on sites with utility district offices; or

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

767 ~~((28.))~~ 27. Limited to bulk gas storage tanks that pipe to individual residences
768 but excluding liquefied natural gas storage tanks.

769 ~~((29.))~~ 28. Excluding bulk gas storage tanks.

770 ~~((30.))~~ 29. For I-zoned sites located outside the urban growth area designated by
771 the King County Comprehensive Plan, uses shall be subject to the provisions for rural
772 industrial uses in K.C.C. chapter 21A.12.

773 ~~((31.))~~ 30. Vactor waste treatment, storage and disposal shall be limited to liquid
774 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
775 in tanks (or other covered structures), as well as enclosed buildings.

776 ~~((32.))~~ 31. Subject to the following:

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

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

781 c.(1) Except as provided in subsection ~~((B.32.e.(2)))~~ B.31.c.(2) of this
782 subsection, off-street required parking must be located on a lot that would permit, either

783 outright or through a land use permit approval process, the land use the off-street parking
784 will serve.

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

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

791 ~~34.))~~ 32. Limited to landscape and horticultural services (SIC 078) that are
792 accessory to a retail nursery, garden center and farm supply store. Construction
793 equipment for the accessory use shall not be stored on the premises.

794 ~~((35.))~~ 33. Allowed as a primary or accessory use to an allowed industrial-zoned
795 land use.

796 ~~((36. Accessory to agricultural uses provided:~~

797 ~~a. In the RA zones and on lots less than thirty five acres in the A zone, the
798 floor area devoted to warehousing, refrigeration or storage shall not exceed three
799 thousand five hundred square feet unless located in a building designated as historic
800 resource under K.C.C. chapter 20.62;~~

801 ~~b. On lots at least thirty five acres in the A zones, the floor area devoted to
802 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
803 located in a building designated as historic resource under K.C.C. chapter 20.62.~~

804 ~~c. In the A zones, structures and areas used for warehousing, refrigeration and
805 storage shall be located on portions of agricultural lands that are unsuitable for other~~

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

809 d. Structures and areas used for warehousing, refrigeration or storage shall
 810 maintain a minimum distance of seventy five feet from property lines adjoining rural area
 811 and residential zones; and

812 e. Warehousing, refrigeration and storage is limited to agricultural products
 813 and sixty percent or more of the products must be grown or processed in the Puget Sound
 814 counties. At the time of the initial application, the applicant shall submit a projection of
 815 the source of products to be included in the warehousing, refrigeration or storage.

816 37)) 34. Use shall be limited to the NB zone on parcels outside of the Urban
 817 Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted
 818 to such use shall not exceed ten thousand square feet.

819 SECTION 29. Ordinance 10870, Section 334, as amended, and K.C.C.
 820 21A.08.070 are each hereby amended to read as follows:

821 A. Retail land uses.

KEY		RESOURCE			RU	RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
		A	F	M	RA	U	R	U	R	N	B	C	B	R	B	O	I
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T

		L T U R E		L	A R E A	E	N T I A L	O S T R I C H O D	I S T R I C H O D	A S S L S		R I A L	
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)) <u>P20</u>						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)) <u>C13a</u>	((P14)) <u>P13</u>	P5	P	P		
54	Food Stores						((C15a)) <u>C14a</u>	((P15)) <u>P14</u>	P	P	P	C	P6
*	Agricultural Product Sales	((P7 €7))	P4		P3 ((P7 €7))	P3	P3	((P25)) <u>P22</u>	((P25)) <u>P22</u>	((P25)) <u>P22</u>	((P25)) <u>P22</u>	((P25)) <u>P22</u>	((P25)) <u>P22</u>
*	Farmers Market	((P24)) <u>P21</u>	((P24)) <u>P21</u>		((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>	((P24)) <u>P21</u>
*	Motor Vehicle and										((P8) <u>P7</u>		P

	Boat Dealers												
553	Auto Supply Stores								((P9)) P8	((P9)) P8			P
554	Gasoline Service Stations							P	P	P			P
56	Apparel and Accessory Stores								P	P			
*	Furniture and Home Furnishings Stores								P	P			
58	Eating and Drinking Places				((P21 C19)) P18 C16		((P20 C16)) P17 C15	((P20 C16)) P17 C15	((P10) P9	P	P	P	P
*	Drug Stores						((C15)) C14	((P15) P14	P	P	P	C	
*	Recreational marijuana retailer								((P26 C27)) P23 C24	((P26 C27)) P23 C24			
592	Liquor Stores	((P13) P12			((P13) P12	((P13) P12			((P13) P12	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related			((P22) P19	((P22) P19	((P22) P19	((P22)) P19	((P22) P19	((P22) P19	P	P	((P22) P19	((P22) P19

Ordinance

	Stores												
*	Book, Stationery, Video and Art Supply Stores						((C15a) C14a	((P15) P14	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments , Tombstones , and Gravestone s										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographi c and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									((C14) C10	P		P
*	Florist Shops						((C15 a) C14a	((P15) P14	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										((P12) P11		P
*	Livestock Sales	((P17)	((P17)		((P17)	((P17)	((P17 and						P

							18))						
GENERAL	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters												
CROSS	21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review												
REFERENCES:	Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter												
	21A.06.												

822 B. Development conditions.

823 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
 824 thousand square feet, unless located in a building designated as historic resource under
 825 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
 826 thousand five hundred square feet may be allowed. Greenhouses used for the display of
 827 merchandise other than plants shall be considered part of the covered sales area.

828 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
 829 considered part of the covered sales area;

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

833 2. Only hardware stores.

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

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

836 4. No permanent structures or signs.

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

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

840 7. ~~((a. As a permitted use, the covered sales area shall not exceed two thousand~~
 841 ~~square feet, unless located in a building designated as a historic resource under K.C.C.~~

842 ~~chapter 20.62. As a conditional use, up to three thousand five hundred square feet of~~
843 ~~covered sales area may be allowed;~~

844 ~~b. The site area shall be at least four and one half acres;~~

845 ~~c. Forty percent or more of the gross sales of agricultural product sold through~~
846 ~~the store must be sold by the producers of primary agricultural products;~~

847 ~~d. Sixty percent or more of the gross sales of agricultural products sold through~~
848 ~~the store shall be derived from products grown or produced in the Puget Sound counties.~~

849 ~~At the time of the initial application, the applicant shall submit a reasonable projection of~~
850 ~~the source of product sales;~~

851 ~~e. Sales shall be limited to agricultural products and locally made arts and~~
852 ~~crafts;~~

853 ~~f. Storage areas for agricultural products may be included in a farm store~~
854 ~~structure or in any accessory building; and~~

855 ~~g. Outside lighting is permitted if no off site glare is allowed.~~

856 ~~8.) Excluding retail sale of trucks exceeding one-ton capacity.~~

857 ~~((9.)) 8. Only the sale of new or reconditioned automobile supplies is permitted.~~

858 ~~((10.)) 9. Excluding SIC Industry No. 5813-Drinking Places.~~

859 ~~((11.)) 10. No outside storage of fuel trucks and equipment.~~

860 ~~((12.)) 11. Excluding vehicle and livestock auctions.~~

861 ~~((13.)) 12. Only as accessory to a winery or SIC Industry No. 2082-Malt~~

862 ~~Beverages, and limited to sales of products produced on site and incidental items where~~
863 ~~the majority of sales are generated from products produced on site.~~

864 ~~((14.))~~ 13.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores,
865 limited to a maximum of five thousand square feet of gross floor area, and subject to
866 K.C.C. 21A.12.230; and

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

869 ~~((15.))~~ 14.a. Not permitted in R-1 and limited to a maximum of five thousand
870 square feet of gross floor area and subject to K.C.C. 21A.12.230; and

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

873 ~~((16.))~~ 15.a. Not permitted in R-1 and excluding SIC Industry No. 5813-
874 Drinking Places, and limited to a maximum of five thousand square feet of gross floor
875 area and subject to K.C.C. 21A.12.230, except as provided in subsection ~~((B.20.))~~ B.17.
876 of this section; and

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

879 ~~((17. Retail sale of livestock is permitted only as accessory to raising livestock.~~

880 ~~18. Limited to the R-1 zone.~~

881 ~~19.))~~ 16. Only as:

882 a. an accessory use to a permitted manufacturing or retail land use, limited to
883 espresso stands to include sales of beverages and incidental food items, and not to include
884 drive-through sales; or

885 b. an accessory use to a recreation or multiuse park, limited to a total floor area
886 of three thousand five hundred square feet.

887 ~~((20.))~~ 17. Only as:

888 a. an accessory use to a recreation or multiuse park; or

889 b. an accessory use to a park and limited to a total floor area of one thousand
890 five hundred square feet.

891 ~~((21.))~~ 18. Accessory to a park, limited to a total floor area of seven hundred
892 fifty square feet.

893 ~~((22.))~~ 19. Only as an accessory use to:

894 a. a large active recreation and multiuse park in the urban growth area; or

895 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
896 total floor area of seven hundred and fifty square feet.

897 ~~((23.))~~ 20. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
898 Industry No. 2431-Millwork and;

899 a. limited to lumber milled on site; and

900 b. the covered sales area is limited to two thousand square feet. The covered
901 sales area does not include covered areas used to display only milled lumber.

902 ~~((24.))~~ 21. Requires at least five farmers selling their own products at each
903 market and the annual value of sales by farmers should exceed the annual sales value of
904 nonfarmer vendors.

905 ~~((25.))~~ 22. Limited to sites located within the urban growth area and:

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

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

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

912 ((26.)) 23. Per parcel, limited to a maximum aggregated total of two thousand
 913 square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

914 ((27.)) 24. Per parcel, limited to a maximum aggregated total of five thousand
 915 square feet gross floor area devoted to, and in support of, the retail sale of marijuana.

916 SECTION 30. Ordinance 10870, Section 335, as amended, and K.C.C.
 917 21A.08.080 are each hereby amended to read as follows:

918 A. Manufacturing land uses.

KEY		RESOURCE			RURA	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L	A			E		N	O	S	I	S	A	S		R
		T			R					T	R	S	T	S	L	S		I
		U			E					I	H	Y						A
		R			A					A	O							L
		E								L	O							
										D								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I					
							-8	-48					(11)					
20	Food and Kindred Products	P4	P4		P4-C4	P4			P2	P2	P2 C		P2 C					
*2082 /2085	Winery/Brewery /Distillery	P3			P3 C12	P3			P17	P17	P		P					
		C4																
		2																

Ordinance

*	Materials Processing Facility		P1 3 C	P1 4 C1 5	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products									C			P
24	Wood Products, except furniture	P4 P1 8	P4 P1 8 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P1 9		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7C	P7 C		P
*	Recreational marijuana Processor I	P2 0			P20					P21 C22	P21 C22		
*	Recreational 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

921 b. In the A zone, only allowed on sites where the primary use is SIC industry
922 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small
923 Animals;

924 c. In the RA and UR zones, only allowed on lots of at least four and one-half
925 acres and only when accessory to an agricultural use;

926 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
927 the floor area devoted to all processing shall not exceed three thousand five hundred
928 square feet, unless located in a building designated as historic resource under K.C.C.
929 chapter 20.62;

930 (2) With a conditional use permit, up to five thousand square feet of floor
931 area may be devoted to all processing; and

932 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
933 all processing shall not exceed seven thousand square feet, unless located in a building
934 designated as historic resource under K.C.C. chapter 20.62;

935 e. Structures and areas used for processing shall maintain a minimum distance
936 of seventy-five feet from property lines adjoining rural area and residential zones, unless
937 located in a building designated as historic resource under K.C.C. chapter 20.62;

938 f. Processing is limited to agricultural products and sixty percent or more of
939 the products processed must be grown in the Puget Sound counties. At the time of initial
940 application, the applicant shall submit a projection of the source of products to be
941 produced;

942 g. In the A zone, structures used for processing shall be located on portions of
943 agricultural lands that are unsuitable for other agricultural purposes, such as areas within

944 the already developed portion of such agricultural lands that are not available for direct
945 agricultural production, or areas without prime agricultural soils; and

946 h. Tasting of products produced on site may be provided in accordance with
947 state law. The area devoted to tasting shall be included in the floor area limitation in
948 subsection B.1.d. of this section.

949 2. Except slaughterhouses.

950 3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
951 Industry No. 2085-Distilled and Blended Liquors;

952 b. ~~((In the A zone, only allowed on sites where the primary use is SIC Industry
953 Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small
954 Animals:))~~

955 e.)) In the RA and UR zones, only allowed on lots of at least four and one-half
956 acres;

957 ~~((f.))~~ c. The floor area devoted to all processing shall not exceed three
958 thousand five hundred square feet, unless located in a building designated as historic
959 resource under K.C.C. chapter 20.62;

960 ~~((e.))~~ d. Structures and areas used for processing shall maintain a minimum
961 distance of seventy-five feet from property lines adjoining rural area and residential
962 zones, unless located in a building designated as historic resource under K.C.C. chapter
963 20.62;

964 ~~((f.))~~ e. Sixty percent or more of the products processed must be grown in the
965 Puget Sound counties. At the time of the initial application, the applicant shall submit a
966 projection of the source of products to be produced; and

967 (~~(g.)~~) f. Tasting of products produced on site may be provided in accordance
968 with state law. The area devoted to tasting shall be included in the floor area limitation in
969 subsection (~~(B.3.e.)~~) B.3.b. of this section.

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

972 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
973 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
974 minimum site area is four and one-half acres.

975 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
976 No. 2431-Millwork(~~(g.)~~) (excluding planing mills).

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

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

979 9. Only within enclosed buildings.

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

981 11. For I-zoned sites located outside the urban growth area designated by the
982 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
983 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
984 rural industrial uses as set forth in K.C.C. chapter 21A.12.

985 12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
986 Industry No. 2085-Distilled and Blended Liquors;

987 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
988 of structures for wineries, breweries and distilleries and any accessory uses shall not
989 exceed a total of eight thousand square feet. The floor area may be increased by up to an

990 additional eight thousand square feet of underground storage that is constructed
991 completely below natural grade, not including required exits and access points, if the
992 underground storage is at least one foot below the surface and is not visible above
993 ground; and

994 (2) On Vashon-Maury Island, the total floor area of structures for wineries,
995 breweries and distilleries and any accessory uses may not exceed six thousand square
996 feet, including underground storage;

997 c. Wineries, breweries and distilleries shall comply with Washington state
998 Department of Ecology and King County board of health regulations for water usage and
999 wastewater disposal. Wineries, breweries and distilleries using water from exempt wells
1000 shall install a water meter;

1001 d. Off-street parking is limited to one hundred and fifty percent of the
1002 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
1003 21A.18.030;

1004 e. Structures and areas used for processing shall be set back a minimum
1005 distance of seventy-five feet from property lines adjacent to rural area and residential
1006 zones, unless the processing is located in a building designated as historic resource under
1007 K.C.C. chapter 20.62;

1008 f. The minimum site area is four and one-half acres. If the total floor area of
1009 structures for wineries, breweries and distilleries and any accessory uses exceed six
1010 thousand square feet, including underground storage:

1011 (1) the minimum site area is ten acres; and

1012 (2) a minimum of two and one-half acres of the site shall be used for the
1013 growing of agricultural products;

1014 g. The facility shall be limited to processing agricultural products and sixty
1015 percent or more of the products processed must be grown in the Puget Sound counties.
1016 At the time of the initial application, the applicant shall submit a projection of the source
1017 of products to be processed; and

1018 h. Tasting of products produced on site may be provided in accordance with
1019 state law. The area devoted to tasting shall be included in the floor area limitation in
1020 subsection B.12.b. of this section.

1021 13. Only on the same lot or same group of lots under common ownership or
1022 documented legal control, which includes, but is not limited to, fee simple ownership, a
1023 long-term lease or an easement:

1024 a. as accessory to a primary forestry use and at a scale appropriate to process
1025 the organic waste generated on the site; or

1026 b. as a continuation of a sawmill or lumber manufacturing use only for that
1027 period to complete delivery of products or projects under contract at the end of the
1028 sawmill or lumber manufacturing activity.

1029 14. Only on the same lot or same group of lots under common ownership or
1030 documented legal control, which includes, but is not limited to, fee simple ownership, a
1031 long-term lease or an easement:

1032 a. as accessory to a primary mineral use; or

1033 b. as a continuation of a mineral processing use only for that period to
1034 complete delivery of products or projects under contract at the end of mineral extraction.

1035 15. Continuation of a materials processing facility after reclamation in
1036 accordance with an approved reclamation plan.

1037 16. Only a site that is ten acres or greater and that does not use local access
1038 streets that abut lots developed for residential use.

1039 17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
1040 Industry No. 2085-Distilled and Blended Liquors;

1041 b. The floor area devoted to all processing shall not exceed three thousand five
1042 hundred square feet, unless located in a building designated as historic resource under
1043 K.C.C. chapter 20.62;

1044 c. Structures and areas used for processing shall maintain a minimum distance
1045 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1046 located in a building designated as historic resource under K.C.C. chapter 20.62; and

1047 d. Tasting of products produced on site may be provided in accordance with
1048 state law. The area devoted to tasting shall be included in the floor area limitation in
1049 subsection B.18.b. of this section.

1050 18. Limited to:

1051 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
1052 Millwork, as follows:

1053 (1) If using lumber or timber grown off-site, the minimum site area is four
1054 and one-half acres;

1055 (2) The facility shall be limited to an annual production of no more than one
1056 hundred fifty thousand board feet;

1057 (3) Structures housing equipment used in the operation shall be located at
1058 least one-hundred feet from adjacent properties with residential or rural area zoning;

1059 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1060 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1061 (6) In the RA zone, the facility's driveway shall have adequate entering sight
1062 distance required by the 2007 King County Road Design and Construction Standards. An
1063 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1064 the roadway that the driveway accesses; and

1065 (7) Outside lighting is limited to avoid off-site glare; and

1066 b. SIC Industry No. 2411-Logging.

1067 19. Limited to manufacture of custom made wood furniture or cabinets.

1068 20.a. Only allowed on lots of at least four and one-half acres;

1069 b. Only as an accessory use to a Washington state Liquor Control Board

1070 licensed marijuana production facility on the same lot; and

1071 c. Accessory marijuana processing uses allowed under this section are subject

1072 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1073 21.a. Only in the CB and RB zones located outside the urban growth area; and

1074 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in

1075 support of, processing marijuana together with any separately authorized production of

1076 marijuana shall be limited to a maximum of two thousand square feet; and

1077 c. If the two thousand square foot per parcel threshold is exceeded, each and

1078 every marijuana-related entity occupying space in addition to the two thousand square

1079 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1080 subsection B.23. of this section.

1081 22.a. Only in the CB and RB zones located outside the urban growth area; and

1082 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1083 support of, processing marijuana together with any separately authorized production of
1084 marijuana shall be limited to a maximum of thirty thousand square feet.

1085 23.a. Only in the CB and RB zones located inside the urban growth area; and

1086 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1087 support of, processing marijuana together with any separately authorized production of
1088 marijuana shall be limited to a maximum of two thousand square feet; and

1089 c. If the two thousand square foot per parcel threshold is exceeded, each and
1090 every marijuana-related entity occupying space in addition to the two thousand square
1091 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1092 subsection B.25. of this section.

1093 24.a. Only in the CB and RB zones located inside the urban growth area; and

1094 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1095 support of, processing marijuana together with any separately authorized production of
1096 marijuana shall be limited to a maximum of thirty thousand square feet.

1097 25. Per parcel, limited to a maximum aggregate total of two thousand square
1098 feet of gross floor area devoted to, and in support of, the processing of marijuana together
1099 with any separately authorized production of marijuana.

1100 26. Per parcel, limited to a maximum aggregate total of thirty thousand square
 1101 feet of gross floor area devoted to, and in support of, the processing of marijuana together
 1102 with any separately authorized production of marijuana.

1103 SECTION 31. Ordinance 10870, Section 336, as amended, and K.C.C.
 1104 21A.08.090 are each hereby amended to read as follows:

1105 A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D	
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U	
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A			V		E	B	E	N	E	N	E	E	T	
		L		L	A		E		N	O	S	I	S	A	S		R	
		T			R				T	R	S	T	S	L	S		I	
		U			E				I	H		Y					A	
		R			A				A	O							L	
		E							L	O								
										D								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I					
	AGRICULTURE:																	
01	Growing and Harvesting Crops	P	P		P	P	P						P					
02	Raising Livestock and Small Animals (6)	P	P		P	P							P					
01/02	<u>Agricultural Activities</u>	<u>P24</u>	<u>P24</u>		<u>P24</u>													
		<u>C</u>	<u>C</u>		<u>C</u>													
01/02	<u>Agricultural Support Services</u>	<u>P25</u>	<u>P25</u>		<u>P26</u>		<u>P26</u>											
		<u>C</u>	<u>C</u>		<u>C</u>		<u>C</u>											
01/02																		
01/02																		

*	Recreational marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	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:												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23 <u>P27</u>	P4	P5	P3	P3							P4
*	Temporary Farm Worker Housing	P14	P14		P14								
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

1106

B. Development conditions.

1107

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

1108

2. Only forest research conducted within an enclosed building.

- 1109 3. (~~Accessory dwelling units~~) Farm houses: in accordance with K.C.C.
1110 21A.08.030.
- 1111 4. Excluding housing for agricultural workers.
- 1112 5. Limited to either maintenance or storage facilities, or both, in conjunction
1113 with mineral extraction or processing operation.
- 1114 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 1115 7. Only in conjunction with a mineral extraction site plan approved in
1116 accordance with K.C.C. chapter 21A.22.
- 1117 8. Only on the same lot or same group of lots under common ownership or
1118 documented legal control, which includes, but is not limited to, fee simple ownership, a
1119 long-term lease or an easement:
- 1120 a. as accessory to a primary mineral extraction use;
- 1121 b. as a continuation of a mineral processing only for that period to complete
1122 delivery of products or projects under contract at the end of a mineral extraction; or
- 1123 c. for a public works project under a temporary grading permit issued in
1124 accordance with K.C.C. 16.82.152.
- 1125 9. Limited to mineral extraction and processing:
- 1126 a. on a lot or group of lots under common ownership or documented legal
1127 control, which includes but is not limited to, fee simple ownership, a long-term lease or
1128 an easement;
- 1129 b. that are located greater than one-quarter mile from an established residence;
1130 and

1131 c. that do not use local access streets that abut lots developed for residential
1132 use.

1133 10. Agriculture training facilities are allowed only as an accessory to existing
1134 agricultural uses and are subject to the following conditions:

1135 a. The impervious surface associated with the agriculture training facilities
1136 shall comprise not more than ten percent of the allowable impervious surface permitted
1137 under K.C.C. 21A.12.040;

1138 b. New or the expansion of existing structures, or other site improvements,
1139 shall not be located on class 1, 2 or 3 soils;

1140 c. The director may require reuse of surplus structures to the maximum extent
1141 practical;

1142 d. The director may require the clustering of new structures with existing
1143 structures;

1144 e. New structures or other site improvements shall be set back a minimum
1145 distance of seventy-five feet from property lines adjoining rural area and residential
1146 zones;

1147 f. Bulk and design of structures shall be compatible with the architectural style
1148 of the surrounding agricultural community;

1149 g. New sewers shall not be extended to the site;

1150 h. Traffic generated shall not impede the safe and efficient movement of
1151 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1152 i. Agriculture training facilities may be used to provide educational services to
1153 the surrounding rural/agricultural community or for community events. Property owners

1154 may be required to obtain a temporary use permit for community events in accordance
1155 with K.C.C. chapter 21A.32;

1156 j. Use of lodging and food service facilities shall be limited only to activities
1157 conducted in conjunction with training and education programs or community events
1158 held on site;

1159 k. Incidental uses, such as office and storage, shall be limited to those that
1160 directly support education and training activities or farm operations; and

1161 l. The King County agriculture commission shall be notified of and have an
1162 opportunity to comment upon all proposed agriculture training facilities during the permit
1163 process in accordance with K.C.C. chapter 21A.40.

1164 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1165 uses after reclamation in accordance with an approved reclamation plan.

1166 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1167 oriented activities. In addition, activities that place minimal stress on the site's
1168 agricultural resources or activities that are compatible with agriculture are permitted.

1169 (1) passive recreation;

1170 (2) training of individuals who will work at the camp;

1171 (3) special events for families of the campers; and

1172 (4) agriculture education for youth.

1173 b. Outside the camp center, as provided for in subsection B.12.e. of this
1174 section, camp activities shall not preclude the use of the site for agriculture and
1175 agricultural related activities, such as the processing of local food to create value-added
1176 products and the refrigeration and storage of local agricultural products. The camp shall

1177 be managed to coexist with agriculture and agricultural activities both onsite and in the
1178 surrounding area.

1179 c. A farm plan shall be required for commercial agricultural production to
1180 ensure adherence to best management practices and soil conservation.

1181 d.(1) The minimum site area shall be five hundred acres. Unless the property
1182 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1183 of this section, a minimum of five hundred acres of the site must be owned by a single
1184 individual, corporation, partnership or other legal entity and must remain under the
1185 ownership of a single individual, corporation, partnership or other legal entity for the
1186 duration of the operation of the camp.

1187 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1188 owner from selling or transferring the development rights for a portion or all of the site to
1189 the King County farmland preservation program or, if the development rights are
1190 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1191 e. The impervious surface associated with the camp shall comprise not more
1192 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1193 f. Structures for living quarters, dining facilities, medical facilities and other
1194 nonagricultural camp activities shall be located in a camp center. The camp center shall
1195 be no more than fifty acres and shall depicted on a site plan. New structures for
1196 nonagricultural camp activities shall be clustered with existing structures;

1197 g. To the extent practicable, existing structures shall be reused. The applicant
1198 shall demonstrate to the director that a new structure for nonagricultural camp activities

1199 cannot be practicably accommodated within an existing structure on the site, though
1200 cabins for campers shall be permitted only if they do not already exist on site;

1201 h. Camp facilities may be used to provide agricultural educational services to
1202 the surrounding rural and agricultural community or for community events. If required
1203 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1204 community events;

1205 i. Lodging and food service facilities shall only be used for activities related to
1206 the camp or for agricultural education programs or community events held on site;

1207 j. Incidental uses, such as office and storage, shall be limited to those that
1208 directly support camp activities, farm operations or agricultural education programs;

1209 k. New nonagricultural camp structures and site improvements shall maintain a
1210 minimum set-back of seventy-five feet from property lines adjoining rural area and
1211 residential zones;

1212 l. Except for legal nonconforming structures existing as of January 1, 2007,
1213 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1214 a scale to serve overnight camp users;

1215 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1216 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1217 and site improvements located within two hundred feet of an adjacent rural area and
1218 residential zoned property not associated with the camp;

1219 n. New sewers shall not be extended to the site;

1220 o. The total number of persons staying overnight shall not exceed three
1221 hundred;

1222 p. The length of stay for any individual overnight camper, not including camp
1223 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1224 q. Traffic generated by camp activities shall not impede the safe and efficient
1225 movement of agricultural vehicles nor shall it require capacity improvements to rural
1226 roads;

1227 r. If the site is adjacent to an arterial roadway, access to the site shall be
1228 directly onto the arterial unless the county road engineer determines that direct access is
1229 unsafe;

1230 s. If direct access to the site is via local access streets, transportation
1231 management measures shall be used to minimize adverse traffic impacts;

1232 t. Camp recreational activities shall not involve the use of motor vehicles
1233 unless the motor vehicles are part of an agricultural activity or are being used for the
1234 transportation of campers, camp personnel or the families of campers. Camp personnel
1235 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1236 motorized personal mobility devices are allowed; and

1237 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1238 light away from any adjacent property.

1239 13. Limited to digester receiving plant and animal and other organic waste from
1240 agricultural activities, and including electrical generation, as follows:

1241 a. the digester must be included as part of a Washington state Department of
1242 Agriculture approved dairy nutrient plan;

1243 b. the digester must process at least seventy percent livestock manure or other
1244 agricultural organic material from farms in the vicinity, by volume;

1245 c. imported organic waste-derived material, such as food processing waste,
1246 may be processed in the digester for the purpose of increasing methane gas production for
1247 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1248 and

1249 d. the use must be accessory to an operating dairy or livestock operation.

1250 14. Farm worker housing. Either:

1251 a. Temporary farm worker housing subject to the following conditions:

1252 ~~((a-))~~ (1) The housing must be licensed by the Washington state Department
1253 of Health under chapter 70.114A RCW and chapter 246-358 WAC;

1254 ~~((b-))~~ (2) Water supply and sewage disposal systems must be approved by the
1255 Seattle King County department of health;

1256 ~~((c-))~~ (3) To the maximum extent practical, the housing should be located on
1257 nonfarmable areas that are already disturbed and should not be located in the floodplain
1258 or in a critical area or critical area buffer; and

1259 ~~((d-))~~ (4) The property owner shall file with the department of executive
1260 services, records and licensing services division, a notice approved by the department
1261 identifying the housing as ~~((the))~~ temporary farm worker housing ~~((as accessory))~~ and
1262 that the housing shall ~~((only))~~ be occupied only by agricultural employees and their
1263 families while employed by the owner or operator or on a nearby farm. The notice shall
1264 run with the land~~((;))~~; or

1265 b. Housing for agricultural employees who are employed by the owner or
1266 operator of the farm year-round as follows:

1267 (1) Not more than:

1268 (a) one agricultural employee dwelling unit on a site under twenty acres;

1269 (b) two agricultural employee dwelling units on a site between twenty acres

1270 and fifty acres;

1271 (c) three agricultural employee dwelling units on a site greater than fifty

1272 acres and less than one-hundred acres; and

1273 (d) four agricultural employee dwelling units on sites one-hundred acres and

1274 larger and one additional agricultural employee dwelling unit for each additional one

1275 hundred acres thereafter;

1276 (2) If the primary use of the site changes to a nonagricultural use, all

1277 agricultural employee dwelling units shall be removed;

1278 (3) The applicant shall file with the department of executive services, records

1279 and licensing services division, a notice approved by the department that identifies the

1280 agricultural employee dwelling units as accessory and that the dwelling units shall only

1281 be occupied by agricultural employees who are employed by the owner or operator year-

1282 round. The notice shall run with the land. The applicant shall submit to the department

1283 proof that the notice was filed with the department of executive services, records and

1284 licensing services division, before the department approves any permit for the

1285 construction of agricultural employee dwelling units;

1286 (4) An agricultural employee dwelling unit shall not exceed a floor area of

1287 one thousand square feet and may be occupied by no more than eight unrelated

1288 agricultural employees;

1289 (5) To the maximum extent practical, the housing should be located on

1290 nonfarmable areas that are already disturbed;

1291 (6) One off-street parking space shall be provided for each agricultural
1292 employee dwelling unit; and

1293 (7) The agricultural employee dwelling units shall be constructed in
1294 compliance with K.C.C. Title 16.

1295 15. Marijuana production by marijuana producers licensed by the Washington
1296 state Liquor Control Board is subject to the following standards:

1297 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1298 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1299 subject to the size limitations in subsection B.15.b. of this section;

1300 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1301 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1302 aggregated total of two thousand square feet and shall be located within a fenced area or
1303 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1304 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1305 c. Outdoor production area fencing as required by the Washington state Liquor
1306 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1307 fifty feet and a minimum interior setback of thirty feet.

1308 16. Marijuana production by marijuana producers licensed by the Washington
1309 state Liquor Control Board is subject to the following standards:

1310 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1311 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1312 limitations in subsection B.16.b. of this section;

1313 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1314 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1315 aggregated total of two thousand square feet and shall be located within a fenced area or
1316 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1317 may occur in nondwelling unit structures that exist as of October 1, 2013;

1318 c. Only allowed on lots of at least four and one-half acres; and

1319 d. Outdoor production area fencing as required by the Washington state Liquor
1320 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1321 fifty feet and a minimum interior setback of thirty feet; and

1322 e. If the two thousand square foot per parcel threshold of plant canopy within
1323 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1324 entity occupying space in addition to the two thousand square foot threshold area on that
1325 parcel shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1326 17. Marijuana production by marijuana producers licensed by the Washington
1327 state Liquor Control Board is subject to the following standards:

1328 a. Production is limited to outdoor and indoor within marijuana greenhouses
1329 subject to the size limitations in subsection B.17.b. of this section;

1330 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1331 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1332 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1333 marijuana greenhouse that is no more than ten percent larger than that combined area;
1334 and

1335 c. Only allowed on lots of at least four and one-half acres.

1336 18.a. Production is limited to indoor only; and

1337 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1338 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1339 aggregated total of two thousand square feet and shall be located within a building or
1340 tenant space that is no more than ten percent larger than the plant canopy and separately
1341 authorized processing area; and

1342 c. If the two thousand square foot per parcel threshold is exceeded, each and
1343 every marijuana-related entity occupying space in addition to the two thousand square
1344 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1345 subsection B.19. of this section.

1346 19.a. Production is limited to indoor only; and

1347 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1348 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1349 aggregated total of thirty thousand square feet and shall be located within a building or
1350 tenant space that is no more than ten percent larger than the plant canopy and separately
1351 authorized processing area.

1352 20.a. Production is limited to indoor only;

1353 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1354 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1355 aggregated total of two thousand square feet and shall be located within a building or
1356 tenant space that is no more than ten percent larger than the plant canopy and separately
1357 authorized processing area.

1358 21.a. Production is limited to indoor only;

1359 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1360 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1361 aggregated total of thirty thousand square feet and shall be located within a building or
1362 tenant space that is no more than ten percent larger than the plant canopy and separately
1363 authorized processing area.

1364 22. Marijuana production by marijuana producers licensed by the Washington
1365 state Liquor Control Board is subject to the following standards:

1366 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1367 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1368 subject to the size limitations in subsection B.15.b. of this section;

1369 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1370 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1371 aggregated total of ten thousand square feet and shall be located within a fenced area or
1372 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1373 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1374 c. Outdoor production area fencing as required by the Washington state Liquor
1375 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1376 fifty feet and a minimum interior setback of thirty feet.

1377 23. The storage and processing of non-manufactured source separated organic
1378 waste that originates from agricultural operations and that does not originate from the
1379 site, if:

1380 a. agricultural is the primary use of the site;

1381 b. the storage and processing are in accordance with best management practices
1382 included in an approved farm plan; and

1383 c. except for areas used for manure storage, the areas used for storage and
1384 processing do not exceed three acres and ten percent of the site.

1385 24.a. For activities relating to the manufacturing or processing of crops or
1386 livestock for commercial purposes, including associated activities such as warehousing,
1387 storage, including refrigeration, and other similar activities and excluding wineries, SIC
1388 Industry No. 2085 - Distilled and Blended Liquors and SIC Industry No. 2082 - Malt
1389 Beverages:

1390 (1) in the RA and UR zones, only allowed on lots of at least four and one-half
1391 acres;

1392 (2) limited to agricultural products and sixty percent or more of the products
1393 processed must be grown in the Puget Sound counties. At the time of initial application,
1394 the applicant shall submit a projection of the source of products to be produced;

1395 (3) structures and areas used for processing, warehousing, storage, including
1396 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1397 five feet from property lines adjoining rural area and residential zones, unless located in a
1398 building designated as historic resource under K.C.C. chapter 20.62;

1399 (4) in the A zone, structures and areas used for processing, warehousing,
1400 refrigeration, storage and other similar activities shall be located on portions of
1401 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1402 the already developed portion of such agricultural lands that are not available for direct
1403 agricultural production, or areas without prime agricultural soils; and

1404 (5)(a) as a permitted use, the floor area devoted to all processing shall not
1405 exceed three thousand five hundred square feet, unless located in a building designated as
1406 an historic resource under K.C.C. chapter 20.62. The department may review and
1407 approve, in accordance with the code compliance review process in section 33 of this
1408 ordinance, an increase in the processing floor area as follows: up to five thousand square
1409 feet of floor area may be devoted to all processing in the RA zones or on lots less than
1410 thirty-five acres located in the A zones or up to seven thousand square feet on lots greater
1411 than thirty-five acres in the A zone, unless located in a building designated as historic
1412 resource under K.C.C. chapter 20.62; and

1413 (b) as a permitted use, the floor area devoted to all warehousing,
1414 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
1415 unless located in a building designated as historic resource under K.C.C. chapter 20.62.
1416 The department may review and approve, in accordance with the code compliance
1417 process in section 33 of this ordinance, up to three thousand five hundred square feet of
1418 floor area devoted to all warehousing, storage, including refrigeration, or other similar
1419 activities in the RA zones or on lots less than thirty-five acres located in the A zones or
1420 up to seven thousand square feet on lots greater than thirty-five acres in the A zone,
1421 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

1422 b. For activities relating to the retail sale of agricultural products, except
1423 livestock:

1424 (1) as a permitted use, the covered sales area shall not exceed two thousand
1425 square feet, unless located in a building designated as a historic resource under K.C.C.
1426 chapter 20.62. The department may review and approve, in accordance with the code

1427 compliance review process in section 33 of this ordinance, up to three thousand five
1428 hundred square feet of covered sales area;

1429 (2) in the RA and UR zones, only allowed on lots at least four and one-half
1430 acres;

1431 (3) forty percent or more of the gross sales of agricultural product sold
1432 through the store must be sold by the producers of primary agricultural products;

1433 (4) sixty percent or more of the gross sales of agricultural products sold
1434 through the store shall be derived from products grown or produced in the Puget Sound
1435 counties. At the time of the initial application, the applicant shall submit a reasonable
1436 projection of the source of product sales;

1437 (5) sales shall be limited to agricultural products and locally made arts and
1438 crafts;

1439 (6) tasting of products, in accordance with applicable health regulations, is
1440 allowed;

1441 (7) storage areas for agricultural products may be included in a farm store
1442 structure or in any accessory building; and

1443 (8) outside lighting is permitted if no off-site glare is allowed.

1444 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1445 d. Farm operations, including equipment repair and related facilities, except
1446 that:

1447 (1) in the RA zones, only allowed on lots of at least four and one-half acres;

1448 (2) the repair of tools and machinery is limited to those necessary for the
1449 operation of a farm or forest; and

1450 (3) the size of the total repair use is limited to one percent of the lot size up to
1451 a maximum of five thousand square feet unless located within an existing farm structure,
1452 including but not limited to barns, existing as of December 31, 2003.

1453 e. Minimum lot sizes in the rural and residential zones and minimum setbacks
1454 from rural and residential properties may be reduced in accordance with the code
1455 compliance review process in section 33 of this ordinance.

1456 25. The department may review and approve establishment of an agricultural
1457 support facility in accordance with the code compliance review process in section 34 of
1458 this ordinance only if:

1459 a. project is sited on lands that are unsuitable for direct agricultural production
1460 based on size, soil conditions or other factors and cannot be returned to productivity by
1461 drainage maintenance, and

1462 b. the proposed use is allowed under FPP conservation easement and/or zoning
1463 development standards.

1464 26. The department may review and approve establishment of agricultural
1465 support services in accordance with the code compliance review process in section 34 of
1466 this ordinance only if:

1467 a. the project site is located on properties that adjoin or are within six hundred
1468 sixty feet of the agricultural production district, has direct vehicular access to the
1469 agricultural production district and, except for farmworker housing, does not use local
1470 access streets that abut lots developed for residential use; and

1471 b. Minimum lot size is four and one-half acres.

1472 27.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
 1473 Industry No. 2085-Distilled and Blended Liquors;
 1474 b. The floor area devoted to all processing shall not exceed three thousand five
 1475 hundred square feet, unless located in a building designated as historic resource under
 1476 K.C.C. chapter 20.62;
 1477 c. Structures and areas used for processing shall maintain a minimum distance
 1478 of seventy-five feet from property lines adjoining rural area and residential zones, unless
 1479 located in a building designated as historic resource under K.C.C. chapter 20.62;
 1480 d. Sixty percent or more of the products processed must be grown in the Puget
 1481 Sound counties. At the time of the initial application, the applicant shall submit a
 1482 projection of the source of products to be produced; and
 1483 e. Tasting of products produced on site may be provided in accordance with
 1484 state law. The area devoted to tasting shall be included in the floor area limitation in
 1485 subsection B.3.c. of this section.

1486 SECTION 32. Ordinance 10870, Section 337, as amended, and K.C.C.
 1487 21A.08.100 are each hereby amended to read as follows:

1488 A. Regional land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M	R	U R	U R	N B	C B	R B	O I		
P-Permitted Use		G	O	I	U	R E	R E	E U	O U	E U	F N		
C-Conditional Use	Z	R	R	N	R	B S	B S	I S	M S	G S	F D		
S-Special Use	O	I	E	E	A	A E	A I	G I	M I	I I	I U		
	N	C	S	R	L	N R	N D	H N	U N	O N	C S		
	E	U	T	A		V	E	B E	N E	N E	E T		

		L T U R E		L		E	N	O S	I S	A S		R	
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	((P25)) C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P

*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

1489 B. Development conditions.

1490 1. Except technical institutions. See vocational schools on general services land
 1491 use table, K.C.C. 21A.08.050.

1492 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

1493 3. Except weapons armories and outdoor shooting ranges.

1494 4. Except outdoor shooting range.

1495 5. Only in conjunction with an existing or proposed school.

1496 6.a. Limited to no more than three satellite dish (~~antennae~~) antennas.

1497 b. Limited to one satellite dish antenna.

1498 c. Limited to tower consolidations.

1499 7. Limited to landing field for aircraft involved in forestry or agricultural
 1500 practices or for emergency landing sites.

- 1501 8. Except racing of motorized vehicles.
- 1502 9. Limited to wildlife exhibit.
- 1503 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 1504 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 1505 21A.32.
- 1506 12. Limited to cogeneration facilities for on-site use only.
- 1507 13. Excluding impoundment of water using a dam.
- 1508 14. Limited to facilities that comply with the following:
- 1509 a. Any new diversion structure shall not:
- 1510 (1) exceed a height of eight feet as measured from the streambed; or
- 1511 (2) impound more than three surface acres of water at the normal maximum
- 1512 surface level;
- 1513 b. There shall be no active storage;
- 1514 c. The maximum water surface area at any existing dam or diversion shall not
- 1515 be increased;
- 1516 d. An exceedance flow of no greater than fifty percent in mainstream reach
- 1517 shall be maintained;
- 1518 e. Any transmission line shall be limited to a:
- 1519 (1) right-of-way of five miles or less; and
- 1520 (2) capacity of two hundred thirty KV or less;
- 1521 f. Any new, permanent access road shall be limited to five miles or less; and
- 1522 g. The facility shall only be located above any portion of the stream used by
- 1523 anadromous fish.

1524 15. For I-zoned sites located outside the urban growth area designated by the
1525 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
1526 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
1527 prohibited. All other uses, including waste water treatment facilities, shall be subject to
1528 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1529 16. The operator of such a facility shall provide verification to the department of
1530 natural resources and parks or its successor organization that the facility meets or exceeds
1531 the standards of the Animal and Plant Health Inspection Service of the United States
1532 Department of Agriculture and the accreditation guidelines of the American Zoo and
1533 Aquarium Association.

1534 17. The following provisions of the table apply only to major communication
1535 facilities. Minor communication facilities shall be reviewed in accordance with the
1536 processes and standard outlined in K.C.C. chapter 21A.27.

1537 18. Only for facilities related to resource-based research.

1538 19. Limited to work release facilities associated with natural resource-based
1539 activities.

1540 20. Limited to projects which do not require or result in an expansion of sewer
1541 service outside the urban growth area, unless a finding is made that no cost-effective
1542 alternative technologies are feasible, in which case a tightline sewer sized only to meet
1543 the needs of the school bus base and serving only the school bus base may be used.
1544 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
1545 but shall not require or result in an expansion of sewer service outside the urban growth

1546 area, unless a finding is made that no cost-effective alternative technologies are feasible,
1547 in which case a tightline sewer sized only to meet the needs of the school bus base.

1548 21. Only in conformance with the King County Site Development Plan Report,
1549 through modifications to the plan of up to ten percent are allowed for the following:

- 1550 a. building square footage;
- 1551 b. landscaping;
- 1552 c. parking;
- 1553 d. building height; or
- 1554 e. impervious surface.

1555 22. A special use permit shall be required for any modification or expansion of
1556 the King County fairgrounds facility that is not in conformance with the King County
1557 Site Development Plan Report or that exceeds the allowed modifications to the plan
1558 identified in subsection B.21. of this section.

1559 23. The facility shall be primarily devoted to rural public infrastructure
1560 maintenance and is subject to the following conditions:

- 1561 a. The minimum site area shall be ten acres, unless:
 - 1562 (1) the facility is a reuse of a public agency yard; or
 - 1563 (2) the site is separated from a county park by a street or utility right-of-way;
- 1564 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1565 between any stockpiling or grinding operations and adjacent residential zoned property;
- 1566 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1567 between any office and parking lots and adjacent residential zoned property;

1568 d. Access to the site does not use local access streets that abut residential zoned
1569 property, unless the facility is a reuse of a public agency yard;

1570 e. Structural setbacks from property lines shall be as follows:

1571 (1) Buildings, structures and stockpiles used in the processing of materials
1572 shall be no closer than:

1573 (a) one hundred feet from any residential zoned properties, except that the
1574 setback may be reduced to fifty feet when the grade where the building or structures are
1575 proposed is fifty feet or greater below the grade of the residential zoned property;

1576 (b) fifty feet from any other zoned property, except when adjacent to a
1577 mineral extraction or materials processing site;

1578 (c) the greater of fifty feet from the edge of any public street or the setback
1579 from residential zoned property on the far side of the street; and

1580 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall
1581 not be closer than fifty feet from any property line except when adjacent to M or F zoned
1582 property or when a reuse of an existing building. Facilities necessary to control access to
1583 the site, when demonstrated to have no practical alternative, may be located closer to the
1584 property line;

1585 f. On-site clearing, grading or excavation, excluding that necessary for
1586 required access, roadway or storm drainage facility construction, shall not be permitted
1587 within fifty feet of any property line except along any portion of the perimeter adjacent to
1588 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
1589 from construction of noise attenuation features located closer than fifty feet shall be
1590 permitted; and

1591 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

1592 24. The following accessory uses to a motor race track operation are allowed if

1593 approved as part of the special use permit:

1594 a. motocross;

1595 b. autocross;

1596 c. skidpad;

1597 d. garage;

1598 e. driving school; and

1599 f. fire station.

1600 ~~((25. Only as an accessory use of an agricultural anaerobic digester.))~~

1601 SECTION 33. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020

1602 are hereby amended to read as follows:

1603 A. For the purpose of this chapter, "sending site" means the entire tax lot or lots

1604 qualified under subsection B. of this section. Sending sites may only be located within

1605 rural or resource lands or urban separator areas with R-1 zoning, as designated by the

1606 King County Comprehensive Plan, and shall meet the minimum lot area for construction

1607 requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located.

1608 Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by

1609 the Washington state Department of Natural Resources as state grant or state forest lands,

1610 land in public ownership may not be sending sites. If the sending site consists of more

1611 than one tax lot, the lots must be contiguous and the area of the combined lots must meet

1612 the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in

1613 which the sending site is located. For purposes of this section, lots divided by a street are

1614 considered contiguous if the lots would share a common lot line if the street was
1615 removed; this provision may be waived by the interagency committee if the total acreage
1616 of a rural or resource sending site application exceeds one hundred acres. A sending site
1617 shall be maintained in a condition that is consistent with the criteria in this section under
1618 which the sending was qualified.

1619 B. Qualification of a sending site shall demonstrate that the site contains a public
1620 benefit such that preservation of that benefit by transferring residential development
1621 rights to another site is in the public interest. A sending site must meet at least one of the
1622 following criteria:

1623 1. Designation in the King County Comprehensive Plan or a functional plan as
1624 an agricultural production district or zoned A;

1625 2. Designation in the King County Comprehensive Plan or a functional plan as
1626 forest production district or zoned F;

1627 3. Designation in the King County Comprehensive Plan as rural residential,
1628 zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open
1629 space, farm and agricultural land, or timber land;

1630 4. Designation in the King County Comprehensive Plan, or a functional plan as
1631 a proposed rural or resource area regional trail or rural or resource area open space site,
1632 through either:

1633 a. designation of a specific site; or

1634 b. identification of proposed rural or resource area regional trails or rural or
1635 resource area open space sites which meet adopted standards and criteria, and for rural or

1636 resource area open space sites, meet the definition of open space land, as defined in RCW
1637 84.34.020;

1638 5. Identification as habitat for federal listed endangered or threatened species in
1639 a written determination by the King County department of natural resources and parks,
1640 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
1641 Services or a federally recognized tribe that the sending site is appropriate for
1642 preservation or acquisition; or

1643 6. Designation in the King County Comprehensive Plan as urban separator and
1644 zoned R-1.

1645 C. For the purposes of the TDR program, acquisition means obtaining fee simple
1646 rights in real property, or a less than a fee simple right in a form that preserves in
1647 perpetuity the public benefit supporting the designation or qualification of the property as
1648 a sending site.

1649 D. If a sending site has any outstanding code violations, the person responsible
1650 for code compliance should resolve these violations, including any required abatement,
1651 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
1652 the interagency review committee created under K.C.C. 21A.37.070. However, the
1653 interagency may qualify and certify a TDR sending site with outstanding code violations
1654 if the person responsible for code compliance has made a good faith effort to resolve the
1655 violations and the proposal is in the public interest.

1656 E. For lots on which the entire lot or a portion of the lot has been cleared or
1657 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
1658 76.09 RCW within the six years prior to application as a TDR sending site, the applicant

1659 must provide an affidavit of compliance with the reforestation requirements of the Forest
1660 Practices Act, and any additional reforestation conditions of their forest practice permit.
1661 Lots on which the entire lot or a portion of the lot has been cleared or graded without any
1662 required forest practices or county authorization, shall be not qualified or certified as a
1663 TDR sending site for six years unless the six-year moratorium on development
1664 applications has been lifted or waived or the landowner has a reforestation plan approved
1665 by the state Department of Natural Resources and King County.

1666 SECTION 34. Ordinance 13733, Section 10, as amended, and K.C.C.

1667 21A.37.110 are hereby amended to read as follows:

1668 A. The TDR bank may purchase development rights from qualified sending sites
1669 at prices not to exceed fair market value and to sell development rights at prices not less
1670 than fair market value. The TDR bank may accept donations of development rights from
1671 qualified TDR sending sites.

1672 B. The TDR bank may purchase a conservation easement only if the property
1673 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
1674 qualification report, the conservation easement restricts development of the sending site
1675 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
1676 encumbering the sending site with the conservation easement are issued to the TDR bank
1677 at no additional cost.

1678 C. ~~((If a conservation easement is acquired through a county park, open space,
1679 trail, agricultural, forestry or other natural resource acquisition program for a property
1680 that is qualified as a TDR sending site as evidenced by a TDR qualification report, any
1681 development rights generated by encumbering the sending site with the conservation~~

1682 easement may be issued to the TDR bank so long as there is no additional cost for the
1683 ~~development rights.~~) Any development rights, generated by encumbering property with
1684 a conservation easement, may be issued to the TDR bank if:

1685 1.a. The conservation easement is acquired through a county park, open space,
1686 trail, agricultural, forestry or other natural resource acquisition program for a property
1687 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

1688 b. the property is acquired by the county with the intent of conveying the
1689 property encumbered by a reserved conservation easement. The number of development
1690 rights generated by this reserved conservation easement shall be determined by the TDR
1691 qualification report; and

1692 2. Under either subsection C.1.a. or b. of this section, there will be no additional
1693 cost to the county for acquiring the development rights.

1694 D. The TDR bank may use funds to facilitate development rights transfers.
1695 These expenditures may include, but are not limited to, establishing and maintaining
1696 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
1697 and reimbursing the costs incurred by the department of natural resources and parks,
1698 water and land resources division, or its successor, for administering the TDR bank fund
1699 and executing development rights purchases and sales.

1700 E. The TDR bank fund may be used to cover the cost of providing staff support
1701 for identifying and qualifying sending and receiving sites, and the costs of providing staff
1702 support for the TDR interagency review committee.

1703 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
1704 bank development rights shall be available for acquisition of additional development

1705 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
1706 County. Amenity funds provided to a city from the sale of TDR bank development rights
1707 to that city are limited to one-third of the proceeds from the sale.

1708 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter
1709 21A.42 a new section to read as follows:

1710 Modifications and expansions of standards for agricultural activities as provided
1711 in K.C.C. 21A.08.090 may be authorized by the agricultural technical review team
1712 established by section 34 of this ordinance, subject to the following;

1713 A. The proposed modification or expansion must be located on existing
1714 impervious surface or lands not otherwise suitable for direct agricultural production
1715 based upon soil conditions or other factors and cannot be returned to productivity by
1716 drainage maintenance;

1717 B. The proposed modification or expansion must be allowed under Farmland
1718 Preservation Program conservation easement and/or zoning development standards;

1719 C. The proposed modifications or expansion must be supported by adequate
1720 utilities, parking, internal circulation and other infrastructure;

1721 D. The proposed modification or expansion must not interfere with neighborhood
1722 circulation or interfere with existing or permitted development or use on neighboring
1723 properties;

1724 E. The proposed modification or expansion must be designed in a manner that is
1725 compatible with the character and appearance of existing, or proposed development in the
1726 vicinity of the subject property;

1727 F. The proposed modification or expansion must not be in conflict with the health
1728 and safety of the community and is such that pedestrian and vehicular traffic associated
1729 with the use must not be hazardous or conflict with existing and anticipated traffic in the
1730 neighborhood;

1731 G. The proposed modification or expansion must be supported by adequate
1732 public facilities or services and must not adversely affect public services to the
1733 surrounding area; and

1734 H. The expansion or modification must not be in conflict with the policies of the
1735 Comprehensive Plan or the basic purposes of K.C.C. Title 21A.

1736 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter
1737 21A.42 a new section to read as follows:

1738 The department shall establish an agricultural technical review committee
1739 consisting of representatives of the departments of permitting and environmental review,
1740 natural resources and parks and public health and the King Conservation District to
1741 review proposals to site agricultural support facilities allowed under K.C.C. 21A.08.090.
1742 The committee may authorize the siting of the facilities subject to the following:

1743 A. The use must be limited to processing, warehousing, storage, including
1744 refrigeration, retail sales and other similar support services of locally produced
1745 agricultural products. Sixty percent or more of the products must be grown or raised in
1746 the agricultural production district. At the time of initial application, the applicant shall
1747 submit a projection of the source of products to be produced;

1748 B. Limited to farmworker housing to support agricultural operations located in
1749 the agricultural production district;

1750 C. The use must be limited to farm operations, including equipment repair, and
1751 other similar services primarily supporting agricultural operations located in the
1752 agricultural production district. Sixty percent or more of the services business must be to
1753 support agricultural operations in the agricultural production district. At the time of
1754 initial application, the applicant shall submit a projection of the source of products to be
1755 produced;

1756 D. Structures and areas used for agricultural services, including walls, fences and
1757 screening vegetation, must meet the setback and size limitation in K.C.C.
1758 21A.08.090.B.24. and not interfere with neighborhood circulation or interfere with
1759 existing or permitted development or use on neighboring properties;

1760 E. The proposed use must be designed in a manner which is compatible with the
1761 character and appearance of existing, or proposed development in the vicinity of the
1762 subject property;

1763 F. The use must not be in conflict with the health and safety of the community
1764 and must be such that pedestrian and vehicular traffic associated with the use will not be
1765 hazardous or conflict with existing and anticipated traffic in the neighborhood;

1766 G. The use must be supported by adequate public facilities or services and will
1767 not adversely affect public services to the surrounding area; and

1768 H. The use must not be in conflict with the policies of the Comprehensive Plan or
1769 the basic purposes of K.C.C. Title 21A.

1770 SECTION 37. Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010 are
1771 each hereby repealed.

1772 **SECTION 38. Severability.** If any provision of this ordinance its application to
1773 any person or circumstance is held invalid, the remainder of the ordinance or the
1774 application of the provision other persons or circumstances is not affected.
1775

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. King County Comprehensive Plan - 2016 Update, B. Appendix - Land Use and Zoning Amendments, C. Technical Appendix A - Capital Facilities, D. Technical Appendix B - Housing, E. Technical Appendix C - Transportation, F. 2016 Transportation Needs Report, G. Technical Appendix C2 - Regional Trails Needs Report, H. Technical Appendix D - Growth Targets and the Urban Growth Area, I. Technical Appendix R - Public Outreach for the Development of the 2016 Comprehensive Plan, J. Skyway-West Hil Action Plan - January 22, 2016

S1

09/01/16

S1 – Striking Amendment

ea

Sponsor: Dembowski

Proposed No.: 2016-0155

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2016-0155, VERSION**

2 **1**

3 On page 2, beginning on line 35, strike everything through page 96, line 1774, and insert:

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

5 **SECTION 1. Findings:** For the purposes of effective land use planning and
6 regulation, the King County council makes the following legislative findings:

7 A. King County adopted the King County Comprehensive Plan 2012 to meet the
8 requirements of the Washington State Growth Management Act ("the GMA");

9 B. The 2012 King County Comprehensive Plan, adopted by King County
10 Ordinance 17485, satisfied the GMA requirement for the county to update its
11 comprehensive plan by June 30, 2015;

12 C. In 2013 and 2014, King County adopted narrow amendments to the King
13 County Comprehensive Plan 2012;

14 D. The King County Code authorizes a review of the Comprehensive Plan and
15 allows substantive amendments to the Comprehensive Plan once every four years. The
16 King County Comprehensive Plan 2016 amendments are the fifth major review of the
17 Comprehensive Plan;

18 E. The GMA requires that King County adopt development regulations to be
19 consistent with and implement the Comprehensive Plan;

20 F. The changes to zoning contained in this ordinance are needed to maintain
21 conformity with the King County Comprehensive Plan, as required by the GMA. As
22 such, they bear a substantial relationship to, and are necessary for, the public health,
23 safety and general welfare of King County and its residents; and

24 G. King County engages in a comprehensive review of its Comprehensive Plan
25 and development regulations every four years. This ordinance constitutes the conclusion
26 of the county's review process. The 2016 King County Comprehensive Plan and King
27 County's development are intended to satisfy the requirements of the GMA.

28 SECTION 2. A. King County completed its fifth comprehensive four-cycle
29 review of the Comprehensive Plan in 2016. As a result of the review, King County
30 amended the King Comprehensive Plan 2012 through passage of the King County
31 Comprehensive Plan 2016.

32 B. The amendments to the King County Comprehensive Plan 2012 contained in
33 Attachments A, B, C, D, E, F, G, H, I, J and K to this ordinance are hereby adopted as
34 amendments to the King County Comprehensive Plan 2012.

35 C. Attachments A and B to this ordinance amend policies, text and maps of the
36 Comprehensive Plan and amend the Comprehensive Plan Land Use Zoning. The land
37 use and zoning amendments contained in Attachments A and B to this ordinance are
38 hereby adopted as the official land use and zoning controls for those portions of
39 unincorporated King County defined in Attachments A and B to this ordinance.

40 D. Attachment C to this ordinance contains Technical Appendix A (Capital
41 Facilities).

42 E. Attachment D to this ordinance contains Technical Appendix B (Housing).

43 F. Attachment E to this ordinance contains Technical Appendix C
44 (Transportation).

45 G. Attachment F to this ordinance contains Technical Appendix C.1
46 (Transportation Needs Report).

47 H. Attachment G to this ordinance contains Technical Appendix C.2 (Regional
48 Trails Needs Report).

49 I. Attachment H to this ordinance contains Technical Appendix D (Growth
50 Targets and Urban Growth Area).

51 J. Attachment I to this ordinance contains Technical Appendix R (Summary of
52 Public Outreach for Development of the 2016 KCCP Update).

53 K. Attachment J to this ordinance contains the Skyway-West Hill Action Plan.

54 L. Attachment K to this ordinance amends the Vashon Town Plan and the King
55 County zoning map for those portions of unincorporated King County defined in
56 Attachment K to this ordinance.

57 SECTION 3. Ordinance 8421, Section 2, and K.C.C. 14.56.010 are each hereby
58 repealed.

59 SECTION 4. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are
60 each hereby amended to read as follows:

61 There is established a (~~non-motorized vehicle~~) nonmotorized transportation
62 program (~~to meet the following goals and objectives:~~

- 63 A. ~~To identify and document the needs of non-motorized transportation in King~~
64 ~~County, including bicyclists, equestrians, pedestrians, and special populations;~~
- 65 B. ~~To determine ways that the existing county transportation network, including~~
66 ~~transit, can be made more responsive to the needs of non-motorized users)). The program~~
67 shall consist of the nonmotorized policies in the King County Comprehensive Plan and
68 the respective functional plans of the responsible county agencies, nonmotorized project
69 needs contained in agency capital improvement programs and operational activities that:
- 70 A. Identify and document the nonmotorized transportation needs in the county
71 for bicyclists, pedestrians, equestrians and special populations such as school children or
72 people with limited mobility and wheelchair users;
- 73 B. Determine ways that nonmotorized transportation can be integrated into the
74 current and future county transportation network and services, including transit;
- 75 C. ~~((To i))~~Inform and educate the public on issues relating to ((non-motorized))
76 nonmotorized transportation, including compliance with traffic laws; and
- 77 D. ~~((To institute the consideration of non-motorized transportation in all related~~
78 ~~county-funded))~~ Consider nonmotorized transportation safety and other needs in all
79 related county programs, and ((to)) encourage the same consideration on an interlocal and
80 regional basis((;
- 81 E. ~~To improve non-motorized transport users and motorists compliance with~~
82 ~~traffic laws; and~~
- 83 F. ~~To guide development of a county functional plan for non-motorized~~
84 ~~transportation, to implement the adopted policies established in the county~~

85 ~~comprehensive plan, the county transportation plan, and current programs within county~~
 86 ~~government)).~~

87 SECTION 5. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are
 88 each hereby amended to read as follows:

89 The department of transportation shall ~~((carry out the following duties and~~
 90 ~~responsibilities))):~~

91 A. Implement the ~~((non-motorized vehicle))~~ nonmotorized transportation
 92 program in coordination with other county departments;

93 B. Provide support to any ad hoc ~~((non-motorized))~~ nonmotorized transportation
 94 advisory committee; and

95 C. Work with ~~((governmental agencies))~~ other jurisdictions and nongovernmental
 96 organizations to identify, develop and promote programs that encourage the use of ~~((non-~~
 97 ~~motorized))~~ nonmotorized modes of transportation.

98 SECTION 6. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are
 99 each hereby amended to read as follows:

100 The following provisions complete the zoning conversion from K.C.C. Title 21 to
 101 Title 21A pursuant to K.C.C. 21A.01.070:

102 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
 103 Comprehensive Plan pursuant to the Washington State Growth Management Act RCW
 104 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County
 105 to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant
 106 to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted
 107 as attachments to Ordinance 11653:

108 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19,
109 1994.

110 Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

111 Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

112 Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

113 Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

114 Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

115 Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

116 Appendix H: Amendments to East Sammamish Community Plan P-Suffix

117 Conditions.

118 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix

119 Conditions.

120 Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

121 Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix

122 Conditions.

123 Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

124 Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

125 Appendix N: Amendments to Resource Lands Community Plan P-Suffix

126 Conditions.

127 Appendix O: 1994 Parcel List, as amended December 19, 1994.

128 Appendix P: Amendments considered by the council January 9, 1995.

129 B. Area zoning adopted by Ordinance 11653, including potential zoning, is

130 contained in Appendices A and O. Amendments to area-wide P-suffix conditions adopted

131 as part of community plan area zoning are contained in Appendices B through N. Existing
132 P-suffix conditions whether adopted through reclassifications or community plan area
133 zoning are retained by Ordinance 11653 except as amended in Appendices B through N.

134 C. The department is hereby directed to correct the official zoning map in
135 accordance with Appendices A through P of Ordinance 11653.

136 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A
137 are adopted as the official zoning control for those portions of unincorporated King County
138 defined therein.

139 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
140 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
141 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
142 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
143 County, Case No. 95-3-0008.

144 F. The Vashon Town Plan Area Zoning, (~~attached to Ordinance 17842 as~~)
145 Attachment ~~((D))~~ K to this ordinance, is adopted as the official zoning control for that
146 portion of unincorporated King County defined therein.

147 G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A
148 are adopted as the official zoning control for those portions of unincorporated King County
149 defined therein. Existing p-suffix conditions whether adopted through reclassifications or
150 area zoning are retained by Ordinance 12531.

151 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
152 12533 as Appendix B is adopted as the official zoning control for those portions of

153 unincorporated King County defined therein. Existing p-suffix conditions whether adopted
154 through reclassifications or area zoning are retained by Ordinance 12533.

155 I. The King County Zoning Atlas is amended to include the area shown in
156 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
157 whether adopted through reclassifications or area zoning are retained by Ordinance 12535.
158 The language from Ordinance 12535, Section 1.D., shall be placed on the King County
159 Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

160 J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-
161 DPA, Demonstration Project Area", to the properties identified on Map A attached to
162 Ordinance 12627.

163 K. The special district overlays, as designated on the map attached to Ordinance
164 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

165 L. the White Center Community Plan Area Zoning, as revised in the Attachments
166 to Ordinance 11568, is the official zoning for those portions of White Center in
167 unincorporated King county defined herein.

168 M. Ordinance 12824 completes the zoning conversion process begun in Ordinance
169 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending
170 previously adopted p-suffix conditions or property-specific development standards
171 pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

172 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156
173 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are
174 replaced by the property specific development standards as set forth in Appendix A to
175 Ordinance 12824.

176 2. All ordinances adopting individual zone reclassifications effective prior to
 177 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,
 178 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,
 179 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,
 180 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
 181 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
 182 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
 183 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
 184 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
 185 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
 186 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
 187 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,
 188 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
 189 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby
 190 repealed and p-suffix conditions are replaced by the property specific development
 191 standards as set forth in Appendix A to Ordinance 12824.

192 3. All ordinances establishing individual reclassifications effective after February
 193 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain,
 194 repeal or amend the property specific development standards (p-suffix conditions)
 195 contained therein.

196 4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted
 197 by Ordinance 11653 are repealed as set forth in subsection((s)) M.4.a. through n. of this
 198 section. All p-suffix conditions contained therein are repealed or replaced by adopting the

199 property specific development standards as set forth in Appendix A to Ordinance 12824,
200 the special district overlays as designated in Appendix B to Ordinance 12824 or the special
201 requirements as designated in Appendix A to Ordinance 12822.

202 a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby
203 repealed.

204 b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as
205 Appendix B, as amended, is hereby repealed.

206 c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as
207 Appendix B, as amended is hereby repealed.

208 d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to
209 Ordinance 6986 as Appendix B, as amended, is hereby repealed.

210 e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as
211 amended, is hereby repealed.

212 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
213 7837 as Appendix B, as amended, is hereby repealed.

214 g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as
215 Appendix B, as amended, is hereby repealed.

216 h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended,
217 is hereby repealed.

218 i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by
219 Ordinance 9118, is hereby repealed.

220 j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as
221 amended, is hereby repealed.

222 k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance
223 10197, Appendix B, as amended, is hereby repealed.

224 l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B
225 and E, as amended, is hereby repealed.

226 m. The East Sammamish Community Plan Update Area Zoning, as revised in
227 Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

228 n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as
229 amended, is hereby repealed.

230 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
231 by Ordinance 11653, including community or comprehensive plan area zoning and all
232 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.
233 All property specific development standards (p-suffix conditions) are retained, repealed,
234 amended or replaced by the property specific development standards as set forth in
235 Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B
236 to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance
237 12822.

238 a. The White Center Community Plan Area Zoning, contained in the
239 Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as
240 set forth in Appendix D to Ordinance 12824.

241 b. All property specific development standards established in Ordinance 11653,
242 as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

243 c. All property specific development standards established in Attachment A to
 244 Ordinance 11747, as amended, are hereby amended as set forth in Appendix F to
 245 Ordinance 12824.

246 d. All property specific development standards established in Ordinance 12061,
 247 as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

248 e. All property specific development standards established in Ordinance 12065,
 249 as amended, are hereby amended as set forth in K.C.C. 20.12.170.

250 f. All property specific development standards established in Attachment A to
 251 Ordinance 12170, as amended, are hereby amended as set forth in Appendix H to
 252 Ordinance 12824.

253 SECTION 7. Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030 are
 254 hereby amended to read as follows:

255 A. The King County Comprehensive Plan shall be amended in accordance with
 256 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
 257 participation program whereby amendments are considered by the council no more
 258 frequently than once a year as part of the amendment cycle established in this chapter,
 259 except that the council may consider amendments more frequently to address:

- 260 1. Emergencies;
- 261 2. An appeal of the plan filed with the Central Puget Sound Growth
 262 Management Hearings Board or with the court;
- 263 3. The initial adoption of a subarea plan, which may amend the urban growth
 264 area boundary only to redesignate land within a joint planning area;

265 4. An amendment of the capital facilities element of the Comprehensive Plan
 266 that occurs in conjunction with the adoption of the county budget under K.C.C.
 267 4A.100.010; or

268 5. The adoption or amendment of a shoreline master program under chapter
 269 90.58 RCW.

270 B. Every year the Comprehensive Plan may be amended to address technical
 271 updates and corrections, and to consider amendments that do not require substantive
 272 changes to policy language, changes to the priority areas map, or changes to the urban
 273 growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section.
 274 This review may be referred to as the annual cycle. The Comprehensive Plan, including
 275 subarea plans, may be amended in the annual cycle only to consider the following:

- 276 1. Technical amendments to policy, text, maps or shoreline designations;
- 277 2. The annual capital improvement plan;
- 278 3. The transportation needs report;
- 279 4. School capital facility plans;
- 280 5. A mining site conversion demonstration project. The authority for
 281 consideration of such a demonstration project shall expire with adoption of the 2019
 282 annual comprehensive plan update or December 31, 2019, whichever is later. To be
 283 considered during an annual update cycle, no later than December 31 of the year
 284 proceeding the update, the project proponent shall submit to the county council its
 285 proposal for alternative development standards and processes to be tested an evaluated
 286 through the demonstration project. The demonstration project shall evaluate and
 287 address:

- 288 a. potential options for the use of a reclaimed mine site, including the
289 feasibility of residential use and/or long-term forestry on the demonstration project site;
- 290 b. the impacts to carbon sequestration as a result of reforestation, and for
291 residential use, the impacts to carbon sequestration when implementing modified
292 standards for lot clustering or transfer of development rights;
- 293 c. the need for a site design that compatibly integrates any proposed residential
294 development on the demonstration project site with uses occurring on the adjacent rural
295 or forest production district lands, especially if the proposed residential development
296 utilizes modified standards for lot clustering and/or transfer of development rights;
- 297 d. the levels and standards for reclamation of mining sites that are appropriate
298 to their use either for long-term forestry and/or for residential development; and
- 299 e. the need to ensure that the demonstration project provides an overall public
300 benefit by providing permanent protection, as designated park or open space, of lands in
301 the vicinity of the demonstration project site that form the headwaters of critical, high-
302 valued habitat areas; or that remove the development potential from nonconforming legal
303 parcels in the forest production district; or that provide linkages with other forest
304 production district lands;
- 305 6. Changes required by existing Comprehensive Plan policies;
- 306 7. Changes to the technical appendices and any amendments required thereby;
- 307 8. Comprehensive updates of subarea plans initiated by motion;
- 308 9. Changes required by amendments to the countywide planning policies or
309 state law;

310 10. Redesignation proposals under the four-to-one program as provided for in
311 this chapter;

312 11. Amendments necessary for the conservation of threatened and endangered
313 species; ~~((and))~~

314 12. Site-specific ~~((comprehensive))~~ land use map amendments that do not
315 require substantive change to comprehensive plan policy language and that do not alter
316 the urban growth area boundary, except to correct mapping errors;

317 13. Amendments resulting from subarea studies required by comprehensive plan
318 policy that do not require substantive change to comprehensive plan policy language and
319 that do not alter the urban growth area boundary, except to correct mapping errors; and

320 14. Changes required to implement a study regarding the provision of
321 wastewater services to a Rural Town. The amendments shall be limited to policy
322 amendments and adjustment to the boundaries of the Rural Town as needed to implement
323 the preferred option identified in the study.

324 C. Every fourth year beginning in 2000, the county shall complete a
325 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
326 to ensure continued compliance with the GMA. This review may provide for a
327 cumulative analysis of the twenty-year plan based upon official population growth
328 forecasts, benchmarks and other relevant data in order to consider substantive changes to
329 policy language and changes to the urban growth area ~~((UGA))~~. This comprehensive
330 review shall begin one year in advance of the transmittal and may be referred to as the
331 four-year cycle. The urban growth area boundaries shall be reviewed in the context of
332 the four-year cycle and in accordance with countywide planning policy ~~((FW))~~G-1 and

333 RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan
334 are not being achieved as evidenced by official population growth forecasts, benchmarks,
335 trends and other relevant data, substantive changes to the Comprehensive Plan may also
336 be considered on even calendar years. This determination shall be authorized by motion.
337 The motion shall specify the scope of the even-year amendment, and identify that the
338 resources necessary to accomplish the work are available. An analysis of the motion's
339 fiscal impact shall be provided to the council before to adoption. The executive shall
340 determine if additional funds are necessary to complete the even-year amendment, and
341 may transmit an ordinance requesting the appropriation of supplemental funds.

342 D. The executive shall seek public comment on the comprehensive plan and any
343 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.
344 20.18.160 before making a recommendation, in addition to conducting the public review
345 and comment procedures required by SEPA. The public shall be afforded at least one
346 official opportunity to record public comment before to the transmittal of a
347 recommendation by the executive to the council. County-sponsored councils and
348 commissions may submit written position statements that shall be considered by the
349 executive before transmittal and by the council before adoption, if they are received in a
350 timely manner. The executive's recommendations for changes to policies, text and maps
351 shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of
352 their financial costs and public benefits, any of which may be included in environmental
353 review documents. Proposed amendments to the Comprehensive Plan shall be
354 accompanied by any development regulations or amendments to development
355 regulations, including area zoning, necessary to implement the proposed amendments.

356 SECTION 8. K.C.C. 20.54.010 is each hereby decodified.

357 SECTION 9. Ordinance 3064, Section 2, and K.C.C. 20.54.020 are each hereby
358 repealed.

359 SECTION 10. Ordinance 3064, Section 3, as amended, and K.C.C. 20.54.030 are
360 each hereby repealed.

361 SECTION 11. Ordinance 3064, Section 4, as amended, and K.C.C. 20.54.040 are
362 each hereby repealed.

363 SECTION 12. Ordinance 3064, Section 5, and K.C.C. 20.54.050 are each hereby
364 repealed.

365 SECTION 13. Ordinance 3064, Section 6, as amended, and K.C.C. 20.54.060 are
366 each hereby repealed.

367 SECTION 14. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.070 are
368 each hereby repealed.

369 SECTION 15. Ordinance 3064, Section 8, as amended, and K.C.C. 20.54.080 are
370 each hereby repealed.

371 SECTION 16. Ordinance 3064, Section 9, as amended, and K.C.C. 20.54.090 are
372 each hereby repealed.

373 SECTION 17. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100
374 are each hereby repealed.

375 SECTION 18. Ordinance 3064, Section 11, as amended, and K.C.C. 20.54.110
376 are each hereby repealed.

377 SECTION 19. Ordinance 3064, Section 12, and K.C.C. 20.54.120 are each
378 hereby repealed.

379 SECTION 20. Ordinance 3064, Section 13, and K.C.C. 20.54.130 are each
380 hereby repealed.

381 SECTION 21. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020
382 are hereby amended to read as follows:

383 A. For the purpose of this chapter, "sending site" means the entire tax lot or lots
384 qualified under subsection B. of this section. Sending sites may only be located within
385 rural or resource lands or urban separator areas with R-1 zoning, as designated by the
386 King County Comprehensive Plan, and shall meet the minimum lot area for construction
387 requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located.
388 Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by
389 the Washington state Department of Natural Resources as state grant or state forest lands,
390 land in public ownership may not be sending sites. If the sending site consists of more
391 than one tax lot, the lots must be contiguous and the area of the combined lots must meet
392 the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in
393 which the sending site is located. For purposes of this section, lots divided by a street are
394 considered contiguous if the lots would share a common lot line if the street was
395 removed; this provision may be waived by the interagency committee if the total acreage
396 of a rural or resource sending site application exceeds one hundred acres. A sending site
397 shall be maintained in a condition that is consistent with the criteria in this section under
398 which the sending was qualified.

399 B. Qualification of a sending site shall demonstrate that the site contains a public
400 benefit such that preservation of that benefit by transferring residential development

401 rights to another site is in the public interest. A sending site must meet at least one of the
402 following criteria:

403 1. Designation in the King County Comprehensive Plan or a functional plan as
404 an agricultural production district or zoned A;

405 2. Designation in the King County Comprehensive Plan or a functional plan as
406 forest production district or zoned F;

407 3. Designation in the King County Comprehensive Plan as rural residential,
408 zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open
409 space, farm and agricultural land, or timber land;

410 4. Designation in the King County Comprehensive Plan, or a functional plan as
411 a proposed rural or resource area regional trail or rural or resource area open space site,
412 through either:

413 a. designation of a specific site; or

414 b. identification of proposed rural or resource area regional trails or rural or
415 resource area open space sites which meet adopted standards and criteria, and for rural or
416 resource area open space sites, meet the definition of open space land, as defined in RCW
417 84.34.020;

418 5. Identification as habitat for federal listed endangered or threatened species in
419 a written determination by the King County department of natural resources and parks,
420 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
421 Services or a federally recognized tribe that the sending site is appropriate for
422 preservation or acquisition; or

423 6. Designation in the King County Comprehensive Plan as urban separator and
424 zoned R-1.

425 C. For the purposes of the TDR program, acquisition means obtaining fee simple
426 rights in real property, or a less than a fee simple right in a form that preserves in
427 perpetuity the public benefit supporting the designation or qualification of the property as
428 a sending site.

429 D. If a sending site has any outstanding code violations, the person responsible
430 for code compliance should resolve these violations, including any required abatement,
431 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
432 the interagency review committee created under K.C.C. 21A.37.070. However, the
433 interagency may qualify and certify a TDR sending site with outstanding code violations
434 if the person responsible for code compliance has made a good faith effort to resolve the
435 violations and the proposal is in the public interest.

436 E. For lots on which the entire lot or a portion of the lot has been cleared or
437 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
438 76.09 RCW within the six years prior to application as a TDR sending site, the applicant
439 must provide an affidavit of compliance with the reforestation requirements of the Forest
440 Practices Act, and any additional reforestation conditions of their forest practice permit.
441 Lots on which the entire lot or a portion of the lot has been cleared or graded without any
442 required forest practices or county authorization, shall be not qualified or certified as a
443 TDR sending site for six years unless the six-year moratorium on development
444 applications has been lifted or waived or the landowner has a reforestation plan approved
445 by the state Department of Natural Resources and King County.

446 SECTION 22. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030,
447 are each hereby amended to read as follows:

448 A. Receiving sites shall be:

449 1. King County unincorporated urban sites, except as limited in subsections C
450 and D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination
451 thereof. The sites may also be within potential annexation areas established under the
452 countywide planning policies; or

453 2. Cities where new growth is or will be encouraged under the Growth
454 Management Act and the countywide planning policies and where facilities and services
455 exist or where public investments in facilities and services will be made, or

456 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that
457 meet the criteria listed in this subsection A.3. may receive development rights transferred
458 from rural forest focus areas, and accordingly may be subdivided and developed at a
459 maximum density of one dwelling per two and one-half acres. Increased density allowed
460 through the designation of rural receiving areas:

461 a. must be eligible to be served by domestic Group A public water service;

462 b. must be located within one-quarter mile of an existing predominant pattern
463 of rural lots smaller than five acres in size;

464 c. must not adversely impact regionally or locally significant resource areas or
465 critical areas;

466 d. must not require public services and facilities to be extended to create or
467 encourage a new pattern of smaller lots;

468 e. must not be located within rural forest focus areas; and

469 f. must not be located on Vashon Island or Maury Island.

470 B. Except as provided in this chapter, development of an unincorporated King
 471 County receiving site shall remain subject to all zoning code provisions for the base zone,
 472 except TDR receiving site developments shall comply with dimensional standards of the
 473 zone with a base density most closely comparable to the total approved density of the
 474 TDR receiving site development.

475 C. An unincorporated King County receiving site may accept development rights
 476 from one or more sending sites, as follows:

477 1. For short subdivisions, up to the maximum density permitted under K.C.C.
 478 21A.12.030 and 21A.12.040; and

479 2. For formal subdivisions, only as authorized in a subarea study that includes a
 480 comprehensive analysis of the impacts of receiving development rights.

481 D. Property located within the outer boundaries of the Noise Remedy Areas as
 482 identified by the Seattle-Tacoma International Airport may not accept development
 483 rights.

484 E. Property located within the shoreline jurisdiction or located on Vashon Island
 485 or Maury Island may not accept development rights.

486 SECTION 23. Ordinance 13733, Section 10, as amended, and K.C.C.
 487 21A.37.110 are hereby amended to read as follows:

488 A. The TDR bank may purchase development rights from qualified sending sites
 489 at prices not to exceed fair market value and to sell development rights at prices not less
 490 than fair market value. The TDR bank may accept donations of development rights from
 491 qualified TDR sending sites.

492 B. The TDR bank may purchase a conservation easement only if the property
 493 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
 494 qualification report, the conservation easement restricts development of the sending site
 495 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
 496 encumbering the sending site with the conservation easement are issued to the TDR bank
 497 at no additional cost.

498 C. ~~((If a conservation easement is acquired through a county park, open space,
 499 trail, agricultural, forestry or other natural resource acquisition program for a property
 500 that is qualified as a TDR sending site as evidenced by a TDR qualification report, any
 501 development rights generated by encumbering the sending site with the conservation
 502 easement may be issued to the TDR bank so long as there is no additional cost for the
 503 development rights.))~~ Any development rights, generated by encumbering property with
 504 a conservation easement, may be issued to the TDR bank if:

505 1.a. The conservation easement is acquired through a county park, open space,
 506 trail, agricultural, forestry or other natural resource acquisition program for a property
 507 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

508 b. the property is acquired by the county with the intent of conveying the
 509 property encumbered by a reserved conservation easement. The number of development
 510 rights generated by this reserved conservation easement shall be determined by the TDR
 511 qualification report; and

512 2. Under either subsection C.1.a. or b. of this section, there will be no additional
 513 cost to the county for acquiring the development rights.

514 D. The TDR bank may use funds to facilitate development rights transfers.
 515 These expenditures may include, but are not limited to, establishing and maintaining
 516 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
 517 and reimbursing the costs incurred by the department of natural resources and parks,
 518 water and land resources division, or its successor, for administering the TDR bank fund
 519 and executing development rights purchases and sales.

520 E. The TDR bank fund may be used to cover the cost of providing staff support
 521 for identifying and qualifying sending and receiving sites, and the costs of providing staff
 522 support for the TDR interagency review committee.

523 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
 524 bank development rights shall be available for acquisition of additional development
 525 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
 526 County and for projects in receiving areas located in urban unincorporated King County.
 527 Amenity funds provided to a city from the sale of TDR bank development rights to that
 528 city are limited to one-third of the proceeds from the sale.

529 SECTION 24. Ordinance 13733, Section 14, as amended, and K.C.C.
 530 21A.37.150 are each hereby amended to read as follows:

531 A. Expenditures by the county for amenities to facilitate development rights sales
 532 in cities shall be authorized by the TDR executive board during review of proposed
 533 interlocal agreements, and should be roughly proportionate to the value and number of
 534 development rights anticipated to be accepted in an incorporated receiving site pursuant
 535 to the controlling interlocal agreement, (~~or in the unincorporated urban area,~~) in
 536 accordance with K.C.C. 21A.37.040. Expenditures by the county to fund projects in

537 receiving areas located in urban unincorporated King County shall be authorized by the
538 TDR executive board and should be roughly proportionate to the value and number of
539 development rights accepted in the unincorporated urban area.

540 B. The county shall not expend funds on TDR amenities in a city before
541 execution of an interlocal agreement, except that:

542 1. The executive board may authorize up to twelve thousand dollars be spent by
543 the county on TDR amenities before a development rights transfer for use at a receiving
544 site or for the execution of an interlocal agreement if the TDR executive board
545 recommends that the funds be spent based on a finding that the expenditure will expedite
546 a proposed transfer of development rights or facilitate acceptance of a proposed transfer
547 of development rights by the community around a proposed or established receiving site
548 area;

549 2. King County may distribute the funds directly to a city if a scope of work,
550 schedule and budget governing the use of the funds is mutually agreed to in writing by
551 King County and the affected city. Such an agreement need not be in the form of an
552 interlocal agreement; and

553 3. The funds may be used for project design renderings, engineering or other
554 professional services performed by persons or entities selected from the King County
555 approved architecture and engineering roster maintained by the department of finance or
556 an affected city's approved architecture and engineering roster, or selected by an affected
557 city through its procurements processes consistent with state law and city ordinances.

558 C. TDR amenities may include the acquisition, design or construction of public
559 art, cultural and community facilities, parks, open space, trails, roads, parking,

560 landscaping, sidewalks, other streetscape improvements, transit-related improvements or
561 other improvements or programs that facilitate increased densities on or near receiving
562 sites.

563 D. When King County funds amenities in whole or in part, the funding shall not
564 commit the county to funding any additional amenities or improvements to existing or
565 uncompleted amenities.

566 E. King County funding of amenities shall not exceed appropriations adopted by
567 the council or funding authorized in interlocal agreements, whichever is less.

568 F. Public transportation amenities shall enhance the transportation system. These
569 amenities may include capital improvements such as passenger and layover facilities, if
570 the improvements are within a designated receiving area or within one thousand five
571 hundred feet of a receiving site. These amenities may also include programs such as the
572 provision of security at passenger and layover facilities and programs that reduce the use
573 of single occupant vehicles, including car sharing and bus pass programs.

574 G. Road fund amenities shall enhance the transportation system. These amenities
575 may include capital improvements, such as streets, traffic signals, sidewalks, street
576 landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a
577 designated receiving site area or within one thousand five hundred feet of a receiving site.
578 These amenities may also include programs that enhance the transportation system.

579 H. All amenity funding provided by King County to cities or to urban
580 unincorporated receiving areas to facilitate the transfer of development rights shall be
581 consistent with federal, state and local laws.

582 I. The timing and amounts of funds for amenities paid by King County to each
583 participating city shall be determined in an adopted interlocal agreement. The interlocal
584 agreement shall set forth the amount of funding to be provided by the county, an
585 anticipated scope of work, work schedule and budget governing the use of the amenity
586 funds. Except for the amount of funding to be provided by the county, these terms may
587 be modified by written agreement between King County and the city. Such an agreement
588 need not be in the form of an interlocal agreement. Such an agreement must be
589 authorized by the TDR executive board. If amenity funds are paid to a city to operate a
590 program, the interlocal agreement shall set the period during which the program is to be
591 funded by King County.

592 J. A city that receives amenity funds from the county is responsible for using the
593 funds for the purposes and according to the terms of the governing interlocal agreement.

594 K. To facilitate timely implementation of capital improvements or programs at
595 the lowest possible cost, King County may make amenity payments as authorized in an
596 interlocal agreement to a city before completion of the required improvements or
597 implementation programs, as applicable. If all or part of the required improvements or
598 implementation programs in an interlocal agreement to be paid for from King County
599 funds are not completed by a city within five years from the date of the transfer of
600 amenity funds, then, unless the funds have been used for substitute amenities by
601 agreement of the city and King County, those funds, plus interest, shall be returned to
602 King County and deposited into the originating amenity fund for reallocation to other
603 TDR projects.

604 L. King County is not responsible for maintenance, operating and replacement
605 costs associated with amenity capital improvements inside cities, unless expressly agreed
606 to in an interlocal agreement.

607 SECTION 25. Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010 are
608 each hereby repealed.

609 SECTION 26. Severability. If any provision of this ordinance its application to
610 any person or circumstance is held invalid, the remainder of the ordinance or the
611 application of the provision other persons or circumstances is not affected."

612

613 Delete Attachment A, King County Comprehensive Plan - 2016 Update, and insert
614 Attachment A, King County Comprehensive Plan - 2016 Update, dated September 1,
615 2016, engross the changes in the striking amendment and from any adopted amendments
616 to the striking amendment, and delete the line numbers.

617

618 Delete Attachment B, Appendix - Land Use and Zoning Amendments, and insert
619 Attachment B, Appendix - Land Use and Zoning Amendments, dated September 1, 2016,
620 and engross the changes in the striking amendment and from any adopted amendments to
621 the striking amendment.

622

623 Delete Attachment C, Technical Appendix A – Capital Facilities, and insert Attachment
624 C, Technical Appendix A – Capital Facilities, dated September 1, 2016, engross the
625 changes in the striking amendment and from any adopted amendments to the striking
626 amendment, and delete the line numbers.

627

628 Delete Attachment D, Technical Appendix B - Housing, and insert Attachment D,
629 Technical Appendix B - Housing, dated September 1, 2016, engross the changes in the
630 striking amendment and from any adopted amendments to the striking amendment, and
631 delete the line numbers.

632

633 Delete Attachment E, Technical Appendix C - Transportation, and insert Attachment E,
634 Technical Appendix C - Transportation, dated September 1, 2016, engross the changes in
635 the striking amendment and from any adopted amendments to the striking amendment,
636 and delete the line numbers.

637

638 Delete Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, and
639 insert Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, dated
640 September 1, 2016, engross the changes in the striking amendment and from any adopted
641 amendments to the striking amendment, and delete the line numbers.

642

643 Delete Attachment G, Technical Appendix C2 – Regional Trail Needs Report, and insert
644 Attachment G, Technical Appendix C2 – Regional Trail Needs Report, dated September
645 1, 2016, engross the changes in the striking amendment and from any adopted
646 amendments to the striking amendment, and delete the line numbers.

647

648 Delete Attachment H, Technical Appendix D – Growth Targets and the Urban Growth
649 Area, and insert Attachment H, Technical Appendix D – Growth Targets and the Urban

650 Growth Area, dated September 1, 2016, engross the changes in the striking amendment
651 and from any adopted amendments to the striking amendment, and delete the line
652 numbers.

653

654 Delete Attachment I, Technical Appendix R – Public Outreach for the Development of
655 the 2016 Comprehensive Plan, and insert Technical Appendix R – Public Outreach for
656 the Development of the 2016 Comprehensive Plan, dated September 1, 2016, engross the
657 changes in the striking amendment and from any adopted amendments to the striking
658 amendment, and delete the line numbers.

659

660 Insert Attachment K, Addendum to Vashon Town Plan.

661

662 **EFFECT: This striking amendment:**

- 663 • **Amends the Vashon Town Plan to make a zoning change on one parcel,**
- 664 • **Restores allowance of a mining site conversion demonstration project,**
- 665 • **Removes proposed changes related to agricultural uses,**
- 666 • **Adds code provisions related to transfer of development rights, and**
- 667 • **Replaces attachments with updated versions.**

668 **See track changes version of S1, as well as amendment summary matrices, for more**
669 **detail.**

T1

09/01/16

T1 – Title Amendment

cmj

Sponsor: Dembowski

Proposed No.: 2016-0155

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2016-0155, VERSION 1**

2 On page 1, beginning on line 1, delete everything through page 2, line 34, and insert:

3 "AN ORDINANCE relating to comprehensive planning
4 and permitting; amending Ordinance 8421, Section 3, as
5 amended, and K.C.C. 14.56.020, Ordinance 8421, Section
6 4, as amended, and K.C.C. 14.56.030, Ordinance 11653,
7 Section 6, as amended, and K.C.C. 20.12.017, Ordinance
8 13147, Section 19, amended, and K.C.C. 20.18.030,
9 Ordinance 13274, Section 4, as amended, and K.C.C.
10 21A.37.020, Ordinance 13274, Section 5, as amended, and
11 K.C.C. 21A.37.030, Ordinance 13733, Section 10, as
12 amended, and K.C.C. 21A.37.110 and Ordinance 13733,
13 Section 4, as amended, and K.C.C. 21A.37.150,
14 decodifying K.C.C. 20.54.010 and repealing Ordinance
15 8421, Section 2, and K.C.C. 14.56.010, Ordinance 3064,
16 Section 2, and K.C.C. 20.54.020, Ordinance 3064, Section
17 3, as amended, and K.C.C. 20.54.030, Ordinance 3064,
18 Section 4, as amended, and K.C.C. 20.54.040, Ordinance

19 3064, Section 5, and K.C.C. 20.54.050, Ordinance 3064,
20 Section 6, as amended, and K.C.C. 20.54.060, Ordinance
21 3064, Section 7, as amended, and K.C.C. 20.54.070,
22 Ordinance 3064, Section 8, as amended, and K.C.C.
23 20.54.080, Ordinance 3064, Section 9, as amended, and
24 K.C.C. 20.54.090, Ordinance 3064, Section 10, as
25 amended, and K.C.C. 20.54.100, Ordinance 3064, Section
26 11, as amended, and K.C.C. 20.54.110, Ordinance 3064,
27 Section 12, and K.C.C. 20.54.120, Ordinance 3064, Section
28 13, and K.C.C. 20.54.130 and Ordinance 7889, Section 4,
29 as amended, and K.C.C. 26.08.010."

30 **EFFECT: Corrects title to reflect changes in striking amendment S1.**

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Findings	Section 1	No changes	Section 1	n/a
Adoption of the 2016 King County Comprehensive Plan	Section 2	Adds Attachment K, amending the Vashon Town Plan, and makes other technical corrections	Section 2	A land use map amendment will modify the P-suffix conditions applied to one parcel in the Vashon Town Plan. Modification of this P-suffix condition in the map amendment also requires amending the Town Plan.
Repeal K.C.C. 14.56.010, the findings and purpose section related to the County's nonmotorized transportation program	Section 3	No changes	Section 3	n/a
Modify K.C.C. 14.56.020 to update how the County will complete nonmotorized transportation planning and the relationship of that planning to the Comprehensive Plan	Section 4	No changes	Section 4	n/a
Modify K.C.C. 14.56.030 to clarify the role of the County's department of transportation in nonmotorized transportation planning	Section 5	No changes	Section 5	n/a
N/A, not part of Executive's transmittal	Section 6	Modify K.C.C. 20.12.014 to add amendment to the Vashon Town Plan	Section 6	A land use map amendment will modify the P-suffix conditions applied to one parcel in the Vashon Town Plan. Modification of this P-suffix condition in the map amendment also requires amending the Town Plan.

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Modify K.C.C. 20.18.030 to update the types of amendments that are allowed during an annual amendment, to remove the allowance for a mining site conversion demonstration project; to add an allowance for annual amendments resulting from subarea studies that do not require substantive changes to the policy language; and to allow an annual amendment related to wastewater services for a Rural Town	Section 6	Adds back ability to consider a mining site conversion demonstration project as part of the annual KCCP cycle, and add a 2019 deadline. Technical corrections.	Section 7	Continues the annual allowance for consideration of such a demonstration project given ongoing work that is occurring with a potential demonstration project proposal.
Decodify K.C.C. 20.54.010, findings and purpose section related to the agricultural lands policy	Section 7	No changes	Section 8	n/a
Repeal K.C.C. 20.54.020. Chapter 20.54 is related to the County's agricultural lands policy, first adopted in 1977. Since 1977, the provisions of this chapter have been adopted into other development regulations in the code (Zoning, Subdivision, etc.). This chapter is no longer needed and is proposed to be repealed.	Section 8	No changes	Section 9	n/a
Repeal K.C.C. 20.54.030	Section 9	No changes	Section 10	n/a
Repeal K.C.C. 20.54.040	Section 10	No changes	Section 11	n/a
Repeal K.C.C. 20.54.050	Section 11	No changes	Section 12	n/a
Repeal K.C.C. 20.54.060	Section 12	No changes	Section 13	n/a
Repeal K.C.C. 20.54.070	Section 13	No changes	Section 14	n/a
Repeal K.C.C. 20.54.080	Section 14	No changes	Section 15	n/a
Repeal K.C.C. 20.54.090	Section 15	No changes	Section 16	n/a
Repeal K.C.C. 20.54.100	Section 16	No changes	Section 17	n/a
Repeal K.C.C. 20.54.110	Section 17	No changes	Section 18	n/a
Repeal K.C.C. 20.54.120	Section 18	No changes	Section 19	n/a

September 1, 2016

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Repeal K.C.C. 20.54.130	Section 19	No changes	Section 20	n/a
Add a definition in the zoning code for "Agriculture"	Section 20	The changes related to agricultural uses in the Zoning Code have been removed from the Proposed Ordinance in the striking amendment.	n/a	The Council has not had the chance to fully deliberate on the proposed changes to agricultural-related uses. A Workplan item in Chapter 12 of the Comprehensive Plan was added to further review the proposed changes and the associated policy issues/decisions identified by Council.
Add a definition in the zoning code for "Agricultural Activities"	Section 21	" "	n/a	" "
Add a definition in the zoning code for "Agricultural Products"	Section 22	" "	n/a	" "
Add a definition in the zoning code for "Agricultural Support Services"	Section 23	" "	n/a	" "
Add a definition in the zoning code for "Farm"	Section 24	" "	n/a	" "
Add a definition in the zoning code for "Farm Residence"	Section 25	" "	n/a	" "
Modify K.C.C. 21A.080.030 to update the Residential land uses permitted use table, to move "farm worker housing" from this table (to the Resource land uses table later in the Proposed Ordinance)	Section 26	" "	n/a	" "
Modify K.C.C. 21A.080.050 to update the General Services land uses permitted use table, to move "miscellaneous repair" from this table (to the Resource land uses table later in the Proposed Ordinance)	Section 27	" "	n/a	" "

September 1, 2016

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Modify K.C.C. 21A.08.060 to update the Government/Business Services land uses permitted use table, to move "farm product warehousing, refrigeration and storage" from this table (to the Resource land uses table later in the Proposed Ordinance)	Section 28	" "	n/a	" "
Modify K.C.C. 21A.08.070 to update the Retail land uses permitted use table, to move "agricultural product sales" and "livestock sales" from this table (to the Resource land uses table later in the Proposed Ordinance)	Section 29	" "	n/a	" "
Modify K.C.C. 21A.08.080 to update the Manufacturing land uses permitted use table to move "food and kindred products", and "winery/brewery/distillery" from this table (to the Resource land uses table later in the Proposed Ordinance)	Section 30	" "	n/a	" "
Modify K.C.C. 21A.08.090 to update the Resource land uses permitted use table to add new uses ("agricultural activities" and "agricultural support services") as permitted uses with development conditions, and to modify the permissions for "farm worker housing"	Section 31	" "	n/a	" "
Modify K.C.C. 21A.08.100 to update the Regional land uses to modify the permissions for "non-hydroelectric generation facility" related to anaerobic digesters, to move this to the Resource land uses table earlier in the Proposed Ordinance.	Section 32	" "	n/a	" "

September 1, 2016

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Modify K.C.C. 21A.37.020, related to the transfer of development rights (TDR) program, to clarify when a publicly owned property may be a sending site.	Section 33	No changes	Section 21	n/a
N/A, not part of Executive's transmittal	n/a	This section was added at the request of the Executive, as it was inadvertently omitted from the transmitted Proposed Ordinance. The proposed changes would modify K.C.C. 21A.37.030, to limit when a formal subdivision can be a TDR receiving site, to match policy changes in the Comprehensive Plan. The TrEE Chair's striking amendment makes technical corrections to the language proposed by the Executive.	Section 22	This change was requested by the Executive, and would be consistent with proposed policy language in the TrEE Chair's striking amendment to the Comprehensive Plan.
Modify K.C.C. 21A.37.110 to clarify when clarify when a publicly owned property may be a sending site.	Section 34	Language was added at the request of the Executive that was inadvertently omitted from the transmitted Proposed Ordinance. The proposed language added to Subsection F would allow TDR amenity funding to be used in receiving areas in unincorporated King County.	Section 23	This change was requested by the Executive, and would be consistent with proposed policy language in the TrEE Chair's striking amendment to the Comprehensive Plan.
N/A, not part of Executive's transmittal	n/a	This section was added at the request of the Executive, as it was inadvertently omitted from the transmitted Proposed Ordinance. The proposed changes would modify K.C.C. 21A.37.150, to allow TDR amenity funding to be used in receiving areas in unincorporated King County.	Section 24	This change was requested by the Executive, and would be consistent with proposed policy language in the TrEE Chair's striking amendment to the Comprehensive Plan.

September 1, 2016

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Add a new section to K.C.C. chapter 21A.42, to add a new administrative review process to allow modifications and expansions of "agricultural activities".	Section 35	The changes related to agricultural uses in the Zoning Code have been removed from the Proposed Ordinance in the striking amendment.	n/a	The Council has not had the chance to fully deliberate on the proposed changes to agricultural-related uses. A Workplan item in Chapter 12 of the Comprehensive Plan was added to further review the proposed changes and the associated policy issues/decisions identified by Council.
Add a new section to K.C.C. chapter 21A.42, to add a new administrative review process for siting of "agricultural support services"	Section 36	" "	n/a	" "
Repeal K.C.C. 26.08.010, a requirement to review agricultural land acquisition and land use policies, required by August 15, 1987.	Section 37	No changes	Section 25	n/a
Severability	Section 38	No changes	Section 26	n/a
ATTACHMENTS:				
2016 KCCP	Attachment A	Substantive and technical changes	Attachment A	See separate summary matrix
Land Use and Zoning Amendments	Attachment B	Substantive and technical changes	Attachment B	See separate summary matrix
Technical Appendix A – Capital Facilities	Attachment C	Accepts Executive's transmitted changes.	Attachment C	Accepts Executive's transmitted changes in a "clean" version. Review for technical corrections will occur prior to final adoption at the full Council.
Technical Appendix B – Housing	Attachment D	" "	Attachment D	" "
Technical Appendix C – Transportation	Attachment E	" "	Attachment E	" "
Technical Appendix C1 – 2016 Transportation Needs Report	Attachment F	" "	Attachment F	" "
Technical Appendix C2 – Regional Trail Needs Report	Attachment G	" "	Attachment G	" "

September 1, 2016

Comparison of Executive's Transmitted Proposed Ordinance 2016-0155 with Striking Amendment S1

Executive Transmittal Proposed Code Change	Location in Transmittal	Striking Amendment S1 Proposed Code Change	Location in Striking Amendment	Rationale
Technical Appendix D – Growth Targets and the Urban Growth Area	Attachment H	“ “	Attachment H	“ “
Technical Appendix R – Public Outreach	Attachment I	Adds “Phase 3” of outreach process and makes technical corrections.	Attachment I	Updated to reflect Council's public participation process and to make technical corrections.
Skyway-West Hill Action Plan	Attachment J	No changes	Attachment J	n/a
n/a	n/a	Adds Attachment K, amending the Vashon Town Plan.	Attachment K	A land use map amendment will modify the P-suffix conditions applied to one parcel in the Vashon Town Plan. Modification of this P-suffix condition in the map amendment also requires amending the Town Plan.

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REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

S1

09/01/16
S1 – Striking Amendment

ea Sponsor: Dembowski
Proposed No.: 2016-0155

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2016-0155, VERSION

2 1

3 On page 2, beginning on line 35, strike everything through page 96, line 1774, and insert:

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

5 **SECTION 1. Findings:** For the purposes of effective land use planning and
6 regulation, the King County council makes the following legislative findings:

7 A. King County adopted the King County Comprehensive Plan 2012 to meet the
8 requirements of the Washington State Growth Management Act ("the GMA");

9 B. The 2012 King County Comprehensive Plan, adopted by King County
10 Ordinance 17485, satisfied the GMA requirement for the county to update its
11 comprehensive plan by June 30, 2015;

12 C. In 2013 and 2014, King County adopted narrow amendments to the King
13 County Comprehensive Plan 2012;

14 D. The King County Code authorizes a review of the Comprehensive Plan and
15 allows substantive amendments to the Comprehensive Plan once every four years. The
16 King County Comprehensive Plan 2016 amendments are the fifth major review of the
17 Comprehensive Plan;

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

18 E. The GMA requires that King County adopt development regulations to be
19 consistent with and implement the Comprehensive Plan;

20 F. The changes to zoning contained in this ordinance are needed to maintain
21 conformity with the King County Comprehensive Plan, as required by the GMA. As
22 such, they bear a substantial relationship to, and are necessary for, the public health,
23 safety and general welfare of King County and its residents; and

24 G. King County engages in a comprehensive review of its Comprehensive Plan
25 and development regulations every four years. This ordinance constitutes the conclusion
26 of the county's review process. The 2016 King County Comprehensive Plan and King
27 County's development are intended to satisfy the requirements of the GMA.

28 SECTION 2. A. King County completed its fifth comprehensive four-cycle
29 review of the Comprehensive Plan in 2016. As a result of the review, King County
30 amended the King Comprehensive Plan 2012 through passage of the King County
31 Comprehensive Plan 2016.

32 B. The amendments to the King County Comprehensive Plan 2012 contained in
33 Attachments A, B, C, D, E, F, G, H, ~~I~~ and J and K to this ordinance are hereby adopted
34 as amendments to the King County Comprehensive Plan 2012.

35 C. Attachments A and B to this ordinance amend policies, text and maps of the
36 Comprehensive Plan and amend the Comprehensive Plan Land Use Zoning. The land
37 use and zoning amendments contained in Attachments A and B to this ordinance are
38 hereby adopted as the official land use and zoning controls for those portions of
39 unincorporated King County defined in Attachments A and B to this ordinance.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

40 D. Attachment C to this ordinance contains Technical Appendix A (Capital
41 Facilities).

42 E. Attachment D to this ordinance contains Technical Appendix B (Housing).

43 F. Attachment E to this ordinance contains Technical Appendix C
44 (Transportation).

45 G. Attachment F to this ordinance contains Technical Appendix C.1
46 (Transportation Needs Report).

47 H. Attachment G to this ordinance contains Technical Appendix C.2 (Regional
48 Trails Needs Report).

49 I. Attachment H- to this ordinance contains Technical Appendix D (Growth
50 Targets and Urban Growth Area).

51 J. Attachment I to this ~~report ordinance~~ contains Technical Appendix R
52 (Summary of Public Outreach for Development of the 2016 KCCP Update-).

53 K. Attachment J to this ordinance contains the Skyway-West Hill Action Plan.

54 ~~L. Attachment K to this ordinance amends the Vashon Town Plan and the King~~
55 ~~County zoning map for those portions of unincorporated King County defined in~~
56 ~~Attachment K to this ordinance.~~

57 SECTION 3. Ordinance 8421, Section 2, and K.C.C. 14.56.010 are each hereby
58 repealed.

59 SECTION 4. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are
60 each hereby amended to read as follows:

61 There is established a ~~((non-motorized vehicle))~~ nonmotorized transportation

62 program ~~((to meet the following goals and objectives:~~

Commented [CJ1]: This is a new addition to the striker, which amends the Vashon Town Plan to make the p-suffix change to the Vashon #1 parcel for affordable housing development consistent with a related 2016 map amendment.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

63 ~~A. To identify and document the needs of non-motorized transportation in King~~
 64 ~~County, including bicyclists, equestrians, pedestrians, and special populations;~~

65 ~~B. To determine ways that the existing county transportation network, including~~
 66 ~~transit, can be made more responsive to the needs of non-motorized users)). The program~~
 67 ~~shall consist of the nonmotorized policies in the King County Comprehensive Plan and~~
 68 ~~the respective functional plans of the responsible county agencies, nonmotorized project~~
 69 ~~needs contained in agency capital improvement programs and operational activities that:~~

70 ~~A. Identify and document the nonmotorized transportation needs in the county~~
 71 ~~for bicyclists, pedestrians, equestrians and special populations such as school children or~~
 72 ~~people with limited mobility and wheelchair users;~~

73 ~~B. Determine ways that nonmotorized transportation can be integrated into the~~
 74 ~~current and future county transportation network and services, including transit;~~

75 ~~C. ((To-i))Inform and educate the public on issues relating to ((non-motorized))~~
 76 ~~nonmotorized transportation, including compliance with traffic laws; and~~

77 ~~D. ((To institute the consideration of non-motorized transportation in all related~~
 78 ~~county funded)) Consider nonmotorized transportation safety and other needs in all~~
 79 ~~related county programs, and ((to)) encourage the same consideration on an interlocal and~~
 80 ~~regional basis((;~~

81 ~~E. To improve non-motorized transport users and motorists compliance with~~
 82 ~~traffic laws; and~~

83 ~~F. To guide development of a county functional plan for non-motorized~~
 84 ~~transportation, to implement the adopted policies established in the county~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

85 ~~comprehensive plan, the county transportation plan, and current programs within county~~
 86 ~~government)).~~

87 SECTION 5. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are
 88 each hereby amended to read as follows:

89 The department of transportation shall ~~((carry out the following duties and~~
 90 ~~responsibilities)):~~

91 A. Implement the ~~((non-motorized vehicle))~~ nonmotorized transportation
 92 program in coordination with other county departments;

93 B. Provide support to any ad hoc ~~((non-motorized))~~ nonmotorized transportation
 94 advisory committee; and

95 C. Work with ~~((governmental agencies))~~ other jurisdictions and nongovernmental
 96 organizations to identify, develop and promote programs that encourage the use of ~~((non-~~
 97 ~~motorized))~~ nonmotorized modes of transportation.

98 SECTION 6. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are
 99 each hereby amended to read as follows:

100 The following provisions complete the zoning conversion from K.C.C. Title 21 to
 101 Title 21A pursuant to K.C.C. 21A.01.070:

102 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
 103 Comprehensive Plan pursuant to the Washington State Growth Management Act RCW
 104 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County
 105 to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant
 106 to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted
 107 as attachments to Ordinance 11653:

Commented [CJ2]: This is a new addition to the striker, which amends the Vashon Town Plan to make the p-suffix change to the Vashon #1 parcel for affordable housing development consistent with a related 2016 map amendment.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

108 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19,
 109 1994.

110 Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

111 Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

112 Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

113 Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

114 Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

115 Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

116 Appendix H: Amendments to East Sammamish Community Plan P-Suffix
 117 Conditions.

118 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix
 119 Conditions.

120 Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

121 Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix
 122 Conditions.

123 Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

124 Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

125 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
 126 Conditions.

127 Appendix O: 1994 Parcel List, as amended December 19, 1994.

128 Appendix P: Amendments considered by the council January 9, 1995.

129 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
 130 contained in Appendices A and O. Amendments to area-wide P-suffix conditions adopted

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

131 as part of community plan area zoning are contained in Appendices B through N. Existing
132 P-suffix conditions whether adopted through reclassifications or community plan area
133 zoning are retained by Ordinance 11653 except as amended in Appendices B through N.

134 C. The department is hereby directed to correct the official zoning map in
135 accordance with Appendices A through P of Ordinance 11653.

136 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A
137 are adopted as the official zoning control for those portions of unincorporated King County
138 defined therein.

139 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
140 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
141 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
142 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
143 County, Case No. 95-3-0008.

144 F. The Vashon Town Plan Area Zoning, ~~((attached to Ordinance 17842 as))~~
145 Attachment ~~((D))~~ K to this ordinance, is adopted as the official zoning control for that
146 portion of unincorporated King County defined therein.

147 G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A
148 are adopted as the official zoning control for those portions of unincorporated King County
149 defined therein. Existing p-suffix conditions whether adopted through reclassifications or
150 area zoning are retained by Ordinance 12531.

151 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
152 12533 as Appendix B is adopted as the official zoning control for those portions of

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

153 unincorporated King County defined therein. Existing p-suffix conditions whether adopted
 154 through reclassifications or area zoning are retained by Ordinance 12533.

155 I. The King County Zoning Atlas is amended to include the area shown in
 156 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
 157 whether adopted through reclassifications or area zoning are retained by Ordinance 12535.
 158 The language from Ordinance 12535, Section 1.D., shall be placed on the King County
 159 Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

160 J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-
 161 DPA, Demonstration Project Area", to the properties identified on Map A attached to
 162 Ordinance 12627.

163 K. The special district overlays, as designated on the map attached to Ordinance
 164 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

165 L. the White Center Community Plan Area Zoning, as revised in the Attachments
 166 to Ordinance 11568, is the official zoning for those portions of White Center in
 167 unincorporated King county defined herein.

168 M. Ordinance 12824 completes the zoning conversion process begun in Ordinance
 169 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending
 170 previously adopted p-suffix conditions or property-specific development standards
 171 pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

172 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156
 173 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are
 174 replaced by the property specific development standards as set forth in Appendix A to
 175 Ordinance 12824.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

176 2. All ordinances adopting individual zone reclassifications effective prior to
 177 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,
 178 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,
 179 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,
 180 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
 181 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
 182 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
 183 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
 184 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
 185 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
 186 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
 187 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,
 188 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
 189 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby
 190 repealed and p-suffix conditions are replaced by the property specific development
 191 standards as set forth in Appendix A to Ordinance 12824.

192 3. All ordinances establishing individual reclassifications effective after February
 193 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain,
 194 repeal or amend the property specific development standards (p-suffix conditions)
 195 contained therein.

196 4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted
 197 by Ordinance 11653 are repealed as set forth in subsection((s)) M.4.a. through n. of this
 198 section. All p-suffix conditions contained therein are repealed or replaced by adopting the

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

199 property specific development standards as set forth in Appendix A to Ordinance 12824,
200 the special district overlays as designated in Appendix B to Ordinance 12824 or the special
201 requirements as designated in Appendix A to Ordinance 12822.

202 a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby
203 repealed.

204 b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as
205 Appendix B, as amended, is hereby repealed.

206 c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as
207 Appendix B, as amended is hereby repealed.

208 d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to
209 Ordinance 6986 as Appendix B, as amended, is hereby repealed.

210 e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as
211 amended, is hereby repealed.

212 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
213 7837 as Appendix B, as amended, is hereby repealed.

214 g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as
215 Appendix B, as amended, is hereby repealed.

216 h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended,
217 is hereby repealed.

218 i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by
219 Ordinance 9118, is hereby repealed.

220 j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as
221 amended, is hereby repealed.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

222 k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance
223 10197, Appendix B, as amended, is hereby repealed.

224 l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B
225 and E, as amended, is hereby repealed.

226 m. The East Sammamish Community Plan Update Area Zoning, as revised in
227 Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

228 n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as
229 amended, is hereby repealed.

230 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
231 by Ordinance 11653, including community or comprehensive plan area zoning and all
232 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.
233 All property specific development standards (p-suffix conditions) are retained, repealed,
234 amended or replaced by the property specific development standards as set forth in
235 Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B
236 to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance
237 12822.

238 a. The White Center Community Plan Area Zoning, contained in the
239 Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as
240 set forth in Appendix D to Ordinance 12824.

241 b. All property specific development standards established in Ordinance 11653,
242 as amended, are hereby amended as set forth in Appendix E.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

243 c. All property specific development standards established in Attachment A to
 244 Ordinance 11747, as amended, are hereby amended as set forth in Appendix F to
 245 Ordinance 12824.

246 d. All property specific development standards established in Ordinance 12061,
 247 as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

248 e. All property specific development standards established in Ordinance 12065,
 249 as amended, are hereby amended as set forth in K.C.C. 20.12.170.

250 f. All property specific development standards established in Attachment A to
 251 Ordinance 12170, as amended, are hereby amended as set forth in Appendix H to
 252 Ordinance 12824.

253 SECTION 67. Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030 are
 254 hereby amended to read as follows:

255 A. The King County Comprehensive Plan shall be amended in accordance with
 256 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
 257 participation program whereby amendments are considered by the council no more
 258 frequently than once a year as part of the amendment cycle established in this chapter,
 259 except that the council may consider amendments more frequently to address:

- 260 1. Emergencies;
- 261 2. An appeal of the plan filed with the Central Puget Sound Growth
 262 Management Hearings Board or with the court;
- 263 3. The initial adoption of a subarea plan, which may amend the urban growth
 264 area boundary only to redesignate land within a joint planning area;

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

265 4. An amendment of the capital facilities element of the Comprehensive Plan
 266 that occurs in conjunction with the adoption of the county budget under K.C.C.

267 4A.100.010; or

268 5. The adoption or amendment of a shoreline master program under chapter
 269 90.58 RCW.

270 B. Every year the Comprehensive Plan may be amended to address technical
 271 updates and corrections, and to consider amendments that do not require substantive
 272 changes to policy language, changes to the priority areas map, or changes to the urban
 273 growth area boundary, except as permitted in subsection B.5, 10, and 12. of this section.
 274 This review may be referred to as the annual cycle. The Comprehensive Plan, including
 275 subarea plans, may be amended in the annual cycle only to consider the following:

- 276 1. Technical amendments to policy, text, maps or shoreline designations;
- 277 2. The annual capital improvement plan;
- 278 3. The transportation needs report;
- 279 4. School capital facility plans;

280 5. ~~A mining site conversion demonstration project. The authority for~~
 281 ~~consideration of such a demonstration project shall expire with adoption of the 2019~~
 282 ~~annual comprehensive plan update or December 31, 2019, whichever is later. To be~~
 283 ~~considered during an annual update cycle, no later than December 31 of the year~~
 284 ~~preceding the update, the project proponent shall submit to the county council its~~
 285 ~~proposal for alternative development standards and processes to be tested and evaluated~~
 286 ~~through the demonstration project. The demonstration project shall evaluate and~~
 287 address:

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REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

288 a. potential options for the use of a reclaimed mine site, including the
289 feasibility of residential use and/or long-term forestry on the demonstration project site;

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290 b. the impacts to carbon sequestration as a result of reforestation, and for
291 residential use, the impacts to carbon sequestration when implementing modified
292 standards for lot clustering or transfer of development rights;

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293 c. the need for a site design that compatibly integrates any proposed residential
294 development on the demonstration project site with uses occurring on the adjacent rural
295 or forest production district lands, especially if the proposed residential development
296 utilizes modified standards for lot clustering and/or transfer of development rights;

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297 d. the levels and standards for reclamation of mining sites that are appropriate
298 to their use either for long-term forestry and/or for residential development; and

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299 e. the need to ensure that the demonstration project provides an overall public
300 benefit by providing permanent protection, as designated park or open space, of lands in
301 the vicinity of the demonstration project site that form the headwaters of critical, high-
302 valued habitat areas; or that remove the development potential from nonconforming legal
303 parcels in the forest production district; or that provide linkages with other forest
304 production district lands;

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305 ~~6.7~~ Changes required by existing Comprehensive Plan policies;

Commented [CJ3]: The Executive proposed to delete the allowance for consideration of a mining site conversion demonstration project as part of the annual KCCP cycle. The striking amendment adds this annual allowance back in and adds a 2019 deadline.

306 ~~(7.7)~~ ~~6.7~~. Changes to the technical appendices and any amendments required
307 thereby;

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308 ~~(8.8)~~ ~~7.8~~. Comprehensive updates of subarea plans initiated by motion;

309 ~~(9.9)~~ ~~8.9~~. Changes required by amendments to the countywide planning policies

310 or state law;

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

311 ~~((10.))~~ 9.10. Redesignation proposals under the four-to-one program as provided
 312 for in this chapter;

313 ~~((11.))~~ 10.11. Amendments necessary for the conservation of threatened and
 314 endangered species; ~~((and))~~

315 ~~((12.))~~ 11.12 Site-specific ~~((comprehensive))~~ land use map amendments that do
 316 not require substantive change to comprehensive plan policy language and that do not
 317 alter the urban growth area boundary, except to correct mapping errors;

318 12.13. Amendments resulting from subarea studies required by comprehensive
 319 plan policy that do not require substantive change to comprehensive plan policy language
 320 and that do not alter the urban growth area boundary, except to correct mapping errors;
 321 and

322 13.14. Changes required to implement a study regarding the provision of
 323 wastewater services to a Rural Town. Such ~~The~~ amendments shall be limited to policy
 324 amendments and adjustment to the boundaries of the Rural Town as needed to implement
 325 the preferred option identified in the study.

326 C. Every fourth year beginning in 2000, the county shall complete a
 327 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
 328 to ensure continued compliance with the GMA. This review may provide for a
 329 cumulative analysis of the twenty-year plan based upon official population growth
 330 forecasts, benchmarks and other relevant data in order to consider substantive changes to
 331 policy language and changes to the urban growth area ~~((("UGA")))~~. This comprehensive
 332 review shall begin one year in advance of the transmittal and may be referred to as the
 333 four-year cycle. The urban growth area boundaries shall be reviewed in the context of

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REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

334 the four-year cycle and in accordance with countywide planning policy ((~~FW~~)G-1 and
335 RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan
336 are not being achieved as evidenced by official population growth forecasts, benchmarks,
337 trends and other relevant data, substantive changes to the Comprehensive Plan may also
338 be considered on even calendar years. This determination shall be authorized by motion.
339 The motion shall specify the scope of the even-year amendment, and identify that the
340 resources necessary to accomplish the work are available. An analysis of the motion's
341 fiscal impact shall be provided to the council before to adoption. The executive shall
342 determine if additional funds are necessary to complete the even-year amendment, and
343 may transmit an ordinance requesting the appropriation of supplemental funds.

344 D. The executive shall seek public comment on the comprehensive plan and any
345 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.
346 20.18.160 before making a recommendation, in addition to conducting the public review
347 and comment procedures required by SEPA. The public shall be afforded at least one
348 official opportunity to record public comment before to the transmittal of a
349 recommendation by the executive to the council. County-sponsored councils and
350 commissions may submit written position statements that shall be considered by the
351 executive before transmittal and by the council before adoption, if they are received in a
352 timely manner. The executive's recommendations for changes to policies, text and maps
353 shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of
354 their financial costs and public benefits, any of which may be included in environmental
355 review documents. Proposed amendments to the Comprehensive Plan shall be

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

356 accompanied by any development regulations or amendments to development
357 regulations, including area zoning, necessary to implement the proposed amendments.

358 SECTION 78. K.C.C. 20.54.010 is each hereby decodified.

359 SECTION 89. Ordinance 3064, Section 2, and K.C.C. 20.54.020 are each hereby
360 repealed.

361 SECTION 910. Ordinance 3064, Section 3, as amended, and K.C.C. 20.54.030
362 are each hereby repealed.

363 SECTION 4011. Ordinance 3064, Section 4, as amended, and K.C.C. 20.54.040
364 are each hereby repealed.

365 SECTION 4112. Ordinance 3064, Section 5, and K.C.C. 20.54.050 are each
366 hereby repealed.

367 SECTION 4213. Ordinance 3064, Section 6, as amended, and K.C.C. 20.54.060
368 are each hereby repealed.

369 SECTION 4314. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.070
370 are each hereby repealed.

371 SECTION 4415. Ordinance 3064, Section 8, as amended, and K.C.C. 20.54.080
372 are each hereby repealed.

373 SECTION 4516. Ordinance 3064, Section 9, as amended, and K.C.C. 20.54.090
374 are each hereby repealed.

375 SECTION 4617. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100
376 are each hereby repealed.

377 SECTION 4718. Ordinance 3064, Section 11, as amended, and K.C.C. 20.54.110
378 are each hereby repealed.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

379 SECTION 1819. Ordinance 3064, Section 12, and K.C.C. 20.54.120 are each
 380 hereby repealed.

381 SECTION 1920. Ordinance 3064, Section 13, and K.C.C. 20.54.130 are each
 382 hereby repealed.

383 ~~NEW SECTION. SECTION 20.~~ There is hereby added to K.C.C. chapter
 384 21A.06 a new section to read as follows:

385 ~~Agriculture: the use of land for commercial purposes for either the raising of
 386 crops or livestock or the production of agricultural products, or both.~~

387 ~~NEW SECTION. SECTION 21.~~ There is hereby added to K.C.C. chapter
 388 21A.06 a new section to read as follows:

389 ~~Agricultural activities: those agricultural uses and practices that pertain directly
 390 to the commercial production of agricultural products, including, but not limited to:~~

391 ~~A. Tilling, discing, planting, seeding, fertilization, composting and other soil
 392 amendments and harvesting;~~

393 ~~B. Grazing, animal mortality management and on-site animal waste storage,
 394 disposal and processing;~~

395 ~~C. Soil conservation practices including dust control, rotating and changing
 396 agricultural crops and allowing agricultural lands to lie fallow under local, state or federal
 397 conservation programs;~~

398 ~~D. Maintenance of farm and stock ponds, agricultural drainage, irrigation systems
 399 canals and flood control facilities;~~

Commented [CJ4]: Removal of Sections 20 through 32 of the Proposed Ordinance would remove the Exec's proposed changes regarding Ag uses and go back to the existing code. The work on proposed changes to Ag uses will be addressed in 2017 via an interbranch team per direction in the Workplan.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

400 ~~— E. Normal maintenance, operation and repair of existing serviceable equipment,~~
 401 ~~structures, facilities or improved areas, including, but not limited to, fencing, farm access~~
 402 ~~roads and parking; and~~

403 ~~— F. Processing, promotion, sale, storage, packaging and distribution.~~

404 ~~— NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter~~
 405 ~~21A.06 a new section to read as follows:~~

406 ~~— Agricultural products: products that include, but are not limited to:~~

407 ~~— A. Horticultural, viticultural, floricultural and apiary products;~~

408 ~~— B. Livestock and livestock products;~~

409 ~~— C. Animal products including, but not limited to, upland finfish, dairy products,~~
 410 ~~meat, poultry and eggs;~~

411 ~~— D. Feed or forage for livestock;~~

412 ~~— E. Christmas trees, hybrid cottonwood and similar hardwood trees grown as~~
 413 ~~crops and harvested within fifteen years of planting; and~~

414 ~~— F. Turf, sod, seed and related products.~~

415 ~~— NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter~~
 416 ~~21A.06 a new section to read as follows:~~

417 ~~— Agricultural support services: any activity that is directly related to agriculture~~
 418 ~~and directly dependent upon agriculture for its existence but is undertaken on lands that~~
 419 ~~are not predominately in agricultural use.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

420 ~~NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter~~

421 ~~21A.06 a new section to read as follows:~~

422 ~~Farm: the land, buildings equipment and infrastructure used in the raising and~~
 423 ~~production of agricultural products for commercial sales.~~

424 ~~NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter~~

425 ~~21A.06 a new section to read as follows:~~

426 ~~Farm residence: a single detached dwelling unit that serves as the primary~~
 427 ~~residence for a farm.~~

428 ~~SECTION 26. Ordinance 10870, Section 330, as amended, and K.C.C.~~

429 ~~21A.08.030 are each hereby amended to read as follows:~~

430 ~~A. Residential land uses.~~

KEY		RESOURCE			RUR	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
P-Permitted Use		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
C-Conditional Use		G	O	I	U	E	R	E	E	U	O	U	E	U	F	N		
S-Special Use		Z	R	R	N	R	S	B	S	I	S	M	S	G	S	F	D	
		Q	I	E	E	A	B	E	A	I	G	I	M	I	I	I	U	
		N	C	S	R	L	A	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A		N	V	E		B	E	N	E	N	E	E	T
		L			L	A		E	N		O	S	I	S	A	S		R
		T			R				T		R	S	T	S	L	S		I
		U			E				I		H		Y					A
		R			A				A		O							L
		E							L		O							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
	DWELLING UNITS, TYPES:																	
1	Single-Detached	P-C12	P2		P-C12	P-C12	P-C12	P-C12	P15									
2	Townhouse				C4	C4	P1+	P	P3	P3	P3	P3						
							C12											

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

±	Apartment				C4	C4	P5-C5	P	P3	P3	P3	P3	
±	Mobile Home Park				S12		C8	P					
±	Cottage Housing						P15						
	GROUP RESIDENCES:												
±	Community Residential Facility-I				C	C	P14-a C	P	P3	P3	P3	P3	
±	Community Residential Facility-II						P14-b	P	P3	P3	P3	P3	
±	Dormitory				C6	C6	C6	P					
±	Senior Citizen-Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
±	Residential Accessory Uses	P7 (P17)	P7		P7								
±	Home Occupation	((P18)) P17	((P18)) P17		((P18)) P17								
±	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7041	Hotel/Motel (+)								P	P	P		
±	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses									P			
	GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 431 ~~B. Development conditions.~~
- 432 ~~1. Except bed and breakfast guesthouses.~~
- 433 ~~2. In the forest production district, the following conditions apply:~~
- 434 ~~a. Site disturbance associated with development of any new residence shall be~~
- 435 ~~limited to three acres. Site disturbance shall mean all land alterations including, but not~~
- 436 ~~limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

437 ~~disposal systems and driveways. Additional site disturbance for agriculture, including~~
 438 ~~raising livestock, up to the smaller of thirty five percent of the lot or seven acres, may be~~
 439 ~~approved only if a farm management plan is prepared in accordance with K.C.C. chapter~~
 440 ~~21A.30. Animal densities shall be based on the area devoted to animal care and not the~~
 441 ~~total area of the lot;~~

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

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

447 ~~———— 3. Only as part of a mixed use development subject to the conditions of K.C.C.~~
 448 ~~chapter 21A.14, except that in the NB zone on properties with a land use designation of~~
 449 ~~commercial outside of center (CO) in the urban areas, stand-alone townhouse~~
 450 ~~developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and~~
 451 ~~21A.14.180.~~

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

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

455 ~~———— (1) At least fifty percent of the site is constrained by unbuildable critical~~
 456 ~~areas. For purposes of this subsection B.5.a.(1), unbuildable critical areas includes~~
 457 ~~wetlands, aquatic areas and slopes forty percent or steeper and associated buffers; and~~

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

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 460 ~~———— b. In the R-4 through R-8 zones, apartment units are permitted if the density~~
 461 ~~does not exceed a density of eighteen units per acre of net buildable area.~~
- 462 ~~———— c. If the proposal will exceed base density for the zone in which it is proposed,~~
 463 ~~a conditional use permit is required.~~
- 464 ~~———— 6. Only as accessory to a school, college, university or church.~~
- 465 ~~———— 7.a. Accessory dwelling units:~~
- 466 ~~———— (1) Only one accessory dwelling per primary single detached dwelling unit;~~
 467 ~~———— (2) Only in the same building as the primary dwelling unit on:~~
- 468 ~~———— (a) an urban lot that is less than five thousand square feet in area;~~
 469 ~~———— (b) except as otherwise provided in subsection B.7.a.(5) of this section, a~~
 470 ~~rural lot that is less than the minimum lot size; or~~
- 471 ~~———— (c) a lot containing more than one primary dwelling;~~
- 472 ~~———— (3) The primary dwelling unit or the accessory dwelling unit shall be owner~~
 473 ~~occupied;~~
- 474 ~~———— (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,~~
 475 ~~one of the dwelling units shall not exceed one thousand square feet of heated floor area~~
 476 ~~except when one of the dwelling units is wholly contained within a basement or attic; and~~
- 477 ~~———— (b) When the primary and accessory dwelling units are located in the same~~
 478 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
 479 ~~entrance may be located on each street;~~
- 480 ~~———— (5) On a site zoned RA:~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

481 ~~———— (a) If one transferable development right is purchased from the rural area~~
482 ~~under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum~~
483 ~~floor area up to one thousand five hundred square feet; and~~

484 ~~———— (b) If one transferable development right is purchased from the rural area~~
485 ~~under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5~~
486 ~~zoned lot that is at least two and one-half acres and less than three and three-quarters~~
487 ~~acres;~~

488 ~~———— (6) One additional off-street parking space shall be provided;~~

489 ~~———— (7) The accessory dwelling unit shall be converted to another permitted use or~~
490 ~~shall be removed if one of the dwelling units ceases to be owner-occupied; and~~

491 ~~———— (8) An applicant seeking to build an accessory dwelling unit shall file a notice~~
492 ~~approved by the department of executive services, records and licensing services~~
493 ~~division, that identifies the dwelling unit as accessory. The notice shall run with the land.~~
494 ~~The applicant shall submit proof that the notice was filed before the department shall~~
495 ~~approve any permit for the construction of the accessory dwelling unit. The required~~
496 ~~contents and form of the notice shall be set forth in administrative rules. If an accessory~~
497 ~~dwelling unit in a detached building in the rural zone is subsequently converted to a~~
498 ~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~
499 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~
500 ~~minimum lot area required in the zone; and~~

501 ~~———— (9) Accessory dwelling units and accessory living quarters are not allowed in~~
502 ~~the F-zone.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

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

506 ~~(1) no aircraft sales, service, repair, charter or rental; and~~
507 ~~(2) no storage of aviation fuel except that contained in the tank or tanks of the~~
508 ~~aircraft.~~

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

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

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

514 ~~a. Serving meals shall be limited to paying guests; and~~
515 ~~b. The number of persons accommodated per night shall not exceed five,~~
516 ~~except that a structure that satisfies the standards of the International Building Code as~~
517 ~~adopted by King County for R-1 occupancies may accommodate up to ten persons per~~
518 ~~night.~~

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

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

523 ~~12. Required before approving more than one dwelling on individual lots,~~
524 ~~except on lots in subdivisions, short subdivisions or binding site plans approved for~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

525 ~~multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.~~
526 ~~of this section.~~

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

528 ~~———— 14.a. Limited to domestic violence shelter facilities.~~

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

531 ~~———— 15. Only in the R4 R8 zones limited to:~~

532 ~~———— a. developments no larger than one acre;~~

533 ~~———— b. not adjacent to another cottage housing development such that the total~~
534 ~~combined land area of the cottage housing developments exceeds one acre;~~

535 ~~———— c. All units must be cottage housing units with no less than three units and no~~
536 ~~more than sixteen units, provided that if the site contains an existing home that is not~~
537 ~~being demolished, the existing house is not required to comply with the height limitation~~
538 ~~in K.C.C. 21A.12.020.B.25, or the floor area and footprint limits in K.C.C.~~
539 ~~21A.14.025.B.; and~~

540 ~~———— d. Before filing an application with the department, the applicant shall hold a~~
541 ~~community meeting in accordance with K.C.C. 20.20.035.~~

542 ~~———— 15. The development for a detached single family residence shall be consistent~~
543 ~~with the following:~~

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

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

547 ~~———— c. The standards of this title for the RA 5 zone shall apply.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

548 ~~17. ((Housing for agricultural employees who are employed by the owner or~~
549 ~~operator of the site year round as follows:~~

550 ~~a. Not more than:~~

551 ~~(1) One agricultural employee dwelling unit on a site under twenty acres;~~

552 ~~(2) Two agricultural employee dwelling units on a site between twenty acres~~
553 ~~and fifty acres;~~

554 ~~(3) Three agricultural employee dwelling units on a site greater than fifty~~
555 ~~acres and less than one hundred acres; and~~

556 ~~(4) On sites one hundred acres and larger one additional agricultural~~
557 ~~employee dwelling unit for each additional one hundred acres;~~

558 ~~b. The primary use of the site shall be agricultural in SIC Industry Group No.~~
559 ~~01 Growing and Harvesting Crops or SIC Industry Group No. 02 Raising Livestock and~~
560 ~~Small Animals. If the primary use of the site changes to a nonagricultural use, all~~
561 ~~agricultural employee dwelling units shall be removed;~~

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

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

570 ~~_____ d. An agricultural employee dwelling unit shall not exceed a floor area of one~~
 571 ~~thousand square feet and may be occupied by no more than eight unrelated agricultural~~
 572 ~~employees;~~
 573 ~~_____ e. One off street parking space shall be provided for each agricultural~~
 574 ~~employee dwelling unit; and~~
 575 ~~_____ f. The agricultural employee dwelling units shall be constructed in compliance~~
 576 ~~with K.C.C. Title 16.~~
 577 ~~_____ 18.)) Allowed if consistent with K.C.C. chapter 21A.30.~~
 578 ~~_____ SECTION 27. Ordinance 10870, Section 332, as amended, and K.C.C.~~
 579 ~~21A.08.050 are each hereby amended to read as follows:~~
 580 ~~_____ A. General services land uses:~~

KEY		RESOURCE			RU RAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A		V			E	B	E	N	E	N	E	E	T
		L		L	A		E			N	O	S	I	S	A	S		R
		T			R					T	R	S	T	S	L	S		I
		U			E					I	H	Y						A
		R			A					A	O							L
		E								L	O							
											D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-S	R12-48	N	CB	RB	O	I					
	PERSONAL SERVICES:																	
72	General Personal Service						C25 ((C37)) C36	C25 ((C37)) C36	P	P	P	P3	P					

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

		4) <u>C32</u>			<u>C33</u>	<u>C32</u>							
	HEALTH SERVICES:												
801-04	Office/Outpatient Clinic				P12-C 13a	P12 C13a	P12 C13a ((C37)) <u>C36</u>	P12 C13a ((C37)) <u>C36</u>	P	P	P	P	P
805	Nursing and Personal Care Facilities						C		P	P			
806	Hospital						C13a C13a		P	P		C	
807	Medical/Dental Lab								P	P	P	P	P
808-00	Miscellaneous Health								P	P	P		
	EDUCATION SERVICES:												
1	Elementary School				<u>P38</u> <u>P39</u> ((P40))	P	P	P	P16 ((P40)) <u>P39</u>	P16 ((P40)) <u>P39</u>	P16 ((P40)) <u>P39</u>		
2	Middle/Junior-High School				((P40) C39)) <u>P39</u> C38 and 31	P	P	P	P16 ((C40)) <u>C39</u>	P16 ((C40)) <u>C39</u>	P16 ((C40)) <u>C39</u>		
3	Secondary or High School				((C39) <u>C38</u> and 31 ((C41) <u>C40</u> and 31	P26	P26	P26	P16 C15	P16 C15	P16		
4	Vocational School					P13a-C	P13a-C	P13a-C			P15	P17	P
5	Specialized Instruction School		P18		P19 C20 and 31	P19-C20	P19-C20	P19-C20	P	P	P	P17	((P 38) P 37
6	School District Support Facility					P23-C	P23-C	P23-C	C1 5	P15	P15	P15	P 15
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review											

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.

- 581 ~~B. Development conditions:~~
- 582 ~~1. Except SIC Industry No. 7534 Tire Retreading, see manufacturing permitted~~
- 583 ~~use table.~~
- 584 ~~2. Except SIC Industry Group Nos.:~~
- 585 ~~a. 835 Day Care Services, and~~
- 586 ~~b. Community residential facilities.~~
- 587 ~~3. Limited to SIC Industry Group and Industry Nos.:~~
- 588 ~~a. 723 Beauty Shops;~~
- 589 ~~b. 724 Barber Shops;~~
- 590 ~~c. 725 Shoe Repair Shops and Shoeshine Parlors;~~
- 591 ~~d. 7212 Garment Pressing and Agents for Laundries and Drycleaners; and~~
- 592 ~~e. 217 Carpet and Upholstery Cleaning.~~
- 593 ~~4. Only as accessory to a cemetery, and prohibited from the UR zone only if the~~
- 594 ~~property is located within a designated unincorporated Rural Town.~~
- 595 ~~5. Structures shall maintain a minimum distance of one hundred feet from~~
- 596 ~~property lines adjoining rural area and residential zones.~~
- 597 ~~6. Only as accessory to residential use, and:~~
- 598 ~~a. Outdoor play areas shall be completely enclosed by a solid wall or fence,~~
- 599 ~~with no openings except for gates, and have a minimum height of six feet; and~~
- 600 ~~b. Outdoor play equipment shall maintain a minimum distance of twenty feet~~
- 601 ~~from property lines adjoining rural area and residential zones.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

602 ~~7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.~~
603 ~~21A.08.060.A.~~

604 ~~8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,~~
605 ~~or an accessory use to a school, church, park, sport club or public housing administered~~
606 ~~by a public agency; and:~~

607 ~~a. Outdoor play areas shall be completely enclosed by a solid wall or fence,~~
608 ~~with no openings except for gates and have a minimum height of six feet;~~

609 ~~b. Outdoor play equipment shall maintain a minimum distance of twenty feet~~
610 ~~from property lines adjoining rural area and residential zones;~~

611 ~~c. Direct access to a developed arterial street shall be required in any~~
612 ~~residential zone; and~~

613 ~~d. Hours of operation may be restricted to assure compatibility with~~
614 ~~surrounding development.~~

615 ~~9. As a home occupation only, but the square footage limitations in K.C.C.~~
616 ~~chapter 21A.30 for home occupations apply only to the office space for the veterinary~~
617 ~~clinic, and:~~

618 ~~a. Boarding or overnight stay of animals is allowed only on sites of five acres~~
619 ~~or more;~~

620 ~~b. No burning of refuse or dead animals is allowed;~~

621 ~~c. The portion of the building or structure in which animals are kept or treated~~
622 ~~shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be~~
623 ~~surrounded by an eight foot high solid wall and the floor area shall be surfaced with~~
624 ~~concrete or other impervious material; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

625 ~~———— d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.~~

626 ~~———— 10.a. No burning of refuse or dead animals is allowed;~~

627 ~~———— b. The portion of the building or structure in which animals are kept or treated~~

628 ~~shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be~~

629 ~~surrounded by an eight foot high solid wall and the floor area shall be surfaced with~~

630 ~~concrete or other impervious material; and~~

631 ~~———— c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.~~

632 ~~———— 11. The repair work or service shall only be performed in an enclosed building,~~

633 ~~and no outdoor storage of materials. SIC Industry No. 7532 Top, Body, and Upholstery~~

634 ~~Repair Shops and Paint Shops is not allowed.~~

635 ~~———— 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.~~

636 ~~Before filing an application with the department, the applicant shall hold a community~~

637 ~~meeting in accordance with K.C.C. 20.20.035.~~

638 ~~———— 13.a. Except as otherwise provided in subsection B.13.b₂ of this ((sub))section,~~

639 ~~only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.~~

640 ~~———— b. Allowed for a social service agency on a site in the NB zone that serves~~

641 ~~transitional or low income housing located within three hundred feet of the site on which~~

642 ~~the social service agency is located.~~

643 ~~———— c. Before filing an application with the department, the applicant shall hold a~~

644 ~~community meeting in accordance with K.C.C. 20.20.035.~~

645 ~~———— 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not~~

646 ~~exceed twenty thousand square feet, but stabling areas, whether attached or detached,~~

647 ~~shall not be counted in this calculation.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 648 ~~15. If located outside of the urban growth area, limited to projects that are of a~~
649 ~~size and scale designed to primarily serve the rural area and shall be located within a rural~~
650 ~~town.~~
- 651 ~~16. If located outside of the urban growth area, shall be designed to primarily~~
652 ~~serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12~~
653 ~~schools with no more than one hundred students.~~
- 654 ~~17. All instruction must be within an enclosed structure.~~
- 655 ~~18. Limited to resource management education programs.~~
- 656 ~~19. Only as accessory to residential use, and:~~
- 657 ~~a. Students shall be limited to twelve per one-hour session;~~
- 658 ~~b. Except as provided in ((subsection)) B.19.c. of this ((sub))section, all~~
659 ~~instruction must be within an enclosed structure;~~
- 660 ~~c. Outdoor instruction may be allowed on properties at least two and one-half~~
661 ~~acres in size. Any outdoor activity must comply with the requirements for setbacks in~~
662 ~~K.C.C. chapter 21A.12; and~~
- 663 ~~d. Structures used for the school shall maintain a distance of twenty-five feet~~
664 ~~from property lines adjoining rural area and residential zones.~~
- 665 ~~20. Subject to the following:~~
- 666 ~~a. Structures used for the school and accessory uses shall maintain a minimum~~
667 ~~distance of twenty-five feet from property lines adjoining residential zones;~~
- 668 ~~b. On lots over two and one-half acres:~~
- 669 ~~(1) Retail sale of items related to the instructional courses is permitted, if total~~
670 ~~floor area for retail sales is limited to two thousand square feet;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

671 ~~————— (2) Sale of food prepared in the instructional courses is permitted with~~
672 ~~Seattle King County department of public health approval, if total floor area for food~~
673 ~~sales is limited to one thousand square feet and is located in the same structure as the~~
674 ~~school; and~~

675 ~~————— (3) Other incidental student supporting uses are allowed, if such uses are~~
676 ~~found to be both compatible with and incidental to the principal use; and~~

677 ~~————— e. On sites over ten acres, located in a designated Rural Town and zoned any~~
678 ~~one or more of UR, R-1 and R-4:~~

679 ~~————— (1) Retail sale of items related to the instructional courses is permitted,~~
680 ~~provided total floor area for retail sales is limited to two thousand square feet;~~

681 ~~————— (2) Sale of food prepared in the instructional courses is permitted with~~
682 ~~Seattle King County department of public health approval, if total floor area for food~~
683 ~~sales is limited to one thousand seven hundred fifty square feet and is located in the same~~
684 ~~structure as the school;~~

685 ~~————— (3) Other incidental student supporting uses are allowed, if the uses are found~~
686 ~~to be functionally related, subordinate, compatible with and incidental to the principal~~
687 ~~use;~~

688 ~~————— (4) The use shall be integrated with allowable agricultural uses on the site;~~

689 ~~————— (5) Advertised special events shall comply with the temporary use~~
690 ~~requirements of this chapter; and~~

691 ~~————— (6) Existing structures that are damaged or destroyed by fire or natural event,~~
692 ~~if damaged by more than fifty percent of their prior value, may reconstruct and expand an~~
693 ~~additional sixty five percent of the original floor area but need not be approved as a~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

694 ~~conditional use if their use otherwise complies with the development condition in~~
695 ~~subsection B.20.c. of this section and this title.~~

696 ~~———— 21. Limited to:~~

697 ~~———— a. drop box facilities accessory to a public or community use such as a school,~~
698 ~~fire station or community center; or~~

699 ~~———— b. in the RA zone, a facility accessory to a retail nursery, garden center and~~
700 ~~farm supply store that accepts earth materials, vegetation, organic waste, construction and~~
701 ~~demolition materials or source separated organic materials, if:~~

702 ~~———— (1) the site is five acres or greater;~~

703 ~~———— (2) all material is deposited into covered containers or onto covered~~
704 ~~impervious areas;~~

705 ~~———— (3) the facility and any driveways or other access to the facility maintain a~~
706 ~~setback of at least twenty five feet from adjacent properties;~~

707 ~~———— (4) the total area of the containers and covered impervious area is ten~~
708 ~~thousand square feet or less;~~

709 ~~———— (5) ten feet of type II landscaping is provided between the facility and~~
710 ~~adjacent properties;~~

711 ~~———— (6) no processing of the material is conducted on site; and~~

712 ~~———— (7) access to the facility is not from a local access street.~~

713 ~~———— 22. With the exception of drop box facilities for the collection and temporary~~
714 ~~storage of recyclable materials, all processing and storage of material shall be within~~
715 ~~enclosed buildings. Yard waste processing is not permitted.~~

716 ~~———— 23. Only if adjacent to an existing or proposed school.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 717 ~~———— 24. Limited to columbariums accessory to a church, but required landscaping~~
 718 ~~and parking shall not be reduced.~~
- 719 ~~———— 25. Not permitted in R-1 and limited to a maximum of five thousand square feet~~
 720 ~~per establishment and subject to the additional requirements in K.C.C. 21A.12.230.~~
- 721 ~~———— 26.a. New high schools permitted in the rural and the urban residential and~~
 722 ~~urban reserve zones shall be subject to the review process in K.C.C. 21A.42.140.~~
- 723 ~~———— b. Renovation, expansion, modernization, or reconstruction of a school, or the~~
 724 ~~addition of relocatable facilities, is permitted.~~
- 725 ~~———— 27. Limited to projects that do not require or result in an expansion of sewer~~
 726 ~~service outside the urban growth area. In addition, such use shall not be permitted in the~~
 727 ~~RA-20 zone.~~
- 728 ~~———— 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter~~
 729 ~~21A.32 or as a joint use of an existing public school facility.~~
- 730 ~~———— 29. All studio use must be within an enclosed structure.~~
- 731 ~~———— 30. Adult use facilities shall be prohibited within six hundred sixty feet of any~~
 732 ~~rural area and residential zones, any other adult use facility, school, licensed daycare~~
 733 ~~centers, parks, community centers, public libraries or churches that conduct religious or~~
 734 ~~educational classes for minors.~~
- 735 ~~———— 31. Subject to review and approval of conditions to comply with trail corridor~~
 736 ~~provisions of K.C.C. chapter 21A.14 when located in an RA zone.~~
- 737 ~~———— 32. Limited to repair of sports and recreation equipment:~~
- 738 ~~———— a. as accessory to a recreation or multiuse park in the urban growth area; or~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

739 ~~_____ b. as accessory to a park and limited to a total floor area of seven hundred fifty~~
740 ~~square feet.~~

741 ~~_____ 33. ((Accessory to agricultural or forestry uses provided:~~

742 ~~_____ a. the repair of tools and machinery is limited to those necessary for the~~
743 ~~operation of a farm or forest.~~

744 ~~_____ b. the lot is at least five acres.~~

745 ~~_____ c. the size of the total repair use is limited to one percent of the lot size up to a~~
746 ~~maximum of five thousand square feet unless located in a farm structure, including but~~
747 ~~not limited to barns, existing as of December 31, 2003.~~

748 ~~_____ 34.)) Subject to the following:~~

749 ~~_____ a. the lot is at least five acres;~~

750 ~~_____ b. in the A zones, area used for dog training shall be located on portions of~~
751 ~~agricultural lands that are unsuitable for other agricultural purposes, such as areas within~~
752 ~~the already developed portion of such agricultural lands that are not available for direct~~
753 ~~agricultural production or areas without prime agricultural soils;~~

754 ~~_____ c. structures and areas used for dog training shall maintain a minimum distance~~
755 ~~of seventy five feet from property lines; and~~

756 ~~_____ d. all training activities shall be conducted within fenced areas or in indoor~~
757 ~~facilities. Fences must be sufficient to contain the dogs.~~

758 ~~_____ ((35.)) 34. Limited to animal rescue shelters and provided that:~~

759 ~~_____ a. the property shall be at least four acres;~~

760 ~~_____ b. buildings used to house rescued animals shall be no less than fifty feet from~~
761 ~~property lines;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

762 ~~_____ c. outdoor animal enclosure areas shall be located no less than thirty feet from~~
763 ~~property lines and shall be fenced in a manner sufficient to contain the animals;~~

764 ~~_____ d. the facility shall be operated by a nonprofit organization registered under the~~
765 ~~Internal Revenue Code as a 501(c)(3) organization; and~~

766 ~~_____ e. the facility shall maintain normal hours of operation no earlier than 7 a.m.~~
767 ~~and no later than 7 p.m.~~

768 ~~_____ ((36.)) 35. Limited to kennel free dog boarding and daycare facilities, and:~~

769 ~~_____ a. the property shall be at least four and one half acres;~~

770 ~~_____ b. buildings housing dogs shall be no less than seventy five feet from property~~
771 ~~lines;~~

772 ~~_____ c. outdoor exercise areas shall be located no less than thirty feet from property~~
773 ~~lines and shall be fenced in a manner sufficient to contain the dogs;~~

774 ~~_____ d. the number of dogs allowed on the property at any one time shall be limited~~
775 ~~to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and~~

776 ~~_____ e. training and grooming are ancillary services that may be provided only to~~
777 ~~dogs staying at the facility; and~~

778 ~~_____ f. the facility shall maintain normal hours of operation no earlier than 7 a.m.~~
779 ~~and no later than 7 p.m.~~

780 ~~_____ ((37.)) 36. Not permitted in R-1 and subject to the additional requirements in~~
781 ~~K.C.C. 21A.12.250.~~

782 ~~_____ ((38.)) 37. Driver training is limited to driver training schools licensed under~~
783 ~~chapter 46.82 RCW.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

784 ~~_____ ((39.)) 38. A school may be located outside of the urban growth area only if~~
 785 ~~allowed under King County Comprehensive Plan policies.~~

786 ~~_____ ((40.)) 39. Only as a reuse of an existing public school.~~

787 ~~_____ ((41.)) 40. A high school may be allowed as a reuse of an existing public school~~
 788 ~~if allowed under King County Comprehensive Plan policies.~~

789 ~~_____ ((42.)) 41. Commercial kennels and commercial catteries in the A zone are~~
 790 ~~subject to the following:~~

791 ~~_____ a. Only as a home occupation, but the square footage limitations in K.C.C.~~
 792 ~~chapter 21A.30.085 for home occupations apply only to the office space for the~~
 793 ~~commercial kennel or commercial cattery; and~~

794 ~~_____ b. Subject to K.C.C. 21A.30.020, except:~~

795 ~~_____ (1) A building or structure used for housing dogs or cats and any outdoor~~
 796 ~~runs shall be set back one hundred and fifty feet from property lines;~~

797 ~~_____ (2) The portion of the building or structure in which the dogs or cats are kept~~
 798 ~~shall be soundproofed;~~

799 ~~_____ (3) Impervious surface for the kennel or cattery shall not exceed twelve~~
 800 ~~thousand square feet; and~~

801 ~~_____ (4) Obedience training classes are not allowed except as provided in~~
 802 ~~subsection ((B.34.)) B.33. of this section.~~

803 ~~_____ ((43.)) 42. Commercial kennels and commercial catteries are subject to K.C.C.~~
 804 ~~21A.30.020.~~

805 ~~_____ SECTION 28. Ordinance 10870, Section 333, as amended, and K.C.C.~~
 806 ~~21A.08.060 are each hereby amended to read as follows:~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

807 ——— A Government/business services land uses.

KEY		RESOURCE			R-U	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A		V	E	B	E	N	E	N	E	E	E	T	R
		L		L	A		E	N	O	S	I	S	A	S				
		T			R		T	R	S	T	S	L	S					
		U			E		I	H	Y									
		R			A		A	O										
		E					L	O										
								D										
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
	GOVERNMENT SERVICES:												((30))29)					
2	Public agency or utility office				P3 C5	P3-C5	P3 C	P3-C	P	P	P	P	((P16) P15					
2	Public agency or utility yard				((P2 7)) P26	((P27)) P26	((P2 7)) P26	((P2 7)) P26			P		P					
2	Public agency archives										P	P	P					
921	Court									P4	P	P						
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P					
9224	Fire Facility				C6 ((and 33))	C6	C6	C6	P	P	P	P	P					
2	Utility Facility	((P2 9 C28) P28	((P2 9 C28) P28	((P2 9 C28) P28	((P2 9 C28) P28	((P29 C28)) C27	((P2 9 C28) P28	((P2 9 C28) P28	P	P	P	P	P					

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

		C27	C27	C27	P28		C27	C27					
a	Commuter Parking Lot				C (P19) P19 P19	C (P19) P18 P18	C (P19) P18 P18	C (P19) P18 P18	P P18	P P18	P P18	P P18	(P35) P23
a	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
a	Factor Waste Receiving Facility	P	P	P	(P18) P17 P17	(P18) P17 P17	(P18) P17 P17	(P31) P30 P30	(P31) P30 P30	(P31) P30 P30	(P31) P30 P30	(P31) P30 P30	P
BUSINESS SERVICES:													
a	Construction and Trade				(P34) P33						P	P9	P
a	Individual Transportation and Taxi									(P25) P24	P	P40	P
421	Trucking and Courier Service									P11	P12	P13	P
a	Warehousing, (1) and Wholesale Trade												P
a	Self-service Storage							P14	(P37) P34	P	P	P	P
4221	Farm Product Warehousing, Refrigeration and Storage	(P15) C36 P			(P15) C36 P and P33 C36 P	(P15) C36 P							P
a	Log Storage	(P15) P P25	P		P26 and P33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other									P	P	P	P

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

	Communications													
±	General Business Service							P	P	P	P			((P16)) P15
±	Professional Office							P	P	P	P			((P16)) P15
7212	Outdoor Advertising Service										P		((P17)) P16	P
735	Miscellaneous Equipment Rental										((P17)) P16		((P17)) P16	P
751	Automotive Rental and Leasing										P			P
752	Automotive Parking							((P20)) P19a	((P20)) P19b	((P2)) P20	((P20)) P19a			P
±	Off-Street Required Parking Lot				((P3)) P31	((P32)) P31	((P3)) P31	((P3)) P31	((P32)) P31	((P32)) P31	((P3)) P31	((P32)) P31	((P32)) P31	
7941	Professional Sport Teams/Promoters										P			P
873	Research, Development and Testing										P2			P2
±	Heavy Equipment and Tractor Repair													P
±	ACCESSORY USES: Commercial/Industrial Accessory Uses				P	((P2)) P21				((P22)) P21	((P22)) P21			P
±	Helistop					((C23)) C22	((C2)) C22	((C2)) C22	((C23)) C22	((C23)) C22	((C2)) C22	((C2)) C22	((C24)) C22	
GENERAL:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 through 21A.30;												
CROSS		General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40												
REFERENCES:		through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.												

808 ——— B. Development conditions.

809 ——— 1. Except self-service storage.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 810 ~~2. Except SIC Industry No. 8732 Commercial Economic, Sociological, and~~
 811 ~~Educational Research, see general business service/office.~~
- 812 ~~3.a. Only as a reuse of a public school facility or a surplus nonresidential facility~~
 813 ~~subject to K.C.C. chapter 21A.32; or~~
- 814 ~~b. only when accessory to a fire facility and the office is no greater than one~~
 815 ~~thousand five hundred square feet of floor area.~~
- 816 ~~4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter~~
 817 ~~21A.32.~~
- 818 ~~5. New utility office locations only if there is no commercial/industrial zoning~~
 819 ~~in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that~~
 820 ~~no feasible alternative location is possible, and provided further that this condition~~
 821 ~~applies to the UR zone only if the property is located within a designated unincorporated~~
 822 ~~Rural Town.~~
- 823 ~~6.a. All buildings and structures shall maintain a minimum distance of twenty~~
 824 ~~feet from property lines adjoining rural area and residential zones;~~
- 825 ~~b. Any buildings from which fire fighting equipment emerges onto a street~~
 826 ~~shall maintain a distance of thirty five feet from such street;~~
- 827 ~~c. No outdoor storage; and~~
- 828 ~~d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no~~
 829 ~~feasible alternative location is possible.~~
- 830 ~~7. Limited to storefront police offices. Such offices shall not have:~~
- 831 ~~a. holding cells;~~
- 832 ~~b. suspect interview rooms (except in the NB zone); or~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 833 ~~_____ c. long term storage of stolen properties.~~
- 834 ~~_____ 8. Private stormwater management facilities serving development proposals~~
 835 ~~located on commercial/industrial zoned lands shall also be located on~~
 836 ~~commercial/industrial lands, unless participating in an approved shared facility drainage~~
 837 ~~plan. Such facilities serving development within an area designated urban in the King~~
 838 ~~County Comprehensive Plan shall only be located in the urban area.~~
- 839 ~~_____ 9. No outdoor storage of materials.~~
- 840 ~~_____ 10. Limited to office uses.~~
- 841 ~~_____ 11. Limited to self service household moving truck or trailer rental accessory to~~
 842 ~~a gasoline service station.~~
- 843 ~~_____ 12. Limited to self service household moving truck or trailer rental accessory to~~
 844 ~~a gasoline service station and SIC Industry No. 4215 Courier Services, except by air.~~
- 845 ~~_____ 13. Limited to SIC Industry No. 4215 Courier Services, except by air.~~
- 846 ~~_____ 14. Accessory to an apartment development of at least twelve units provided:~~
 847 ~~_____ a. The gross floor area in self service storage shall not exceed the total gross~~
 848 ~~floor area of the apartment dwellings on the site;~~
 849 ~~_____ b. All outdoor lights shall be deflected, shaded and focused away from all~~
 850 ~~adjoining property;~~
 851 ~~_____ c. The use of the facility shall be limited to dead storage of household goods;~~
 852 ~~_____ d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or~~
 853 ~~similar equipment;~~
 854 ~~_____ e. No outdoor storage or storage of flammable liquids, highly combustible or~~
 855 ~~explosive materials or hazardous chemicals;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

856 ~~_____ f. No residential occupancy of the storage units;~~

857 ~~_____ g. No business activity other than the rental of storage units; and~~

858 ~~_____ h. A resident director shall be required on the site and shall be responsible for~~

859 ~~maintaining the operation of the facility in conformance with the conditions of approval.~~

860 ~~_____ i. Before filing an application with the department, the applicant shall hold a~~

861 ~~community meeting in accordance with K.C.C. 20.20.035.~~

862 ~~_____ 15.((a. The floor area devoted to warehousing, refrigeration or storage shall not~~

863 ~~exceed two thousand square feet;~~

864 ~~_____ b. Structures and areas used for warehousing, refrigeration and storage shall~~

865 ~~maintain a minimum distance of seventy five feet from property lines adjoining rural area~~

866 ~~and residential zones; and~~

867 ~~_____ c. Warehousing, refrigeration and storage is limited to agricultural products~~

868 ~~and sixty percent or more of the products must be grown or processed in the Puget Sound~~

869 ~~counties. At the time of the initial application, the applicant shall submit a projection of~~

870 ~~the source of products to be included in the warehousing, refrigeration or storage.~~

871 ~~_____ 16.)) Only as an accessory use to another permitted use.~~

872 ~~_____ ((17.)) 16. No outdoor storage.~~

873 ~~_____ ((18.)) 17. Only as an accessory use to a public agency or utility yard, or to a~~

874 ~~transfer station.~~

875 ~~_____ ((19.)) 18. Limited to new commuter parking lots designed for thirty or fewer~~

876 ~~parking spaces or commuter parking lots located on existing parking lots for churches,~~

877 ~~schools, or other permitted nonresidential uses that have excess capacity available during~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

878 ~~commuting; provided that the new or existing lot is adjacent to a designated arterial that~~
879 ~~has been improved to a standard acceptable to the department of transportation;~~
880 ~~———— ((20.)) 19.a. No tow in lots for damaged, abandoned or otherwise impounded~~
881 ~~vehicles((,)); and~~
882 ~~———— b. Tow in lots for damaged, abandoned or otherwise impounded vehicles shall~~
883 ~~be:~~
884 ~~———— (1) permitted only on parcels located within Vashon Town Center;~~
885 ~~———— (2) accessory to a gas or automotive service use; and~~
886 ~~———— (3) limited to no more than ten vehicles.~~
887 ~~———— ((21.)) 20. No dismantling or salvage of damaged, abandoned or otherwise~~
888 ~~impounded vehicles.~~
889 ~~———— ((22.)) 21. Storage limited to accessory storage of commodities sold at retail on~~
890 ~~the premises or materials used in the fabrication of commodities sold on the premises.~~
891 ~~———— ((23.)) 22. Limited to emergency medical evacuation sites in conjunction with~~
892 ~~police, fire or health service facility. Helistops are prohibited from the UR zone only if~~
893 ~~the property is located within a designated unincorporated Rural Town.~~
894 ~~———— ((24.)) 23. Allowed as accessory to an allowed use.~~
895 ~~———— ((25.)) 24. Limited to private road ambulance services with no outside storage~~
896 ~~of vehicles.~~
897 ~~———— ((26.)) 25. Limited to two acres or less.~~
898 ~~———— ((27.)) 26.a. Utility yards only on sites with utility district offices; or~~
899 ~~———— b. Public agency yards are limited to material storage for road maintenance~~
900 ~~facilities.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

901 ~~_____ ((28.)) 27. Limited to bulk gas storage tanks that pipe to individual residences~~
 902 ~~but excluding liquefied natural gas storage tanks.~~

903 ~~_____ ((29.)) 28. Excluding bulk gas storage tanks.~~

904 ~~_____ ((30.)) 29. For I zoned sites located outside the urban growth area designated by~~
 905 ~~the King County Comprehensive Plan, uses shall be subject to the provisions for rural~~
 906 ~~industrial uses in K.C.C. chapter 21A.12.~~

907 ~~_____ ((31.)) 30. Vactor waste treatment, storage and disposal shall be limited to liquid~~
 908 ~~materials. Materials shall be disposed of directly into a sewer system, or shall be stored~~
 909 ~~in tanks (or other covered structures), as well as enclosed buildings.~~

910 ~~_____ ((32.)) 31. Subject to the following:~~

911 ~~_____ a. Off street required parking for a land use located in the urban area must be~~
 912 ~~located in the urban area;~~

913 ~~_____ b. Off street required parking for a land use located in the rural area must be~~
 914 ~~located in the rural area; and~~

915 ~~_____ c.(1) Except as provided in subsection ((B.32.c.(2))) B.31.c.(2) of this~~
 916 ~~subsection, off street required parking must be located on a lot that would permit, either~~
 917 ~~outright or through a land use permit approval process, the land use the off street parking~~
 918 ~~will serve.~~

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

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

923 ~~_____ ((33. Subject to review and approval of conditions to comply with trail corridor~~
 924 ~~provisions of K.C.C. chapter 21A.14 when located in an RA zone.~~
 925 ~~_____ 34.)) 32. Limited to landscape and horticultural services (SIC 078) that are~~
 926 ~~accessory to a retail nursery, garden center and farm supply store. Construction~~
 927 ~~equipment for the accessory use shall not be stored on the premises.~~
 928 ~~_____ ((35.)) 33. Allowed as a primary or accessory use to an allowed industrial zoned~~
 929 ~~land use.~~
 930 ~~_____ ((36. Accessory to agricultural uses provided:~~
 931 ~~_____ a. In the RA zones and on lots less than thirty five acres in the A zone, the~~
 932 ~~floor area devoted to warehousing, refrigeration or storage shall not exceed three~~
 933 ~~thousand five hundred square feet unless located in a building designated as historic~~
 934 ~~resource under K.C.C. chapter 20.62;~~
 935 ~~_____ b. On lots at least thirty five acres in the A zones, the floor area devoted to~~
 936 ~~warehousing, refrigeration or storage shall not exceed seven thousand square feet unless~~
 937 ~~located in a building designated as historic resource under K.C.C. chapter 20.62.~~
 938 ~~_____ c. In the A zones, structures and areas used for warehousing, refrigeration and~~
 939 ~~storage shall be located on portions of agricultural lands that are unsuitable for other~~
 940 ~~agricultural purposes, such as areas within the already developed portion of such~~
 941 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
 942 ~~prime agricultural soils;~~
 943 ~~_____ d. Structures and areas used for warehousing, refrigeration or storage shall~~
 944 ~~maintain a minimum distance of seventy five feet from property lines adjoining rural area~~
 945 ~~and residential zones; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

946 ~~_____ e. Warehousing, refrigeration and storage is limited to agricultural products~~
 947 ~~and sixty percent or more of the products must be grown or processed in the Puget Sound~~
 948 ~~counties. At the time of the initial application, the applicant shall submit a projection of~~
 949 ~~the source of products to be included in the warehousing, refrigeration or storage.~~
 950 ~~_____ 37)) 34. Use shall be limited to the NB zone on parcels outside of the Urban~~
 951 ~~Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted~~
 952 ~~to such use shall not exceed ten thousand square feet.~~
 953 ~~_____ SECTION 29, Ordinance 10870, Section 334, as amended, and K.C.C.~~
 954 ~~21A.08.070 are each hereby amended to read as follows:~~
 955 ~~_____ A. Retail land uses.~~

KEY	RESOURCE	R-U			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	Ø	I-(30)				
P-Permitted Use	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	Ø	I					
C-Conditional Use	G	Ø	I	U	R	E	R	E	E	U	Ø	U	E	U	F	N	
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	Q	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	E	S	R	L	N	R	N	D	H	N	U	N	Ø	N	C	S
	E	U	T	A		V		E	B	E	N	E	N	E	E	T	
	L		L	A		E		N	Ø	S	I	S	A	S		R	
	T			R				T	R	S	T	S	L	S		I	
	U			E				I	H	¥						A	
	R			A				A	Q							L	
	E							L	Ø								
									D								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	Ø	I-(30)				
±	Building Materials		((P23))						P2	P	P						

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

	and Hardware Stores		P20										
±	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))))C13a))	((P14))	P5	P	P		
54	Food Stores						((C15a))))C14a))	((P15))	P	P	P	C	P6
±	Agricultural Product Sales	((P7 C7))	P4		P3 ((P7 C7))	P3	P3	((P25))	((P25))	((P25))	((P25))	((P25))	((P25))
±	Farmers Market	((P24)))) P21	((P24)))) P21		((P24)))) P21								
±	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		

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

2	Furniture and Home Furnishings Stores								P	P			
58	Eating and Drinking Places				((P24 C19)) <u>P18</u> C16		((P20 C16)) <u>P17</u> C15	((P20 C16)) <u>P17</u> C15	((P10))P9	P	P	P	P
2	Drug Stores						((C15)) <u>C14</u>	((P15) <u>P14</u>	P	P	P	C	
2	Recreations - marijuana retailer								((P26 C27)) <u>P23</u> C24	((P26 C27)) <u>P23</u> C24			
592	Liquor Stores	((P13) <u>P12</u>			((P13) <u>P12</u>	((P13))P12			((P13))P12	P	P		
592	Used Goods - Antiques - Secondhand Shops									P	P		
2	Sporting Goods and Related Stores			((P22) <u>P10</u>	((P22) <u>P10</u>	((P22))P10	((P22))P10	((P22))P10	((P22))P10	P	P	((P22) <u>P10</u>	((P22) <u>P10</u>
2	Book, Stationery, Video and Art Supply Stores						((C15a)C14a	((P15) <u>P14</u>	P	P	P		
2	Jewelry Stores									P	P		
2	Monuments - Tombstones and Gravestone										P		

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

962 ~~Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not~~
 963 ~~considered part of the covered sales area;~~

964 ~~—— b. The site area shall be at least four and one half acres;~~

965 ~~—— c. Sales may include locally made arts and crafts; and~~

966 ~~—— d. Outside lighting is permitted if no off site glare is allowed.~~

967 ~~—— 2. Only hardware stores.~~

968 ~~—— 3.a. Limited to products grown on site.~~

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

970 ~~—— 4. No permanent structures or signs.~~

971 ~~—— 5. Limited to SIC Industry No. 5331 Variety Stores, and further limited to a~~
 972 ~~maximum of two thousand square feet of gross floor area.~~

973 ~~—— 6. Limited to a maximum of five thousand square feet of gross floor area.~~

974 ~~—— 7.(a. As a permitted use, the covered sales area shall not exceed two thousand~~
 975 ~~square feet, unless located in a building designated as a historic resource under K.C.C.~~
 976 ~~chapter 20.62. As a conditional use, up to three thousand five hundred square feet of~~
 977 ~~covered sales area may be allowed;~~

978 ~~—— b. The site area shall be at least four and one half acres;~~

979 ~~—— c. Forty percent or more of the gross sales of agricultural product sold through~~
 980 ~~the store must be sold by the producers of primary agricultural products;~~

981 ~~—— d. Sixty percent or more of the gross sales of agricultural products sold through~~
 982 ~~the store shall be derived from products grown or produced in the Puget Sound counties.~~

983 ~~At the time of the initial application, the applicant shall submit a reasonable projection of~~
 984 ~~the source of product sales;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

985 ~~_____ e. Sales shall be limited to agricultural products and locally made arts and~~
986 ~~crafts;~~

987 ~~_____ f. Storage areas for agricultural products may be included in a farm store~~
988 ~~structure or in any accessory building; and~~

989 ~~_____ g. Outside lighting is permitted if no off site glare is allowed.~~

990 ~~_____ 8.) Excluding retail sale of trucks exceeding one ton capacity.~~

991 ~~_____ ((9.)) 8. Only the sale of new or reconditioned automobile supplies is permitted.~~

992 ~~_____ ((10.)) 9. Excluding SIC Industry No. 5813 Drinking Places.~~

993 ~~_____ ((11.)) 10. No outside storage of fuel trucks and equipment.~~

994 ~~_____ ((12.)) 11. Excluding vehicle and livestock auctions.~~

995 ~~_____ ((13.)) 12. Only as accessory to a winery or SIC Industry No. 2082 Malt~~
996 ~~Beverages, and limited to products produced on site and incidental items where~~
997 ~~the majority of sales are generated from products produced on site.~~

998 ~~_____ ((14.)) 13.a. Not in R-1 and limited to SIC Industry No. 5331 Variety Stores,~~
999 ~~limited to a maximum of five thousand square feet of gross floor area, and subject to~~
1000 ~~K.C.C. 21A.12.230; and~~

1001 ~~_____ b. Before filing an application with the department, the applicant shall hold a~~
1002 ~~community meeting in accordance with K.C.C. 20.20.035.~~

1003 ~~_____ ((15.)) 14.a. Not permitted in R-1 and limited to a maximum of five thousand~~
1004 ~~square feet of gross floor area and subject to K.C.C. 21A.12.230; and~~

1005 ~~_____ b. Before filing an application with the department, the applicant shall hold a~~
1006 ~~community meeting in accordance with K.C.C. 20.20.035.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1007 ~~———— ((16.)) 15.a. Not permitted in R-1 and excluding SIC Industry No. 5813-~~
1008 ~~Drinking Places, and limited to a maximum of five thousand square feet of gross floor~~
1009 ~~area and subject to K.C.C. 21A.12.230, except as provided in subsection ((B.20.)) B.17.~~
1010 ~~of this section; and~~

1011 ~~———— b. Before filing an application with the department, the applicant shall hold a~~
1012 ~~community meeting in accordance with K.C.C. 20.20.035.~~

1013 ~~———— ((17. Retail sale of livestock is permitted only as accessory to raising livestock.~~
1014 ~~———— 18. Limited to the R-1 zone.~~

1015 ~~———— 19.)) 16. Only as:~~

1016 ~~———— a. an accessory use to a permitted manufacturing or retail land use, limited to~~
1017 ~~espresso stands to include sales of beverages and incidental food items, and not to include~~
1018 ~~drive through sales; or~~

1019 ~~———— b. an accessory use to a recreation or multiuse park, limited to a total floor area~~
1020 ~~of three thousand five hundred square feet.~~

1021 ~~———— ((20.)) 17. Only as:~~

1022 ~~———— a. an accessory use to a recreation or multiuse park; or~~

1023 ~~———— b. an accessory use to a park and limited to a total floor area of one thousand~~
1024 ~~five hundred square feet.~~

1025 ~~———— ((21.)) 18. Accessory to a park, limited to a total floor area of seven hundred~~
1026 ~~fifty square feet.~~

1027 ~~———— ((22.)) 19. Only as an accessory use to:~~

1028 ~~———— a. a large active recreation and multiuse park in the urban growth area; or~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1029 ~~_____ b. a park, or a recreation or multiuse park in the RA zones, and limited to a~~
1030 ~~total floor area of seven hundred and fifty square feet.~~

1031 ~~_____ ((23.)) 20. Only as accessory to SIC Industry Group No. 242 Sawmills and SIC~~
1032 ~~Industry No. 2431 Millwork and;~~

1033 ~~_____ a. limited to lumber milled on site; and~~

1034 ~~_____ b. the covered sales area is limited to two thousand square feet. The covered~~
1035 ~~sales area does not include covered areas used to display only milled lumber.~~

1036 ~~_____ ((24.)) 21. Requires at least five farmers selling their own products at each~~
1037 ~~market and the annual value of sales by farmers should exceed the annual sales value of~~
1038 ~~nonfarmer vendors.~~

1039 ~~_____ ((25.)) 22. Limited to sites located within the urban growth area and:~~

1040 ~~_____ a. The sales area shall be limited to three hundred square feet and must be~~
1041 ~~removed each evening;~~

1042 ~~_____ b. There must be legal parking that is easily available for customers; and~~

1043 ~~_____ c. The site must be in an area that is easily accessible to the public, will~~
1044 ~~accommodate multiple shoppers at one time and does not infringe on neighboring~~
1045 ~~properties.~~

1046 ~~_____ ((26.)) 23. Per parcel, limited to a maximum aggregated total of two thousand~~
1047 ~~square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.~~

1048 ~~_____ ((27.)) 24. Per parcel, limited to a maximum aggregated total of five thousand~~
1049 ~~square feet gross floor area devoted to, and in support of, the retail sale of marijuana.~~

1050 ~~_____ SECTION 30. Ordinance 10870, Section 335, as amended, and K.C.C.~~
1051 ~~21A.08.080 are each hereby amended to read as follows:~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1052 ——— A. Manufacturing land uses.

KEY		RESOURCE			RURA	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		G	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	L	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
					L	A			E	N	O	S	I	S	A	S		R
						R				F	R	S	T	S	L	S		I
						E				I	H	Y						A
						A				A	O							L
										L	O							
										D								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I					
							S	-48					(11)					
20	Food and Kindred Products	P1	P1		P1-C1	P1			P2	P2	P2-C		P2-C					
2082	Winery/Brewery	P3			P3-C12	P3			P17	P17	P		P					
2085	Distillery	C1																
21	Materials Processing Facility		P1	P1	P1-C								P					
			3	4														
			C	C1														
				5														
22	Textile Mill Products												C					
23	Apparel and other Textile Products											E	P					
24	Wood Products, except furniture	P4	P4		P4-P18	P4						C6	P					
		P1	P1		C5													
		8	8															
25	Furniture and Fixtures		P1		P19							E	P					
			9															
26	Paper and Allied Products												C					
27	Printing and								P7	P7	P7-C	P7	P					

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

	Instruments															
39	Miscellaneous Light Manufacturing														C	P
4	Motor Vehicle and Bicycle Manufacturing															C
4	Aircraft, Ship and Boat Building															P40
7534	Tire Retreading														C	P
781-82	Movie Production/Distribution														P	P
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C.														
REFERENCES:		chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06														

- 1053 ~~———— B. Development conditions:~~
- 1054 ~~———— 1.a. Excluding wineries and SIC Industry No. 2082 Malt Beverages;~~
- 1055 ~~———— b. In the A zone, only allowed on sites where the primary use is SIC industry~~
- 1056 ~~Group No. 01 Growing Harvesting Crops or No. 02 Raising Livestock and Small~~
- 1057 ~~Animals;~~
- 1058 ~~———— c. In the RA and UR zones, only allowed on lots of at least four and one half~~
- 1059 ~~acres and only when accessory to an agricultural use;~~
- 1060 ~~———— d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,~~
- 1061 ~~the floor area devoted to all processing shall not exceed three thousand five hundred~~
- 1062 ~~square feet, unless located in a building designated as historic resource under K.C.C.~~
- 1063 ~~chapter 20.62;~~
- 1064 ~~———— (2) With a conditional use permit, up to five thousand square feet of floor~~
- 1065 ~~area may be devoted to all processing; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1066 ~~———— (3) In the A zone, on lots thirty five acres or greater, the floor area devoted to~~
 1067 ~~all processing shall not exceed seven thousand square feet, unless located in a building~~
 1068 ~~designated as historic resource under K.C.C. chapter 20.62;~~

1069 ~~———— e. Structures and areas used for processing shall maintain a minimum distance~~
 1070 ~~of seventy five feet from property lines adjoining rural area and residential zones, unless~~
 1071 ~~located in a building designated as historic resource under K.C.C. chapter 20.62;~~

1072 ~~———— f. Processing is limited to agricultural products and sixty percent or more of~~
 1073 ~~the products processed must be grown in the Puget Sound counties. At the time of initial~~
 1074 ~~application, the applicant shall submit a projection of the source of products to be~~
 1075 ~~produced;~~

1076 ~~———— g. In the A zone, structures used for processing shall be located on portions of~~
 1077 ~~agricultural lands that are unsuitable for other agricultural purposes, such as areas within~~
 1078 ~~the already developed portion of such agricultural lands that are not available for direct~~
 1079 ~~agricultural production, or areas without prime agricultural soils; and~~

1080 ~~———— h. Tasting of products produced on site may be provided in accordance with~~
 1081 ~~state law. The area devoted to tasting shall be included in the floor area limitation in~~
 1082 ~~subsection B.1.d. of this section.~~

1083 ~~———— 2. Except slaughterhouses.~~

1084 ~~———— 3.a. Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
 1085 ~~Industry No. 2085 Distilled and Blended Liquors;~~

1086 ~~———— b. ((In the A zone, only allowed on sites where the primary use is SIC Industry~~
 1087 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~
 1088 ~~Animals.))~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1089 ~~———— c.)) In the RA and UR zones, only allowed on lots of at least four and one-half~~
 1090 ~~acres;~~
- 1091 ~~———— ((d.)) c. The floor area devoted to all processing shall not exceed three~~
 1092 ~~thousand five hundred square feet, unless located in a building designated as historic~~
 1093 ~~resource under K.C.C. chapter 20.62;~~
- 1094 ~~———— ((e.)) d. Structures and areas used for processing shall maintain a minimum~~
 1095 ~~distance of seventy five feet from property lines adjoining rural area and residential~~
 1096 ~~zones, unless located in a building designated as historic resource under K.C.C. chapter~~
 1097 ~~20.62;~~
- 1098 ~~———— ((f.)) e. Sixty percent or more of the products processed must be grown in the~~
 1099 ~~Puget Sound counties. At the time of the initial application, the applicant shall submit a~~
 1100 ~~projection of the source of products to be produced; and~~
- 1101 ~~———— ((g.)) f. Tasting of products produced on site may be provided in accordance~~
 1102 ~~with state law. The area devoted to tasting shall be included in the floor area limitation in~~
 1103 ~~subsection ((B.3.c.)) B.3.b. of this section.~~
- 1104 ~~———— 4. Limited to rough milling and planing of products grown on site with portable~~
 1105 ~~equipment.~~
- 1106 ~~———— 5. Limited to SIC Industry Group No. 242 Sawmills and SIC Industry No.~~
 1107 ~~2431 Millwork. For RA zoned sites, if using lumber or timber grown off site, the~~
 1108 ~~minimum site area is four and one-half acres.~~
- 1109 ~~———— 6. Limited to uses found in SIC Industry No. 2434 Wood Kitchen Cabinets and~~
 1110 ~~No. 2431 Millwork((,)) (excluding planing mills).~~
- 1111 ~~———— 7. Limited to photocopying and printing services offered to the general public.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1112 ~~8. Only within enclosed buildings, and as an accessory use to retail sales.~~
- 1113 ~~9. Only within enclosed buildings.~~
- 1114 ~~10. Limited to boat building of craft not exceeding forty eight feet in length.~~
- 1115 ~~11. For I zoned sites located outside the urban growth area designated by the~~
 1116 ~~King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.~~
 1117 ~~21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for~~
 1118 ~~rural industrial uses as set forth in K.C.C. chapter 21A.12.~~
- 1119 ~~12.a. Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
 1120 ~~Industry No. 2085 Distilled and Blended Liquors;~~
- 1121 ~~b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area~~
 1122 ~~of structures for wineries, breweries and distilleries and any accessory uses shall not~~
 1123 ~~exceed a total of eight thousand square feet. The floor area may be increased by up to an~~
 1124 ~~additional eight thousand square feet of underground storage that is constructed~~
 1125 ~~completely below natural grade, not including required exits and access points, if the~~
 1126 ~~underground storage is at least one foot below the surface and is not visible above~~
 1127 ~~ground; and~~
- 1128 ~~(2) On Vashon Maury Island, the total floor area of structures for wineries,~~
 1129 ~~breweries and distilleries and any accessory uses may not exceed six thousand square~~
 1130 ~~feet, including underground storage;~~
- 1131 ~~c. Wineries, breweries and distilleries shall comply with Washington state~~
 1132 ~~Department of Ecology and King County board of health regulations for water usage and~~
 1133 ~~wastewater disposal. Wineries, breweries and distilleries using water from exempt wells~~
 1134 ~~shall install a water meter;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1135 ~~_____ d. Off street parking is limited to one hundred and fifty percent of the~~
1136 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
1137 ~~21A.18.030;~~

1138 ~~_____ e. Structures and areas used for processing shall be set back a minimum~~
1139 ~~distance of seventy five feet from property lines adjacent to rural area and residential~~
1140 ~~zones, unless the processing is located in a building designated as historic resource under~~
1141 ~~K.C.C. chapter 20.62;~~

1142 ~~_____ f. The minimum site area is four and one half acres. If the total floor area of~~
1143 ~~structures for wineries, breweries and distilleries and any accessory uses exceed six~~
1144 ~~thousand square feet, including underground storage:~~

1145 ~~_____ (1) the minimum site area is ten acres; and~~

1146 ~~_____ (2) a minimum of two and one half acres of the site shall be used for the~~
1147 ~~growing of agricultural products;~~

1148 ~~_____ g. The facility shall be limited to processing agricultural products and sixty~~
1149 ~~percent or more of the products processed must be grown in the Puget Sound counties.~~
1150 ~~At the time of the initial application, the applicant shall submit a projection of the source~~
1151 ~~of products to be processed; and~~

1152 ~~_____ h. Tasting of products produced on site may be provided in accordance with~~
1153 ~~state law. The area devoted to tasting shall be included in the floor area limitation in~~
1154 ~~subsection B.12.b. of this section.~~

1155 ~~_____ 13. Only on the same lot or same group of lots under common ownership or~~
1156 ~~documented legal control, which includes, but is not limited to, fee simple ownership, a~~
1157 ~~long term lease or an easement;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1158 ~~———— a. as accessory to a primary forestry use and at a scale appropriate to process~~
 1159 ~~the organic waste generated on the site; or~~

1160 ~~———— b. as a continuation of a sawmill or lumber manufacturing use only for that~~
 1161 ~~period to complete delivery of products or projects under contract at the end of the~~
 1162 ~~sawmill or lumber manufacturing activity.~~

1163 ~~———— 14. Only on the same lot or same group of lots under common ownership or~~
 1164 ~~documented legal control, which includes, but is not limited to, fee simple ownership, a~~
 1165 ~~long term lease or an easement:~~

1166 ~~———— a. as accessory to a primary mineral use; or~~
 1167 ~~———— b. as a continuation of a mineral processing use only for that period to~~
 1168 ~~complete delivery of products or projects under contract at the end of mineral extraction.~~

1169 ~~———— 15. Continuation of a materials processing facility after reclamation in~~
 1170 ~~accordance with an approved reclamation plan.~~

1171 ~~———— 16. Only a site that is ten acres or greater and that does not use local access~~
 1172 ~~streets that abut lots developed for residential use.~~

1173 ~~———— 17.a. Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
 1174 ~~Industry No. 2085 Distilled and Blended Liquors;~~

1175 ~~———— b. The floor area devoted to all processing shall not exceed three thousand five~~
 1176 ~~hundred square feet, unless located in a building designated as historic resource under~~
 1177 ~~K.C.C. chapter 20.62;~~

1178 ~~———— c. Structures and areas used for processing shall maintain a minimum distance~~
 1179 ~~of seventy five feet from property lines adjoining rural area and residential zones, unless~~
 1180 ~~located in a building designated as historic resource under K.C.C. chapter 20.62; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1181 ~~———— d. Tasting of products produced on site may be provided in accordance with~~
 1182 ~~state law. The area devoted to tasting shall be included in the floor area limitation in~~
 1183 ~~subsection B.18.b. of this section.~~
- 1184 ~~———— 18. Limited to:~~
- 1185 ~~———— a. SIC Industry Group No. 242 Sawmills and SIC Industry No. 2431-~~
 1186 ~~Millwork, as follows:~~
- 1187 ~~———— (1) If using lumber or timber grown off site, the minimum site area is four~~
 1188 ~~and one half acres;~~
- 1189 ~~———— (2) The facility shall be limited to an annual production of no more than one~~
 1190 ~~hundred fifty thousand board feet;~~
- 1191 ~~———— (3) Structures housing equipment used in the operation shall be located at~~
 1192 ~~least one hundred feet from adjacent properties with residential or rural area zoning;~~
- 1193 ~~———— (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to~~
 1194 ~~7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;~~
- 1195 ~~———— (6) In the RA zone, the facility's driveway shall have adequate entering sight~~
 1196 ~~distance required by the 2007 King County Road Design and Construction Standards. An~~
 1197 ~~adequate turn around shall be provided on site to prevent vehicles from backing out on to~~
 1198 ~~the roadway that the driveway accesses; and~~
- 1199 ~~———— (7) Outside lighting is limited to avoid off site glare; and~~
- 1200 ~~———— b. SIC Industry No. 2411 Logging.~~
- 1201 ~~———— 19. Limited to manufacture of custom made wood furniture or cabinets.~~
- 1202 ~~———— 20.a. Only allowed on lots of at least four and one half acres;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1203 ~~———— b. Only as an accessory use to a Washington state Liquor Control Board~~
1204 ~~licensed marijuana production facility on the same lot; and~~

1205 ~~———— c. Accessory marijuana processing uses allowed under this section are subject~~
1206 ~~to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.~~

1207 ~~———— 21.a. Only in the CB and RB zones located outside the urban growth area; and~~

1208 ~~———— b. Per parcel, the aggregated total gross floor area devoted to the use of, and in~~
1209 ~~support of, processing marijuana together with any separately authorized production of~~
1210 ~~marijuana shall be limited to a maximum of two thousand square feet; and~~

1211 ~~———— c. If the two thousand square foot per parcel threshold is exceeded, each and~~
1212 ~~every marijuana related entity occupying space in addition to the two thousand square~~
1213 ~~foot threshold area on that parcel shall obtain a conditional use permit as set forth in~~
1214 ~~subsection B.23. of this section.~~

1215 ~~———— 22.a. Only in the CB and RB zones located outside the urban growth area; and~~

1216 ~~———— b. Per parcel, the aggregated total gross floor area devoted to the use of, and in~~
1217 ~~support of, processing marijuana together with any separately authorized production of~~
1218 ~~marijuana shall be limited to a maximum of thirty thousand square feet.~~

1219 ~~———— 23.a. Only in the CB and RB zones located inside the urban growth area; and~~

1220 ~~———— b. Per parcel, the aggregated total gross floor area devoted to the use of, and in~~
1221 ~~support of, processing marijuana together with any separately authorized production of~~
1222 ~~marijuana shall be limited to a maximum of two thousand square feet; and~~

1223 ~~———— c. If the two thousand square foot per parcel threshold is exceeded, each and~~
1224 ~~every marijuana related entity occupying space in addition to the two thousand square~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1225 ~~foot threshold area on that parcel shall obtain a conditional use permit as set forth in~~
 1226 ~~subsection B.25. of this section.~~

1227 ~~———— 24.a. Only in the CB and RB zones located inside the urban growth area; and~~

1228 ~~———— b. Per parcel, the aggregated total gross floor area devoted to the use of, and in~~
 1229 ~~support of, processing marijuana together with any separately authorized production of~~
 1230 ~~marijuana shall be limited to a maximum of thirty thousand square feet.~~

1231 ~~———— 25. Per parcel, limited to a maximum aggregate total of two thousand square~~
 1232 ~~feet of gross floor area devoted to, and in support of, the processing of marijuana together~~
 1233 ~~with any separately authorized production of marijuana.~~

1234 ~~———— 26. Per parcel, limited to a maximum aggregate total of thirty thousand square~~
 1235 ~~feet of gross floor area devoted to, and in support of, the processing of marijuana together~~
 1236 ~~with any separately authorized production of marijuana.~~

1237 ~~———— SECTION 31, Ordinance 10870, Section 336, as amended, and K.C.C.~~
 1238 ~~21A.08.090 are each hereby amended to read as follows:~~

1239 ~~———— A. Resource land uses.~~

KEY	RESOURCE			RU	RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
	A	F	M	R	U	R	U	R	N	B	C	B	R	B	G	I	
P-Permitted Use	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
C-Conditional Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
S-Special Use	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		V		E	B	E	N	E	N	E	E	T	
	L		L	A		E		N	O	S	I	S	A	S		R	
	T			R				T	R	S	T	S	L	S		I	
	U			E				I	H	Y						A	
	R			A				A	O							L	
	E							L	O								

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	D	NB	CB	RB	O	I
AGRICULTURE:														
01	Growing and Harvesting Crops	P	P		P	P	P							P
02	Raising Livestock and Small Animals (6)	P	P		P	P								P
01-02	Agricultural Activities	P24 C	P24 C		P24 C									
01-02	Agricultural Support Services	P25 C	P25 C		P26 C		P26 C							
01-02														
01-02														
A	Recreational marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19			P20 C21
A	Agriculture Training Facility	C10												
A	Agriculture-related special needs camp	P12												
A	Agricultural Anaerobic Digester	P13												
FORESTRY:														
08	Growing & Harvesting Forest Production	P	P	P2	P	P	P							P
A	Forest Research		P		P	P							P2	P
FISH AND WILDLIFE MANAGEMENT:														
0021	Hatchery/Fish Preserve (1)	P	P		P	P	C							P
0273	Aquaculture (1)	P	P		P	P	C							P
A	Wildlife Shelters	P	P		P	P								
MINERAL:														
10,12,14	Mineral Extraction and Processing		P0 C	P C11										
2051, 3271, 3273	Asphalt/Concrete Mixtures and Block		P0 C11	P0 C11										P
ACCESSORY USES:														
A	Resource-Accessory Uses	P3 P23	P4	P5	P3	P3								P4

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

		<u>P27</u>										
#	Temporary Farm Worker Housing	P14	P14		P14							
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters										
REFERENCES:		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.										

- 1240 ~~B. Development conditions.~~
- 1241 ~~1. May be further subject to K.C.C. chapter 21A.25.~~
- 1242 ~~2. Only forest research conducted within an enclosed building.~~
- 1243 ~~3. ((Accessory dwelling units)) Farm houses: in accordance with K.C.C.~~
- 1244 ~~21A.08.030.~~
- 1245 ~~4. Excluding housing for agricultural workers.~~
- 1246 ~~5. Limited to either maintenance or storage facilities, or both, in conjunction~~
- 1247 ~~with mineral extraction or processing operation.~~
- 1248 ~~6. Allowed in accordance with K.C.C. chapter 21A.30.~~
- 1249 ~~7. Only in conjunction with a mineral extraction site plan approved in~~
- 1250 ~~accordance with K.C.C. chapter 21A.22.~~
- 1251 ~~8. Only on the same lot or same group of lots under common ownership or~~
- 1252 ~~documented legal control, which includes, but is not limited to, fee simple ownership, a~~
- 1253 ~~long term lease or an easement:~~
- 1254 ~~a. as accessory to a primary mineral extraction use;~~
- 1255 ~~b. as a continuation of a mineral processing only for that period to complete~~
- 1256 ~~delivery of products or projects under contract at the end of a mineral extraction; or~~
- 1257 ~~c. for a public works project under a temporary grading permit issued in~~
- 1258 ~~accordance with K.C.C. 16.82.152.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1259 ~~9. Limited to mineral extraction and processing:~~
- 1260 ~~a. on a lot or group of lots under common ownership or documented legal~~
- 1261 ~~control, which includes but is not limited to, fee simple ownership, a long term lease or~~
- 1262 ~~an easement;~~
- 1263 ~~b. that are located greater than one quarter mile from an established residence;~~
- 1264 ~~and~~
- 1265 ~~c. that do not use local access streets that abut lots developed for residential~~
- 1266 ~~use.~~
- 1267 ~~10. Agriculture training facilities are allowed only as an accessory to existing~~
- 1268 ~~agricultural uses and are subject to the following conditions:~~
- 1269 ~~a. The impervious surface associated with the agriculture training facilities~~
- 1270 ~~shall comprise not more than ten percent of the allowable impervious surface permitted~~
- 1271 ~~under K.C.C. 21A.12.040;~~
- 1272 ~~b. New or the expansion of existing structures, or other site improvements,~~
- 1273 ~~shall not be located on class 1, 2 or 3 soils;~~
- 1274 ~~c. The director may require reuse of surplus structures to the maximum extent~~
- 1275 ~~practical;~~
- 1276 ~~d. The director may require the clustering of new structures with existing~~
- 1277 ~~structures;~~
- 1278 ~~e. New structures or other site improvements shall be set back a minimum~~
- 1279 ~~distance of seventy five feet from property lines adjoining rural area and residential~~
- 1280 ~~zones;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1281 ~~_____ f. Bulk and design of structures shall be compatible with the architectural style~~
 1282 ~~of the surrounding agricultural community;~~
- 1283 ~~_____ g. New sewers shall not be extended to the site;~~
- 1284 ~~_____ h. Traffic generated shall not impede the safe and efficient movement of~~
 1285 ~~agricultural vehicles, nor shall it require capacity improvements to rural roads;~~
- 1286 ~~_____ i. Agriculture training facilities may be used to provide educational services to~~
 1287 ~~the surrounding rural/agricultural community or for community events. Property owners~~
 1288 ~~may be required to obtain a temporary use permit for community events in accordance~~
 1289 ~~with K.C.C. chapter 21A.32;~~
- 1290 ~~_____ j. Use of lodging and food service facilities shall be limited only to activities~~
 1291 ~~conducted in conjunction with training and education programs or community events~~
 1292 ~~held on site;~~
- 1293 ~~_____ k. Incidental uses, such as office and storage, shall be limited to those that~~
 1294 ~~directly support education and training activities or farm operations; and~~
- 1295 ~~_____ l. The King County agriculture commission shall be notified of and have an~~
 1296 ~~opportunity to comment upon all proposed agriculture training facilities during the permit~~
 1297 ~~process in accordance with K.C.C. chapter 21A.40.~~
- 1298 ~~_____ 11. Continuation of mineral processing and asphalt/concrete mixtures and block~~
 1299 ~~uses after reclamation in accordance with an approved reclamation plan.~~
- 1300 ~~_____ 12.a. Activities at the camp shall be limited to agriculture and agriculture-~~
 1301 ~~oriented activities. In addition, activities that place minimal stress on the site's~~
 1302 ~~agricultural resources or activities that are compatible with agriculture are permitted.~~
- 1303 ~~_____ (1) passive recreation;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1304 ~~———— (2) training of individuals who will work at the camp;~~

1305 ~~———— (3) special events for families of the campers; and~~

1306 ~~———— (4) agriculture education for youth.~~

1307 ~~———— b. Outside the camp center, as provided for in subsection B.12.e. of this~~

1308 ~~section, camp activities shall not preclude the use of the site for agriculture and~~

1309 ~~agricultural related activities, such as the processing of local food to create value-added~~

1310 ~~products and the refrigeration and storage of local agricultural products. The camp shall~~

1311 ~~be managed to coexist with agriculture and agricultural activities both onsite and in the~~

1312 ~~surrounding area.~~

1313 ~~———— c. A farm plan shall be required for commercial agricultural production to~~

1314 ~~ensure adherence to best management practices and soil conservation.~~

1315 ~~———— d.(1) The minimum site area shall be five hundred acres. Unless the property~~

1316 ~~owner has sold or transferred the development rights as provided in subsection B.12.e.(3)~~

1317 ~~of this section, a minimum of five hundred acres of the site must be owned by a single~~

1318 ~~individual, corporation, partnership or other legal entity and must remain under the~~

1319 ~~ownership of a single individual, corporation, partnership or other legal entity for the~~

1320 ~~duration of the operation of the camp.~~

1321 ~~———— (2) Nothing in subsection B.12.d.(1) of this section prohibits the property~~

1322 ~~owner from selling or transferring the development rights for a portion or all of the site to~~

1323 ~~the King County farmland preservation program or, if the development rights are~~

1324 ~~extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;~~

1325 ~~———— e. The impervious surface associated with the camp shall comprise not more~~

1326 ~~than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1327 ~~_____ f. Structures for living quarters, dining facilities, medical facilities and other~~
1328 ~~nonagricultural camp activities shall be located in a camp center. The camp center shall~~
1329 ~~be no more than fifty acres and shall depicted on a site plan. New structures for~~
1330 ~~nonagricultural camp activities shall be clustered with existing structures;~~
1331 ~~_____ g. To the extent practicable, existing structures shall be reused. The applicant~~
1332 ~~shall demonstrate to the director that a new structure for nonagricultural camp activities~~
1333 ~~cannot be practicably accommodated within an existing structure on the site, though~~
1334 ~~cabins for campers shall be permitted only if they do not already exist on site;~~
1335 ~~_____ h. Camp facilities may be used to provide agricultural educational services to~~
1336 ~~the surrounding rural and agricultural community or for community events. If required~~
1337 ~~by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for~~
1338 ~~community events;~~
1339 ~~_____ i. Lodging and food service facilities shall only be used for activities related to~~
1340 ~~the camp or for agricultural education programs or community events held on site;~~
1341 ~~_____ j. Incidental uses, such as office and storage, shall be limited to those that~~
1342 ~~directly support camp activities, farm operations or agricultural education programs;~~
1343 ~~_____ k. New nonagricultural camp structures and site improvements shall maintain a~~
1344 ~~minimum set back of seventy five feet from property lines adjoining rural area and~~
1345 ~~residential zones;~~
1346 ~~_____ l. Except for legal nonconforming structures existing as of January 1, 2007,~~
1347 ~~camp facilities, such as a medical station, food service hall and activity rooms, shall be of~~
1348 ~~a scale to serve overnight camp users;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1349 ~~_____ m. Landscaping equivalent to a type III landscaping screen, as provided for in~~
1350 ~~K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures~~
1351 ~~and site improvements located within two hundred feet of an adjacent rural area and~~
1352 ~~residential zoned property not associated with the camp;~~
- 1353 ~~_____ n. New sewers shall not be extended to the site;~~
- 1354 ~~_____ o. The total number of persons staying overnight shall not exceed three~~
1355 ~~hundred;~~
- 1356 ~~_____ p. The length of stay for any individual overnight camper, not including camp~~
1357 ~~personnel, shall not exceed ninety days during a three hundred sixty five day period;~~
- 1358 ~~_____ q. Traffic generated by camp activities shall not impede the safe and efficient~~
1359 ~~movement of agricultural vehicles nor shall it require capacity improvements to rural~~
1360 ~~roads;~~
- 1361 ~~_____ r. If the site is adjacent to an arterial roadway, access to the site shall be~~
1362 ~~directly onto the arterial unless the county road engineer determines that direct access is~~
1363 ~~unsafe;~~
- 1364 ~~_____ s. If direct access to the site is via local access streets, transportation~~
1365 ~~management measures shall be used to minimize adverse traffic impacts;~~
- 1366 ~~_____ t. Camp recreational activities shall not involve the use of motor vehicles~~
1367 ~~unless the motor vehicles are part of an agricultural activity or are being used for the~~
1368 ~~transportation of campers, camp personnel or the families of campers. Camp personnel~~
1369 ~~may use motor vehicles for the operation and maintenance of the facility. Client specific~~
1370 ~~motorized personal mobility devices are allowed; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1371 ~~u. Lights to illuminate the camp or its structures shall be arranged to reflect the~~
1372 ~~light away from any adjacent property.~~

1373 ~~13. Limited to digester receiving plant and animal and other organic waste from~~
1374 ~~agricultural activities, and including electrical generation, as follows:~~

1375 ~~a. the digester must be included as part of a Washington state Department of~~
1376 ~~Agriculture approved dairy nutrient plan;~~

1377 ~~b. the digester must process at least seventy percent livestock manure or other~~
1378 ~~agricultural organic material from farms in the vicinity, by volume;~~

1379 ~~c. imported organic waste derived material, such as food processing waste,~~
1380 ~~may be processed in the digester for the purpose of increasing methane gas production for~~
1381 ~~beneficial use, but not shall exceed thirty percent of volume processed by the digester;~~
1382 ~~and~~

1383 ~~d. the use must be accessory to an operating dairy or livestock operation.~~

1384 ~~14. Farm worker housing. Either:~~

1385 ~~a. Temporary farm worker housing subject to the following conditions:~~

1386 ~~((a.)) (1) The housing must be licensed by the Washington state Department~~
1387 ~~of Health under chapter 70.114A RCW and chapter 246.358 WAC;~~

1388 ~~((b.)) (2) Water supply and sewage disposal systems must be approved by the~~
1389 ~~Seattle King County department of health;~~

1390 ~~((c.)) (3) To the maximum extent practical, the housing should be located on~~
1391 ~~nonfarmable areas that are already disturbed and should not be located in the floodplain~~
1392 ~~or in a critical area or critical area buffer; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1393 — ~~((d.)) (4) The property owner shall file with the department of executive~~
1394 ~~services, records and licensing services division, a notice approved by the department~~
1395 ~~identifying the housing as ((the)) temporary farm worker housing ((as accessory)) and~~
1396 ~~that the housing shall ((only)) be occupied only by agricultural employees and their~~
1397 ~~families while employed by the owner or operator or on a nearby farm. The notice shall~~
1398 ~~run with the land((,)); or~~

1399 — b. Housing for agricultural employees who are employed by the owner or
1400 operator of the farm year round as follows:

1401 — (1) Not more than:

1402 — (a) one agricultural employee dwelling unit on a site under twenty acres;
1403 — (b) two agricultural employee dwelling units on a site between twenty acres
1404 and fifty acres;

1405 — (c) three agricultural employee dwelling units on a site greater than fifty
1406 acres and less than one hundred acres; and

1407 — (d) four agricultural employee dwelling units on sites one hundred acres and
1408 larger and one additional agricultural employee dwelling unit for each additional one
1409 hundred acres thereafter;

1410 — (2) If the primary use of the site changes to a nonagricultural use, all
1411 agricultural employee dwelling units shall be removed;

1412 — (3) The applicant shall file with the department of executive services, records
1413 and licensing services division, a notice approved by the department that identifies the
1414 agricultural employee dwelling units as accessory and that the dwelling units shall only
1415 be occupied by agricultural employees who are employed by the owner or operator year-

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1416 ~~round. The notice shall run with the land. The applicant shall submit to the department~~
 1417 ~~proof that the notice was filed with the department of executive services, records and~~
 1418 ~~licensing services division, before the department approves any permit for the~~
 1419 ~~construction of agricultural employee dwelling units;~~

1420 ~~———— (4) An agricultural employee dwelling unit shall not exceed a floor area of~~
 1421 ~~one thousand square feet and may be occupied by no more than eight unrelated~~
 1422 ~~agricultural employees;~~

1423 ~~———— (5) To the maximum extent practical, the housing should be located on~~
 1424 ~~nonfarmable areas that are already disturbed;~~

1425 ~~———— (6) One off street parking space shall be provided for each agricultural~~
 1426 ~~employee dwelling unit; and~~

1427 ~~———— (7) The agricultural employee dwelling units shall be constructed in~~
 1428 ~~compliance with K.C.C. Title 16.~~

1429 ~~———— 15. Marijuana production by marijuana producers licensed by the Washington~~
 1430 ~~state Liquor Control Board is subject to the following standards:~~

1431 ~~———— a. Production is limited to outdoor, indoor within marijuana greenhouses, and~~
 1432 ~~within structures that are nondwelling unit structures that exist as of October 1, 2013,~~
 1433 ~~subject to the size limitations in subsection B.15.b. of this section;~~

1434 ~~———— b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with~~
 1435 ~~any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum~~
 1436 ~~aggregated total of two thousand square feet and shall be located within a fenced area or~~
 1437 ~~marijuana greenhouse that is no more than ten percent larger than that combined area, or~~
 1438 ~~may occur in nondwelling unit structures that exist as of October 1, 2013; and~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1439 ~~———— c. Outdoor production area fencing as required by the Washington state Liquor~~
 1440 ~~Control Board and marijuana greenhouses shall maintain a minimum street setback of~~
 1441 ~~fifty feet and a minimum interior setback of thirty feet.~~

1442 ~~———— 16. Marijuana production by marijuana producers licensed by the Washington~~
 1443 ~~state Liquor Control Board is subject to the following standards:~~

1444 ~~———— a. Production is limited to outdoor, indoor within marijuana greenhouses, and~~
 1445 ~~within nondwelling unit structures that exist as of October 1, 2013, subject to the size~~
 1446 ~~limitations in subsection B.16.b. of this section;~~

1447 ~~———— b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with~~
 1448 ~~any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum~~
 1449 ~~aggregated total of two thousand square feet and shall be located within a fenced area or~~
 1450 ~~marijuana greenhouse, that is no more than ten percent larger than that combined area, or~~
 1451 ~~may occur in nondwelling unit structures that exist as of October 1, 2013;~~

1452 ~~———— c. Only allowed on lots of at least four and one half acres; and~~

1453 ~~———— d. Outdoor production area fencing as required by the Washington state Liquor~~
 1454 ~~Control Board and marijuana greenhouses shall maintain a minimum street setback of~~
 1455 ~~fifty feet and a minimum interior setback of thirty feet; and~~

1456 ~~———— e. If the two thousand square foot per parcel threshold of plant canopy within~~
 1457 ~~fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related~~
 1458 ~~entity occupying space in addition to the two thousand square foot threshold area on that~~
 1459 ~~parcel shall obtain a conditional use permit as set forth in subsection B.17. of this section.~~

1460 ~~———— 17. Marijuana production by marijuana producers licensed by the Washington~~
 1461 ~~state Liquor Control Board is subject to the following standards:~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1462 ~~_____ a. Production is limited to outdoor and indoor within marijuana greenhouses~~
1463 ~~subject to the size limitations in subsection B.17.b. of this section;~~
- 1464 ~~_____ b. Per parcel, the plant canopy, as defined in WAC 314 55 010, combined with~~
1465 ~~any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum~~
1466 ~~aggregated total of thirty thousand square feet and shall be located within a fenced area or~~
1467 ~~marijuana greenhouse that is no more than ten percent larger than that combined area;~~
1468 ~~and~~
- 1469 ~~_____ c. Only allowed on lots of at least four and one half acres.~~
- 1470 ~~_____ 18.a. Production is limited to indoor only; and~~
- 1471 ~~_____ b. Per parcel, the plant canopy, as defined in WAC 314 55 010, combined with~~
1472 ~~any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum~~
1473 ~~aggregated total of two thousand square feet and shall be located within a building or~~
1474 ~~tenant space that is no more than ten percent larger than the plant canopy and separately~~
1475 ~~authorized processing area; and~~
- 1476 ~~_____ c. If the two thousand square foot per parcel threshold is exceeded, each and~~
1477 ~~every marijuana related entity occupying space in addition to the two thousand square~~
1478 ~~foot threshold area on that parcel shall obtain a conditional use permit as set forth in~~
1479 ~~subsection B.19. of this section.~~
- 1480 ~~_____ 19.a. Production is limited to indoor only; and~~
- 1481 ~~_____ b. Per parcel, the plant canopy, as defined in WAC 314 55 010, combined with~~
1482 ~~any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum~~
1483 ~~aggregated total of thirty thousand square feet and shall be located within a building or~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1484 ~~tenant space that is no more than ten percent larger than the plant canopy and separately~~
1485 ~~authorized processing area.~~

1486 ~~——— 20.a. Production is limited to indoor only;~~

1487 ~~——— b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with~~
1488 ~~any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum~~
1489 ~~aggregated total of two thousand square feet and shall be located within a building or~~
1490 ~~tenant space that is no more than ten percent larger than the plant canopy and separately~~
1491 ~~authorized processing area.~~

1492 ~~——— 21.a. Production is limited to indoor only;~~

1493 ~~——— b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with~~
1494 ~~any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum~~
1495 ~~aggregated total of thirty thousand square feet and shall be located within a building or~~
1496 ~~tenant space that is no more than ten percent larger than the plant canopy and separately~~
1497 ~~authorized processing area.~~

1498 ~~——— 22. Marijuana production by marijuana producers licensed by the Washington~~
1499 ~~state Liquor Control Board is subject to the following standards:~~

1500 ~~——— a. Production is limited to outdoor, indoor within marijuana greenhouses, and~~
1501 ~~within structures that are nondwelling unit structures that exist as of October 1, 2013,~~
1502 ~~subject to the size limitations in subsection B.15.b. of this section;~~

1503 ~~——— b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with~~
1504 ~~any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum~~
1505 ~~aggregated total of ten thousand square feet and shall be located within a fenced area or~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1506 ~~marijuana greenhouse that is no more than ten percent larger than that combined area, or~~
 1507 ~~may occur in nondwelling unit structures that exist as of October 1, 2013; and~~
 1508 ~~———— c. Outdoor production area fencing as required by the Washington state Liquor~~
 1509 ~~Control Board and marijuana greenhouses shall maintain a minimum street setback of~~
 1510 ~~fifty feet and a minimum interior setback of thirty feet.~~
 1511 ~~———— 23. The storage and processing of non-manufactured source separated organic~~
 1512 ~~waste that originates from agricultural operations and that does not originate from the~~
 1513 ~~site, if:~~
 1514 ~~———— a. agricultural is the primary use of the site;~~
 1515 ~~———— b. the storage and processing are in accordance with best management practices~~
 1516 ~~included in an approved farm plan; and~~
 1517 ~~———— c. except for areas used for manure storage, the areas used for storage and~~
 1518 ~~processing do not exceed three acres and ten percent of the site.~~
 1519 ~~———— 24.a. For activities relating to the manufacturing or processing of crops or~~
 1520 ~~livestock for commercial purposes, including associated activities such as warehousing,~~
 1521 ~~storage, including refrigeration, and other similar activities and excluding wineries, SIC~~
 1522 ~~Industry No. 2085 – Distilled and Blended Liquors and SIC Industry No. 2082 – Malt~~
 1523 ~~Beverages;~~
 1524 ~~———— (1) in the RA and UR zones, only allowed on lots of at least four and one half~~
 1525 ~~acres;~~
 1526 ~~———— (2) limited to agricultural products and sixty percent or more of the products~~
 1527 ~~processed must be grown in the Puget Sound counties. At the time of initial application,~~
 1528 ~~the applicant shall submit a projection of the source of products to be produced;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1529 ~~— (3) structures and areas used for processing, warehousing, storage, including~~
 1530 ~~refrigeration, and other similar activities shall maintain a minimum distance of seventy~~
 1531 ~~five feet from property lines adjoining rural area and residential zones, unless located in a~~
 1532 ~~building designated as historic resource under K.C.C. chapter 20.62;~~

1533 ~~— (4) in the A zone, structures and areas used for processing, warehousing,~~
 1534 ~~refrigeration, storage and other similar activities shall be located on portions of~~
 1535 ~~agricultural lands that are unsuitable for other agricultural purposes, such as areas within~~
 1536 ~~the already developed portion of such agricultural lands that are not available for direct~~
 1537 ~~agricultural production, or areas without prime agricultural soils; and~~

1538 ~~— (5)(a) as a permitted use, the floor area devoted to all processing shall not~~
 1539 ~~exceed three thousand five hundred square feet, unless located in a building designated as~~
 1540 ~~an historic resource under K.C.C. chapter 20.62. The department may review and~~
 1541 ~~approve, in accordance with the code compliance review process in section 33 of this~~
 1542 ~~ordinance, an increase in the processing floor area as follows: up to five thousand square~~
 1543 ~~feet of floor area may be devoted to all processing in the RA zones or on lots less than~~
 1544 ~~thirty five acres located in the A zones or up to seven thousand square feet on lots greater~~
 1545 ~~than thirty five acres in the A zone, unless located in a building designated as historic~~
 1546 ~~resource under K.C.C. chapter 20.62; and~~

1547 ~~— (b) as a permitted use, the floor area devoted to all warehousing,~~
 1548 ~~refrigeration, storage or other similar activities shall not exceed two thousand square feet,~~
 1549 ~~unless located in a building designated as historic resource under K.C.C. chapter 20.62.~~
 1550 ~~The department may review and approve, in accordance with the code compliance~~
 1551 ~~process in section 33 of this ordinance, up to three thousand five hundred square feet of~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1552 ~~floor area devoted to all warehousing, storage, including refrigeration, or other similar~~
1553 ~~activities in the RA zones or on lots less than thirty five acres located in the A zones or~~
1554 ~~up to seven thousand square feet on lots greater than thirty five acres in the A zone,~~
1555 ~~unless located in a building designated as historic resource under K.C.C. chapter 20.62.~~
1556 ~~———— b. For activities relating to the retail sale of agricultural products, except~~
1557 ~~livestock:~~
1558 ~~———— (1) as a permitted use, the covered sales area shall not exceed two thousand~~
1559 ~~square feet, unless located in a building designated as a historic resource under K.C.C.~~
1560 ~~chapter 20.62. The department may review and approve, in accordance with the code~~
1561 ~~compliance review process in section 33 of this ordinance, up to three thousand five~~
1562 ~~hundred square feet of covered sales area;~~
1563 ~~———— (2) in the RA and UR zones, only allowed on lots at least four and one half~~
1564 ~~acres;~~
1565 ~~———— (3) forty percent or more of the gross sales of agricultural product sold~~
1566 ~~through the store must be sold by the producers of primary agricultural products;~~
1567 ~~———— (4) sixty percent or more of the gross sales of agricultural products sold~~
1568 ~~through the store shall be derived from products grown or produced in the Puget Sound~~
1569 ~~counties. At the time of the initial application, the applicant shall submit a reasonable~~
1570 ~~projection of the source of product sales;~~
1571 ~~———— (5) sales shall be limited to agricultural products and locally made arts and~~
1572 ~~crafts;~~
1573 ~~———— (6) tasting of products, in accordance with applicable health regulations, is~~
1574 ~~allowed;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1575 ~~_____ (7) storage areas for agricultural products may be included in a farm store~~
 1576 ~~structure or in any accessory building; and~~

1577 ~~_____ (8) outside lighting is permitted if no off-site glare is allowed.~~

1578 ~~_____ e. Retail sales of livestock is permitted only as accessory to raising livestock.~~

1579 ~~_____ d. Farm operations, including equipment repair and related facilities, except~~
 1580 ~~that:~~

1581 ~~_____ (1) in the RA zones, only allowed on lots of at least four and one-half acres;~~

1582 ~~_____ (2) the repair of tools and machinery is limited to those necessary for the~~
 1583 ~~operation of a farm or forest; and~~

1584 ~~_____ (3) the size of the total repair use is limited to one percent of the lot size up to~~
 1585 ~~a maximum of five thousand square feet unless located within an existing farm structure,~~
 1586 ~~including but not limited to barns, existing as of December 31, 2003.~~

1587 ~~_____ e. Minimum lot sizes in the rural and residential zones and minimum setbacks~~
 1588 ~~from rural and residential properties may be reduced in accordance with the code~~
 1589 ~~compliance review process in section 33 of this ordinance.~~

1590 ~~_____ 25. The department may review and approve establishment of an agricultural~~
 1591 ~~support facility in accordance with the code compliance review process in section 34 of~~
 1592 ~~this ordinance only if:~~

1593 ~~_____ a. project is sited on lands that are unsuitable for direct agricultural production~~
 1594 ~~based on size, soil conditions or other factors and cannot be returned to productivity by~~
 1595 ~~drainage maintenance, and~~

1596 ~~_____ b. the proposed use is allowed under FPP conservation easement and/or zoning~~
 1597 ~~development standards.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1598 ~~26. The department may review and approve establishment of agricultural~~
1599 ~~support services in accordance with the code compliance review process in section 34 of~~
1600 ~~this ordinance only if:~~

1601 ~~a. the project site is located on properties that adjoin or are within six hundred~~
1602 ~~sixty feet of the agricultural production district, has direct vehicular access to the~~
1603 ~~agricultural production district and, except for farmworker housing, does not use local~~
1604 ~~access streets that abut lots developed for residential use; and~~

1605 ~~b. Minimum lot size is four and one half acres.~~

1606 ~~27.a. Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
1607 ~~Industry No. 2085 Distilled and Blended Liquors;~~

1608 ~~b. The floor area devoted to all processing shall not exceed three thousand five~~
1609 ~~hundred square feet, unless located in a building designated as historic resource under~~
1610 ~~K.C.C. chapter 20.62;~~

1611 ~~c. Structures and areas used for processing shall maintain a minimum distance~~
1612 ~~of seventy five feet from property lines adjoining rural area and residential zones, unless~~
1613 ~~located in a building designated as historic resource under K.C.C. chapter 20.62;~~

1614 ~~d. Sixty percent or more of the products processed must be grown in the Puget~~
1615 ~~Sound counties. At the time of the initial application, the applicant shall submit a~~
1616 ~~projection of the source of products to be produced; and~~

1617 ~~e. Tasting of products produced on site may be provided in accordance with~~
1618 ~~state law. The area devoted to tasting shall be included in the floor area limitation in~~
1619 ~~subsection B.3.c. of this section.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1620 ~~SECTION 32, Ordinance 10870, Section 337, as amended, and K.C.C.~~

1621 ~~21A.08.100 are each hereby amended to read as follows:~~

1622 ~~A. Regional land uses:~~

KEY	RESOURCE	R-U R-A L	RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
			A	F	M	RA	DR	R1-S	R12- 48	NB	CB	RB	O	I
P-Permitted Use C-Conditional Use S-Special Use	Z													
SIC#	SPECIFIC LAND USE	A	F	M	RA	DR	R1-S	R12- 48	NB	CB	RB	O	I(15)	
1	Jail						S	S	S	S	S	S	S	
1	Jail Farm/Camp	S	S		S	S								
1	Work Release Facility				S10	S10	S	S	S	S	S	S		
1	Public Agency Animal Control Facility		S		S	S					S		P	
1	Public Agency Training Facility		S		S3					S3	S3	S3	C4	
1	Hydroelectric Generation Facility		C14-S		C14	C14	C14							
1	Non-hydroelectric Generation Facility	((P25)) C12-S	C12-S	C12-S	C12	C12	C12	C12	C12	C12	C12-S	C12	P12	
1	Communication Facility (17)	C6e-S	P		C6e	C6e	C6e	C6e	C6e	P	P	P	P	
1	Earth Station	P6b-C	P		C6a	C6a	C6a	C6a	P6b	P	P	P	P	
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C	
1	Energy Resource		S	S	S	S	S	S	S	S	S	S	S	

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

	Recovery Facility												
±	Soil Recycling Facility		S	S	S								C
±	Landfill		S	S	S	S	S	S	S	S	S	S	S
±	Transfer Station			S	S	S	S	S	S	S	S		P
±	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
±	Municipal Water Production	S	P13-S	S	S	S	S	S	S	S	S	S	S
±	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
±	Rural Public Infrastructure Maintenance Facility				C23								
±	Transit Bus Base						S	S	S	S	S	S	P
±	School Bus Base				C5	C5-S	C5-S	C5-S	S	S	S	S	P
					S20								
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
±	Regional Motor Sports Facility												P
±	County Fairgrounds Facility				P21								
					S22								
±	Fairground								S	S			S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7944	Stadium/Arena										S		S
8221	College/University(1)	P10	P10		P10	P10	P10	P10	P10	P	P	P	P
8222					C11	C11	C11	C11	C11				
					S18	S18	S	S	S				
±	Zoo Animal Breeding Facility	P16	P16		P16								
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 1623 ——— B. Development conditions:
- 1624 ——— 1. Except technical institutions. See vocational schools on general services land
- 1625 use table, K.C.C. 21A.08.050.
- 1626 ——— 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1627 ~~3. Except weapons armories and outdoor shooting ranges.~~
- 1628 ~~4. Except outdoor shooting range.~~
- 1629 ~~5. Only in conjunction with an existing or proposed school.~~
- 1630 ~~6.a. Limited to no more than three satellite dish ((antennae)) antennas.~~
- 1631 ~~b. Limited to one satellite dish antenna.~~
- 1632 ~~c. Limited to tower consolidations.~~
- 1633 ~~7. Limited to landing field for aircraft involved in forestry or agricultural~~
- 1634 ~~practices or for emergency landing sites.~~
- 1635 ~~8. Except racing of motorized vehicles.~~
- 1636 ~~9. Limited to wildlife exhibit.~~
- 1637 ~~10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.~~
- 1638 ~~11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter~~
- 1639 ~~21A.32.~~
- 1640 ~~12. Limited to cogeneration facilities for on site use only.~~
- 1641 ~~13. Excluding impoundment of water using a dam.~~
- 1642 ~~14. Limited to facilities that comply with the following:~~
- 1643 ~~a. Any new diversion structure shall not:~~
- 1644 ~~(1) exceed a height of eight feet as measured from the streambed; or~~
- 1645 ~~(2) impound more than three surface acres of water at the normal maximum~~
- 1646 ~~surface level;~~
- 1647 ~~b. There shall be no active storage;~~
- 1648 ~~c. The maximum water surface area at any existing dam or diversion shall not~~
- 1649 ~~be increased;~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1650 ~~———— d. An exceedance flow of no greater than fifty percent in mainstream reach~~
 1651 ~~shall be maintained;~~

1652 ~~———— e. Any transmission line shall be limited to a:~~

1653 ~~———— (1) right of way of five miles or less; and~~

1654 ~~———— (2) capacity of two hundred thirty KV or less;~~

1655 ~~———— f. Any new, permanent access road shall be limited to five miles or less; and~~

1656 ~~———— g. The facility shall only be located above any portion of the stream used by~~
 1657 ~~anadromous fish.~~

1658 ~~———— 15. For I zoned sites located outside the urban growth area designated by the~~
 1659 ~~King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.~~
 1660 ~~21A.08.100.A, except for waste water treatment facilities and racetracks, shall be~~
 1661 ~~prohibited. All other uses, including waste water treatment facilities, shall be subject to~~
 1662 ~~the provisions for rural industrial uses in K.C.C. chapter 21A.12.~~

1663 ~~———— 16. The operator of such a facility shall provide verification to the department of~~
 1664 ~~natural resources and parks or its successor organization that the facility meets or exceeds~~
 1665 ~~the standards of the Animal and Plant Health Inspection Service of the United States~~
 1666 ~~Department of Agriculture and the accreditation guidelines of the American Zoo and~~
 1667 ~~Aquarium Association.~~

1668 ~~———— 17. The following provisions of the table apply only to major communication~~
 1669 ~~facilities. Minor communication facilities shall be reviewed in accordance with the~~
 1670 ~~processes and standard outlined in K.C.C. chapter 21A.27.~~

1671 ~~———— 18. Only for facilities related to resource based research.~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1672 ~~_____ 19. Limited to work release facilities associated with natural resource based~~
 1673 ~~activities.~~
- 1674 ~~_____ 20. Limited to projects which do not require or result in an expansion of sewer~~
 1675 ~~service outside the urban growth area, unless a finding is made that no cost effective~~
 1676 ~~alternative technologies are feasible, in which case a tightline sewer sized only to meet~~
 1677 ~~the needs of the school bus base and serving only the school bus base may be used.~~
 1678 ~~Renovation, expansion, modernization or reconstruction of a school bus base is permitted~~
 1679 ~~but shall not require or result in an expansion of sewer service outside the urban growth~~
 1680 ~~area, unless a finding is made that no cost effective alternative technologies are feasible,~~
 1681 ~~in which case a tightline sewer sized only to meet the needs of the school bus base.~~
- 1682 ~~_____ 21. Only in conformance with the King County Site Development Plan Report,~~
 1683 ~~through modifications to the plan of up to ten percent are allowed for the following:~~
- 1684 ~~_____ a. building square footage;~~
 - 1685 ~~_____ b. landscaping;~~
 - 1686 ~~_____ c. parking;~~
 - 1687 ~~_____ d. building height; or~~
 - 1688 ~~_____ e. impervious surface.~~
- 1689 ~~_____ 22. A special use permit shall be required for any modification or expansion of~~
 1690 ~~the King County fairgrounds facility that is not in conformance with the King County~~
 1691 ~~Site Development Plan Report or that exceeds the allowed modifications to the plan~~
 1692 ~~identified in subsection B.21. of this section.~~
- 1693 ~~_____ 23. The facility shall be primarily devoted to rural public infrastructure~~
 1694 ~~maintenance and is subject to the following conditions:~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

- 1695 ~~_____ a. The minimum site area shall be ten acres, unless:~~
- 1696 ~~_____ (1) the facility is a reuse of a public agency yard; or~~
- 1697 ~~_____ (2) the site is separated from a county park by a street or utility right of way;~~
- 1698 ~~_____ b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided~~
- 1699 ~~between any stockpiling or grinding operations and adjacent residential zoned property;~~
- 1700 ~~_____ c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided~~
- 1701 ~~between any office and parking lots and adjacent residential zoned property;~~
- 1702 ~~_____ d. Access to the site does not use local access streets that abut residential zoned~~
- 1703 ~~property, unless the facility is a reuse of a public agency yard;~~
- 1704 ~~_____ e. Structural setbacks from property lines shall be as follows:~~
- 1705 ~~_____ (1) Buildings, structures and stockpiles used in the processing of materials~~
- 1706 ~~shall be no closer than:~~
- 1707 ~~_____ (a) one hundred feet from any residential zoned properties, except that the~~
- 1708 ~~setback may be reduced to fifty feet when the grade where the building or structures are~~
- 1709 ~~proposed is fifty feet or greater below the grade of the residential zoned property;~~
- 1710 ~~_____ (b) fifty feet from any other zoned property, except when adjacent to a~~
- 1711 ~~mineral extraction or materials processing site;~~
- 1712 ~~_____ (c) the greater of fifty feet from the edge of any public street or the setback~~
- 1713 ~~from residential zoned property on the far side of the street; and~~
- 1714 ~~_____ (2) Offices, scale facilities, equipment storage buildings and stockpiles shall~~
- 1715 ~~not be closer than fifty feet from any property line except when adjacent to M or F zoned~~
- 1716 ~~property or when a reuse of an existing building. Facilities necessary to control access to~~

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1717 ~~the site, when demonstrated to have no practical alternative, may be located closer to the~~
 1718 ~~property line;~~

1719 ~~———— f. On site clearing, grading or excavation, excluding that necessary for~~
 1720 ~~required access, roadway or storm drainage facility construction, shall not be permitted~~
 1721 ~~within fifty feet of any property line except along any portion of the perimeter adjacent to~~
 1722 ~~M or F-zoned property. If native vegetation is restored, temporary disturbance resulting~~
 1723 ~~from construction of noise attenuation features located closer than fifty feet shall be~~
 1724 ~~permitted; and~~

1725 ~~———— g. Sand and gravel extraction shall be limited to forty thousand yards per year.~~

1726 ~~———— 24. The following accessory uses to a motor race track operation are allowed if~~
 1727 ~~approved as part of the special use permit:~~

1728 ~~———— a. motoeross;~~

1729 ~~———— b. autoeross;~~

1730 ~~———— c. skidpad;~~

1731 ~~———— d. garage;~~

1732 ~~———— e. driving school; and~~

1733 ~~———— f. fire station.~~

1734 ~~———— ((25. Only as an accessory use of an agricultural anaerobic digester.))~~

1735 SECTION 3321. Ordinance 13274, Section 4, as amended, and K.C.C.

1736 21A.37.020 are hereby amended to read as follows:

1737 A. For the purpose of this chapter, "sending site" means the entire tax lot or lots
 1738 qualified under subsection B. of this section. Sending sites may only be located within
 1739 rural or resource lands or urban separator areas with R-1 zoning, as designated by the

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1740 King County Comprehensive Plan, and shall meet the minimum lot area for construction
1741 requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located.
1742 Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by
1743 the Washington state Department of Natural Resources as state grant or state forest lands,
1744 land in public ownership may not be sending sites. If the sending site consists of more
1745 than one tax lot, the lots must be contiguous and the area of the combined lots must meet
1746 the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in
1747 which the sending site is located. For purposes of this section, lots divided by a street are
1748 considered contiguous if the lots would share a common lot line if the street was
1749 removed; this provision may be waived by the interagency committee if the total acreage
1750 of a rural or resource sending site application exceeds one hundred acres. A sending site
1751 shall be maintained in a condition that is consistent with the criteria in this section under
1752 which the sending was qualified.

1753 B. Qualification of a sending site shall demonstrate that the site contains a public
1754 benefit such that preservation of that benefit by transferring residential development
1755 rights to another site is in the public interest. A sending site must meet at least one of the
1756 following criteria:

- 1757 1. Designation in the King County Comprehensive Plan or a functional plan as
1758 an agricultural production district or zoned A;
- 1759 2. Designation in the King County Comprehensive Plan or a functional plan as
1760 forest production district or zoned F;

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1761 3. Designation in the King County Comprehensive Plan as rural residential,
1762 zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open
1763 space, farm and agricultural land, or timber land;

1764 4. Designation in the King County Comprehensive Plan, or a functional plan as
1765 a proposed rural or resource area regional trail or rural or resource area open space site,
1766 through either:

1767 a. designation of a specific site; or

1768 b. identification of proposed rural or resource area regional trails or rural or
1769 resource area open space sites which meet adopted standards and criteria, and for rural or
1770 resource area open space sites, meet the definition of open space land, as defined in RCW
1771 84.34.020;

1772 5. Identification as habitat for federal listed endangered or threatened species in
1773 a written determination by the King County department of natural resources and parks,
1774 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
1775 Services or a federally recognized tribe that the sending site is appropriate for
1776 preservation or acquisition; or

1777 6. Designation in the King County Comprehensive Plan as urban separator and
1778 zoned R-1.

1779 C. For the purposes of the TDR program, acquisition means obtaining fee simple
1780 rights in real property, or a less than a fee simple right in a form that preserves in
1781 perpetuity the public benefit supporting the designation or qualification of the property as
1782 a sending site.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1783 D. If a sending site has any outstanding code violations, the person responsible
 1784 for code compliance should resolve these violations, including any required abatement,
 1785 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
 1786 the interagency review committee created under K.C.C. 21A.37.070. However, the
 1787 interagency may qualify and certify a TDR sending site with outstanding code violations
 1788 if the person responsible for code compliance has made a good faith effort to resolve the
 1789 violations and the proposal is in the public interest.

1790 E. For lots on which the entire lot or a portion of the lot has been cleared or
 1791 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
 1792 76.09 RCW within the six years prior to application as a TDR sending site, the applicant
 1793 must provide an affidavit of compliance with the reforestation requirements of the Forest
 1794 Practices Act, and any additional reforestation conditions of their forest practice permit.
 1795 Lots on which the entire lot or a portion of the lot has been cleared or graded without any
 1796 required forest practices or county authorization, shall be not qualified or certified as a
 1797 TDR sending site for six years unless the six-year moratorium on development
 1798 applications has been lifted or waived or the landowner has a reforestation plan approved
 1799 by the state Department of Natural Resources and King County.

1800 SECTION 22, Ordinance 13274, Section 5, as amended, and K.C.C.
 1801 21A.37.030, are each hereby amended to read as follows:

1802 A. Receiving sites shall be:

1803 1. King County unincorporated urban sites, except as limited in subsections C
 1804 and D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination

Commented [CJ5]: This is a new section in the Proposed Ordinance that addresses TDR changes that the Exec inadvertently omitted from the transmittal. The Exec has since asked that the Proposed Ordinance be amended to include this language.

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REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1805 thereof. The sites may also be within potential annexation areas established under the
 1806 countywide planning policies; or

1807 2. Cities where new growth is or will be encouraged under the Growth
 1808 Management Act and the countywide planning policies and where facilities and services
 1809 exist or where public investments in facilities and services will be made, or

1810 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that
 1811 meet the criteria listed in this subsection A.3. may receive development rights transferred
 1812 from rural forest focus areas, and accordingly may be subdivided and developed at a
 1813 maximum density of one dwelling per two and one-half acres. Increased density allowed
 1814 through the designation of rural receiving areas:

1815 a. must be eligible to be served by domestic Group A public water service;
 1816 b. must be located within one-quarter mile of an existing predominant pattern
 1817 of rural lots smaller than five acres in size;
 1818 c. must not adversely impact regionally or locally significant resource areas or
 1819 critical areas;

1820 d. must not require public services and facilities to be extended to create or
 1821 encourage a new pattern of smaller lots;

1822 e. must not be located within rural forest focus areas; and
 1823 f. must not be located on Vashon Island or Maury Island.

1824 B. Except as provided in this chapter, development of an unincorporated King
 1825 County receiving site shall remain subject to all zoning code provisions for the base zone,
 1826 except TDR receiving site developments shall comply with dimensional standards of the

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1827 zone with a base density most closely comparable to the total approved density of the
 1828 TDR receiving site development.

1829 C. An unincorporated King County receiving site may accept development rights
 1830 from one or more sending sites, as follows:

1831 1. For short subdivisions, up to the maximum density permitted under K.C.C.
 1832 21A.12.030 and 21A.12.040; and

1833 2. For formal subdivisions, only as authorized in a subarea study that includes a
 1834 comprehensive analysis of the impacts of receiving development rights.

1835 D. Property located within the outer boundaries of the Noise Remedy Areas as
 1836 identified by the Seattle-Tacoma International Airport may not accept development
 1837 rights.

1838 E. Property located within the shoreline jurisdiction or located on Vashon Island
 1839 or Maury Island may not accept development rights.

1840 SECTION 3423. Ordinance 13733, Section 10, as amended, and K.C.C.
 1841 21A.37.110 are hereby amended to read as follows:

1842 A. The TDR bank may purchase development rights from qualified sending sites
 1843 at prices not to exceed fair market value and to sell development rights at prices not less
 1844 than fair market value. The TDR bank may accept donations of development rights from
 1845 qualified TDR sending sites.

1846 B. The TDR bank may purchase a conservation easement only if the property
 1847 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
 1848 qualification report, the conservation easement restricts development of the sending site
 1849 in the manner required by K.C.C. 21A.37.060 and the development rights generated by

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1850 encumbering the sending site with the conservation easement are issued to the TDR bank
 1851 at no additional cost.

1852 C. ~~((If a conservation easement is acquired through a county park, open space,~~
 1853 ~~trail, agricultural, forestry or other natural resource acquisition program for a property~~
 1854 ~~that is qualified as a TDR sending site as evidenced by a TDR qualification report, any~~
 1855 ~~development rights generated by encumbering the sending site with the conservation~~
 1856 ~~easement may be issued to the TDR bank so long as there is no additional cost for the~~
 1857 ~~development rights.)) Any development rights, generated by encumbering property with
 1858 a conservation easement, may be issued to the TDR bank if:~~

1859 1.a. The conservation easement is acquired through a county park, open space,
 1860 trail, agricultural, forestry or other natural resource acquisition program for a property
 1861 that is qualified as a TDR site as evidenced by a TDR qualification report; or
 1862 b. the property is acquired by the county with the intent of conveying the
 1863 property encumbered by a reserved conservation easement. The number of development
 1864 rights generated by this reserved conservation easement shall be determined by the TDR
 1865 qualification report; and

1866 2. Under either subsection C.1.a. or b. of this section, there will be no additional
 1867 cost to the county for acquiring the development rights.

1868 D. The TDR bank may use funds to facilitate development rights transfers.
 1869 These expenditures may include, but are not limited to, establishing and maintaining
 1870 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
 1871 and reimbursing the costs incurred by the department of natural resources and parks,

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1872 water and land resources division, or its successor, for administering the TDR bank fund
 1873 and executing development rights purchases and sales.

1874 E. The TDR bank fund may be used to cover the cost of providing staff support
 1875 for identifying and qualifying sending and receiving sites, and the costs of providing staff
 1876 support for the TDR interagency review committee.

1877 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
 1878 bank development rights shall be available for acquisition of additional development
 1879 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
 1880 County and for projects in receiving areas located in urban unincorporated King County.
 1881 Amenity funds provided to a city from the sale of TDR bank development rights to that
 1882 city are limited to one-third of the proceeds from the sale.

1883 SECTION 24. Ordinance 13733, Section 14, as amended, and K.C.C.
 1884 21A.37.150 are each hereby amended to read as follows:

1885 A. Expenditures by the county for amenities to facilitate development rights sales
 1886 in cities shall be authorized by the TDR executive board during review of proposed
 1887 interlocal agreements, and should be roughly proportionate to the value and number of
 1888 development rights anticipated to be accepted in an incorporated receiving site pursuant
 1889 to the controlling interlocal agreement. ((or in the unincorporated urban area.)) in
 1890 accordance with K.C.C. 21A.37.040. Expenditures by the county to fund projects in
 1891 receiving areas located in urban unincorporated King County shall be authorized by the
 1892 TDR executive board and should be roughly proportionate to the value and number of
 1893 development rights accepted in the unincorporated urban area.

Commented [CJ6]: This addresses TDR changes that the Exec inadvertently omitted from the transmittal. The Exec has since asked that the Proposed Ordinance be amended to include this language.

Commented [CJ7]: This is a new section in the Proposed Ordinance that addresses TDR changes that the Exec inadvertently omitted from the transmittal. The Exec has since asked that the Proposed Ordinance be amended to include this language.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1894 B. The county shall not expend funds on TDR amenities in a city before
1895 execution of an interlocal agreement, except that:

1896 1. The executive board may authorize up to twelve thousand dollars be spent by
1897 the county on TDR amenities before a development rights transfer for use at a receiving
1898 site or for the execution of an interlocal agreement if the TDR executive board
1899 recommends that the funds be spent based on a finding that the expenditure will expedite
1900 a proposed transfer of development rights or facilitate acceptance of a proposed transfer
1901 of development rights by the community around a proposed or established receiving site
1902 area;

1903 2. King County may distribute the funds directly to a city if a scope of work,
1904 schedule and budget governing the use of the funds is mutually agreed to in writing by
1905 King County and the affected city. Such an agreement need not be in the form of an
1906 interlocal agreement; and

1907 3. The funds may be used for project design renderings, engineering or other
1908 professional services performed by persons or entities selected from the King County
1909 approved architecture and engineering roster maintained by the department of finance or
1910 an affected city's approved architecture and engineering roster, or selected by an affected
1911 city through its procurements processes consistent with state law and city ordinances.

1912 C. TDR amenities may include the acquisition, design or construction of public
1913 art, cultural and community facilities, parks, open space, trails, roads, parking,
1914 landscaping, sidewalks, other streetscape improvements, transit-related improvements or
1915 other improvements or programs that facilitate increased densities on or near receiving
1916 sites.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1917 D. When King County funds amenities in whole or in part, the funding shall not
1918 commit the county to funding any additional amenities or improvements to existing or
1919 uncompleted amenities.

1920 E. King County funding of amenities shall not exceed appropriations adopted by
1921 the council or funding authorized in interlocal agreements, whichever is less.

1922 F. Public transportation amenities shall enhance the transportation system. These
1923 amenities may include capital improvements such as passenger and layover facilities, if
1924 the improvements are within a designated receiving area or within one thousand five
1925 hundred feet of a receiving site. These amenities may also include programs such as the
1926 provision of security at passenger and layover facilities and programs that reduce the use
1927 of single occupant vehicles, including car sharing and bus pass programs.

1928 G. Road fund amenities shall enhance the transportation system. These amenities
1929 may include capital improvements, such as streets, traffic signals, sidewalks, street
1930 landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a
1931 designated receiving site area or within one thousand five hundred feet of a receiving site.
1932 These amenities may also include programs that enhance the transportation system.

1933 H. All amenity funding provided by King County to cities or to urban
1934 unincorporated receiving areas to facilitate the transfer of development rights shall be
1935 consistent with federal, state and local laws.

1936 I. The timing and amounts of funds for amenities paid by King County to each
1937 participating city shall be determined in an adopted interlocal agreement. The interlocal
1938 agreement shall set forth the amount of funding to be provided by the county, an
1939 anticipated scope of work, work schedule and budget governing the use of the amenity

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1940 funds. Except for the amount of funding to be provided by the county, these terms may
1941 be modified by written agreement between King County and the city. Such an agreement
1942 need not be in the form of an interlocal agreement. Such an agreement must be
1943 authorized by the TDR executive board. If amenity funds are paid to a city to operate a
1944 program, the interlocal agreement shall set the period during which the program is to be
1945 funded by King County.

1946 J. A city that receives amenity funds from the county is responsible for using the
1947 funds for the purposes and according to the terms of the governing interlocal agreement.

1948 K. To facilitate timely implementation of capital improvements or programs at
1949 the lowest possible cost, King County may make amenity payments as authorized in an
1950 interlocal agreement to a city before completion of the required improvements or
1951 implementation programs, as applicable. If all or part of the required improvements or
1952 implementation programs in an interlocal agreement to be paid for from King County
1953 funds are not completed by a city within five years from the date of the transfer of
1954 amenity funds, then, unless the funds have been used for substitute amenities by
1955 agreement of the city and King County, those funds, plus interest, shall be returned to
1956 King County and deposited into the originating amenity fund for reallocation to other
1957 TDR projects.

1958 L. King County is not responsible for maintenance, operating and replacement
1959 costs associated with amenity capital improvements inside cities, unless expressly agreed
1960 to in an interlocal agreement.

1961

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1962 ~~NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter~~
 1963 ~~21A.42 a new section to read as follows:~~
 1964 ~~— Modifications and expansions of standards for agricultural activities as provided~~
 1965 ~~in K.C.C. 21A.08.090 may be authorized by the agricultural technical review team~~
 1966 ~~established by section 34 of this ordinance, subject to the following:~~
 1967 ~~— A. The proposed modification or expansion must be located on existing~~
 1968 ~~impervious surface or lands not otherwise suitable for direct agricultural production~~
 1969 ~~based upon soil conditions or other factors and cannot be returned to productivity by~~
 1970 ~~drainage maintenance;~~
 1971 ~~— B. The proposed modification or expansion must be allowed under Farmland~~
 1972 ~~Preservation Program conservation easement and/or zoning development standards;~~
 1973 ~~— C. The proposed modifications or expansion must be supported by adequate~~
 1974 ~~utilities, parking, internal circulation and other infrastructure;~~
 1975 ~~— D. The proposed modification or expansion must not interfere with neighborhood~~
 1976 ~~circulation or interfere with existing or permitted development or use on neighboring~~
 1977 ~~properties;~~
 1978 ~~— E. The proposed modification or expansion must be designed in a manner that is~~
 1979 ~~compatible with the character and appearance of existing, or proposed development in the~~
 1980 ~~vicinity of the subject property;~~
 1981 ~~— F. The proposed modification or expansion must not be in conflict with the health~~
 1982 ~~and safety of the community and is such that pedestrian and vehicular traffic associated~~
 1983 ~~with the use must not be hazardous or conflict with existing and anticipated traffic in the~~
 1984 ~~neighborhood;~~

Commented [CJ8]: Removal of Section 35 of the Proposed Ordinance would remove the Exec's proposed changes regarding Ag uses and go back to the existing code. The work on proposed changes to Ag uses will be addressed in 2017 via an interbranch team per direction in the Workplan.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

1985 ~~—— G. The proposed modification or expansion must be supported by adequate~~
 1986 ~~public facilities or services and must not adversely affect public services to the~~
 1987 ~~surrounding area; and~~

1988 ~~—— H. The expansion or modification must not be in conflict with the policies of the~~
 1989 ~~Comprehensive Plan or the basic purposes of K.C.C. Title 21A.~~

1990 ~~—— **NEW SECTION. SECTION 36.** There is hereby added to K.C.C. chapter~~
 1991 ~~21A.42 a new section to read as follows:~~

1992 ~~—— The department shall establish an agricultural technical review committee~~
 1993 ~~consisting of representatives of the departments of permitting and environmental review,~~
 1994 ~~natural resources and parks and public health and the King Conservation District to~~
 1995 ~~review proposals to site agricultural support facilities allowed under K.C.C. 21A.08.090.~~
 1996 ~~The committee may authorize the siting of the facilities subject to the following:~~

1997 ~~—— A. The use must be limited to processing, warehousing, storage, including~~
 1998 ~~refrigeration, retail sales and other similar support services of locally produced~~
 1999 ~~agricultural products. Sixty percent or more of the products must be grown or raised in~~
 2000 ~~the agricultural production district. At the time of initial application, the applicant shall~~
 2001 ~~submit a projection of the source of products to be produced;~~

2002 ~~—— B. Limited to farmworker housing to support agricultural operations located in~~
 2003 ~~the agricultural production district;~~

2004 ~~—— C. The use must be limited to farm operations, including equipment repair, and~~
 2005 ~~other similar services primarily supporting agricultural operations located in the~~
 2006 ~~agricultural production district. Sixty percent or more of the services business must be to~~
 2007 ~~support agricultural operations in the agricultural production district. At the time of~~

Commented [CJ9]: Removal of Section 36 of the Proposed Ordinance would remove the Exec's proposed changes regarding Ag uses and go back to the existing code. The work on proposed changes to Ag uses will be addressed in 2017 via an interbranch team per direction in the Workplan.

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

2008 ~~initial application, the applicant shall submit a projection of the source of products to be~~
 2009 ~~produced;~~

2010 ~~—— D. Structures and areas used for agricultural services, including walls, fences and~~
 2011 ~~screening vegetation, must meet the setback and size limitation in K.C.C.~~
 2012 ~~21A.08.090.B.24. and not interfere with neighborhood circulation or interfere with~~
 2013 ~~existing or permitted development or use on neighboring properties;~~

2014 ~~—— E. The proposed use must be designed in a manner which is compatible with the~~
 2015 ~~character and appearance of existing, or proposed development in the vicinity of the~~
 2016 ~~subject property;~~

2017 ~~—— F. The use must not be in conflict with the health and safety of the community~~
 2018 ~~and must be such that pedestrian and vehicular traffic associated with the use will not be~~
 2019 ~~hazardous or conflict with existing and anticipated traffic in the neighborhood;~~

2020 ~~—— G. The use must be supported by adequate public facilities or services and will~~
 2021 ~~not adversely affect public services to the surrounding area; and~~

2022 ~~—— H. The use must not be in conflict with the policies of the Comprehensive Plan or~~
 2023 ~~the basic purposes of K.C.C. Title 21A.~~

2024 SECTION 3725. Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010
 2025 are each hereby repealed.

2026 SECTION 3826. Severability. If any provision of this ordinance its application
 2027 to any person or circumstance is held invalid, the remainder of the ordinance or the
 2028 application of the provision other persons or circumstances is not affected."
 2029

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

2030 Delete Attachment A, King County Comprehensive Plan - 2016 Update, and insert
2031 Attachment A, King County Comprehensive Plan - 2016 Update, dated September 1,
2032 2016, engross the changes in the striking amendment and from any adopted amendments
2033 to the striking amendment, and delete the line numbers.
2034
2035 Delete Attachment B, Appendix - Land Use and Zoning Amendments, and insert
2036 Attachment B, Appendix - Land Use and Zoning Amendments, dated September 1, 2016,
2037 and engross the changes in the striking amendment and from any adopted amendments to
2038 the striking amendment.
2039
2040 Delete Attachment C, Technical Appendix A – Capital Facilities, and insert Attachment
2041 C, Technical Appendix A – Capital Facilities, dated September 1, 2016, engross the
2042 changes in the striking amendment and from any adopted amendments to the striking
2043 amendment, and delete the line numbers.
2044
2045 Delete Attachment D, Technical Appendix B - Housing, and insert Attachment D,
2046 Technical Appendix B - Housing, dated September 1, 2016, engross the changes in the
2047 striking amendment and from any adopted amendments to the striking amendment, and
2048 delete the line numbers.
2049
2050 Delete Attachment E, Technical Appendix C - Transportation, and insert Attachment E,
2051 Technical Appendix C - Transportation, dated September 1, 2016, engross the changes in

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

2052 the striking amendment and from any adopted amendments to the striking amendment,
2053 and delete the line numbers.
2054
2055 Delete Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, and
2056 insert Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, dated
2057 September 1, 2016, engross the changes in the striking amendment and from any adopted
2058 amendments to the striking amendment, and delete the line numbers.
2059
2060 Delete Attachment G, Technical Appendix C2 – Regional Trail Needs Report, and insert
2061 Attachment G, Technical Appendix C2 – Regional Trail Needs Report, dated September
2062 1, 2016, engross the changes in the striking amendment and from any adopted
2063 amendments to the striking amendment, and delete the line numbers.
2064
2065 Delete Attachment H, Technical Appendix D – Growth Targets and the Urban Growth
2066 Area, and insert Attachment H, Technical Appendix D – Growth Targets and the Urban
2067 Growth Area, dated September 1, 2016, engross the changes in the striking amendment
2068 and from any adopted amendments to the striking amendment, and delete the line
2069 numbers.
2070
2071 Delete Attachment I, Technical Appendix R – Public Outreach for the Development of
2072 the 2016 Comprehensive Plan, and insert Technical Appendix R – Public Outreach for
2073 the Development of the 2016 Comprehensive Plan, dated September 1, 2016, engross the

REDLINE VERSION – FOR ILLUSTRATIVE PURPOSES ONLY

2074 changes in the striking amendment and from any adopted amendments to the striking
2075 amendment, and delete the line numbers.

2076

2077 Insert Attachment K, Addendum to Vashon Town Plan.

2078

2079 **EFFECT: This striking amendment:**

- 2080 • **Amends the Vashon Town Plan to make a zoning change on one parcel,**
- 2081 • **Removes proposed changes related to agricultural uses,**
- 2082 • **Adds code provisions related to transfer of development rights, and**
- 2083 • **Replaces attachments with updated versions.**

2084 **See track changes version of S1, as well as amendment summary matrices, for more**
2085 **detail.**

REDLINE

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**Attachment B to Proposed Ordinance 2016-0155
September 1, 2016**



King County

2016
King County Comprehensive Plan Update

LAND USE AND ZONING AMENDMENTS

Land Use and Zoning Amendments

Table of Contents

Amendment 1:	Fairwood A
Amendment 2:	Federal Way
Amendment 3:	Allison Docket Request
Amendment 4:	Taylor Mountain, Department of Natural Resources and Parks
Amendment 5:	Tall Chief, Department of Natural Resources and Parks
Amendment 6:	East Cougar Mountain Potential Annexation Area
Amendment 7:	Urban Growth Area Technical Corrections, Department of Transportation
Amendment 8:	Vashon #1
Amendment 9:	Rainier Ridge

Map Amendment # 1

134th Avenue SE and 140th Avenue SE, Near Petrovitsky Road

(Fairwood A Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – LAND USE
2 MAP and KING COUNTY ZONING ATLAS

3
4
5 Amend Map Section 34 Township 23, Range 05 as follows:

6
7
8 LAND USE

9
10 Change land use designation on parcels 3423059035, 3423059061,
11 3423059031, and 3423059034 to “uh” (Urban High; Urban Residential >12
12 du/ac)

13
14 ZONING

- 15
16 1. Change zoning on parcels 3423059035, 3423059061, and
17 3423059031 to R-18-P.
18
19 2. Add P-suffix development condition SC-Pxx to parcels 3423059035,
20 3423059061, and 3423059031:
21 “If proposing multifamily residential development, the use shall
22 be subject to the following conditions:
23 1. Some combination of the following uses are permitted as
24 allowed in K.C.C. 21A.08 and subject to applicable
25 development regulations : senior residential single family,
26 senior citizen assisted housing, day care facilities and
27 nursing and personal care facilities; or
28 2. For multifamily development that is not for the uses noted
29 in Condition 1, at least 20% of the residential units shall
30 be affordable for moderate-income residents as defined
31 in the King County Consolidated Housing and Community
32 Development Plan (Ordinance 18070), or successor
33 plans.”
34
35 3. Change zoning on parcel 3423059034 to R-18-P.
36

37 4. Add P-suffix development condition SC-Pxx to parcel 3423059034:

38

39

40

41

42

43

44

45

46

47

48

“For multifamily development, at least 20% of the residential units shall be affordable for moderate-income residents as defined in the King County Consolidated Housing and Community Development Plan (Ordinance 18070), or successor plans.”

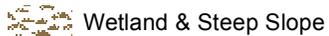
Effect: Amends Land Use from “um” to “uh” and Zoning from R-6 to R-18-P in area to allow for the potential development of a continuing care retirement community, as noted in Motion 14276, and multifamily housing. Adds P-suffix development conditions.

Map Amendment #1 - Fairwood A

2016 King County Comprehensive Plan

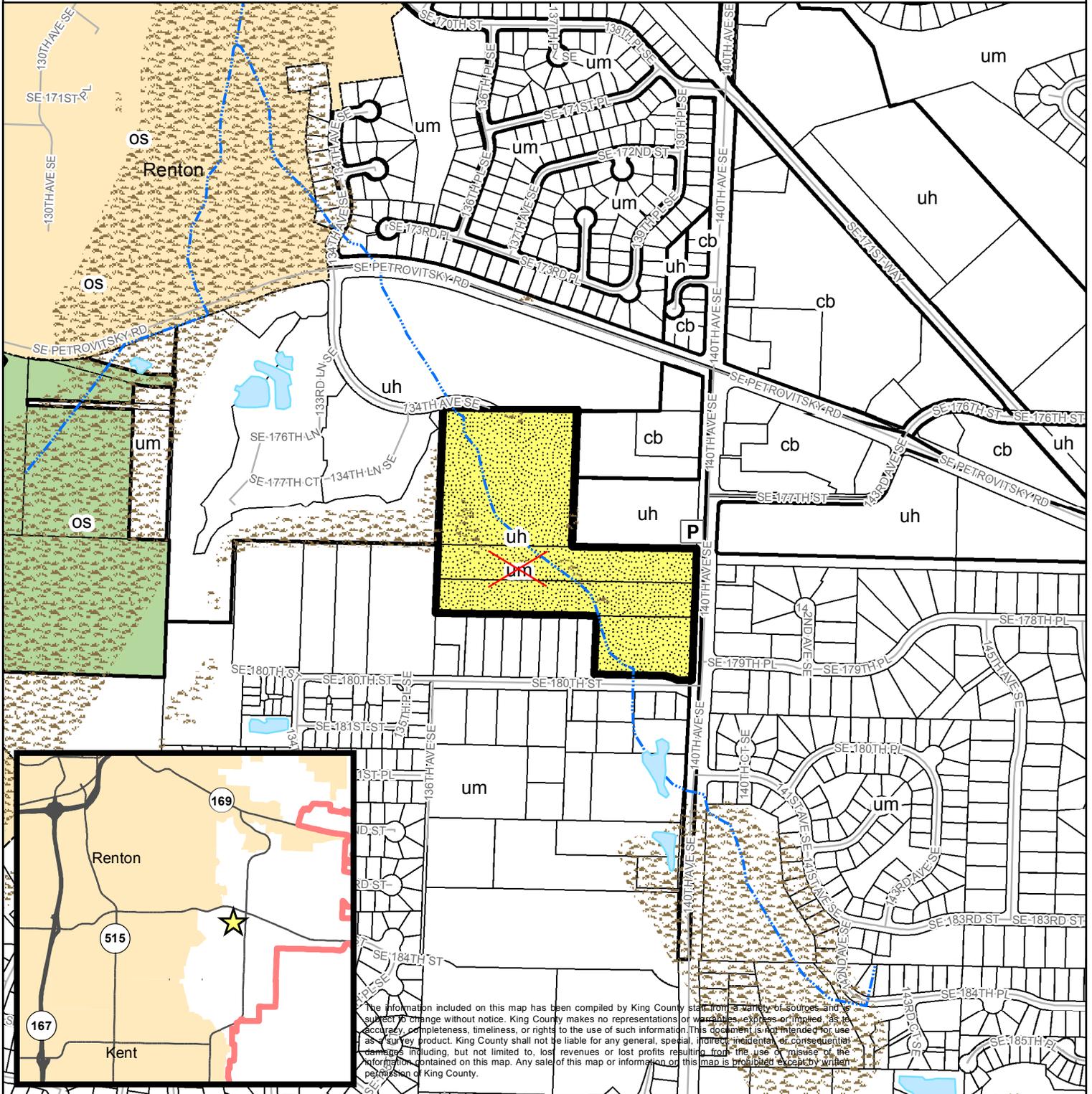
ATTACHMENT 6

Land Use Map Amendment

- | | | |
|--|---|-------------------------------------|
|  Study Area |  Park & Ride | cb Community Business |
|  CPLU |  Waterbodies | os KC Open Space System |
|  Wetland & Steep Slope |  Streams | uh Urban Res., High (>12du/acre) |
|  Incorporated Area |  Railroads | um Urban Res., Medium (4-12du/acre) |
|  Urban Growth Boundary |  Parcels | ul Urban Res., Low (1du/acre) |
|  Parks & OS | | |



Date: 8/22/2016



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Map Amendment #1 - Fairwood A

2016 King County Comprehensive Plan

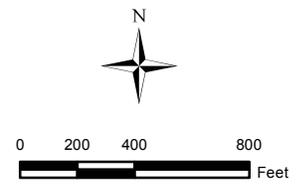
ATTACHMENT 6

Zoning Map Amendment

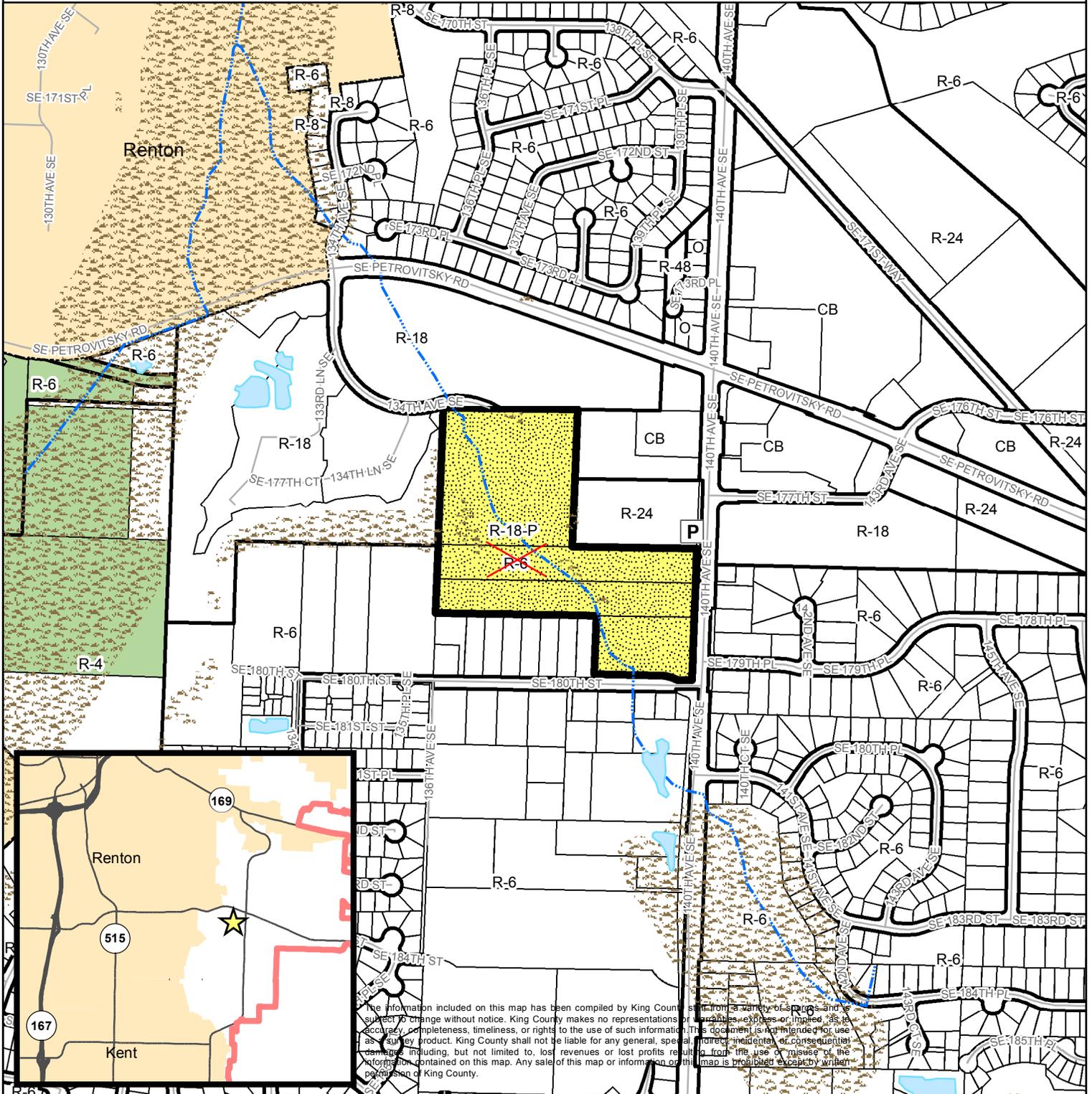
-  Study Area
-  Zoning
-  Wetland & Steep Slope
-  Incorporated Area
-  Urban Growth Boundary
-  Parks & OS
-  Park & Ride
-  Streams
-  Railroads
-  Waterbodies
-  Parcels

- R-4 Residential, 4 DU per acre
- R-6 Residential, 6 DU per acre
- R-8 Residential, 8 DU per acre
- R-18 Residential, 18 DU per acre
- R-18-P Residential, 18 DU per acre
- R-24 Residential, 24 DU per acre
- R-48 Residential, 48 DU per acre
- CB Community Business
- O Office

P = parcel specific development condition



Date: 8/23/2016



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Map Amendment # 2

South 360th Street @ State Route 161

(Federal Way Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – LAND USE
2 MAP and KING COUNTY ZONING ATLAS

3

4

5

Amend Section 28, Township 21, Range 04 as follows:

6

7

8

LAND USE

9

10

Change land use designation on parcel 2821049171 to Neighborhood
Business Center.

11

12

13

ZONING

14

15

Change zoning on parcel 2821049171 to Neighborhood Business.

16

17

18

Effect: Amends Land Use from “um” to “nb” and Zoning from R-4 to NB.

19

**Allows for a higher density land use category that would allow for commercial
development, as noted in Motion 14276.**

20

Map Amendment # 3

302nd Avenue SE @ 303rd Place SE

(Allison Docket Request Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – KING
2 COUNTY ZONING ATLAS

3
4
5 Amend Section 32, Township 24, Range 07 as follows:

6
7 ZONING

- 8
9 1. Remove the "SDO" from parcel 3224079134 and revise the existing split
10 zoning from RA-5(SO) / RA-10 to RA-5.
11
12 2. Remove the "SDO" from three adjacent RA-5 (SO) zoned properties;
13 parcels 3224079140, 3224079112, and 3224079021.
14
15 3. Remove the "SDO" from one adjacent RA-5 (SO) / RA-10 zoned property;
16 parcel 3224079136.
17

18
19 **Effect: Removes an "SDO" condition on the property which has been**
20 **superseded by the County's Critical Areas Ordinance and is therefore no**
21 **longer necessary. In practical terms, this will affect only the Allison property**
22 **(parcel 3224079134) because it has additional development potential and the**
23 **others are already developed. Also changes split zoning on parcel**
24 **3224079134 from RA-5 / RA-10 to RA-5, allowing for the potential development**
25 **of one additional dwelling unit.**

Map Amendment #3 - Allison

2016 King County Comprehensive Plan

Land Use Map Amendment

ATTACHMENT 6

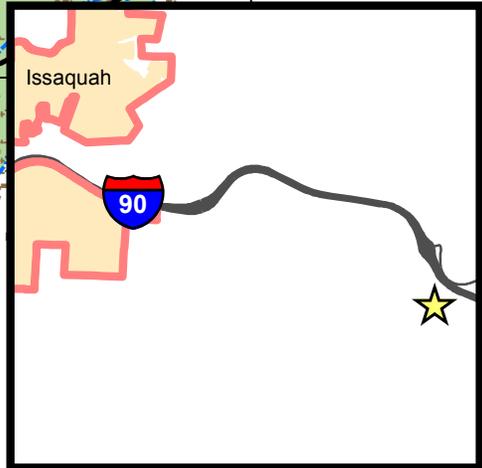
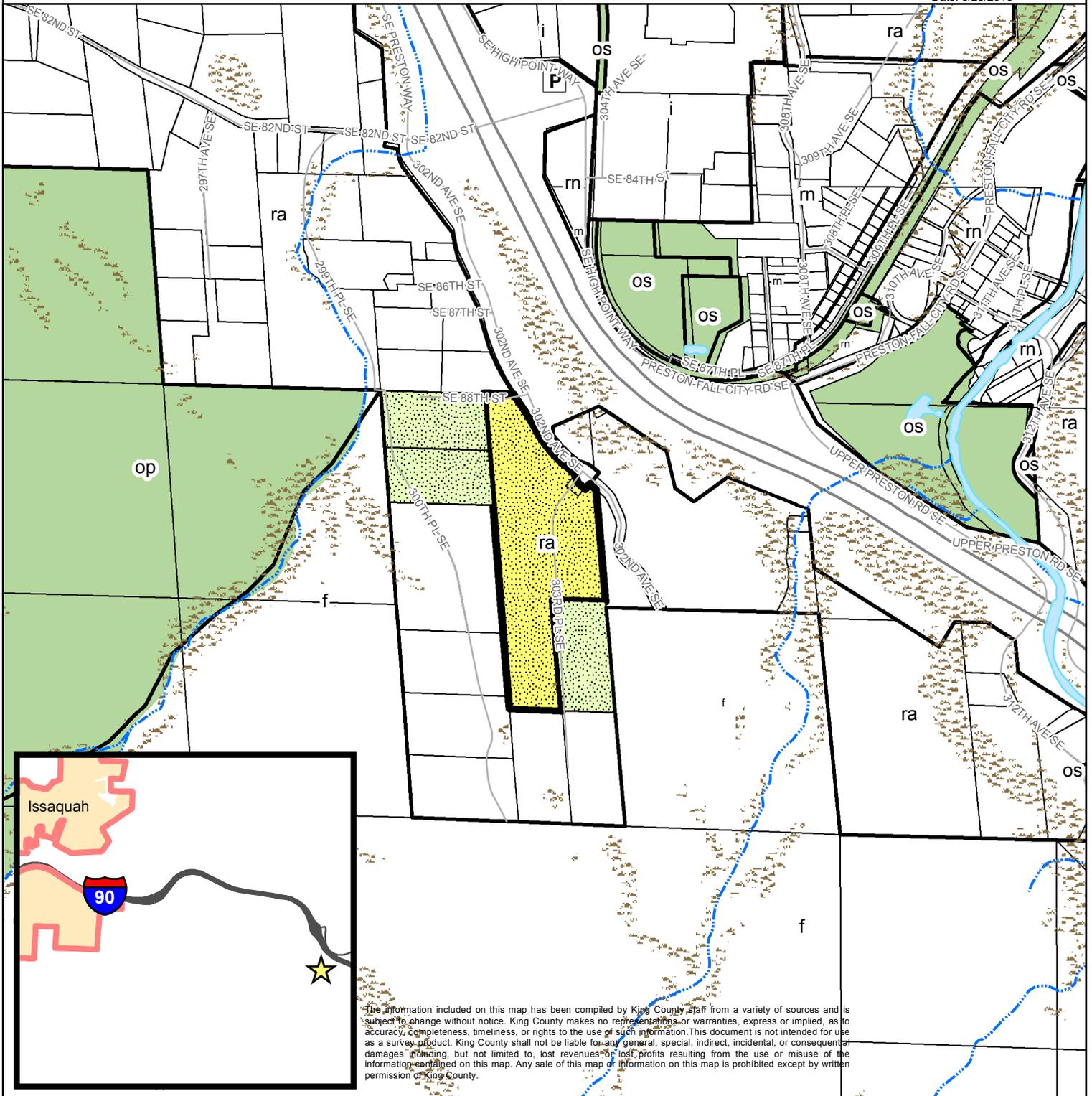
- | | | | |
|--|---|----|------------------------------|
|  Study Area |  Parks & OS | f | Forestry |
|  Affected Parcels |  Park & Ride | i | Industrial |
|  CPLU |  Waterbodies | op | Other Parks/Wilderness |
|  Wetland & Steep Slope |  Streams | os | KC Open Space System |
|  Incorporated Area |  Railroads | ra | Rural Area (1du/2.5-10acres) |
|  Urban Growth Boundary |  Parcels | rn | Rural Neighborhood |



0 250 500 1,000
Feet



Date: 8/23/2016



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Map Amendment #3 - Allison

2016 King County Comprehensive Plan

Zoning Map Amendment

ATTACHMENT 6

- | | | | | | |
|--|-----------------------|--|-------------|--|----------------------------------|
| | Study Area | | Parks & OS | | F Forest |
| | Affected Parcels | | Park & Ride | | F-P Forest |
| | Zoning | | Waterbodies | | I-P Industrial |
| | Wetland & Steep Slope | | Streams | | NB Neighborhood Business |
| | Incorporated Area | | Railroads | | NB-P Neighborhood Business |
| | Urban Growth Boundary | | Parcels | | RA-2.5 Rural Area, 1 DU/5 acres |
| | | | | | RA-5 Rural Area, 1 DU/5 acres |
| | | | | | RA-5-SO Rural Area, 1 DU/5 acres |
| | | | | | RA-10 Rural Area, 1 DU/10 acres |

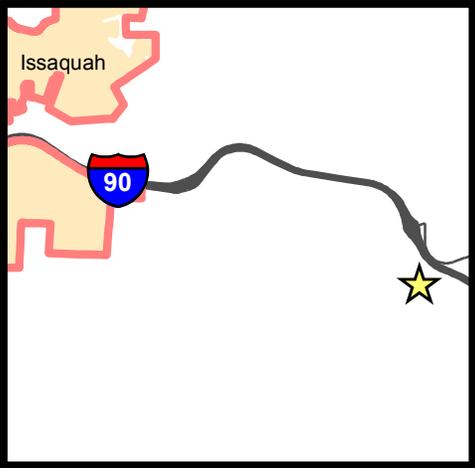
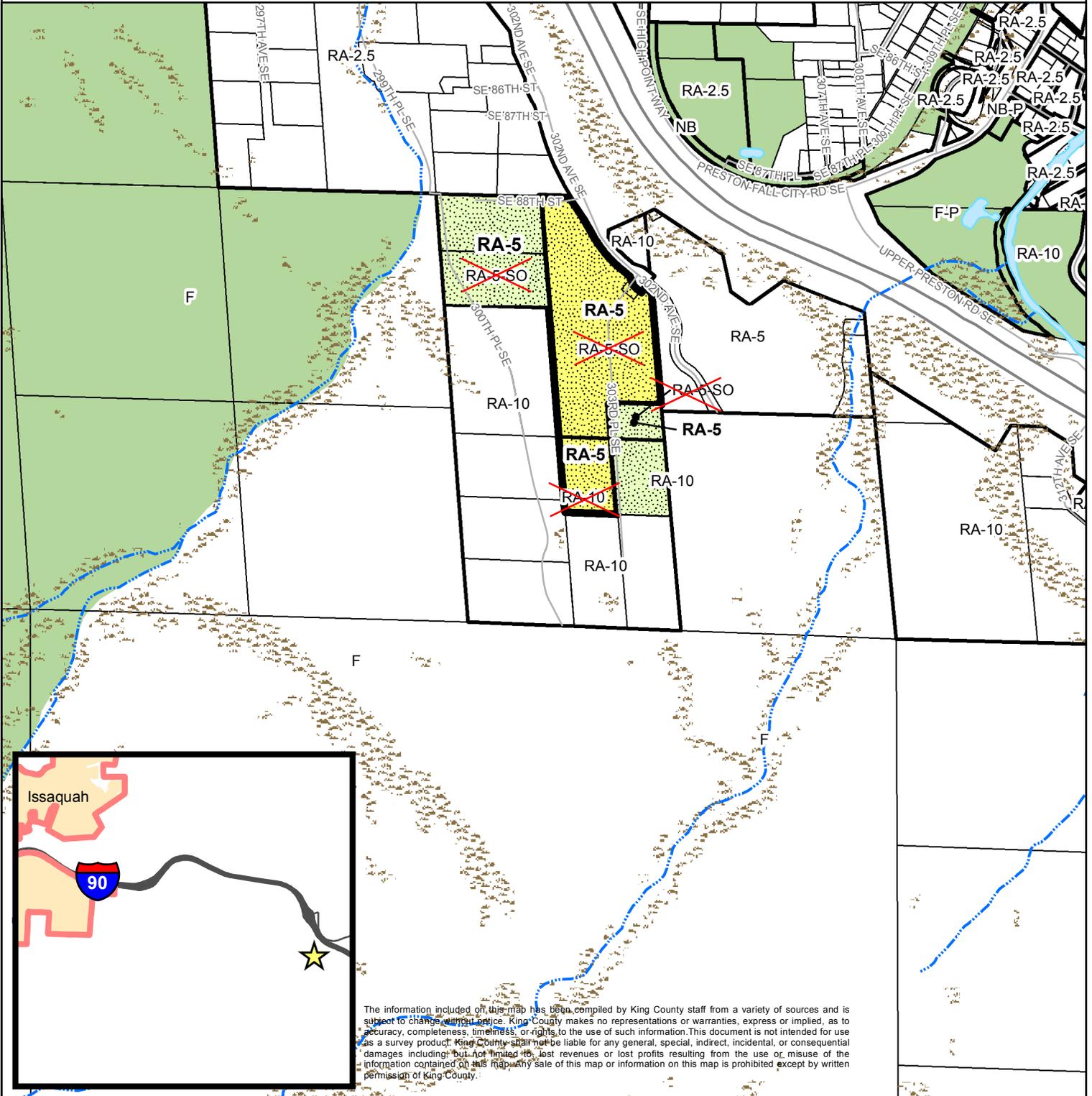
P = parcel specific development condition SO = special district overlay



0 250 500 1,000 Feet



Date: 8/23/2016



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Map Amendment # 4

Parcels in Taylor Mountain Forest

(Taylor Mountain Forest Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – LAND USE
2 MAP and KING COUNTY ZONING ATLAS

3
4
5 Amend Sections 30, 32 & 33, Township 23, Range 07 and Section 5, Township 22,
6 Range 07 as follows:

7 8 LAND USE

- 9
10 1. Change the land use designation on parcel 3023079001 from Forestry to
11 Open Space.
12
13 2. Change the land use designation on parcels 3223079015 and
14 3223079009 from Rural Area to Open Space.

15 16 ZONING

- 17
18 1. Change zoning on ten parcels from Rural Area 10 to Forest, and include
19 them in the Forest Production District. The parcels are:

20
21 0522079001, 3223079014, 3223079001, 3223079009, 3223079011,
22 3223079015, 3223079021, 3223079027, 3323079005, 3323079009

- 23
24 2. Change split zoning on parcel 3123079003 from Forest / RA-10 to Forest.

25 26 FOREST PRODUCTION DISTRICT

27
28 Include eleven parcels in the Forest Production District. Amend all KCCP and
29 Technical Appendix maps that include the Forest Production District to be
30 consistent with this change. The parcels are:

31
32 0522079001, 3223079014, 3223079001, 3223079009, 3223079011,
33 3223079015, 3223079021, 3223079027, 3323079005, 3323079009,
34 3123079003

35
36 **Effect:** This internal request makes the zoning and land use consistent on the
37 parcels within the King County Taylor Mountain Forest.

Map Amendment #3 - Taylor Mountain

ATTACHMENT 6

2016 King County Comprehensive Plan Land Use Map Amendment

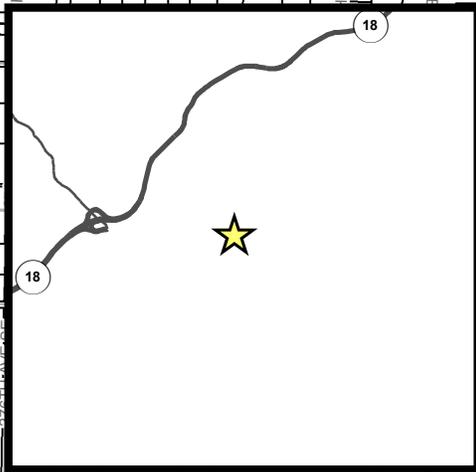
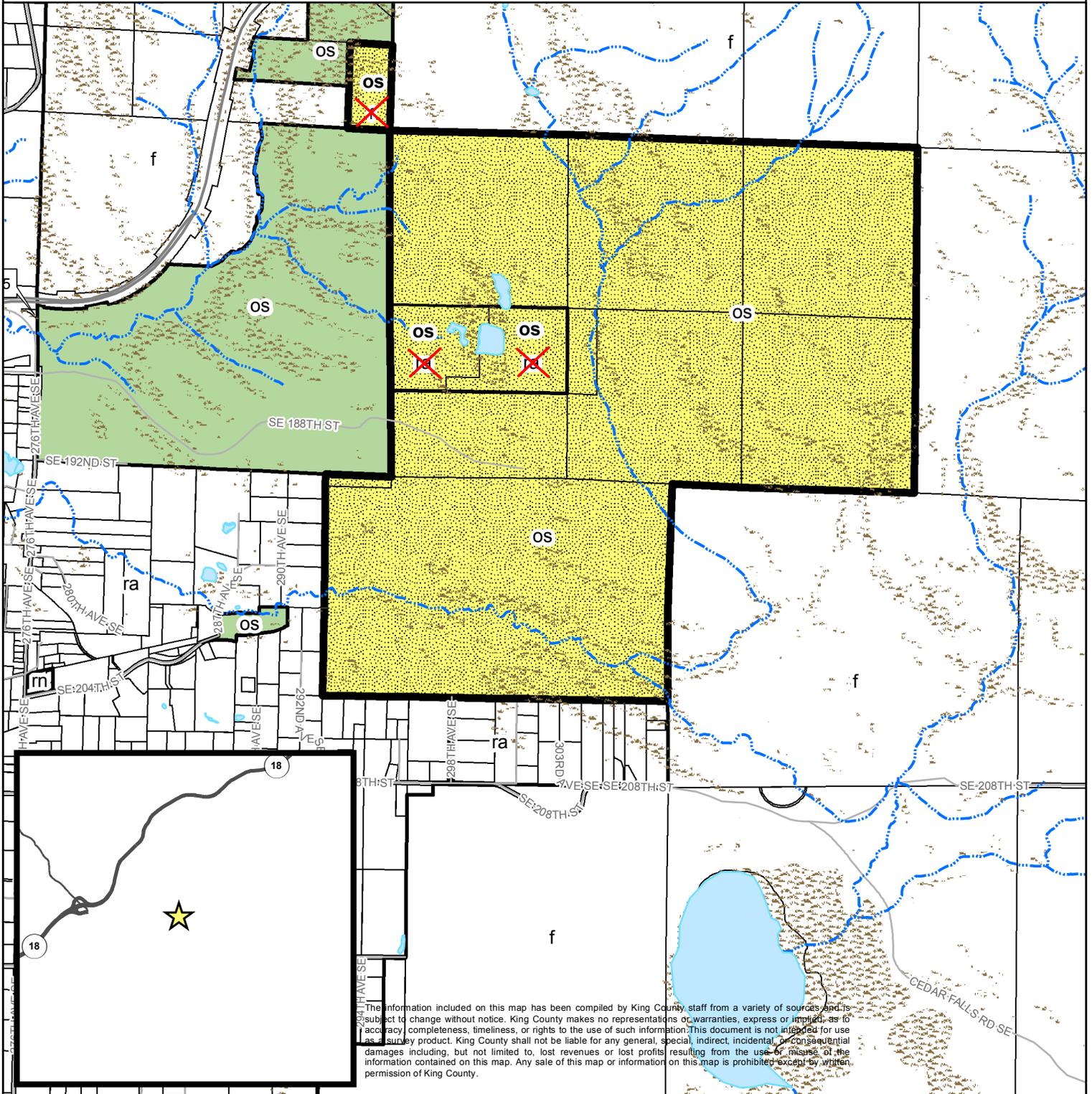
- | | | |
|--|---|--|
|  CPLU |  Park & Ride |  Forestry |
|  Study Area |  Waterbodies |  KC Open Space System |
|  Wetland & Steep Slope |  Streams |  Rural Area |
|  Incorporated Area |  Railroads |  Rural Neighborhood |
|  Urban Growth Boundary |  Parcels | |
|  Parks & OS | | |



0 500 1,000 2,000
Feet



Date: 10/29/2015

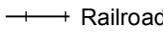
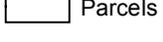


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Map Amendment #3 - Taylor Mountain

ATTACHMENT 6

2016 King County Comprehensive Plan Zoning Map Amendment

-  Study Area
-  Wetland & Steep Slope
-  Incorporated Area
-  Urban Growth Boundary
-  Parks & OS
-  Zoning
-  Park & Ride
-  Streams
-  Railroads
-  Waterbodies
-  Parcels

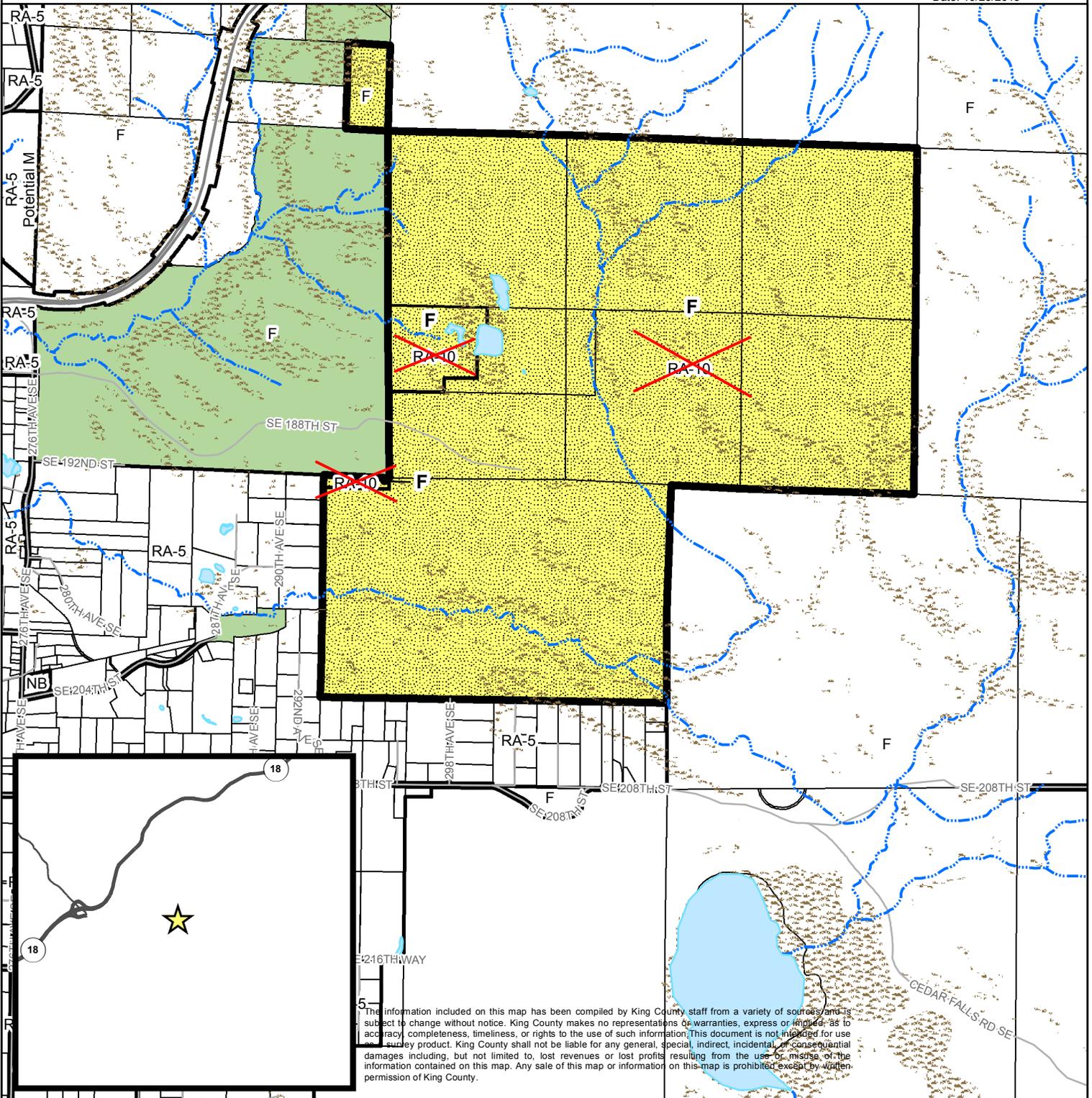
- RA-5 Rural Area, 1 DU/5 acres
- RA-10 Rural Area, 1 DU/10 acres
- F Forest
- M Mineral
- NB Neighborhood Business



0 500 1,000 2,000
Feet



Date: 10/29/2015



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Map Amendment # 5

Tall Chief Golf Course

(Tall Chief Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – LAND USE
2 MAP and KING COUNTY ZONING ATLAS

3
4
5 Amend Section 5, Township 24, Range 07 as follows:

6 LAND USE

- 7
8
9 1. Change the split land use designation on parcel 0524079002 from Rural
10 Area/Agriculture to Agriculture.
11
12 2. Change the land use designation on parcels 0524079025 and
13 0524079026 from Rural Area to Agriculture.
14

15 ZONING

- 16
17 1. Change the split zoning on parcel 0524079002 from RA-10/A-35 to A-35.
18
19 2. Change the zoning on parcel 0524079025 from RA-10 to A-10.
20
21 3. Change the split zoning on parcel 0524079026 from RA-10/RA-5-SO to A-
22 10, and remove SDO from parcel.
23

24 AGRICULTURAL PRODUCTION DISTRICT

25
26 Add parcels 0524079002, 0524079025, and 0524079026 to the Agricultural
27 Production District. Amend all KCCP and Technical Appendix maps that
28 include the Agricultural Production District to be consistent with this change.
29

30
31 **Effect:** This internal request rezones the former Tall Chief Golf Course from
32 Rural Area to Agriculture and adds the parcels to the Agricultural Production
33 District.

Map Amendment # 6

East Cougar Mountain Potential Annexation Area

(E. Cougar Mountain PAA Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – LAND USE
2 MAP and KING COUNTY ZONING ATLAS

3
4
5 Amend Sections 19, 20, 29 & 30, Township 24, Range 06 as follows:

6 7 8 LAND USE

9 Remove the following twenty-four (24) parcels from the City of Issaquah Potential
10 Annexation and from the Urban Growth Area, and change the land use
11 designation on the following twenty-four (24) parcels from “upd” to “ra”:

12
13 1924069020, 2024069014, 3024069024, 3024069036, 3024069037,
14 3024069038, 3024069043, 2924069097, 2924069011, 2924069015,
15 2924069016, 2924069017, 2924069019, 2924069020, 2924069021,
16 2924069022, 2924069027, 2924069028, 2924069029, 2924069030,
17 2924069031, 3024069001, 3024069019, 3024069020

18
19 Update the Interim Potential Annexation Area Map to remove the subject parcels
20 from the City of Issaquah Potential Annexation Area.

21
22 Amend all other KCCP and Technical Appendix maps that include the Urban
23 Growth Area to be consistent with this change.

24 25 ZONING

26
27 Change the zoning on the following of the parcels from UR-P-SO to RA-5:

28
29 1924069020, 2024069014, 3024069024, 3024069036, 3024069037,
30 3024069038, 3024069043, 2924069097, 2924069011, 2924069015,
31 2924069016, 2924069017, 2924069019, 2924069020, 2924069021,
32 2924069022, 2924069027, 2924069028, 2924069029, 2924069030,
33 2924069031, 3024069001, 3024069019, 3024069020

36 **Effect:** Responds to a request by the City of Issaquah to remove from their
37 Potential Annexation Area and change these parcels to rural land use and
38 zoning designations. Combined, these parcels represent 188 acres (or
39 excluding parcels currently owned by King County, represent 104.59 privately
40 owned acres). This is 24.24% of the 776-Acre Potential Annexation Area
41 request from the City of Issaquah.

42

43 The County will continue to discuss with the City of Issaquah, the City of
44 Bellevue, and local residents whether other portions of the remaining area
45 could or should be annexed into these two cities or whether the remaining
46 588-acres should be removed from the Urban Growth Area and the Potential
47 Annexation Area in a future King County Comprehensive Plan cycle.

Map Amendment # 7

Three Urban Growth Area Amendments in locations noted below

(UGA Technical Corrections Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN –LAND USE
2 MAP

3

4

5 Amend Sections 13 and 24, Township 22, Range 05, and Sections 20, 21 and 23,
6 Township 20, Range 06 as follows:

7

8

9

10 1. Include the right-of-way of the following two segments within the Urban
11 Growth Area.

12

SE 240th Street from western city limits to 180th Avenue SE

13

14

248th Avenue SE from north city limits to SE 433rd Street

15

16

17

2. Remove the right-of-way of the following segment from the Urban Growth
18 Area for consistency with adjacent rural roadway segments.

19

20

228th Avenue SE from the north boundary of the UGA to the south
21 boundary of the UGA

22

23

24

25

Update the Interim Potential Annexation Area Map to remove 228th Avenue SE from
the City of Enumclaw Potential Annexation Area, to add SE 240th Street to the City
of Covington Potential Annexation Area, and to add 248th Avenue NE to the City of
Enumclaw Potential Annexation Area.

26

27

28

29

Amend all other KCCP and Technical Appendix maps that include the Urban Growth
Area to be consistent with this change.

30

31

32

33

34

35

36

37

Effect: This is a series of countywide technical amendments to the Urban
Growth Area that only affects segments of county road rights of way; no
private property is affected. The purpose of these proposed technical
adjustments is to facilitate provision of services. In two cases, right-of- way
adjacent to a city is proposed to be added to the UGA so that it may eventually
be annexed and served by the city. In one case, the right-of-way is more
appropriate to be in the Rural Area, where it will continue to be serviced by
King County.

Urban Growth Area Boundary Amendment SE 240th Street

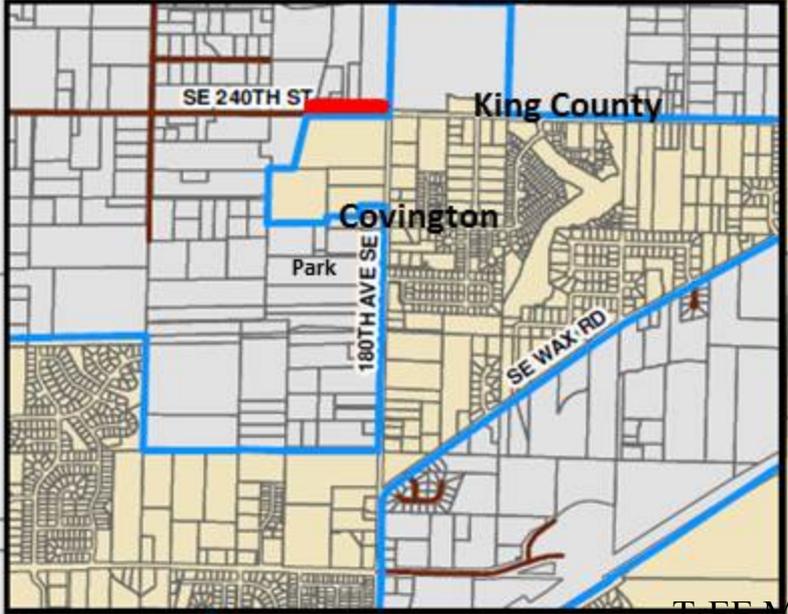
King County

PAA

Move UGA boundary to the north margin of SE 240th St. to include this section of the right-of-way in the urban area.

178TH PL SE

SE 240TH ST



Covington

- - - Proposed UGA Boundary
- Existing UGA Boundary
- County Roads
- Parcels
- King County
- Covington
- ROW Issue





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Urban Growth Area Boundary Amendment 248th Avenue SE

King County

PAA

Move UGA boundary to the west margin of 248th Ave SE to include this section of the right-of-way in the urban area.



Enumclaw

HIGHPOINT ST

- - - Proposed UGA Boundary
- Existing UGA Boundary
- County Roads
- Parcels
- King County
- Enumclaw
- ROW Issue




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Urban Growth Area Boundary Amendment 228th Avenue SE

King County

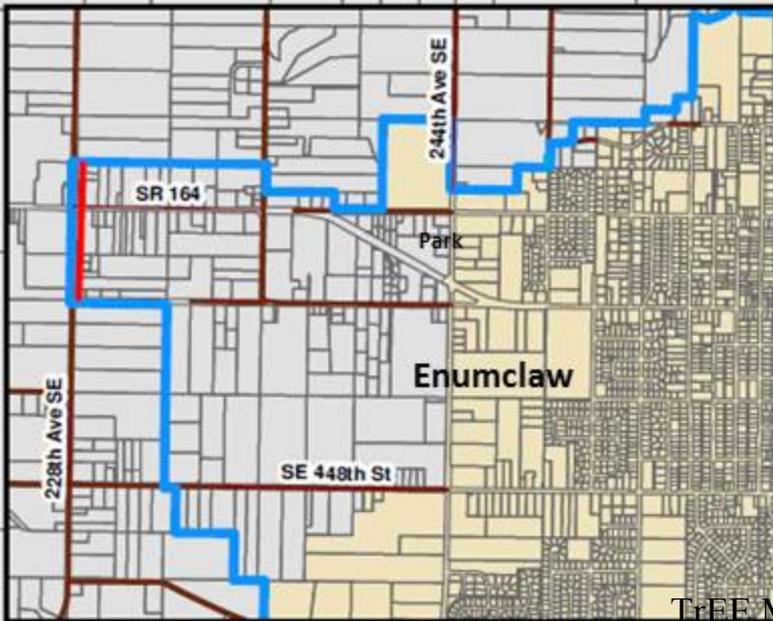
PAA

SE 436TH ST

SE 438TH ST

228TH AVE SE

Move UGA boundary to the east margin of 228th Ave SE to exclude this section of the right-of-way from the urban area.



- - - - Proposed UGA Boundary
- Existing UGA Boundary
- County Roads
- Parcels
- King County
- Enumclaw
- ROW Issue




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Map Amendment # 8

SW Gorsuch Road, Near Vashon Highway SW

(Vashon #1 Area Zoning and Land Use Study)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – KING
2 COUNTY ZONING ATLAS

3
4

5 Amend Section 29, Township 23, Range 03 as follows:

6
7

ZONING

8

9

1. Remove P-suffix condition VS-P24 from parcel 2923039148.

10

11

2. Add P-suffix condition VS-Pxx to parcel 2923039148 as follows:

12

13

“Development restricted to housing designated for low income.”

14

15

16

Effect: Would remove P-suffix condition VS-P24, which currently restricts development “to mobile homes, manufactured housing units and accessory support structures” and replace it with a P-suffix condition limiting development to a broader range of affordable housing development options.

17

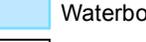
18

19

Map Amendment #8 - Vashon #1

ATTACHMENT 6

2016 King County Comprehensive Plan Land Use Map

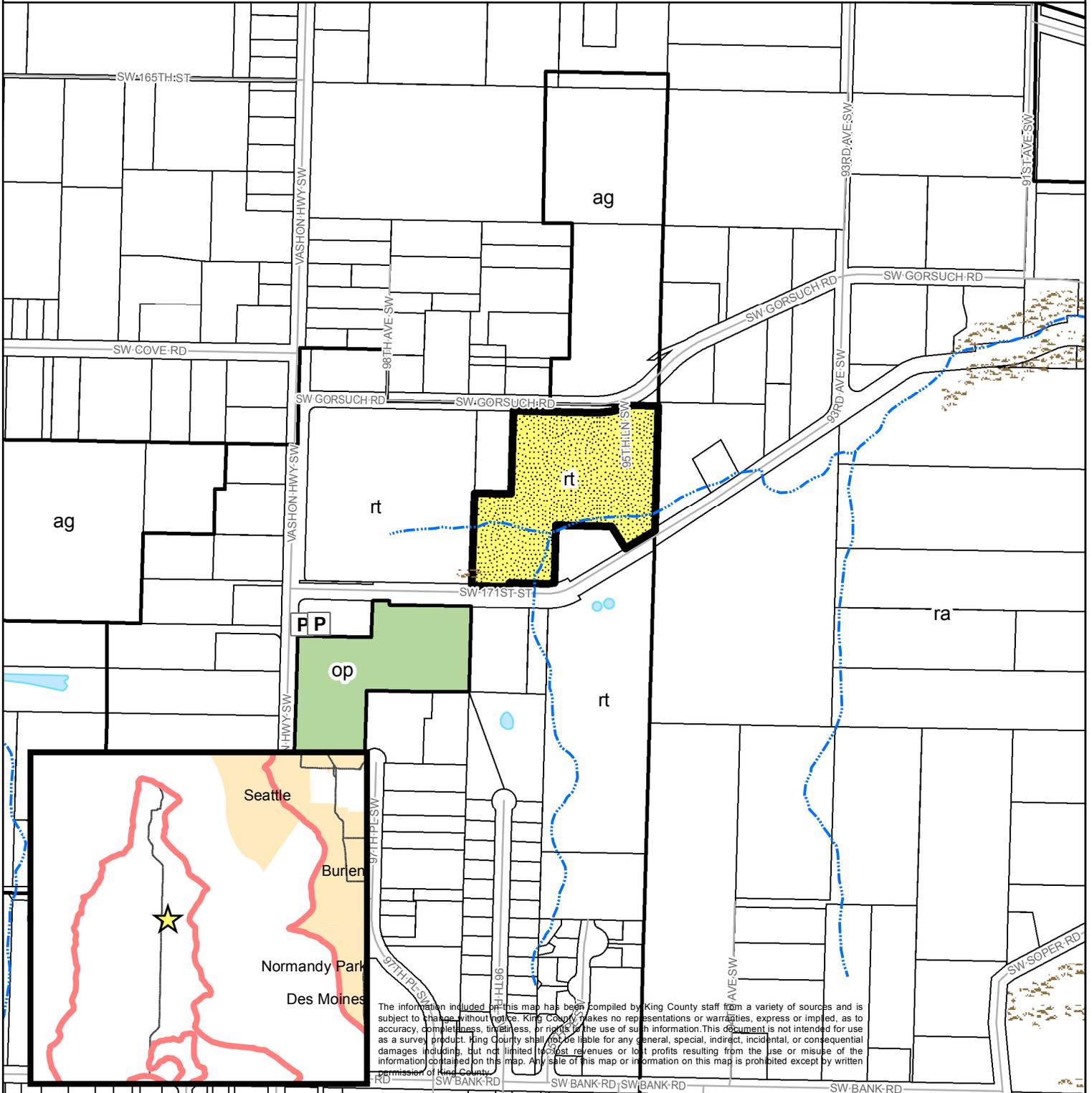
-  Study Area
-  CPLU
-  Wetland & Steep Slope
-  Incorporated Area
-  Urban Growth Boundary
-  Parks & OS
-  Park & Ride
-  Streams
-  Railroads
-  Waterbodies
-  Parcels
- ra Rural Area (1du/2.5-10acres)
- op Other Parks/Wilderness
- ag Agriculture
- rt Rural Town



0 200 400
Feet



Date: 8/23/2016



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Map Amendment #8 - Vashon #1

ATTACHMENT 6

2016 King County Comprehensive Plan Zoning Map

-  Study Area
-  Zoning
-  Wetland & Steep Slope
-  Incorporated Area
-  Urban Growth Boundary
-  Parks & OS
-  Park & Ride
-  Streams
-  Railroads
-  Waterbodies
-  Parcels

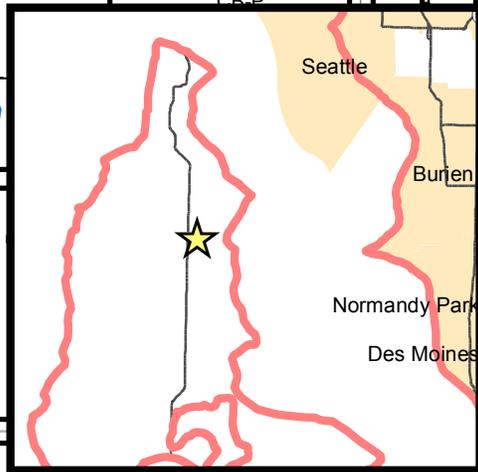
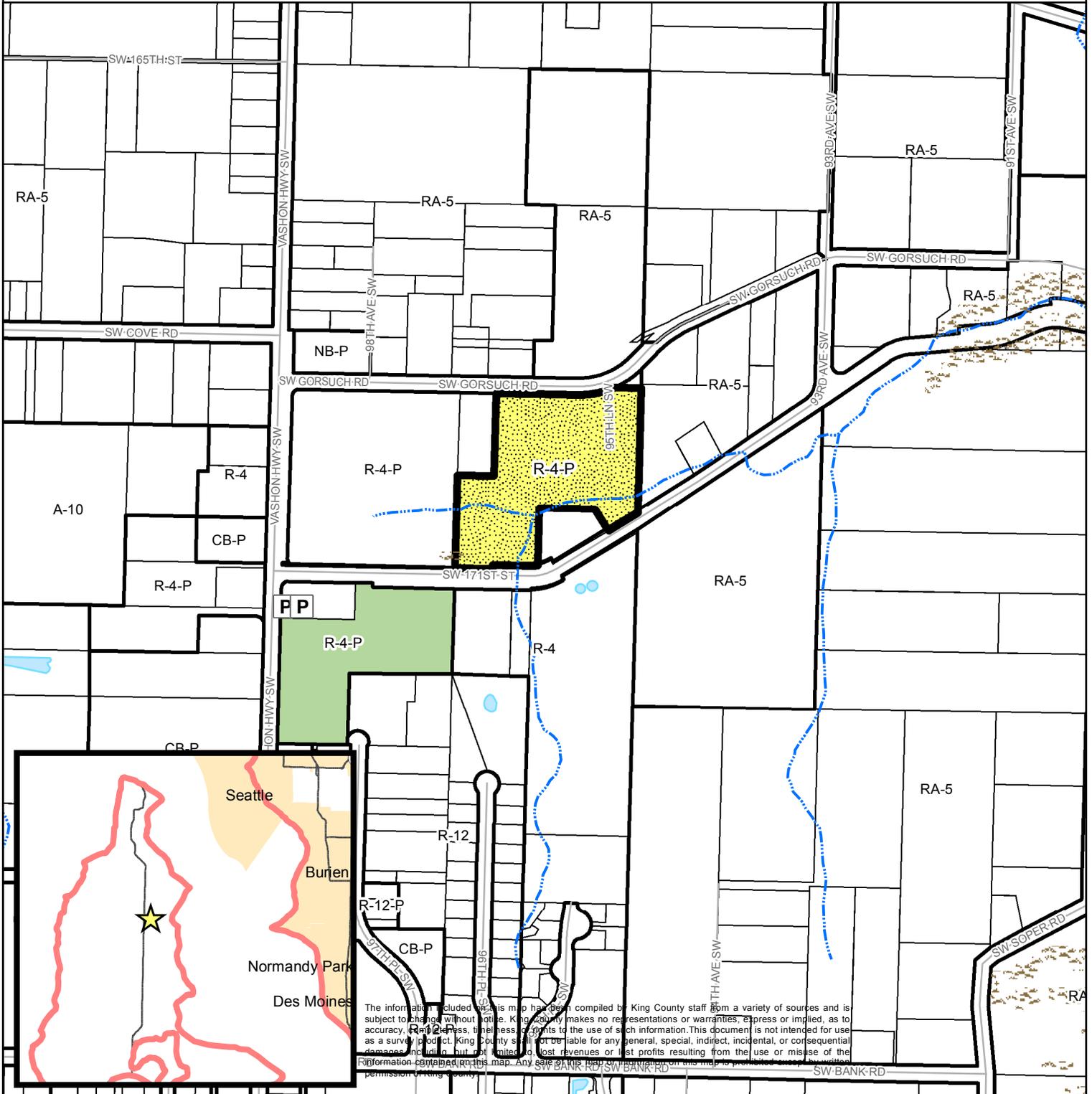
- R-12-P Residential, 12 DU per acre
- R-12 Residential, 12 DU per acre
- R-4 Residential, 4 DU per acre
- R-4-P Residential, 4 DU per acre
- RA-5 Rural Area, one DU per 5 acres
- A-10 Agricultural, one DU per 10 acres
- NB-P Neighborhood Business
- CB-P Community Business
- P = parcel specific development condition



0 200 400
Feet



Date: 8/23/2016



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Map Amendment # 9

237th Place SE and SE 288th Street

(Rainier Ridge)

1 AMENDMENT TO THE KING COUNTY COMPREHENSIVE PLAN – KING
2 COUNTY ZONING ATLAS

3
4
5 Amend Section 03, Township 21, Range 06 as follows:

6
7
8 ZONING

9
10 Amend P-suffix condition TR-Pxx on parcel 1531000010 as follows:

11
12 “1. A term conservation easement agreement satisfactory to King
13 County shall be recorded within 21 days of approval of this ordinance.
14 The conservation easement shall apply to the remaining 56 acres of
15 the site and shall prohibit all use and development other than passive
16 recreation until such time as the parcel is officially subdivided, whereby
17 the rural portion will be deeded fee simple to King County for the
18 purpose of permanent public passive open space.

19
20 2. ~~((Within one year))~~ By December 31, 2017, the City of Maple Valley
21 shall ~~((commence))~~ complete annexation proceedings ~~((and the~~
22 ~~County and the City shall enter into an interlocal agreement~~
23 ~~addressing: a) annexation of the urban portion of the property; b)~~
24 ~~zoning for the urban portion of the property that will achieve a minimum~~
25 ~~density of 4 dwelling units per acre; and c) subdivision procedures that~~
26 ~~will enable the City of Maple Valley to process a plat application~~
27 ~~including land within the City and County)).~~

28
29 3. SEPA mitigation measures per the MDNS Threshold Determination
30 for project
31 MAMD13-0001 dated November 26, 2013 shall be implemented and
32 completed upon the approval date of this ordinance.

33
34 4. In the event Condition 2 is not satisfied ~~((within one year after~~
35 ~~Council approval of this ordinance))~~, the site shall ~~((be redesignated in~~
36 ~~the next King County Comprehensive Plan update))~~ revert to its pre-
37 application land use (Rural Area) and zoning (RA-5-P) designations.”
38

39 **Effect: Would amend P-suffix condition TR-Pxx to no longer require adoption**
40 **of an Interlocal Agreement, and would require completion of annexation**
41 **proceedings by December 31, 2017 in order for the Rainier Ridge Four-to-One**
42 **UGA amendment to become effective.**

Map Amendment #9 - Rainier Ridge

ATTACHMENT 6

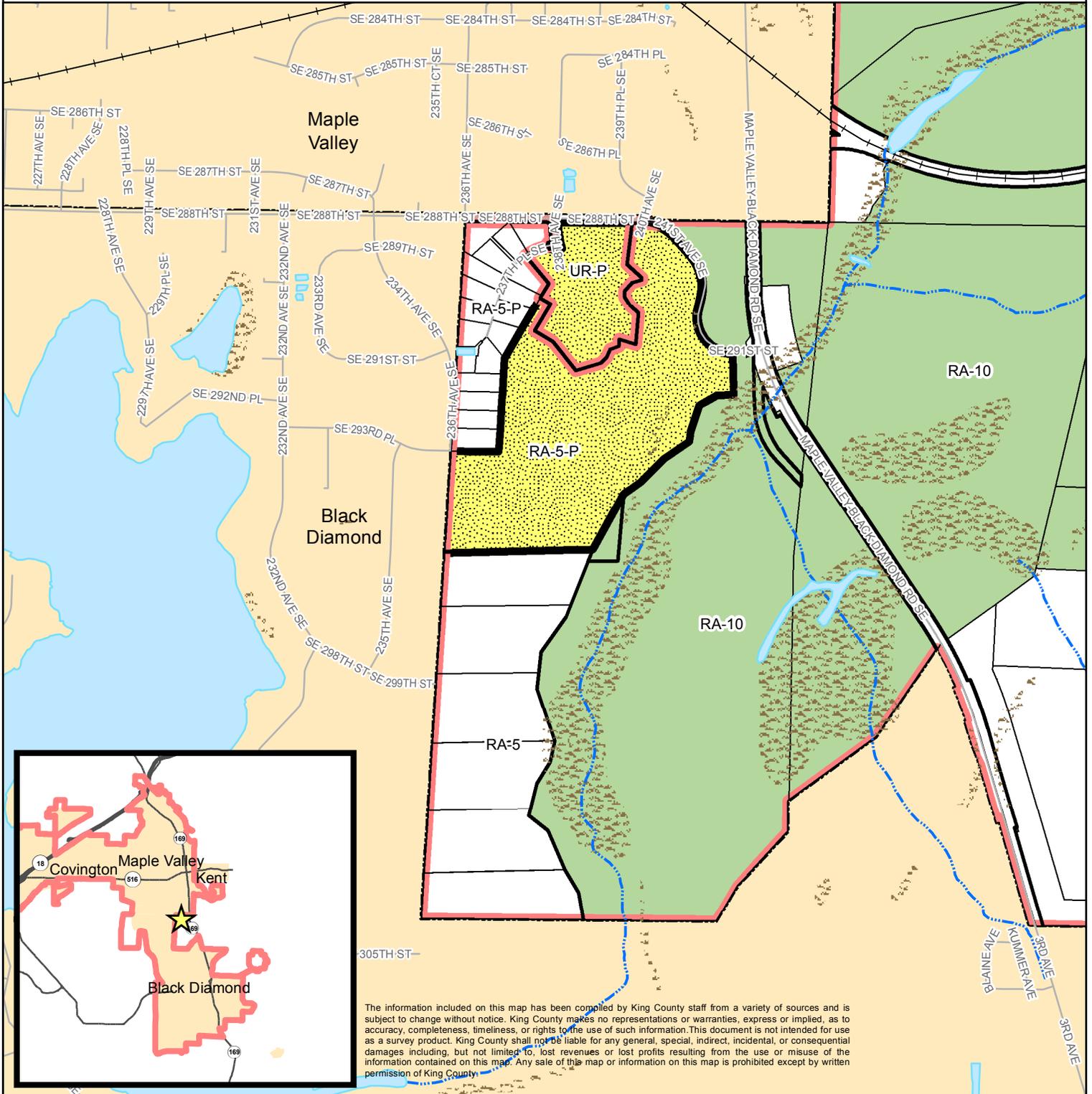
2016 King County Comprehensive Plan Zoning Map

-  Study Area
-  Zoning
-  Wetland & Steep Slope
-  Incorporated Area
-  Urban Growth Boundary
-  Parks & OS
-  Park & Ride
-  Streams
-  Railroads
-  Waterbodies
-  Parcels

- RA-10 Rural Area, one DU per 10 acres
- RA-5 Rural Area, one DU per 5 acres
- RA-5-P Rural Area, one DU per 5 acres
- UR-P Urban Reserve, one DU per 5 acres
- P = parcel specific development condition



Date: 8/23/2016



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**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
1	Fairwood A	9	<ol style="list-style-type: none"> 1. Change land use designation on parcel 3423059035 to "uh" (Urban High; Urban Residential >12 du/ac) 2. Change zoning on parcel 3423059035 to R-18 	<ol style="list-style-type: none"> 1. Change land use designation on parcels 3423059035, 3423059061, 3423059031, and 3423059034 to "uh" 2. Change zoning on parcels 3423059035, 3423059061, and 3423059031 to R-18-P, and add p-suffix condition that requires any multifamily development to either be 1) a continuing care senior housing facility or 2) include an affordable housing element. 3. Change zoning on parcel 3423059034 to R-18-P, and add p-suffix condition that requires an 	Redesignates and rezones four parcels from R-6 to R-18, instead of just one parcel as in the Exec's transmittal. Adds p-suffix conditions.

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
				affordable housing element. 4. Technical/formatting clean-up, and clarified effect statement	
2	Federal Way	7	1. Change land use on parcel 2821049171 to Neighborhood Business Center 2. Change zoning on parcel 2821049171 to Neighborhood Business.	Technical/formatting clean-up, and clarified effect statement	Technical

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
3	Allison Docket ¹ Request	3	<ol style="list-style-type: none"> 1. Remove the "SDO" from parcel 3224079134 and revise the existing split zoning from RA-5(SO) / RA-10 to RA-5 / RA-10 2. Remove the "SDO" from three adjacent RA-5 (SO) zoned properties; parcels 3224079140, 3224079112, 3224079021 3. Remove the "SDO" from one adjacent RA-5 (SO)/RA-10 zoned property; parcel 3224079136 	<ol style="list-style-type: none"> 1. Remove the "SDO" from parcel 3224079134 and revise the existing split zoning from RA-5(SO) / RA-10 to RA-5. 2. Remove the "SDO" from three adjacent RA-5 (SO) zoned properties; parcels 3224079140, 3224079112, and 3224079021. 3. Remove the "SDO" from one adjacent RA-5 (SO) / RA-10 zoned property; parcel 3224079136. 4. Technical/formatting clean-up, and clarified effect statement 	Removes SDO, as in Exec's transmittal. In addition, rezones one parcel from RA-5/RA-10 to RA-5.

¹ The Docket is a formal means for interested parties to submit comments on or to propose consideration of changes to the KCCP and development regulations, as required by RCW 36.70A.470 and K.C.C. 20.18.140.

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
4	Taylor Mountain	9	<p>1. Change the land use category on parcel 3023079001 from Forestry to Open Space</p> <p>2. Change the land use category on parcels 3223079015 and 3223079009 from Rural Area to Open Space</p> <p>3. Change zoning on ten parcels from Rural Area 10 to Forest, and include them in the Forest Production District. The parcels are:</p> <p align="center">0522079001, 3223079014, 3223079001, 3223079009, 3223079011, 3223079015, 3223079021, 3223079027, 3323079005, 3323079009</p>	Technical/formatting clean-up, and clarified effect statement	Technical

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
			4. Change split zoning on parcel 3123079003 from Rural Area 10 to Forest, and include it in the Forest Production District (a small portion of the parcel at the southeast edge is RA).		
5	Tall Chief	3	<p>1. Change the split land use designation on parcel 0524079002 from Rural Area/Agriculture to Agriculture, and add it to the Agriculture Production District.</p> <p>2. Change the land use designation on parcels 0524079025 and 0524079026 from Rural Area to Agriculture and add them to the Agriculture Production District.</p> <p>3. Change the split zoning on parcel 0524079002 from RA-10/Agriculture to A-35.</p>	Technical/formatting clean-up, and clarified effect statement	Technical

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
			<p>4. Change the zoning on parcel 0524079025 from RA-10 to A-10.</p> <p>5. Change the split zoning on parcel 0524079026 from RA-10/RA-5-SO to A-10, remove SDO from parcel.</p>		
6	East Cougar Mountain Potential Annexation Area (PAA)	3	<p>1. Redraw the Urban Growth Area boundary near the East Cougar Mountain Potential Annexation Area. The following parcels will be removed from the UGA and their land use will be changed to "ra" and zoning changed to RA-5.</p> <p>2. Remove the following twenty-four (24) parcels from the City of Issaquah's Potential Annexation and from the Urban Growth Area.</p> <p>3. Change the Zoning on all of the parcels from UR-P-SO to RA-5.</p>	Technical/formatting clean-up, and clarified effect statement	Technical

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
			4. Change the Land Use on all of the parcels from UPD to RA.		
7	UGA Technical Corrections	7, 9	<p>1. Include the right-of-way of the following two segments within the Urban Growth Area so that the adjacent city, not King County, can annex and have long term service responsibility:</p> <ul style="list-style-type: none"> • SE 240th Street from western city limits to 180th Avenue SE • 248th Avenue SE from north city limits to SE 433rd Street <p>2. Remove the right-of-way of the following segment from the Urban Growth Area for consistency with adjacent rural roadway segments:</p> <ul style="list-style-type: none"> • 228th Avenue SE from the north boundary of the UGA to the south boundary of the UGA 	Technical/formatting clean-up, and clarified effect statement	Technical

September 1, 2016

**Comparison of Executive's Transmitted LAND USE MAP AMENDMENTS (Attachment B to 2016 KCCP)
with Striking Amendment S1**

Map Amend #	Name of Proposal	Council District	Executive Transmitted Recommendation	Striking Amendment Version	Effect of Striking Amendment Change
8	Vashon #1	8	N/A. Proposal was submitted after transmittal.	<ol style="list-style-type: none"> 1. Remove P-suffix condition VS-P24 from parcel 2923039148. 2. Add P-suffix condition for low-income housing to parcel 2923039148. 	Replaces current mobile/manufactured home p-suffix limitation with low-income housing p-suffix limitation.
9	Rainier Ridge	9	N/A. Proposal was submitted after transmittal.	Amend P-suffix condition on parcel 1531000010 to no longer require adoption of an Interlocal Agreement, and would require completion of annexation proceedings by December 31, 2017 in order for the Rainier Ridge Four-to-One UGA amendment to become effective.	Refines current p-suffix condition with an updated deadline and no requirement for an Interlocal Agreement.

September 1, 2016

**Attachment I to Proposed Ordinance 2016-0155
Technical Appendix R to 2016 Comprehensive Plan**



King County

2016
King County Comprehensive Plan Update

~~((Executive Recommended Plan))~~

**TECHNICAL APPENDIX R:
PUBLIC OUTREACH FOR THE
DEVELOPMENT OF THE 2016
COMPREHENSIVE PLAN**

~~((March 1))~~ September 1, 2016

Overview

The **2016 Comprehensive Plan Update** included a strong and on-going public engagement process; the process is summarized below by phases.

Phase 1: Scoping and Development of Public Review Draft. This process included the following components:

- Meetings with community groups, interested parties, County Commissions, the Planning Directors groups, and others in multiple stages of the update process in 2015.

• King County Planning Directors (2/26) – 30 attendees	• Four Creeks/Tiger Mountain CSA Open House (5/12) – 40 attendees
• Greater Maple Valley UAC (3/1) – 10 attendees	• Maple Valley CSA Open House (5/19) – 70 attendees
• Skyway-West Hill Technical Advisory Committee (3/13) – 15 attendees	• West Hill/Skyway CSA Open House (5/21) – 35 attendees
• Four Creeks/Tiger Mountain CSA (3/18) – 10 attendees	• SE King County/Green Valley CSA Open House (6/2) – 85 attendees
• Bear Creek / Sammamish CSA Open House (4/13) – 16 attendees	• Rural Forest Commission (7/9) – 15 attendees
• Snoqualmie Valley/NE King County CSA Open House (4/21) – 52 attendees	• Greater Maple Valley UAC (8/24) – 8 attendees
• North Highline/White Center CSA Open House (April 23) – 25 attendees	• Agricultural Commission (9/17) – 20 attendees
• Vashon-Maury Island CSA Open House (4/28) – 32 attendees	• King County Planning Directors (10/22) – 30 attendees
• Fairwood/Renton CSA Open House (5/5) – 55 attendees	• Rural Forest Commission (11/12) – 15 attendees

Approximately 560 residents and stakeholders attended these meetings.

- Stakeholders were informed that comments would be accepted throughout the process, rather than solely during public comment period. (~~That~~) This led to a significant amount of early public comments which allowed some issues to be resolved and included in the Public Review Draft.
- Attended and presented at all of the Community Service Area Open Houses; these meetings allowed the Comprehensive Plan to be presented at high-level to a much wider audience. At these meetings, names were added to the email list.

- Updates to the Comprehensive Plan website to make commenting and joining an e-mail list easier; the email list grew to over 500 contacts.
- Distributed a series of "eNewsletters" that helped those on the e-mail list remained informed of milestones in the update process. This included every group listed in the Adopted Scope of Work through Motion 14351, all the email contacts from the 2012 Comprehensive Plan update list, contacts for community weekly newspapers, contacts provided by the Office of Equity and Social Justice in the Executive's Office, and others.

Phase 2: Development of Executive Recommended Plan. This process included the following components:

- Placed advertisements in community papers advertising Community Meetings; six community meetings were held and were attended by almost 300 participants in late 2015 and early 2016. Meetings were held as follows:

Vashon-Maury Island (Nov. 9) – (Ten) 10 attendees	Snoqualmie Valley – Bear Creek – Sammamish Area (Dec. 2) – (One hundred ten) 110 attendees
Four Creeks – Maple Valley (Nov. 17) – (Fifteen) 15 attendees	Vashon-Maury Island (follow-up Meeting on Dec. 14) – (Forty) 40 attendees
West Hill / North Highline/ Urban Annexation Areas (Nov. 19) – (Thirty-five) 35 attendees	East Cougar Mountain Potential Annexation Area (Jan. 28) – (Seventy) 70 attendees

- Provided a ~~(2-month)~~2 month public comment period between November 6, 2015 and January 6, 2016. This comment period was extended to solicit public comment on an Area Zoning and Land Study that began late in the process, and this comment period went from January 27 to February 3, 2016.
- During these periods, nearly 90 comment letters/emails/comment cards were submitted, containing hundreds of individual comments that were used in the development of the draft Plan.

Combined, over 850 stakeholders participated in the ~~(Comprehensive Plan Updated Process)~~ development of the Public Review Draft and Executive Recommended Plan for the 2016 King County Comprehensive Plan Update.

Phase 3: Council review of and updates to Executive Recommended Plan, and adoption of 2016 Comprehensive Plan. This process has included and/or is anticipated to include the following components:

- Distribution of newsletters to dedicated Comprehensive Plan email list (644 subscribers as of August 29, 2016) to inform the public of Comprehensive Plan committee briefings, schedule updates, news, and public comment opportunities.
- Utilization of the Council's Comprehensive Plan website to provide:
 - Opportunity to sign-up for the Comprehensive Plan email list.
 - Ability to submit written online public testimony, and
 - Up-to-date information on the schedule, committee agendas and staff reports, news, proposed Comprehensive Plan and land use amendments, and public hearing notices.

- Issuance of press releases to media outlets to provide updates on public comment opportunities.
- Inclusion of Comprehensive Plan committee briefing dates and public comment opportunities in "Coming Up At Council" media email list (print, broadcast, and social media).
- Written communication with Docket proponents regarding public comment opportunities.
- Briefings with County Commissions and community groups, as requested.
- A public comment period from time of transmittal (March 1, 2016) through adoption (scheduled for December, 2016), including:
 - Receipt of written comments via letters, emails, or online testimony.
 - Verbal testimony in committee and before the full Council, as follows:

<u>March 15 at Transportation, Economy and Environment Committee</u>	<u>June 28 at special Transportation, Economy and Environment Committee</u>
<u>April 5 at Transportation, Economy and Environment Committee</u>	<u>July 5 at Transportation, Economy and Environment Committee</u>
<u>April 6 at special Committee of the Whole evening Town Hall in Ravensdale</u>	<u>August 16 at Transportation, Economy and Environment Committee</u>
<u>May 3 at Transportation, Economy and Environment Committee</u>	<u>August 24 at special Transportation, Economy and Environment Committee</u>
<u>May 17 at Transportation, Economy and Environment Committee</u>	<u>September 6 (<i>anticipated</i>) at Transportation, Economy and Environment Committee</u>
<u>May 31 at Transportation, Economy and Environment Committee</u>	<u>September 20 (<i>anticipated</i>) at Transportation, Economy and Environment Committee</u>
<u>June 7 at Transportation, Economy and Environment Committee</u>	<u>November 28 (<i>anticipated</i>) publicly advertised formal public hearing at full Council</u>
<u>June 21 at Transportation, Economy and Environment Committee</u>	

- Inclusion of received written comments in the published committee packets as part of the Comprehensive Plan staff reports.
- State Environmental Policy Act (SEPA) review and public comment period prior to final adoption at the full Council. (*anticipated*)
- Published advertisement in newspapers for formal public hearing prior to final adoption at full Council. (*anticipated*)
- Mailed notice of public hearing to property owners adjacent to parcels proposed for land use designation and zoning changes prior to final adoption at full Council. (*anticipated*)

Addendum to Vashon Town Plan

The previous adopted zoning on page 92 of the Vashon Town Plan for parcel 2923039148 is amended with the following:

ZONING

1. Remove P-suffix condition VS-P24 from parcel 2923039148.
2. Add P-suffix condition VS-Pxx to parcel 2923039148 as follows:
“Development restricted to housing designated for low income.”

[Blank Page]

King County Council
Schedule for 2016 King County Comprehensive Plan
(As of 8/10/16, Subject to change)

March 1	Transmittal of King County Executive's proposed 2016 King County Comprehensive Plan.
March 15 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Committee review process overview</i> • <i>Land use proposals/Area Zoning Studies</i> • <i>Chapter 11 Community Service Area Planning</i> • <i>Chapter 12 Implementation, Appendix D Growth Targets</i> <p>Opportunity for public comment</p>
April 6 6:30 p.m.	<p>Committee of the Whole Town Hall - Special Evening Meeting Location: Gracie Hansen Community Center at Ravensdale Park (Rock Creek Sports) - 27132 SE Ravensdale Way, Ravensdale WA Opportunity for public comment on proposed 2016 Comprehensive Plan</p>
May 3 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 1 Regional Planning</i> • <i>Chapter 3 Rural Area and Natural Resource Lands</i> • <i>Chapter 8 Transportation, Appendix C Transportation, C1 Transportation Needs Report</i> • <i>Chapter 10 Economic Development</i> • <i>Development code updates (Proposed Ordinance 2016-0155)</i> <p>Opportunity for public comment</p>
May 17 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 2 Urban Communities</i> <p>Opportunity for public comment</p>
May 31 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 4 Housing and Human Services, Appendix B Housing</i> <p>Opportunity for public comment</p>
June 7 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 7 Parks, Open Space and Cultural Resources, Appendix C2 – Regional Trail Needs Report</i> <p>Opportunity for public comment</p>
June 21 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 5 Environment</i> • <i>Chapter 6 Shorelines</i> <p>Opportunity for public comment</p>

<p>June 28 9:30 a.m.</p>	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Climate Change (all chapters)</i> • <i>Equity and Social Justice (all chapters)</i> <p>Opportunity for public comment</p>
<p>July 5 10:30 a.m.</p>	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 9 Services, Facilities and Utilities, Appendix A – Capital Facilities</i> • <i>Real Property Asset Management Plan (Proposed Ordinance 2016-0159)</i> <p>Opportunity for public comment</p>
<p>August 16 9:30 a.m.</p>	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Follow up on identified issues in:</i> <ul style="list-style-type: none"> ○ <i>All Chapters in the 2016 Comprehensive Plan</i> ○ <i>Development code updates (Proposed Ordinance 2016-0155)</i> ○ <i>Real Property Asset Management Plan (Proposed Ordinance 2016-0159)</i> <p>Opportunity for public comment</p>
<p>August 24 1:30 p.m.</p>	<p>Briefing in Special Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Follow up on land use proposals</i> <p>Opportunity for public comment</p>
<p>September 6 9:30 a.m.</p>	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chair's Striking Amendment</i> <p>Opportunity for public comment</p>
<p>September 20 9:30 a.m.</p>	<p>Possible vote in Transportation, Economy and Environment Committee</p> <ul style="list-style-type: none"> • <i>Includes consideration of possible amendments</i> <p>Opportunity for public comment</p>
<p>November 28 Time TBD</p>	<p>Anticipated public hearing at full Council</p> <p>Opportunity for public comment</p>
<p>December 5 Time TBD</p>	<p>Possible vote at full Council</p> <ul style="list-style-type: none"> • <i>Includes consideration of possible amendments</i>

Unless otherwise noted, all meetings will take place in the Council Chambers on the 10th Floor of the King County Courthouse, at 516 3rd Ave, Seattle WA.

2016 King County Comprehensive Plan Frequently Used Acronyms

APD	Agricultural Production District
CIP	Capital Improvement Program
CPP	Countywide Planning Policy
ESA	Endangered Species Act
FCC	Fully Contained Community
FPD	Forest Production District
GMA	Growth Management Act
GMPC	Growth Management Planning Council
HOT	High Occupancy Toll
HOV	High Occupancy Vehicle
ITS	Intelligent Transportation Systems
KCCP	King County Comprehensive Plan
KCSP	King County Strategic Plan
LID	Low Impact Development
LOS	Level of Service
LSRA	Locally Significant Resource Area
MPP	Multi-county Planning Policies
MPS	Mitigation Payment System
PAA	Potential Annexation Area
PBRs	Public Benefit Rating System
PSRC	Puget Sound Regional Council
RSRA	Regionally Significant Resource Area
RWSP	Regional Wastewater Services Plan
SCAP	Strategic Climate Action Plan
SPPT	Strategic Plan for Public Transportation
SPRS	Strategic Plan for Road Services
SEPA	State Environmental Policy Act
TAM	Transportation Adequacy Measure
TDR	Transfer of Development Rights
TDM	Transportation Demand Management
TNR	Transportation Needs Report
TOD	Transit Oriented Development
UGA	Urban Growth Area
UGB	Urban Growth Boundary
UPD	Urban Planned Development
UTRC	Utilities Technical Review Committee

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Public Comment on Reserve Silica's Request to Retain Policy I-203 Provision for a Mining Site Conversion Demonstration Project

From: Michael A. and Donna L. Brathovde, Ravensdale residents, August 22, 2016

The Staff Report for the August 16th TrEE Committee staff meeting states that Reserve Silica came forward on March 15th and April 6th "*indicating that work on a demonstration project proposal is ongoing and requested that the annual cycle allowance in I-203 be maintained*" in the 2016 KCCP (page 33 and footnote 26). We wish to go on record as opposing any extension of the Policy I-203 in terms of a mining site conversion demonstration project, even with a defined deadline, and we support the KC Executive's position to delete this provision from the 2016 Comp Plan.

Reserve Silica has had nearly four years since adoption of the I-203 demonstration project amendment to submit a proposal, and have not done so. When Reserve's efforts to purchase the development rights from the TDR sending site (Sec 6, T21N,R07E) originally envisioned with the passage of the I-203 Amendment failed, they chose, in June 2014, to purchase the 147-acre Black Diamond tract as an alternative sending site - over two years ago. Over a year ago on June 30, 2015, Frank Melfi, President of Reserve Silica stated their intention to submit a proposal to the King County Council and Exec "in the next week or two." This intent was echoed by Reserve's consultant, J. Allen on July 9, 2015, but nothing was ever submitted. Reserve did finally submit a 12-page summary of their current proposal to the KC Council Committee of the Whole meeting on April 6, 2016. And they completed a 273-page proposal draft dated May 1, 2016, a copy of which was personally delivered to us on May 27, indicating that delivery of this full document to the County was imminent. But now, three months later, it still has not been submitted. Furthermore, the current Policy I-203 is still in effect until superseded by the 2016 KCCP, affording Reserve the opportunity to submit their proposal, likely through December, even if the I-203 provision is not renewed.

Beyond the submission timeline issue, it is our opinion after extensive review of Reserve's May 1, 2016 draft proposal that it does not meet ANY of the five criteria specified in I-203 to qualify as a Mining Site Conversion Demonstration Project. So any extension of the I-203 provision is not likely to result in an approved Demonstration Project for this site. Furthermore, the Dept of Ecology's classification of the site as a Class 1 (highest priority) MTCA toxic cleanup site raises serious issues about the suitability of this site for any residential development whatsoever. As mentioned by the KC Executive in his April 18th position paper, the next steps to clarify the required cleanup "*can take many years to complete,*" and has not yet even been started. Thus, any extension of the I-203 policy just creates a state of limbo during which it is likely little more will be done to complete the reclamation needed to substantially restore the property to its pre-mining condition.

We personally know Reserve has done a lot of work and invested a lot of resources to create the current proposal, and are presumably using this as justification to appeal for an extension of the I-203 policy. However, we believe Reserve has already been given ample opportunity to submit a Demonstration Project proposal, and has failed to do so. Furthermore, given the known and unknown contaminants on the site, the yet to be determined clean-up requirements, the health risks to future residents and the potential liability to King County in approving development on this site, the failure of the proposal to meet the criteria and spirit of the I-203 policy approved in 2012, and the numerous County Codes such a project would violate - no amount of time extension is likely to result in an approved Mining Site Conversion Demonstration Project for this property.

As such, we oppose extending the I-203 Policy and support the County Executive's plan to delete this provision from the 2016 King County Comp Plan.



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August 24, 2016

CARE Comments RE: King County Comprehensive Plan Update – Executive Draft

Text	Comment
<p>Urban Communities – Page 2-6</p> <p>However, in its unincorporated urban area, King County has a small number of smaller-scale urban centers, which includes an unincorporated activity center, community business centers and neighborhood business centers.</p>	<p>There are also areas of Regional Business zoning with commercial draw and implications across the region, but which are not in designated Centers and have Outside of Center land use designations. These areas should also be identified here. Further, these Outside of Center locations were intended in the first Comprehensive Plan to be specifically evaluated and the locations to be either determined to be redesignated as Centers and/or zoned appropriately. We ask that this work be completed during the upcoming Community Planning efforts.</p> <p>Updates associated with the 2012 Comprehensive Plan Update identified issues of concern regarding Outside of Center parcels. Residents request more clear definitions of policy intent so that all stakeholders are afforded realistic expectations of uses and protections in the urban unincorporated areas – especially those adjacent to the rural area.</p>
<p>Urban Communities – Page 2-7</p> <p>U-111 Development standards for urban ((areas)) <u>centers</u> should emphasize ways to allow maximum permitted densities and uses of urban land while not compromising the function of critical environmental areas. Mitigating measures should serve multiple purposes, such as drainage control, groundwater recharge, stream protection, air quality improvement, open space preservation, cultural and historic resource</p>	<p>We strongly support the proposed update to this policy.</p> <p>Our community has had significant experience with the profound effects of development and uses allowed in an Urban Area but which are actually intended for Urban Centers. The King County Urban Area lacks the characteristic infrastructure and amenities Urban Centers. When residential density bonuses or Regional Business zoning is permitted in communities failing Transportation</p>



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<p>protection and landscaping preservation. When technically feasible, standards should be simple and measurable, so they can be implemented without lengthy review processes.</p>	<p>Concurrency, have no sidewalks, is not walkable by any measure, has inadequate and ever falling levels of service of law enforcement, code enforcement, and road maintenance, you create a community under siege. Residents feel disrespected and cheated. As mere residents, we cannot coordinate or pay for the mitigating investments necessary to build vital, safe and thriving communities.</p> <p>Urban Centers are the correct location for these more intensive development patterns – not just any random location on the fringes of the Urban Area. We are glad to see this correction and hopeful that future permitting will yield fewer instances of unsupported development where it doesn't fit.</p>
<p>Urban Communities – Page 2-13</p> <p><u>U-122a King County King County should explore zoning policies and provisions and tools that increase housing density and affordable housing opportunities within unincorporated urban growth areas, near frequent transit, and near commercial areas</u></p>	<p>We understand the need for increased affordable housing stocks, however, this new policy needs to specifically clarify location and housing type priorities. Specific minimum characteristics (how close to transit, what minimum level of transit service, what minimum level of services available in the near commercial areas, walkability, etc.) need to be clearly identified.</p>
<p>Urban Communities – Page 2-14</p> <p>U-126 King County, when evaluating rezoning requests for increases in density, shall ((work with)) <u>notify the city whose PAA includes the property under review; if a pre-annexation agreement exist, King County shall work with the city to ensure compatibility with the city's pre-annexation zoning for the area. King County shall also notify special purpose districts and local providers of urban utility services and should work with these service providers on issues raised by the proposal.</u></p>	<p>This policy update implies that in the absence of a pre-annexation agreement, King County's policy will be to continue what residents have discovered to be the full and specific disregard of compatibility with adopted pre-annexation zoning – for example: the Melki rezone from Office to Regional Business where Renton's rezoning is R-1 due to overwhelming environmental constraints in the 2012 Comprehensive Plan Update.</p> <p>As a community who has gone to considerable collaborative effort with King County toward annexation (POPA 2007) and with the City of Renton (Citizens Advisory Task Force) to establish pre-</p>



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	<p>annexation zoning for the entire East Renton Plateau PAA – one of the largest remaining PAAs – this policy is deeply troubling. The intensive good-faith efforts in support of one of King County’s major land use objectives – PAA annexations – appears to be cast aside with prejudice and the community punished with the very real expectation of incompatible and punitive zoning changes.</p> <p>Please do not implement this update. Instead, please engage in meaningful collaboration with annexing cities and local residents to provide actual land use planning that will ensure wise stewardship of buildable lands and repair trust between all stakeholders which is necessary to grow public support of progress on annexations as envisioned by GMA and other important planning frameworks.</p>
<p>Urban Communities – Page 2-16</p> <p><u>U-132a King County shall allow and support the development of innovative community gardens and urban agriculture throughout the public realm of residential areas and commercial areas.</u></p> <p><u>U-132b King County shall allow and support mixed-use food innovation districts, a district of food-related activities such as food retail, processing, distribution, business incubation and urban agriculture.</u></p>	<p>We support these proposed updates.</p>
<p>Urban Communities – Page 2-17</p> <p>U-133 King County encourages innovative, quality infill development and redevelopment in existing unincorporated urban areas. A variety of regulatory, incentive and program strategies could be considered, including:</p> <p>a. Special development standards for infill sites;</p>	<p>We are concerned about the details implied under proposed section e. Please provide more specific information on what this actually means.</p> <p>We support the proposed section f.</p>



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<p>b. Assembly and resale of sites to providers of affordable and healthy housing;</p> <p>c. Impact mitigation fee structures that favor infill developments;</p> <p>d. Greater regulatory flexibility in allowing standards to be met using innovative techniques; ((and))</p> <p>e. <u>Coordination with incentive programs of cities affiliated to annex the area.</u></p> <p>f. <u>Green Building techniques that create sustainable development; and</u></p> <p>g. <u>Joint public/private loan guarantee pools.</u></p>	
<p>Urban Communities – Page 2-17</p> <p>U-137 New urban residential developments should provide recreational space, community facilities and neighborhood circulation for pedestrians and bicyclists to increase opportunities for physical activity and <u>ensure access to transit facilities where they exist or are planned.</u></p>	<p>We support this proposed update, but how is this implemented by code and administrative rule? What degree of “planned” is binding? If, for instance, the street standards indicate the specifications for a bus stop on an arterial on which a proposed projects fronts, will the project be required to build that bus stop in order to improve access to transit that currently serves that arterial? What if the bus service is only anticipated within 6 years? How will this really work? What is the realistic expectation of system integration and improvement communities should really have?</p>
<p>Urban Communities – Page 2-18</p> <p>U-141 King County should support infill and redevelopment proposals <u>in unincorporated urban areas that serve to improve the overall character of existing communities or neighborhoods. New development should consider the scale and character of existing buildings.</u></p>	<p>We strongly support this proposed update. How will this be implemented in code and administrative rule? Under what specific circumstances will this policy <i>not</i> apply – what are the exceptions that will allow significant changes in scale and character? What definition constitutes a condition that would not be compliant with this policy?</p>
<p>Urban Communities – Page 2-19</p> <p>U-142 Residential developments within the <u>Unincorporated Urban ((Growth)) Area</u>, including mobile home parks, shall provide the following improvements:</p>	<p>We strongly support this proposed update, however, its realistic implementation seems to be contradicted by the proposed update in U-126 noted above.</p>



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<p>a. Paved streets (and alleys if appropriate), curbs and sidewalks, and internal walkways when appropriate;</p> <p>b. Adequate parking and consideration of access to transit activity centers and transit corridors;</p> <p>c. Street lighting and street trees;</p> <p>d. Stormwater treatment and control;</p> <p>e. Public water supply;</p> <p>f. Public sewers; and</p> <p>g. Landscaping around the perimeter and parking areas of multifamily developments.</p> <p><u>To create sustainable neighborhoods, the design and construction quality of development in unincorporated urban areas should meet or exceed the quality in the neighboring cities.</u></p>	<p>On a project proposal requesting a rezone that is incompatible with adopted pre-annexation zoning or land use standards, where there is no pre-annexation agreement between the city and the county, what regulation will control the decision on a submitted proposal?</p> <p>We ask that this update be implemented regardless of the existence of any pre-annexation agreement between King County and any annexing city.</p>
<p>Urban Communities – Page 2-27</p> <p>U-171 Commercial, retail and industrial developments in the Unincorporated Urban Area should foster community, create enjoyable outdoor areas and balance needs of automobile movement with pedestrian and bicycle mobility and safety. Commercial and industrial developments shall provide the following improvements:</p> <p>a. Paved streets;</p> <p>b. Sidewalks and bicycle ((lanes)) <u>facilities for all ages and abilities in commercial and retail areas;</u></p> <p>c. Adequate parking for employees and business users <u>including secure bicycle parking;</u></p> <p>d. Landscaping along or within streets, sidewalks and parking areas to provide an attractive appearance;</p> <p>e. Adequate stormwater control, including curbs, gutters and stormwater retention facilities;</p>	<p>Would the proposed update have prevented the 2012 Comprehensive Plan Update rezone of the Melki parcel? Again, that rezone contradicted the adopted pre-zoning of the City of Renton and applied Regional Business zoning to a parcel entirely encumbered by the wetlands and wetland buffers of a Class I Pond with high habitat scores and allowed a used car dealership on a gravel lot inside an aquifer recharge zone where the City of Renton, at the recommendation of a Citizens Advisory Task Force, had adopted pre-zoning of R-1 in recognition of the development and use challenges resulting from regulatory restrictions requiring of preservation and protection of critical areas.</p> <p>If the proposed update would not have prevented the current mess we see on the Melki parcel, it is not strong enough. If it is strong enough, please provide reference to code and</p>



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<p>f. Public water supply; g. Public sewers; and h. Controlled traffic access to arterials and intersections.</p> <p><u>To create sustainable neighborhoods, the design and construction quality of development in unincorporated urban areas should meet or exceed the quality in the neighboring cities.</u></p> <p>Urban Communities – Page 2-37</p>	<p>administrative rule that would apply in similar future circumstances.</p>
<p>U-201a In all urban unincorporated areas, King County shall consider equity and social justice in its <u>planning, project development, and service delivery approach.</u></p> <p>Urban Communities – Page 2-40</p>	<p>We strongly support the proposed update.</p>
<p>U-208 King County (shall consider initiating new subarea) <u>will engage in joint planning processes for the urban unincorporated areas ((to assess the feasibility of)) in tandem with the annexing city upon a commitment from the city to annex through an interlocal agreement. Such planning may consider land use tools such as:</u></p> <ul style="list-style-type: none"> a. <u>traditional subarea plans or areawide rezoning;</u> b. <u>allowing additional commercial, ((industrial)) and high-density residential development through the application of new zoning;</u> c. <u>Transfers of Development Rights that add units to new development projects; and</u> d. <u>application of collaborative and innovative development approaches.</u> <p>King County will work through the Growth Management Planning Council to develop a plan to move the remaining unincorporated urban potential annexation areas towards annexation.</p>	<p>We very much want to support the updates proposed in this policy. We have begged for interlocal planning in PAAs for the better part of a decade. However, given the lived experience of the last decade in the East Renton Plateau PAA, these phrases are troublesome:</p> <ul style="list-style-type: none"> • <u>upon a commitment from the city to annex through an interlocal agreement</u> • <u>Transfers of Development Rights that add units to new development projects</u> <p>By definition, the very existence of any PAA documents that a city has already agreed in binding legislative action to annex that area. What is the need for a new interlocal agreement? What does it provide that is currently lacking?</p> <p>Until the ill effects of TDRs in our community are mitigated, and policy adjustments implemented that prevent further overloading of PAAs with TDRs, we must strongly oppose any interlocal planning agreement that requires the acceptance of TDRs. We</p>



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<p>Urban Centers 2016 Map</p>	<p>need, and King County is responsible to provide, good planning and adequate infrastructure funding before we accept further exceptional burdens.</p> <p>When was Fairwood added as an Urban Center? Is this designation compatible with Renton pre-zoning? Where can we find more details?</p>
<p>Rural Areas and Natural Resource Lands – Page 3-22</p> <p>R-317 For transfer of development rights purposes only, qualified sending sites are allocated development rights as follows:</p> <p>a. <u>Sending sites in the Rural Area zoned RA-2.5 shall be allocated one TDR for every two and one-half acres of gross land area</u></p> <p>Rural Areas and Natural Resource Lands – Page 3-23</p> <p><u>R-319a King County should designate urban unincorporated areas as TDR receiving sites for short subdivisions. Use of TDRs in formal subdivisions shall be allowed on through a subarea study.</u></p>	<p>Will this increase sending allocations/capacity? What is the overall receiving capacity to which this development potential is anticipated to move?</p> <p>This looks like it might be a marginally better situation than we currently have. However, the devil is in the details, so what are those details? By what code and administrative rules will this policy be implemented? What would a TDR subarea study look like? What are the specific criteria that must be met for TDR approvals in subdivisions in the urban unincorporated area?</p> <p>Also – should “on through” be “<u>only through</u>”? We would support that.</p> <p>We are very, very strongly supportive of this proposed update, and look forward to learning more details of the code and administrative rules by which it will be implemented.</p>
<p>Rural Areas and Natural Resource Lands – Page 3-23</p> <p><u>R-320a King County shall provide amenities to urban unincorporated TDR receiving areas to improve the livability of the receiving area. Amenities should be provided at levels commensurate with the number of TDRs used in the receiving area. The type, timing and location of amenities provided to urban unincorporated TDR receiving areas should be informed by a public engagement process including members of the affected receiving area and the city affiliated with annexation.</u></p>	<p>Also – should “on through” be “<u>only through</u>”? We would support that.</p> <p>We are very, very strongly supportive of this proposed update, and look forward to learning more details of the code and administrative rules by which it will be implemented.</p>



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<p>Rural Areas and Natural Resource Lands – Page 3-29</p> <p>R-336a To help achieve the goal of reducing energy use and greenhouse gas emissions associated with new construction, King County should adopt and implement green building codes that are appropriate, ambitious and achievable. Adoption of such codes may result in an increased use of solar panels, private wind generation turbines and similar renewable energy technologies that may need to be sited in the rural area. Development standards will seek to ensure that the siting, scale and design of these facilities respect and support rural character.</p>	<p>Why is this targeted only for the rural area? Distributed and micro-generation (single-family and multi-family installations) should also be part of the solution. What is the plan for promoting in the urban area?</p>
<p>Housing and Human Services – Page 4/16</p> <p>((U-339)) H-134 Density bonuses and other incentives for the development of affordable housing by for-profit and non-profit developers shall be available within unincorporated urban areas and near commercial areas to both single-family and multifamily developments to promote development of affordable rental and/or ownership housing. Bonuses shall be periodically reviewed and updated, as needed, to assure they are effective in creating affordable housing units, especially in coordination with any mandatory inclusionary affordable housing requirements adopted.</p>	<p>What code and administrative rules will implement this policy? What are the criteria for siting and other desired outcomes are anticipated for this policy? How will those goals be used to determine if bonuses and incentives “are effective in creating affordable housing units”? What is the review period?</p>
<p>Housing and Human Services – Page 4/16</p> <p>((U-323)) H-136 King County (shall encourage) shall provide opportunities within unincorporated urban growth areas and near commercial areas for the development, rehabilitation, and preservation of rental residential buildings that have shared facilities, such as single-room occupancy buildings, (hotels and) boarding homes, micro-units buildings and clustered micro homes to provide opportunities for lower rents housing options; and higher density ownership options including</p>	<p>By what code and administrative rules will this policy be implemented?</p>



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<p><u>condominiums, co-operative mutual housing, cottage housing and other forms of clustered higher density ownership housing.</u></p>	
<p><u>Housing and Human Services – Page 4/16</u></p> <p><u>((U-325)) H-138 Housing developments in the urban unincorporated areas, consisting of not less than 100 acres, shall provide a mix of housing types and densities, including housing that is affordable to low-, moderate-, and middle-income households. This mix should include housing opportunities for ((households with special needs, the elderly, and persons with disabilities)) older adults, persons who are homeless and persons with behavioral, cognitive, physical, and/or developmental disabilities.</u></p>	<p>Are there any parcels that meet this criteria? What is their relationship to the amenities and services that will be needed by the noted populations? What is the specific list of characteristics that should be met for a site to fall under this policy? Is there a map?</p>
<p><u>Housing and Human Services – Page 4/18</u></p> <p><u>H-145 King County shall continue to require Evergreen Sustainable Development Standards, or an equivalent successor standard, and will work with partners and stakeholders to encourage the improvement in healthy housing elements of Evergreen Sustainable Development Standards, with emphasis on healthy housing elements that reduce asthma.</u></p>	<p>Where can we learn more about Evergreen Sustainable Development Standards?</p>
<p><u>Environment Page 5-77</u></p> <p><u>Beaver and Beaver Activity</u></p>	<p>Our community has partnered with DNRP to successfully accommodate beaver and human activity within the urban unincorporated area and we hope that these policies will also be applied at every opportunity within the urban area as well as the rural area. We are very happy to support King County's coexistence efforts including community mentoring and solutions sharing.</p>
<p><u>Transportation – Page 8-17</u></p> <p><u>T-214b King County shall design a new concurrency management methodology that is efficient to administer, incorporates travel demand</u></p>	<p>Why? Again? This will be at least the 3rd complete overhaul of the transportation concurrency program since our President was on the 2002 Concurrency Advisory Committee. These seem to be the same set of system characteristics that have been in place all</p>



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<p><u>management principles, supports reduction of vehicle miles traveled and reliance on single occupancy vehicle trips, and promotes increased efficiency of the transportation system as a whole.</u></p>	<p>along. With the same specs, but a new system – each time we have had a major update the only change perceptible to residents is that failing areas suddenly pass with no improvements or corrections on the ground. What are the currently determined shortcomings of the present system that necessitates another overhaul? We are highly dubious of this policy update.</p> <p>And with the email of August 18, 2016 (Subject: King County - SEPA DNS & ECL: 2016 Transportation Concurrency management Program Update to King County Code 14.70 From: "London, Janel" Janel.London@kingcounty.gov), we have learned that our fears have been made real. Our travelshed has had zero improvements, but the newly proposed map shows that we are being designated as having no transportation concurrency capacity limitations after having been a failing travelshed for years. This is a recipe for disaster. Please don't do this to our community.</p>
<p><u>Transportation – Page 8-30</u></p> <p><u>T-306a Decisions on road closures and abandonments should be made based on public safety considerations, technical/engineering standards, and the policy guidance set forth in the Strategic Plan for Road Services.</u></p> <p><u>Impacts to residents, businesses, and other road users or stakeholders should be identified and communicated to them in a timely manner.</u></p>	<p>Decisions should involve the impacted residents, users and stakeholders. There should be an advisory committee that includes urban and rural residents so that there is true public participation in the development of criteria and in its implementation. Abandonments must have a fully public process similar to that for vacations.</p>
<p><u>Community Service Area Planning – Page 11-2</u></p>	<p>We repeat our previous comments that detail our conviction that the East Renton Plateau PAA has overwhelmingly more in common with the Four Creeks CSA than with the West King County Areas. We share the same travelsheds, watersheds, demographics, job opportunities, and service and amenity deficits. If King County will only consider us in the context with all the other West King County Areas, we very strongly request that King County facilitate joint</p>



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	<p>activities with the residents of all these areas in order that we may learn what our common issues and concerns may be and how we might collaborate and better advise King County on policies and practices that will serve us all better and more efficiently. Without effective facilitation, the community sees this as a divide-an-ignite move that further damages trust.</p>
<p>Community Service Area Planning – Page 11-3</p>	<p>The Newcastle Planning Area appears to have been left out of the table. Where do we belong?</p>
<p>Community Service Area Planning – Page 11-3 and table on Page 11-4</p> <p><u>While there are differences among the Community Service Areas in terms of their boundaries, range of land uses, annexation issues, and more, using this accepted geography will ensure the entire county receives some level of planning on a regular cycle. This includes a regular assessment of the Community Service Area's goals, population changes, new development, employment targets and similar demographic and socioeconomic indicators. These assessments are called Community Service Area Plan Profiles. To address the unique issues in each geography, Community Service Area plans will also have more refined, cross-discipline, and localized planning documents called CSA Subarea Plans. Examples of such plans include rural town centers, urban neighborhoods, and corridor plans.</u></p>	<p>Lumping all urban unincorporated areas into a single CSA, where they have no common geological, transportation, hydrological or future jurisdictional (annexing cities) paradigm greatly diminishes the usefulness of this gravely needed planning. CARE has begged for this level of planning for more than a decade. If you are going to insist that we are part of the West King County CSA, at least plan for us with the others instead of making us wait years more and miss the planning cycle that the City of Renton has already adopted for their Community Planning schedule.</p> <p>These planning cycles need to be synched or it is a waste of time, effort and the development potential in all of these areas. And the residents will continue to see that their concerns for the consideration of the practical impacts of these policy updates in their lives is of little concern to those who propose these policies. We want to help! Please don't continue to punish our communities.</p>
<p>Community Service Area Planning – Page 11-49</p> <p><u>The West Hill Community Plan and White Center Community Plan, applying to portions of the original Highline Community Plan, were the last plans adopted by King County (West Hill in 1993, White Center in</u></p>	<p>As old as they are, at least they exist. The East Renton Plateau PAA has nothing, despite over a decade of begging for planning by the residents. And now we get to go last even after these communities are revisited. Please adjust the planning cycle! [I have a little concern with the direct reference to West Hill Community Plan and</p>



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<p><u>1994). They were prepared in conformance with the Growth Management Act (GMA) and are already incorporated as part of the 1994 King County Comprehensive Plan.</u></p> <p><u>Implementation, Amendments and Evaluation – Page 12-11</u></p> <p><u>Action 1: Initiation of the Community Service Area Subarea Planning Program. Under the direction of the Department of Permitting and Environmental Review, King County is launching a new regular subarea planning program. While this is described in greater detail in Chapter 11: Community Service Area Planning, launching and operationalizing this effort will be a major activity following the adoption of the Comprehensive Plan.</u></p> <p><u>☑ Timeline: Ongoing, with each Community Service Area to be included in the planning schedule.</u></p> <p><u>☑ Outcomes: A more rational approach for addressing planning issues rather than solely relying on the Comprehensive Plan update process. Each area will adopt a plan approximately once every seven years.</u></p> <p><u>Implementation, Amendments and Evaluation – Page 12-12</u></p> <p><u>Action 3: Develop a Performance Measures Program for the Comprehensive Plan. The purpose of the program is to provide longer-term indicators to provide insight into whether the goals of the Comprehensive Plan are being achieved or if revisions are needed. Given the longer-term nature of the issues addressed in the Comprehensive Plan, this program will be implemented on a four-year cycle. Reports are to be released in the year prior to the initiation of the four-year Update in order to guide the Scoping process for the update. Additionally, the extent practicable for each dataset, indicators will be reported at the level most consistent the major geographies in the Growth Management Act and</u></p>	<p>Skyway Solutions, for exactly the reasons you mentioned. It feels like postponed-perfection to me.]</p> <p>We are excited for community planning, but as noted elsewhere, timing for these planning efforts in PAAs should be coordinated with the ongoing planning efforts of the annexing cities in order to best steward taxpayer dollars and residents' time and interests.</p>
<p><u>Implementation, Amendments and Evaluation – Page 12-12</u></p> <p><u>Action 3: Develop a Performance Measures Program for the Comprehensive Plan. The purpose of the program is to provide longer-term indicators to provide insight into whether the goals of the Comprehensive Plan are being achieved or if revisions are needed. Given the longer-term nature of the issues addressed in the Comprehensive Plan, this program will be implemented on a four-year cycle. Reports are to be released in the year prior to the initiation of the four-year Update in order to guide the Scoping process for the update. Additionally, the extent practicable for each dataset, indicators will be reported at the level most consistent the major geographies in the Growth Management Act and</u></p>	<p>This may be the best proposed update in the entire Comprehensive Plan. For years we have provided qualitative feedback that the laudable goals of the Plan are not being realized.</p> <p>It would be very helpful to structure the measures so that it is clear to all parties what outcome is expected over what period of time. And it would be most helpful if the measures were developed at the same time as any policy is proposed or updated so that the residents have a clear expectation of what each policy really means.</p> <p>Finally, please include residents in the process of developing these measures and in the review process.</p>



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<p><u>Comprehensive Plan – incorporated cities, unincorporated urban areas, rural lands, and natural resource lands.</u></p> <p><u>Timeline: Report released in 2018 to inform the 2019 Scope of Work for the 2020 Comprehensive Plan Update.</u></p> <p><u>Outcomes: 2018 Comprehensive Plan Performance Measures Report, Implementation, Amendments and Evaluation – Page 12-12</u></p>	<p>There should be a significant public participation component to this work. Please include resident representatives from the communities that would be affected by any changes to these policies.</p>
<p><u>Action 4: Review the Four To One Program. The County's Four to One Program has been very effective in implementing Growth Management Act goals to reduce sprawl and encourage retention of open space. This is done through discretionary actions by the County Council, following a proposal being submitted by a landowner(s) to the County. Over time, there have been proposals that vary from the existing parameters of the program; these have included possible development not contiguous to the original 1994 urban growth area, allowing the open space to be non-contiguous to the urban extension, and consideration of smaller parcels or parcels with multiple ownerships. Allowing these changes has potential for increasing the use of the tool, with attendant risks and benefits. With the assistance of an independent consultant with real estate and land use expertise, review the Four to One program and determine whether changes to the existing program should be implemented that will strengthen the program and improve implementation of the Comprehensive Plan.</u></p> <p><u>Timeline: 2018; one-year process</u></p> <p><u>Outcomes: County-led and consultant supported task force, feasibility report and final report.</u></p> <p><u>Leads: Office of Performance Strategy and Budget, Department of Natural Resources and Parks</u></p>	<p>The residents of the East Renton Plateau PAA are extremely grateful for this proposed update.</p>



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<p>Action 5: <u>Implement a TDR Unincorporated Urban Receiving Area Pilot Project. The County's Transfer of Development Rights Program has been very effective in implementing Growth Management Act goals to reduce sprawl and permanently protect open space. This work plan item is to conduct a pilot project to determine the process for providing amenities to unincorporated urban TDR receiving area communities. The focus of the pilot project will be the East Renton Plateau – an area of urban unincorporated King County that has received a substantial number of TDRs. The East Renton Plateau TDR Receiving Area Pilot Project will: develop a process for engaging the community to determine the type of amenities the community desires; assess the type and amounts of funding available for providing amenities; and establish an amount of amenity funding to be provided for each TDR (both past and future TDRs).</u></p> <p><u>Timeline: Q1 2017-Q3 2018; (18-month process)</u></p> <p><u>Outcomes: Report recommending process and funding levels relative TDRs used in development projects; and potential 2020 comprehensive plan and code revisions.</u></p> <p><u>Leads: Department of Natural Resources and Parks.</u></p>	<p>Thank you for hearing us and offering this beginning of a new way forward.</p> <p>Sadly, this update doesn't appear to go far enough. Community benefit and site location characteristics are not addressed. As we have requested in previous Comp Plan Updates, density bonuses need to meet site selection characteristic criteria (e.g. walkability, transit access, etc.).</p>
<p>Implementation, Amendments and Evaluation – Page 12-13</p> <p>I-601 King County should develop incentives for the <u>Unincorporated Urban Growth Area</u> that encourage the development industry to provide a broad range of housing and business space. Incentives could include:</p> <p>a. Identification of geographic areas with infill opportunities, granting them budget priority status and subjecting new development in these areas to more flexible standards – <u>this should include disadvantaged areas</u>;</p> <p>b. Density bonuses for site designs which provide public benefits (for example, grid roads that connect with other developments and limit impacts on arterials);</p>	<p>We are very interested to see the outcome from I-601a.</p> <p>I-601e. should apply to all receiving site locations, but given the clarifying changes in the first sentence of this policy, it seems that the E. does not belong in this policy. In other words, does this policy apply to Urban Unincorporated Areas or inside cities or both?</p>



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<p>c. Incentives which lower financial development risk; d. Joint development opportunities at county-owned or operated facilities, utilization of air rights on county-owned or operated facilities, and the establishment of transit-supportive design guidelines; and e. County capital improvement funding for public urban amenities including transportation, parks, open space, cultural and other facilities for cities participating in the King County Transfer of Development Rights Program.</p>	
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Tom Carpenter comment, TrEE Committee

During the 2012 Comp Plan update, the King County Council approved a legislative rezone for a small portion of a 2.3-acre, rectangular parcel on the plateau east of Renton. The southern 60% of the parcel is within a Category I wetland with a high habitat score. The remaining 40% is well within the habitat and wetland protective buffer.

Prior to GMA, a small impervious surface and a mobile office building were permitted on the northeast corner of the parcel as a veterinarian office. GMA implementation zoned the parcel as Office, with Regional Business potential, and SAO implementation formally identified the parcel as in a sensitive area. The mobile office and parking area were grandfathered in, and the SAO and BSBL boundaries were identified. Had the previous use not existed, the entire parcel would be deemed unusable for either residential or commercial purposes.

When the GMA zoning was done in the 90's, the parcel was one a very few properties in the county that ended up with a "potential" zone. Potential zoning was a mechanism used in the initial GMA response when it was unclear at the time whether the zoning would be appropriate in the future. The zoning for this parcel ended up as Office with a potential for Regional Business.

Given there was no crystal ball in 1994, the wisdom in policy was to require an area zoning study if the potential zoning was ever considered to be realized. An AZS meant that the decision would be based on future facts about the property and its surrounding; information unavailable when GMA was being implemented in the 90s.

During the same era, the parcel became part of one of Renton's PAAs. In 2006, in preparation for an annexation vote in 2007, Renton pre-zoned the parcel as Residential-Low Density (R-1). I was on the Resident Task Force Renton created to guide their pre-annexation efforts, including the pre-zoning. The Melki parcel was deemed undevelopable.

In 2004 a rezone request to realize the potential RB zone was withdrawn based on rulings from DPER. The property was sold and the new owners attempted a similar rezone in 2008. That rezone was denied by the Hearing Examiner whose ruling was upheld on appealed. The rezone denial was upheld by the Council via ordinance 78235 in 2010.

The property owners appealed to two of the Council members who intervened in 2012. That led to policy changes that removed the area zoning study requirement for this parcel, which, had it been done, would have determined, as the HE did, that the parcel was inappropriate for a Regional Business zoning.

What I want you to do is rezone the parcel R-1, in alignment to the Renton pre-zoning. Interestingly, Renton has also written comment to this year's comprehensive plan update complaining that, in spite of repeated requests by the city, King County has failed to engage in a conversation to create a planning ILA for the Renton's PAAs.

Because the used car lot is currently permitted, the rezone will have no immediate impact. To that end, I was the Council to 1) make it clear to DPER that they want the codes enforced on this parcel, and 2) that the two council members who either have the parcel on the plateau, or the parcel owners within

Tom Carpenter comment, TrEE Committee

their districts, communicate directly with the owners and their son, who runs the used car business on the parcel, that no more political favors will be available and that the owners and parcel users must immediately comply with the required codes or the county will no longer support the used car licensing provided by WA DOL.

Parenthetically, this example highlights a behavior on this council that, in my opinion, is having a negative impact and should stop. Two of the republicans on the council continue to espouse an anti-GMA paradigm, certainly within their elected rights, but with complete disregard for communities within their jurisdictions.

Rhetoric about lack of local services equity for unincorporated areas, is exposed as self-serving in light of the example of the property in the Renton PAA.

You have received a transcription of these comments along with copies of the letter we recently sent to the executive asking for his support in resolving the compliance issue on the parcel.

17 August 2016

Dow Constantine, King County Executive

cc. Regan Dunn, King County Councilmember
Kathy Lambert, King County Councilmember
Jim Chan, Deputy Director, Department of Permitting and Environmental Review
Elizabeth Hill, Senior Deputy Ombudsman

Executive Constantine,

We write in support of your intent to update the code enforcement practices in the county to address longer-term code issues on parcels.

Although at a much smaller scale than the "Mt. Anderson" situation, we're facing a similar condition (e.g. a long history of code compliance issues) for a parcel in our neighborhood. Since purchasing the property in January, 2008, the owners have received no less than five code enforcements, one code violation, and two or three DPER letters regarding code or land use issues that required correction.

A 2014 code violation resulted in a settlement in October, 2015, targeting mitigation in six months. Over nine months later, none of the settlement requirements have been implemented by the property owners. Recent actions on the property indicate that the owners have no intention of satisfying the requirements of the settlement, or observe the codes applicable to the property and its use.

Like with Mt. Anderson, local community groups, similar to West Hill and Skyway Solutions, have been actively working for over a decade with DPER to get the situation resolved. The most recent effort included Elizabeth Hill from the Ombudsman Office, and Jim Chan, DPER Deputy Director.

Unfortunately, none of those efforts have produced resolution.

Complicating matters is the legislative rezone done in 2012 that was preceded by comprehensive plan policy changes that created an exception that specifically allowed the use the property owners were envisioning.

As you are undoubtedly aware, when the legislature intervenes in property zoning, things become political, and that is certainly the case here.

We've worked "in the system", but, unfortunately, without resolution. We have no alternative than to raise the issue for your assistance.

Attached for further explanation is the letter sent recently to DPER and the Ombudsman.

Sincerely,

Tom Carpenter

Gwendolyn High

17 August 2016

Jim Chan, DPER Deputy Director
Elizabeth Hill, Senior Deputy Ombudsman

Jim and Elizabeth,

I'm very grateful for the time you took to work with me on the Melki property situation. Unfortunately, I've seen no progress to date, over 9 months since the October 2014 Code Violation Settlement, and over eight years since the Melki's bought the property.

With at least 12 separate actions, not counting 3 county-confirmed non-compliance situations for which no action was taken, the Melki's have had only 32 months with no compliance issue in the 97 months they've owned the property. They've been continuously out of compliance ever since the 2012 rezone. [See attached]

As recently as a week ago, the Melki's continue to demonstrate a blatant disregard for the requirements, this time by resurfacing the paved area that includes a significant portion required by the code violation to be restored as part of a Category I wetland and high habitat area.

It's a challenge to understand the county's logic in dealing with the Melki's, and it's not clear if DPER will ever enforce the relevant codes for this property, in spite of the long history of code issues.

With all the past effort by residents, along with the dialog we had, I can only speculate why this situation exists for the Melki parcel. Possibilities include:

DPER either won't or can't enforce the codes

This may be caused by one of the same issues that allowed the Skyway "Mt. Anderson" situation to persist as long as it did. If that's the case, it's not clear if any action to review codes and procedures to increase DPER's ability to take action because of repeated behaviors will apply to the Melki property. That property may not be viewed as an example of where the county focuses any improvement in repeated code enforcement issues.

Although at a much smaller scale than "Mt. Anderson", we're facing a similar condition (e.g. a long history of code compliance issues) for the Melki parcel in our neighborhood. Since purchasing the property in January, 2008, the owners have received no less than five code enforcements, one code violation, and two or three DPER letters regarding code or land use issues that required correction.

Like with Mt. Anderson, local community groups, similar to West Hill and Skyway Solutions, have been actively working with DPER to get the situation resolved. There's even a community/county stewardship joint effort for the wetland and its tributaries that's being ignored. Our recent email dialog was the last attempt.

Unfortunately, none of those efforts have produced resolution.

DPER is driven to settlement

The 2014 code violation resulted in a settlement in October, 2015, targeting mitigation in six months. Over nine months later, none of the settlement requirements have been implemented by the property owners. And, in spite of promises to respond, the Melki's have demonstrated once again, by resurfacing the paved area which extends well into the sensitive area, that they have no intent to comply.

Given their history of blatant disregard for the codes, the property owners had no leverage, other than possibly political leverage because of the legislative history with the property.

Some questions: Why did DPER choose to settle? Why would they give access to the 10-foot strip of land? Why did they tell the Melki's they could apply for a building permit in the Settlement knowing full well that the area targeted by the owners is well within the Category 1 wetland boundaries? Why didn't the settlement address the issues behind the existing building? Why did DPER ignore reports by county observers that the Melki's were washing cars on the property in violation of the rezone conditions?

The county lawyer indicated that the settlement was driven by the desire to get a larger conservation easement from the property owners. However, the portion of the settlement that required a new easement was simply correcting an error that actually reduced the size of the current easement.

There appears to be some other force that is influencing the DPER settlement.

Legislative influence

In 2012, in spite of repeated failed attempts to rezone the property, including the owners before the Melkis, Reagan Dunn advocated comprehensive plan policy changes that removed the requirements for an area zoning study in the specific case of the Melki property. Reagan knew that an AZS would have determined RB an inappropriate zoning for the parcel.

When the parcel originally zoned in response to GMA it was zoned Office with a potential Regional Business zoning.

"Potential Zoning" is an artifact of the initial implementation of GMA. The vast majority of the parcels in the county had clear zoning designations, however, a very few were judged to have a "potential" zoning depending on what happened in the future. Wisely, policy changes were made at the time that required an area zoning study if and when the potential zoning was to be realized.

Efforts to realize the potential were attempted in 2004 and 2008. In both cases, the administrative process judged the property did not satisfy the requirements for an RB zoned parcel. The 2008 Hearing Examiner ruling was that the parcel wasn't even close to satisfying the code requirements for Regional Business. RB zoning was a requirement for the used car business the Melki's intended.

The property owners live in Kathy Lambert's district and the property is in Reagan Dunn's district.

It seems to be clear that the Melkis appealed to Kathy Lambert to intervene on their behalf to get the zoning they needed. It's assumed that Kathy appealed to Reagan, who ultimately advocated for policy changes that created a loophole that eliminated the requirement for an area zoning study in the case of the Melki parcel, thus allowing the rezone.

The rezone was approved in spite of the parcel being inside a Renton PAA, pre-zoned in 2006 as R-1, and contrary to Renton's formal comments against every attempt to rezone the parcel RB.

This history begs the question of whether there continues to be legislative influence that's affecting how DPER is dealing with the code enforcement issues with the Melki property.

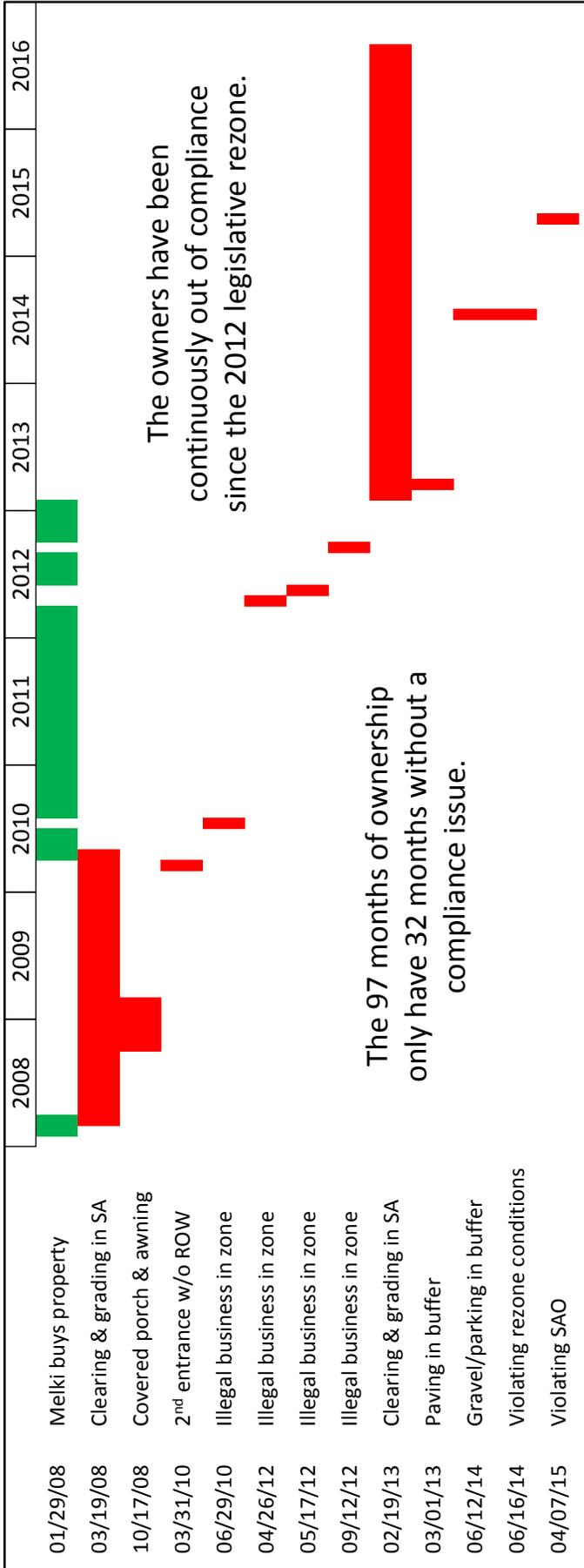
Again, I appreciate the time you spent responding to my email questions. Unfortunately, it appears DPER and the Ombudsman are unwilling or unable to effectively address the situation.

Sincerely,

Tom Carpenter

Melki Code Compliance History

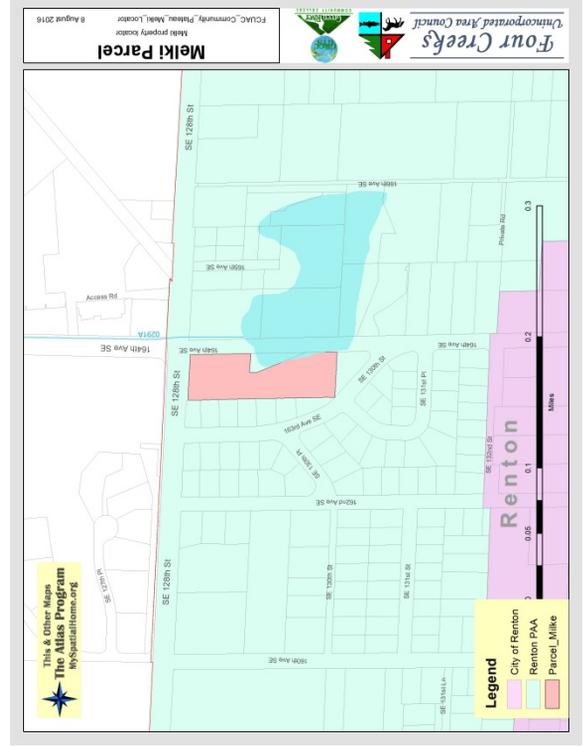
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- Does not include 3 county-confirmed, but unreported, non-compliance situations:
- Owner-installed signage that declared a public road to be private.
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 - Actual car washing on the property.

Through August, 2016

The Melki parcel is in a Renton PAA on the plateau east of the city, pre-zoned in 2006 as R-1 (Residential) – Low Density



17 August 2016

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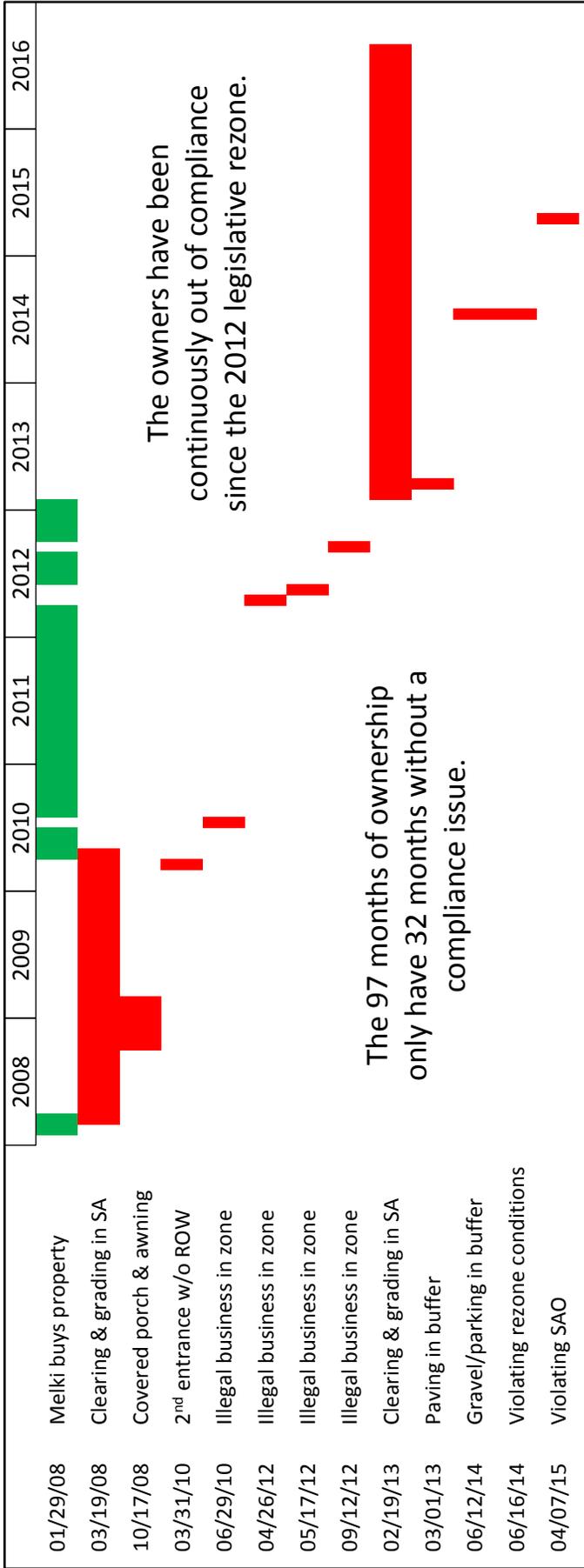
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Tom Carpenter

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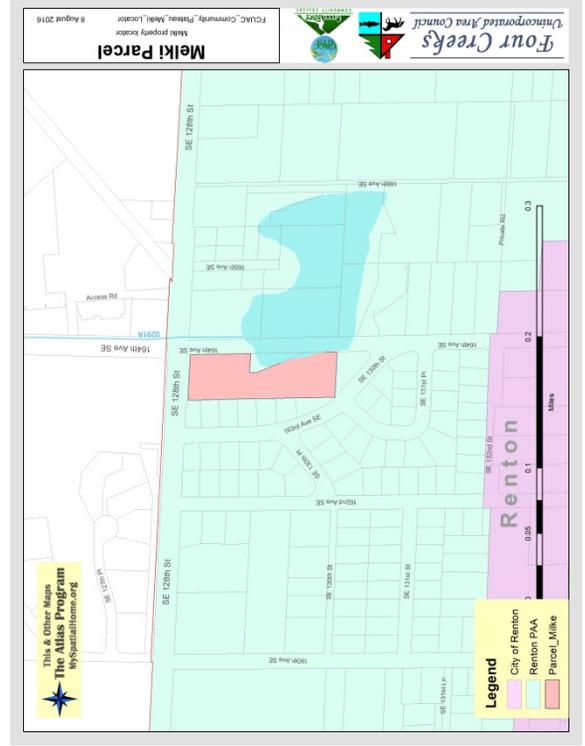
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ATTACHMENT 12

Public Comment on Executive Position Paper dated August 18, 2016 regarding Reserve Silica Mining Site Conversion Demonstration Project

From: Friends of Rock Creek Valley, August 22, 2016

The Friends of Rock Creek Valley strongly endorses the KC Executive's August 18, 2016 Position Paper in its recommendation to (a) "*not support the Reserve Silica proposal,*" and to (b) *remove* the Mining Site Conversion Demonstration Project provision from Policy I-203 in the 2016 KCCP.

Elaboration on KC Executive's Discussion Points:

We fully agree with the key points and discussion items conveyed in the Position Paper, and wish to elaborate on a couple of these points.

With regards to the **Land Use/Zoning** discussion, Reserve's 273-page draft proposal dated May 1, 2016 would violate at least 20 existing, long-standing County Policies, and result in an incompatible 72-unit 'rural community' island, 1.4 miles outside the Urban Growth Boundary, totally surrounded by over 3,500 acres of Natural Area, Open Space, and Forest Production District lands with Conservation Easements that allow NO residential development whatsoever.

With regards to the **Toxic Contamination and Risk** discussion, it is worthwhile to note that DOE monitoring of the site shows contaminated soil, surface and groundwater, with up to 30X MTCA Cleanup Levels (CUL) for arsenic, and 2X MTCA CUL for lead, with pH levels up to 13.02, thus qualifying the contaminated surface water as an RCRA 'corrosive waste', which is capable of causing significant burns on contact with humans or animals. And this is after 14 years of unsuccessful efforts to try to contain and control the contamination. The January 2016 DOE Site Hazard Assessment rated the risk to Human Health at a 4.4 rating, on a 1 – 5 scale, where 5 reflects extreme risk to human health. What's more, DOE data shows the ground water contamination has now spread off-site, more than 800' from the nearest known source of contamination, and less than 800' from Ravensdale Lake and Ravensdale Creek, just 2.3 miles upgradient from Kent Springs and Covington Well Field municipal water supply sources. And the DOE Site Hazard Assessment rated the migration potential for this contaminated groundwater at the highest possible rating.

Reserve's May 1st proposal document includes a contracted study by GeoEngineers [Appendix K] to assess the "*potential environmental impacts to the future use*" of the property. While their formal "*opinion*" is that the proposed residential development area should not be impacted by the known toxic contaminants on the site, and that potential human exposure outside the residential development area "*can be reduced or eliminated*" through signage and fencing; we caution any reviewer to carefully read the entire GeoEngineers report. The list of caveats, assumptions and "data gaps" identified by GeoEngineers as underpinning their conclusions is extensive. And our discussions with DOE indicate they disagree with the GeoEngineers' conclusion, and view potential exposure to the Cement Kiln Dust (CKD) contamination on-site to be a serious risk to future residents.

In addition, Reserve's proposed residential development would result in an additional ~10 million gallons per year of water being injected through on-site septic systems into the shallow groundwater aquifer, directly above and in close proximity to the unlined CKD pits. DOE has indicated they view this as a significant detriment to ongoing efforts to contain and control the CKD surface and groundwater contamination from this site.

It should also be noted that only 11% of the property has been tested for toxic contamination to date, in spite of undocumented dumping on the property since at least the early 1970s, and substantial evidence indicating the likely presence of additional contaminants.

Additional Points Supporting Exec's Position

In addition to the points the Executive listed as supporting his position, we would also include the following.

Reserve's request to upzone their Ravensdale property to a Rural Residential land use, rather than revert to the Forestry designation current code would dictate, is based on a grossly erroneous assertion that to reclaim the majority of the property for forestry use would require "*significant and impractical investment*," and that this property does not satisfy the definition of '*forest land of long-term commercial significance*' based on either GMA or King County definitions. Our analysis, relying primarily on data from Reserve's own consultants, does not support either of these foundational assertions. Reclamation of the majority of this property to where it can support a viable forest resource at reasonable cost is entirely practical. And with the reclamation suggested by Reserve, the property would satisfy both GMA and County definitions of long-term commercial forest land.

The Mining Site Conversion Demonstration Project provision added to Policy I-203 in 2012 lists 5 key criteria a project must satisfy to qualify. Our analyses would indicate that NONE of the five I-203 criteria are fully satisfied by Reserve's May 1st Demonstration Project proposal.

Reserve's proposed Development Agreement; Conservation Easement; and Covenants, Conditions and Restrictions effectively shift responsibility and liability from Reserve to a future Homeowner Association and to King County, while retaining Reserve's right to extract additional value from the property through future timber harvest and lot sales. King County would take on ownership of the Conservation Easement covering all but the 54 acres actually occupied by the proposed 72 lots. This would include the capped CKD pits, the uncapped remediation area (with the still uncontrolled CKD-contaminated surface and ground water), the recently filled mine pits undergoing reclamation, the old coal tailings pile, the plant site and clay settling ponds, the buffer strips between housing clusters, etc. It should be noted that Reserve offered to donate a Conservation Easement for 300 acres of this same land to Forterra Land Trust in 2012, and Forterra declined. In accepting this Conservation Easement, King County would agree "*to preserve and protect in perpetuity the Conservation Values*" on these lands. We find it hard to believe King County would want to take on this substantial liability.

Conclusion/Recommendation

In summary, the FRCV strongly supports the Executive's position to deny Reserve's Demonstration Project proposal, and to eliminate the Mining Site Conversion provision from Policy I-203 in the 2016 KCCP.

Reserve has stated that they anticipate completing their Interim Reclamation Plan by the end of 2016. As such, we highly recommend that the Mining zoning on this property be replaced "*with a Forest Land Use designation and Forest zoning, consistent with the future land use anticipated by the mining permit in place at the time the property was purchased by the current owners*," and that this property be formally included within the Forest Production District. Furthermore, the County should work with Reserve to develop a Final Reclamation Plan that will reclaim the majority of the property to where it can support a viable forest resource, and take steps to ensure Reserve follows through on these reclamation obligations.

A full assessment of the May 1, 2016 Reserve Silica proposal, with analyses and references, will be provided to Council as additional public comment.

From: [Jensen, Christine](#)
To: [CouncilCompPlan](#)
Subject: FW: Policy I-203: FRCV Assessment Report Electronic Copy
Date: Thursday, August 25, 2016 3:13:35 PM
Attachments: [Assessment of Reserve Silica Proposal as of 08-2016.pdf](#)

Christine Jensen

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[Learn more about the 2016 King County Comprehensive Plan Update](#)

This email and any response to it constitute a public record and may be subject to public disclosure.

From: FRCV Friends of Rock Creek Valley [mailto:friendsofrockcreekvalley@gmail.com]
Sent: Thursday, August 25, 2016 2:52 PM
To: Dembowski, Rod <Rod.Dembowski@kingcounty.gov>; Balducci, Claudia <Claudia.Balducci@kingcounty.gov>; von Reichbauer, Pete <Pete.vonReichbauer@kingcounty.gov>; Upthegrove, Dave <Dave.Upthegrove@kingcounty.gov>; Kohl-Welles, Jeanne <Jeanne.Kohl-Welles@kingcounty.gov>; McDermott, Joe <Joe.McDermott@kingcounty.gov>; Lambert, Kathy <Kathy.Lambert@kingcounty.gov>
Cc: Jensen, Christine <Christine.Jensen@kingcounty.gov>
Subject: Policy I-203: FRCV Assessment Report Electronic Copy

Chairman Dembowski and Members of the TrEE Committee,

For your convenience, an electronic copy of the assessment report of the Reserve Silica Mining Site Conversion Demonstration Project proposal, submitted to Council by the Friends of Rock Creek Valley (FRCV) at the Wednesday, Aug 24, 2016, TrEE Committee meeting, is attached. While the issue before the TrEE Committee at this time regards the question of deleting vs. extending Policy I-203 in the 2016 Comp Plan, this full assessment of the Reserve proposal is provided to assist in your determination of the suitability of this site for residential development and the Reserve proposal for such development, and thus whether there is any need to even consider extension of the I-203 Policy.

An Executive Summary and Q&A formatted overview are provided in Section 1 of the report. These will not only give you a quick overview of the issues of concern, but will direct you to the appropriate sections of the report where additional information can be found if interested.

It is the position of the FRCV that the site is unsuitable for residential development for numerous reasons, including (a) the Dept of Ecology's ranking of the site as a Class 1 MTCA toxic cleanup site posing extreme health and environmental hazards; and (b) the failure of the Reserve Silica proposal to meet the requirements of a demonstration project under Policy I-203.

As such, we see no need for retaining the mining site conversion provision of Policy I-203 in the 2016 Comp Plan, even with a sunset clause. Reserve Silica has had nearly four years to submit a proposal, and has been stating they were ready to submit for more than a year now.

And yet no proposal has been submitted. Granting additional time is not going to change the toxic cleanup site conditions which can take years to fully assess and resolve. Rather, an extension of Policy I-203 will only serve to delay creation of a final reclamation plan and initiation of work to restore the site to its pre-mining condition.

Please support the KC Executive's request to delete Policy I-203 from the 2016 KC Comp Plan.

Thank you,
Michael Brathovde, Acting Chair
Friends of Rock Creek Valley.

Assessment of Reserve Silica's Proposed Mining Site Conversion Demonstration Project

**In Response to Proposals Distributed by Reserve Silica dated
April 6, 2016 and May 1, 2016**

*Prepared by Michael & Donna Brathovde
for the Friends of Rock Creek Valley
August 2016*

TABLE OF CONTENTS

1.0 Executive Summary, Questions and Short Answers	1
1.1 Executive Summary: Response to Reserve Silica Proposal	1
1.2 Questions and Short Answers	3
2.0 Is Reclamation for Forestry “Impractical”?	7
2.1 Executive Summary: Forest Reclamation.....	7
2.2 What is the Magnitude of the Likely Forest Reclamation Costs?	9
2.3 Assessment of Reclamation Costs.....	10
2.3a Areas Suitable For Reclamation To Forestry	10
2.3b Forest Reclamation Assumptions.....	13
2.4 Estimate of Total Forestry Reclamation Cost.....	17
2.5 Hasn’t This Property Always Been Primarily a Mining Site?	17
2.6 Is Proposal Compatible with Surrounding Land Uses and Supported by Adjacent Property Owners?	18
2.7 Doesn’t Reclamation for Forestry Conflict with the IFC and UW Study Conclusions?	19
2.8 Does This Property Meet GMA and King County Criteria for ‘Forest Land of Long-Term Commercial Significance’?	21
2.9 Why is Reserve Promoting Conversion to Rural Residential Development?	22
2.10 Who Would Buy These Lands From Reserve if Upzone Denied and Property Reclaimed for Forestry?	23
2.11 Conclusions: Reclamation for Forestry	25
3.0 What are the Environmental Risks and Human Health Hazards on the Property?	27
3.1 Executive Summary: Health and Environmental Concerns.....	27
3.2 What are the Environmental Risks and Human Health Hazards at the Ravensdale Reserve Silica Site?.....	29
3.3 Cement Kiln Dust (CKD).....	29
3.3a CKD on the Reserve Silica Property.....	30
3.3b Current Condition of Known CKD Deposits.....	30
3.4 Limitations of Past Testing and Monitoring.....	33
3.5 Other Potential Contaminants	35
3.5a Unknown Fill Materials	35
3.5b Permitted Fill.....	36
3.5c ASARCO Slag Road Ballast and/or Gravel.....	36

3.5d Petroleum-based Contaminants	37
3.5e Coal Tailings Contaminants	37
3.5f SR 520 Evergreen Point Floating Bridge Demolition.....	37
3.5g Was Industrial Waste “Fertilizer” Applied to Portions of the Site?	38
3.6 Physical and Subsidence Risks	40
3.7 Risks to Human Health and the Environment Posed by Residential Development on the Site	40
3.7a Risks to Human Health	40
3.7b Environmental Risks from Development	40
3.8 Conclusions: Health and Environmental Risks	41
Appendix 3-a What is Cement Kiln Dust?	42
Appendix 3-b What is Copper Slag?	44
4.0 Does Reserve’s Current Proposal Meet The Requirements for a Mining Site Conversion Demonstration Project as Defined in King County Comp Plan I-203?	45
4.1 I-203 Requirements and Current Proposal	45
4.2 Is Reserve’s Current Proposal Consistent with King County Policy and Goals?	51
4.3 Would Upzoning Reserve’s Property to Rural Residential Set a Precedent for Other Disadvantaged Natural Resource Lands?	56
4.4 Conclusions: Compatibility with I-203 and King County Policy and Goals.....	56
5.0 What Other Major Issues are Associated with Reserve Silica’s Current Proposal?	57
5.1 What Liabilities and Obligations Would King County Be Accepting Under This Proposal?	57
5.2 Is It Practical for the HOA to Manage the Forest Reclamation and Holcim Agreements?	59
5.3 Does the Proposal Really Enhance Public Recreational Opportunities?.....	59
5.4 Does the Community Support This Proposal?	59
5.5 Should Policy I-203 be Extended in the 2016 KCCP to Allow Reserve to Submit Their Current Proposal?	59
6.0 Who is Reserve Silica / Reserve Industries?.....	61
6.1 Who is Reserve Industries Corporation?	61
6.2 Who is Reserve Silica Corporation?	62
6.3 Who is Reserve Properties, LLC?.....	65
6.4 Who was L-Bar Products, Inc.?.....	65
6.5 Who was Industrial Mineral Products, Inc.?	68
Notes and References	i

1.0 EXECUTIVE SUMMARY, QUESTIONS AND SHORT ANSWERS

1.1 Executive Summary: Response to Reserve Silica Proposal

Reserve Silica's request to upzone their Ravensdale property to a Rural Residential land use, rather than revert to the Forestry designation current code would dictate, is based on a grossly erroneous assertion that to reclaim the majority of the property for forestry use would require "*significant and impractical investment*", and that this property does not satisfy the definition of '*forest land of long-term commercial significance*' based on either GMA or King County definitions. Our analysis, based on data and forestry reclamation practices recommended by Reserve's consultants, indicates that the costs to reclaim ~70% of the property for forest use would run on the order of \$70,000; and the NET value of harvesting the existing 73 acres of mature Douglas-fir timber on the property, including replanting following harvest, should yield something near \$400,000. So the assertion of an 'impractical' forest reclamation cost is totally incorrect. To put these forestry costs and revenues into perspective, our estimate of the net value to Reserve if their property were to be upzoned to RA-10 and they are approved to put in a 72-unit clustered 'rural community', is on the order of \$1,700,000. Clearly, the driving force behind their push to upzone to rural residential is the desire to capture this residential-lot sale windfall, NOT to avoid 'impractical' forestry reclamation costs as they contend.

Reserve's proposal also fails to mention that the WA Department of Ecology did a Site Hazard Assessment in January 2016, and classified the site as a Class 1 (highest priority) MTCA toxic waste clean-up site, with a Human Health Risk rating of 4.4 (on a 1 – 5 scale, where 5 is extreme risk). These ratings are based on documented contamination of soil, surface and ground water from ~350,000 tons of hazardous Cement Kiln Dust (CKD) that was dumped in unlined pits on the property from 1979 – 1989. Though these pits have been capped since ~2003, all efforts to date to contain the contamination of surface and groundwater leaching from the site over the past fourteen years have failed, and contaminated waters, up to 30X MTCA Cleanup Levels (CUL) for arsenic, and 2X MTCA CUL for lead, with pH levels up to 13.02 (classifying the water as an RCRA 'corrosive waste', which is capable of causing significant burns on contact with humans or animals) is now beyond all interception and monitoring facilities, and has migrated off-site, over 800' from the closest CKD disposal area. And this highly contaminated ground and surface water is now less than 800' from Ravensdale Lake and Ravensdale Creek, with both the Kent Springs and Covington Soos Creek well fields downgradient from this point.

DOE Water Quality personnel believe this as yet uncontrolled ground and surface water would represent a significant human health hazard risk to nearby residents; and that the ~10 million gallons/year of incremental groundwater from septic systems for a 72-unit development, sourced with public water from off-site, could substantially exacerbate the ongoing efforts to try to control the CKD contamination. In addition, there are other toxins commonly associated with CKD that have not been tested for; and there is considerable evidence that other areas of the property may well contain other contaminants, for which no testing has been done.

The proposal also does NOT meet ANY of the five criteria specified in Policy I-203 (2012 KCCP) to qualify as a mining site conversion Demonstration Project. Furthermore, as proposed, the project would violate

at least 20 existing, long-standing County Policies, resulting in a 72-unit 'rural community' island, 1.4 miles outside the Urban Growth Boundary, totally surrounded by over 3,500 acres of FPD, Natural Area and Open Space lands which allow NO residential development whatsoever. The nearest public water supply needed to service this development is ~ 1.5 miles distant.

The Development Agreement; Conservation Easement; and Covenants, Conditions and Restrictions proposed by Reserve Silica are collectively structured to shift responsibility and liability from Reserve to a future Homeowner Association and to King County, while retaining Reserve's right to extract additional value from the property through future timber harvest and residential lot sales.

In summary, this site is NOT suitable for residential development. To approve such a use would expose King County to a substantial risk of future litigation from property residents and others. And contrary to Reserve claims, the majority of the property IS suitable for reclamation for forestry use, at very reasonable costs. As such, the Council should reject Reserve Silica's Demonstration Project proposal, revert the designated Land Use of the property to Forest and the zoning to Forestry and retain the property within the FPD; work with Reserve to develop a final reclamation plan that will reestablish viable forests on the majority of this property; and take steps to ensure Reserve follows through on these reclamation obligations.

Furthermore, Reserve's request to retain Policy I-203 in the 2016 KCCP should be rejected and the property returned to a Forest zoning in accordance with County codes; and the mining site conversion demonstration project provision should be dropped from the KCCP as recommended by the KC Executive. Not only is the Reserve site unsuitable for residential development, but Reserve Silica has had ample time to submit a proposal – and still has the opportunity to do so – yet has failed to take action despite making comments for more than a year now that submission was imminent. And given the numerous long-term health and environmental concerns associated with this property that are yet to be fully assessed and resolved, any extension of the I-203 policy would only serve to create a state of limbo during which it is likely little more will be done to complete reclamation and restoration of the property to its pre-mining state.

Additional background, with full references, on the key points above can be found in the detailed analyses accompanying this summary.

1.2 Questions and Short Answers

Reserve's proposal for a mining site conversion Demonstration Project raises a number of questions, most of which are poorly addressed, if at all, in Reserve's material. Each of these questions are discussed in detail in the body of this report, along with the background for the answers presented here. The following is a brief synopsis of the question, and the short answer. For more specifics, please refer to the section of this report noted for each question.

Is reclamation of the property for forestry "impractical" as Reserve claims? (Sections 2.1-2.4)

No. Estimated costs for reclaiming 70% of the property to where it can support commercial forestry is ~\$70,000. And the likely net income available to Reserve to help fund this cost, from harvest of existing Douglas-fir plantation on the property is ~\$400,000.

Hasn't the property always been primarily a mining site? (Section 2.5)

No. The vast majority of the property has been managed for forestry from the 1890s until the mid-1980s. While mining has occurred on the property for 65 years, it has only involved a small portion of the property, <10% until the 1970s, and topping out at 35% of the property at the close of mining in 2007.

Is the proposal compatible with surrounding land uses and supported by adjacent property owners? (Section 2.6)

No. The property is totally surrounded by designated Natural Area and Open Space lands, and Forest Production District lands; none of which will ever support houses. As such, the proposed "rural community" is incompatible with surrounding land uses. The only adjacent property owner who Reserve claims to support the current 72-unit development is Baja Properties, whose ownership encompasses just 13% of Reserve's perimeter.

Doesn't reclamation for forestry conflict with the 2012 IFC and UW study conclusions? (Section 2.7)

No. The key conclusion from the IFC study was that an industrial timberlands owner would likely not be interested in purchasing this property in whole to reclaim it for forest production. The UW study agreed. Now that filling the huge mine pits is nearing completion, the incremental costs to finish reclaiming the site for commercial forestry is pretty minimal. While an industrial timberlands owner would likely still not be interested, there are viable forestland buyers for the property if sold in 80+ acre blocks.

Does this property meet GMA and King County criteria for "forestland of long-term commercial significance"? (Section 2.8)

Yes. The UW study concluded in 2012 that the property would likely not meet criteria for "forestland of long-term commercial significance". With the reclamation now proposed by Reserve, and with the changes in ownership of surrounding properties since 2012, this property would fully satisfy both GMA and King County definitions.

Why is Reserve promoting conversion to Rural Residential development? (Section 2.9)

While Reserve is claiming their upzone request is because of “impractical investment” required to reclaim the site for forestry, we’ve demonstrated that these costs are minimal. What’s likely driving the upzone request is the potential to capture a windfall by being able to sell residential lots, which we estimate would be worth an additional \$1,700,000 to Reserve - above the value of reclaiming the site for forestry.

Who would buy these lands if the upzone was denied and the property was reclaimed for forestry? (Section 2.10)

While a single industrial timberlands owner is unlikely to be interested in this property, even after forestry reclamation, there is a very viable market for this forestland property if sold in 80+ acre blocks.

What is cement kiln dust (CKD), and why is it an issue on this property? (Sections 3.2-3.3)

CKD is a highly toxic waste product from the production of cement. 350,000 tons of CKD was dumped in unlined pits on the property in the 1980s. Though the pits have been capped, the CKD has contaminated the soil, surface and groundwater on the site with extremely caustic leachate and heavy metals, especially arsenic and lead. While efforts to control the contamination have been ongoing for fourteen years now, the contamination continues, and has now migrated off-site, and may pose a threat to public waters of the State in the near future.

Has the site been adequately evaluated for toxins and other human or environmental risks? (Section 3.4)

No. While Dept. of Ecology is monitoring the CKD pits and the contaminated remediation area for pH, arsenic, lead, and magnesium, there are other highly carcinogenic toxins commonly associated with CKD (dioxins, furans) that have not been tested for. In addition, there is substantial evidence for numerous other sources of contamination from almost 50 years of undocumented dumping on this site; for which no testing has been done.

Besides CKD, what other contaminants and risks might be expected on the property? (Sections 3.5-3.6)

There are indications the following contaminants may well exist on this site: ASARCO slag road ballast and gravel, petroleum-based contaminants, asbestos, carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and heavy metals associated with coal tailings, hazardous waste “fertilizers” and “liming agents.” Portions of the site are also identified as Coal Mine Hazard, from the coal mine tunnels and workings from the 1920s – 1940s.

What are the environmental risks and human health hazards on the site? (Section 3.7)

DOE classified this site as a Class 1 (highest priority) MTCA toxic cleanup site in January 2016, based on the uncontrolled CKD contamination. Their evaluation rated the Human Health Risk at 4.4 on a 1-5 scale, where 5 is extreme risk to human health. Arsenic levels in surface waters are

up to 30X MTCA cleanup levels. Human or animal contact with contaminated soil or surface water can cause severe burns. DOE also views that the additional groundwater from 72 houses served by off-site public water and on-site septic systems could exacerbate the ongoing problems with trying to control the CKD contamination and migration.

Does this proposal meet the requirements for a mining site conversion Demonstration Project under I-203? (Section 4.1)

No. I-203 specifies five criteria a project must meet to qualify as a mining site conversion Demonstration Project. The current proposal does not fulfill any of these five criteria.

Is this proposal consistent with King County policy and goals? (Section 4.2)

No. This proposal violates at least 20 separate, long-standing County Policies, as well as the Greater Maple Valley/Cedar River CSA sub-plan.

Would approval of this proposal set a precedent for other landowners to follow suit? (Section 4.3)

Undoubtedly. Seven other known mining sites would likely apply for upzone if Reserve's proposal is approved. Plus, there are numerous nonconforming FPD parcel owners in the area who would also likely petition for upzone under this precedent. This could represent a major detriment to preserving King County's precious Natural Resource lands.

What other major issues are associated with this proposal? (Sections 5.1-5.4)

The structure of this proposal would shift responsibility and liability from Reserve to a future Homeowners Association and to King County, while retaining Reserve's ability to extract additional value from the property. The proposal puts the management responsibility (and funding?) for the CKD Hazardous Waste administration and for the forest reclamation on the HOA, which is entirely inappropriate. The recreational opportunities Reserve touts in this proposal, if enacted, would accrue only to the residents, as the public will be provided no right of access to the property. Finally, there is extensive opposition within the community to this proposal, to Rural-to-Rural TDR transfers, and to Demonstration Projects in general.

Just who is Reserve Silica, and what is their background? (Sections 6.1-6.5)

Reserve Silica is a wholly owned subsidiary of Reserve Industries, headquartered in Albuquerque, NM. Reserve Industries started in the uranium business 60 years ago, and grew to be a multi-national corporation with global interests in mineral exploration, extraction and processing. The three Melfi brothers assumed control of the company when their father retired in 1985. The brothers redirected the company more into industrial waste processing with the formation of another wholly-owned subsidiary, L-Bar Products, and purchase of the assets of Industrial Mineral Products, including a magnesium recovery facility in Chewelah WA and the Ravensdale silica sand mining lease. L-Bar Products was cited for numerous hazardous waste violations in Chewelah by WA DOE and the US EPA, including criminal charges by EPA. The Ravensdale mining lease was transferred over to the newly formed Reserve Silica subsidiary in 1990/91, prior to Reserve's closing down the Chewelah plant and filing for L-Bar bankruptcy in

1992. Reserve Silica operated the silica sand mining operation until its closure in 2007, and the pit filling dumping operation at Ravensdale since its inception. Reserve Silica has had numerous WA DOE violations and fines through much of its tenure. WA DOE classified the site as a Class 1 (highest priority) toxic cleanup site in January 2016. The Melfi brothers continue to be the principles in Reserve Industries, Reserve Silica and other subsidiaries.

Should Policy I-203 be extended in the 2016 KCCP to allow Reserve to submit their current proposal? (Section 5.5)

No. We believe Reserve has already had ample opportunity to submit a Demonstration Project proposal. It has been nearly four years since the mining site conversion demonstration project amendment to Policy I-203 was adopted to accommodate Reserve's request; they purchased their alternative TDR sending site for the project more than two years ago; they indicated they were within 2 weeks of submitting their proposal over a year ago; and their full, 273-page proposal document was dated May 1, 2016 – 3 ½ months ago. And yet no proposal has been submitted to date. There is still a four month window to submit a proposal before the 2016 KCCP is adopted. However, given the numerous issues with the current proposal as described within this document and the health and environmental risks associated with the property, this site is not suitable for residential development and no amount of additional time is going to change that. As such, Policy I-203 should be dropped from the KCCP so that reclamation work can be completed and the site returned to a Forest zoning and substantially restored to its pre-mining state.

What is FRCV's recommendation regarding Reserve's current proposal? (Section 1.1)

This site is NOT suitable for residential development, and there are no major barriers to reclaiming the majority of the site to where it can support viable forest uses for the long-term. To approve a residential use for this site would expose King County to substantial risk of future litigation from property residents and others. The Council should reject Reserve Silica's Demonstration Project proposal, revert the designated Land Use of the property to Forest and the zoning to Forestry and retain the property within the FPD; work with Reserve to develop a final reclamation plan that will reestablish viable forests on the majority of this property; and take steps to ensure Reserve follows through on these reclamation obligations.

2.0 IS RECLAMATION FOR FORESTRY “IMPRACTICAL”?

2.1 Executive Summary: Forest Reclamation

King County Code clearly indicates the Reserve Silica site should revert to a Forestry zoning upon completion of reclamation work, as it was zoned prior to being designated as Mining lands. The crux of Reserve’s argument to upzone the property to Rural Residential is that the property is unsuitable for long-term forestry use without “significant and impractical investment.” No information or data was provided to support this assertion throughout the extensive 2012 KC Comp Plan deliberations. However, Reserve Silica’s May 1, 2016 proposal now suggests that 282 acres, or 75% of the property is suitable for long-term forestry use, with 71 of these acres to be used for a 72-house “rural community” and 211 acres put into a “Managed Forest.” If the 55-acre wetland complex, which requires no reclamation and provides substantial secondary forestry benefits, is included, then 337 acres, or 89% of the property is apparently suitable for forests. However, analysis of the three studies* commissioned by Reserve Silica would suggest that 337 acres is probably an unrealistically optimistic figure. Rather, a more realistic estimate is that 265 acres, or 70% of the property is likely suitable for long-term forestry use.

Appendix I of the May 1, 2016 Reserve Silica proposal lays out AFM’s recommended plan for reclaiming these lands for forestry. Using this plan, along with data from the 2012 IFC and UW studies, it is possible to derive a reasonable estimate of the costs to perform this forest reclamation, and thus test the validity of Reserve’s pivotal assertion of “significant and impractical investment” being required to reclaim the bulk of the property for forestry.

Assessment of the cost to reclaim 265 acres of the property for forestry, given AFM reclamation recommendations, is something on the order of \$70,000 – “significant” yes, but hardly “impractical.” Using data from Reserve Silica’s operation and from Erickson Logging’s mine pit filling activity on the adjacent property to the east, this ~\$70,000 “investment” likely represents only about two weeks’ worth of average net profit from the filling activity Reserve has been doing for the past nine years. Furthermore, all three of the Reserve-commissioned studies agree that the 73 acres of well-stocked, 37-year old Douglas-fir plantations in the NE quadrant and SW corner of the property are suitable for commercial forestry as-is. These lands were planted by Burlington Northern Timberlands (Plum Creek predecessor) in the early 1980s, along with most all the other lands on and surrounding Reserve’s current ownership. Erickson Logging has been very successfully logging precisely the same type timber on the adjacent lands to the east and south since 2007. Given Erickson’s harvest yield experience, and a conservative estimate of delivered log prices from the Washington Department of Natural Resources, logging these 73 acres should yield something on the order of \$400,000 net - after logging, hauling and replanting costs. This profit alone would cover the required forestry reclamation costs estimated for the 265 acres of Reserve’s property five times over! This seems to be pretty compelling evidence to refute Reserve’s assertion of an “impractical” cost to reclaim the majority of this property for Forestry.

If the forestry reclamation plan recommended by AFM and included in Reserve Silica's Demonstration Project proposal were to be implemented on the suitable 265 acres, this property would fully satisfy King County's criteria for defining "forest land of long-term commercial significance."

The likely driving force behind Reserve's aggressive lobbying for the proposed Demonstration Project and an upzone to their property is NOT to avoid a "*significant and impractical investment*" to reclaim the property for long-term forestry, as purported, but rather the desire to capture the windfall profit from selling residential lots, while also stripping off most of the remaining timber value on the property through the necessary land clearing for the housing development, and thinning of the remaining mature conifer plantation. The estimated benefit to Reserve Silica of selling residential lots were they to be granted an upzone and approval to install a 72-unit housing development on the property would be something on the order of \$1,700,000 – net!

Based on this analysis, Reserve's Demonstration Project proposal should be flatly rejected. Further, a plan for reclaiming the majority of the property for forestry should be formulated and adopted, and steps taken to ensure Reserve Silica and its parent company, Reserve Industries, are held responsible and accountable for this work. The costs of this reclamation work are not an "investment" cost, but rather a business cost associated with the value Reserve received from operating, and degrading, the site through their mining and fill site activities over the last 30 years.

*International Forestry Consultants (IFC), Feb 13, 2012; University of Washington (UW), Mar 12, 2012; and American Forest Management (AFM), May 9, 2016.

2.2 What is the Magnitude of the Likely Forest Reclamation Costs?

The crux of Reserve's argument to upzone their Ravensdale property to Rural Residential is that the property is unsuitable for long-term forestry without "*significant and impractical investment.*" And if the site is thus impractical to use for long-term forestry, then their conclusion is that it makes no sense to return the property to a Forest zoning; but rather, its highest beneficial use becomes, instead, rural residential, with an accompanying Rural Residential zoning.

This argument is based on assertions that are not supported by data, evidence or experience. First, Reserve claims that the property is not suitable for long-term forestry without "*significant and impractical investment to create productive forest soils.*"¹ But both forestry studies commissioned by Reserve in 2012^{2,3} to assess the forestry potential of this property concluded that with the exception of the 50 acres of mine pits currently being filled, the soil site quality on lands suitable for forest on this property are "*average for Douglas-fir production.*"^{4,5} And the fact that Reserve's current proposal calls for the establishment of a "*211 acres managed long-term commercial forest*" is pretty compelling evidence against their assertion of 'impractical' investment required to reclaim the majority of the property to where it can support viable forests. In fact, this proposed 211-acre managed forest implies that 89% of the property (i.e., the 'managed forest' + the 71 acres proposed for development + the 55-acre wetland complex) are suitable for long-term forestry purposes.

When the 'impractical investment' argument was first submitted in February 2012,⁶ the King County Executive and his staff (including forestry staff within DNRP) strongly disagreed with this conclusion, stating:

*"Restoring the open mine area to forest is possible and should be required" . . . "it is reasonable to expect that it [the mined area] will be reclaimed and replanted to forest." "Other active and past mines in the vicinity [Grouse Ridge; adjacent Wagner/Erickson property] are expected to be restored to productive forest." "What they [Reserve Silica] consider a forest investment should be properly classified as a mining reclamation investment." "On the Reserve Silica site, we expect that managed commercial forest will offer greater environmental benefit than building on the most productive areas and leaving the rest unmanaged."*⁷

These sentiments were reinforced by the King County Rural Forest Commission, which also disagreed with Reserve Silica's critical conclusion and identified the lack of supporting data behind this, stating:

*"Both reports [International Forestry Consultants and UW Gordon Bradley reports to the Reserve Silica owners] appear to assume that restoration of the affected forest land would be too expensive as a forest investment, **without providing analyses of potential restoration methods and alternatives along with related economic analyses and cost estimates.** [emphasis added] From our perspective, the cost of reclamation should be viewed as a cost of mining. Since these lands were originally mostly timbered, it is reasonable to assume that mining activities were the main cause of soil productivity decline. The mining operation, not the future owners of the property, should bear the responsibility and costs for restoring site and soil productivity to pre-mining values."*⁸

With the newest information provided in Reserve Silica’s May 1, 2016 proposal, a recommended forestry reclamation plan has now been proposed by Reserve’s consultant, American Forest Management (AFM).⁹ By utilizing these reclamation assumptions, in conjunction with data from the 2012 IFC and UW studies, we are now able to dimension the magnitude of the financial costs required to reclaim the majority of the property for forestry use, and thus test the validity of Reserve’s ‘impractical investment’ assertion

2.3 Assessment of Reclamation Costs

2.3a Areas Suitable For Reclamation To Forestry

The area AFM is recommending for “Managed Forest” (see Figure 1. AFM Management Units) includes 8 acres of Type 1 land, 34 acres of Type 2, 23 acres of Type 3, 50 acres of Type 4, 8 acres of Type 5, 6 acres of Type 6, 30 acres of Type 7, and 52 acres of Type 8; totaling 211 acres. In addition, the two development areas would clearly be suitable for forestry if not converted to a rural residential development. The North residential area is 33 acres, of Type 2 conditions; while the South residential area is 38 acres of Type 7 conditions. (This total of 71 acres includes 54 acres cleared for residential lots plus 17 acres of open space buffer strips between the housing clusters.) So the total land suitable for forestry under AFM’s proposal is 282 acres (211+33+38), or 75% of the property. And an additional 55 acres are a Class 1 (KCC 21A.06.1415) wetland complex with buffers, on the southern portion of the property. While AFM does not propose this wetland complex to be managed for forestry, this area provides extensive secondary forest benefits, and should clearly be included as a viable part of any managed forest property. Including these 55 acres would imply a total of 337 acres, or 89% of the property, would qualify as forestlands under AFM’s proposal. This fact alone tends to dispute Reserve’s key conclusion that the majority of the property is not suitable for forestry without impractical investment.

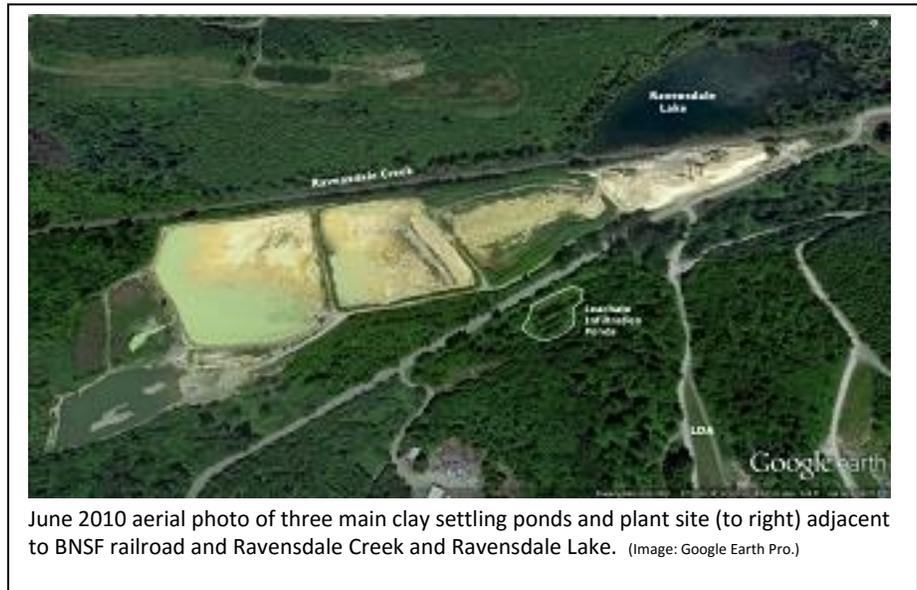
In reviewing this proposal, we believe the AFM view is overly aggressive, and represents a “most optimistic” view of how much of the site could potentially be suitable for forestry. Under the AFM proposal, only 40 acres outside of the two residential development areas and the wetland complex would be excluded from forest management - the capped toxic waste dump sites, the BPA powerline easement and a portion of the Type 1 steep slope coal tailings.



King County Class 1 wetland on southern portion of Reserve Silica property. (M.A. Brathovde, July 2016.)

We agree with IFC and UW 2012 conclusions that the 52 acre plant site and clay ponds (AFM's Type 8) could NOT be effectively reclaimed for forestry. The clay ponds that dominate this site are reportedly 25' deep, and would require extensive decompacting, dewatering and soil amendments, and even then, any ability to operate harvesting equipment on the site would be highly doubtful.¹ We would suggest this area be reclaimed as open space lands, rather than forestry. We also agree with IFC and UW that all but 3 acres of AFM's Type 3 (totaling 23 acres) cannot confidently be managed for forestry, as these 20 acres are part of the Holcim Remediation Area, and contain monitoring wells and other structures

intended to control (as yet unsuccessfully) the highly toxic leachate and runoff from the hazardous waste dump sites on the property. There is an easement on this portion of the property (and the capped dump sites) that gives complete control of the surface, subsurface and groundwater of this 20 acres to Holcim, for their mandated environmental obligations. As such, the County, Reserve and Holcim



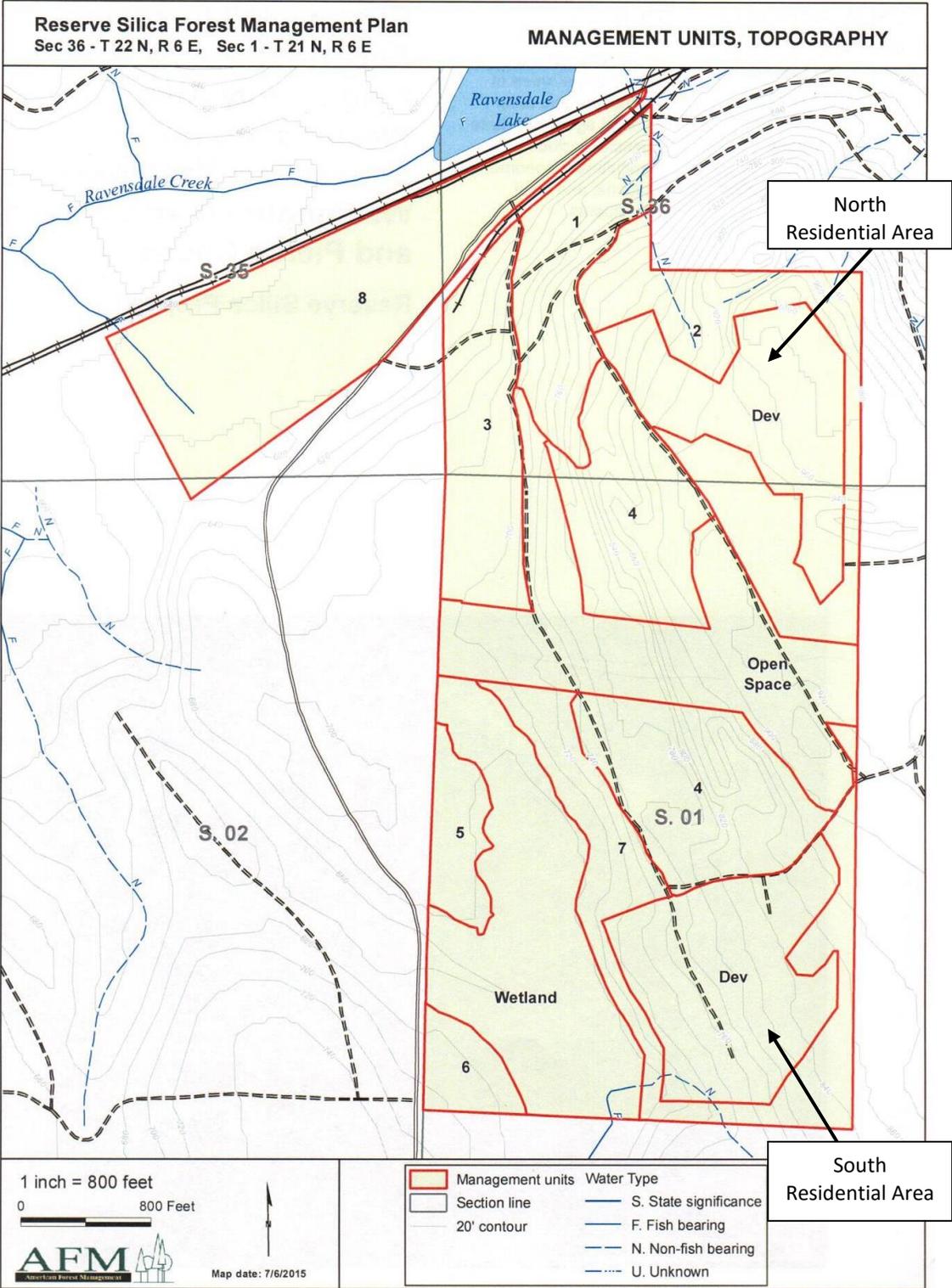
June 2010 aerial photo of three main clay settling ponds and plant site (to right) adjacent to BNSF railroad and Ravensdale Creek and Ravensdale Lake. (Image: Google Earth Pro.)

should coordinate to develop a mutually agreeable reclamation plan for this area, but it is highly unlikely that such a reclamation plan would include forestry.

After adjustment for these deletions, the area suitable for forestry (including the wetland complex) would total about 265 acres, or 70% of the property. [211 Managed Forest recommended by AFM + 71 Development & Buffer Areas + 55 Wetland Complex - 52 Plant Site/Clay Ponds - 20 Holcim Mitigation Area].

The IFC data shows that of these 265 acres, only the 50 acres of recently filled mine pits (Type 4) and the Wetlands complex, have a DNR Site Class of less than III (average forestland site), or a Land Grade of less than 3. Both IFC and UW agree that the soil site quality on these largely undisturbed lands is "average for Douglas-fir production."² This indicates that the underlying soils on these lands have not been substantially degraded as a result of the years of mining activity on the property. The 55-acre Wetland Complex is intact, has not been significantly impacted by any mining activity, and requires no reclamation work.

Figure 1. AFM Management Units.



2.3b Forest Reclamation Assumptions

The table below is a summary of the acres considered by this analysis as suitable for forestry use after reclamation. The acreage is identified according to AFM’s “Type” classes, the current timber conditions on that Type (drawn from IFC, UW and AFM studies), and the assumed Reclamation Plan (derived from the AFM recommendations). Note that the 2012 IFC and UW studies, in some cases, used a different “Stand” numbering system from the AFM “Types.” In these cases, the IFC/UW Stand number that corresponds to each AFM Type is also shown.

AFM Type	Acres	Current Conditions	IFC/UW Stand	Reclamation Plan
1	8	Age 24 hardwoods	3	Harvest now at break-even; apply herbicides; plant Douglas-fir
2 + Dev N	67	Age 37 well-stocked, Douglas-fir plantation	2	Harvest now, replant to Douglas-fir
3	3	Age 40 hardwoods; poor form	4	Harvest now at break-even; apply herbicides; plant Douglas-fir
4	50	Filled mine pits	6	Short rotation of alder, then slash; second rotation of alder; then plant Douglas-fir
5	8	Age 27 mostly hardwoods	8	Precommercial thin, favoring conifer & alder; let grow for 15 years, commercial clearcut, apply herbicides and replant to Douglas-fir
6	6	Age 37 well-stocked, Douglas-fir plantation	9	Harvest now, replant to Douglas-fir
7 + Dev S	68	Age 34 mostly hardwoods	7	Precommercial thin, favoring conifer & alder; let grow for 15 years then commercial clearcut, apply herbicides, plant Douglas-fir
Wet	55	Wetland complex	Wet	No reclamation required
TOTAL	265			

Reclamation Cost for AFM Types 1 & 3 (11 acres)

For these two small near-mature hardwood types, AFM calls for a commercial harvest now, then treating the unit with a specialty herbicide such as Forestry Garlon XRT to control woody plants and weeds, then replanting to conifers. It would be fair to assume the logging operation would not be much more than break-even, with delivered log values just offsetting logging and transportation costs. Treatment with Forestry Garlon XRT might run \$110/acre,¹ while IFC would indicate planting costs would run about \$250/acre. So the total cost for reclaiming these 11 acres for forestry might run ~\$3,960 [(\$110+250)*11 acres].

Harvest of mature/near-mature hardwood stands of AFM Types 5 & 7 (76 acres)

Type 7, including the South Development area, at 68 acres, dominates these mature hardwood Types. AFM calls for commercially thinning this 34 year old stand now, removing some of the lower-valued hardwoods and leaving the minor conifer component and some of the hardwoods. IFC calls for holding this stand for another 15 years, then commercially clearcutting it, treating it with herbicides to control the weed and



Type 7 hardwood stand on southern portion of Reserve Silica property. (M.A. Brathovde, July 2016.)

woody competition, and replanting to Douglas-fir. We will assume a break-even commercial thinning now, then a commercial clearcut harvest in year 15, generating net income sufficient to cover an herbicide application and replant to Douglas-fir.



Type 7 hardwood stand. (M.A. Brathovde, July 2016.)

Type 5 is an 8-acre stand of predominately near-mature hardwoods (~age 27). AFM calls for holding this stand for 10 – 20 years, then clearcutting it. UW suggests a precommercial thinning now, favoring leaving the Douglas-fir, alder and western red cedar in the stand – very similar to AFM’s recommendation for the slightly older (age 34) Type 7, except the thinning would not be expected to break even financially. We will assume a precommercial thin now (assume \$150/acre net cost); followed by clearcutting in 15

years (stand age 42) generating sufficient net income to cover an herbicide application and replanting to Douglas-fir. So the net cost for reclaiming these 76 acres for forestry might run ~\$1,200 (\$150*8 acres).

Forestry Reclamation Cost Estimate AFM Type 4 - Filled Mine Pits (50 acres)

The 50 acres of recent mine pits are currently being filled under an Interim Reclamation Plan, which will restore the rough grades of this area to their pre-mining contours with clean fill and approved inert material. These filled areas will then be capped with a ~2’ lift of topsoil and hydroseeded.² This work is progressing now, and Reserve anticipates completing this effort by the end of 2016. This work needs to be done regardless of whether the property is returned to Forestry use or upzoned for Rural Residential. As such, the costs for this activity should NOT be included in the “forestry reclamation” accounting, and thus should not be contributing to Reserve’s assertion of “significant and impractical investment” to reclaim the land for long-term forestry.

In reality, in all likelihood, this pit-filling activity is a significant net revenue generator for Reserve Silica. Their posted dumping fees are currently \$125 - \$150 per truck.³ Frank Melfi reports that truck traffic into the Reserve Site has varied from a low of 20 trucks per day, to a high of 400 trucks per day.⁴ The Traffic Impact Report by Transpo Group dated June 17, 2015⁵ shows an average of 108 trucks per day over the 7-week period April 27, 2015 – June 12, 2015. This is the rate used to assess the likely net traffic impact of Reserve’s Development proposal, so should represent a reasonable average of pit filling activity. Based on these numbers, the apparent revenue generated from the pit filling activity should be running somewhere in the \$13,500 - \$16,200 range per



Backfilling operations at the Ravensdale site.
(reservesilica.com)

day on average. While we don't know Reserve's costs for this pit filling activity, and thus cannot compute a net income from pit filling, Kurt Erickson's trench-filling operator who manages the comparable activity on the property immediately east of Reserve, reports that their net profit for filling activity runs between \$100 and \$200 per truck.⁶ And the Site Development Specialist for the County's Department of Permitting and Environmental Review, who oversees the Reserve pit filling activity, has made the comment that he would "much rather have a permitted fill site than a gold mine," referring to the financial profitability of fill sites like Reserve's and Erickson's.⁷ Given this anecdotal evidence, it's probably fair to guess that Reserve's net profit for the pit filling is perhaps \$75/truck, or about \$8,000 per day on average. As for the topsoil capping requirement, Erickson is currently capping ~12 acres of filled mine trenches on his property, using topsoil trucked in as part of his ongoing filling activity.⁸ In Reserve's case, the Interim Reclamation Plan⁹ shows two "Topsoil Storage Areas" for use in capping the three remaining mine pits. Typically what would occur is that the native topsoil would be scraped off and stockpiled before a mine pit is opened. Then on completion of the mining and filling of the pit with off-site fill, the native soil would be spread back over the graded pit. Whether this is the case with Reserve, or whether the "Topsoil Storage Areas" are of imported topsoil, is unknown. In any event, the topsoil capping activity is included as part of Reserve's Interim Reclamation Plan, and is required regardless of future use of the site. As such, topsoil capping costs should not be attributed to forestry reclamation.

Once the mine pits are filled, graded and capped with topsoil, AFM calls for planting the newly reclaimed land with red alder to help colonize this site, and to help restore the soil productivity. IFC and UW studies also support this proposal. IFC anticipates significant risk of rodent/deer damage to this first crop of trees, so calls for steps to protect the seedlings (e.g., additional seedlings planted, mesh sleeves), which will effectively double the normal planting costs. While AFM does not mention this, we agree with IFC that seedling protection steps be specified as part of the forestry reclamation on these pits. IFC estimates a planting plus seedling protection cost of \$500/acre. The AFM plan indicates that the first rotation of alder will likely start to decline in vigor after about 5 to 10 years. As such, they call for regular monitoring of the stand from age 6 to age 15, and doing a commercial harvest or a precommercial slashing, depending on the size of the timber, when vigor starts dropping off significantly. For estimating purposes, we will assume the stand liquidation occurs at age 10, and is a precommercial slashing (scarification), costing \$25/acre. Note that IFC suggests periodic application of biosolids could help rebuild the soil through this first rotation, but AFM does not call for that in their reclamation proposal. The County is currently running trials on the application of biosolids on Reserve's mined property.¹⁰ Following liquidation of the first crop of alder, a second rotation of alder would then be planted, though the need for extra seedling protection should be reduced or eliminated. IFC planting cost of \$250/acre will be assumed. This second rotation of alder should retain vigor for a longer period of time. While AFM does not call for any thinning of this commercial second crop of alder, IFC did call for a precommercial thinning, at \$110/acre. We think it makes sense to allow for this thinning on the second rotation, and assume it would occur when the stand is about 15 years old (or 25 years from now). On this second rotation, we also assume the monitoring could occur every other year, rather than annually as in the first rotation. We are also assuming that the point of significant vigor decline in this second rotation would occur at about stand age 25. At that point, it would be fair to assume that this

second crop could be commercially harvested, generating net revenues in excess of costs required for planting a third rotation of Douglas-fir.

So a reasonable estimate of reclamation costs for forestry on the 50 acres of recently filled mine pits is as follows:

Year	Activity	Cost/Acre
1	Plant alder seedlings and install protective sleeves	\$500
6-10	Annual monitoring	\$4/yr
10	Precommercial slashing/scarification of unit	\$25
10	Plant second rotation of alder	\$250
16-25	Biennial monitoring (\$4/ac every other year)	\$2/yr
25	Precommercial thinning of alder	\$110
35	Commercial harvest of alder, use logging proceeds to replant to Douglas-fir	\$0
	Cumulative Cost/Acre	\$925
	Total Cumulative Cost to reclaim 50 acres for commercial forestry	\$46,250

Harvest of mature Douglas-fir plantations of AFM Types 2 & 6 (73 acres)

These two Types are 37 year-old, well-stocked Douglas-fir plantations growing on Site Class III (and II). This is precisely the same timber types that Erickson Logging as been harvesting on the adjacent



Type 2 Douglas-fir timber stand on northeast quadrant of Reserve Silica property. (M.A. Brathovde, July 2016.)

property to the east and south since 2007. Both of these properties (Reserve and Erickson) were previously owned by Burlington Northern Timberlands, which became Plum Creek Timber Company in 1989. BN Timberlands logged the second growth timber on these lands in the late 1970s/early 1980s, replanting them to Douglas-fir at approximately 435 stems per acre. On the most recent 628 acres of harvest, Erickson Logging predicted log deliveries to average 13.3 mbf/acre (thousand board feet/acre), removing an average of 94% of the standing merchantable

volume.¹¹ It would seem reasonable to assume the stocking level in Types 2 and 6 on Reserve Silica’s property are similar. The Washington Department of Natural Resources (DNR) reports an average delivered log price for coastal Douglas-fir 3SM logs in April 2016 to be \$549/mbf; and *Forest Stewardship Notes, Lumber, Log and Stumpage Prices in Washington State* indicates an average logging cost of \$110/mbf. So a reasonable estimate of the net stumpage value of the merchantable Douglas-fir on Reserve’s 73 acres of Type 2 & 6 (including the North Development Area) is \$426,225 (73 acres * 13.3 mbf/acre * (\$549-\$110)). Using IFC’s cost estimate of \$250/acre to replant the unit to Douglas-fir implies a planting cost for the 73 acres of \$18,250. With these assumptions, Reserve



Type 2 Douglas-fir timber stand. (M.A. Brathovde, July 2016.)

might expect to realize a net profit of \$407,975 from harvesting these two units and replanting them to Douglas-fir.

2.4 Estimate of Total Forestry Reclamation Cost

The forestry reclamation assumptions above are generally based on AFM's recommended treatments, except we are including the northern Development Area with Type 2, and the southern Development Area with Type 7; and in the case of Type 2, we are clearcutting the entire unit, rather than just thinning outside of the clearcut development areas as proposed by Reserve. (Reserve is suggesting thinning between the housing clusters to generate a more open forest, which would be more visually appealing for the Development's residents.) We have supplemented AFM's recommendations with recommendations from IFC and from UW, and attempted to price out recommended reclamation activities for each Type, using IFC cost data wherever possible, and supplementing the cost information with internet research as needed.

In aggregate, across the 265 acres we would recommend reclaiming for forestry, the total cost, given the assumptions described above, are estimated to run on the order of \$70,000; while the net revenue from clearcut harvesting the 73 acres of Type 2 & 6 (the 37-year old Douglas-fir plantations), including the Development Areas, is expected to run approximately \$400,000.

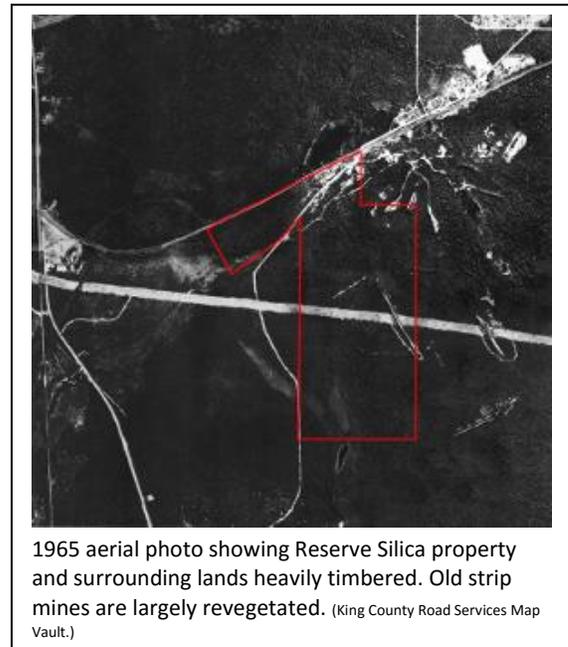
The purpose of the analysis above is not to predict specific costs or revenues, nor to fine-tune reclamation treatment regimes. Instead, the analysis is aimed at trying to affirm, or reject, Reserve's pivotal assertion that the property is unsuitable for long-term forestry without "significant and impractical investment." While the reclamation and cost assumptions underpinning this analysis should be vetted and refined, the bottom-line conclusion is obvious and robust – ***the costs to "reclaim" ~70% of the property to where it can support viable forest uses is NOT particularly "significant," and certainly not "impractical," as asserted by Reserve.*** The estimated \$70,000 total cost probably represents about two weeks profit from Reserve's pit filling activity, which has been ongoing since 2007.¹ And just clearcut harvesting the 73 acres of existing 37 year-old, well-stocked Douglas-fir plantations in the northeast and southwest corners of the property, which were planted by Burlington Northern Timberlands and somehow managed to avoid being degraded through decades of mining activity on other parts of the property – and which are the exact same type of timber Erickson Logging has been harvesting for the past 9 years on the adjacent property to the east and south – is expected to cover ALL of the projected Forestry Reclamation costs 5X or 6X over!

2.5 Hasn't This Property Always Been Primarily a Mining Site?

Reserve asserts that the property has "been used for or supported mining since the turn of the last century [i.e. 1900]," and implies that mining uses have dominated the property use ever since.¹ Available data indicates coal mining activity on this property started 1924.² Until the mid-1940s mining occupied ~ 4% of property.³ By the end of the coal mining days, in 1947, mining occupied ~7% of surface of this property.⁴ Reserve confirms that there was no mining on the property from 1948-1966. Silica mining started in 1967, growing to occupy 34% of surface by conclusion of mining activity in 2007.⁵ Up until Reserve's purchase of the property in 1997, the mining activity was through leases of portions of

the property from the Northern Pacific/Burlington Northern/Plum Creek owners. The NP/BN/PC owners continued to manage the non-mined portions of the property as part of their ~8,400 acre timberlands block into 1980s.^{6,7,8} So while mining has been active on this site for 65 years, it has tended to occur on a relatively small portion of the property.

On the forestry side, evidence indicates the old growth timber on the property was likely logged in the 1890s.⁹ Aerial photography indicates the natural second-growth was logged from much of the property in the mid-1930s.¹⁰ Aerial photography again shows that the majority of the property was logged by BN/Plum Creek in 1980/1981, and replanted, with some evidence of subsequent thinning.¹¹ With the exception of the plant site/clay settling ponds, the whole property was zoned Forestry and included within the FPD until the mid-1990s.^{12,13,14} Reserve has done no forest management activity since their purchase of the property in 1997.¹⁵



The evidence strongly disputes Reserve’s assertion that this property has been used mostly for mining since the turn of the last century. In fact, the majority of the property has been actively managed for forestry well into the 1980s.

2.6 Is Proposal Compatible with Surrounding Land Uses and Supported by Adjacent Property Owners?

Reserve claims “All property owners adjacent to the mining site wrote letters of support for the RS proposal explaining that they each considered the proposed site plan submitted by RS would be compatible with surrounding uses.”¹ Note that in response to our objections expressed after Reserve’s original submission in April 2016, they have footnoted this statement in their May 1 proposal, indicating that “After submittal, the two small properties west of the mining site were sold. One of the new owners confirmed support for the RA-10 proposal. One did not.”

It is worthwhile to note that the letters of support they refer to were form letters signed, at Reserve’s request, in Jan/Feb 2012 by the three adjacent (non-County) owners, and the ‘proposed site plan’ presented to these owners at the time was a 32-unit development^{2,3} – substantially different from the current 72-unit proposal. And to correct their May 1 footnote, one of the two parcels was actually sold prior to Reserve’s 2012 submittal, and thus the signer of this letter wasn’t even an owner at the time he signed the letter. The signer of the second letter formally retracted his letter of support prior to Reserve’s submittal. He sold his property shortly afterward, and the new buyer, Chris Powell (P&D

Logging), submitted a letter specifically objecting to Reserve's upzone.⁴ He has also recently re-confirmed his continued opposition to Reserve's proposal.⁵

52% of lands on the perimeter of Reserve's property are owned by Wagner/Erickson, 23% by the County, 12% by Chris Powell, and 13% by Baja Properties. Wagner's support was based on the 32-unit proposal, and has not been reconfirmed for the current 72-unit proposal. The County's ownership is all in designated Natural Area and Open Space lands that allow no residential development of any kind. They have not been consulted in terms of whether Reserve's 72-unit 'rural community' would be compatible with these Natural Area/Open Space lands or not. It is our opinion that having a 72-unit rural community, in the middle of a 3,500-acre block of protected lands⁶ where NO houses will be constructed, is NOT compatible with these Natural Area/Open Space lands. Powell sent a strongly worded letter to Paul Reitenbach, Comp Plan Manager in 2012,⁷ clearly indicating that he did NOT support the proposed upzone and residential development. He has indicated that such a development (40-units at that point) could seriously impede the operation of his forestry-related business that he operates, under a forest management plan approved and monitored by the County. Reserve's latest footnote⁸ indicates that the Baja Properties owner has confirmed his support for Reserve's current proposal. We have not attempted to confirm Reserve's footnoted statement of this owner's support. It should be noted though that Reserve has an unrecorded agreement with Baja Properties on this property that presumably allows Reserve's infiltration ponds and monitoring wells on the Baja property, as well as access rights across this property.⁹ So there may well be an outside motivation on Baja's part to 'support' Reserve's proposal.

The County Exec's staff in 2012 concluded "*Forestry is the use most compatible with the surrounding land use.*" And that "*... residential development on this site could result in conflicts with adjacent forestry and mining.*" And "*..... a cluster subdivision and open space would likely not prevent conflicts [on adjacent properties].*"¹⁰

Given the above, we conclude that ***the current Reserve proposal is NOT supported by all the adjacent owners, and*** furthermore, that this proposal ***is NOT compatible with either the adjacent FPD lands, nor with the adjacent Rural-zoned Natural Area/Open Space lands.***

2.7 Doesn't Reclamation for Forestry Conflict with the IFC and UW Study Conclusions?

To contest the County Executive's 2012 recommendation to return the post-reclamation Reserve Silica property to a Forestry zoning, Reserve commissioned two studies to assess the forestry potential of the property – one by International Forestry Consultants, Inc. (IFC),¹ and one by the University of Washington School of Environmental and Forest Sciences (UW).²

The key conclusion drawn by IFC is that, largely because of the impacts of decades of mining and dumping on the property, and a lack of any forest management over the mining tenure, a typical industrial timberlands investor (e.g., a Weyerhaeuser, Hancock, or Plum Creek) would not be interested

in purchasing the Reserve property in whole for long-term commercial forestry uses. This key conclusion is seconded by the UW study - and we fully agree with this.

However, Reserve's interpretation from the IFC study is that making the land suitable "for long term commercial forestry would require significant and impractical investment to create productive forest soils" is misleading. First, both studies confirm that the soils on the majority of the property that can be used for forestry purposes (excluding the 50 acres of recently filled mine pits) are "average for Douglas-fir production"³ (Site Class III or above). Second, the IFC study conclusions list a series of five separate 'considerations' that "all combine to reduce capacity for large scale commercial timber production on the site." One of these five considerations is described as "expensive forest restoration needs." For Reserve to pull this factor out and portray it as the key factor driving the unsuitability of the property for long-term commercial forestry is misleading and self-serving. And in both studies, it is obvious that Reserve is including the Interim Reclamation Plan requirements (filling, grading and capping the huge mine pits that existed in 2012, and which at the time Reserve expected would require another 10+ years to complete) as part of their estimated "forest restoration needs." This Interim Reclamation work is required of Reserve regardless of whether the property is upzoned for residential use, or returned to a Forestry zoning. As such, these costs should NOT be considered "forestry reclamation" costs. And in neither study do the authors conclude that the forestry reclamation costs are "impractical." That is Reserve's interpretation, and it is not supported by the Rural Forest Commission,⁴ nor by Reserve's May 1, 2016 proposal to reclaim 211 acres to "Managed Forest."



The other key conclusion drawn by the UW study is that "it does not appear that the Reserve Silica property could be clearly classified as forest land with long term commercial significance by King County." This conclusion is addressed in Section 2.8, which demonstrates that if the forestry reclamation proposed by Reserve is implemented, and the UW assessment was updated to reflect this activity and today's conditions, the property would fully satisfy the definition of "forest land of long term commercial significance."

In conclusion, **reclaiming approximately 265 acres of Reserve's property for forestry would be compatible with the IFC and UW studies, and would comply with GMA and with King County's definition of "forest land of long-term commercial significance".**

2.8 Does This Property Meet GMA and King County Criteria for ‘Forest Land of Long-Term Commercial Significance’?

Reserve Silica indicates that their contracted studies confirmed that the property does not qualify as ‘forest land of long-term commercial significance’ based on GMA or KC requirements, and thus should not be zoned Forestry and placed within the Forest Production District.¹

The key conclusion drawn by IFC from their study is that, largely because of the impacts of decades of mining and dumping on the property, and a lack of any forest management over the mining tenure, a typical industrial timberlands investor would not be interested in purchasing the Reserve property in whole for long-term commercial forestry uses.² This key conclusion is seconded by the UW study - and we fully agree with this. But just because an industrial timberlands investor (e.g., a Weyerhaeuser, Plum Creek, Hancock type owner) would not be interested in purchasing the property, in whole, does not necessarily imply that the property is not suitable for long-term commercial forest use.

The key study that addressed this property’s fit with GMA and KC definitions of long-term commercial forest lands is the UW study,³ which concluded that *“it does not appear that the Reserve Silica property could be clearly classified as forest land with long term commercial significance by King County.”* This study identified four criteria used by King County to determine forest land with long term commercial significance – (a) predominant parcel size \geq 80 acres, (b) site characteristics make it possible to sustain timber growth and harvest over time, (c) adjacent residential development is scarce, and siting of future dwelling likely to limit any adverse impacts to forestry, and (d) predominant land use of the property is forestry. Of these four criteria, UW concluded that only criterion (a) was fully satisfied by Reserve’s property, and criterion (b) was partially satisfied. As such, UW concluded that the Reserve property did not meet the County definition of forest land of long term commercial significance.

Since this 2012 assessment, the remainder of the non-Forest Production District lands west of Reserve is now ALL within the Black Diamond Natural Area, and thus will never have any residential development. All the FPD lands to the northeast, east and south of Reserve are under Conservation Easement owned by Forterra, which does not allow any permanent structures. The 39-acre FPD property on Reserve’s west boundary is being used for forestry-related purposes, under a forest management plan approved and monitored by the County, and has no residence. And lastly, according to Reserve, the 13-acre FPD parcel to the west has been used as a residence and private woodlot.⁴ If correct, this is the ONLY parcel ANYWHERE around Reserve that will ever support a residence. But current Google Earth imagery appears to indicate that even this parcel is not being used for residential use; and it is currently being taxed as current use forestland. So condition (c) from the King County list of factors clearly is fully satisfied by Reserve’s property.

The UW’s conclusion that condition (b) is only partially satisfied by Reserve’s property, and that condition (d) is not satisfied, was based on conditions as of 2012 when UW evaluated the site. With the forestry reclamation plan recommended by AFM and included with Reserve’s current proposal, and

applying this plan to the areas Reserve proposes to build houses on, both criteria (b) and (d) would be fully satisfied. As such, if the AFM reclamation plan is implemented on the 70% of the property recommended above, **Reserve's property WILL fully satisfy King County's definition of forest land of long term commercial significance.**

Satisfying the KC requirements for forest land of long-term commercial significance should satisfy the 1994 GMA requirements. Note that the 1994 GMA definition is sorely out of date. The Rural Forest Commission estimated in 2012 that no more than 30% of the total timberlands within King County's FPD would satisfy the outdated 1994 GMA definition.⁵ And evidence would indicate further declines since 2012.⁶ With the proposed reclamation and forest management, the Reserve property could actually satisfy even the 1994 GMA criteria.

2.9 Why is Reserve Promoting Conversion to Rural Residential Development?

The 67 acres of largely undisturbed, 37 year-old, well stocked Douglas-fir plantations of AFM Type 2 is the primary existing forest resource of significant current value on the property. Portions of this are also located on the highest productivity soil on the whole property, being classified as Site Class II – above average for commercially productive forestland. Of these 67 prime acres, Reserve is proposing clearing 33 acres, half the area, for the north Development Area. This development includes about 25 acres cleared for homesites, plus about 8 acres for 'open space buffers' between the housing clusters. For the 34 acres outside the north Development Area, as well as the 8 acres of 'open space buffer' strips Reserve is calling for a thinning to retain a forest cover while improving the aesthetics of the surrounding forest for the north residential development. In such a commercial thinning, Reserve could easily remove over half of the merchantable timber value on the site, and still leave a very attractive and more 'open' forest. And the 25 acres that are to be cleared for the north development would essentially be clearcut. As such, Reserve could realize approximately \$292,000 of net stumpage value through the clearing of the north homesites, and the thinning of the surrounding stand and buffers, in addition to the value of the 32 residential lots in this north Development area.

The 38 acres of the south Development Area lies within AFM Type 7 (the 34 year old hardwood stand), and has very little net forestry value today. The reclamation plan is to thin this stand at break-even, then to hold it for 15 years for a commercial clearcut that would hopefully generate sufficient net revenue to cover the herbicide treatment and planting cost to establish a conifer plantation. So we don't attribute any near-term net forestry value to the existing forest in the south Development Area.

The sales value of selling 72 homesites to a developer in today's real estate market should realize something on the order of \$40,000 per homesite,¹ or \$2.88 million. So by getting an upzone to RA-10 and approval to install a 72-unit housing development, Reserve stands to gain ~\$2.7 million above what the forestry retention option might be expected to yield (\$2,880,000 value of selling rights to develop 72 lots to a developer + \$292,000 net forestry proceeds from clearing homesites and thinning surrounding stand - \$426,225 net value of Stand 2 if clearcut today and replanted). However, 25 of these 72 development credits would come from Reserve's Black Diamond property (now under ownership of

Reserve Silica's sister company, Reserve Properties, LLC), thus likely reducing the value of that property by ~\$1.0 million (25 development rights at \$40K/lot sales value to a developer). So the net benefit to Reserve if they can get the upzone and development approval is likely something on the order of \$1.7 million, over the option of retaining the land for forestry.

As such, it would appear that ***the driving force behind Reserve's aggressive lobbying efforts for the proposed Demonstration Project and an upzone to their property is NOT to avoid a "significant and impractical investment" to reclaim the property for long-term forestry, but rather, it is the desire to capture the windfall profits of selling residential lots, while also stripping off most of the remaining timber value on the property through clearing for the residential development, and thinning the surrounding mature conifer stand for aesthetics.***

2.10 Who Would Buy These Lands From Reserve if Upzone Denied and Property Reclaimed for Forestry?

Frank Melfi, President of Reserve Silica, has stated that their desire is to sell off these lands and close out the Reserve Silica business.¹ The three principals of Reserve Silica/Reserve Industries are the three Melfi brothers, who are all in their late 70's and 80's, and two are experiencing major health issues. Gaining an upzone to the property to RA-10, and permission to establish a 72-home rural residential development on the property, would lead to a huge windfall profit for the brothers, as it would make the property of interest to potential residential development buyers – who, by the way, generally have no interest, nor expertise, in forest restoration or management.

IFC concluded, correctly we believe, that the typical industrial forestry companies (e.g., Plum Creek, Weyerhaeuser, Hancock, etc.) are not going to be interested in purchasing this property, even if all the proposed forestry reclamation tasks were initiated. The location of the property (too near to large urban populations), the highly degraded and fragmented condition of most of the existing timber resource through past neglect (other than the 73 acres of Types 2 & 6), the long time commitment to get the recently-filled mine pits to a point where they can support a commercial crop of timber (35+ years out), and the HIGHLY uncertain environmental risks on portions of the property (capped hazardous waste disposal sites, uncapped remediation area, plant site and 25' deep clay settling ponds, and unknown but potential contaminants on other portions of the property), would turn most all typical industrial forestland owners away.

However, there are viable markets for this property – though not likely to a single buyer. The 67 acres of AFM **Type 2, including the north Development Area**, would, with a high degree of certainty, be of interest to Fred Wagner/Kurt Erickson, the adjacent property owners to the East. Not only is this adjacent to their existing ownership, but it is precisely the same type of timber they have been very successfully harvesting and replanting for nine years now. In addition, they have received approval from King County to fill two additional mine trenches that lie primarily on their existing property, but also run up onto Reserve's Type 2 ownership. Erickson has no practical means of accessing these trenches without crossing Reserve's Type 2 lands. Without the ability to cross Reserve's property and fill the upper portions of these mine trenches extending onto Reserve's property, filling of the bulk of the lower

trench areas on the Wagner/Erickson property would entail such major logistical and environmental problems that the County and Forterra (which holds the Conservation Easements on the Wagner/Erickson property) might prohibit Erickson from moving forward with filling of these trenches. So there is a highly-motivated buyer for this premier portion of Reserve's property.

Adding the 21 acres of **Type 1** lands to the Type 2 package would provide an independent (other than Wagner/Erickson) forestlands buyer good access to the Type 2 forest. This addition may also be of interest to Wagner/Erickson, as that would also provide a much better access route to their existing property to the east (access to the Wagner/Erickson property was originally across Reserve's Type 1 land, when Plum Creek owned both tracts). In addition, adding the Type 1 land would bring the total package up to 88 acres – above the 80-acre threshold required for siting a single-family residence on these Forest Production District lands, thus greatly expanding the pool of potentially interested buyers. Finding a market for the Type 2/Type 1 land should not be an issue.

The land owner adjacent to Reserve on the West, Chris Powell, owner of P&D Logging, has previously expressed to Reserve an interest in purchasing some of Reserve's land adjacent to his property. Frank Melfi declined to discuss options with him, because Reserve was pursuing the current large scale development project.² So there is an interested buyer for some of the lands on the west side of the property, particularly the 8 acres of **Type 8**.

The **capped hazardous waste sites, and the uncapped remediation area** downslope from the capped sites, are under Easements to Holcim, which has responsibility for the CKD hazardous wastes. This easement gives Holcim complete control of the surface, subsurface and groundwater under these 48 acres. These capped lands can never be used for any forestry or residential uses, and likely can never be used for any purpose whatsoever other than containment of the hazardous waste. As such, the land actually has a negative value. These lands should just be transferred over to Holcim. Significant portions of the **BPA powerline easement** are occupied by the two capped hazardous waste sites and the uncapped remediation area. So it would probably make sense to sell/donate the land underlying the BPA powerline easement to Holcim also. This would provide Holcim with ownership connectivity between the upper capped waste site (the Dale Strip Pit) and the lower capped waste site (Lower Disposal Area).

The 55-acre **wetland complex** is adjacent to the almost 1,000-acre Black Diamond Natural Area. Adding this King County classified Class 1 wetland to the Natural Area under County ownership would be a great addition.

The 52-acre **plant site and clay ponds** are also adjacent to the Black Diamond Natural Area, with the plant site separated from Ravensdale Lake only by the Burlington Northern rail line. Some kind of public ownership for this portion of the property, as Open Space lands, would probably make the most sense. Wagner/Erickson may also be interested in purchasing portions of this property to service (e.g., wheel wash, check station, office) their existing ownership, as the Conservation Easement on their current property does not allow any permanent structures or development that could accommodate these facilities.

The 68 acres of property comprising the **Type 7 and the south Development Area**, south of the powerlines, and east of the wetlands complex, excluding the newly filled mine pit, would likely be attractive to a private investor who wanted to purchase their own, private forest. Including the ~28 acres of the recently filled, to-be capped and alder-planted mine pit south of the BPA powerline (**Type 4-south**) would bring this ownership to 96 acres - above the 80-acre minimum to establish a single family residence within the Forest Production District, making the tract attractive to “family forest” owners who tend to be more focused on a combination of timber production and secondary forestry benefits.³ This could greatly increase the pool of interested buyers for this tract. This acreage also abuts the Wagner/Erickson property on the east and south and is accessible from the Wagner/Erickson property, potentially making this acreage of interest to Erickson as well.

The 6 acres of **Type 6**, in the SW corner of the property, is another 37 year-old, fully stocked Douglas-fir plantation, which is isolated from the remainder of the property by the wetland complex. It has good road access off the Black Diamond-Ravensdale Road, but It is also adjacent to part of the Wagner/Erickson property, so may well be of interest to this party, or would be a great addition, along with the wetland complex, to the Black Diamond Natural Area.

This leaves only the ~22-acre northern portion of the recently filled, to-be capped and alder-planted stand (**Type 4-north**). Finding buyers for this piece may be a challenge. Including it with the Type 2/Type 1 parcel may be the best marketing option.

In conclusion, ***given a willingness to market the property in large pieces following forestry reclamation work, there should not be major issues in finding viable, interested and willing buyers for the portions of the property located outside of the cement kiln dust disposal and remediation areas.***

2.11 Conclusions: Reclamation for Forestry

The data does not support Reserve’s foundational assertion that it would be impractical to reclaim the property to a point where it could support viable stands of commercial timber.

Our analysis, based on data and recommendations from Reserve’s consultants, would indicate the forest reclamation costs to reclaim 70% of the property for forestry to be on the order of \$70,000; and the net stumpage value available from harvesting the existing merchantable Douglas-fir plantation on the property would be on the order of \$400,000 - implying a net income from the timber harvest and forest reclamation of ~\$330,000. The estimated net value to Reserve if they can gain approval for the upzone and 72-unit development is on the order of \$1,700,000. In all likelihood, Reserve’s primary motivation in pushing the upzone and development proposal is not to avoid high reclamation costs, as they contend, but to realize the windfall from selling residential lots to a developer.

With the recommended forestry reclamation, this property would fully meet GMA and King County’s definition of ‘forest land of long-term commercial significance’. Recognizing Reserve’s desire to divest of this property, we anticipate very viable markets for this property, if it is sold in large (>80 acre) blocks.

3.0 WHAT ARE THE ENVIRONMENTAL RISKS AND HUMAN HEALTH HAZARDS ON THE PROPERTY?

3.1 Executive Summary: Health and Environmental Concerns

Several health and environmental issues associated with the Reserve Silica property raise serious concerns with respect to siting a 72-unit rural community on the property. As of January 2016, this site was ranked as a priority 1 MTCA cleanup site.* Chief among the site hazards is the Cement Kiln Dust (CKD) that was disposed of on the site from 1979 to 1989. Two unlined pits containing ~350,000 tons of CKD have been capped, and are being monitored. However, monitoring in 2007 showed leachate with extremely high pH, arsenic and lead levels escaping from the lower pit. Ongoing efforts to control this leachate since 2007 have been unsuccessful. The Washington Department of Ecology (WDOE) has concluded that soil, surface water, and shallow and bedrock groundwater aquifers are contaminated.

The WDOE's January 2016 Site Hazard Assessment identified the risk to Human Health as extremely high (4.4 on a 1-5 scale). Measurements of water leaching from the site in April 2016 were found to have pH levels in excess of 12.0, high enough to potentially cause physical harm to people and animals coming into contact with it. Contaminated ground and surface water has already migrated off-site, beyond the control structures, and is now within 800' of Ravensdale Lake and Ravensdale Creek. WDOE scored the Migration Potential of the contaminated groundwater at the highest rating possible.

Reserve's proposal calls for the CKD pits to be included as open space lands, and managed by the Homeowners' Association. The HOA would also be responsible for reclamation and management of the 211-acre "managed forest," which includes the area highly contaminated by CKD leachate and the structures intended to contain and control this contamination source. It is totally unrealistic to expect the HOA to have the expertise or financial wherewithal to manage these highly technical issues. And as proposed by Reserve, the Conservation Easement to be owned by King County would put King County in a position of responsibility for management of these hazardous waste leachate areas as well.

Reserve's solution to protect future residents from this known CKD risk is "*institutional controls such as fencing and signage.*" Common sense would say this is an ineffective means to avoid human contact with these known toxins, particularly in light of the numerous children who would be living in close proximity, not to mention exposure risks to the HOA representatives who would be tasked with overseeing and managing these hazardous lands under the provisions of Reserve Silica's proposal.

Reserve proposes the use of on-site septic systems, and public water provided by Covington Water District sourced from off-site wells. The additional 10 million-plus gallons of groundwater flow introduced through septic drainfields from a 72-unit rural community, directly above and as little as 400' distant from the capped CKD pits, will only add to existing groundwater and surface water contamination problems, making effective control even more difficult.

While WDOE has tested for arsenic, lead, manganese and potassium in the CKD contaminated soil, surface and groundwater, studies have shown many other toxic chemicals are commonly associated with CKD, including highly carcinogenic dioxins and furans. No testing for the presence of these highly toxic substances has been performed. Evidence also exists to suspect the possible presence of many other contaminants on the property, besides CKD. No testing has been performed for contaminants outside the capped CKD pits and the leachate control area below the lower pit. In addition, portions of the property are known to be underlain with coal mines that operated from the 1920s to 1940s.

Potential subsidence risk, as well as open portals, bore holes, air shafts, etc. pose additional physical risks to any development or persons on this site.

In summary, ***the known hazardous CKD wastes, and their documented contamination of soil, surface and groundwater, is an uncontrolled and on-going problem. This poses serious human health and environmental risks, both on-site and off. Adding incremental waste water from 72 new houses, directly above and in close proximity to the capped CKD pits can only exacerbate the CKD contamination problem, and complicate the thus-far unsuccessful attempts to control this toxic source. And a much more thorough testing of the property for other toxins and risk factors, in other locations beyond the known CKD pits, should be mandatory before any residential use of this site whatsoever even be considered.***

*Washington Department of Ecology, Model Toxics Control Act: highest hazard ranking for potential risk to human health and environment.

3.2 What are the Environmental Risks and Human Health Hazards at the Ravensdale Reserve Silica Site?

Environmental risks and human health hazards are major concerns with the Reserve Silica property in Ravensdale. There are known hazardous wastes on the property from which contaminants are leaching, and which are still not controlled despite nearly 14 years of effort.^{1,2,3} And there are potentially other risk factors with a significant likelihood of occurrence on this site for which tests and studies have not yet been conducted. Underscoring the seriousness of these concerns is the Washington Department of Ecology (WDOE) ranking of the site, effective January 26, 2016, as a highest priority, Level 1 MTCA⁴ clean-up site⁵ for potential threat to human health and the environment relative to all other Washington State sites assessed to this time.⁶ This ranking is based on assessment of known contaminants on a portion of the site.⁷ A full site assessment to identify other potential hazards has not yet been conducted.

3.3 Cement Kiln Dust (CKD)

For a description of Cement Kiln Dust, see Appendix 3-a What is Cement Kiln Dust?

One known hazardous waste present on the Reserve Silica site is cement kiln dust, or CKD. CKD is the extremely fine dust, or ash, that is collected in the stacks and pollution control filters of cement kilns. (See Appx 3-a “What is Cement Kiln Dust?”.) While “dust” may sound relatively benign, CKD is actually an extremely caustic, alkaline substance with pH commonly in the range of 10.5-12.5¹ or greater.² CKD from the Ideal Cement plant in Seattle, the source of the CKD dumped at the Ravensdale site has been measured at a pH of 12.8.³ Contact with the dust, particularly when wet, can cause serious burns, as happened to two young men who came into contact with CKD mud along one of the roads on the Ravensdale site in 1981 after losing control of their four-wheeler. The severity of their burns put them both in the Harborview burn unit.⁴

When this highly alkaline substance comes into contact with water, the resulting leachate (i.e., the contaminated water seeping from the substance) is characterized “as a Resource Conservation and Recovery Act (RCRA) corrosive waste . . . with pH levels commonly in excess of 12.5.”⁵ Leachate at the Ravensdale Reserve Silica site measured at two collection points in 2015 showed pH levels of 12.53 and 13.02.⁶ On April 27, 2016, measurements of pH at five sampling points around the leachate collection and infiltration area ranged from 12.48 to 12.86.⁷ Besides the pH issues associated with CKD, the other health and environmental risk is the presence of toxins including heavy metals and organic by-products. The US Environmental Protection Agency’s (EPA’s) analysis of CKD dust solids and leachate chemistry identified CKD as “potentially contributing concentrations of arsenic, thallium, antimony, lead, chromium, total-2,3,7,8-substituted dioxins, and total hexachlorodibenzodioxin”^{8,9,10} to the environment. Other studies have also indicated the presence of furans in CKD.¹¹ These toxins are derived from both the feedstock materials used in the manufacture of cement and the fuel sources used to fire the kilns,¹² as well as from the combustion of these materials together in the kiln, which creates new compounds.^{13,14} Besides the use of oil, natural gas and coal as primary fuel sources, tires and other organic wastes have also been used as fuel sources for heating kilns.¹⁵ The extremely high temperatures in cement kilns (some of the highest temperatures of any industrial process), enable these kilns to

basically operate as waste incinerators, capable of burning most anything as fuel including municipal wastes, industrial wastes, medical wastes, etc.; as such, these kilns have been used as a means to dispose of these unwanted and undesirable materials.¹⁶ Studies have shown extremely carcinogenic dioxins and furans are commonly associated with CKD when organic materials such as tires and medical wastes were used as a supplemental fuel sources in the cement kilns.^{17,18} It is known that the Ideal Cement plant in Seattle (later Holnam Cement, then Holcim), the source of the CKD dumped at the Ravensdale site, burned ground tires as a supplemental fuel source for a period of time starting in 1986, and then again into the 1990s.¹⁹ Holnam Cement is also known to have conducted several test burns using medical wastes as a fuel source.²⁰ However, it is unknown if this may have occurred during the period their CKD was being dumped at the Ravensdale site.

3.3a CKD on the Reserve Silica Property

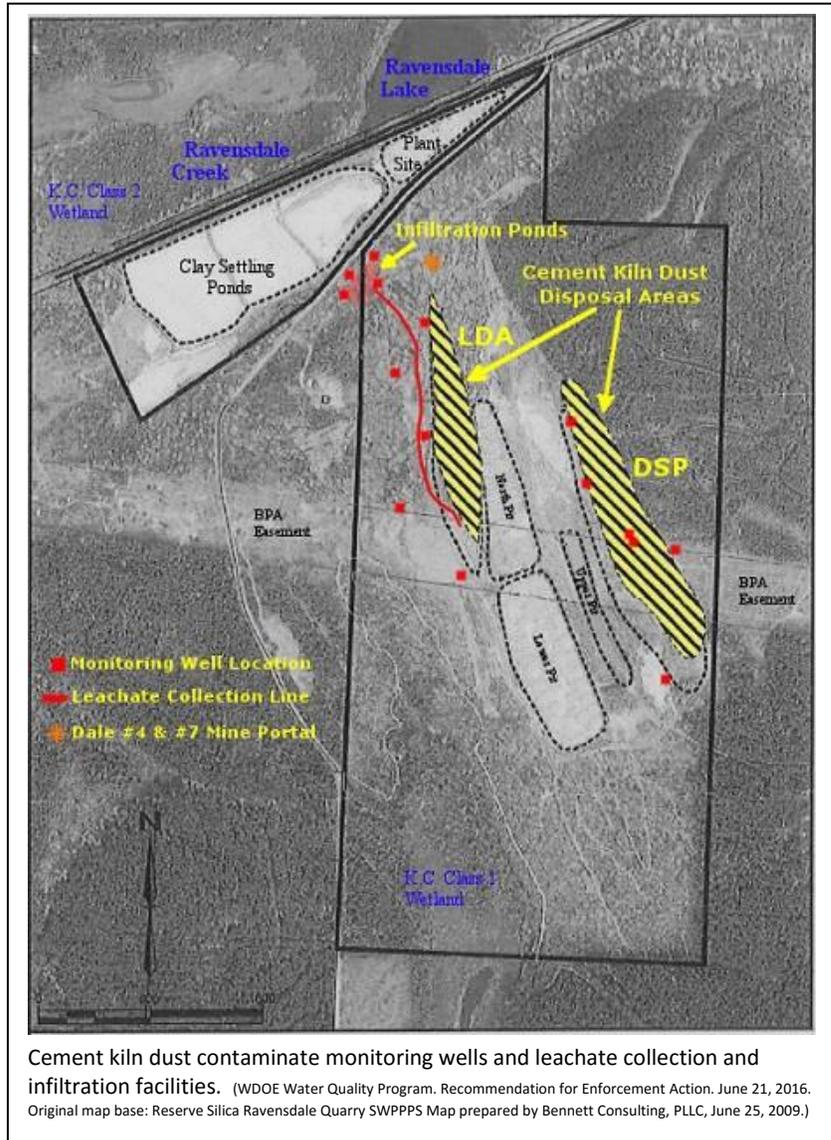
It is known that Reserve's predecessor, Industrial Mineral Products (IMP), and Reserve's own wholly owned subsidiary, L-Bar Products, Inc., disposed of CKD from the Ideal Cement plant in Seattle on the Ravensdale site from 1979 to 1989.²¹ IMP sold silica sand (and ASARCO slag) to Ideal Cement for use in cement manufacturing and in turn, Ideal Cement disposed of CKD from their Seattle plant at the Ravensdale site.²² Disposal of CKD in the unlined Lower Disposal Area (LDA) on the Ravensdale site began in June 1979.^{23,24,25} This continued through 1982,²⁶ then disposal of CKD moved to the unlined Dale Strip Pit (DSP) and continued until 1989.^{27,28} IMP oversaw dumping until 1986 when IMP was bought out by Reserve Industries, which then managed the site through its subsidiary, L-Bar Products, Inc.²⁹ L-Bar oversaw the disposal of CKD on the site from 1986 until 1989.³⁰ The estimated volumes of these known CKD deposits are 80,000 cubic yards (175,000 tons) in the LDA, and 83,000 cubic yards (182,000 tons) in the DSP.³¹ However, in their January 2016 Site Assessment, under the heading "Current Site Conditions", Washington Department of Ecology (WDOE) states that "CKD might be present in other locations" [besides the LDA and the DSP].³²

In 2002, Reserve Silica entered into an agreement with Holcim (USA) Inc., successor to Ideal Cement/Holnam Cement, the source of the CKD, for maintenance and monitoring by Holcim of the now capped CKD dump areas.^{33,34}

3.3b Current Condition of Known CKD Deposits

The LDA was closed to all forms of dumping in 1985, and the DSP in 2003.³⁵ Both areas have now been capped with clay and soil to minimize surface water penetration. Thirteen groundwater monitoring wells have been established on the property, plus two additional on the adjacent property to the west, to measure the levels of pH, arsenic, lead, and manganese leaching from these CKD disposal areas. In addition, there are four surface water monitoring sites, including the infiltration ponds that cover about 1/10-acre on the adjacent property where CKD leachate is allowed to soak into the ground. And lastly, there is a monitoring point at the collapsed portal of the old underground coal mine shaft located below the DSP for testing of ground water seeping from the former mine tunnels. Regular monitoring of these wells and surface water sites has been conducted since 2005.³⁶

When monitoring showed leachate problems at the LDA, the soil cap was upgraded in 2007,³⁷ the cover re-graded, and a surface water diversion ditch was constructed in 2007 to try to control surface water infiltration into the CKD.³⁸ When these measures failed to control leaching from the LDA, WDOE concluded that the primary cause of seepage was from groundwater flowing into the disposal area, rather than surface water infiltration. Between 2008 and 2013, a trench system was installed to collect the seepage from the LDA and direct it to infiltration ponds partially located on Reserve property and partially on the adjacent neighboring property.³⁹ WDOE studies concluded that the bedrock aquifer groundwater was rising at a vertical upgradient beneath the LDA, mixing with the shallow groundwater aquifer, flowing through the CKD, and then mixing back into the bedrock aquifer at a vertical downgradient beneath the LDA before flowing north and northwestward offsite. Groundwater in the LDA also discharges to the surface, where it comes together with storm water, before flowing into the three infiltration ponds.⁴⁰



The problem of uncontrolled leachate was reported in a 2014 King County Public Health Department inspection report noting that leachate with a pH 11 to 12 was “*escaping/exiting the hillside north and downslope of the installed leachate catch basin. The volume of leachate appears significant and is not entering the system installed for conveying leachate to the downslope infiltration ponds.*”⁴¹ This assessment is reinforced by Reserve’s environmental and geologic engineering consultant, GeoEngineers’ statement, “*Although the LDA and Dale Strip Pit have been capped, leachate from the LDA and Dale Strip Pits continue to present an environmental concern for impacts to groundwater, soil, and the exposure to leachate. Leachate (in the form of surface water) is seeping out of the west side of the LDA, and west of the LDA into collection ditches, which fall outside of the conveyance infrastructure in the marsh areas, the south pond area, and in the infiltration ponds. Although the conveyance and*



WA Department of Ecology monitoring photo: "Sample collection point, southwest corner of infiltration pond #1. Note "skin"/"film" related to elevated pH." (WDOE Water Quality Program. Recommendation for Enforcement Action. June 21, 2016.)

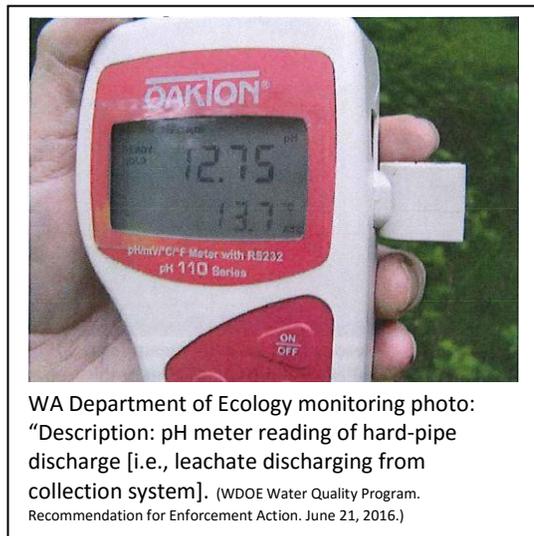
*infiltration facilities are in place, the capture of leachate within collection ditching and inlet infrastructure has not been reliable. The uncontrolled nature of the leachate and impacted surface waters result in exposure pathways impacting human health and the environment that could be an ongoing concern depending on future land use type."*⁴²

2015 surface and groundwater monitoring for pH, arsenic, lead and manganese showed extremely high pH levels in surface waters around the LDA, and significantly elevated pH levels in the two shallow groundwater wells on the neighboring

property (below the seepage collection trench and infiltration ponds). Arsenic concentrations exceeded Model Toxics Control Act (MTCA) cleanup levels near the LDA, found to be 7 to 30 times the designated cleanup levels in the surface waters; up to 8 times cleanup levels in the shallow groundwater in the off-site wells; and up to 2 times cleanup levels in the bedrock groundwater. Lead showed as exceeding cleanup levels in only one surface water test, and manganese did not exceed cleanup levels in any 2015 test (though reportedly, manganese levels have been significantly higher in earlier tests). At the DSP, two bedrock groundwater wells beneath the DSP showed arsenic levels exceeding cleanup levels by as much as 2.6 times.⁴³

April 2016 measurements of pH levels by WDOE Water Quality again confirmed the presence of extremely high pH in the leachate collected from the LDA.⁴⁴ These findings led to the issuance of a WDOE Notice of Violation on June 29, 2016 for pH readings exceeding 12 at times and routinely exceeding the standards set in Reserve Silica's permit and in WAC Chapter 173-200.⁴⁵ The measured pH levels are described as "*high enough to potentially cause physical harm to people who contact the caustic discharge.*"⁴⁶ The Notice of Violation goes on to state, "*There is a potential for humans, particularly children, coming in contact with the [leachate infiltration] pond as the current fencing is not entirely prohibitive.*"⁴⁷

These monitoring results would indicate that the toxic leachate associated with the CKD, especially in the LDA, is as yet uncontrolled, having now extended beyond the seepage collection trench and infiltration ponds that were installed as recently as 2013, and is affecting the adjacent property.⁴⁸ This indicates the contaminated ground water has migrated something more than 800' within the past nine years, and is now something less than 800' distant from Ravensdale Lake and Ravensdale Creek. The DOE has



WA Department of Ecology monitoring photo: "Description: pH meter reading of hard-pipe discharge [i.e., leachate discharging from collection system]. (WDOE Water Quality Program. Recommendation for Enforcement Action. June 21, 2016.)

noted the subsurface geology in this area to be “Sand and gravel, fractures in bedrock”,⁴⁹ and scored the Migration Potential of the contaminated groundwater at the highest rating possible.⁵⁰ The extensive subsurface water flow through this area has been documented by other studies as well.⁵¹ As such, the risk to Ravensdale Creek and Lake Sawyer would seem substantial and imminent. (WDOE believes the CKD leachate does not pose a risk to Ravensdale Lake at this time as they believe the Lake to be up-gradient from the CKD disposal areas.⁵²)

The Washington Department of Ecology’s January 2016 Site Hazard Assessment evaluation found ground water to be in direct contact with the CKD fill, and the site to be contaminated with arsenic and lead.⁵³ Based on the January 2016 findings, WDOE classified the site as Class 1 (on a scale where 1 represents the highest relative risk and 5 the lowest) MTCA toxic cleanup site.⁵⁴ This classification represents, “an estimation of the potential threat to human health and/or the environment relative to all other Washington state sites assessed at this time.”⁵⁵ Underpinning this WDOE classification was their rating of risk to Human Health as 4.4 (on a scale of 1 – 5, where 5 is the highest possible risk.)⁵⁶

In addition, the 1996 study completed by Hart Crowser for the City of Kent Wellhead Protection Program identifies the ground downslope of the CKD disposal areas, and beneath the CKD infiltration ponds and two lower monitoring wells, as Vashon Recessional Outwash. This is a highly permeable geology, rated High for Aquifer Susceptibility, with high (600' - 1000'/day) hydraulic conductivity, and within the 5-Year Capture Zone of the Kent Springs/Lake Sawyer Wellhead Protection Area, and up-gradient from the Kent Springs and the Covington Soos Creek Well Field.⁵⁷

In conclusion, the 350,000 tons of CKD dumped into unlined pits on the property through the 1980s have now contaminated the soil, ground and surface waters with extremely caustic pH levels and extremely high levels of heavy metals, especially arsenic. In spite of fourteen years of effort to control this contamination source, the toxins continue to migrate, having now spread off-site. Future contamination of nearby public ‘waters of the State’ seems likely. Contact with contaminated surface waters pose a serious risk to human health.

3.4 Limitations of Past Testing and Monitoring

The CKD monitoring wells have identified groundwater contamination in the vicinity of the CKD pits, but Reserve Silica’s consultant, GeoEngineers, points out that “an investigation or conclusion around impacted groundwater limits [i.e., the extent of this contamination], was not identified during this [GeoEngineers] environmental review, which is a potential environmental concern.”¹

Review of available records suggests no testing has been done on this property for toxins other than arsenic, lead and manganese (and some tests for potassium), a conclusion confirmed in comments made by WDOE staff,² even though numerous other toxins are known to be commonly associated with CKD, including extremely carcinogenic dioxins and furans, especially when organic materials such as tires and medical wastes were used as a supplemental fuel sources in the cement kilns generating the CKD.^{3,4} It is known that the Seattle Ideal/Holnam Cement plant, the source of the known CKD dumped at Ravensdale between 1979 and 1989, used tires as a fuel source for a period beginning in 1986.⁵ (This

cement plant also tested the use of medical wastes as a fuel source, though the exact time period when this testing occurred has not been discovered.⁶⁾

While the CKD issue on this property has been well documented and continues to be studied, other potential toxins have not been investigated at all.

In addition to the CKD, other extensive filling activities have occurred on the site since at least 1971.^{7,8} Prior to IMP's acquisition of the site lease in 1972,⁹ the property had been used for the mining of coal from 1925¹⁰ to 1946,¹¹ both via underground mine tunnels and surface strip mining. There were no documented mining activities on the site from 1947 to 1967,¹² but since 1967 the site has been used for open pit mining of silica sand.

The property has also operated as a fill site since the 1970s,¹³ through backfilling of the mining pits with known and unknown materials. Filling operations were initially permitted under a grading permit issued by the KC DDES.¹⁴ Solid waste permits were issued by Seattle King County Public Health in 1983 and 1987,¹⁵ which allowed dumping on the site consistent with a landfill. Finally, in 2012, SKC Public Health issued an Inert Waste Disposal Permit that specified only soil material free of contaminants, radioactive and hazardous wastes could be dumped on the site.¹⁶ Prior to issuance and monitoring of the inert waste permit in 2012, it is unknown what other waste materials may have been dumped at the site. In its January 2016 Site Hazard Assessment, WDOE states that other mining pits on the site were filled with unknown materials.¹⁷

GeoEngineers reports *"Potential contaminant sources other than CKD, have not been investigated based on the information provided for this environmental review, and remains a data gap."*¹⁸ And *"Due to the limited sampling locations and analysis included in the current water quality monitoring program, other potential sources and/or recognized environmental conditions have not been evaluated. Therefore, it is possible that surface and groundwater quality may present a risk to human health and the environment, which may dictate opportunities for future use of the property."*¹⁹ Washington Department of Ecology points out in their January 2016 Site Hazard Assessment that *"Additional sand-mining pits, which were filled with unknown materials not expected to be CKD, are located on other portions of the property."*²⁰ Reserve Silica's Environmental consultant, GeoEngineers, reports that the Environmental Data Resources report in the 'Phase I ESA' [Environmental Site Assessment] showed the property was *"listed as a landfill until December 1999; has suspected groundwater, soil, and surface water contamination by metals and corrosive waste, and had an industrial wastewater discharge permit as of September 1994."*²¹ The GeoEngineers' report also referenced 20 environmental violations on the subject property from 2002 – 2006, which were all shown as "closed"; however, no information on these violations was provided to the consultant for their evaluation of potential environmental impacts to the future use of the property.²²

More recently, Reserve Silica was cited for a major violation in December 2012 when it was discovered by WDOE personnel that up to eight truckloads of highly alkaline material containing "soil conditioners/ drilling additives and lube oil"²³ had been delivered to the Ravensdale site by Seattle Tunnel Partners.

Testing of the material indicated pH levels between 10 and 12, far above the levels allowed in Reserve's Inert Waste Landfill Permit issued in July 2012 and by State law. Not only was the material far above the allowable pH limit, but WDOE was told that the material was being treated on site (i.e., at the Reserve Silica Ravensdale fill site where it had been dumped) with concentrated sulfuric acid in an attempt to neutralize the material. Apparently, the acid was being poured on the highly alkaline material, then mixed together using heavy equipment before being pushed into one of the mine pits. WDOE found some portions of the "mixed" material to still have a pH of over 11 while pools of unmixed acid had a pH of less than 1. WDOE personnel also noted during the same visit the presence of petroleum sheen on dirt and standing puddles of water – a separate violation of Reserve's permit.²⁴

In spite of a very long, largely undocumented history of dumping on this site, no testing for other industrial wastes or contaminants on other areas of the property has occurred. But evidence of such contamination has been reported to the WDOE involving old air shafts above mine tunnels²⁵ as well as on the 53-acre portion of the property where the processing plant, equipment storage, and clay settling ponds are located.²⁶ The Reserve Silica development proposal calls for putting the processing plant area into forest but the potential for site contamination following years of use as an industrial site, starting with the Dale/Continental Coal Company coal processing facility in 1924, and continuing to the present day, is high. This portion of the property is on the banks of Ravensdale Lake and Ravensdale Creek, separated only by the width of the Burlington Northern-Santa Fe rail line.

In conclusion, this site has had a very long, and largely undocumented history of dumping. Testing for likely contaminants has been limited to a very small area of the property associated with the known CKD pits and the CKD remediation area, and has been limited to just a few of the toxins known to be commonly associated with CKD. Testing for dioxins and furans in the CKD areas, and a broader-based testing across other areas of this property should occur prior to approval of any development.

3.5 Other Potential Contaminants

3.5a Unknown Fill Materials

In addition to the CKD, other extensive filling activities have occurred on the site since at least 1971.^{1,2} Prior to IMP's acquisition of the site lease in 1972,³ the property had been used for the mining of coal from 1925⁴ to 1946,⁵ both via underground mine tunnels and surface strip mining. There were no documented mining activities on the site from 1947 to 1967,⁶ but since 1967 the site has been used for open pit mining of silica sand.

The property has also operated as a fill site since the 1970s,⁷ through backfilling of the mining pits with known and unknown materials. Filling operations were initially permitted under a grading permit issued by the KC DDES.⁸ Solid waste permits were issued by Seattle King County Public Health in 1983 and 1987,⁹ which allowed dumping on the site consistent with a landfill. Finally, in 2012, SKC Public Health issued an Inert Waste Disposal Permit that specified only soil material free of contaminants, radioactive and hazardous wastes could be dumped on the site.¹⁰ Prior to issuance and monitoring of the inert waste permit in 2012, it is unknown what other waste materials may have been dumped at the site. In

its January 2016 Site Hazard Assessment, WDOE states that other mining pits on the site were filled with unknown materials.¹¹

3.5b Permitted Fill

GeoEngineers points out that *“Without reasonable estimates of the volumes, locations, and makeup of strip mine backfill accepted prior to the 2012 Inert Waste Disposal Permit, the significance and extent of this contamination remains a data gap in evaluating impacts to the Subject Property.”*¹² Furthermore, under Reserve’s current fill permits *“it is reasonable to assume waste with contamination concentrations up to the MTCA thresholds may have been used as fill. Soil accepted from the Highway 99 tunneling project, and other development sites in downtown Seattle represent this type of fill material that may contain contaminant concentrations up to the MTCA reporting limits. The cumulative result of using fill impacted by contamination concentrations less than MTCA reporting limits is a potential environmental concern due to soil exposure and groundwater impacts ...”*¹³ In other words, the cumulative impact of permitted fill below MTCA thresholds, particularly with exposure to soil and groundwater, could represent a significant environmental risk factor [i.e.: Individual truck loads of fill material may be below the MTCA limits, but the total concentration of contaminants from many, many loads being dumped together in the same location is unknown].

3.5c ASARCO Slag Road Ballast and/or Gravel

Industrial Mineral Products (IMP), headquartered in Ravensdale (see Section 6.5 *Who Was Industrial Mineral Products?* and Appendix 3-b *What is Copper Slag?*), was mining silica sand from what is now the Reserve Silica site from 1972 until 1986, at which time Reserve Industries bought out the assets of IMP. IMP also had a contract, through its subsidiary, Black Knight, Inc., to purchase copper slag from the ASARCO smelter in Tacoma.^{14,15} From about 1973 through 1985 (when the ASARCO smelter closed, IMP ground and sold the copper slag as road ballast, fill material, driveway gravel, roofing granules, sand blasting grit, and feedstock for cement manufacture. In addition to high levels of arsenic, ASARCO slag was found to have a number of other heavy metals including lead, copper, and cadmium.^{16,17,18} In 1986, the Washington State Health Department determined that besides these contaminants, ASARCO slag also contained radium.¹⁹ Copper slag road ballast used in the log sort yards and other locations in and around the Port of Tacoma led to extensive contamination of these areas.²⁰

Given IMP’s widespread sales of ASARCO slag-based road ballast and other materials throughout the Puget Sound region through the 1970s and early 1980s, it would seem highly likely that IMP also utilized this material on the roads at their own Ravensdale silica sand mining operation. In a trip report from a 1983 visit to the Ravensdale site by Greg Wingard, he indicates that two samples of this slag material were picked up from the main road serving the mine pit area and provided to WDOE for testing.²¹ However, WDOE was unable to locate any of these test results in response to a Public Records Request in 2013. However, Mr. Wingard recalls that the samples had been sent to WDOE’s Manchester Laboratory, and results provided to both he and the WDOE at the time indicated the samples were “very high in arsenic, and the data confirmed that the slag was from ASARCO.”²² Further, a report filed with the WDOE in 2004 included a statement from a Reserve Silica employee stating *“I worked at the reserve Mineral plant in the Ravensdale area for approximately 5 years. I was told by older workers that ballast*

was hauled in from Asarco smelter and dumped on the premises”²³ However, the WDOE Site Hazard Assessment from January 2016 did not test for, nor address, this potential environmental and human health hazard.

3.5d Petroleum-based Contaminants

In his 1983 trip report to the Ravensdale site, Greg Wingard recorded observing a “rainbow sheen” on surface waters over a wide area near the mine pits on the site,²⁴ indicating possible petroleum-based contaminants. Reinforcing this possibility is the written employee statement included in a 2004 report to WDOE in which the employee stated, *“I was there and saw transmission fluid from heavy equipment being dumped within 100 feet of the lake by the mechanic, this has been reported many times over the years with no results.”*²⁵ The property should be tested for petroleum-based product contamination.

3.5e Coal Tailings Contaminants

Reserve’s environmental consultant, GeoEngineers noted that the ~10 acre coal tailings area on the north end of the property may be contaminated *“by heavy metals, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and other associated contaminants”*.²⁶ Given the close proximity of this area to Ravensdale Lake, testing for these toxins should be performed.

3.5f SR 520 Evergreen Point Floating Bridge Demolition

Reserve Silica’s Ravensdale site has been approved by King County as the disposal site for concrete debris from the demolition of the SR 520 Evergreen Point Floating Bridge on Lake Washington.¹ Much controversy has surrounded the demolition in terms of where the demolition should occur, whether on barges in Lake Washington or at the KGM (Kiewit/General/Manson) site in Kenmore. This controversy is due to concerns about noise, dust, and the potential release of hazardous materials and toxins by the pulverizing of the concrete.² In addition to the contaminants typically found in concrete, there is added concern for the presence of asbestos from automotive brakes.³

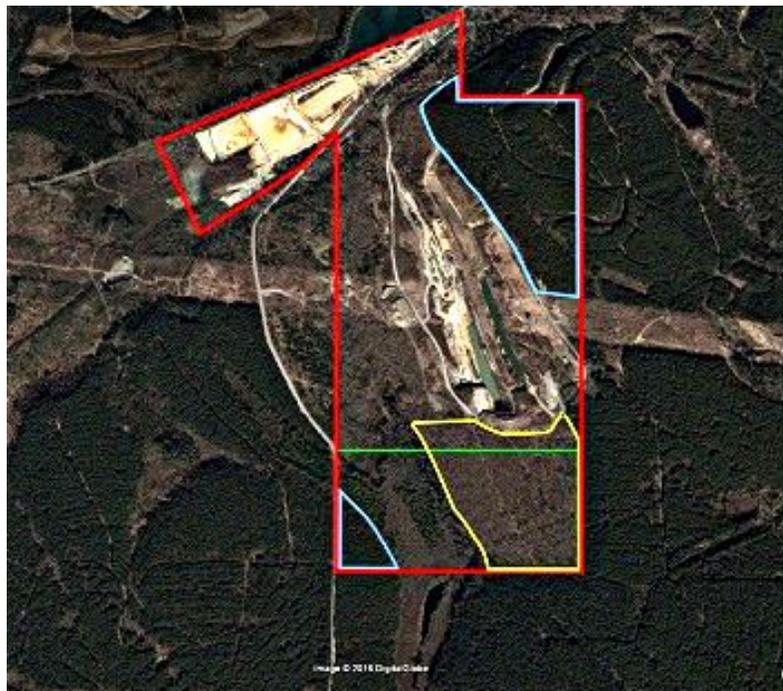
Newspaper reports on the controversy end with the statement that, regardless of where the demolition work takes place, the concrete material will be loaded on trucks and taken “out of the city.” That ‘out of the city’ location is the Reserve Silica site in Ravensdale. While this is just one more source of potentially hazardous waste to be disposed of on this site, the unknown potential for leaching of toxins from the material if dumped in the unlined Ravensdale mine pits is unknown. Of particular concern is the actual composition of the concrete material given that it was produced in the 1960s before heightened awareness and monitoring of contaminants in cement and other additives to the concrete. And if the material does contain elevated levels of asbestos, there is a question if the proposed 1’ to 2’ covering of soil⁴ over the disposal area will be adequate to contain this material and prevent exposure of any future residents to this highly carcinogenic material, particularly given Reserve’s proposal that portions of the filled pits be used for recreational activities including trails and a possible equestrian facility.

3.5g Was Industrial Waste “Fertilizer” Applied to Portions of the Site?

Reserve Industries’ subsidiary, L-Bar Products, which operated the Ravensdale site from 1986 to ca. 1990, also operated a magnesium recovery plant in Chewelah, Washington. (See 6.3 Who Was L-Bar Products, Inc.?) L-Bar Products sold the waste material from this magnesium recovery plant as both a road deicer and as an agricultural fertilizer. This fertilizer was found to contain a number of toxic materials and a study ultimately characterized it as volatile, unpredictable, unsafe, and hazardous to farmland;^{1,2,3} but not before it was widely sold and used on croplands in Eastern Washington and the Willamette Valley between 1986 and 1991. In addition, since 1987, Ideal/Holnam Cement sold a majority of its cement kiln dust (the same material being dumped at the Ravensdale site) as a liming agent/fertilizer for agricultural use in Western Washington.^{4,5,6} And lastly, Industrial Mineral Products (IMP), operator of the Ravensdale site from 1972 to 1986, and of the Chewelah magnesium recovery plant prior to L-Bar, was also attempting to market waste materials from the Chewelah plant as fertilizer, even to the point of asking the Washington State University’s agricultural experiment station in Puyallup to do testing of their fertilizer product for use in Western Washington.^{7,8} (WSU declined to test the material.)

It is not known if any of the L-Bar/IMP fertilizer products or Ideal/Holnam Cement’s agricultural liming products were delivered to or used on the Ravensdale site; however, such a possibility cannot be overlooked as these companies sought new uses and markets for sale of these waste products – perhaps even as a forest fertilizer. L-Bar’s marketing of their agricultural fertilizers in Eastern Washington and the Willamette Valley between 1986 and 1991 coincide with the time when L-Bar was also operating the Ravensdale site. It is possible that some or all of these products could have been tested on forestlands on the Ravensdale site in an effort to prove a forestry use for these materials.

An indication of such possible testing is the markedly different timber conditions between stands in the northeast and southwest of the property (AFM Types 2 and 6, see Section 2.2, Figure 1) and the stand between these on the south end of the property (AFM Type 7).



April 2002 Google Earth image showing the dramatic vegetation difference between the heavily timbered northeast and southwest areas (highlighted in blue) and the southern portion upland of the wetlands (highlighted in yellow). Also note the heavily timbered lands surrounding the Reserve Silica property that were harvested and replanted by BN Timberlands at about the same time as the timber stands of the Reserve property. The lands below the green line and to the east are zoned Forest and located within the Forest Production District. (Google Earth, ©2016.)

Aerial photography from 1981 shows this entire area, along with the surrounding properties (all were owned by Burlington Northern Timberlands [BNT] at the time), to be heavily timbered with conifers. Aerial photography from 1983 indicates this entire area was clearcut harvested at the same time, likely in 1982. BNT practices at the time were to replant their clearcuts with Douglas-fir within one year of harvest – which is consistent with the conifer timber we observe on Types 2 and 6 today, as well as the timber that has been recently harvested from the adjacent properties. And yet today's timber on Type 7 has virtually no conifer surviving, and is instead predominantly big leaf maple and cottonwood, with a little alder.

What's to explain this apparent anomaly? Reserve reports they have done no forestry activity of any kind on any of their property. They did report some mining exploratory work in this area, but it doesn't seem realistic that this exploratory work would have killed ALL the conifer, and spared the hardwoods. And it seems highly unlikely that BNT would have skipped planting this portion of their ownership, or treated it differently from their surrounding property, particularly where this area was still zoned Forestry, was still included within the Forest Production District, and the silica sand mining lease was not encroaching on this area of the property.

Could a test application of IMP/L-Bar's magnesium industrial waste 'fertilizer' on this area be the explanation? Testing of the impacts of this fertilizer on Eastern Washington and Willamette Valley agricultural applications showed occasional extensive crop mortality (and even major health issues in animals who consumed the crops) and major long-term reductions in soil productivity – particularly where the soil pH was allowed to drop following fertilizer application.^{9,10} In Western Washington, with its heavy rainfall (compared to Eastern Washington), the tendency is for soil pH to drop (become more acidic) over time. So it would seem plausible that a test application of the industrial waste as a forest fertilizer may have killed the conifers, leaving the naturally regenerating hardwoods to take over the site. And if they were trying to test the fertilizer, the Type 7 area is the logical place to test, as this portion of the property has good access and reasonable topography, and the adjacent Type 2 stand would serve as a 'control' for the test. And Reserve's consultant (IFC) remarked on the unusual absence of any second-growth stumps in this area. Some of the chemicals in the industrial waste fertilizer would be expected to accelerate decomposition of woody fiber.

This is all just circumstantial evidence, but it would seem highly plausible that IMP and/or L-Bar may have tested their industrial waste fertilizer on the young Douglas-fir plantation in an attempt to demonstrate the value of the product to augment forest growth. And the test failed, killing the conifers, just as L-Bar's products were found to be devastating to some agricultural crops. This is the best explanation we can come up with to explain the anomaly in the timber mix we see today on Type 7 versus Type 2 & 6 stands. Though circumstantial and speculative, it would seem there is sufficient evidence to justify testing this area of the property for toxins found to be associated with the industrial waste fertilizer IMP/L-Bar was marketing at the time, as well as the CKD 'liming agent' Ideal Cement was marketing.

3.6 Physical and Subsidence Risks

Portions of the property were mined for coal through underground shafts and tunnels from 1924 to 1946.¹ “The primary hazards associated with underground coal mines are open adits or portals, sinkholes, and ground surface settlement.”² A March 2012 Projected Land Use Classification study prepared for Reserve Silica mentions “open mines and test mine pits In the forested areas.”³ An open mine adit was also noted in a 1983 trip report to the site by Greg Wingard.⁴ King County has mapped portions of this site as Coal Mine Hazard areas,⁵ and GeoEngineers states that while underground chambers, adits and tunnels may have been closed or filled, the “remaining uncompacted fill material and subsurface void space continues to present a subsidence risk. A Coal Mine Hazard Investigation or Assessment ... is recommended [by GeoEngineers] to mitigate these subsidence risks prior to development.”⁶

3.7 Risks to Human Health and the Environment Posed by Residential Development on the Site

3.7a Risks to Human Health

Obviously, the known and potential risk factors described above represent a serious risk to residential development on the site. Reserve’s solution for the known CKD risk is “institutional controls such as fencing and signage.”¹ Common sense suggests that fencing and signage of the 20 acres of mowed, grassy fields over the CKD pits [required for the maintenance of the soil and clay caps on the CKD disposal areas], directly below and as little as 300’ from 72 middle income households will not be an effective control measure. This is especially true given the high probability there will be many households with children. For curious, adventuresome children, fencing is likely to be little more than an enticing challenge to be overcome. And given that the highly caustic and toxic CKD leachate and storm water runoff from the site has already spread beyond the Reserve Silica property, how will contact with leachate beyond the perimeter of the property be prevented? The current proposal only calls for fencing the CKD pits.² Will potentially ever expanding areas of adjacent properties also have to be fenced to avoid human, and animal, contact with this dangerous material?

Reserve’s proposal also calls for “recreational opportunities for the residents on the property with the potential of an equestrian facility,”³ including pasture, stables and arenas.⁴ And Reserve’s proposal calls for the Homeowner’s Association to “be responsible for the long term protection of the open space [including the capped hazardous waste sites], critical areas and managed forest [including the uncapped hazardous waste remediation area].”^{5,6} These recreational opportunities and homeowner management responsibilities present significant opportunities for public exposure to known and unknown toxins and other risks. And it is ludicrous to expect the homeowner’s association to have the expertise to manage these complex, technical issues, or to have the funding to hire persons with the appropriate expertise to deal with these issues.

3.7b Environmental Risks from Development

Reserve has apparently recognized the folly of their 2012 proposal to rely on private wells for the development⁷ given the known contamination of the shallow and bedrock aquifers under portions of

the property, and the unproven long-term, and as yet unsuccessful, ability of the capped, but unlined, CKD pits to contain toxic contaminants. The current proposal implies that Covington Water District will serve Reserves' proposed 72-home rural community.^{8,9,10,11} If approved, this would necessitate extending this urban service an additional 1.5 miles into the rural area.

Reserve's plan also calls for the use of on-site septic systems as the site is not located within a sewer district.¹² This possibility raises the concern that the incremental waste water from this rural community, brought in from off-site by Covington Water and estimated to be over 10 million gallons per year,^{13,14} and introduced into the groundwater as little as 400' distant and directly above the unlined CKD pits, could substantially exacerbate the as yet unsuccessful attempts to control the CKD ground water contamination, and possibly even accelerate migration of contaminated ground water towards Ravensdale Creek, and the Lake Sawyer/Green River basin as well as the Kent Springs and Covington Wellfield. This environmental concern was corroborated by DOE Water Quality program personnel.¹⁵

3.8 Conclusions: Health and Environmental Risks

This property has an unusually high level of environmental and human health risks.

Most notable is the 350,000 tons of CKD dumped into unlined pits on the property through the 1980s, which have now contaminated the soil, ground and surface waters with extremely caustic pH levels and extremely high levels of heavy metals, especially arsenic. In spite of fourteen years of effort to control this contamination source, the toxins continue to migrate, having now spread off-site. Contact with contaminated surface waters pose a serious risk to human health. And the increment to groundwater from the construction of a 72-unit development, on public water sourced from off-site, with on-site septic systems, in close proximity and directly above these unlined CKD pits, will likely pose an additional challenge to attempts to control this source of toxic contamination.

Finally, due to its long, and largely undocumented history of dumping on the property, there is a high probability of additional contaminants on the site, beyond the known CKD. In spite of this, there has been virtually no testing done to identify these likely risks.

Appendix 3-a What is Cement Kiln Dust?

Cement kiln dust is a fine powdery residue of ash collected from the stacks, flues, and air pollution control filters of cement kilns producing Portland cement, the basic ingredient in concrete products. The kiln dust contains elements of 1) the feedstock materials – the materials being heated and combined in the kiln to create the cement, 2) compounds in the fuel source materials – the materials being burned to heat the kiln, and 3) new compounds created in the extremely high temperature of the cement kiln.

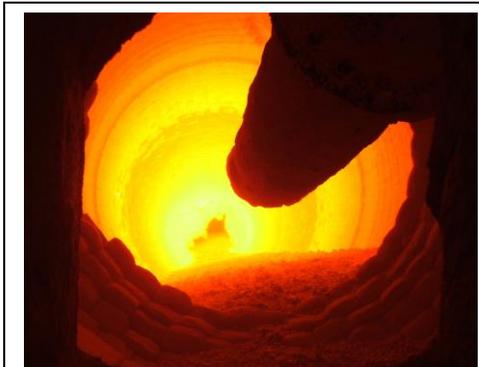
Very simply, a cement kiln is a long, slightly inclined, rotating barrel, typically over 500' long in wet process kilns,^{1,2} heated to extremely high temperatures by the burning of fuel source materials at the lower end of the barrel. Feedstock material is fed into the kiln at the upper end and slowly rotates and tumbles down the barrel towards the flame of the heat source. As the material moves closer and closer to the heat source, the chemical properties of the feedstock change and melt together to form a rock-like material called clinker, which drops out of the lower end of the kiln. This clinker is then mixed with gypsum and other materials and ground into the fine powder known as Portland cement.³



A portion of the 540 ft. long wet process kiln at Lafarge Seattle, formerly the Ideal/Holnam Cement plant. (pavementinteractive.org)

Feedstock materials to be fed into the kiln are crushed and mixed together into a product containing the appropriate amounts of the basic ingredients of lime, silica, alumina and iron oxide, plus other substances found in the source materials. The source materials for feedstock can come directly from mining operations of the raw materials, or from reprocessing waste products from other industries including blast furnace slag and steel slag⁴ (and historically, copper smelting slag⁵).

A number of **fuel source** materials are used in cement kilns. Cement kilns operate at extreme temperatures, as high as 3,000° to 3,400° Fahrenheit, the hottest of industrial processes.^{6,7} As such, they are capable of incinerating almost anything, leading to the use of a wide variety of fuel source materials in combination with the traditional fuel sources of coal, oil and natural gas. These



Inside a cement kiln. (www.allwidewallpapers.com)

supplemental fuel sources can include most any kind of industrial wastes, municipal wastes (garbage), organic hazardous wastes (e.g., solvents, paint thinners),⁸ medical wastes, and whole or ground tires.^{9,10}

Traces of the elements contained in both the feedstock and the fuel source can be found in the cement kiln dust as a result of the combustion and heating of these elements together in the barrel of the cement kiln. The combustion ash and hot gases combine and are expelled from the upper

end of the kiln into air pollution control filters that collect the ash and gas particles while filtering air emissions from the stacks. Together, the ash and particulate residues collected from the air pollution filters are referred to as cement kiln dust.

Cement kiln dust is highly alkaline, measuring as high as 13 on the pH scale, and very corrosive.^{11,12,13} Due to the highly caustic nature of cement kiln dust, contact with the skin can cause burns.¹⁴ When mixed with water or with acids, cement kiln dust has been found to leach a wide range of toxic chemicals of varying, and somewhat unpredictable, composition, with variable rates and quantity of leaching over time, depending on a number of variables including the acidic level of the environment in which it is placed as well as the quantity and pH of surface and ground water or other substances flowing into and around the cement kiln dust.¹⁵

The most frequently reported hazardous leachates from cement kiln dust are arsenic and lead, but various studies, including a US Environmental Protection Agency analysis of cement kiln dust, have identified a variety of toxic constituents in both cement kiln dust solids and in the leachate including: arsenic, thallium, antimony, lead, chromium, and dioxins.^{16,17,18,19} Other studies have also indicated the presence of furans.²⁰ The presence of dioxins and furans in cement kiln dust are primarily associated with the burning of organic compounds found in municipal wastes, medical wastes, and tires.^{21,22,23} The leachates from cement kiln dust have been found to enter both ground water and surface water. In addition, water-cement kiln dust mixtures are defined as a corrosive waste under the Resource Conservation and Recovery Act (RCRA) with pH levels commonly in excess of 12.5.²⁴

The long half life of many of the toxic materials found in cement kiln dust, and the variable discharge rates of these toxins into the leachate, means this hazardous waste will remain in the environment, and a risk to human health, for a very long time.

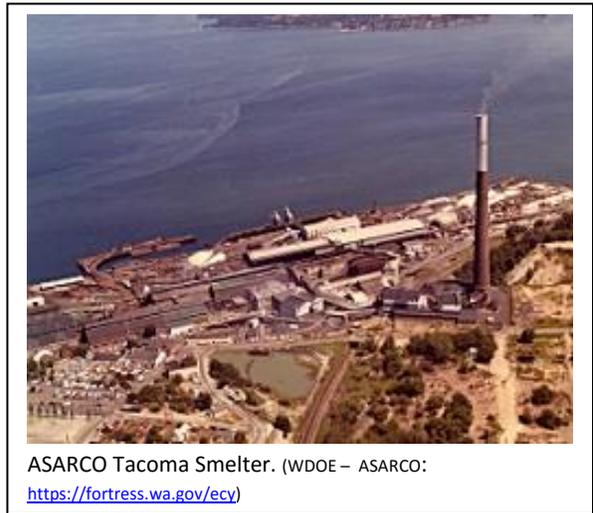
Connection to Cement Kiln Dust Dumped at Reserve Silica's Ravensdale Site

Industrial Mineral Products, Inc. (IMP) of Ravensdale mined silica sand from the Ravensdale site under lease from 1972 to 1986. At the same time, IMP also had the exclusive contract to develop and sell products derived from copper slag produced at the ASARCO Tacoma smelter.²⁵ One of the products IMP produced from the ASARCO slag was feedstock material for cement manufacturing which they sold to Ideal Cement (Holnam>Holcim) in Seattle.²⁶ In addition to the copper slag feedstock, IMP also sold silica sand mined from the Ravensdale site to Ideal for cement feedstock. In turn, Ideal Cement delivered their waste cement kiln dust to IMP for disposal on the Ravensdale site.²⁷ With the closing of the ASARCO Tacoma smelter in 1985, the sale of slag stopped, but the sale of silica sand and disposal of cement kiln dust at Ravensdale continued. In March 1986, the assets of IMP were purchased by L-Bar Products, Inc. (a wholly owned subsidiary of Reserve Industries Corp. and sister company to Reserve Silica Corp.). L-Bar Products continued the silica sand sales/cement kiln dust dumping relationship with Ideal/Holnam Cement. L-Bar Products oversaw dumping of cement kiln dust at the Ravensdale site from 1986 to 1989, during which time Ideal/Holnam was known to be burning ground tires as a supplemental fuel source for a period of time beginning in 1986.²⁸ Thus, it is likely that in addition to the extremely high pH and usual contaminants found in cement kiln dust, the material dumped at the

Ravensdale site may have had even further elevated levels of arsenic due to the high arsenic content of the ASARCO slag feedstock,²⁹ as well as possible dioxins and furans from the burning of tires by Ideal Cement as a supplemental fuel source.

Appendix 3-b What is Copper Slag?

Copper slag is the molten by-product from the heating and processing (smelting) of copper-bearing ore to extract the copper. The molten slag cools into a hard, black, rock-like substance, and contains many heavy metals concentrated from the raw ore from which the copper was smelted, with arsenic being an impurity frequently found in copper ore deposits.¹ The ASARCO Tacoma smelter processed copper ore with higher than average arsenic content.² Slag from the ASARCO smelter in Tacoma was laden with toxic metals including arsenic, lead, copper, cadmium, and other heavy metals.^{3,4,5} Some slag from the Tacoma smelter was deposited in Commencement Bay where it cooled and hardened, creating a breakwater for an artificial harbor. Slag dumped and cooled on land was used as fill material, or ground and sold for a variety of purposes including cement manufacturing, building foundations, pavement, roofing granules, sandblasting grit, insulation, landscape rock, driveway gravel, and road ballast.^{6,7} As a result of these uses, arsenic-laced ASARCO slag from the Tacoma smelter was disbursed throughout the region.⁸



Connection Between ASARCO slag and the Reserve Silica Ravensdale Site

Industrial Mineral Products, Inc. (IMP), Victor J. Hoffman, President, had the exclusive marketing contract for products derived from ASARCO slag through its subsidiary, Black Knight, Inc.^{9,10} from 1973 until the ASARCO smelter closed in 1985.¹¹ During the same time period, IMP, from its corporate headquarters in Ravensdale, was mining silica sand from the Ravensdale site. A major ASARCO slag product produced and sold by IMP was ground slag for road ballast and driveway gravel. It is highly probable that IMP would have used these road ballast and gravel products for their own use on haul roads at the Ravensdale site during their mining and fill operations between 1972 and 1986. During a 1983 visit to the Ravensdale site, Greg Wingard reports picking up two samples of slag determined to be from the Tacoma ASARCO smelter;^{12,13} however, WDOE was not able to locate this information in response to a 2013 Public Records request.¹⁴

In 1986, the assets of IMP, including the Ravensdale silica sand mining lease, were purchased by L-Bar Products, Inc. (wholly owned subsidiary of Reserve Industries Corp. and sister company to Reserve Silica Corp.), with Victor Hoffman remaining as president of L-Bar Products.^{15,16}

4.0 DOES RESERVE'S CURRENT PROPOSAL MEET THE REQUIREMENTS FOR A MINING SITE CONVERSION DEMONSTRATION PROJECT AS DEFINED IN KING COUNTY COMP PLAN I-203?

4.1 I-203 Requirements and Current Proposal

I-203 specifies five conditions a project must satisfy to qualify as a viable mining site conversion Demonstration Project. *"The demonstration project shall evaluate and address: (1) potential options for the use of a reclaimed mine site, including the feasibility of residential use and/or long-term forestry on the demonstration project site."* The evaluation and feasibility assessment of a residential use of this site, as contained in the May 1, 2016 Demonstration Project proposal submitted by Reserve, is incomplete, inadequate and misleading. Of particular concern is the failure to even mention the substantial risk to human health such a proposed residential development on this site would pose. The Washington Department of Ecology has assessed the risk to human health¹ for potential exposure to the CKD-contaminated leachate and surface waters on this property at a 4.4 rating, on a 1 – 5 scale, where 5 is extreme risk to human health. And the DOE has expressed the opinion that exposure to these toxins is a very real possibility, even in spite of Reserve's proposal to limit the exposure risk with "signage and fencing".² Note that in Reserve's SEPA checklist for this proposal, they checked 'No' to the question of "risk of exposure to toxic chemicals" – clearly a misrepresentation of the facts.³

Also of very high concern is the risk posed by siting 72 homes, served by off-site public water and on-site septic systems, immediately above and in close proximity to the unlined CKD pits on the property; and how this would impact the ongoing (and as yet, unsuccessful) efforts to try to control, contain and cleanup the toxic contamination of surface and groundwater, that may already be threatening Ravensdale Lake and Ravensdale Creek, and eventually downstream public water sources at Kent Springs and the Covington Soos Creek Well Field. Further discussion of these environmental and human health risks can be found in *Section 3.7*. In Reserve's proposal, they indicate *"No significant adverse environmental impacts have been identified."*⁴ Once again, a misrepresentation, or at the very least, a minimizing of the likely impacts of the proposal.

Reserve's evaluation and feasibility assessment of the long-term forestry use of the site is also erroneous and misleading. Contrary to Reserve's assertion that reclamation of the site for long-term forestry use would require "impractical investment," our studies, based primarily on recommendations and data from Reserve's own contracted consultants,^{5,6,7} would indicate the necessary forest reclamation costs are minimal, and conversion of the majority of the property to where it can support viable commercial forests over the long term is entirely practical. Further discussion of this conclusion can be found in *Section 2.2*.

The second criterion for evaluation specified by I-203 is *"the impacts to carbon sequestration as a result of reforestation, and for residential use ..."* Reserve's contracted carbon sequestration analysis clearly favors a forestry use option over residential use, with their 'Do Nothing' option (unmanaged forest use) yielding double the net carbon sequestered over 90 years compared to Reserve's proposed

development option (107K tons sequestered under Do Nothing vs. 54K tons under residential development).⁸ Reserve failed to analyze what should be the base case option, that of reclaiming the majority of the site for forestry, and rehabilitating and managing the forests for long-term commercial use. Under this option, the net carbon sequestered would undoubtedly favor the forestry use over the residential development use even more than their 'Do Nothing' option. This appears to be another instance of Reserve attempting to minimize data that does not support their proposal.

The third I-203 criterion requires a *"site design that compatibly integrates any proposed residential development on the ... site with uses occurring on the adjacent rural or forest production district lands,"* As discussed in Section 2.6, this proposal is NOT compatible with either the adjacent FPD lands, nor with the adjacent and nearby rural lands, which are all designated Natural Area or Open Space lands.

The fourth I-203 criterion for evaluation is *"the levels and standards for reclamation of mining sites that are appropriate to their use either for long-term forestry and/or for residential development."*⁹ Reserve's current proposal does a reasonable job of laying out recommended reclamation standards for both the forestry and residential use options. One key omission that should be addressed for both options, however, is what kind of toxic waste cleanup should be required as part of the reclamation process. The toxic contamination of soil, surface and ground water that they have been trying, unsuccessfully, to control for the past fourteen years is a direct result of the mining and dumping on the site. As such, reclamation is not complete until any and all mandatory, necessary, or WDOE-requested voluntary cleanup has been performed.

The final I-203 criterion is that *"the demonstration project provides an overall public benefit by providing permanent protection, as designated park or open space, of lands in the vicinity of the demonstration project site that form the headwaters of critical, high valued habitat areas; or that remove the development potential from nonconforming legal parcels in the forest production district; or that provide linkages with other forest production district lands."* Clearly, this proposed project does nothing to remove development potential from nonconforming FPD parcels. And it actually destroys linkages with other FPD lands, leaving the two FPD parcels to the west isolated from the remaining FPD zone. So the key question with this I-203 criterion is whether the proposal provides 'an overall public benefit....'

Reserve claims that their proposal will *"... provide permanent protection to over 55 acres of wetland and wetland buffer"*,¹⁰ *"that serves as the headquarters [sic, headwaters] for Sonia Lake and Cinder [sic, Ginder] Lake open space."*, claiming this as a key public benefit of the project.¹¹ Note that nothing in this proposal provides any additional 'protection' to this King County-designated Class 1 wetland complex that isn't already available under existing State and County regulations. This wetland is located in the portion of the property currently zoned Forestry and included within the FPD. And there has never been any documented mining disturbance to this wetland complex. Actually, contrary to Reserve's claim to a public benefit, siting 72 houses within as little as 150' of this wetland significantly degrades its 'protection' over the protections that currently exist, or that would be provided if the zoning on this portion of the property remained Forest and on the remainder of the property were to revert to Forestry. The proposed housing development *"is considered a high impact land use activity"*

by County wetland criteria.¹² And this decrease in protection is further exacerbated by Reserve's proposal to increase recreational opportunities for the residents, including the construction of trails and a possible equestrian center in the vicinity of this wetland.¹³ As such, Reserve's proposal actually represents a significant negative net public benefit in terms of wetlands protection over current conditions, and certainly compared to the option of reclaiming the property for commercial forestry. It's also hard to argue that this wetland constitutes the 'headwaters of critical, high valued habitat areas' as required in I-203. Virtually all of this tributary to Lake Sawyer runs through the Black Diamond city limits – hardly 'high valued habitat'.

In Reserve's proposal package, they enumerate some of the other public benefits their proposal would provide.¹⁴ However, they ignore the negative impacts to existing public benefits of the proposal. We have listed 21 different sources of potential 'public benefit', as derived from I-203 and from the FRCV Conservation Plan (adopted in the 2004 KC Comp Plan and embedded within the Greater Maple Valley/Cedar River CSA sub-area plan), and as listed in Reserve's proposal document. These potential sources of public benefit are shown in Table 4.1a. For each potential benefit source, we have identified the key public benefit impact on both the Black Diamond (TDR sending site) property, and on the Ravensdale (upzoned/receiving site) property. A green shading indicates a public benefit, a red shading indicates a negative impact to the public benefit, and a yellow shading indicates no impact or a neutral public benefit impact. And the final column of the table indicates the net, or 'overall' public benefit for each factor when considering both properties. While Reserve's proposal does provide several public benefits, primarily associated with their Black Diamond property, the net overall public benefit (last column) is clearly negative (mostly reds).

By way of reference, when the I-203 amendment was drafted and adopted in late December 2012, then Councilmember Larry Phillips, Reserve Silica, and Friends of Rock Creek Valley all envisioned the sending site being the 638-acre property formerly owned by Weyerhaeuser, located in Section 6 of Twp21N, Rng07E. See Figure 4.1. For brevity, this property was known as 'Section 6.' The analogous public benefits table for the envisioned 'Section 6 to Reserve Ravensdale Demonstration Project' is shown in Table 4.1b. Clearly, such an exchange would have easily met the 'overall public benefit' criteria of I-203, as well as all the other I-203 criteria as this was the property the amendment was designed to protect. To Reserve's credit, they went above-and-beyond in their efforts to try to purchase the development credits from the current owner of Section 6 (Carolem Corp. out of Hollywood, CA), but they were unsuccessful. It was only after these attempts failed that Reserve Silica, wishing to still reap the benefits of selling residential lots on their Ravensdale property, chose to purchase the Black Diamond property as a substitute sending site, and in the process growing the project from what would have been a 22-unit development under the intended Section 6 alternative to what is now a proposed 72-unit development.

Given the above, we strongly disagree with Reserve's Development Agreement, under which the County would "acknowledge and agree that the Reserve Rural Conversion Project [i.e., the proposed I-203 Demonstration Project], constitutes a public benefit by, inter alia, providing Commercial Forest, housing, carbon sequestration, reclamation of mined lands, preservation of wetlands that serves as the

headquarters [sic, headwaters] for Sonia Lake, and Cinder [sic, Ginder] Lake open space, and increased and enhanced equestrian recreational opportunities.”¹⁵ The commercial forest, carbon sequestration, wetland preservation and mining reclamation under this Demonstration Project proposal are all substantially less than the comparable benefits available from a forestry reclamation and Forest zoning option; and the increased and enhanced recreational opportunities accrue ONLY to the site’s residents, not the public in general.¹⁶ Furthermore, the reclamation of depleted mining lands is required regardless of which option is chosen. So the only net benefit from this list Reserve is asking the County to acknowledge is the increase in housing – which is antithetical to King County goals for Rural and Natural Resource lands.

In summary, **Reserve’s current proposal for a mining site conversion Demonstration Project does NOT meet ANY of the five criteria specified in I-203.**

Figure 4.1. Reserve Silica and TDR Site Location

Reserve Silica Ravensdale site in relation to location, acreage and zoning of intended Section 6 TDR site vs. currently proposed Section 24 TDR site.

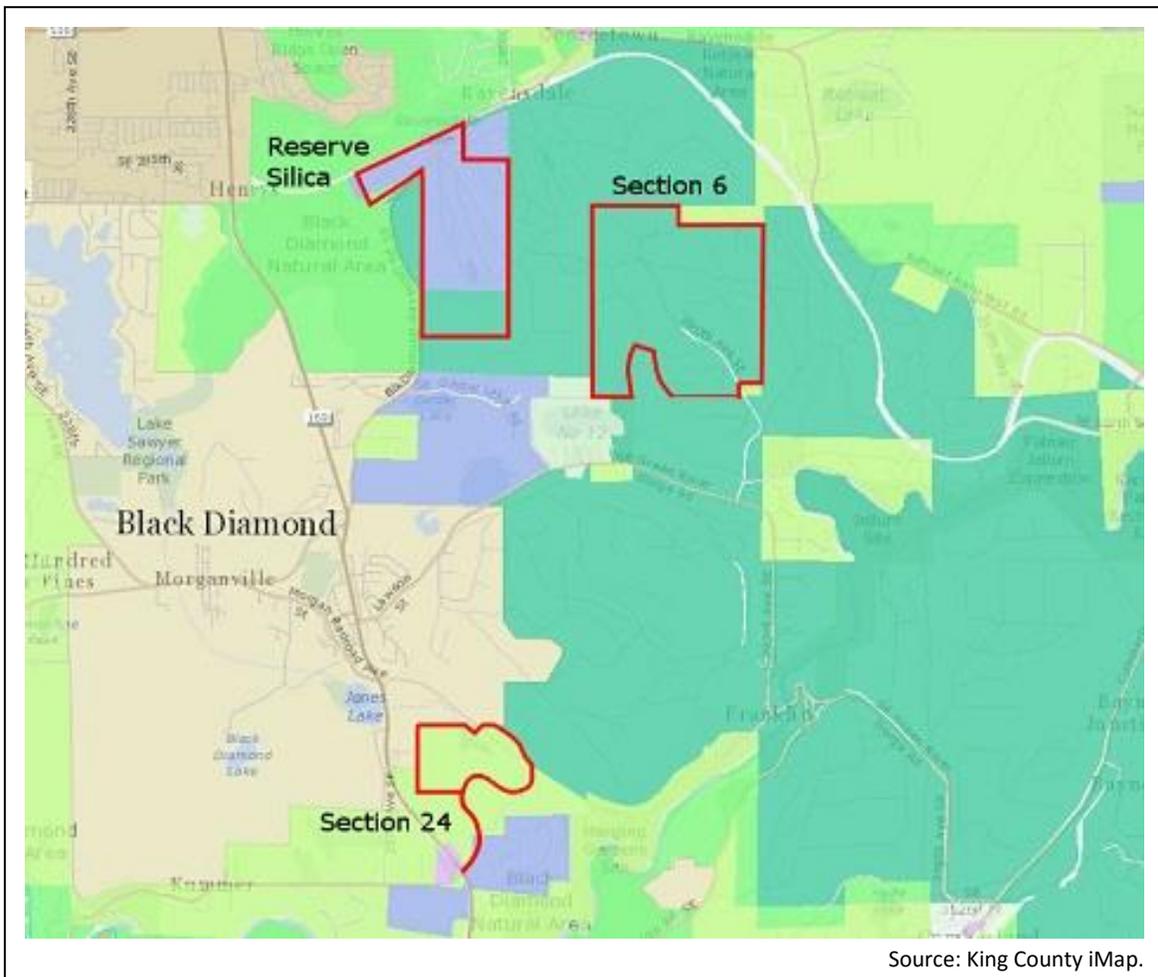


Table 4.1a Demonstration of Net Public Benefit of Current Reserve Silica Proposal.

Public Benefit	Benefit to BD property	Benefit to Ravensdale property	Net Benefit
1. Protect Headwaters of Critical, High Value Habitat Area	Not headwaters	Wetland more at risk	Slight Negative
2. Remove Development Potential in Non-conforming FPD parcels	Not FPD	Adds development	Negative
3. Provide linkages with other FPD lands	No	Isolates parcels to W	Negative
4. Block Up FPD	Not FPD	Fragments FPD	Negative
5. Protect timber from development clearing	111 ac 2-yr old protected	52 acres mature cleared	Negative
6. Reduce potential conflicts with adjacent Resource lands	Minimal adj Res lands	Known + likely conflicts	Negative
7. Reduce housing density on Natural Resource lands	Not resource lands	Add'l 68 houses ¹	Negative
8. Reduce housing density on Rural lands	Net 25 house reduction	Net 40 house increase ²	Moderate Negative
9. Block up lands protected from development	No	72-house island	Major Negative
10. Maximize acres under timber/open space Cons Easement	111 acres	275 acres ³	Positive
11. Protect high-functioning wetlands	Temp wetland ⁴	Wetland more at risk ⁵	Negative
12. Block Up Wildlife Habitat	No	Houses break habitat	Slight Negative
13. Provide Wildlife Connectivity	Some	Yes (impaired by housing location)	Positive
14. Increase net carbon sequestered over 'Do Nothing' option	Some gain	Substantial Loss	Major Negative ⁶
15. Maximize Acres protected/TDR from sending site	5 acres/TDR ⁷	Not sending site	Negative
16. Enhance Urban-Rural Buffer	Some buffer for BD	res island >1 mi from UGB	Major Negative
17. Provide green space for urban area	Yes	Not adj to urban area	Major Positive
18. Minimize environmental impacts of development	25 house reduction	40-68 house incr; CKD ⁸	Major Negative
19. Minimize exposure of residents to health hazards	No known hazards	Major exposure risk	Major Negative
20. Reduce traffic	-25 houses adj to BD	68 house increase	Negative
21. Reduce need for public services to serve development	-25 houses adj to BD	68 remote houses 1.5mi to public H ₂ O	Negative

It is VERY hard to make the case that the proposed Demonstration Project will yield an overall public benefit, as required by I-203.

¹ 72 proposed vs 4 currently allowed

² 72 proposed vs RA-10 on 327 acres=32 (377 acres-CKD-mitigation-coal tailings)

³ 377 acres – 52 Dev – 20 CKD – 20 mitigation – 10 coal tailings

⁴ County determined wetland is from beaver dam, determined to be temporary

⁵ 72 houses will raise risk to wetland

⁶ > 50% reduction in net carbon sequestered over 90 years

⁷ Most sending sites would be F (80 acres/TDR), or Rural Forest Focus Area (RA-20) or RA-10

⁸ 68 house increase over F zone; 40 house increase if zoned RA-10; houses represent major risk to efforts to control ongoing CKD contamination

Table 4.1b Net Public Benefits of I-203 Demonstration Project if Implemented as Envisioned¹ to Protect Section 6.

Public Benefit	Section 6	Ravensdale property	Net Benefit
1. Protect Headwaters of Critical, High Value Habitat Area	Very High, Rock Creek (Cedar)	Wetland slightly more at risk	Strong Positive
2. Remove Development Potential in Non-conforming FPD parcels	Yes, 18 parcels	Parcels conform	Positive
3. Provide linkages with other FPD lands	Already FPD	Yes, revert to F zoning	Positive
4. Block Up FPD	Already FPD	Yes, revert to F zoning	Positive
5. Protect timber from development clearing	638 ac 37-yr old protected	Slight reduction from 18 houses	Positive
6. Reduce potential conflicts with adjacent Resource lands	Yes, 18 houses reduced	No, 18 more houses	Neutral
7. Reduce housing density on Natural Resource lands	Yes, 18 houses reduced	No, 18 more houses	Neutral
8. Reduce housing density on Rural lands	Not Rural	Not Rural	Neutral
9. Block up lands protected from development	Yes, 638 acres	No, 18 add'l houses	Slight Positive
10. Maximize acres under timber/open space Cons Easement	638 acres	No Cons Easement	Positive
11. Protect high-functioning wetlands	Yes, Crow Marsh	Minor Wetland slightly more at risk	Slight Positive
12. Block Up Wildlife Habitat	Yes, Ravensdale Ridge	Slight decrease	Slight Positive
13. Provide Wildlife Connectivity	Yes, Cedar-to-Green	Slight decrease	Slight Positive
14. Increase net carbon sequestered over 'Do Nothing' option	Yes, 18 houses reduced	No, 18 add'l houses	Neutral
15. Maximize Acres protected/TDR from sending site	35 acres/TDR	Not sending site	Slight Positive
16. Enhance Urban-Rural Buffer	Not in buffer	No, 18 add'l houses	Negative
17. Provide green space for urban area	No	No	Neutral
18. Minimize environmental impacts of development	18 house reduction	18 house incr; CKD	Negative
19. Minimize exposure of residents to health hazards	No known hazards	18 house incr; CKD	Negative
20. Reduce traffic	-18 houses	+ 18 houses	Neutral
21. Reduce need for public services to serve development	-18 remote	+18 houses, less remote	Neutral

The Demonstration Project as envisioned when I-203 was written in December 2012 would have provided a substantial overall net public benefit.²

¹ 2012 Demonstration Project was designed and intended to transfer 18 development credits from Section 6 to Reserve's property; revert Reserve property to Forest zoning, with 4 credits; install 22-unit clustered development; and permanently protect Section 6 in FPD at heart of Ravensdale Ridge from all future development.

² At the time I-203 was written and endorsed, the extent of the hazardous toxic waste issues on the Reserve Silica site were not known to Councilmember Phillips or FRCV. Knowledge of this information would have precluded support by FRCV for any residential development plans whatsoever on the property.

4.2 Is Reserve's Current Proposal Consistent with King County Policy and Goals?

To upzone Reserve's property to Rural Residential and approve a 72-unit rural community on the property would violate at least 20 existing, long-standing King County policies, as well the Greater Maple Valley/Cedar River CSA sub-area plan.

Policy R-691

Of primary significance to this proposal is policy R-691, which deals with mining site reclamation. This policy states that *"Reclamation of mining sites in the Forest Production District should return the land to forestry."* Reserve's property south of the Black Diamond-Ravensdale Road IS within the FPD. These lands were zoned Forestry in 1985, and placed within the original FPD,¹ as part of the BN/Plum Creek timberlands operating block. (See Figure 4.2a.)² The FPD boundary followed the Black Diamond-Ravensdale Road, and also included the current Powell and Baja Properties parcels, thus blocking up the FPD as required by GMA. This situation is confirmed by Reserve,³ stating *"The '85 [Comp] Plan did include the RS [Reserve Silica], Sanders [now Baja Properties] and Read [now Powell] properties in the FPD."* The Mining zoning was a temporary overlay added later (ca. 1996) and, according to the Rural Forest Commission,^{4,5} this zoning was approved by Reserve's predecessor - Plum Creek Timberlands. As such, R-691 would indicate the property should be reclaimed for forestry, revert to its original Forestry land use and zoning, and be included within the FPD.

Reserve argues that King County does not currently show most of the property (other than the southernmost 80 acres) as being within the FPD, and thus the mining portion should fall under the R-691 provision which states *"When reclamation of mining sites located outside of the Forest Production District is completed, the site should be considered for redesignation to a land use designation and zoning classification compatible with the surrounding properties."* But as noted in Section 2.4, a Rural Residential land use and zoning would be incompatible with the surrounding FPD lands, which occupy 77% of Reserve's perimeter; and would also be incompatible with the remaining 23% of surrounding lands that are designated Natural Area and Open Space lands. (See Figure 4.2b.) As such, even under this provision, the Reserve property should revert to a Forestry Land Use and Zoning.

The southernmost 80 acres of Reserve's property is clearly currently zoned Forest, and is included within the FPD. Reserve's proposal would ALSO upzone these Forest-zoned lands to Rural Residential. But R-621 and R-623 address this issue, stating *"Lands may be removed from the FPD only through a subarea study, and only to recognize areas with historical retail commercial uses."* The applicable subarea study, the Greater Maple Valley/Cedar River CSA sub-area plan, does not provide for such an upzone, and this area certainly has no "historical retail commercial uses."

Policies R-208, R-302, and R-334b

Even if the property were to be upzoned to Rural Residential, this is still within a Rural Forest Focus area. Policies R-208, R-302, R-330 and R-334b address this issue, stating *"The Rural Forest Focus Areas should be maintained in parcels of 20 acres or more in order to retain large, contiguous blocks of rural forest."*

Reserve's clustered proposal has an average lot size of less than ¼ acre each. Even crediting the 72 clustered lots with the full 377 acres of the property yields an average lot size of just over 5 acres – far short of the 20-acre Rural Forest Focus Area target.

Policies E-462, E-495, E-496, and E-497b

These policies all address protecting groundwater supplies. Siting 72 houses on septic, with public water provided from off-site, in close proximity and directly above capped CKD disposal areas already infiltrated with bedrock and shallow aquifer groundwater,⁶ is a major groundwater contamination threat from an as yet uncontrolled⁷ toxic source.

Policies R-334d, R-201i, and R-629

These three policies address providing public utilities and services. For example, R-334d states “Clustering of lots [in the Rural Area] is permitted when the development can be served by rural facility and service levels (such asprivate well(s) for on-site water supply...)....” This development is to be served by Covington Water,^{8,9} due to the contaminated groundwater supplies on portions of this site. This service will require extending Covington water mains an additional 1.5 miles further into the Rural Area/FPD,¹⁰ and will require an expansion of the designated Covington water service area.¹¹

Policy R-684

Policy R-684 states “The preferred adjacent land uses to sites designated as Mining on the Land Use Map are mining, industrial, open space or forestry uses.” The Wagner/Erickson parcel adjacent to Reserve's NE corner is zoned Mining, and is a viable coal resource. So assigning a Rural Residential Land Use to Reserve's property located adjacent to the Wagner/Erickson mining zoned property, and constructing 32 homes on the northern Development Area in close proximity to this mining-zoned site, is a clear violation of Policy R-684.

Policies R-312, R-313, R-314d & e, R-319, and R-322

These six policies all address the use of TDR's, with the key goal stated as “encourage higher densities in urban areas and reduce residential development capacity in Rural Area and Natural Resource Lands.” In brief, the proposal distributed by Reserve on April 6, 2016 (at the Ravensdale KC Council meeting) and in their expanded May 1, 2016 proposal, is to upzone the Ravensdale site to RA-10; transfer 25 of the available 28 development credits from their Black Diamond Section 24 property to the Ravensdale site (a rural-to-rural transfer); purchase 9 TDRs from the King County TDR bank; build a 72-unit housing development at Ravensdale; place 126 acres of Section 24 under conservation easement, and sell the remaining three 5-acre parcels on Section 24 for residential development.¹²

Under this scenario, the total houses on Reserve's two properties (the Ravensdale site [Rav] and the proposed Black Diamond Section 24 TDR sending site [BlkD]) would increase by 43 units (72 on Rav plus 3 on BD = 75 units vs. current zoning of 28 on BlkD plus 4 on Rav zoned Forest = 32 units). This proposal would also increase the total houses on what is now Natural Resource Lands by 68 units with the siting of 72 homes on the Ravensdale site vs. four if the site reverted to Forestry zoning. Further, if the Ravensdale upzone is approved, the proposal would increase the total number of houses in the Rural

Area by 14 units (72 on Rav plus 3 on BlkD vs. 33 on RA-10 upzoned Rav +28 on BD). This proposal also requires a Rural-to-Rural TDR, which is highly contested and in violation of R-319. There is nothing in the I-203 mining site conversion Demonstration Project amendment which explicitly endorses a Rural-to-Rural TDR transfer; and serious thought should be given as to the wisdom of setting a Rural-to-Rural transfer precedent.

Recognizing the likelihood of widespread opposition to a rural-to-rural transfer of development credits, Reserve's consultant noted that Reserve is also considering a variation to their published proposal above. In brief, this alternative proposal would be to donate 25 of the available 28 development credits from the Black Diamond Section 24 property to the King County TDR bank; up-zone the Ravensdale site to RA-5; build a 72-unit housing development at Ravensdale; (presumably) sell or donate the three extra development credits from the Ravensdale site to the King County TDR bank; place 126 acres of Section 24 under conservation easement, and sell the remaining three 5-acre parcels on Section 24 for residential development.¹³

Under this thinly disguised attempt to technically avoid a rural-to-rural transfer, the total houses on Reserve's two properties would still increase by 43 units. Plus, in donating 25 TDRs from their Black Diamond property, and donating or selling another three from the Ravensdale property (a RA-5 upzone would give them 75 units on the Ravensdale property), the total houses in the Urban area would also increase by 28 units. That is a net increase of 71 housing units – 43 in the rural area and 28 in the urban area!

Clearly, neither of the above scenarios do anything to further the goal of reducing residential development capacity in the Rural Area and Natural Resource Lands. Rather, both proposals would more than double the number of houses in the Rural Area/Natural Resource Lands over the density permitted under the current RA-5 zoning on the Black Diamond Section 24 property and a return of the Ravensdale property to a Forest zoning ([72+3]/[28+4]).

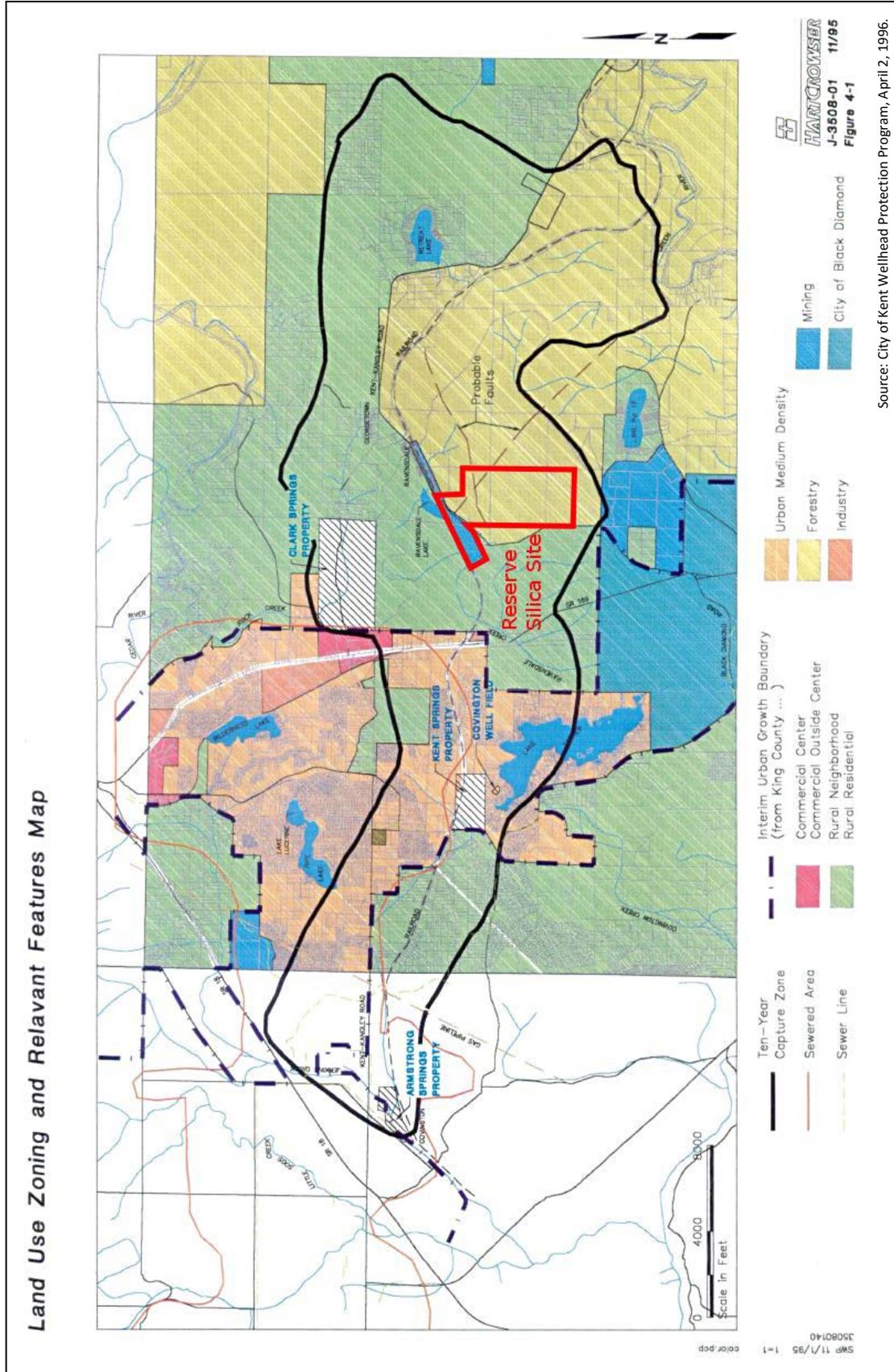
Policy CP-1105

Finally, CP-1105 reinforces the “*conservation of natural resource lands and environmentally sensitive area through community efforts such as the Rock Creek Valley Conservation Plan and the Friends of Rock Creek.*” The RCV Conservation Plan was adopted by the County in 2004. This upzone proposal does NOT comply with the RCV Conservation Plan, nor with the Mission/Goals of the FRCV.¹⁴

In conclusion, ***Reserve's current proposal is a direct violation of many, long-term existing County policies.***

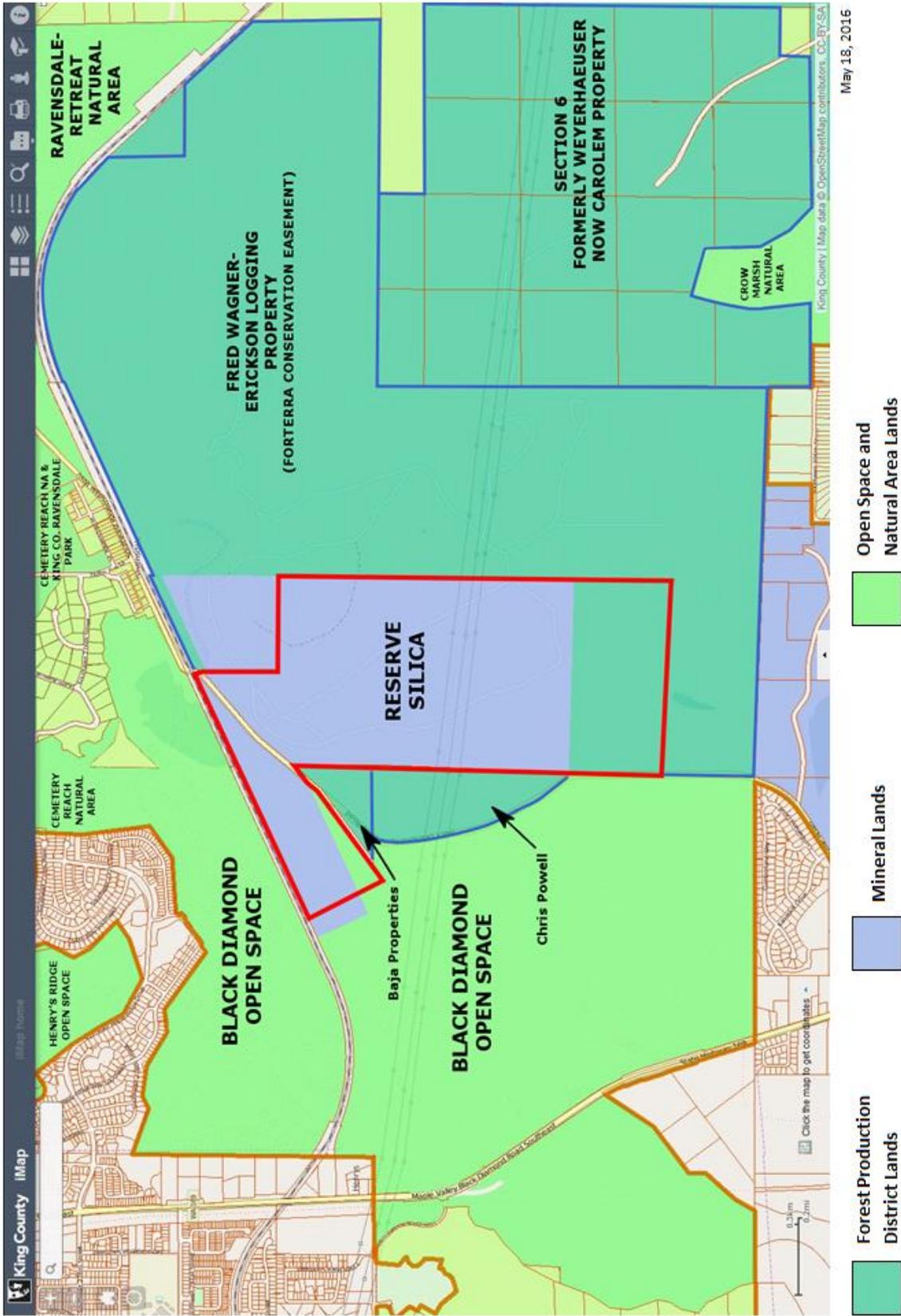
Figure 4.2a Forestry Zoning 1995

This November 1995 zoning map, included in the City of Kent Wellhead Protection study, indicates the entire Reserve Silica property, aside from the processing plant and clay settling ponds, was zoned Forestry and was part of the original FPD.



Source: City of Kent Wellhead Protection Program, April 2, 1996.

Figure 4.2b Surrounding Land Uses
Reserve Silica property is entirely surrounded by Forest Production District Lands and King County Open Space lands.



4.3 Would Upzoning Reserve's Property to Rural Residential Set a Precedent for Other Disadvantaged Natural Resource Lands?

Reserve claims upzoning this property would not set a precedent to upzone other resource-zoned lands,¹ pointing out that the FPD lands owned by Wagner/Erickson to the northeast, east and south of Reserve are protected by a Conservation Easement owned by Forterra which does not allow any permanent structures to be built on the property. As such, this adjacent ownership would not be in a position to upzone their property from Forestry.

We agree with this conclusion as it relates to the Wagner/Erickson forestlands. However, we are aware of three mining sites within the 32 square mile Rock Creek Valley that would be highly likely to follow through with an upzone request should a precedent be set with Reserve.² The Middle Green River Coalition also has identified three mining sites in their area that they expect would file for an upzone under this precedent.³ And the Rural Forest Commission identified another mining site near North Bend that they expect would file for an upzone if the precedent were set.⁴ In addition, there are over 8,500 acres of former Plum Creek lands within the FPD just east of Black Diamond that Plum Creek segmented into 20 acre parcels in the 1990s prior to selling these lands. As such, these lands no longer satisfy the 80-acre minimum lot size for Forestry zoned lands.⁵ Weyerhaeuser followed a similar course on some of their King County lands prior to selling.⁶ Many of these have now been purchased by owners with an objective to hold the lands for development.⁷ With a precedent set for upzoning Mining lands to Rural Residential (rather than reverting to the underlying Forest zoning), once the minerals are depleted or the mining is no longer profitable, it is highly likely that some of these former industrial forestland owners would apply the same logic to apply for an upzone, claiming their lands no longer qualify as FPD lands.

In summary, ***it is highly likely that other mining and forestry Natural Resource zoned property owners would apply for upzoning to Rural Residential if the precedent were set by Reserve.*** We strongly believe that King County should absolutely NOT set a precedent for upzoning Natural Resource lands to Rural Residential, as it could easily open a floodgate of other upzone applications that would seriously threaten the viability of many of the County's remaining Natural Resource lands.

4.4 Conclusions: Compatibility with I-203 and King County Policy and Goals

Reserve's current proposal does not meet any of the five criteria specified in I-203 to qualify as a mining site conversion Demonstration Project. Their assessment of the residential use option for the property is seriously lacking, ignoring both the substantial risk to human health for the future residents from both known and unknown toxins on the site, and the substantial environmental risk the proposed development would pose to on-going efforts to try to control toxic contamination of soil, surface and ground water from Cement Kiln Dust. To approve Reserve's Demonstration Project proposal would violate at least 20 existing, long-standing King County policies, as well the Greater Maple Valley/Cedar River CSA sub-area plan. Such approval would also set a dangerous precedent which could ultimately prove devastating to the County's efforts to preserve its precious Natural Resource lands.

5.0 WHAT OTHER MAJOR ISSUES ARE ASSOCIATED WITH RESERVE SILICA'S CURRENT PROPOSAL?

Besides the numerous critical flaws with Reserve's proposal as enumerated above, there are other additional issues with the proposal that any reviewer should carefully consider. Among these are:

5.1 What Liabilities and Obligations Would King County Be Accepting Under This Proposal?

Under Reserve's current proposal, Reserve would continue to hold title to the property¹ and the County would have ownership of a Conservation Easement covering all but the 54 acres actually occupied by the proposed 72 lots. This 323 acres is known as the "Easement Area," and is comprised of "*forest, open space, wetlands, grasslands, and reclamation areas*" – collectively known as the "Conservation Values."² By accepting this Conservation Easement, King County is agreeing "*to preserve and protect in perpetuity the Conservation Values.*"³ Note that the Conservation Values include the capped CKD pits, the uncapped remediation area (with the still uncontrolled CKD-contaminated surface and ground water), the recently filled mine pits undergoing reclamation, the old coal tailings pile, the plant site and clay settling ponds, the buffer strips between housing clusters, etc. It should be noted that Reserve offered to donate a Conservation Easement to 300 acres of this land to Forterra Land Trust in 2012, and Forterra declined.⁴

It is unclear in Reserve's proposal just what role King County would play in 'preserving and protecting' the Conservation Values. The Homeowner Association is charged with responsibility for managing both the 'managed forest' and the Holcim Agreement and Easement (on the capped CKD pits and the mitigation area).^{5,6} It is also not spelled out who would have responsibility for funding these management activities. And while the HOA is charged with managing the Holcim agreements, Reserve retains the right to do "*reclamation and closure activities related to past mining activities.*"⁷ And while the HOA is charged with managing the forest lands, Reserve "*reserves the mineral, water, carbon and resource [timber] rights to the property.*"⁸ So the HOA manages (and funds?) the forest reclamation, but Reserve retains the harvest rights⁹ and the rights to any carbon sequestration credits attributable to the forest.

The proposed "Open Space" lands in these Conservation Values should also be carefully considered. The 57 acres Reserve has defined as Open Space lands are comprised of (a) 20 acres of capped, fenced, CKD pits under permanent easement to Holcim,^{10,11} with absolutely NO use allowed other than Hazardous Waste containment, and extremely restrictive management requirements that require the site to be perpetually in mowed grass to avoid potential shrub/tree penetration of the clay cap protecting the underlying CKD hazardous waste;^{12,13} (b) 20 acres of BPA powerline easement, segmented into three pieces by capped and fenced CKD pits,^{14,15} and (c) 17 acres of buffer strips between the 9 clusters of houses (average width <150').¹⁶ Obviously, this isn't your typical "open space" lands. Reserve blatantly claims these 57 acres will provide recreational opportunities for the residents ("*Managed Open Space*

area of 57 Acres to provide recreational opportunities for the residents on the property with the potential of an equestrian facility.”¹⁷

The County Exec’s staff comments in 2012 to this proposal are telling. *“It would be inappropriate to accept such restricted and compromised areas as open space.” “Neither a future homeowner association nor the County Parks Division should be saddled with unmanaged open space that needs a high level of restoration.” “It would be an expensive mistake for the County to accept these disturbed areas as open space.”¹⁸*

Obviously, the 57-acres of Open Space Reserve is proposing does NOT qualify as open space by County standards, and has NO place within the County DNRP portfolio. The same goes for the ~20-acre Holcim remediation area, where the majority of the highly contaminated and toxic leachate, surface and groundwater is still uncontrolled, and has migrated off-site, in spite of over fourteen years of efforts at trying to control this source of contamination.

The above observations relate to the 323-acre “Easement Area.” The remaining 54 acres of developed lots is presumably covered by the Covenants, Conditions and Restrictions (CCR’s) proposed by Reserve in Appendix C of their May 1, 2016 proposal. However, the area covered by CCR’s is not specifically defined in the May 1, 2016 proposal (Exhibit A defining “The Property” has been left blank).¹⁹ Reserve retains the right to modify any of the CCR’s at their discretion at any time during the development period (up to the next 20 years).²⁰ Reserve also retains the right to define ‘Common Areas’ within the area covered by CCR’s. ‘Common Areas’ can include *“roads, trails or other access ways, parks, sensitive area tracts or open spaces designated by Declarant [Reserve] streams, storm water control facilities, drainage easements or facilities, ... easements or other areas of facilities designated by Declarant herein or in other recorded documents”²¹* ‘Common Areas’ designated by Reserve will be deeded to King County,²² and lot owners will have a non-exclusive easement to these ‘Common Areas’.²³ The HOA will be charged with managing and maintaining the ‘Common Areas’,²⁴ apparently at their expense.²⁵

These CCR provisions give Reserve pretty much complete control on defining what lands will be deeded to King County as ‘Common Areas’, as well as modifying the CCR’s as they see fit. Provided the area covered by CCR’s (i.e., [the blank] Exhibit A of Appendix C) clearly specifies that “The Property” only covers the 54 acres of developed lots, this may not be a major issue for the County. If however, Exhibit A were to include any of the remaining 323 acres, such as the capped CKD pits (declared ‘open space’ by Reserve) or the uncapped mitigation area (declared ‘forest’ by Reserve), then the proposed CCR provisions could pose major risks and liabilities to the County.

The Development Agreement; Conservation Easement; and Covenants, Conditions and Restrictions proposed by Reserve can collectively shift substantial responsibility and liability for this property from Reserve to the future Homeowner Association and to King County, while largely retaining Reserve’s ability to extract additional value from the property through future timber harvest and lot sales. The County should VERY carefully review and revise these documents if ever considering approval of this proposal.

5.2 Is It Practical for the HOA to Manage the Forest Reclamation and Holcim Agreements?

Reserve's proposal calls for the Homeowner Association to manage the restoration and operation of the proposed 211-acre 'managed forest' and also to manage the Holcim CKD waste agreement and easements.^{1,2,3} It is totally impractical to expect a HOA to be able to effectively perform either of these highly technical and complex functions, nor to fund these management functions. Reserve should NOT be allowed to skip out from their responsibility for either of these reclamation and cleanup obligations.

5.3 Does the Proposal Really Enhance Public Recreational Opportunities?

While Reserve touts the increased recreational opportunities of their proposal (*"The County recognizes the public benefits that will accrue from this Development Agreement, including increased and enhanced equestrian recreational opportunities."*¹ and *"The project will enhance such [existing recreational] opportunities."*²), it should be noted that no access rights to the general public will be provided to any portion of the property.³ As such, any recreational benefits will accrue solely to the residents of the Reserve development. Hardly a "public" benefit. It's also worth noting that all references to the equestrian facilities are couched as 'possible' or 'potential' - Reserve retains sole authority to decide whether such facilities are built or not.

5.4 Does the Community Support This Proposal?

There has already been extensive opposition expressed to Reserve Silica's Demonstration Project proposal and to Demonstration Projects in general. Letters of opposition have already been submitted by the County Exec and his staff (Exec's proposed draft of 2016 Comp Plan), the Rural Forest Commission,¹ the Greater Maple Valley Unincorporated Area Council,² Friends of Rock Creek Valley,³ the Middle Green River Coalition,⁴ and the City of Black Diamond.⁵ Expressions of concern regarding installation of a 72-unit development on the property have been voiced by Washington Department of Ecology-Water Quality program,⁶ and numerous Ravensdale-area residents.

5.5 Should Policy I-203 be Extended in the 2016 KCCP to Allow Reserve to Submit Their Current Proposal?

Reserve Silica has had nearly four years since adoption of the I-203 demonstration project amendment to submit a proposal, and have not done so. When Reserve's efforts to purchase the development rights from the TDR sending site (Sec 6, T21N,R07E) originally envisioned with the passage of the I-203 Amendment failed, they chose, in June 2014, to purchase the 147-acre Black Diamond tract as an alternative sending site – over two years ago. On June 30, 2015, they stated their intention to submit a proposal to the King County Council and Exec "in the next week or two,"¹ but failed to do so. They did finally submit a 12-page summary of their current proposal to the KC Council Committee of the Whole meeting on April 6, 2016. And they completed their full 273-page proposal document (dated May 1, 2016) and indicated on May 27 that delivery of this full document to the County was imminent.² Still,

three months later, there has been no submission. As such, we believe Reserve has already had ample opportunity to submit a Demonstration Project proposal, but has failed to do so. There is still a four-month window for Reserve to submit a proposal before the 2016 KCCP is adopted.

Even if the mining site conversion provision of I-203 were extended, the major issues with the May 1, 2016 proposal (the known and unknown contaminants on the site; the yet to be determined clean-up requirements; the health risks to future residents and the potential liability to King County in approving this development; the failure of the proposal to meet the qualifications of the I-203 policy; and the numerous County Codes such a project would violate – to mention just a few) would make it highly unlikely that any Demonstration Project would be approved for this site for years to come, if at all. Thus, any extension of the I-203 policy would only serve to create a state of limbo during which it is likely little more will be done to complete reclamation and substantial restoration of the property to its pre-mining state.

6.0 WHO IS RESERVE SILICA / RESERVE INDUSTRIES?

Reserve Silica Corporation is part of a complex network of past and present corporations managed by the Melfi Brothers, Frank, William and James, through the parent company, Reserve Industries Corporation, headquartered in Albuquerque, New Mexico. The Melfi Brothers have been directly responsible for the management of the companies of Reserve Industries since 1985 when they assumed leadership of the company from their father, James Melfi, Sr. Likewise, the history of operators and activities on the Ravensdale site is long and varied. The following biographical sketches of the major companies managing the Ravensdale site are provided in an attempt to make sense of the history of the Ravensdale site and the major players in that history.

6.1 Who is Reserve Industries Corporation?

Reserve Industries Corporation was formed in 1957 under the name, Reserve Oil & Minerals Corporation.¹ In 1962, James J. Melfi Sr. took control of the company.² James Melfi Sr. retired as Chairman of the Board in 1985, at which time his three sons, James, Frank, and William, assumed leadership of the company. Current principals of Reserve Industries are listed as:

- Frank C. Melfi, Director, President, Chief Executive Officer;
- William J. Melfi, Director, Vice President for Finance and Administration; and
- James J. Melfi Jr, Director, Chairman of the Board.^{3,4}

Reserve Oil & Minerals changed its name to Reserve Industries Corporation in 1987.^{5,6,7} Prior to August 1992, Reserve Industries was listed on the NASDAQ National Over-the-Counter Market, but following 10 years (1992-2002) during which the corporate financial statements were not independently audited, the company ceased filing of financial information with the Securities & Exchange Commission, and is no longer a publically traded corporation.⁸



Location of Reserve Industries headquarters, Albuquerque, New Mexico.

From its beginnings in uranium exploration, mining and processing in New Mexico, Reserve Industries grew into a multi-national corporation with global interests in mineral exploration, extraction and processing, and industrial waste processing. Through numerous subsidiary companies, joint ventures and equity interests, Reserve Industries has, at various times in its history, been connected to operations in multiple locations in the U.S. and Canada, as well as in the Philippines, Singapore, Japan, Slovakia, Belgium, and China⁹ – and possibly other locations as well for which records have not yet come to light. Reserve Industries connections to Washington State go back to as early as 1977 when they were exploring for uranium in Pend Oreille County.¹⁰ Since the purchase of the assets of Industrial Mineral Products in March 1986, Reserve has had a major presence in Washington State through its wholly owned subsidiaries, L-Bar Products, Inc., Reserve Silica Corporation, and now Reserve Properties, LLC.

The following is a partial list of subsidiary companies, joint ventures and equity interests (past and present) of Reserve Industries:^{11,12,13,14,15}

Wholly owned subsidiaries and/or affiliated corporations:

- Reserve Silica Corporation (silica sand mining)
- Reserve Properties, LLC (holder of Black Diamond Sec. 24 property)
- Reserve Minerals Corporation
- Reserve Abrasives Ltd., Inc.
- Reserve Rossborough Corporation (products for steel manuf.)
- Reserve Rossborough Ventures Corp (products for steel manuf.)
- Reserve Trigon Corporation
- Rossborough-Remacor LLC
- Reserve Trisal, Inc.
- Industrial Mineral Products (Philippines), Inc.
- Melfi Corporation
- L-Bar Products, Inc.
- L-Bar Minerals Corporation
- L-Bar Canada, Inc.
- L-Bar Ag Products, Inc.
- L-Bar – Rossborough
- L-Bar Grinding Corporation
- McCoy Mining Corporation
- Embro Corporation

Joint ventures and/or shared operations:

L-Bar Minerals [Reserve Oil & Minerals] and Standard Oil of Ohio [SOHIO] (L-Bar Ranch, New Mexico: uranium mining and processing)

Reserve Industries and AMAX Exploration, Inc. and AMAX Gold Inc. (gold exploration in Nevada)

Waterbury Lake Joint Venture, Cigar Lake Deposit, Saskatchewan, Canada (uranium)

Dawn Lake Joint Venture, Saskatchewan, Canada (uranium)

McArthur River Joint Venture, Saskatchewan, Canada (uranium)

L-Bar Grinding and LaPorte Metal Processing Company

Reserve Industries and Rossborough Corp (steel manufacturing products)

Reserve Oil & Minerals and Phelps Dodge Corporation (uranium)

McCoy Mining and Newmont Mining Corp (uranium)

Reserve Oil & Mineral and Western Nuclear Corp and Goldfield Corp (uranium)

Other joint mineral exploration ventures in California, Arizona, Colorado and Washington

Equity interests:

Rossborough Manufacturing Company (products and services to the steel and foundry industries)

Rossborough Manufacturing Co. L.P. (products and services to the steel and foundry industries)

JPL Industries Pte. Ltd., Singapore (industrial waste processing)

6.2 Who is Reserve Silica Corporation?



Reserve Silica Corporation is a wholly owned subsidiary of Reserve Industries Corporation of Albuquerque, New Mexico. Reserve Silica is a Washington corporation, formed July 1990. Corporate officers are listed as Frank Melfi, President; William Melfi, Vice President/Secretary/Treasurer; James Melfi, Chairman.¹

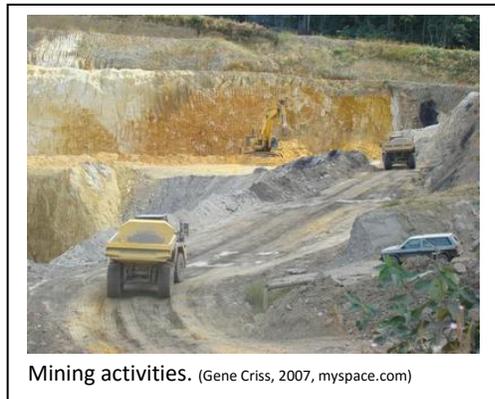
Reserve Silica assumed the silica sand mining lease for the Ravensdale site from its sister company, L-Bar Products, Inc., probably in 1990 (or possibly 1991, but in any case, before

L-Bar Products closed its embattled Chewelah, Washington magnesium processing plant and filed for bankruptcy in 1992).^{2,3} L-Bar Products was a wholly owned subsidiary of Reserve Industries,⁴ and operated the Ravensdale site from March 1986 until transferring the silica sand mining lease to Reserve Silica. After assuming this lease from L-Bar, Reserve Silica continued the strip mining and processing of silica sand for use in cement and glass manufacturing, golf course bunker sand, and plant nurseries. Reserve Silica finally purchased the property from Glacier Park Co. (subsidiary of Plum Creek Timber Co.) in 1997.⁵ Reserve Silica extracted hundreds of thousands of tons of sandstone/silica sand material from the site before the completion of active strip mining operations in December 2007.⁶ Since 2007, Reserve Silica has been selling off the stockpiled silica sand, which is now virtually depleted. In 2007 Reserve Silica began backfilling in earnest the huge depleted mining pits on the site⁷ with materials excavated from various construction sites and projects around the region. Reserve Silica anticipates backfilling of the mining pits will be completed by the end of 2016,⁸ undoubtedly due in part to the approval just received in February⁹ for the disposal of concrete from the old SR 520 Evergreen Point Floating Bridge at the Ravensdale site.



Development Proposals for the Ravensdale Site

As the Reserve Silica site in Ravensdale nears the end of its life as an active mining and fill site, King County Codes would say that this site should revert to a Forest zoning, compatible with the surrounding zoning and land use, and in accordance with its Forest zoning^{10,11,12} prior to its purchase by Reserve Silica in 1997. However, in 2011, Reserve Silica submitted a proposal to the King County Council requesting to up-zone a portion of the site from mining classification to RA-10 rural residential, with a plan to create a 32-unit housing development on the site.¹³ When this plan met with resistance from the King County



Exec's Office, which recommended the property be returned to Forest zoning, Reserve submitted a revised proposal in 2012 to up-zone the entire site and now create a 40-unit housing development.¹⁴ Ultimately, a compromise amendment, I-203, was approved by the Council as part of the 2012 Comp Plan allowing Reserve Silica to submit a proposal for a Demonstration Project involving transfer of development credits from lands in the vicinity that form the headwaters of critical, high valued habitat area, or that remove the development potential from nonconforming

legal parcels in the forest production district, or that provide linkages with other forest production district lands.¹⁵ The intent of this compromise was to transfer the 18 development credits from nonconforming legal parcels in the nearby (1/2 mile away) Section 6 (Twp21N, Rng07E) property in the Forest Production District (FPD) formerly belonging to Weyerhaeuser Company that is the headwaters of both Rock Creek (Cedar, WIRA 8) and Thirty-one Man Creek (Green/Duwamish, WIRA 9), thus permanently protecting this 638 acre property located in the FPD at the heart of Ravensdale Ridge.¹⁶

When attempts by Reserve Silica to acquire these development credits from the current property owner were unsuccessful,¹⁷ Reserve Silica chose, instead, to purchase a 141-acre property¹⁸ zoned RA-5 in Section 24 (Twp21N, Rng06E) adjacent to the south side of the City of Black Diamond (2 ¼ miles away) as a TDR sending site.¹⁹ This property was purchased by Reserve Silica in June 2014.²⁰ In March 2016, Reserve Silica transferred ownership of this Black Diamond property to a newly created wholly owned subsidiary of Reserve Industries, Reserve Properties, LLC.²¹ This new sister company to Reserve Silica was just formed in February 2016.²²



Reserve Silica has now come forward with a proposal to create a 72-unit housing development on the Ravensdale site consisting of 9 clusters of 8 homes each, located on two portions of the property. Two variations of this TDR/up-zone proposal have been suggested. In brief, these proposals are:

1.) Upzone the Ravensdale site to RA-10; transfer 25 of the available 28 development credits from its Black Diamond Section 24 property to the Ravensdale site (a rural-to-rural transfer); purchase 9 TDRs from the King County TDR bank; build a 72-unit housing development at Ravensdale; place 126 acres of Section 24 under conservation easement, and sell remaining three 5-acre parcels on Section 24 for residential development.²³



2.) Donate 25 of the available 28 development credits from the Black Diamond Section 24 property to the King County TDR bank; up-zone the Ravensdale site to RA-5; build a 72-unit housing development at Ravensdale; (presumably) sell or donate the three extra development credits from the Ravensdale site to the King County TDR bank; place 126 acres of Section 24 under conservation easement, and sell remaining three 5-acre parcels on Section 24 for residential development.²⁴

Environmental and Hazardous Waste Concerns at the Ravensdale Site

There are a number of major environmental and hazardous waste concerns at the Reserve Silica Ravensdale site. These are covered in detail in the “Environmental Risks and Human Health Hazards” section of this document, but the Washington State Department of Ecology (WDOE) hazard ranking of this site as a class 1 priority (highest ranking possible) MTCA clean-up site for its potential threat to human health and/or the environment relative to all other Washington State hazardous sites²⁵ is evidence of the seriousness of these concerns –



especially considering that this ranking was based solely on an assessment of leachate from a single hazardous material (cement kiln dust) known to have been dumped in two specific areas of the site (Lower Disposal Area and Dale Strip Pit). A full site assessment beyond the known CKD disposal areas has not been conducted despite the fact that the property was listed as a landfill until December 1999;²⁶ has groundwater, soil and surface water contamination by metals and corrosive waste;²⁷ has had numerous permit violations²⁸ and citizen complaints;²⁹ and even WDOE's own statement that other mine pits on the site were filled with unknown materials.³⁰ Consequently, the full extent of hazardous waste dumping and toxins on the site is presently unknown and needs further study.

6.3 Who is Reserve Properties, LLC?

Reserve Properties, LLC is a wholly owned subsidiary of Reserve Industries Corporation, and sister company to Reserve Silica Corporation. Reserve Properties was formed February 19, 2016. Incorporation papers filed with the Washington Secretary of State list Frank Melfi as Manager.¹ Frank Melfi is also President of both Reserve Industries and Reserve Silica.

In June 2014, Reserve Silica purchased a 141-acre property located in Section 24 (Twp21N, Rng06E) adjacent to the south city limits of the City of Black Diamond.² This property, formerly owned by Weyerhaeuser Company, is zoned RA-5 and has been approved for 28 residential lots. The property was logged and replanted by Weyerhaeuser in about 2012.

Reserve Silica purchased this Section 24 property as an alternative TDR sending site for their proposed 72-unit housing development on the Ravensdale silica sand site after attempts to purchase the 18 TDRs from the Forest Production District lands in Section 6 (Twp21N, Rng07E) located just ½ mile from the Ravensdale site, were unsuccessful.

On March 14, 2016, just a month after forming Reserve Properties, LLC, Reserve Silica transferred ownership of the Black Diamond Section 24 property to Reserve Properties,³ so this property is no longer an asset of the Reserve Silica subsidiary of Reserve Industries Corporation.

6.4 Who was L-Bar Products, Inc.?

L-Bar Products, Inc. was a wholly owned subsidiary of Reserve Industries Corporation.¹ L-Bar Products became the owner of the assets of Industrial Mineral Products, Inc. of Ravensdale (IMP) when Reserve Industries purchased those assets in March 1986.² At the time of its incorporation, it appears L-Bar



Products maintained the continuity of operations from IMP, retaining Victor J. Hoffman as President^{3,4} and Ronald J. Roman as Vice President.⁵ However, these executive roles changed at some point as Frank C. Melfi and brother William J. Melfi are later named as the executive officers of L-Bar Products,⁶ Frank Melfi, President.⁷

Among the IMP assets acquired by L-Bar in 1986 was the mining lease for the Ravensdale silica sand site and a magnesium recovery plant in Chewelah, Washington⁸ (formerly operated by Phoenix Resources Recovery, a wholly owned subsidiary of IMP^{9,10}). See detailed write-up, Who Was Industrial Mineral Products, Inc.

Ravensdale Site

L-Bar operated the Ravensdale Site from 1986 until ca. 1990 when the lease was apparently transferred to L-Bar's sister company, Reserve Silica Corporation (formed in July 1990 as another wholly owned subsidiary of Reserve Industries^{11,12}). L-Bar mined, washed, screened and dried silica sand from the site. This sand was sold for cement and glass manufacturing and fiberglass.^{13,14,15} L-Bar Products also continued using portions of the site for the disposal of cement kiln dust from the Ideal Cement plant in Seattle [>Holnam>Holcim].¹⁶ This dumping of cement kiln dust, begun in 1979 by IMP, continued under L-Bar's (Reserve Industries) management from 1986 to 1989.¹⁷

Chewelah Site

L-Bar Products operated the Chewelah magnesium recovery plant from 1986 until closing the plant in 1991.^{18,19} The plant purchased and processed industrial waste in the form of magnesium flux bars from the nearby Northwest Alloys (NWA) magnesium smelter, recovering magnesium granules from the waste for use in steel manufacturing,²⁰ and creating a powdery material called flux bar residue. L-Bar stockpiled both flux bar and flux bar residue on the Chewelah site.²¹ During its tenure, L-Bar was cited numerous times for improper hazardous waste handling and for violation of air, water quality, and dangerous waste regulations.^{22,23} L-Bar was cited for violations by both the Washington Department of Ecology (WDOE) and the U.S. Environmental Protection Agency (USEPA), including a civil suit filed by the WDOE in 1988.^{24,25}



Criminal charges were filed by the USEPA against L-Bar Products, Inc. and two of its plant managers in 1995 under a federal grand jury indictment for illegally burying barrels containing hazardous sulfuric acid wastes on the site in 1990.^{26,27} The charges included *“two counts of conspiracy to unlawfully store and dispose of hazardous waste, one count of unlawful disposal of hazardous waste, one count of unlawful storage of hazardous waste, one count of unlawful release of hazardous waste and three counts of making a false statement to a government agency”*²⁸ While *“L-Bar president Frank Melfi, reached at the Albuquerque, N.M., office of L-Bar's parent company, Reserve Industries Inc., said he hadn't seen the indictment and declined to comment,”*^{29,30} then State Attorney General Christine Gregoire was quoted as saying, *“I want to emphasize that these criminal charges are not the result of a business inadvertently*

doing the wrong thing. Our investigation revealed that L-Bar officials decided to illegally dump the chemicals after exploring proper disposal options.” And, “While most businesses work to comply with environmental laws, L-Bar tried to cut its operating costs by thousands of dollars by burying wastes out on the back forty.”^{31,32} Ultimately, the plant managers pled guilty and received probation for their roles in this, but charges against L-Bar/Reserve Industries were dismissed after the case did not come to trial in a timely manner while the prosecutors were focused on bankruptcy claims against L-Bar.^{33,34,35}

In addition to selling the recovered magnesium granules to the steel industry, L-Bar Products also sold the hazardous magnesium flux bar residue, a byproduct from its magnesium recovery process, as agricultural fertilizer³⁶ and road deicer.^{37,38} The same material was sold for both uses – the fertilizer under the brand names Cal Mag, Ag Mag, and Al Mag, and the deicer as Road Clear.³⁹ This was done legally by labeling the hazardous material as a “product,” thus exempting it from hazardous waste regulations.^{40,41,42} Concerns regarding the fertilizer’s safety were raised,⁴³ and crop failures were attributed to the use of the fertilizer.⁴⁴ An analysis of the product characterized it as volatile, unpredictable, unsafe, and potentially poisonous to farmlands; and that advertising materials were “designed to deceive.”^{45,46,47}

L-Bar closed the Chewelah plant without notice in December 1991.⁴⁸ The reason reported at the time was that L-Bar’s only customer for their recovered magnesium granules stopped payment on a \$900,000 contract, thus leaving the company with no operating funds.⁴⁹ Records indicate that the company stopping payment, Rossborough Manufacturing, was 50% owned by Reserve Industries, L-Bar’s own parent company.^{50,51,52} By July 1992, L-Bar declared Chapter 11 bankruptcy, and in March 1995 entered Chapter 7 bankruptcy.⁵³ At the time of closing, an estimated 100,000+ tons of hazardous flux bar and flux bar residue wastes from the magnesium recovery operation were stockpiled on the site.^{54,55,56} The company was also facing fines and costly remedial actions stemming from the 1988 civil suit brought by WDOE and from a 1989 violation of state hazardous waste regulations.^{57,58} (The USEPA criminal case had not yet been filed as the matter of the illegally buried sulfuric acid barrels had not yet come to light at the time of the plant closure.)

Following closure of the plant, WDOE continued to hold L-Bar Products and its parent company, Reserve Industries, liable for cleanup of the site as the owner and operator of the magnesium recovery plant; and it also held NWA (a subsidiary of Alcoa) liable as the original producer of the magnesium flux bar material. It was determined that magnesium flux bar processing at the site had caused soil, groundwater, and surface water contamination.⁵⁹ It was also found that toxins from the site were entering the nearby Colville River.^{60,61,62}

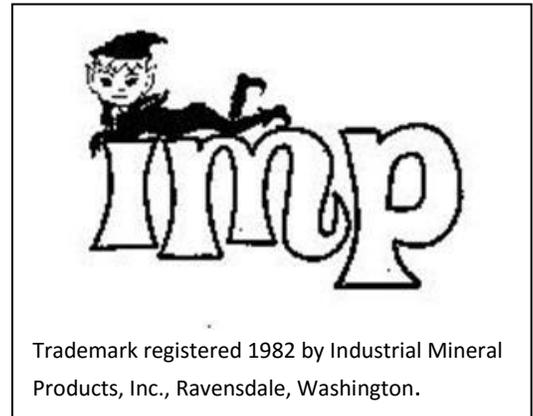
Reserve Industries claimed it was not liable for the contamination at the L-Bar site stating that L-Bar Products was a separate entity from Reserve Industries,⁶³ albeit their wholly owned subsidiary. Ultimately, Reserve Industries was party to the L-Bar bankruptcy settlement reached in 1999, under which NWA assumed responsibility for site cleanup, with a cost estimate of \$10 million (NWA had already voluntarily begun cleanup of the site five years prior to the bankruptcy settlement).^{64,65} In addition, NWA assumed the responsibility for paying the 56 employees who had not received their final

wages from L-Bar Products when the plant closed in 1991.^{66,67} In turn, title to the Chewelah plant site was turned over to NWA as settlement of NWA's claims against L-Bar Products.⁶⁸ NWA had already voluntarily cleaned up the hazardous fertilizer/road deicer left in seven warehouses in Eastern Washington and the Willamette Valley when L-Bar broke the warehouse leases and abandoned the material as a "burdensome asset."⁶⁹

As of 2002, NWA had completed removal of the flux bar and flux bar residue stockpiled at the site and the site is now subject to compliance monitoring under WDOE oversight to detect any worsening levels of surface or ground water contamination that would necessitate further cleanup of the site.⁷⁰ The site is also under a restrictive easement limiting future land use to industrial or commercial purposes, with one portion limited to agricultural use, provided such uses do not cause further contaminant release.⁷¹

6.5 Who was Industrial Mineral Products, Inc.?

Industrial Mineral Products, Inc. (IMP) was a corporation headquartered in Ravensdale, Washington involved in mining and industrial waste processing. Principals of IMP included Victor J. Hoffman, President; Ronald J. Roman, Vice President; and Arthur B. "Bud" Berg, Manager.^{1,2,3,4} IMP acquired the mining lease for the Ravensdale silica sand site in 1972.⁵ IMP operated the Ravensdale site from 1972 to March 1986, at which time IMP sold its assets to L-Bar Products, Inc., a wholly owned subsidiary of Reserve Industries Corporation of Albuquerque, New Mexico (and sister company to Reserve Silica).⁶



Ravensdale Connection

IMP mined silica sand from the Ravensdale site under lease from Burlington Northern Timberlands (predecessor to Plum Creek Timberlands) from 1972 to 1986. Silica sand was processed at the Ravensdale site and sold primarily for concrete and glass manufacturing. IMP had an arrangement with Ideal Cement Company (Holnam>Holcim) located on the Duwamish Waterway in Seattle whereby IMP sold silica sand (and ASARCO slag) to Ideal Cement and Ideal Cement in turn disposed of their cement kiln dust (CKD) at two locations on the Ravensdale site.⁷ Those locations are now known as the Lower Disposal Area [LDA] and Dale Strip Pit [DSP]. Dumping of CKD occurred from 1979 until 1986⁸ when IMP's assets were purchased by L-Bar Products, Inc., a wholly owned subsidiary of Reserve Industries. Following the purchase, L-Bar Products continued the sale of silica sand to Ideal Cement and the dumping of CKD on the Ravensdale site until 1989.⁹

ASARCO Connection

From its Ravensdale headquarters, IMP operated a number of businesses and subsidiary companies, both in the United States and overseas. One of these businesses, operated through IMP's subsidiary, Black Knight, Inc., had an exclusive contract to purchase copper slag from the ASARCO smelter in

Tacoma.¹⁰ IMP processed this slag and sold it for a wide range of purposes including feedstock for cement manufacturing, road ballast, driveway gravel, fill material, and decorative rock.^{11,12,13} These products were sold throughout the region, but one of the most noted uses of IMP's copper slag products was as road ballast in the log sort yards around the Port of Tacoma.¹⁴ It was found that the copper slag, when mixed with the organic materials in the wood debris in the sort yards, leached heavy amounts of arsenic and other toxic materials.¹⁵ In the lawsuits and countersuits determining liability for cleanup of the Port areas, IMP was sued as a potentially liable party by ASARCO after ASARCO was sued as liable for the cleanup at the Louisiana-Pacific log sort yard. However, the courts determined that the suit brought against IMP by ASARCO was filed too late after the company's disincorporation, leading to the dismissal of charges against IMP. The delay in filing charges against IMP was due to ASARCO's belief that L-Bar Products, Inc. (Reserve Industries), having purchased the assets of IMP, was the successor in liability to IMP. ASARCO thus initially filed their suit against L-Bar Products, but the courts ruled that L-Bar could not be proved as successor in liability under CERCLA rules. (CERCLA – the Comprehensive Environmental Response, Compensation, and Liability Act - was relatively new and largely untested in the courts at that time.) Ultimately, neither IMP nor L-Bar were held financially liable for cleanup of ASARCO slag distributed by IMP.¹⁶

It has been stated that ASARCO slag found its way to the Ravensdale site. Though documented proof seems to have been lost, it is highly probable that IMP would have utilized their own road ballast and gravel products on their own roads at the Ravensdale mine site since they were selling these products to other industrial operators for that purpose. In a 1983 visit to the Ravensdale site, Greg Wingard states in his trip report having picked up two pieces of copper slag from a road on the Ravensdale site.¹⁷ He reports submitting this sample to the Washington Department of Ecology (WDOE), but results of any testing done by WDOE could not be found during a 2013 Public Records request.¹⁸ However, Mr. Wingard recalls the samples were sent to WDOE's Manchester Laboratory which confirmed the samples were very high in arsenic and that the slag was from ASARCO.¹⁹ A former worker on the Ravensdale site also reported in 2004 having been told by older workers at the site that ASARCO slag was dumped on the site, along with oil from heavy equipment, but no apparent follow-up of this report has been found in WDOE records either.²⁰

Chewelah Connection

Another business run by IMP was a magnesium recovery plant in Chewelah, Washington. This business was operated by IMP's subsidiary, Phoenix Resources Recovery (PRR).^{21,22,23} The plant area, now commonly referred to as the L-Bar Site after it was purchased in 1986 by Reserve Industries through its subsidiary, L-Bar Products, Inc., has been the focus of numerous environmental complaints, first against PRR and then against L-Bar Products.^{24,25} The magnesium recovery process involved grinding flux bars (the waste product from the Northwest Alloys [Alcoa subsidiary] magnesium smelting plant in Addy, Washington. The ground material was sifted to remove magnesium granules, which were sold for use in steel manufacturing.²⁶ The fine powdery residue of this grinding process, called flux bar residue (FBR), was stockpiled on the site and later marketed as both an agricultural fertilizer and a road deicer (same material).²⁷ PRR initially announced plans to market the FBR as fertilizer,^{28,29} but it was after purchase of the plant by Reserve Industries/L-Bar Products that the marketing of fertilizer and road deicer

apparently began in earnest. (Ronald J. Roman, Vice President of PRR and then L-Bar Products, received a patent for the road deicer formula “Road Clear” in 1987, noting in the patent application that this could be used as agricultural fertilizer as well. This patent was assigned to L-Bar Products, Inc.)³⁰

Following closure of the Chewelah plant by L-Bar in 1991, the site has been the focus of a major cleanup effort by the WDOE. This cleanup effort has been managed by Northwest Alloys, which assumed responsibility for the cleanup as part of the L-Bar Products bankruptcy settlement in 1999.

IMP was dissolved in December 1986 following the sale of its assets to Reserve Industries’ subsidiary L-Bar Products, Inc. in March 1986.^{31,32}

NOTES AND REFERENCES

Abbreviations:

SEC – Securities and Exchange Commission

USEPA – U.S. Environmental Protection Agency

WDOE – Washington Department of Ecology

2.2 What is the Magnitude of the Likely Forest Reclamation Costs?

¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 1.

² International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C.

³ Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012., Appx. G.

⁴ Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012., Appx. G, pg. 6.

⁵ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C. pg. 5.

⁶ Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012.

⁷ Reitenbach, Paul: Senior Policy Analyst, DDES. Letter to KC Council TrEE Committee. July 26, 2012. Pgs. 2, 3, & 4.

⁸ Rural Forest Commission. Letter to Larry Gossett, King County Council Chair. October 17, 2012.

⁹ American Forest Management. *Forest Management Plan Reserve Properties*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. I.

2.3 Assessment of Reclamation Costs

¹ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 5.

² Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012, Appx. G., pg. 6.

2.3b Forest Reclamation Assumptions

¹ Arkansas Timber Info. *Herbicide Applications*. www.arkansastimber.info

² International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 8.

³ Reserve Silica Corporation website, June 15, 2016. <http://www.reservesilica.com/>

⁴ Melfi, Frank: President of Reserve Silica and Reserve Industries (parent company of Reserve Silica). Personal conversation with Michael and Donna Brathovde. May23, 2016.

⁵ Transpo Group. *Draft Memorandum*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. F.

⁶ Small, Derek. Personal communication. 2015.

⁷ White, Fred: Site Development Specialist, King County DPER. Personal communication. 2015.

⁸ Brathovde, Michael: Forterra Volunteer Land Steward Ravensdale Ridge. Monitoring data for Wagner/Erickson property. 2016.

⁹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. H: *Interim Reclamation Plan for the Ravensdale Quarry*; Figure 5.

¹⁰ Vrablick, Brian J.: Forestry Project Manager, King County WTD. Email communication. June 14, 2016.

¹¹ Washington Department of Natural Resources. *Forest Practices Act FPAR applications, Erickson Logging*.

2.4 Estimate of Total Forestry Reclamation Cost

¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. H: *Interim Reclamation Plan for the Ravensdale Quarry*. Pg. 1.

2.5 Hasn't This Property Always Been Primarily a Mining Site?

¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 7.

² Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2.

³ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2: Dale/Continental Coal Co processing plant.

⁴ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2: Dale/Continental Coal Co processing plant plus Dale strip mine.

⁵ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 30. Calculation includes DSP plus LDA plus 3 active mine pits plus coal tailings plus plant site and clay tailings ponds.

⁶ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2.

⁷ Friends of Rock Creek Valley. Rock Creek Valley Conservation Plan and Priorities. 2004.

⁸ Aerial photography, 1980 and 1985.

⁹ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2.

¹⁰ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 3.. Based on 1936 aerial photography available on King County iMap.

¹¹ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 4.

¹² City of Kent Wellhead Protection Program. Fig. 4-1: *Land Use Zoning and Relevant Features Map, Nov 1995*. April 2, 1996. [City of Kent Wellhead Protection Program](#)

¹³ Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Introduction, pg. 16.

¹⁴ Rural Forest Commission. Letter to Larry Gossett, King County Council Chair. October 17, 2012.

¹⁵ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 4.

2.6 Is Proposal Compatible with Surrounding Land Uses and Supported by Adjacent Property Owners?

¹ Reserve Silica Rural Mining Site Conversion Project. Project Summaries dated April 6, 2016 and May 1, 2016. Pgs. 1

² Reserve Silica Land Use Study. March 9, 2011. Pg. 16.

³ Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. A: Carl Sanders; Appx. B: Hal Read; and Appx. E: Fred Wagner.

⁴ Powell, Chris. Letter to Paul Reitenbach, 2012 KC Comp Plan Mgr. May 3, 2012.

⁵ Ridley, Lisa: P&D Logging Business Administrator. Text message to Michael Brathovde, May 29, 2016.

⁶ Black Diamond Natural Area, Henry's Ridge Open Space, Cemetery Reach Natural Area, Forterra conservation easement on Wagner/Erickson and Rigby properties.

⁷ Powell, Chris. Letter to Paul Reitenbach, 2012 KC Comp Plan Mgr. May 3, 2012.

⁸ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, footnote pg. 1.

⁹ Reserve Silica Corporation and Holcim (US) Inc. *Easement Agreement Involving Site Environmental Activities*. King County Recording no. 20110127000636.

¹⁰ Reitenbach, Paul: Senior Policy Analyst, DDES. Letter to KC Council TrEE Committee. July 26, 2012.

2.7 Doesn't Reclamation for Forestry Conflict with the IFC and UW Study Conclusions?

¹ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C.

² Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012, Appx. G.

³ Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012, Appx. G, pg. 6.

⁴ King County Rural Forest Commission. Letter to Larry Gossett, King County Council Chair. October 17, 2012.

2.8 Does This Property Meet GMA and King County Criteria for 'Forest Land of Long-Term Commercial Significance'?

¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 1.

² International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 29.

³ Bradley, Gordon, et al. *Reserve Silica Project Land Use Classification Evaluation*. University of Washington. March 12, 2012. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012, Appx. G, pg. 14.

⁴ Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Introduction, pg. 3.

⁵ Ryon, Dick. King County Rural Forest Commission, September 8, 2011 meeting notes, pg. 2.

⁶ Sale of Hancock White River Tree Farm to Muckleshoot Indian Tribe, for whom timber production is not their primary management objective.

2.9 Why is Reserve Promoting Conversion to Rural Residential Development?

¹ Muyskens, J. D. Personal conversation regarding typical offers for approved, but unpermitted housing sites on rural lands surrounding the Vancouver, Washington area in 2015. Offers averaged ~\$32,500/lot. Housing prices in King County have been running significantly higher than in the Vancouver, WA area, and SE King County housing prices have risen over 10% over the past year; leading to estimated 2016/2017 undeveloped lot prices in King County at ~\$40K/lot.

2.10 Who Would Buy These Lands From Reserve if Upzone Denied and Property Reclaimed for Forestry?

¹ Melfi, Frank: President of Reserve Silica. Personal conversations on several occasions with Michael and Donna Brathovde. 2015 and 2016.

² Melfi, Frank: President of Reserve Silica. Personal conversation with Michael and Donna Brathovde. May 23, 2016.

³ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 24.

3.2 What are the Environmental Risks and Human Health Hazards at the Ravensdale Reserve Silica Site?

¹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>

² Holcim/Reserve Silica Easement Agreement dated Aug 27, 2002. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. D, pg. 1.

³ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. K, pg. 10.

⁴ Model Toxics Control Act, Chapter 70.105D RCW.

⁵ WDOE. Recommendation for Enforcement Action, Water Quality Program. Reserve Silica, Permit No. WAG 503029. June 21, 2016. <https://fortress.wa.gov/ecy/>

⁶ WDOE. Reserve Silica Site Hazard Assessment: Facility Site ID #2041. Letters dated January 25, 2016 and February 29, 2016. <https://fortress.wa.gov/ecy/>

⁷ WDOE. Reserve Silica Notice of Violation No. 13466. June 29, 2016. <https://fortress.wa.gov/ecy/>

3.3 Cement Kiln Dust (CKD)

¹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. K, pg. 5.

² WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State DOE](#)

³ Wilson, Duff. *Fateful Harvest: The True Story of a Small Town, a Global Industry, and a Toxic Secret*. HarperCollins, New York. 2001.

⁴ Seattle Times. *Men Burned by 'Mystery Mud' Were Warned, Firm Says*. March 3, 1981. <http://www.genealogybank.com/>

⁵ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. K, pg. 5.

⁶ WDOE. Reserve Silica Site Hazard Assessment Worksheet 1, January 25, 2016. <https://fortress.wa.gov/ecy/> These pH measurements were recorded for surface water at the Infiltration Pond #1 and the Still Well respectively. Measurements at other sites indicated a maximum bedrock ground water pH of 7.73 and a maximum shallow ground water pH of 10.14.

⁷ WDOE. Recommendation for Enforcement Action, Water Quality Program. Reserve Silica, Permit No. WAG 503029. June 21, 2016. <https://fortress.wa.gov/ecy/>

⁸ USEPA. *Report to Congress on Cement Kiln Dust*. December 1993. <http://nepis.epa.gov/>

⁹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. K, pg. 5.

¹⁰ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State DOE](#)

¹¹ Environmental Research Foundation. *Cement and Kiln Dust Contain Dioxins*. December 2, 1992. <http://www.ejnet.org/>

¹² USEPA. *Report to Congress on Cement Kiln Dust*. December 1993. <http://nepis.epa.gov/>

¹³ USEPA. *Report to Congress on Cement Kiln Dust*. December 1993. <http://nepis.epa.gov/>

¹⁴ Richardson, Mark A. *Recycling or Disposal? Hazardous Waste Combustion in Cement Kilns: An Introduction to Policy and Legal Issues Associated with Burning Hazardous Waste in Cement Kilns*. April 1995. <http://www.mindfully.org>

¹⁵ USEPA. *Report to Congress on Cement Kiln Dust*. December 1993. <http://nepis.epa.gov/>

¹⁶ Richardson, Mark A. *Recycling or Disposal? Hazardous Waste Combustion in Cement Kilns: An Introduction to Policy and Legal Issues Associated with Burning Hazardous Waste in Cement Kilns*. April 1995. <http://www.mindfully.org>

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- ¹⁷ Montana State Supreme Court. Minutes of the Montana Senate, Committee on Natural Resources, February 15, 1993: Exhibit no. 6. [Montana State Supreme Court](#)
- ¹⁸ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State ...](#)
- ¹⁹ USEPA. *Burning Tires for Fuel and Tire Pyrolysis: Air Implications*. December 1991. <http://nepis.epa.gov/>
- ²⁰ WDOE. *Washington State Dioxin Source Assessment*. Pub. No. 98-320. July 1998.
- ²¹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ²² Duwamish River Cleanup Coalition. *Comments on the Lower Duwamish Waterway Group’s Draft Phase I Remedial Investigation, Ecological Risk Assessment, and Human Health Risk Assessment*. August 14, 2002. [Duwamish River Cleanup Coalition](#)
- ²³ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ²⁴ Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. H: Interim Reclamation Plan, pg. 6.
- ²⁵ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ²⁶ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ²⁷ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ²⁸ Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. H: Interim Reclamation Plan, pg. 6.
- ²⁹ Albuquerque Journal. *L-Bar Products Acquires Industrial Mineral*. March 9, 1986. <https://www.newspapers.com/>
- ³⁰ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. H: *Interim Reclamation Plan for the Ravensdale Quarry, May 2014*. Pg. 6.
- ³¹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ³² WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. Pg. 2. <https://fortress.wa.gov/ecy/>
- ³³ Holcim/Reserve Silica Easement Agreement dated Aug 27, 2002. Reserve Silica Response to King County’s Proposed Forest Resource Classification, February 14, 2012. Appx. D.
- ³⁴ Reserve Silica Corporation-Holcim (US) Inc. Easement Agreement Involving Site Environmental Activities. January 2011. KC recording no. 20110127000636.
- ³⁵ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ³⁶ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pgs. 3 and 9.
- ³⁷ WDOE. Recommendation for Enforcement Action, Water Quality Program. Reserve Silica, Permit No. WAG 503029. June 21, 2016. <https://fortress.wa.gov/ecy/>
- ³⁸ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ³⁹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ⁴⁰ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ⁴¹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 8.
- ⁴² GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 10.
- ⁴³ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ⁴⁴ WDOE. Recommendation for Enforcement Action, Water Quality Program. Reserve Silica, Permit No. WAG 503029. June 21, 2016. <https://fortress.wa.gov/ecy/>
- ⁴⁵ WDOE. Reserve Silica: Notice of Violation No. 13466. June 29, 2016.

⁴⁶ WDOE. Reserve Silica: Notice of Violation No. 13466. June 29, 2016. Cover letter.

⁴⁷ WDOE. Reserve Silica: Notice of Violation No. 13466. June 29, 2016. Pg. 2.

⁴⁸ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K. The GeoEngineers' report summarizes concerns about Groundwater and Surface Water on page 10 as follows: "Groundwater and surface water could be impacted from former mining activity, processes and waste, CKD and landfill material leachate, potentially contaminated fill material, historic releases of hazardous substances, leaking USTs [underground storage tanks], and unknown adjacent property use. The potential for the documented CKD-impacted groundwater in the vicinity of the development areas may be minimal based on the location of the 15 groundwater wells and 4 surface water monitoring points on the Subject Property, but without identifying the impacted limits, surface and groundwater quality remain a potential environmental concern. In addition, other potential sources of surface and groundwater contamination on the Subject Property, other than CKD fill, may exist. Due to the limited sampling locations and analysis included in the current water quality monitoring program, other potential sources and/or recognized environmental conditions have not been evaluated. Therefore, it is possible that surface and ground water quality may present a risk to human health and the environment, which may dictate opportunities for future use of the property."

The report goes on to summarize concerns about the Leachate as follows: *Although the LDA and Dale Strip Pit have been capped and a legal agreement with Holcim is in place for continued liability, leachate from the LDA and Dale Strip Pits continue to present an environmental concern for impacts to groundwater, soil, and the exposure to leachate. Leachate (in the form of surface water) is seeping out of the west side of the LDA, and west of the LDA into collection ditches, which fall outside of the conveyance infrastructure in the marsh areas, the south pond area, and in the infiltration ponds (Public Health – Seattle & King County 2014). Although the conveyance and infiltration facilities are in place, the capture of leachate within collection ditching and inlet infrastructure has not been reliable. The uncontrolled nature of the leachate and impacted surface waters result in exposure pathways impacting human health and the environment that could be an ongoing concern depending on future land use type. Although Holcim carries liability for the CKD filled pits, they have not provided complete control of the contamination impacts."*

⁴⁹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 6, pg. 3. January 2016. <https://fortress.wa.gov/ecy/>

⁵⁰ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 6, pg. 3. January 2016. <https://fortress.wa.gov/ecy/>

⁵¹ City of Kent. Wellhead Protection Program. *Clark, Kent and Armstrong Springs*. April 2, 1996. [City of Kent Wellhead Protection Program](#)

⁵² Martin, Chris. WDOE Water Quality Program meeting. June 27, 2016.

⁵³ WDOE. Reserve Silica Site Hazard Assessment, Worksheets 4 & 6. January 2016. <https://fortress.wa.gov/ecy/>

⁵⁴ WDOE. Reserve Silica Site Hazard Assessment, Route Scoring Summary and Ranking Calculation. January 2016. <https://fortress.wa.gov/ecy/>

⁵⁵ WDOE. Reserve Silica Site Hazard Assessment: Facility Site ID #2041. Letters dated January 25, 2016 and February 29, 2016. <https://fortress.wa.gov/ecy/>

⁵⁶ WDOE. Reserve Silica Site Hazard Assessment: Facility Site ID #2041. Letters dated January 25, 2016 and February 29, 2016. <https://fortress.wa.gov/ecy/>

⁵⁷ City of Kent. Wellhead Protection Program. Fig. 3-1: *Modeled Capture Zones*, and Fig 3-2: *Kent/Covington Wellhead Protection Area Map*. April 2, 1996. [City of Kent Wellhead Protection Program](#)

3.4 Limitations of Past Testing and Monitoring

¹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.

² Staff Comments. WDOE Water Quality Program meeting. June 27, 2016. (In attendance: Jerry Shervey, Chris Martin, Madeline Wall, and Biniam Zelelo of WDOE; Dan Dhillon of Seattle & King County Public Health.)

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- ³ Montana State Supreme Court. Minutes of the Montana Senate, Committee on Natural Resources, February 15, 1993: Exhibit no. 6. [Montana State Supreme Court](#)
- ⁴ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State ...](#)
- ⁵ USEPA. *Burning Tires for Fuel and Tire Pyrolysis: Air Implications*. <http://nepis.epa.gov/>
- ⁶ WDOE. *Washington State Dioxin Source Assessment*. July 1998. <https://fortress.wa.gov/ecy/>
- ⁷ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ⁸ GeoEngineers. *Preliminary Environmental Conditions Letter Report*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ⁹ Albuquerque Journal. *L-Bar Products Acquires Industrial Mineral*. March 9, 1986. <https://www.newspapers.com/>
- ¹⁰ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2.
- ¹¹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016.
- ¹² GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ¹³ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ¹⁴ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ¹⁵ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K. pgs. 2 and 8.
- ¹⁶ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ¹⁷ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ¹⁸ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 9.
- ¹⁹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 10.
- ²⁰ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1, pg. 2. January 2016. <https://fortress.wa.gov/ecy/>
- ²¹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 8.
- ²² GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 8.
- ²³ WDOE. Reserve Silica Warning Letter. May 20, 2013. Pg. 2. <https://fortress.wa.gov/ecy/>
- ²⁴ WDOE. Reserve Silica Warning Letter. May 20, 2013. <https://fortress.wa.gov/ecy/>
- ²⁵ Wingard, Greg. *Industrial Mineral Products Trip Report*, April 17, 1983.
- ²⁶ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).

3.5 Other Potential Contaminants

- ¹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ² GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ³ Albuquerque Journal. *L-Bar Products Acquires Industrial Mineral*. March 9, 1986. <https://www.newspapers.com/>

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- ⁴ Brathovde, Michael. Ravensdale History and Reserve Silica Property. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. L, pg. 2.
- ⁵ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ⁶ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ⁷ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ⁸ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ⁹ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 2.
- ¹⁰ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ¹¹ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1. January 2016. <https://fortress.wa.gov/ecy/>
- ¹² GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 9.
- ¹³ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 7.
- ¹⁴ Duwamish River Cleanup Coalition. *Comments on the Lower Duwamish Waterway Group's Draft Phase I Remedial Investigation, Ecological Risk Assessment, and Human Health Risk Assessment*. August 14, 2002. [Duwamish River Cleanup Coalition](#)
- ¹⁵ U.S. Court of Appeals, Ninth Circuit. *Louisiana-Pacific v. ASARCO, et al.* 1993. <http://openjurist.org/>
- ¹⁶ USEPA. *The Asarco Tacoma Smelter Superfund Projects: A Brief Overview*. 1994. <http://nepis.epa.gov/>
- ¹⁷ WDOE. *Toxics Cleanup in Commencement Bay: A Changing Environment and a Toxic Legacy*. <http://www.ecy.wa.gov/>
- ¹⁸ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Summary of Existing Conditions](#)
- ¹⁹ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ²⁰ USEPA. *The Asarco Tacoma Smelter Superfund Projects: A Brief Overview*. 1994. <http://nepis.epa.gov/>
- ²¹ Wingard, Greg. Industrial Mineral Products Trip Report, April 17, 1983.
- ²² Wingard, Greg. Email communication. May 21, 2016.
- ²³ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ²⁴ Wingard, Greg. Industrial Mineral Products Trip Report, April 17, 1983.
- ²⁵ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ²⁶ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015*. Reserve Silica Demonstration Project Proposal, May 1, 2016, Appx. K, pg. 4.

3.5f SR 520 Evergreen Point Floating Bridge Demolition

- ¹ Dhillon, Darshan. Email to Ben Tornberg, Mason Construction (KGM). February 10, 2016.
- ² Madison Park News, *Old 520 Bridge Demolition Plan Draws Concerns*, June 10, 2016.
- ³ King 5 News, *520 Bridge Demolition Plan Moves From Kenmore To Lake Washington*, May 24, 2016; <http://www.king5.com/news/>.
- ⁴ Reserve Silica Demonstration Project Proposal, May 1, 2016. Appx. H: Interim Reclamation Plan, pg. 16.

3.5g Was Industrial Waste “Fertilizer” Applied to Portions of the Site?

¹ More information can be found in Case #91-1345CV (*Behrman v. L-Bar*), Circuit Court of Oregon, Washington County, Hillsboro, OR as referenced in Duff Wilson's book, *Fateful Harvest*.

² Seattle Times, *Fear in the Fields, Part I: How Hazardous Wastes Become Fertilizer – Spreading Heavy Metals On Farmland Is Perfectly Legal, But Little Research Has Been Done To Find Out Whether It's Safe*. July 3, 1997. <http://community.seattletimes.nwsources.com/>. Also, link to entire Duff Wilson Seattle Times *Fear in the Fields* series and book, *Fateful Harvest* at: <http://www.bioethicscourse.info/>

³ Logansport Pharos-Tribune. *Alcoa Building Own Plant To Use Waste In Fertilizer*. August 6, 1997 <https://www.newspapers.com/>

⁴ USEPA. *Report to Congress on Cement Kiln Dust*. December 1993. <http://nepis.epa.gov/>

⁵ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State DOE](#)

⁶ WDOE. Washington State Dioxin Source Assessment. Pub. No. 98-320. July 1998. <https://fortress.wa.gov/ecy/>

⁷ Spokesman-Review. *State Refuses Use of Quarry as Waste Site*. November 30, 1983. <https://news.google.com/newspapers>

⁸ Chemical & Engineering News. *Hazardous Waste Finds Use as Low-cost Fertilizer*. December 24, 1984. <http://www.sciencemadness.org/>

⁹ Duwamish River Cleanup Coalition. *Comments on the Lower Duwamish Waterway Group's Draft Phase I Remedial Investigation, Ecological Risk Assessment, and Human Health Risk Assessment*. August 14, 2002. [Duwamish River Cleanup Coalition](#)

¹⁰ Wilson, Duff. *Fateful Harvest: The True Story of a Small Town, a Global Industry, and a Toxic Secret*. HarperCollins, New York. 2001.

3.6 Physical and Subsidence Risks

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⁵ King County iMap. <http://www.kingcounty.gov/>

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³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist. Pg. 15.

⁴ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Proposed Conservation Easement. Pg. 3.

⁵ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 7.

⁶ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 6. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements, Articles 8.2, 8.3, and 2.14, pgs. 2 & 13. Appx. D: Conservation Easement, item 6.10, pg. 3.

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- ⁷ Reserve Silica Land Use Study. March 9, 2011. Pg. 14.
- ⁸ Reserve Silica Rural Mining Site Conversion Project. May 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements, Articles 5.1.18, 6.4 and 7.1, pgs. 7 and 12.
- ⁹ Reserve Silica Rural Mining Site Conversion Project. May 2016. Appx. E: SEPA Checklist, 3.b.1, pg. 7.
- ¹⁰ WDOE. Reserve Silica Site Hazard Assessment, Worksheet 1, pg. 1. January 2016. <https://fortress.wa.gov/ecy/>
- ¹¹ Reserve Silica Land Use Study. March 9, 2011. Pg. 10.
- ¹² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist, 16.b; Reserve Silica Land Use Study. March 9, 2011. Pg. 10.
- ¹³ Swanson, Evan, Environmental Engineering, City of Kent Wellhead Protection Program. Email communication July 28, 2016.
- ¹⁴ Seattle Times. Rain-soaked Seattle Has Nation's Highest Water Bills. April 30, 2015. <http://www.seattletimes.com> Water consumption estimated at 200 gallons per day for a four-person household, for 72 households.
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- ³ Industrial Resources Council. *Portland Cement Manufacturing*. <http://www.industrialresourcescouncil.org/>
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- ⁵ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State ...](#)
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- ¹⁴ Seattle Times. *Men Burned by 'Mystery Mud' Were Warned, Firm Says*. March 3, 1981. <http://www.genealogybank.com/>
- ¹⁵ Duwamish River Cleanup Coalition. *Comments on the Lower Duwamish Waterway Group's Draft Phase I Remedial Investigation, Ecological Risk Assessment, and Human Health Risk Assessment*. August 14, 2002. [Duwamish River Cleanup Coalition](#)
- ¹⁶ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State ...](#)
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- ¹⁹ Richardson, Mark A. *Recycling or Disposal? Hazardous Waste Combustion in Cement Kilns*. April 1995. <http://www.mindfully.org>
- ²⁰ Environmental Research Foundation. *Cement and Kiln Dust Contain Dioxins*. <http://www.ejnet.org/>
- ²¹ National Institute of Environmental Health Sciences. *Dioxins*. <http://www.niehs.nih.gov/> Dioxins are considered among the most hazardous substances known to science. They are largely man-made compounds, though they can also be produced through natural events such as forest fires or volcanos. Exposure to even minute amounts of dioxins has been shown to be carcinogenic, often decades after exposure. The extremely high temperature environment of waste incinerator facilities, including cement kilns, where organic substances are burned as fuel or are contained in the materials being processed, leads to the creation of these toxic compounds. The presence of dioxins in cement kiln dust has been documented and associated with the use of several alternative fuel sources burned in cement kilns, most notably tires or tire-derived fuels (ground or shredded tires). Dioxins have also been linked to a number of other diseases including type 2 diabetes and ischemic heart disease, as well as causing developmental problems in children, reproductive and infertility problems, damage to the immune system, and interference with the functioning of hormones. Exposure has widespread effects at nearly every stage of development, including in the womb.
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- ²³ WDOE. Pub. No. 01-04-010. Hazards of Dioxins. [Hazards of Dioxins](#)
- ²⁴ WDOE. *Lower Duwamish Waterway – Cement Kiln Dust: Summary of Existing Information*. April 2015. [Cement Kiln Dust: Summary of Existing Information - Washington State ...](#)
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- ⁴ WDOE. *Toxics Cleanup in Commencement Bay: A Changing Environment and a Toxic Legacy*. <http://www.ecy.wa.gov/>
- ⁵ USEPA. *The Asarco Tacoma Smelter Superfund Projects: A Brief Overview*. 1994. <http://nepis.epa.gov/>
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- ⁷ Spokane Chronicle. *Jury Considers Who Must Take On Massive Slag Cleanup in Tacoma*. November 2, 1990. <https://news.google.com/newspapers>

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² Staff Comments. WDOE Water Quality Program meeting. June 27, 2016. (In attendance: Jerry Shervey, Chris Martin, Madeline Wall, and Biniam Zelelo of WDOE; Dan Dhillon of Seattle & King County Public Health.)

³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist, item 7.a, pg. 11.

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⁵ American Forest Management. *Forest Management Plan Reserve Properties, May 9, 2016*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. I.

⁶ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. C.

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¹⁰ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 7.

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¹² Ecological Land Services, Inc. *Wetland Delineation Update, June 21, 2015*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx G, pg. 3.

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¹⁶ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 5.2, pg. 3.

4.2 Is Reserve's Current Proposal Consistent with King County Policy and Goals?

¹ Rural Forest Commission. Letter to Larry Gossett, King County Council Chair. October 17, 2012.

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- ⁴ Ryon, Dick. King County Rural Forest Commission, September 8, 2011 meeting notes, pg. 2.
- ⁵ Chaney, John: Chair, King County Rural Forest Commission. Comments before the KC Council TrEE Committee, September 19, 2012.
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- ⁸ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist. Pg. 7.
- ⁹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Articles 7.1, 5.1.18, and 6.9; pgs. 12, 7 and 12.
- ¹⁰ Reserve Silica Land Use Study. March 9, 2011. Pg. 10, Indicates nearest Covington Water main located at 268th Ave SE & SE 276th St.
- ¹¹ Covington Water District. *Water System Plan, Agency Draft*. September 2015.
- ¹² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. *Table 2: Land Use by Property*; and Reserve Silica Proposal distributed at April 6, 2016 King County Council Meeting at Ravensdale.
- ¹³ J. M. Allen: Reserve Silica Consultant. Personal conversation with Michael and Donna Brathovde. May 27, 2016.
- ¹⁴ Friends of Rock Creek Valley, *Rock Creek Valley Conservation Plan and Priorities*. 2004.

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- ¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 1.
- ² Merlino Holdings, Meridian Aggregates, John Henry Mine site.
- ³ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ⁴ Chaney, John: Chair, King County Rural Forest Commission. Remarks to TrEE Committee, September 19, 2012.
- ⁵ King County iMap. Portions of sections 7, 8, 17, 18, 19 of T21N R07E; and sections 12 and 13 of T21N R06E.
- ⁶ Brathovde, Michael. Manager of Strategic Planning, Timberlands Acquisitions and Valuation Department (Retired).
- ⁷ King County iMap. Review of parcel owners.

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- ¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 5.1, pg. 3.
- ² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 1.2, pg. 1.
- ³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 1.4, pg. 1.
- ⁴ Reitenbach, Paul: Senior Policy Analyst, DDES. Letter to KC Council TrEE Committee. July 26, 2012.
- ⁵ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 6.10, pg. 3.
- ⁶ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Articles 8.2 and 8.3, pg. 13.
- ⁷ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 6.7, pg. 3.
- ⁸ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 5.3, pg. 3.
- ⁹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 6.4, pg. 3.
- ¹⁰ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 3.
- ¹¹ Holcim/Reserve Silica Easement Agreement dated Aug 27, 2002. Reserve Silica Response to King County's Proposed Forest Resource Classification, February 14, 2012. Appx. D.

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- ¹² Reserve Silica Response to King County’s Proposed Forest Resource Classification, February 14, 2012. Introduction, pg. 3.
- ¹³ International Forestry Consultants, Inc. *Forestry Analysis*. Reserve Silica Response to King County’s Proposed Forest Resource Classification, February 14, 2012. Appx. C, pg. 7
- ¹⁴ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, Project Map, pg. 2b.
- ¹⁵ American Forest Management. *Forest Management Plan Reserve Properties, May 9, 2016* - Summary of Salient Facts, pg. 3. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. I.
- ¹⁶ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 5.
- ¹⁷ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist; item 12.c, pg. 15.
- ¹⁸ Reitenbach, Paul: Senior Policy Analyst, DDES. Letter to KC Council TrEE Committee. July 26, 2012.
- ¹⁹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 1.1, pg. 1.
- ²⁰ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 3, pg. 3.
- ²¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 2.7, pg. 1.
- ²² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 2.7, pg. 1.
- ²³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 6.1, pg. 11.
- ²⁴ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 6.2, pg. 11.
- ²⁵ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Article 7.4, pg. 13.

5.2 Is It Practical for the HOA to Manage the Forest Reclamation and Holcim Agreements?

- ¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Introduction, pg. 6. Appx. D: Conservation Easement, item 6.10, pg. 3.
- ² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. C: Declaration of Covenants, Conditions, Restrictions, and Easements; Articles 2.14, 8.2, and 8.3, pgs. 2 & 13.
- ³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 6.10, pg. 3.

5.3 Does the Proposal Really Enhance Public Recreational Opportunities?

- ¹ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. B: Development Agreement, item 10, pg. 7.
- ² Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. E: SEPA Checklist, item 12.b, pg. 15.
- ³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. D: Conservation Easement, item 5.2, pg. 3.

5.4 Does the Community Support This Proposal?

- ¹ Rural Forest Commission. Letter to Councilmember Dembowski, Chair TrEE Committee, Jun 1, 2016; Letter to Larry Gossett, King County Council Chair. October 17, 2012.
- ² Greater Maple Valley Unincorporated Area Council. Email to King County Council TrEE Committee, June 7, 2016; Email to King County Councilmembers, March 5, 2013.
- ³ Friends of Rock Creek Valley. Email to King County Councilmembers, June 1, 2016.
- ⁴ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ⁵ City of Black Diamond. Letter and Resolution to King County Council, February 14, 2013.

⁶ Staff Comments. WDOE Water Quality Program meeting. June 27, 2016. (In attendance: Jerry Shervey, Chris Martin, Madeline Wall, and Biniam Zelelo of WDOE; Dan Dhillon of Seattle & King County Public Health.)

5.5 Should Policy I-203 be Extended in the 2016 KCCP?

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⁴ Albuquerque Chamber of Commerce Web Site. 2016. <https://www.chamberofcommerce.com/albuquerque-nm/>

⁵ Albuquerque Journal. *Reserve Oil Shifts To Fresh Areas, May Change Name*. December 28, 1986.

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⁷ SEC. Reserve Industries Corp. SEC filings 1995-2003.

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¹⁰ WA Dept. of Natural Resources. *Directory of Washington Mining Operations 1977*. [1977 Directory of Washington Mining Operations](#)

¹¹ SEC. Reserve Industries Corp. SEC filings 1995-2003.

¹² Albuquerque Journal. *Uranium Firm Lists Gains in 1978*. January 4, 1979.. <https://www.newspapers.com/>

¹³ Albuquerque Journal. *No headline*. October 8, 1969. <https://www.newspapers.com/>

¹⁴ Albuquerque Journal. *Stock-Purchase Agreement Reached*. August 24, 1987. <https://www.newspapers.com/>

¹⁵ Albuquerque Journal. *City Firm Will Explore for Gold*. <https://www.newspapers.com/>

6.2 Who is Reserve Silica Corporation?

¹ Washington Secretary of State, Corporations Division. <https://www.sos.wa.gov>

² Spokesman-Review, *L-Bar, Creditors Reach Agreement*. July 30, 1992. <https://news.google.com/newspapers>

³ Spokesman-Review, *Judge May Rule in March on L-Bar Bankruptcy – 56 Employees Have Waited Years to Receive Their Last Paycheck*. February 4, 1995. <http://www.spokesman.com>

⁴ SEC. Reserve Industries SEC filings 1995-2003. <https://www.sec.gov>

⁵ King County iMap, Parcel no. 362206-9065. <http://www.kingcounty.gov>

⁶ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. Appx. H: *Interim Reclamation Plan Ravensdale Quarry*.

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⁸ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. *Introduction*.

⁹ Dhillon, Darshan: Health and Environmental Investigator III, Seattle & King County Public Health Solid Waste Program. Email communication. February 10, 2016.

¹⁰ City of Kent Wellhead Protection Program. *Fig. 4-1: Land Use Zoning and Relevant Features Map, Nov 1995*. April 2, 1996. [City of Kent Wellhead Protection Program](#)

¹¹ Chaney, John: Chair, King County Rural Forest Commission. Comments before the KC Council TrEE Committee, September 19, 2012.

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- ¹² Rural Forest Commission. Meeting Minutes. September 8, 2011.
- ¹³ Reserve Silica Land Use Study. March 9, 2011.
- ¹⁴ Reserve Silica. Response to King County's Proposed Forest Resource Classification. *Fig. 10, Conceptual Site Plan*. February 14, 2012.
- ¹⁵ 2012 King County Comprehensive Plan. Chapter 11, Implementation, Amendment I-203.
- ¹⁶ Phillips, Larry: Former King County Councilmember. Personal communications with Friends of Rock Creek Valley. December 2012.
- ¹⁷ Melfi, Frank: President of Reserve Silica and Reserve Industries, parent company of Reserve silica. Personal conversation with Michael and Donna Brathovde. June 30, 2015.
- ¹⁸ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. *Table 2: Land Use by Property*.
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- ²⁰ King County iMap, Parcel no. 242106-9040. <http://www.kingcounty.gov>
- ²¹ King County iMap, Parcel no. 242106-9040. <http://www.kingcounty.gov>
- ²² Washington Secretary of State, Corporations Division. <https://www.sos.wa.gov>
- ²³ Reserve Silica Rural Mining Site Conversion Project, May 1, 2016. *Table 2: Land Use by Property*; and Reserve Silica Proposal distributed at April 6, 2016 King County Council Meeting at Ravensdale.
- ²⁴ J. M. Allen: Reserve Silica Consultant. Personal conversation with Michael and Donna Brathovde. May 27, 2016.
- ²⁵ WDOE. *Reserve Silica Site Hazard Assessment, January 2016*. <https://fortress.wa.gov/ecy/>
- ²⁶ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015: Environmental Hazards*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016.
- ²⁷ WDOE. *Reserve Silica Site Hazard Assessment, January 2016*. <https://fortress.wa.gov/ecy/>
- ²⁸ GeoEngineers. *Preliminary Environmental Conditions Letter Report, July 22, 2015: Environmental Hazards*. Reserve Silica Rural Mining Site Conversion Project, May 1, 2016.
- ²⁹ Middle Green River Coalition. Letter to King County Council. (n.d., ca. March 2013).
- ³⁰ WDOE. *Reserve Silica Site Hazard Assessment, January 2016. Worksheet 1: Property History*. <https://fortress.wa.gov/ecy/>

6.3 Who is Reserve Properties, LLC?

- ¹ Washington Secretary of State, Corporations Division. <https://www.sos.wa.gov>
- ² King County iMap, Parcel no. 242106-9040. <http://www.kingcounty.gov>
- ³ King County iMap, Parcel no. 242106-9040. <http://www.kingcounty.gov>

6.4 Who was L-Bar Products, Inc.?

- ¹ SEC. Reserve Industries Corp. SEC filings 1995-2003. <https://www.sec.gov>
- ² Albuquerque Journal. *L-Bar Products Acquires Industrial Mineral*. March 9, 1986. <https://www.newspapers.com/>
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But defense attorney Rebecca Coufal said the five-year statute of limitations has expired on most of the eight charges.”
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