CALL CITY COUNCIL REGULAR MEETING TO ORDER

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT - NONE

PUBLIC COMMENT  Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.*

APPROVE CONSENT AGENDA
C-1. Approval of Vouchers. (Hendrickson)

CONTINUED BUSINESS
1. Discuss Recently-Adopted Medical Marijuana Moratorium (Springer/Matheson)

NEW BUSINESS
2. Discuss Pacific Raceways’ Request for Endorsement of County Legislation (Matheson)
3. Consider Ordinance Regarding Banking Services (Hendrickson)
4. 2012 Operating and Capital Budget Presentation (Matheson)
5. Discuss Covington Community Park Budget (Matheson)

COUNCIL/STAFF COMMENTS
- Future Agenda Topics

PUBLIC COMMENT  (*See Guidelines on Public Comments above in First Public Comment Section)

EXECUTIVE SESSION:
- Potential Litigation. (RCW 42.30.110(1)(i))

ADJOURN

Any person requiring disability accommodation should contact the City of Covington at (253) 638-1110 a minimum of 24 hours in advance. For TDD relay service, please use the state’s toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110.
SUBJECT:  APROVAL OF VOUCHERS.

RECOMMENDED BY:  Rob Hendrickson, Finance Director


PREPARED BY:  Joan Michaud, Deputy City Clerk

EXPLANATION:  Not applicable.

ALTERNATIVES:  Not applicable.

FISCAL IMPACT:  Not applicable.

CITY COUNCIL ACTION:  _____Ordinance _____ Resolution _____X_____ Motion _____Other

Councilmember ___________ moves, Councilmember _________________ seconds, to approve for payment:  Vouchers #25988-26046, in the Amount of $344,759.87, Dated September 19, 2011; and Paylocity Payroll Checks #1000163290-1000163302 Inclusive, Plus Employee Direct Deposits in the Amount of $138,138.89, Dated September 30, 2011.
September 19, 2011

City of Covington

City of Covington
City of Covington
Voucher/Check Register

Check # 25988 through Check # 26046

In the Amount of $344,759.87

We, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claims are just, due and unpaid obligations against the City of Covington, Washington, County of King, and that we are authorized to authenticate and certify said claims per the attached register.

______________________________  ______________________________
Cassandra Parker            Mark Lanza
Accountant                  City Councilmember

______________________________  ______________________________
Wayne Snoey                Marlla Mhoon
City Councilmember         City Councilmember

Council Meeting Date Approved ___________________________
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City of Covington

Accounts Payable

Checks by Date - Detail By Check Date

Printed: 09/22/2011 14:20

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September 30, 2011

City of Covington

Payroll Approval

- Request Council approval for payment of Payroll dated 09/30/11 consisting of:

PAYLOCITY CHECK # 1000163290 through PAYLOCITY CHECK # 1000163302 inclusive, plus employee direct deposits

IN THE AMOUNT OF $138,138.89

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF COVINGTON, WASHINGTON, COUNTY OF KING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY SAID CLAIMS PER THE ATTACHED COUNCIL APPROVAL REPORT.

Robert M. Hendrickson  
Finance Director

Mark Lanza  
City Councilmember

Wayne Snoey  
City Councilmember

Marilla Mhoon  
City Councilmember

Council Meeting Date Approved:
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**Totals for Payroll Checks** 71 items 94,258.02

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**Totals for Third Party Checks** 5 items 26,500.27

Tax Liabilities 17,108.70
Paylocity fees 271.90

**Grand Total** $138,138.89
SUBJECT: DISCUSS THE RECENTLY-ADOPTED MEDICAL MARIJUANA MORATORIUM

RECOMMENDED BY: Derek Matheson, City Manager

ATTACHMENT(S):
1. Moratorium Ordinance No. 08-11

PREPARED BY: Derek Matheson, City Manager
Sara Springer, City Attorney

EXPLANATION:
The City Council adopted Ordinance No. 08-11 on August 8, 2011, which declared an emergency and placed a 12-month moratorium on the establishment, location, operation, licensing, maintenance, or continuation of medical marijuana dispensaries, production facilities, processing facilities, and collective gardens. The Council held a mandatory public hearing on the ordinance on September 27, 2011, and scheduled further discussion for October 11, 2011.

Some councilmembers have expressed interest in exempting Covington Holistic Medicine, the city’s sole medical marijuana business, from the moratorium. As the city has discretion to determine its priorities for enforcement of the city’s ordinances, the Council could, by motion, direct the city manager to make enforcement of the moratorium ordinance against existing businesses a low priority.

ALTERNATIVES:

FISCAL IMPACT: None

CITY COUNCIL ACTION: ___Ordinance ___Resolution ___Motion  ___X___Other

Provide direction to staff.

REVIEWED BY: City Manager; City Attorney; Finance Director; Community Development Director
ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTING A TWELVE MONTH MORATORIUM WITHIN THE CITY OF COVINGTON ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE, OR CONTINUATION OF MEDICAL MARIJUANA DISPENSARIES, PRODUCTION FACILITIES, PROCESSING FACILITIES, AND COLLECTIVE GARDENS; DEFINING TERMS; PROVIDING FOR A PUBLIC HEARING ON THE MORATORIUM; AUTHORIZING A WORK PLAN; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as Chapter 69.51A of the Revised Code of Washington (RCW), creates an affirmative defense for qualifying patients to the charge of possession of marijuana, and provides that such patients can, as an alternative to growing marijuana for their own use, designate a designated provider who can provide medical marijuana to only one patient at a time; and

WHEREAS, many jurisdictions have recently seen the establishment of medical marijuana dispensaries within their boundaries, which offer marijuana and marijuana products in exchange for donations and which claim to be operating as designated providers within the meaning of Chapter 69.51A RCW; and

WHEREAS, the Washington State Department of Health has opined that “the law [current Chapter 69.51A RCW] does not allow dispensaries” and that it is “not legal to buy or sell marijuana,” but the Department of Health has left enforcement of the law to local officials; and

WHEREAS, litigation is pending against several jurisdictions that have decided to oppose the location of such facilities within their boundaries; and

WHEREAS, the Washington State legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5073, Medical Cannabis, that became effective on July 22, 2011; and

WHEREAS, uncertainties and ambiguities exist regarding the meaning and enforcement of E2SSB 5073 because Governor Gregoire vetoed significant portions of the bill, creating a bill that fails to legalize and license medical marijuana dispensaries, production facilities, and processing facilities, but does now allow collective gardens and for cities to enact reasonable zoning, licensing, and taxation regulations regarding these uses; and

WHEREAS, the governor’s veto message pertaining to E2SSB 5073, dated April 29, 2011, explained that several sections of the bill were vetoed as a result of a letter from the U.S. Attorneys for Washington State that reiterated that marijuana possession, production, and
distribution is a federal criminal offense and that state workers would not be immune to prosecution under federal law even if state law decriminalized the use, possession, and production of marijuana for medical purposes, therefore the governor was unwilling to place state workers at risk of federal prosecution for enforcing and following state law; and

WHEREAS, though E2SSB 5073 allows medical marijuana collective gardens, the City of Covington currently has no licensing, zoning, or land use requirements that address collective gardens for medical marijuana production or that address medical marijuana production, processing, or dispensing facilities, should such dispensaries be determined to be authorized by E2SSB 5073; and

WHEREAS, given the extreme uncertainty of the legal status of medical marijuana production facilities, processing facilities, and dispensaries under the current law, and given the legislature’s inaction on the subject and the strong possibility for the law to change yet again after the 2012 legislative session, the City requires time for a through legal review of the complicated legal framework that currently exists and is still evolving; and

WHEREAS, given the limitations on city staff time and resources, it is not an efficient use of city staff time or resources to commence a planning process by staff and an introduction of materials to the Planning Commission until the legal issues surrounding the development of regulations for medical marijuana production, processing, and dispensing facilities, as well as collective gardens, are resolved; and

WHEREAS, the planning process that occurs will need to consider complex zoning, licensing, and taxation regulations for collective gardens, and marijuana production, processing and dispensing facilities should they be deemed legal; and

WHEREAS, once the City Council receives a recommendation from the Planning Commission it will need a reasonable period of time to consider the recommendations, conduct one or more public hearings, and adopt regulations related to the establishment and citing of medical marijuana collective gardens, and production, processing, and dispensing facilities should they be deemed legal; and

WHEREAS, unless an emergency zoning moratorium is imposed, medical marijuana collective gardens and production, processing, and dispensing facilities may seek to locate within the City of Covington while the City lacks the necessary tools to ensure that such uses are legal, that the location is appropriate, and that the reported secondary impacts of such facilities, which include but are not limited to, invasion of the business, burglaries, robberies associated with the cash and drugs maintained on the site, unlawful use and distribution of marijuana for non-medical purposes, and unlawful commercial marijuana growing operations, are minimized and mitigated; and

WHEREAS, the City Council has determined that an emergency moratorium is necessary in order to protect the public interest, health, and safety until such time as the Council can act on a recommendation from the Planning Commission concerning the establishment and citing of
medical marijuana collective gardens, and production, processing, and dispensing facilities should they be deemed legal; and

WHEREAS, pursuant to RCW 35A.63.220, the city may impose land use and development moratoria to be in effect for a period of up to six (6) months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The “WHEREAS” clauses set forth above are hereby adopted as the City Council’s preliminary findings of fact in support of the moratorium imposed by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. Moratorium Established. A moratorium is hereby enacted prohibiting within the City of Covington the location, establishment, licensing, operation, maintenance, or continuation of any medical marijuana dispensary, any medical marijuana production facility, any medical marijuana processing facility, or any medical marijuana collective garden, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A RCW, or any other laws of the state of Washington. No building permit, occupancy permit, or other development approval shall be issued for any of the purposes or activities listed above, and no business license or registration shall be granted or accepted while this moratorium is in effect. Any land use permits, business licenses, or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force and effect.

As used in this ordinance, the following terms have the meanings set forth below:

A. “Medical marijuana dispensary” any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use. A person who is the designated provider for only one (1) qualified patient during any fifteen (15) day period and who complies with Chapter 69.15A RCW, shall not be deemed a medical marijuana dispensary for the purposes of this moratorium.

C. “Medical marijuana processing facility” means premises and equipment where marijuana products are manufactured, processed, handled or labeled for sale, delivery, or transfer (for consideration or otherwise) to a medical marijuana dispensary, or to more than one qualifying patient within any fifteen (15) day period.
D. “Medical marijuana production facility” means premises and equipment where marijuana is planted, grown, harvested, processed, stored, handled, packaged or labeled for sale, delivery, or transfer (for consideration or otherwise) to a medical marijuana processing facility, a medical marijuana dispensary, or to more than one qualifying patient within any fifteen (15) day period.

E. “Medical marijuana collective garden” means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants. A medical marijuana collective garden shall satisfy the above definition regardless of its formation, ownership, management, or operation as a business, agency, organization, cooperative, network, consultation operation, group, or person. A person who is the designated provider for only one qualified patient during any fifteen (15) day period who complies with Chapter 69.51A RCW or a person who is a qualified patient and who complies with RCW 69.51A, shall not be deemed a medical marijuana collective garden for the purposes of this moratorium.

Section 3. Effective Period of Moratorium. The moratorium established by this ordinance shall become effective as set forth in Section 7 below, and shall continue in effect for twelve months thereafter unless repealed, renewed, or modified by the City Council after a subsequent public hearing and entry of findings of fact.

Section 4. Work Program. The City Manager is authorized to allocate the necessary resources to prepare a work program to address issues related to determining the legality of medical marijuana dispensaries, production facilities, processing facilities, and collective gardens, including but not limited to review of the pending dispute between state and federal law enforcement authorities regarding the legality of medical marijuana use under any circumstance and notwithstanding the enactment by the state legislature of RCW 69.51A. In the event that such uses are ultimately determined to be legal, the work plan should also review and research the most appropriate zoning districts in the city for such medical marijuana uses, and develop related development regulations and performance standards applicable to medical marijuana uses in the city as may be necessary.

Section 5. Public Hearing to be Held. A public hearing on the issue of the moratorium shall be held no later than sixty (60) days after the date of adoption herein.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.
Section 7. Effective Date. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.


Mayor Margaret Harto

PUBLISHED: August 12, 2011
EFFECTIVE: August 12, 2011

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Sara Springer, City Attorney
SUBJECT: DISCUSS PACIFIC RACEWAYS’ REQUEST FOR ENDORSEMENT OF COUNTY LEGISLATION

RECOMMENDED BY: Derek Matheson, City Manager

ATTACHMENT(S):
1. Proposed King County Ordinance No. 2011-0227

PREPARED BY: Derek Matheson, City Manager

EXPLANATION:
On September 13, 2011, Pacific Raceways CEO Jason Fiorito shared his company’s expansion plans with the City Council and asked for the Council’s endorsement of proposed King County Ordinance No. 2011-0227 that would make expansion possible. At the same meeting, councilmembers received public comment from raceway neighbors, most of whom were opposed to expansion. On September 27, 2011, Council scheduled further discussion of Mr. Fiorito’s request for October 11, 2011.

ALTERNATIVES:
1. Direct the city manager to prepare and the mayor to sign a letter of support (or opposition) to King County officials.
2. Schedule a resolution of support (or opposition) for the next City Council meeting.
3. Request additional information.
4. Take no action.

FISCAL IMPACT: Staff time

CITY COUNCIL ACTION: _____ Ordinance _____ Resolution _____ Motion __ X__ Other

Provide direction to staff.

REVIEWED BY: City Manager; City Attorney; Finance Director; Community Development Director
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0227, VERSION 1

On page 2, beginning on line 20, strike everything through page 91, line 1536, and insert:

"SECTION 1. Findings:

A. Pacific Raceways, formerly operated as Seattle International Raceways, is on a three-hundred-twenty-seven acre site located east of Kent and a quarter mile off of State Highway 18, and has historically consisted of a two and a quarter-mile road course, a drag strip, a dirt motocross track and a kart track.

B. The Pacific Raceways property is zoned "Industrial" with a property-specific development, also known as "P-suffix," condition restricting the use of the property to racing and race related activities. It is also subject to two Conditional Use Permits ("CUPs), File Nos. A-71-0-81 and L08CU006, which govern current development and activities."
C. The owners of Pacific Raceways have indicated that they have invested over five million dollars since 2002 for improvements and are now seeking to move forward with a privately funded one hundred and thirty-five-million-dollar rehabilitation and expansion effort.

D. There are currently no specific zoning or land use provisions provided in the code that easily and efficiently allow for the processing of a complex, multi-year, multi-phased development, which the potential expansion of the Pacific Raceways represents.

E. There are numerous steps currently required for the review of expansions and upgrades to large, complex and long-term development proposals, such as those proposed for Pacific Raceways that makes it difficult for the county, the applicant and the public to understand and address the myriad issues that arise during review of these kinds of projects.

F. A demonstration project as provided in K.C.C. chapter 21A.55 is intended to be a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations.

G. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards might include standards affecting building and/or site design requirements. Alternative processes might include permit review prioritization, alternative review and revision scheduling, or staff and peer review practices."

H. During the council review of Proposed Ordinance 2010-0189, members of the public testified that the implementation and enforcement of the conditions of CUP File Nos. A-71-0-81 and L08CU006 has been inconsistent over the years.

I. A "master planning" demonstration project is an opportunity to:
1. Implement specific requirements governing the future design and operation of Pacific Raceways;

2. Test a multi-phased legislative process that will ensure public opportunity to provide input on the proposed future development and operating standards;

3. Allow the cumulative impacts of a proposed development to be considered and addressed;

4. Better guide the future development of the facility;

5. Institute an on-going legislative review and monitoring process to ensure compliance with this ordinance and the executed development and operating agreement;

6. Allow the proposed expansion to proceed with the prospect of long-term predictability.

J. The council determines, based on the potential uses that may be included in the master planning proposal, there is likely, significant adverse environmental impact necessitating the preparation of an environmental impact statement, in accordance with RCW chapter 43.21C and WAC chapter 197-11.

SECTION 2. The King County executive shall conduct a demonstration project to create and evaluate a master planning process as provided for in, and consistent with, section 3 of this ordinance.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows.

A. The purpose of the master planning process demonstration project is to:
1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:
   a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during initial stages of the county review;
   b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:
      (1) a clearly-defined project through a master development plan, which shall include a master site plan;
      (2) requirements that must be met before approval of each phase of development; and
      (3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, non-racing uses and number and types of events; and
   c. establishing a process that ensures timely and efficient review;

2. Utilize the hearing examiner, as authorized in section 4 of this ordinance, to function as a special master for the purpose of fact finding and reporting on the department's proposed development and operating agreement as provided in subsection N. of this section and on compliance by the applicant with the executed development and operating agreement, as provided in subsection U. of this section; and

3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.
B. The master planning process demonstration project shall be implemented only for a regional motor sports facility only on the Pacific Raceways property as described in Attachment A to this ordinance.

C. The master planning demonstration project shall be initiated by the applicant making a written request to the department for a preapplication meeting to identify the requirements necessary for a complete application.

D. A master planning proposal shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;

2. A proposed site plan that identifies the location of proposed racing surfaces, circulation roadways, parking areas, buildings, stormwater retention/detention areas, sewage treatment or holding facilities and any off-site traffic improvements;

3. A proposed master drainage plan under the surface water design manual;

4. A proposed grading plan that identifies or includes:

   (a) soil types;

   (b) phasing;

5. Proposed development conditions relating to:

   (a) on-site vehicle circulation and off-site traffic control measures;

   (b) protection for critical areas, especially adjacent to Little Soos Creek;

   (c) stormwater flow control and water quality treatment;

   (d) visual screening from adjoining residential properties;

   (e) on-going monitoring and reporting to measure compliance with the
development and operating agreements and.

(f) fire protection.

6. Proposed operating conditions that specify:

(a) days and hours of operation;

(b) frequency of events;

(c) types of activities, including types of motor vehicles; and

(d) maximum noise levels;

7. Any necessary information identified through the preapplication process; and

E. The development and operating agreement shall contain development standards and operating conditions related to the development and operation of the site and shall include, but shall not be limited to:

1. A master site plan and detailed conditions establishing the:

a. location and scope of proposed land uses;

b. location and size of buildings and structures such as grandstands;

c. layout and dimensions of racing surfaces and circulation roadways;

d. site elevations and contours established by a master grading plan;

e. excavation and processing of materials, including dust control, during construction of the facilities; and

f. location and dimensions parking areas;

2. A master drainage plan consistent with the surface water design manual;
3. A project phasing plan, including threshold requirements that must be met before approval of the next phase of development;

4. Specified types of racing and non-racing activities, and where on the site the activities can occur;

5. Specified days and times for all racing and non-racing uses;

6. Specified noise levels for racing and non-racing uses, including but not limited to, how noise levels will be measured and mitigated;

7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;

9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;

10. Specified regular on-going monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Little Soos Creek;

11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsections T and U.1. of this section; and

12. Specified enforcement actions available to the county to address non-compliance with the conditions of the development agreement.
F. As provided in K.C.C. 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

1. Retention of existing vegetation;
2. Placement of new vegetation to augment existing vegetation; and
3. Placement of buildings below existing grade and use of green roof technology on top of these buildings.

G. 1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

2. The department shall authorize alteration exceptions to critical areas, critical areas buffers and critical area set backs not otherwise allowed by KCC 21A.24.070 when the applicant demonstrates that:
   a. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the site;
   b. The proposed impacts to critical areas, critical area buffers and critical area set backs shall be controlled and compensated for in accordance with the requirements of KCC 21A.24.125;
   c. For proposed alterations to steep slopes or erosion hazard or landslide areas:
      (1) the alterations are necessary to bring existing racing surfaces into compliance with applicable racing association safety standards or to construct circulation road surfaces, to construct noise barriers or for the placement of spectator seating on the interior portion of the road course; and
(2) the alterations can be constructed to maintain the stability of the hazard area through the use of structural mitigations identified through a geotechnical analysis by a licensed and qualified geotechnical professional;

d. For proposed alterations to wetlands or aquatic areas and their buffers:

(1) the alterations are necessary to bring existing racing surfaces into compliance with applicable racing association safety standards, to construct circulation road surfaces or for the placement of spectator seating on the interior portion of the existing road course,

(2) the alterations to wetlands are adequately mitigated either on-site or off-site through the use of mitigations identified by a qualified wetlands professional; and

(3) the alterations under this subsection are not within three hundred feet of the ordinary high water mark of Little Soos Creek; and

3. The department’s authorization of an alteration exception made pursuant to subsection G.2. may be conditioned on imposing reasonable requirements to minimize the impact of the proposed development on the critical area, critical area buffer or critical area set back.

H. The master planning proposal shall comply with the King County surface water design manual in effect at the time a complete master planning proposal is submitted, and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big and Little Soos Creeks while protecting groundwater quality. Consider the proposed use of the site in determining whether spill control or special oil control measures in excess of
the King County surface water design manual requirements are necessary to achieve the
required environmental protections;

2. Specify and require facilities and best management practices to insure that
auto-related fluids, brake dust, and other products are properly managed and disposed of
to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper,
other metals, hydrocarbons and other contaminants are not elevated in ground and surface
waters on-site and in Big Soos and Little Soos Creeks.

4. Conduct flow monitoring in Big and Little Soos Creeks before, during and
after construction to assure that normal or pre-existing flows are being maintained.

5. Conduct biotic monitoring in Big and Little Soos Creeks before, during and
after construction;

6. If the department determines it to be environmentally beneficial and if it is in
compliance with the surface water design manual requirements for discharge to the
natural location and is approved through an adjustment, channel surface water from
impervious surfaces, including buildings, structures, pit areas or raceways to drain away
from Little Soos Creek and evaluate any impacts to Big and Little Soos Creeks and to the
alternative discharge location; and

7. Develop and implement an adaptive management program to correct any
flow, surface or ground water quality, or biotic problem in Big or Little Soos Creeks
caused by the development.

I. The master planning proposal shall include site designs and features to reduce
the level of noise impacts upon nearby residential neighborhoods.
J. The department shall:

1. Schedule and conduct a pre-application meeting with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed expansion of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues.

2. Provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section within thirty days after the date of the pre-application meeting. If the applicant disagrees with the determination, the applicant may file an objection following the procedures in subsection L. of this section;

3. Determine whether the master planning proposal is a complete application under K.C.C. 20.20.050. If the applicant disagrees with the department's determination that the application is not complete, it may file an objection following the procedures in subsection L. of this section;

4. Provide a notice of a complete application under K.C.C. 20.20.060. In addition to notice required under K.C.C. 20.20.060, the department shall provide mailed notice to:

   a. all parties of record, including community groups or organizations, established during the review of CUP File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or this ordinance;

   b. persons requesting notification of any county land use action regarding Pacific Raceways; and
c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site.

5. Not later than seven days after the applicant has filed with the department its master planning proposal, the department shall issue a determination of significance and proceed with the environmental review of the master planning proposal in accordance with the provisions of section 6 of this ordinance.

6. Conduct one or more public meetings on the master planning proposal to gather information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal with the department and shall be combined with a public meeting required under section 5.A.3 of this ordinance. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal and shall provide an opportunity for the applicant to respond to questions at each public meeting.

7. Issue the final environmental impact statement not later than eighteen months after the determination of significance has been issued, subject to the request of the consultant for additional time to prepare the final environmental impact statement.

8. Not later than thirty days after the final environmental impact statement is issued, propose for public review and comment a development and operating agreement consistent with this section. The department shall provide notice of the proposed
development and operating agreement in the same manner as it provided the notice of
application under subsection J.4. of this section. The department shall present the
proposed development and operating agreement at a public meeting within fourteen days
after the notice is provided under this subsection J.7.;

9. Transmit to the council within thirty days after the public meeting required by
subsection J.7. of this section, the department's recommended development and operating
agreement, together with a proposed ordinance authorizing the executive to execute the
development and operating agreement.

K. If, subsequent to the department's determination that the application is
complete the department determines additional information not identified under
subsection D. of this section is necessary to complete its review of the master planning
proposal, the department may request that additional information from the applicant. The
applicant may object to the request for additional information under this subsection K.
following the procedures in subsection L. of this section.

L. 1. The applicant may file with the director a written objection to the
department's determination under subsections J.2., J.3., or K of this section. The written
objection shall be filed with the director within seven days after the date the
determination under subsection J.2., J.3., or K. is mailed to the applicant and shall set
forth the reasons for the applicant's objection.

2. Within seven days after the applicant files the written objection with the
director under subsection L.1 of this section, the director shall in writing either modify
the department's determination made under subsection J.2., J.3., or K. of this section or
deny the objection and mail the decision to the applicant.
3. If the applicant objects to the director's determination under subsection L.2, the applicant shall file a written objection with the director within seven days after the director's determination is received by the applicant. The director shall, within two business days of receiving the written objection, file one paper copy and an electronic copy of the director's determination and the applicant's objection with the clerk of the council, with a copy of the notice to the applicant.

4. The clerk shall distribute the electronic copy of the director's determination and the applicant's objection to the chair of the county council and the chair of the transportation, economy and environment committee, or its successor.

5. The applicant shall provide a written notice of an appeal of the director's determination under subsection L.2 of this section to the clerk of the council within seven days after the date the director files the director's determination with the clerk of the council.

6. The director's determination made under subsection L.2. of this section shall apply to the application unless the county council modifies the determination by ordinance adopted and approved within forty-five days after the date the director's determination under subsection L.2. of this section is filed with the county council; and

7. If the applicant files an objection under subsection L.1 of this section, the department shall suspend review of any elements of the proposal that depend on the director's decision until the earlier of the date an ordinance is adopted and approved under subsection L. 6. of this section or forty-five days after the date the director's determination is filed with the clerk under subsection L.3. of this section.
M. If the department or the applicant is unable to meet a timeline established by this section as part of the process for review of the master planning proposal, the department shall provide written notice to the council within fourteen days after the missed deadline in the form of a letter to the chair of transportation, economy and environment committee or its applicable successor describing the causes for the delay, and the steps or actions needed to be taken by the department or the applicant to continue timely processing of the proposal.

N.1. Prior to the council action on an ordinance approving the development and operating agreement, by motion, the council may direct the hearing examiner to conduct a public meeting in the vicinity of the project site within forty-five days of the hearing examiner receiving council's direction. The purpose of the public meeting is to gather input on the department of development and environmental services-recommended development and operating agreement. The department shall provide notice of the public meeting in the same manner as the notice of application under subsection J.4. of this section.

2. The notice of the public meeting shall be provided at least fourteen days before the scheduled meeting and shall include the time, place and purpose of the meeting.

3. Within thirty days after the public meeting, the hearing examiner shall transmit its report on the department's recommended development and operating agreement for council consideration. The report shall include, but not be limited to, a review of the consistency of the department's recommended development and operating
agreement with this section and an analysis of disputed items raised by the department, applicant or the public.

O. Any council action to approve the final development and operating agreement and authorize its execution shall be by ordinance.

P.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this ordinance shall prospectively control the operations and design for the site and supersede the design and operating conditions established under CUP File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under CUP File Nos. A-71-0-81 and L08CU006 regarding activities that occurred prior to the execution of a development agreement shall not be affected.

2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months prior to the expiration of the agreement. The department shall provide a notice of the renewal request under subsection J.4 of this section and shall conduct at least one public meeting on the request as provided in subsection J.5. of this section.
c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days prior to the expiration of the development and operating agreement.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to legal requirements in place when the subsequent application is submitted.

Q. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

R.1. Except as otherwise provided in subsection R.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to development permit applications for uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete development permit application for a use authorized by the development and operating agreement shall apply:

a. road standards under K.C.C. Title 14;

b. building codes under K.C.C. Title 16;

c. fire codes under K.C.C. Title 17; and

d. public health and safety codes under K.C.C. Title 13.
S. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection J.4 of this section. The department shall submit to the hearing examiner its recommendation on the request not later than August 1.

T. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of the facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection J.4 of this section.

U.1. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

a. describes the current status of the phases of the development;

b. evaluates compliance with development and operation agreement conditions during the preceding year;

c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;

d. evaluates proposed modifications to the development and operating agreement; and
e. outlines potential steps to ensure compliance with the development and operating agreement.

2. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

V. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The department shall solicit comments from the applicant, the hearing examiner, and the public, identified in subsection J.4. of this section, on the master planning process and include a synopsis of those comments in the report.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.24 a new section to read as follows:

The examiner shall receive and examine available information, conduct public meetings and prepare records and reports thereof for transmittal to the council, as provided in section 3 of this ordinance.

NEW SECTION. SECTION 5. A. As authorized by WAC 197-11-420, the department and the applicant shall utilize the process set forth in this section to select a consultant who will be responsible for preparing the environmental impact statement required by section 6 of this ordinance.
1. After the effective date of this ordinance, the applicant shall submit to the department the names of up to three consultant candidates. Within fourteen days of receipt of the list of candidates, the department shall either select a consultant from that list or notify the applicant in writing of its objections to the candidates and include in that notice a list of up to three alternative candidates. Within fourteen days, the applicant shall notify the department in writing either it accepts one of the three alternative candidates suggested by the department or advise the department of its objections to the candidates.

2. If the department and applicant are unable to agree on a consultant, the department shall notify the clerk of the council and the chair of the transportation, economy and environment committee chair or its successor committee, and the council shall select a consultant by ordinance from the lists of candidates provided by the applicant and department.

B. The selected consultant shall be retained by the department, and all costs for the services of the consultant and sub-consultants shall be paid by the applicant.

C. The consultant shall have the following responsibilities:

1. Coordinate the scoping process, as provided in WAC 197-11-410(1)(c), and prepare the scoping documents in consultation with the department and the applicant in accordance with WAC 197-11-408; provided however, the consultant shall hold at least one public meeting as required by subsection C.2. of this section;

2. Select and retain sub-consultants to assist in the preparation of the environmental impact statement;
3. Conduct one or more public meetings on the environmental impact of the master planning proposal, pursuant to WAC 197-11-535. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal with the department. This first meeting will be held jointly with the department's first meeting as required by subsection 3.J.6. of this ordinance. The consultant shall coordinate with the department to ensure that those persons identified in subsection 3.J.4. of this ordinance receive notice of any public meetings on the environmental impacts of the master planning proposal.

4. Coordinate with the department to ensure that the consultant receives all public comments submitted in a timely manner;

5. Maintain a log of all oral and written comments received and provide them periodically to the department and applicant;

6. Coordinate with the department in providing any public notice required under the applicable provisions of this ordinance, WAC chapter 197-11 and King County Code Chapter 20.44;

7. Present the draft environmental impact statement to the department and the applicant no later than nine months after the determination of significance has been issued;

8. Present the final environmental impact statement to the department and the applicant no later than sixty days after the close of the applicable comment period on the draft environmental impact statement, unless the consultant determines that additional time is needed, based upon the nature and extent of comments received.
NEW SECTION. SECTION 6. An environmental impact statement shall be prepared for the proposed expansion of Pacific Raceways, subject to the following:

A. The department shall be the lead agency with the responsibility of determining the adequacy of and issuing the draft and final environmental impact statement;

B. Subject to the requirements and limitations of WAC chapter 197-11, the environmental impact statement shall review the potential new impacts that may occur over and above those impacts currently allowed pursuant to the conditions of CUP File Nos. A-71-0-81 and L08CU006.

C. The "No Action" alternative of the environmental impact statement shall reflect the existing development of the Pacific Raceways site;

D. The public comment period for the draft environmental impact statement shall be limited to thirty days, unless the consultant recommends an extension; and

E. The department and the applicant shall submit only one set of comments to the consultant during the public comment period.

NEW SECTION. SECTION 7. A new section is hereby added to K.C.C. chapter 27.02 to read as follows:

A. The application for a master planning demonstration project under section 3 of this ordinance shall be subject to the provisions of this title applicable to the project management program and King County shall be compensated at the hourly rate in effect when the work is performed for all costs incurred by King County related to the review and monitoring of the demonstration project, including, but not limited to costs for the:

1. Review of the master planning application;
2. Review of environmental documents submitted to the department by the consultant selected pursuant to section 5 of this ordinance;

3. Preparation and issuance of the department-recommended development and operating agreement;

4. Issuance of public notices;

5. Conduct of meetings;

6. Response to public inquiries related specifically to such notices and meetings; and

7. Monitoring of the approved development and operating agreement.

B. The review costs for permit applications and studies related to specific development proposals consistent with the development and operating agreement shall be governed by this title.

C. The costs from the consultant selected pursuant to section 5 of this ordinance and billed to the department shall be paid by the applicant and shall be governed by this title.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Racetrack: an establishment offering services and uses located in:

A. SIC Industry No. 7948; or

B. A regional motor sports facility.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:
Regional motor sports facility. A racetrack established through a master planning demonstration project, in which the following is authorized:

A. Motor vehicle racing and driving on surfaces such as:

1. A road course;
2. A kart course;
3. A motocross course;
4. Five-sixteenth-mile oval track; and
5. Up to two drag strips; and

B. Uses in conjunction with the regional motor sports facility, the scope of which are established as part of the master planning demonstration project process:

1. Both retail and wholesale sales;
2. Automotive repair; service and storage
3. Fire station;
4. Service station, including sale of fuel;
5. Driving school;
6. Daycare;
7. Manufacturing;
8. Restaurant and concessions;
9. Extraction and limited processing of dirt, sand and gravel;
10. Short-term accommodations recreational vehicle parking, for race participants and viewers; and
11. Police and fire safety training.
SECTION 10. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

A. Recreational/cultural land uses.

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**AMUSEMENT/ENTER TAINMENT:**

*   | Adult Entertainment Business | P6 | P6 | P6 |

*   | Theater | P | P | P | P25 |

*   | Theater, Drive-in | C |

*   | Bowling Center | P | P | P |

*   | Golf Facility | C7 and 18 | P7 | P7 | P7 |

*   | Amusement and Recreation Services (14) | P21 | P21 | P8 | P8 | P8 | P21 | P | P | P21 |

*   | Indoor Paintball Range | P26 | P26 | P26 |

*   | Outdoor Paintball Range | C2 | C27 |

*   | Shooting Range | C9 | C9 | C10 | P10 |
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**CULTURAL:**

| 823 | Library         | P11 | P11 | P11 | P28 | P | P | P | P |
| 841 | Museum          | C23 | P11 | C  | C  | P28 | P | P | P | P |
| 842 | Arboretum       | P  | P  | P  | P  | P  | P | P | P |

* Conference Center

**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.

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B. Development conditions.

1. The following conditions and limitations shall apply, where appropriate:

a. No stadiums on sites less than ten acres;

b. Lighting for structures and fields shall be directed away from residential areas;
c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;

d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and

e. Overnight camping is allowed only in an approved campground.

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

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

b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and

c. Sewage shall be disposed in a system approved by the Seattle-King County health department.

3. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available before the date of application.

4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;
b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and
c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

5. Limited to day moorage.

6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.

7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least fifty feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for
golf course development. Within the RA zone, those facilities shall be permitted only in
the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,
regionally significant resource areas or locally significant resource areas. Ancillary
facilities associated with a golf course are limited to practice putting greens, maintenance
buildings and other structures housing administrative offices or activities that provide
convenience services to players. These convenience services are limited to a pro shop,
food services and dressing facilities and shall occupy a total of no more than ten thousand
square feet. Furthermore, the residential density that is otherwise permitted by the zone
shall not be used on other portions of the site through clustering or on other sites through
the transfer of density provision. This residential density clustering or transfer limitation
shall be reflected in a deed restriction that is recorded at the time applicable permits for
the development of the golf course are issued.

8. Limited to golf driving ranges, only as:
   a. accessory to golf courses; or
   b. accessory to ((a)) large active recreation and multiuse parks.

9.a. New structures and outdoor ranges shall maintain a minimum distance of
fifty feet from property lines adjoining residential zones, but existing facilities shall be
exempt.

   b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets
or arrows from leaving the property.

   c. Site plans shall include: safety features of the range; provisions for reducing
sound produced on the firing line; elevations of the range showing target area, backdrops
or butts; and approximate locations of buildings on adjoining properties.
d. Subject to the licensing provisions of K.C.C. Title 6.

10.a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and

(2) adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

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

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated rural town.

13. Subject to the following:

a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;

b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;
c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and
d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

15. For amusement and recreation services not otherwise provided for in this chapter:
   a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at least five acres or larger;
   b. Retail sales are limited to incidental sales to patrons of the amusement or recreation service; and
   c. Does not involve the operation of motor vehicles or off-road vehicles, including, but not limited to, motorcycles and go-carts.

16. Subject to the following conditions:
   a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and
   b. Only for campgrounds that are part of a proposed or existing county park, that are subject to review and public meetings through the department of natural resources and parks.

17. Only for stand-alone sports clubs that are not part of a park.
18. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

19. Only as accessory to a large active recreation and multiuse park.

20. Only as accessory to a large active recreation and multiuse park with the floor area of an individual outdoor performance center stage limited to three thousand square feet.

21. Limited to rentals of sports and recreation equipment with a total floor area of no more than seven hundred fifty square feet and only as accessory to a park, or in the RA zones, to a large active recreation and multiuse park.

22. Only as accessory to a large active recreation and multiuse park and limited to:
   a. water slides, wave pools and associated water recreation facilities; and
   b. rentals of sports and recreation equipment.

23. Limited to natural resource and heritage museums and only allowed in a farm or forestry structure, including, but not limited to barns or sawmills, existing as of December 31, 2003.

24. Use is permitted without a conditional use permit only when in compliance with all of the following conditions:
   a. The use is limited to camps for youths or for persons with special needs due to a disability, as defined by the American With Disabilities Act of 1990, or due to a medical condition and including training for leaders for those who use the camp;
   b. Active recreational activities shall not involve the use of motorized vehicles such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The
prohibition on motorized vehicles does not apply to such vehicles that may be necessary
for operation and maintenance of the facility or to a client-specific vehicle used as a
personal mobility device;

c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number
of overnight campers, not including camp personnel, in a new camp shall not exceed:

(a) one hundred and fifty for a camp between twenty and forty acres; or

(b) for a camp greater than forty acres, but less than two hundred and fifty
acres, the number of users allowed by the design capacity of a water system and on-site
sewage disposal system approved by the department of health, Seattle/King County, up to
a maximum of three hundred and fifty; and

(2) Existing camps shall be subject to the following:

(a) For a camp established before August 11, 2005, with a conditional use
permit and is forty acres or larger, but less than one hundred and sixty acres, the number
of overnight campers, not including camp personnel, may be up to one hundred and fifty
campers over the limit established by subsection B.24.c.(1)(b) of this section.

(b) For a camp established before August 11, 2005, with a conditional use
permit and is one hundred and sixty acres or larger, but less than two hundred acres, the
number of overnight campers, not including camp personnel, may be up to three hundred
and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

The camp may terminate operations at its existing site and establish a new camp if the
area of the camp is greater than two hundred and fifty acres and the number of overnight
campers, not including camp personnel, shall not exceed seven hundred.
d. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

e. The camp facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale to serve overnight camp users;

f. The minimum size of parcel for such use shall be twenty acres;

g. Except for any permanent caretaker residence, all new structures where camp users will be housed, fed or assembled shall be no less than fifty feet from properties not related to the camp;

h. In order to reduce the visual impacts of parking areas, sports and activity fields or new structures where campers will be housed, fed or assembled, the applicant shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest property line and such parking area, field, or structures, by retaining existing vegetation or augmenting as necessary to achieve the required level of screening;

i. If the site is adjacent to an arterial roadway, access to the site shall be directly onto said arterial unless direct access is unsafe due inadequate sight distance or extreme grade separation between the roadway and the site;

j. If direct access to the site is via local access streets, transportation demand management measures, such as use of carpools, buses or vans to bring in campers, shall be used to minimize traffic impacts;

k. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any adjacent property; and

l. A community meeting shall be convened by the applicant (before) before submittal of an application for permits to establish a camp, or to expand the number of
camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within five hundred feet, or at least twenty of the nearest property owners, whichever is greater. The notice shall at a minimum contain a brief description of the project and the location, as well as, contact persons and numbers.

25. Limited to theaters primarily for live productions located within a Rural Town designated by the King County Comprehensive Plan.

26.a. Only in an enclosed building; and

b. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the department.

27. Minimum standards for outdoor paintball recreation fields:

a. The minimum site area is twenty-five acres;

b. Structure shall be no closer than one hundred feet from any lot line adjacent to a residential zoned property;

c. The area where paintballs are discharged shall be located more than three hundred feet of any lot line and more than five hundred feet from the lot line of any adjoining residential property. The department may allow for a lesser setback if it determines through the conditional use permit review that the lesser setback in combination with other elements of the site design provides adequate protection to adjoining properties and rights-of-ways;

d. A twenty-foot high nylon mesh screen shall be installed around all play areas and shall be removed at the end of each day when the play area is not being used. The department may allow for the height of the screen to be lowered to no less than ten
feet if it determines through the conditional use permit review that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs;

e. All parking and spectator areas, structures and play areas shall be screened from adjoining residential zoned property and public rights of way with Type 1 landscaping at least ten feet wide;

f. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site;

g. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be used by users of the site, safety procedures, type of compressed air fuel to be used on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the conditional use permit application. All safety procedures shall be reviewed and approved by department of public safety before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

i. No more than one hundred paintball players shall be allowed on the site at any one time;

j. No outdoor lights or amplified sounds shall be permitted;
k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the conditional use permit review that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage;

l. The facility shall be secured at the close of business each day;

m. All equipment and objects used in the paintball activities shall be removed from the site within ninety days of the discontinuance of the paintball use; and

n. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be submitted with the conditional use permit application and shall be maintained in the department.

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

29. Only if:

a. the recreational vehicle park is located on the site of a regional motor sport facility;

b. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

c. the general location of the recreational vehicle park conforms to the council-approved master site plan for the regional motor sport facility.

SECTION 11. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:
### A. General services land uses.

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<th><strong>KEY</strong></th>
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**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.

**B. Development conditions.**

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:
   - a. 835-Day Care Services, and
   - b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
3. Limited to SIC Industry Group and Industry Nos.:
   a. 723-Beauty Shops;
   b. 724-Barber Shops;
   c. 725-Shoe Repair Shops and Shoeshine Parlors;
   d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
   e. 217-Carpet and Upholstery Cleaning.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.

6. Only as accessory to residential use, and:
   a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
   b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.

7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C. 21A.08.060.A., or when located on the site of a regional motor sport facility:
   a. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and
   b. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.
8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:

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

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

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

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

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

(1) Boarding or overnight stay of animals is allowed only on sites of five acres or more;

(2) No burning of refuse or dead animals is allowed;

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

(4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.
b. The following additional provisions apply to kennels or catteries in the A

zone:

(1) Impervious surface for the kennel or cattery shall not exceed twelve

thousand square feet;

(2) Obedience training classes are not allowed except as provided in

subsection B.34. of this section; and

(3) Any buildings or structures used for housing animals and any outdoor

runs shall be set back one hundred and fifty feet from property lines.

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

b. The portion of the building or structure in which animals are kept or treated

shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be

surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with

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

11. The repair work or service shall only be performed in an enclosed building,

and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery

Repair Shops and Paint Shops is not allowed.

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

Before filing an application with the department, the applicant shall hold a community

meeting in accordance with K.C.C. 20.20.035.

13.a. Except as otherwise provided in 13.b. of this subsection, only as a reuse of

a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
b. Allowed for a social service agency on a site in the NB zone that serves transitional or low-income housing located within three hundred feet of the site on which the social service agency is located.

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

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

15. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility and serving only the public school or the school facility may be used. New public high schools shall be permitted subject to the review process in K.C.C. 21A.42.140.

16.a. For middle or junior high schools and secondary or high schools or school facilities, only as a reuse of a public school facility or school facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.
b. Renovation, expansion, modernization or reconstruction of a school, a school facility, or the addition of relocatable facilities, is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

c. In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

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

b. Except as provided in subsection c. of this subsection, all instruction must be within an enclosed structure;

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

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

20. Subject to the following:

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

b. On lots over two and one-half acres:
(1) Retail sale of items related to the instructional courses is permitted, if total floor area for retail sales is limited to two thousand square feet;

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

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

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

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

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

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

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

(5) Advertised special events shall comply with the temporary use requirements of this chapter; and
(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than fifty percent of their prior value, may reconstruct and expand an additional sixty-five percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with development condition B.20.c. of this section and this title.

21. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

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

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

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

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

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

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

27. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.
28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32 or as a joint use of an existing public school facility.

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

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

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

32. Limited to repair of sports and recreation equipment:
   a. as accessory to a large active recreation and multiuse park in the urban growth area; or
   b. as accessory to a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor area of seven hundred fifty square feet.

33. Accessory to agricultural or forestry uses provided:
   a. the repair of tools and machinery is limited to those necessary for the operation of a farm or forest.
   b. the lot is at least five acres.
   c. the size of the total repair use is limited to one percent of the lot size up to a maximum of five thousand square feet unless located in a farm structure, including, but not limited to barns, existing as of December 31, 2003.

34. Subject to the following:
   a. the lot is at least five acres;
b. in the A zones, area used for dog training shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production or areas without prime agricultural soils;

c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet from property lines; and
d. all training activities shall be conducted within fenced areas or in indoor facilities. Fences must be sufficient to contain the dogs.

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

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

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

d. the facility shall be operated by a nonprofit organization registered under the Internal Revenue Code as a 501(c)(3) organization; and
e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

36. Limited to kennel-free dog boarding and daycare facilities, and:

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

b. buildings housing dogs shall be no less than seventy-five feet from property lines;
c. outdoor exercise areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the dogs;

d. the number of dogs allowed shall be limited to twenty-five, consistent with the provisions for hobby kennels, as provided in K.C.C. 11.04.060.B;

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

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

37. Not permitted in R-1 and subject to the additional requirements in K.C.C.

21A.12.250.

SECTION 12. Ordinance 10870, Section 333, as amended, and K.C.C.

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

A. Government/business services land uses.

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<tr>
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<td>Miscellaneous Equipment Rental</td>
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| 752 | Automotive Parking |  |  |  | P20 |  |  | P20 |  |  |
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**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; 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.

**B. Development conditions.**

1. Except self-service storage.

2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.

3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of K.C.C. chapter 21A.32; or
b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.

4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a designated unincorporated Rural Town.

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

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

c. No outdoor storage; and

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

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

a. holding cells;

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

c. long-term storage of stolen properties.

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

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

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

a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;

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

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

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

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

f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units;
h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval; and

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

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

b. Structures and areas used for warehousing, refrigeration and storage shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones; and

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

16. Only as an accessory use to another permitted use, or when located on the site of a regional motor sport facility:

a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

17. No outdoor storage.

18. Only as an accessory use to a public agency or utility yard, or to a transfer station.
19. Limited to new commuter parking lots designed for thirty or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses that have excess capacity available during commuting; provided that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;

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

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

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

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

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

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

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

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

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

32. Provided:
   a. Off-street required parking for a land use located in the urban area must be located in the urban area;
   b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
   c.(1) Except as provided in 32.c.(2) of this subsection, off-street required parking must be located on a lot that would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
   (2) For a social service agency allowed under K.C.C. 21A.08.050.B.13.b. to be located on a site in the NB zone, off-street required parking may be located on a site within three hundred feet of the social service agency, regardless of zoning classification of the site on which the parking is located.

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

34. Limited to landscape and horticultural services (SIC 078) that are accessory to a retail nursery, garden center and farm supply store. Construction equipment for the accessory use shall not be stored on the premises.
35. Allowed as a primary or accessory use to an allowed industrial-zoned land use.

36. Accessory to agricultural uses provided:
   a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor area devoted to warehousing, refrigeration or storage shall not exceed three thousand five hundred square feet unless located in a building designated as historic resource under K.C.C. chapter 20.62;
   b. On lots at least thirty-five acres in the A zones, the floor area devoted to warehousing, refrigeration or storage shall not exceed seven thousand square feet unless located in a building designated as historic resource under K.C.C. chapter 20.62.
   c. In the A zones, structures and areas used for warehousing, refrigeration and storage shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils;
   d. Structures and areas used for warehousing, refrigeration or storage shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones; and
   e. Warehousing, refrigeration and storage is limited to agricultural products and sixty percent or more of the products must be grown or processed in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be included in the warehousing, refrigeration or storage.
37. Use shall be limited to the NB zone on parcels outside of the Urban Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such use shall not exceed ten thousand square feet.

SECTION 13. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

A. Retail land uses.

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<th>KEY</th>
<th>RESOURCE</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<td>P-Permitted Use</td>
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<td>C-Conditional Use</td>
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<td>U R E R E</td>
<td>E U O U E U F N</td>
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<td>S-Special Use</td>
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<td>* Retail</td>
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**GENERAL**

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.

**B. Development conditions.**

**1.a.** As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area.
b. The site area shall be at least four and one-half acres;

c. Sales may include locally made arts and crafts; and

d. Outside lighting is permitted if no off-site glare is allowed.

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

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

6. Limited to a maximum of two thousand square feet of gross floor area, or when located on the site of a regional motor sport facility:

   a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

   b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

7.a. As a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;

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

c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;
d. Sixty percent or more of the gross sales of agricultural products sold through
the store shall be derived from products grown or produced in the Puget Sound counties.
At the time of the initial application, the applicant shall submit a reasonable projection of
the source of product sales;
e. Sales shall be limited to agricultural products and locally made arts and
crafts;
f. Storage areas for agricultural products may be included in a farm store
structure or in any accessory building; and
8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
and limited to sales of products produced on site and incidental items where the majority
of sales are generated from products produced on site.
14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
21A.12.230; and
b. Before filing an application with the department, the applicant shall hold a
community meeting in accordance with K.C.C. 20.20.035.
15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and

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

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

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

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

18. Limited to the R-1 zone.

19. Only as:

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

b. an accessory use to a large active recreation and multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory use to a large active recreation and multiuse park; or

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

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.
22. Only as an accessory use to:
   a. a large active recreation and multiuse park in the urban growth area; or
   b. a park, or a large active recreation and multiuse park in the RA zones, and
      limited to a total floor area of seven hundred and fifty square feet.
23. Only as accessory to SIC Industry Group No. 242-Sawmills and;
   a. limited to lumber milled on site; and
   b. the covered sales area is limited to two thousand square feet. The covered
      sales area does not include covered areas used to display only milled lumber.
24. For establishments located on the site of a regional motor sport facility:
   a. services are provided only to persons conducting business or employed at
      the regional motor sport facility, to event participants or to race spectators; and
   b. the general location of the services conforms to the council-approved master
      site plan for the regional motor sport facility.
25. Only when:
   a. located on the site of a regional motor sport facility;
   b. services are provided only to persons conducting business or employed at
      the regional motor sport facility, to event participants or to race spectators; and
   c. the general location of the services conforms to the council-approved master
      site plan for the regional motor sport facility.

SECTION 14. Ordinance 10870, Section 335, as amended, and K.C.C.
21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

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<tr>
<th>KEY</th>
<th>RESOURCE</th>
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<th>SPECIFIC LAND USE</th>
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<th>M</th>
<th>RA</th>
<th>UR</th>
<th>R1-8</th>
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**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

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B. Development conditions.

1. a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

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

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

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

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

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

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

In the A zone, structures used for processing shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

Except slaughterhouses.

Limited to wineries and SIC Industry No. 2082-Malt Beverages;

In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;
c. In the RA and UR zones, only allowed on lots of at least four and one-half acres;

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

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

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

g. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.3.c. of this section.

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

5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites, limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.


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

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


10. Limited to boat building of craft not exceeding forty-eight feet in length.
11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

   b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area of structures for wineries and breweries and any accessory uses shall not exceed a total of eight thousand square feet. The floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground; and

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

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

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

   e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet from property lines adjacent to residential zones, unless the
processing is located in a building designated as historic resource under K.C.C. chapter 20.62; f. The minimum site area is four and one-half acres. If the total floor area of structures for wineries and breweries and any accessory uses exceed six thousand square feet, including underground storage:

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

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

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

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

13. Limited to source separated organic waste processing facilities at a scale appropriate to process the organic waste generated in the agricultural zone.

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

a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or
b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.

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

a. as accessory to a primary mineral use; or

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

16. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

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

18.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

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

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

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

19. For establishments located on the site of a regional motor sport facility:
a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

20. Only when:

a. located on the site of a regional motor sport facility;

b. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

c. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

SECTION 15. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby amended to read as follows:

A. Resource land uses.

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**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.

**B. Development conditions.**

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

9. Limited to mineral extraction and processing:
   a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
   b. that are located greater than one-quarter mile from an established residence; and
   c. that do not use local access streets that abut lots developed for residential use.

10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:
   a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
   b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
   c. The director may require reuse of surplus structures to the maximum extent practical;
   d. The director may require the clustering of new structures with existing structures;
e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining residential zones;

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

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

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

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

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

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

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

11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation in accordance with an approved reclamation plan.
12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

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

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

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

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

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to
the King County farmland preservation program or, if the development rights are
extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;
e. The impervious surface associated with the camp shall comprise not more
than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
f. Structures for living quarters, dining facilities, medical facilities and other
nonagricultural camp activities shall be located in a camp center. The camp center shall
be no more than fifty acres and shall be depicted on a site plan. New structures for
nonagricultural camp activities shall be clustered with existing structures;
g. To the extent practicable, existing structures shall be reused. The applicant
shall demonstrate to the director that a new structure for nonagricultural camp activities
cannot be practically accommodated within an existing structure on the site, though
cabins for campers shall be permitted only if they do not already exist on site;
h. Camp facilities may be used to provide agricultural educational services to
the surrounding rural and agricultural community or for community events. If required
by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
community events;
i. Lodging and food service facilities shall only be used for activities related to
the camp or for agricultural education programs or community events held on site;
j. Incidental uses, such as office and storage, shall be limited to those that
directly support camp activities, farm operations or agricultural education programs;
k. New nonagricultural camp structures and site improvements shall maintain a
minimum set-back of seventy-five feet from property lines adjoining residential zones;
l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;
m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent residential zoned property not associated with the camp;
n. New sewers shall not be extended to the site;
o. The total number of persons staying overnight shall not exceed three hundred;
p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;
r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;
s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;
t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel
may use motor vehicles for the operation and maintenance of the facility. Client-specific
motorized personal mobility devices are allowed; and
u. Lights to illuminate the camp or its structures shall be arranged to reflect the
light away from any adjacent property.

13. Limited to digester receiving plant and animal waste from agricultural
activities and subject as follows:
b. the digester must be included as part of a Washington state Department of
Agriculture-approved dairy nutrient plan; and
c. the use must be accessory to an operating dairy or livestock operation.

14. Only when:
a. Located on the site of a regional motor sport facility;
b. The timing and amount of materials to be extracted shall be:
   (1) during project construction, only as necessary to construct that phase of
   the project approved for construction; or
   (2) during facility operation, only as necessary to comply with noise
mitigation measures or to accommodate site elevations necessary to the safe and efficient
movement of racing vehicles from their maintenance or service areas to their respective
raceway surfaces; and
   c. on-site processing of dirt, sand, and gravel, which shall be limited to sorting.

SECTION 16. Ordinance 10870, Section 337, as amended, and K.C.C.
21A.08.100 are each amended to read as follows:

A. Regional land uses.

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<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Land Use Table Instructions</th>
<th>Development Standards</th>
<th>General Provisions</th>
<th>Application and Review Procedures</th>
<th>(*)Definition of this specific land use</th>
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<td>P16 C16 S16 S16 S16 S16</td>
<td>P16 C16 S16 S16 S16 S16</td>
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</tbody>
</table>

**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.

**B. Development conditions.**

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


3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.

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

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

b. Limited to one satellite dish antenna.

c. Limited to tower consolidations.

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

8. Except racing of motorized vehicles.

9. Limited to wildlife exhibit.

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

12. Limited to cogeneration facilities for on-site use only.


14. Limited to facilities that comply with the following:
   a. Any new diversion structure shall not:
      (1) exceed a height of eight feet as measured from the streambed; or
      (2) impound more than three surface acres of water at the normal maximum surface level;
   b. There shall be no active storage;
   c. The maximum water surface area at any existing dam or diversion shall not be increased;
   d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
   e. Any transmission line shall be limited to a:
      (1) right-of-way of five miles or less; and
      (2) capacity of two hundred thirty KV or less;
   f. Any new, permanent access road shall be limited to five miles or less; and
   g. The facility shall only be located above any portion of the stream used by anadromous fish.

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

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

17. The following provisions of the table apply only to major communication
facilities minor communication facilities shall be reviewed in accordance with the

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

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

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

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

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

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

a. The minimum site area shall be ten acres, unless the facility is a reuse of a public agency yard;

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

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

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

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

(1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:
(a) one hundred feet from any residential zoned properties, except that the
setback may be reduced to fifty feet when the grade where the building or structures are
proposed is fifty feet or greater below the grade of the residential zoned property;
(b) fifty feet from any other zoned property, except when adjacent to a
mineral extraction or materials processing site;
(c) the greater of fifty feet from the edge of any public street or the setback
from residential zoned property on the far side of the street; and
(2) Offices, scale facilities, equipment storage buildings and stockpiles shall
not be closer than fifty feet from any property line except when adjacent to M or F zoned
property. Facilities necessary to control access to the site, when demonstrated to have no
practical alternative, may be located closer to the property line;
f. On-site clearing, grading or excavation, excluding that necessary for
required access, roadway or storm drainage facility construction, shall not be permitted
within fifty feet of any property line except along any portion of the perimeter adjacent to
M or F zoned property. If native vegetation is restored, temporary disturbance resulting
from construction of noise attenuation features located closer than fifty feet shall be
permitted; and
g. Sand and gravel extraction shall be limited to forty thousand yards per year.
24. The following accessory uses to a motor race track operation are allowed if
approved as part of the special use permit:
   a. motocross;
   b. autocross;
   c. skidpad;
d. garage;

e. driving school; and

f. fire station.

25. Facility must be:
a. located on the site of a regional motor sport facility;
b. limited to police and fire safety training; and
c. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

26. Limited to a regional motor sports facility established under a master planning process demonstration project.

SECTION 17. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are each hereby amended to read as follows:

A. Densities and dimensions - resource and commercial/industrial zones.

<table>
<thead>
<tr>
<th>ZONES</th>
<th>RESOURCE AGRICULTURE</th>
<th>FOREST F MINERAL</th>
<th>NEIGHBORHOOD BUSINESS</th>
<th>COMMUNITY BUSINESS</th>
<th>REGIONAL BUSINESS</th>
<th>OFFICE OFFICE</th>
<th>INDUSTRIAL INDUSTRIAL</th>
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<td>Base Density:</td>
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<td>.0286 du/ac</td>
<td>.0125 du/ac</td>
<td>8 du/ac (2)</td>
<td>48 du/ac (2)</td>
<td>36 du/ac (2) 48 du/ac (2)</td>
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<td>Maximum</td>
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<td>72 du/ac</td>
<td>48 du/ac</td>
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### Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.
2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

   b. for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

   c. for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones.

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This base height allowed only for mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining residential zones.

8. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.

10. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement provided that the maximum height shall not exceed seventy-five feet.

11. Applicable only to lots containing less than one acre of lot area.

Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.

12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development through the application of residential density incentives under K.C.C. 21A.34.040.F.1.g.
16. Only for mixed-use development through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

17. Only for mixed-use development through the application of residential density incentives through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

18. Required on property lines adjoining residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

19. Setback shall not apply to a building that:

a. is located on the site of a regional motor sports facility;

b. has a roof constructed at or below grade of adjacent residential uses; and

c. utilizes green roof technology to provide open space and active recreation.

On page 91 after "Attachments:" delete "None" and insert "Attachment A. Project Site Parcels Map (9-22-2011)"
EFFECT:

- Makes a number of substantive revisions that are outlined in the Summary Matrix (Attachment 2 of staff report)
- Inserts Attachment A (map depicting the demonstration project site) to the proposed ordinance
SUBJECT: CONSIDER ORDINANCE DESIGNATING US BANK AS THE CITY’S QUALIFIED PUBLIC DEPOSITARY

RECOMMENDED BY: Rob Hendrickson, Finance Director

ATTACHMENT(S):
1. Proposed Ordinance
2. Proposed Banking Services Agreement

PREPARED BY: Rob Hendrickson, Finance Director

EXPLANATION:
As part of the ongoing process of creating efficiencies, saving money, and protecting the city’s assets, the Finance staff issued a Request for Proposals (RFP) in July for banking services. Since 1997, the city has utilized the services of Bank of America (originally SeaFirst) as the city’s qualified public depositary. However, no RFP has been issued since that time, and many services have changed, therefore staff determined it would be prudent to issue an RFP.

The RFP was sent to three local banks: Bank of America (the City’s current qualified public depositary), Key Bank, and US Bank. All three responded within the required timeframe.

Staff established criteria to compare the RFPs and developed a scoring methodology. Staff reviewed the three responses based on pricing, customer service, and delivery of services. Based on their overall scoring, US Bank was invited to present their online banking system and answer questions from staff.

US Bank provided a solid online banking system supported by a strong customer service model. In addition, their pricing structure over the period of the contract (four years) was far below the other respondents and provided a margin that allows staff to add needed services and still be within the cost structure currently maintained. The proposed banking services agreement with US Bank is attached herein.

ALTERNATIVES:
Continue using Bank of America as the city’s qualified depositary.

FISCAL IMPACT:
The pricing structure shows US Bank 25.6% below the city’s current pricing model with Bank of America. Key Bank was 8.6% above and Bank of America’s new proposal was 5.3% above their current rates. If US Bank is awarded the contract, the city could expect a savings of $4,973 over the span of the contract. This savings margin would allow finance staff to purchase other services that are important for the safety and security of the city’s bank accounts.
Council member ____________ moves and Council member ______________ seconds, to pass an ordinance designating US Bank as the city’s qualified public depositary and revoking Bank of America as the city’s qualified public depositary and authorizes the City Manager to enter into a contract for banking services with US Bank.

REVIEWED BY:  City Manager, City Attorney
ORDINANCE NO. 11-11

AN ORDINANCE OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE PAYMENT OF CLAIMS OR OTHER OBLIGATIONS BY CHECK; REVOKING THE STATUS OF BANK OF AMERICA AS THE CITY’S QUALIFIED PUBLIC DEPOSITARY; DESIGNATING US BANK AS THE CITY’S NEW QUALIFIED PUBLIC DEPOSITARY PURSUANT TO RCW 35A.40.020; REPEALING RESOLUTION 97-3 AND ORDINANCE 104-98; AMENDING SECTION 3.25.060 OF THE COVINGTON MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to RCW 35A.40.020, the city currently pays claims and obligations by check; and

WHEREAS, since 1997 the city has utilized the services of Bank of America (originally SeaFirst) as the city’s qualified public depositary; and

WHEREAS, as part of the ongoing process of creating efficiencies, saving money, and protecting the city’s assets, the city issues a Request for Proposals from local banks for updated banking services; and

WHEREAS, city staff reviewed the responses based on pricing, customer service, and delivery of service, and determined US Bank to provide the best banking system and customer service model, with the best pricing structure; and

WHEREAS, the city desires to designate US Bank as the city’s official qualified public depositary; and

WHEREAS, it is necessary to repeal Resolution No. 97-3 and Ordinance No. 104-98, and to amend Section 3.25.060 of the Covington Municipal Code (CMC), to reflect this change in the city’s public depositary;

NOW THEREFORE, the City Council of the City of Covington, King County, Washington, does ordain as follows:

Section 1. Resolution No. 97-3 is hereby repealed in its entirety.

Section 2. Ordinance No. 104-98 is hereby repealed in its entirety.

Section 3. Pursuant to RCW 35A.40.020, payment of claims or obligations of the city shall be by check. The qualified public depositary, whereon such checks are to be drawn, shall be US Bank. The City Officers authorized to sign checks shall be the City Manager, the finance director and the accountant with two signatures required.
Section 4. Section 3.25.060 of the Covington Municipal Code is hereby amended as follows:

3.25.060 Payments made by check – Authorized signatories.
As authorized by RCW 35A.40.020, payment of claims or obligations of the City shall be by check. All City checks shall be drawn at the Bank of America US Bank, Covington Branch, a qualified public depository. The City Manager, Finance Director and Council members authorized by resolution may sign City checks. Each City check shall be executed by two authorized signatories, with at least one of the signatories being either the City Manager or the Finance Director.

Section 5. This ordinance shall be in full force and effect on January 1, 2012. The qualified public depositary of the city shall continue to be Bank of America until December 31, 2011, and said status shall be deemed revoked as of the close of business on that date. Beginning January 1, 2012, the qualified depositary of the city shall be US Bank.

Section 6. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

PASSED by the City Council on the 11th day of October, 2011.

_______________________
Mayor Margaret Harto

PUBLISHED: October 14, 2011
EFFECTIVE: January 1, 2012

ATTESTED:

_________________________
Sharon Scott
City Clerk

APPROVED AS TO FORM:

_________________________
Sara Springer
City Attorney
BANKING SERVICES AGREEMENT PROVISIONS FOR THE CITY OF COVINGTON

The City of Covington, Washington, a municipal corporation of the state of Washington ("City"), and US BANK, a commercial bank and qualified public depositary ("Financial Institution"), agree and contract as follows:

1. SERVICES BY FINANCIAL INSTITUTION
   A. The Financial Institution agrees to perform the services described in the proposal, attached hereto as Attachment A and incorporated herein by this reference.
   B. All services, and all duties incidental or necessary thereto, shall be conducted and performed diligently and completely and in accordance with professional standards of conduct and performance.

2. COMPENSATION
   A. The total compensation to be paid to the Financial Institution shall be detailed in Attachment B, attached hereto and incorporated by this reference.

      The above fees include all labor, materials, and expenses required for the completion of these services.
   B. Payment to Financial Institution by the City in accordance with the above shall be the total compensation for all work performed under this Agreement and supporting documents hereto as well as all subcontractor's fees and expenses, supervision, labor supplies, materials, equipment or the use thereof, reimbursable expenses, and other necessary incidentals.
   C. The Financial Institution shall be paid based on the acceptance of the proposed compensation.
   D. The City shall have the right to withhold payment to the Financial Institution for any service not completed in a satisfactory manner until such time as the Financial Institution modifies such service to the satisfaction of the City.
   E. Unless otherwise specified in this Agreement, any payment shall be considered timely if a check is mailed or is available within forty-five (45) days of the date of actual receipt by the City of an invoice conforming in all respects to the terms of this Agreement.

3. TERMINATION OF AGREEMENT

   The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, by giving forty-five (45) days notice to the Financial Institution in writing. In the event of termination, all finished or unfinished reports, or other material prepared by the Financial Institution pursuant to the Agreement, shall be provided to the City. In the event the City terminates this Agreement prior to completion without cause, the Financial Institution may complete such analyses and records as may be necessary to place its records in order. The Financial Institution shall be entitled to receive just and equitable compensation of any satisfactory services completed prior to the date of suspension or termination, not to exceed the compensation set forth above. Should the Financial Institution desire to terminate this Agreement, written notice of 120 days is required.
4. OWNERSHIP OF WORK PRODUCT

Ownership of the originals of any reports, data, studies, surveys, charts, maps, drawings, specifications, figures, photographs, memoranda, and any other documents which are developed, compiled or produced as a result of this Agreement, whether or not completed, shall be vested in the City. Any reuse of these materials by the City for projects or purposes other than those which fall within the scope of this Agreement or the project to which it relates, without written concurrence by the Financial Institution, will be at the sole risk of the City.

5. GENERAL ADMINISTRATION AND MANAGEMENT

The Finance Director for the City shall review and approve the Financial Institution’s charges to the City under this Agreement, shall have the primary responsibility for overseeing and approving services to be performed by the Financial Institution, and shall coordinate all communications with the Financial Institution from the City.

6. CONTRACT PERIOD

This Agreement is for a period of four (4) years, beginning on January 1, 2012, with two-year options to renew the Agreement. The City, in order to exercise its renewal option, will need to do nothing. At the end of this period, the City may choose to negotiate a renewal option or to request additional proposals.

7. SUCCESSORS AND ASSIGNS

The Financial Institution shall not assign, transfer, convey, pledge, or otherwise dispose of this Agreement or any part of this Agreement without prior written consent of the City.

8. NONDISCRIMINATION

The Financial Institution shall, in all hiring or employment made possible or resulting from this Agreement, take affirmative action to ensure that there shall be no unlawful discrimination against any employee or applicant for employment because of sex, race, age, color, creed, national origin, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bonafide occupational qualification, and this requirement shall apply to but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

No person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age except minimum age and retirement provisions, marital status, or the presence of any sensory, mental, or physical handicap.

9. HOLD HARMLESS/INDEMNIFICATION

The Financial Institution agrees to indemnify, defend, and save harmless the City and its officers, agents, employees, and volunteers from any claim, real or imaginary, filed against the City or its officers, agents, or employees, alleging damage or injury arising out of the subject matter of this Agreement; provided, however, that such provision shall not apply to the extent that the damage or injury results from the fault of the City or its officers, agents, employees, or volunteers. "Fault" as herein used shall have the same meaning as set forth in RCW 4.22.015.
10. LIABILITY INSURANCE COVERAGE

The Financial Institution will, at the Financial Institution's sole expense, obtain and maintain during the life of this Agreement, policies of comprehensive general liability insurance, each with combined single limits of not less than $2,000,000 per occurrence. Any policy of required insurance on a claims made basis shall provide coverage as to all claims arising out of the services performed under the contract and filed within three (3) years following completion of the services so to be performed. A failure to obtain and maintain such insurance or to file said certificates shall be a material breach of this Agreement.

11. COMPLIANCE WITH LAWS

The Financial Institution shall comply with all applicable state, federal and local laws, ordinances, regulations, and codes.

12. FUTURE SUPPORT

The City makes no commitment and assumes no obligations for the support of Financial Institution activities except as set forth in this Agreement.

13. INDEPENDENT CONTRACTOR

The Financial Institution is and shall be at all times during the term of this Agreement an independent contractor.

14. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with all attachments and addenda, represents the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties hereto.

15. ADDITIONAL WORK

The City may desire to have the Financial Institution perform other services in connection with the banking relationship other than provided for by the express intent of this contract. Any such services shall be considered as additional work, supplemental to this Agreement. Additional work shall not proceed unless so authorized in writing by the City.

Authorized additional work will be compensated for in accordance with a written supplemental Agreement between the City and the Financial Institution.

16. CONFLICT OF INTEREST

The Financial Institution represents to the City that it has no conflict of interest in performing any of the services described herein. It is recognized that the Financial Institution may or will be performing services during the Term for other parties; provided, however that such performance of other services shall not conflict with or interfere with the Financial Institution’s ability to perform the Services. In the event that the Financial Institution is asked to perform services for a project with which it may have a conflict, the Financial Institution shall immediately disclose such potential conflict to the City. The Financial Institution agrees to resolve any actual conflicts of interest in favor of the City.
17. **NO WAIVER**

Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

18. **NOTICES**

All notices, payments and other communications hereunder shall be in writing and shall be deemed to have been duly given if personally delivered or mailed, by first class or certified mail, with postage prepaid,

if to the Financial Institution, to:

_____________________
_____________________
_____________________

or to such other person or place as the Financial Institution shall furnish to the City in writing; and

if to the City, to:

City of Covington
16720 SE 271st Street, Suite100
Covington, WA  98042

or to such other person or place as the City shall furnish to the Financial Institution in writing.

Notices and payments shall be deemed given upon personal delivery or, if mailed, upon the earlier of actual receipt or three (3) business days after the date of mailing.

19. **GOVERNING LAW; VENUE**

This Agreement shall be interpreted in accordance with the laws of the State of Washington. The venue for any cause of action arising out of this Agreement shall be King County, Washington.

20. **ATTORNEY’S FEES**

In the event of any default under this Agreement, the substantially defaulting party agrees to pay the substantially non-defaulting party’s reasonable expenses which the latter incurs by reason thereof, including but not limited to reasonable attorney’s fees, whether with respect to the investigation of such default or the determination of the application or the pursuit of remedies with respect thereto, or in legal proceedings, or otherwise. The term “legal proceedings” as used in this paragraph shall include all litigation, arbitration, administrative, bankruptcy and judicial proceedings, including appeals there from.

21. **AUTHORITY**

Each individual executing this Agreement on behalf of the City and the Financial Institution represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Financial Institution or the City.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below:

FINANCIAL INSTITUTION:  CITY OF COVINGTON:

By: ___________________________  By: ___________________________

Derek M. Matheson, City Manager

Title: __________________________

Date: __________________________  Date: __________________________

APPROVED AS TO FORM:

______________________________

Sara Springer, Covington City Attorney
SUBJECT: 2012 OPERATING AND CAPITAL BUDGET PRESENTATION

RECOMMENDED BY: Derek M. Matheson, City Manager

ATTACHMENT(S):
1. 2012 Budget Workbook (under separate cover)
2. Budget Message

PREPARED BY:
Derek Matheson, City Manager

EXPLANATION:
The City Manager will present the 2012 Operating and Capital Budget.

ALTERNATIVES:
N/A

FISCAL IMPACT:
N/A

CITY COUNCIL ACTION: _____ Ordinance _____ Resolution _____ Motion  X Other

 NO ACTION NECESSARY – DISCUSSION ITEM ONLY

REVIEWED BY: City Manager
October 11, 2012

Dear Mayor Harto, Mayor Pro Tem Wagner, Honorable Councilmembers, Residents, and Businesses of Covington:

It is my pleasure to present the 2012 Preliminary Operating and Capital Budget. This budget encompasses and implements Council policies and conforms to state law.

In my budget message last year, I spoke of the struggling economy and its impact on the City’s resources. Well, the economy hasn’t gotten any better. In fact, economic growth has slowed significantly this year. Despite the economy, and despite the chaos at higher levels of government, we’ve made progress and we’re on the lookout for new opportunities. The City Council and staff have placed a heavy emphasis on strengthening existing and forging new partnerships.

One of the most important partnerships that cannot be overlooked is with our residents and businesses. Already in the planning stages, the City is developing a public engagement process that will center on an advisory committee consisting of residents, businesses, and youth. The goal of the public engagement process is to identify the City’s capital and operating budget priorities and decide whether to approach voters about funding the highest unmet priorities.

A number of cost-saving measures were implemented in 2011 and we continue to look for additional cost savings that allow us to provide quality services and help us do more with less.

**Major Themes**

Looking ahead there are four main themes that define the 2012 budget:

- Bold cuts early in the recession have served the City well and allowed us to continue to provide quality services to the community. However, growing expenditures are catching up with flat revenues.
- Careful spending of this year’s budget helps to keep deficits down into next year. Continued diligence may help the City if the economy begins to turn around.
- However, a double dip recession could necessitate a mid-year adjustment in 2012.
- The public engagement process increases in magnitude and importance.

**Economic Outlook**

On a national level, the recovery seems to be stalling after a strong start at the beginning of 2011. This can be attributed to a number of factors – the Japanese earthquake and tsunami (which slowed US auto production), rising gas prices, bad winter weather, a decrease in defense spending, and the political environment in Washington.

Again as in 2010, the Washington recovery has lost momentum during the summer after showing signs of growth during the spring. On the positive side, employment showed some real strength with an increase of 1.5% over the past year which is nearly twice the national level. The 2012 outlook for employment growth is relatively flat at 1.6%. The expectation is that overall employment will reach its pre-recession peak in the fourth quarter of 2014.

Taxable retail sales are another bright spot in the forecast. In the Puget Sound region, taxable retail sales were up 1.5% in the first quarter of 2011 from a year earlier. This reflects the third straight quarter of

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1 As a comparison, economists stated in 2010 that employment would reach pre-recession levels in the second quarter of 2013.
positive growth. Taxable retail sales could see continued growth due to an increase in personal income which is fueled by a cut in the payroll tax, a slow decline in the unemployment rate, and a modest improvement in housing starts.

The Seattle consumer price index showed an increase for the first time in several years. It appears that inflation should be about 2.6% in 2011 and decreasing slightly over the next two years to 2.1% in 2013.

For Covington, real estate excise tax receipts are higher than the last two years heading into September while retail sales tax receipts are on target through the third quarter. While this is good news we remain wary of how this will play out for the remainder of the year. Utility taxes are down for 2011. This revenue source continues to defy good forecasting methodology. On the plus side, utility tax has provided a safety net for the debt service over the last few years as real estate excise tax sharply declined.

**Budget Process**

The 2012 budget process began by giving the City Council an early look at the long-range revenue and expenditure forecast in May. At that time, the economy appeared to be getting stronger. Given some of the new metrics that were released this summer, the forecast has been revised. At the initial budget meeting, departments were directed to submit decision cards to reflect needs that up to this point had been unfunded. After those decision cards had been submitted, the economy began to change. After reviewing the decision cards and the forecast, I added criteria to make the decision process more equitable – no ongoing staff, no ongoing expenses, fund temporary staff to assist with permit processing, optimize the use of technology to provide efficiencies where there are limited resources, and maximize grant funds where applicable. Directors submitted their expected year-end expenditures and decision cards to Finance for processing. The Finance Director and I met to discuss which decision cards would move forward after the updated forecast was presented to the Management Team. The Management Team was apprised of those decisions shortly thereafter.

**Ongoing Budget Strategies**

The following budget strategies are retained from the 2010 budget:

- Redirect the General Fund’s transfer of $150,000 per year from the Capital Investment Program Fund’s street overlay program to Street Fund operations.
- Discontinue the General Fund’s transfer of utility tax revenue to Parks CIP.
- Discontinue the General Fund’s transfer of sales tax revenue to the Cumulative Reserve Fund.
- Discontinue the Parks Fund’s annual transfer of fund balance to the Cumulative Reserve Fund.
- Modify the merit award program by replacing monetary compensation with additional floating holidays.
- Maintain the following position at half time: Code Enforcement Officer.
- Forego the biennial budget process until the economy stabilizes.
- Restore partially the Development Service Fund’s interfund payment.
- Continue the ratio of sales tax distribution to the General and Parks Funds by 84%/16%.

**2012 Budget Strategies**

- In 2009 and 2010 the CPI was negative and no cost of living adjustments were made. The reductions for 2009 and 2010 are being carried forward and combined with the 2011 cost of living adjustment for a net cost of living adjustment of 2.9%.
- Use fund balance to cover deficits in most funds in 2012. Most funds will have a surplus to roll into fund balance at the end of 2011.

**Funds Overview**

**General Fund**
The General Fund is the largest City fund and provides for the day-to-day operations of City government. The three major revenue sources – property tax, sales tax, and utility tax – will be under budget for 2011. Total sales tax collections for 2011 are estimated to be $2.8 million, with the General Fund receiving 84% ($2.39 million) and the Parks Fund 16% ($456,000).

In 2012, we are forecasting a 0.2% total increase in revenues for the entire fund.

- Property tax for 2011 is estimated to be $2.4 million. This includes a one percent increase plus new construction.
- Sales tax revenue for 2011 is expected to increase by one percent. Construction revenue has been slowly increasing while retail sales have been holding steady.
- Utility tax for 2011 is estimated at $1.8 million. For 2012, the forecast was revised downward. This revenue source continues to defy conventional forecasting methodology.
- Other sources of revenue total $1.5 million with $628,000 being paid to the General Fund in the form of overhead and interfund payments from other funds.

On the operating expenditure side, the 2012 General Fund budget is 6.8%, or $449,000, higher than estimated actuals for 2011. This is due to an increase in medical benefits and the police services contract. The debt service transfer is estimated to increase by $325,000.

I am recommending four decision cards totaling $19,000. The first is an upgrade to our existing accounting software, the second for mobile technology and is allocated over all funds, the third is a network switch replacement, and the fourth is for Windows 7 migration. All are one-time costs except for mobile technology and maintenance for the Springbrook upgrade, which will incur small ongoing costs.

**Street Fund**
Revenue is showing an increase of 2.5% due primarily to a slight increase in the fuel tax. The franchise fee is forecasted to be flat. Base expenditures before decision cards are $906,000 which is a decrease from expected actual expenditures in 2011.

I am recommending the mobile technology decision card for a $730 one-time cost and $1,145 ongoing costs.

**Development Services Fund**
For 2012, revenue is estimated to be $1,350,000 while expenditures are under 2011 estimates by 4.3% or $35,000. While revenues exceed expenditures by a fair amount, this extra cushion is needed to offset additional work that spans more than one year. As development declines, that additional fund balance will be used to complete tasks started in prior years.

I am recommending four decision cards – mobile technology, additional hours for building administration and inspection for the Black Diamond ILA which has corresponding revenue, the planning consultant, and the replacement for the Accela permit tracking system. Replacement of this system will reduce current expenditures while providing a more updated and user friendly system.

**Parks Fund**
Revenues in the Parks Fund for 2012 are expected to increase slightly in all categories. Expenditures show an increase from the previous year primarily to account for new revenue generating programs that were added last year after the budget was adopted.

I am recommending the mobile technology decision card.

**Surface Water Management Fund**
Revenues for SWM show an increase over 2011 due to the addition of billing adjustments found in last year’s audit. No ongoing rate increases are forecast.
Budgeted expenditures are higher than 2011 due to carrying full contracts for the ILA with Maple Valley. Maple Valley will reimburse the City for their share of the contracts.

I am recommending two decision cards – mobile technology and the NPDES implementation grant which is offset by corresponding revenue.

**Capital Investment Program Fund**
For 2012, three projects are budgeted: Annual Facility Rehabilitation for SWM for $214,960, Covington Community Park for $1,765,484, and SR 516 from Jenkins Creek to 185th for $1,286,447.

**Ballot Initiatives**

**INITIATIVE 1183**
Backed by Costco and other grocers and restaurants, this measure would close state liquor stores and require the sale of their assets including the liquor distribution center. The state would license private parties to distribute spirits and to sell spirits in retail stores meeting certain criteria, subject to specified training and compliance requirements. The measure establishes licensing fees for sale and distribution of spirits based on the licensee’s sales revenues. It would change some wine distribution laws and allow non-uniform wholesale pricing for wine and spirits.

Covington receives two types of revenue from liquor sales: liquor profits and liquor taxes.

- Liquor board profits are revenues from permits, licenses, and liquor store sales. The state first pays for the activities of the Liquor Control Board (administration, sales staff, leases, etc.). The remaining profits are shared: 50% to the state, 40% to cities, and 10% to counties. (Border areas receive an additional distribution.)
- Liquor excise taxes come from a state tax to consumers and restaurant licensees. The tax rates include a basic rate plus surcharges. Revenues from the basic rates of 15% for consumers and 10% for restaurants are shared: 65% to the state, 28% to cities, and 7% to counties. The state retains all surcharge revenue.

The initiative specifies that local governments are to continue to receive, in the aggregate, no less liquor revenue than comparable periods plus an additional $10 million per year for public safety. In general, liquor taxes would remain. The current liquor markup – the primary source of revenue for liquor profits – would end. However, the initiative provides a new annual license fee for liquor retailers (17% of its liquor sales) and distributors (10% of its liquor sales for the first two years; 5% of its liquor sales after that) which would be distributed as the markup currently is. During the first year, distributors must collectively pay $150 million in license fees.

The 2012 budget remains neutral regarding the impact passage of the initiative would have on current revenue although the Office of Financial Management has demonstrated that local governments may receive additional funding based on the financing model in the initiative. Any additional revenue is speculative at this time and will not be added to the forecast.

**Revenue Options**

For 2012 and beyond there are revenue options available to the Council. The top two in terms of practicality and revenue generation are:

- There is 0.5% or approximately $180,000 available in utility tax authority for the existing utilities. While cities now have the authority to tax water and sewer districts via interlocal agreement, the two districts that serve most Covington residents are either lukewarm or opposed to the concept.
- The City, acting as a transportation benefit district, may impose a vehicle license fee of up to $20 per vehicle without a public vote and up to $100 with a public vote. Transportation benefit districts are quasi-municipal corporations with independent taxing authority that may also impose property
taxes and impact fees for transportation purposes. Our Finance Department estimates revenues between $180,000 and $280,000 per year at the $20 fee level.

**Summary**

With the economy still struggling, revenues still lagging and expenditures still increasing, the effort to continue to provide a balanced budget becomes more and more difficult. Staff continues to do an excellent job of managing expenditures which provides funds that can be rolled over into the following year. However, staff can only do so much and at some point that margin will not be available and services will begin to erode unless the economy turns around or other resources are found.

So how do we continue down the path of sustainability? We’ll continue to do what we’ve been doing.

- We’ll pursue new development through this fall’s Destination Covington event, which will bring together property managers, developers, real estate agents, and industry leaders to learn about why Covington is the place to be.
- We’ll proceed with design of the SR 516 Jenkins Creek to 185th project.
- We’ll proceed with Covington Community Park as funding allows.
- We’ll pursue grant funding wherever possible.
- We’ll make technology upgrades to increase the City’s efficiency.
- We’ll roll out the public engagement process I mentioned earlier to solidify our budget priorities.

Covington, as a city, is young. We don’t have an extensive history to look back on. We don’t have a lot of benchmarks to compare our progress with. We are creating our history now and as we move forward.

We plan to seize opportunities that make sense. We plan to keep our neighborhoods safe, our streets repaired, and our grounds maintained. And, we plan to survive this economy. With continued and increased community support we plan to keep that promise.

I want to thank the Finance staff for their ongoing work with departments and management to provide the direction and information needed to complete the budget. The Department Directors also deserve special recognition for working within their budgets to provide the services needed to keep the City running smoothly and efficiently.

As always, I thank you, the City Council for staying true to your convictions and for giving staff and me your support and confidence to move forward and implement your vision of the City.

I look forward to your deliberations.

Sincerely,

Derek Matheson
City Manager
SUBJECT: DISCUSS COVINGTON COMMUNITY PARK BUDGET

RECOMMENDED BY: Derek Matheson, City Manager

ATTACHMENT(S):
  1. Project Costs spreadsheet
  2. Maintenance and Capital Outlay spreadsheet

PREPARED BY: Derek Matheson, City Manager

EXPLANATION:
The City Council received the city manager’s 2012 budget message earlier this evening. The city manager presented a budget that is balanced within current resources but noted the city is unable to fund Covington Community Park (“CCP”) – both the last piece of the capital project budget and the ongoing maintenance budget – unless the city raises new revenue or reduces other programs.

This is the first of two discussions. This discussion will focus on the CCP capital and maintenance budgets; the next will focus on possible funding sources (if Council is comfortable).

The Parks & Recreation Department and Public Works Department have developed CCP capital and maintenance budgets. Approximately $200,000 in capital funds and $185,000 in annual maintenance funds are necessary to move the project forward. Maintenance costs begin in 2013 and are subject to inflation each year. Parks & Recreation Director Scott Thomas and Public Works Director Glenn Akramoff will walk the Council through the attached spreadsheets at the meeting. Mr. Thomas will also discuss a CCP neighbor’s request for a fence.

Reasons to move forward with a conversation about funding sources include:

- The community stated its desire for additional park and recreation opportunities, including an extended trail system and large community parks, during the 2009 Parks, Recreation and Open Space planning process.
- There are not enough athletic fields in the city. Children over 11 years old travel to other cities for athletics.
- There is no city-owned, city-maintained property in Covington for community events.
- The city will have to forego more than $1.5 million in grant funds if CCP is not built. The longer it takes to start the construction phase, the greater the risks the Legislature and others will cancel grant contracts to help balance their budgets.
- The city has already invested almost $600,000 in city funds in the master planning and design phases.
Reasons not to move forward with a conversation about funding sources at this time include:

- The capital budget is very tight with little margin for unforeseen circumstances. Several line items are still highly speculative.
- There is political risk even in initiating a conversation about new revenue in a difficult economy.
- Any new revenue dedicated to CCP will be unavailable in the future to maintain existing city services in this era of stagnant revenues and rising costs.

ALTERNATIVES: Presented above

FISCAL IMPACT: Staff time

CITY COUNCIL ACTION: _____Ordinance _____Resolution _____Motion _____Other

Direction whether to schedule an Oct. 25 discussion regarding possible funding sources.

REVIEWED BY: City Attorney, Finance Director, Parks & Recreation Director, Public Works Director.
# City of Covington Project Costs

## Project Title
Covington Community Park

## Scope of Work
Covington Community Park

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<td>-</td>
<td>-</td>
<td>450,000</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>King County YSFG</td>
<td>75,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>75,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Legislative Appropriation/CTED</td>
<td>700,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>700,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>King Conservation District</td>
<td>100,569</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>100,569</td>
<td>-</td>
</tr>
<tr>
<td>King County Parks Levy</td>
<td>155,203</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>155,203</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Project Revenues</strong></td>
<td>2,157,337</td>
<td>70,000</td>
<td>525,390</td>
<td>31,175</td>
<td>-</td>
<td>1,480,772</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Projected Ending Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance December 31</td>
<td>(201,567)</td>
<td>9,842</td>
<td>204,424</td>
<td>109,226</td>
<td>33,145</td>
<td>(251,567)</td>
<td>(201,567)</td>
</tr>
</tbody>
</table>

**ATTACHMENT 1**
City of Covington  
Maintenance and Capital Outlay  
2013-2014  

<table>
<thead>
<tr>
<th>Description</th>
<th>2013 One-Time¹</th>
<th>2013 Ongoing</th>
<th>2014 Ongoing²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$</td>
<td>$ 47,362</td>
<td>$ 86,645</td>
</tr>
<tr>
<td>Personnel Benefits</td>
<td>-</td>
<td>26,161</td>
<td>38,214</td>
</tr>
<tr>
<td>Supplies</td>
<td>-</td>
<td>5,500</td>
<td>11,000</td>
</tr>
<tr>
<td>Other Services and Charges</td>
<td>-</td>
<td>12,655</td>
<td>24,980</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>63,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interfund Payment for Services</td>
<td>-</td>
<td>11,392</td>
<td>24,535</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 63,000</strong></td>
<td><strong>$103,070</strong></td>
<td><strong>$185,374</strong></td>
</tr>
</tbody>
</table>

¹ 2013 is for a partial year.  
² 2014 is for a full year.
DISCUSSION OF FUTURE AGENDA TOPICS:

6:30 p.m., October 18, 2011 – Joint Meeting with Black Diamond and Maple Valley @ Black Diamond Elementary Gymnasium

6:00 p.m., October 25, 2011 – Joint Study Session with Human Services Commission

7:00 p.m., October 25, 2011 Regular Meeting

(Draft Agendas Attached)
JOINT CITY COUNCIL MEETING AGENDA
CITIES OF BLACK DIAMOND, COVINGTON AND MAPLE VALLEY

Tuesday, October 18, 2011, 6:30 p.m.
Black Diamond Elementary Gymnasium
25314 Baker Street, Black Diamond

RECEPTION - 6:30 PM

CALL MEETING TO ORDER - 7:00 PM - MAYOR OLNESS

PLEDGE OF ALLEGIANCE/INTRODUCTIONS

APPROVAL OF AGENDA

OPENING REMARKS – MAYOR OLNESS

ITEMS FOR JOINT COUNCIL DISCUSSION:

1. Solid Waste Presentation (Kevin Kiernan, the Solid Waste Director for King County)
2. Update of Previous Initiatives
   a. Transportation (Councilmember Wayne Snoey)
   b. Trails (Parks Directors)
   c. Regional Infrastructure & Services Funding (Public Works & Parks Directors)
3. Emergency Management (Emergency Management Directors)

ADJOURN

Americans with Disabilities Act – Reasonable Accommodations Provided Upon Request (360-886-2560)
CITY OF COVINGTON SPECIAL MEETING AGENDA
CITY COUNCIL JOINT STUDY SESSION WITH HUMAN SERVICES COMMISSION
Council Chambers – 16720 SE 271st Street, Suite 100, Covington
www.covingtonwa.gov

Tuesday, October 25, 2011 - 6:00 p.m.

GENERAL INFORMATION:
The study session is an informal meeting involving discussion between and among the City Council, Chamber Board, CEDC, and city staff regarding policy issues. Study sessions may involve presentations, feedback, brainstorming, etc., regarding further work to be done by the staff on key policy matters.

CALL CITY COUNCIL JOINT STUDY SESSION TO ORDER

ROLL CALL

APPROVAL OF AGENDA

ITEM(S) FOR DISCUSSION
1. Master Plan

PUBLIC COMMENT Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.

ADJOURN

Any person requiring disability accommodation should contact the City of Covington at (253) 638-1110 a minimum of 24 hours in advance. For TDD relay service, please use the state’s toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110.
CALL CITY COUNCIL REGULAR MEETING TO ORDER

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION

• Proclamation Honoring Centenarian Resident Justine Siler

PUBLIC COMMENT. Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.*

APPROVE CONSENT AGENDA
C-1. Approval of Minutes (Scott)
C-2. Approval of Vouchers (Hendrickson)

REPORTS OF COMMISSIONS

• Planning Chair Sean Smith: October 6 meeting; October 20 canceled.
• Human Services Chair Haris Ahmad: October 13 meeting.
• Arts Chair Sandy Bisordi: October 13 meeting.
• Parks & Recreation Chair David Aldous: October 19 meeting.

Future Meetings:
• Economic Development Council: next meeting November 3.

PUBLIC HEARING
1. To Receive Testimony from the Public Regarding Adopting the Kent School District Six-Year Capital Facilities Plan and 2012 School Impact Fee Schedule (Hart)
2. To Receive Testimony from the Public Regarding Proposed Fiscal Year 2012 Budget and Revenues Sources and Set the Property Tax Levy (Hendrickson) (First of Two Public Hearings)

CONTINUED BUSINESS
3. Accept Department of Commerce Grant for Covington Community Park (Thomas)
4. Consider Covington Community Park Possible Funding Sources (Matheson)
NEW BUSINESS
5. Consider Inattentive Driving Ordinance (Klason)
7. King County Sheriff’s Office Sublease Tenant Improvement (French)
8. 2011 Third Quarter Financial Report (Hendrickson)

COUNCIL/STAFF COMMENTS
- Future Agenda Topics

PUBLIC COMMENT (*See Guidelines on Public Comments above in First Public Comment Section)

EXECUTIVE SESSION: If needed

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