



Legislation Text

File #: 2020-0225, **Version:** 1

Clerk 06/23/2020

A MOTION requesting that the executive complete a new environmental checklist addressing the zoning changes contemplated by Ordinance 19030 and any likely alternatives and in compliance with chapter 43.21C WAC, chapter 197-11 WAC and K.C.C. chapter 20.44, and issue a new, amended or addended threshold determination based on the new environmental checklist, in response to the Central Puget Sound Growth Management Hearings Board's Order on Dispositive Motions for Case No. 20-3-0004c.

WHEREAS, Ordinance 19030 established updated regulations for winery, brewery, distillery facilities and remote tasting rooms, in unincorporated King County, and

WHEREAS, Ordinance 19030 was challenged on State Environmental Policy Act ("SEPA") and Growth Management Act ("GMA") grounds by Futurewise and a neighborhood group to the Central Puget Sound Growth Management Hearings Board ("the board"). The petitioners filed a summary judgment motion with the board, claiming the SEPA process undertaken by the county before adoption of the ordinance had been insufficient. On May 26, 2020, the board issued an Order on Dispositive Motions for Case No. 20-3-0004c ("the order"), which granted the petitioners' summary judgment motion and invalidated most of the substantive sections of the ordinance. Ordinance 19030, Sections 12 through 31, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030, were invalidated by the board. Ordinance 19030, Sections 12 through 31, include definitions, zoning conditions, parking restrictions, temporary use permit clarifications, home occupation and home industry limitations and a demonstration project, and

WHEREAS, the board's order also remanded the ordinance to the county to take actions to bring the ordinance into compliance, and

WHEREAS, the board's order was primarily focused on SEPA. The board concluded that the analysis contained in the SEPA checklist was insufficient to support the SEPA determination of nonsignificance. The board set a compliance schedule requiring additional action by the county with a November 2020 deadline, and

WHEREAS, the board's order did not specify the what compliance required, and there is interest by the council to provide specificity to the executive;

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

A. The council requests that the executive comply with the remand requirements of the Central Puget Sound Growth Management Hearings Board's Order on Dispositive Motions for Case No. 20-3-0004c ("the board's order"), "to come into compliance with RCW 43.21C.030 and chapter 197-11 WAC" by:

1. Completing a new environmental checklist addressing the zoning changes contemplated by Ordinance 19030 and any likely alternatives and in compliance with chapter 43.21C RCW, chapter 197-11 WAC and K.C.C. chapter 20.44; and

2. Issuing a new, amended or addended threshold determination based on the new environmental checklist.

B. The council requests the executive complete the new environmental checklist and new, amended or addended threshold determination prior to the November 6, 2020, deadline set by the board's order.