



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda Metropolitan King County Council

*Councilmembers: Rod Dembowski, Chair;  
Claudia Balducci, Vice Chair of Policy Development and Review;  
Reagan Dunn, Vice Chair of Regional Coordination;  
Larry Gossett, Jeanne Kohl-Welles, Kathy Lambert, Joe McDermott, Dave Upthegrove, Pete von Reichbauer*

9:30 AM

Wednesday, November 13, 2019

Room 1001

1. **Call to Order**

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

2. **Roll Call**

3. **Flag Salute and Pledge of Allegiance**

*Councilmember Dunn*

4. **Approval of Minutes of November 6, 2019** **pg 15**

*Councilmember Balducci*

5. **Additions to the Council Agenda**

6. **Special Item**

**Recognition of the Children's Therapy Center on its 40th anniversary.**

*Councilmember Upthegrove*



*Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).*

*TDD Number 206-1024.*

*ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.*



## Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees

There will be one public hearing on Items 7-15

### Consent Items 7-8

*Councilmember Balducci*

7. Proposed Ordinance No. 2019-0412 **pg 21**

AN ORDINANCE confirming appointment of the representatives of the county executive and King County council to the communities of opportunity-best starts for kids advisory board; and amending Ordinance 18442, Section 2, as amended.

**Sponsors:** Mr. Dembowski

***On 10/9/2019, the Metropolitan King County Council Introduced and Referred to Health, Housing and Human Services Committee.***

***On 11/5/2019, the Health, Housing and Human Services Committee Recommended Do Pass Consent.***

8. Proposed Ordinance No. 2019-0440 **pg 29**

AN ORDINANCE adopting and ratifying Growth Management Planning Council Motion 19-1.

**Sponsors:** Ms. Balducci

***On 10/23/2019, the Metropolitan King County Council Introduced and Referred to Mobility and Environment Committee.***

***On 11/5/2019, the Mobility and Environment Committee Recommended Do Pass Consent.***

**Health, Housing and Human Services***Councilmember Kohl-Welles***9. Proposed Substitute Ordinance No. 2019-0331.2 pg 37**

AN ORDINANCE updating definitions relating to discrimination and making other technical corrections; and amending Ordinance 18665, Section 1, as amended, K.C.C. 2.15.005, Ordinance 16692, Section 2, as amended, K.C.C. 2.15.010, Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120, Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010, Ordinance 11992, Section 2, as amended, K.C.C. 12.16.010, Ordinance 13981, Section 1, as amended, K.C.C. 12.17.002, Ordinance 13981, Section 2, as amended, K.C.C. 12.17.010, Ordinance 7430, Section 1, as amended, K.C.C. 12.18.010, Ordinance 7430, Section 2, as amended, K.C.C. 12.18.020, Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020, Ordinance 5280, Section 3.A., as amended, and K.C.C. 12.20.040, Ordinance 5280, Section 3.B., as amended, and K.C.C. 12.20.050, Ordinance 5280, Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130, Ordinance 8625, Section 1, as amended, and K.C.C. 12.22.010, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 and Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030.

**Sponsors:** Ms. Kohl-Welles

***On 7/24/2019, the Metropolitan King County Council Introduced and Referred to Health, Housing and Human Services Committee.***

***On 11/5/2019, the Health, Housing and Human Services Committee Recommended Do Pass Substitute.***

**Public Hearing Required****10. Proposed Substitute Ordinance No. 2019-0380.2 pg 95**

AN ORDINANCE establishing the King County renters' commission; amending Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130 and adding a new chapter to K.C.C. Title 2.

**Sponsors:** Mr. Gossett and Ms. Kohl-Welles

***On 9/11/2019, the Metropolitan King County Council Introduced and Referred to Health, Housing and Human Services Committee.***

***On 9/17/2019, the Health, Housing and Human Services Committee Deferred.***

***On 10/1/2019, the Health, Housing and Human Services Committee Deferred.***

***On 10/15/2019, the Health, Housing and Human Services Committee Deferred.***

***On 10/29/2019, the Health, Housing and Human Services Committee Recommended Do Pass Substitute.***

***On 11/6/2019, the Metropolitan King County Council Deferred.***

**Public Hearing Required**

11. Proposed Substitute Ordinance No. 2019-0422.2 **pg 109**

AN ORDINANCE prohibiting the county and its contractors from paying disabled employees a subminimum wage; amending Ordinance 17909, Section 5, and K.C.C. 3.18.020 and adding a new section to K.C.C. chapter 3.18.

**Sponsors:** Mr. Upthegrove, Mr. von Reichbauer, Ms. Balducci and Ms. Kohl-Welles

***On 10/9/2019, the Metropolitan King County Council Introduced and Referred to Health, Housing and Human Services Committee.***

***On 11/5/2019, the Health, Housing and Human Services Committee Recommended Do Pass Substitute.***

**Public Hearing Required**

### **Local Services, Regional Roads and Bridges**

*Councilmember Lambert*

12. Proposed Ordinance No. 2019-0209 **pg 119**

AN ORDINANCE relating to testamentary lot division; and amending Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070.

**Sponsors:** Mr. Dunn

***On 5/15/2019, the Metropolitan King County Council Introduced and Referred to Local Services, Regional Roads and Bridges Committee.***

***On 8/26/2019, the Local Services, Regional Roads and Bridges Committee Passed Out of Committee Without a Recommendation.***

***On 10/9/2019, the Metropolitan King County Council Hearing held/closed and deferred.***

***On 11/6/2019, the Metropolitan King County Council Deferred.***

**Public Hearing Required**

**Mobility and Environment**

*Councilmember Upthegrove*

13. Proposed Substitute Ordinance No. 2019-0408.2 **pg 127**

AN ORDINANCE authorizing the county executive to execute an agreement between King County and the Central Puget Sound Regional Transit Authority for operations and maintenance of ST Express Bus service.

**Sponsors:** Mr. Upthegrove and Mr. McDermott

***On 10/9/2019, the Metropolitan King County Council Introduced and Referred to Mobility and Environment Committee.***

***On 10/15/2019, the Mobility and Environment Committee Deferred.***

***On 11/5/2019, the Mobility and Environment Committee Recommended Do Pass Substitute.***

**Public Hearing Required**

14. Proposed Substitute Ordinance No. 2019-0410.2 **pg 143**

AN ORDINANCE establishing the alignment and station locations of, and meeting federal assistance conditions for, the RapidRide G Line (Seattle).

**Sponsors:** Mr. Gossett and Mr. McDermott

***On 10/9/2019, the Metropolitan King County Council Introduced and Referred to Mobility and Environment Committee.***

***On 11/5/2019, the Mobility and Environment Committee Recommended Do Pass Substitute.***

**Public Hearing Required**

## First Reading of and Action on Emergency Ordinances Without Referral to Committee

15. Proposed Ordinance No. 2019-0467 **pg 165**

AN ORDINANCE relating to council involvement with collective bargaining agreements; amending Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015, Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085, Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015, Ordinance 197, Section 2, as amended, and K.C.C. 3.16.020, Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025, Ordinance 8658, Section 1, and K.C.C. 3.16.040, Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050, Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 and repealing Ordinance 11480, Section 5, and K.C.C. 3.16.012; and declaring an emergency.

**Sponsors:** Mr. Dembowski

**SUBJECT TO A MOTION TO SUSPEND THE RULES TO HOLD A PUBLIC HEARING LESS THAN SEVEN DAYS AFTER FIRST READING PURSUANT TO K.C.C. 1.24.095 AND A MOTION TO SUSPEND THE RULES TO TAKE ACTION WITHOUT REFERRAL TO COMMITTEE PURSUANT TO K.C.C. 1.24.085**

## Hearing Examiner Consent Agenda - Item 16

*Councilmember Upthegrove*

16. Proposed Substitute Ordinance No. 2018-0013.2 **pg 183**

AN ORDINANCE authorizing the vacation of a portion of SE 184th Street, File V-2710; Petitioners: Robbie and Chree Donaldson, Monica L. and James N. Runyon, Duane and Michele D. Schilling and Steve K. Tran.

**Sponsors:** Mr. McDermott

***On 1/8/2018, the Metropolitan King County Council Introduced and Referred to Hearing Examiner.  
On 1/7/2019, the Metropolitan King County Council Reintroduced.***

## Motions, from Standing Committees and Regional Committees, for Council Action

### Consent Items 17-18

*Councilmember Balducci*

17. Proposed Motion No. 2019-0353 **pg 215**

A MOTION acknowledging receipt of King County organics market development plan prepared in accordance with 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 102, Proviso P2.

**Sponsors:** Mr. Dembowski

***On 10/2/2019, the Metropolitan King County Council Introduced and Referred to Committee of the Whole.***

***On 11/4/2019, the Committee of the Whole Recommended Do Pass Consent.***

18. Proposed Motion No. 2019-0429 **pg 253**

A MOTION acknowledging receipt of the feasibility study for a waste to energy facility to manage the region's solid waste that provides a comparison to waste export by rail in accordance with the 2019-2020 Biennial Budget, Ordinance 18835, Section 19, Proviso P4.

**Sponsors:** Mr. McDermott and Ms. Lambert

***On 10/16/2019, the Metropolitan King County Council Introduced and Referred to Committee of the Whole.***

***On 11/4/2019, the Committee of the Whole Recommended Do Pass Consent.***

## First Reading of and Action on Motions Without Referral to Committee

19. Proposed Motion No. 2019-0468 **pg 275**

A MOTION relating to the organization of the county council; amending Motion 11122, Section D, as amended, and OR 2-020 and adding a new section to OR chapter 2.

**Sponsors:** Mr. Dembowski

**SUBJECT TO A MOTION TO SUSPEND THE RULES TO TAKE ACTION WITHOUT REFERRAL TO COMMITTEE PURSUANT TO K.C.C. 1.24.085**

## First Reading and Referral of Ordinances

20. Proposed Ordinance No. 2019-0462

AN ORDINANCE amending the terms and fees related to county automotive parking facilities; and amending Ordinance 15648, Section 2, as amended, and K.C.C. 3.32.006, Ordinance 12077, Section 16, as amended, and K.C.C. 3.32.010, Ordinance 12077, Section 17, as amended, and K.C.C. 3.32.020, Ordinance 12077, Section 18, as amended, and K.C.C. 3.32.055, Ordinance 8753, Section 6, as amended, and K.C.C. 3.32.045, Ordinance 3511, Section 6, as amended, and K.C.C. 3.32.050 and Ordinance 8753, Section 7, as amended, and K.C.C. 3.32.090, adding a new section to K.C.C. chapter 3.32, recodifying K.C.C. 3.32.055 and repealing Ordinance 3511, Section 4, as amended, and K.C.C. 3.32.030 and Ordinance 15950, Section 7, and K.C.C. 3.32.057.

**Sponsors:** Ms. Balducci

***First Reading and Referral to the Budget and Fiscal Management Committee***

21. Proposed Ordinance No. 2019-0466

AN ORDINANCE authorizing a plat on certain property located at 4015 S 280th Street, Auburn, WA, 98001 at the request of Christine Vogler, Permitting Division, Department of Local Services file no. PLAT18-0008.

**Sponsors:** Mr. Dembowski

***First Reading and Referral to the Hearing Examiner***



**22.** Proposed Ordinance No. 2019-0469

AN ORDINANCE approving and adopting the memorandum of agreement regarding Total Compensation 2019-2020 Reopener Agreement negotiated by and between King County and Washington State Council of County and City Employees, Council 2, Local 2084-SC (Superior Court - Staff (Wages Only)) representing employees in the superior court; and establishing the effective date of the agreement.

**Sponsors:** Mr. Dembowski

***First Reading and Referral to the Law and Justice Committee*****23.** Proposed Ordinance No. 2019-0470

AN ORDINANCE approving and adopting the memorandum of agreement regarding Total Compensation 2019-2020 Reopener Agreement negotiated by and between King County and Washington State Council of County and City Employees, Council 2, Local 2084-SC (Superior Court - Family Court Operations; Court Appointed Special Advocates Specialists and Attorneys (CASA)) representing employees in superior court and establishing the effective date of the agreement.

**Sponsors:** Mr. Dembowski

***First Reading and Referral to the Law and Justice Committee*****24.** Proposed Ordinance No. 2019-0473

AN ORDINANCE establishing housing engagement policies and annual reporting regarding housing-related investments; and adding a new chapter to K.C.C. Title 24.

**Sponsors:** Ms. Kohl-Welles

***First Reading and Referral to the Health, Housing and Human Services Committee***

**25.** Proposed Ordinance No. 2019-0477

AN ORDINANCE related to the establishment of a King County human and civil rights commission and making other technical corrections; amending Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005, Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010, Ordinance 18665, Section 8, as amended, and K.C.C. 2.15.100, Ordinance 14199, Section 11, as amended and K.C.C. 2.16.035, Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015, Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010, Ordinance 18757, Section 4, as amended, and K.C.C. 3.12D.020, Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120, Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010, Ordinance 13981, Section 2, and K.C.C. 12.17.010, Ordinance 13981, Section 4, and K.C.C. 12.17.030, Ordinance 13981, Section 5, and K.C.C. 12.17.040, Ordinance 13981, Section 6, and K.C.C. 12.17.050, Ordinance 13981, Section 7, and K.C.C. 12.17.060, Ordinance 13981, Section 8, and K.C.C. 12.17.070, Ordinance 13981, Section 9, and K.C.C. 12.17.080, Ordinance 13981, Section 10, and K.C.C. 12.17.090, Ordinance 7430, Section 1, and K.C.C. 12.18.010, Ordinance 7430, Section 2, and K.C.C. 12.18.020, Ordinance 7430, Section 3, as amended, and K.C.C. 12.18.030, Ordinance 7430, Section 4, and K.C.C. 12.18.040, Ordinance 7430, Section 5, and K.C.C. 12.18.050, Ordinance 7430, Section 6, and K.C.C. 12.18.060, Ordinance 7430, Section 7, and K.C.C. 12.18.070, Ordinance 7430, Section 8, and K.C.C. 12.18.080, Ordinance 7430, Section 9, and K.C.C. 12.18.090, Ordinance 13263, Section 52, and K.C.C. 12.18.097, Ordinance 7430, Section 10, and K.C.C. 12.18.100, Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020, Ordinance 5280, Section 3.A, as amended, and K.C.C. 12.20.040, Ordinance 5280, Section 3.B, as amended, and K.C.C. 12.20.050, Ordinance 5280, Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070, Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080, Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090, Ordinance 10469, Section 11, and K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100, Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120, Ordinance 10469, Section 13, and K.C.C. 12.20.122, Ordinance 10469, Section 14, and K.C.C. 12.20.124, Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130, Ordinance 10469, Section 16, and K.C.C. 12.20.133, Ordinance 5280, Section 11, as amended, and K.C.C. 12.20.140, Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150, Ordinance 8625, Section 1, and K.C.C. 12.22.010, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020, Ordinance 8625, Section 3, and K.C.C. 12.22.030, Ordinance 8625, Section 4, and K.C.C. 12.22.040, Ordinance 8625, Section 5, and K.C.C. 12.22.050, Ordinance 8625, Section 6, and K.C.C. 12.22.060, Ordinance 8625, Section 7, and K.C.C. 12.22.070, Ordinance 8625, Section 8, and K.C.C. 12.22.080, Ordinance 8625, Section 9, and K.C.C. 12.22.090, Ordinance 13263, Section 54, and K.C.C. 12.22.095 and Ordinance 8625, Section 10, and K.C.C. 12.22.100, adding a new section to K.C.C. chapter 4A.200, adding a new chapter to K.C.C. Title 2 and repealing Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010, Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020, Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030, Ordinance 12058, Section 4, and K.C.C. 3.10.040, Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050, Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060 and Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

**Sponsors:** Mr. Gossett and Mr. Dembowski

***First Reading and Referral to the Law and Justice Committee***

## First Reading and Referral of Motions

26. Proposed Motion No. 2019-0460

A MOTION acknowledging receipt of a report evaluating the department of adult and juvenile detention corrections and juvenile detention officer hiring incentive pilot program in compliance with the 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 52, Proviso P3.

**Sponsors:** Ms. Balducci

***First Reading and Referral to the Budget and Fiscal Management Committee***

27. Proposed Motion No. 2019-0463

A MOTION confirming the executive's appointment of the members of the King County children and families strategy task force in accordance with Motion 15521.

**Sponsors:** Ms. Kohl-Welles

***First Reading and Referral to the Health, Housing and Human Services Committee***

28. Proposed Motion No. 2019-0464

A MOTION relating to public transportation, adopting the Metro Mobility Framework Recommendations Summary and outlining a process for the development of updates to the Metro transit department's adopted policies.

**Sponsors:** Ms. Balducci

***First Reading and Referral to the Regional Transit Committee***

**This is a dual referral first to the Regional Transit Committee and then to the Mobility and Environment Committee.**

**This is a nonmandatory referral to the Regional Transit Committee under KCC 1.24.065.I as an issue that would benefit from interjurisdictional discussion.**

**29.** Proposed Motion No. 2019-0465

A MOTION relating to the King County Metro Transit Strategic Plan for Public Transportation 2011-2021 and King County Metro Transit Service Guidelines and accepting the King County Metro Transit 2019 System Evaluation.

**Sponsors:** Mr. Upthegrove

***First Reading and Referral to the Regional Transit Committee***

**This is a dual referral first to the Regional Transit Committee and then to the Mobility and Environment Committee.**

**This is a nonmandatory referral to the Regional Transit Committee under KCC 1.24.065.I as an issue that would benefit from interjurisdictional discussion.**

**30.** Proposed Motion No. 2019-0476

A MOTION relating to the organization of the council; amending Motion 10651, Section V, as amended, and OR 2-030 and Motion 10651, Section VII, as amended, and OR 3-030 and adding a new section to the organizational compilation.

**Sponsors:** Mr. Gossett and Mr. Dembowski

***First Reading and Referral to the Law and Justice Committee***

**31. Reports on Special and Outside Committees****Other Business**

- 32. Required notification pursuant to K.C.C. 4A.100.080.  
November 4, 2019, Exception Notification Regarding Transfer from Emergent Need  
Contingency to the Public Transportation Construction - Unrestricted (TDC MAJOR SPOT  
IMPR).**
- 33. Required notification pursuant to K.C.C. 4A.100.080.  
November 4, 2019, Exception Notification Regarding Transfer from Emergent Need  
Contingency to the Public Transportation Construction - Unrestricted (TDC EQUIP ASSET  
MGMT).**
- 34. Required notification pursuant to K.C.C. 4A.100.080.  
November 4, 2019, Exception Notification Regarding Transfer from Emergent Need  
Contingency to the Public Transportation Construction - Unrestricted (TDC DSTT  
ELEVATORS RENOV).**

**Adjournment**

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Seattle, WA 98104

## Meeting Minutes Metropolitan King County Council

*Councilmembers: Rod Dembowski, Chair;  
Claudia Balducci, Vice Chair of Policy Development and Review;  
Reagan Dunn, Vice Chair of Regional Coordination;  
Larry Gossett, Jeanne Kohl-Welles, Kathy Lambert, Joe  
McDermott, Dave Upthegrove, Pete von Reichbauer*

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9:30 AM

Wednesday, November 6, 2019

Room 1001

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### DRAFT MINUTES

1. **Call to Order**

*The meeting was called to order at 9:42 a.m.*

2. **Roll Call**

**Present:** 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Mr. Gossett, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove and Mr. von Reichbauer

3. **Flag Salute and Pledge of Allegiance**

*Councilmember von Reichbauer led the flag salute and Pledge of Allegiance.*

4. **Approval of Minutes of October 30, 2019**

*Councilmember Upthegrove moved to approve the Minutes of the October 30, 2019, meeting as presented. Seeing no objection, the Chair so ordered.*

5. **Additions to the Council Agenda**

*There were no additions.*

## Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees

There will be one public hearing on Items 6-9

*The following people spoke:  
Kassech Zenebe  
Alex Tsimerman*

### **Budget and Fiscal Management**

**6. Proposed Substitute Ordinance No. 2019-0425.2**

AN ORDINANCE relating to the King County Puget Sound Taxpayer Accountability Account fund appropriation; making an appropriation of \$6,916,000 and 6.00 FTE to the department of community and human services; and adding a new section to the 2019-2020 Biennial Budget Ordinance, Ordinance 18835.

**Sponsors:** Ms. Balducci

*The Chair indicated that Proposed Ordinance 2019-0425 would be re-referred back to the Budget and Fiscal Management Committee. Seeing no objection the Chair so ordered.*

**A Public Hearing was held and closed. This matter was Re-referred to the Budget and Fiscal Management Committee**

**7. Proposed Ordinance No. 2019-0426**

AN ORDINANCE creating the King County Puget Sound Taxpayer Accountability Account fund; and adding a new section to K.C.C. chapter 4A.200.

**Sponsors:** Ms. Balducci

*The enacted number is 19005.*

**A Public Hearing was held and closed. A motion was made by Councilmember Upthegrove that this Ordinance be Passed. The motion carried by the following vote:**

**Yes:** 8 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Mr. Gossett, Ms. Kohl-Welles, Mr. McDermott, Mr. Upthegrove, and Mr. von Reichbauer

**Excused:** 1 - Ms. Lambert



**Health, Housing and Human Services****8. Proposed Substitute Ordinance No. 2019-0380.2**

AN ORDINANCE establishing the King County renters' commission; amending Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130 and adding a new chapter to K.C.C. Title 2.

**Sponsors:** Mr. Gossett and Ms. Kohl-Welles

*At the request of Councilmember Kohl-Welles, the Chair deferred Proposed Ordinance 2019-0380 to the November 13, 2019, Council meeting.*

**A Public Hearing was held and closed. This matter was Deferred.**

**Local Services, Regional Roads and Bridges****9. Proposed Ordinance No. 2019-0209**

AN ORDINANCE relating to testamentary lot division; and amending Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070.

**Sponsors:** Mr. Dunn

*At the request of Councilmember Dunn, the Chair deferred Proposed Ordinance 2019-0209 to the November 13, 2019, Council meeting.*

**A Public Hearing was held and closed. This matter was Deferred.**

**Motions, from Standing Committees and Regional Committees, for Council Action****Consent Items 10-12****10. Proposed Motion No. 2019-0203**

A MOTION confirming the executive's appointment of Brendan McCluskey, who works in council district nine, to the King County emergency management advisory committee, as a representative of the King County executive or the executive's designee.

**Sponsors:** Mr. Dunn

*The enacted number is 15544.*

**This matter passed on the Consent Agenda.**

**11. Proposed Motion No. 2019-0205**

A MOTION confirming the executive's appointment of Jennifer Keizer, who works in council district five, to the King County emergency management advisory committee, as an alternate for the city of Kent representative.

**Sponsors:** Mr. Upthegrove

*The enacted number is 15545.*

**This matter passed on the Consent Agenda.**

**12. Proposed Motion No. 2019-0206**

A MOTION confirming the executive's appointment of Jeff DiDonato, who resides in council district nine, to the King County emergency management advisory committee, representing the King County fire chiefs association.

**Sponsors:** Mr. Dunn

*The enacted number is 15546.*

**This matter was passed on the Consent Agenda.**

**Passed On The Consent Agenda**

**A motion was made by Councilmember Balducci that the Consent Agenda be passed. The motion carried by the following vote:**

**Yes:** 7 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Mr. McDermott, Mr. Upthegrove, and Mr. von Reichbauer

**Excused:** 2 - Mr. Gossett, and Ms. Lambert

## First Reading and Referral of Ordinances

### 13. Proposed Ordinance No. 2019-0448

AN ORDINANCE relating to the surface water management fees charged to unincorporated parcels; and amending Ordinance 7590, Section 9, as amended and K.C.C. 9.08.080.

**Sponsors:** Mr. Dunn

**This matter had its first reading and was referred to the Local Services, Regional Roads and Bridges Committee.**

## First Reading and Referral of Motions

### 14. Proposed Motion No. 2019-0450

A MOTION confirming the executive's appointment of Allan Barrie, who resides in council district nine, to the King County emergency management advisory committee, as an alternate for the King County fire commissioners representative.

**Sponsors:** Mr. Dunn

**This matter had its first reading and was referred to the Local Services, Regional Roads and Bridges Committee.**

### 15. Proposed Motion No. 2019-0451

A MOTION confirming the executive's appointment of Michelle Chatterton, who resides in council district one, to the King County emergency management advisory committee, as an alternate for the private business and industry representative.

**Sponsors:** Mr. Dembowski

**This matter had its first reading and was referred to the Local Services, Regional Roads and Bridges Committee.**

### 16. Proposed Motion No. 2019-0453

A MOTION confirming the executive's appointment of David Osborn, who resides in council district seven, to the King County Lake Geneva management district advisory board.

**Sponsors:** Mr. von Reichbauer

**This matter had its first reading and was referred to the Mobility and Environment Committee.**

**17. Proposed Motion No. 2019-0458**

A MOTION confirming the executive's appointment of Michaela Ayers, who resides in council district two, to the King County women's advisory board, as the district two representative.

Sponsors: Mr. Gossett

**This matter had its first reading and was referred to the Health, Housing and Human Services Committee.**

**18. Proposed Motion No. 2019-0461**

A MOTION making an appointment to fill a judicial vacancy in the east division, northeast electoral district judge position number four of the King County district court.

Sponsors: Mr. McDermott

**This matter had its first reading and was referred to the Committee of the Whole.**

**19. Reports on Special and Outside Committees**

*No reports were given.*

**Other Business**

**Adjournment**

*The meeting was adjourned at 9:51 a.m.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Clerk's Signature



**Signature Report**

**Ordinance**

**Proposed No.** 2019-0412.1

**Sponsors** Dembowski

1           AN ORDINANCE confirming appointment of the  
2           representatives of the county executive and King County  
3           council to the communities of opportunity-best starts for  
4           kids advisory board; and amending Ordinance 18442,  
5           Section 2, as amended.

6           STATEMENT OF FACTS:

7           1. Ordinance 18442 added to K.C.C. chapter 2A.300 a new section on the  
8           communities of opportunity-best starts for kids advisory board. The  
9           section is codified as K.C.C. 2A.300.520.

10          2. Ordinances 18442, in carrying out Ordinance 18088, included in the  
11          board membership for the communities of opportunity-best starts for kids  
12          advisory board one member that shall be appointed and confirmed as a  
13          representative of the county council by the county council by ordinance  
14          and that one member shall be appointed as a representative of the county  
15          executive by the county executive and confirmed by the council by  
16          ordinance.

17          3. Ordinance 18442, Section 2, appointed and confirmed Betsy Jones as  
18          the member of the communities opportunity-best starts for kids levy  
19          advisory board representing the county executive.

20 4. The county council received a transmitted motion from the county  
21 executive on May 2, 2019, Proposed Motion 2019-0188, to confirm the  
22 executive's appointment of Marguerite Ro as the representative for the  
23 county executive to the communities of opportunity-best starts for kids  
24 advisory board, which shall be allowed to lapse in order to confirm this  
25 executive appointment by ordinance, in accordance with K.C.C.  
26 2A.300.520 and Ordinance 18442.

27 5. Ordinance 18442, Section 2, as amended by Ordinance 18657, Section  
28 1, appointed and confirmed Alison Mendiola as the member of the  
29 communities of opportunity-best starts for kids levy advisory board  
30 representing the county council.

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. Ordinance 18442, Section 2, as amended, is hereby amended to  
33 read as follows:

34 A. The member of the communities of opportunity-best starts for kids levy  
35 advisory board appointed to represent the executive is ((~~Betsy Jones~~)) Marguerite Ro,  
36 who is hereby confirmed.

37 B. The member of the communities of opportunity-best starts for kids levy

38 advisory board appointed to represent the county council is ((~~Alison Mendiola~~)) Carolyn  
39 Busch, who is hereby confirmed.  
40

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

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**King County**

**Metropolitan King County Council  
Health, Housing and Human Services Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	5	<b>Name:</b>	Miranda Leskinen
<b>Proposed No.:</b>	2019-0412	<b>Date:</b>	November 5, 2019

**SUBJECT**

A proposed Ordinance confirming the appointments of Marguerite Ro and Carolyn Busch to the Communities of Opportunity – Best Starts for Kids Advisory Board; and amending Ordinance 18442, Section 2, as amended.

**SUMMARY**

The Best Starts for Kids levy Ordinance 18088 and subsequent Ordinances 18220, 18373, and 18442,<sup>1</sup> collectively set the framework for and establish the membership requirements, appointment process and duties for the Communities of Opportunity – Best Starts for Kids (COO-BSK) Advisory Board. Ordinance 18442 codified the board in KCC 2A.300.520. Of the board positions listed in KCC 2A.300.520, 10-14 of the positions, depending on the size of the board, are required to be appointed by the Executive and are subject to Council confirmation by motion. Two positions are subject to appointment by the Seattle Foundation and have no Council confirmation process. One position, the Executive representative, is subject to appointment by the Executive and Council confirmation by ordinance.<sup>2</sup> And one position, the Council representative, is subject to Council appointment and confirmation by ordinance.

Proposed Ordinance 2019-0412 would confirm the following appointments to the COO-BSK Advisory Board:

- Marguerite Ro, as the Executive representative to the Board
- Carolyn Busch, as the Council representative to the Board<sup>3</sup>

**BACKGROUND**

Ordinance 18088<sup>4</sup> approved placing before King County voters a ballot measure authorizing a six-year property tax levy to support Best Starts for Kids (BSK), a

<sup>1</sup> Ordinance 18442 amended KCC Chapter 2A.300

<sup>2</sup> Ordinance 18442 appointed and confirmed Betsy Jones as the Executive representative.

<sup>3</sup> Would replace Alison Mendiola as the Council representative to the Board, who was appointed and confirmed by Ordinance 18657, which amended Ordinance 18442, as amended by Ordinance 18553.

<sup>4</sup> Adopted July 20, 2015

prevention-oriented regional plan to support the healthy development of children and youth, families and communities across the county. The measure was approved by King County voters on November 3, 2015. Ordinance 18088 identified the Communities of Opportunity (COO) Interim Governance Group (IGG) as the advisory body for BSK levy proceeds set aside for the COO initiative, and directed the executive to transmit a plan relating to the COO IGG and a proposed ordinance that identified the composition and duties of the IGG with respect to the COO portion of the BSK levy proceeds.<sup>5</sup>

Ordinance 18220<sup>6</sup> identified the composition and duties of the IGG with respect to BSK levy proceeds, as required by Ordinance 18088, and directed that the IGG “shall serve as the advisory body for the communities of opportunity elements of the best starts for kids levy as set forth in Ordinance 18088 until a successor group is established by ordinance.”

Ordinance 18442 established the successor to the IGG and codified, in King County Code Chapter 2A.300.520, the membership requirements for, term limits, and duties of the COO-Best Starts for Kids Levy Advisory Board (COO-BSK Advisory Board).<sup>7</sup> Ordinance 18442 also confirmed the appointment of Betsy Jones as the Executive’s representative on the COO-BSK Advisory Board, and appointed and confirmed Katherine Cortes as the Council’s representative on the COO-BSK Advisory Board.<sup>8</sup>

Ordinance 18442 was amended in July 2017 by Ordinance 18553 to appoint and confirm Laura Hitchcock as the replacement Council representative to the Board, and was subsequently amended again in February 2018 by Ordinance 18657 to appoint and confirm Alison Mendiola as the (most recent) Council representative to the Board.

## **ANALYSIS**

Proposed Ordinance 2019-0412 would confirm the appointments of Marguerite Ro, as the Executive’s representative, and Carolyn Busch, as the King County Council’s representative, to the Communities of Opportunity-Best Starts for Kids advisory board. The term of the Executive representative and the term of the Council representative to the Board are ongoing until replaced.

Marguerite Ro is the Chief of the Assessment, Policy Development, and Evaluation unit and the Director of the Chronic Disease and Injury Prevention section of Public Health – Seattle & King County. Dr. Ro, who obtained her doctorate from the Johns Hopkins University School of Public Health, serves on a number of advisory committees including the CDC’s Health Disparities Subcommittee and the Washington Health Benefit Exchange’s Health Equity TAC.

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<sup>5</sup> Ordinance 18088 also required the establishment of an oversight and advisory body for the remainder of BSK levy proceeds. Pursuant to this requirement, Ordinance 18217 (adopted January 11, 2016) created the Children and Youth Advisory Board.

<sup>6</sup> Adopted January 19, 2016.

<sup>7</sup> The Best Start for Kids Implementation plan, adopted by Ordinance 18373, describes additional participation requirements of the COO-BSK Advisory Board in deliverables such as the Performance and Evaluation Measurement Plan and Annual Reporting.

<sup>8</sup> Ordinance 18442 was later amended by Ordinance 18553, appointing and confirming Laura Hitchcock to this role.

Carolyn Busch is the Chief of Staff of the King County Council with areas of policy expertise that includes K12 and higher education, as well as public finance and budgeting. Prior to working at the County, Ms. Busch served as Chief of Staff for the Washington State Senate Democratic Caucus. Additionally, Ms. Busch served as an education policy and budget advisor to Governors Gardner and Locke. She has also worked as a researcher and administrator at the Universities of Washington and Wisconsin-Madison.

Staff has not identified any issues with the proposed appointments. These appointees fulfill the general membership requirements of King County Code 2A.300.520.

## **ATTACHMENTS**

1. Proposed Ordinance 2019-0412

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# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2019-0440.1

**Sponsors** Balducci

1 AN ORDINANCE adopting and ratifying Growth  
2 Management Planning Council Motion 19-1.

3 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

4 SECTION 1. Findings:

5 A. Growth Management Planning Council Motion 19-1 amends the Urban  
6 Growth Boundary map in the 2012 King County Countywide Planning Policies to add the  
7 Greater Downtown Kirkland Urban Center as an urban center.

8 B. On July 24, 2019, the city of Kirkland briefed the Growth Management  
9 Planning Council on the details of the proposed Greater Downtown Kirkland urban  
10 center.

11 C. On September 25, 2019, the Growth Management Planning Council  
12 unanimously adopted Motion 19-1.

13 SECTION 2. The amendment to the 2012 King County Countywide Planning

14 Policies, as shown in Attachment A to this ordinance, is hereby adopted by King County  
15 and ratified on behalf of the population of unincorporated King County.

16

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. GMPC Motion 19-1

2019-440

9/25/19

Sponsored By: Executive Committee

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**GMPC MOTION NO. 19-1**

A MOTION to amend to the Urban Growth Boundary map in the 2012 King County Countywide Planning Policies to add the Greater Downtown Kirkland Urban Center as an Urban Center.

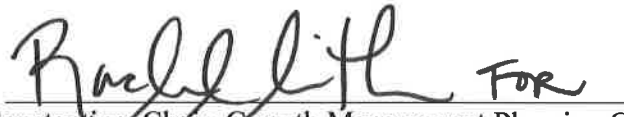
WHEREAS, accommodating growth in Urban Centers allows King County to meet a range of objectives including providing a land use framework for an efficient and effective regional transportation system; and

WHEREAS, Countywide Planning Policy DP-31 allows for designation of new Urban Centers; and

WHEREAS, the City of Kirkland has demonstrated that the Greater Downtown Kirkland Urban Center meets the criteria listed in Policy DP-31; and

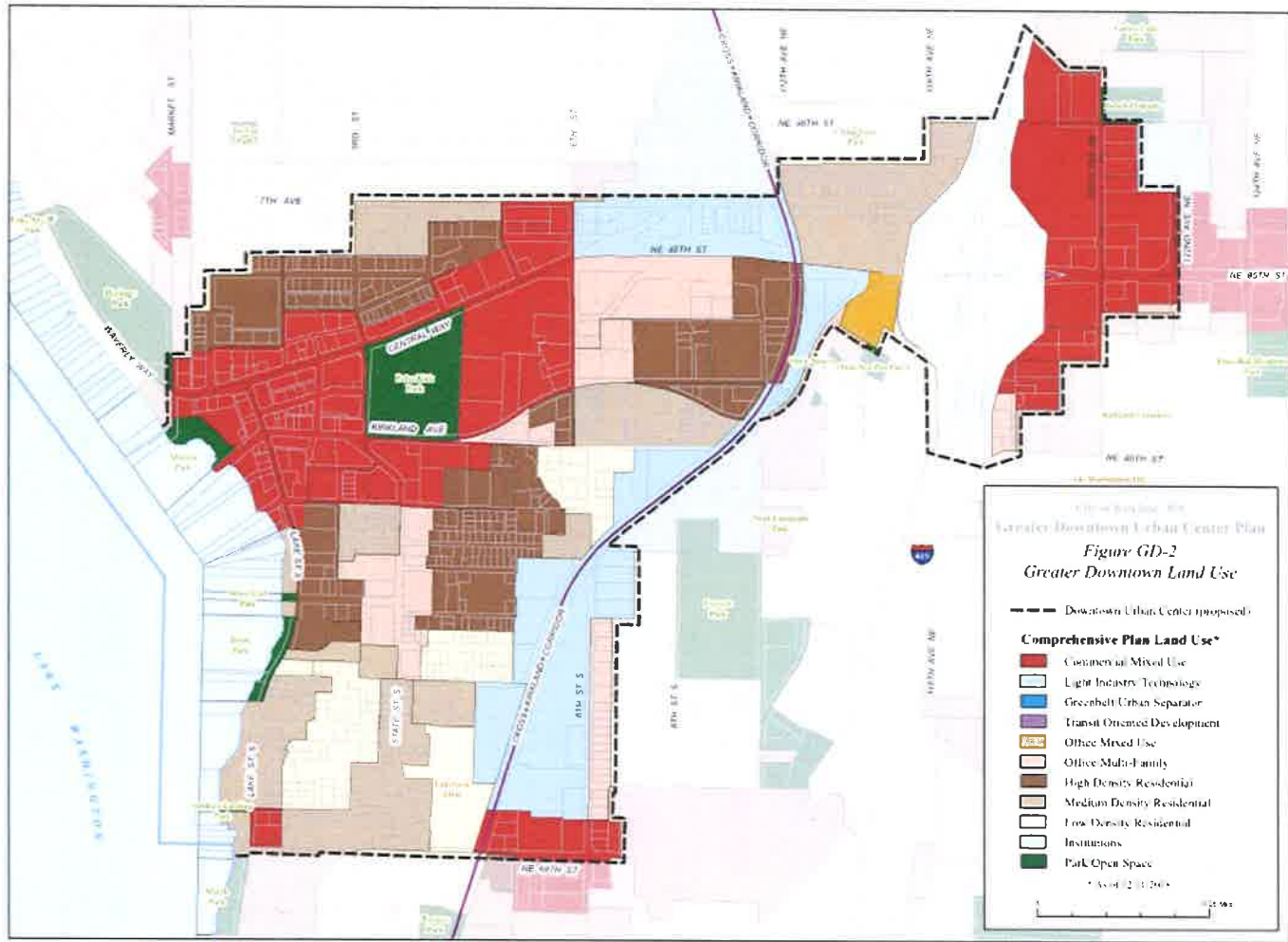
WHEREAS, the City of Kirkland briefed the Growth Management Planning Council on the proposal to designate the Greater Downtown Kirkland Urban Center as an Urban Center at its meeting on July 24, 2019.

NOW THEREFORE BE IT RESOLVED that the Growth Management Planning Council of King County hereby recommends that the Urban Growth Boundary map in the 2012 King County Countywide Planning Policies be amended to add the Greater Downtown Kirkland Urban Center as an Urban Center as shown on attachment A to this motion.



Rachel Little FOR  
Dow Constantine, Chair, Growth Management Planning Council

Attachment A: Greater Downtown Kirkland Urban Center map







**King County**

**Metropolitan King County Council  
Mobility and Environment Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	5	<b>Name:</b>	Andy Micklow
<b>Proposed No.:</b>	2019-0440	<b>Date:</b>	November 5, 2019

**SUBJECT**

Adoption of recommendations from the Growth Management Planning Council regarding the designation of Greater Downtown Kirkland as an Urban Center in the King County Countywide Planning Policies.

**SUMMARY**

Proposed Ordinance 2019-0440 would amend the Urban Growth Boundary map in the 2012 Countywide Planning Policies (CPPs) to add Greater Downtown Kirkland as an Urban Center. The ordinance would also ratify the change on behalf of the population of unincorporated King County and begin the ratification process by the cities.

**BACKGROUND**

The Growth Management Planning Council (GMPC) is a formal body comprised of elected officials from King County, Seattle, Bellevue, other cities and towns in King County, and special purpose districts. The GMPC was created in 1992 by an interlocal agreement<sup>1</sup> in response to a provision in the Washington State Growth Management Act (GMA) requiring cities and counties to work together to adopt CPPs.<sup>2</sup> Under the GMA, the CPPs serve as the framework for each local jurisdiction’s comprehensive plan, which ensures countywide consistency with respect to land use planning efforts.

As provided for in the interlocal agreement, the GMPC developed and recommended the original CPPs, which were adopted by the King County Council<sup>3</sup> and ratified by the cities in 1992. Subsequent amendments to the CPPs follow the same adoption process, which is now outlined in CPP G-1<sup>4</sup> and includes: recommendation by the GMPC, adoption and ratification by the King County Council, and ratification by the cities. Amendments to the CPPs become effective when ratified by at least 30 percent of the city and county governments representing at least 70 percent of the population of King

<sup>1</sup> Motion 8733

<sup>2</sup> RCW 36.70A.210

<sup>3</sup> Ordinance 10450

<sup>4</sup> 2012 King County Countywide Planning Policies, as amended:

<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>

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

## Urban Centers

There are currently 18 designated Urban Centers in King County. The CPPs describe Urban Centers as "locations of mixed-use zoning, infrastructure, and concentrations of services and amenities to accommodate both housing and employment growth."<sup>5</sup> There are five Countywide Planning Policies related to Urban Centers:

**DP-29** Concentrate housing and employment growth within designated Urban Centers.

**DP-30** Designate Urban Centers in the Countywide Planning Policies where city-nominated locations meet the criteria in policies DP-31 and DP-32 and where the city's commitments will help ensure the success of the center. Urban Centers will be limited in number and located on existing or planned high capacity transit corridors to provide a framework for targeted private and public investments that support regional land use and transportation goals. The Land Use Map in Appendix 1 shows the locations of the designated Urban Centers.

**DP-31** Allow designation of new Urban Centers where the proposed Center:

- a) Encompasses an area up to one and a half square miles; and
- b) Has adopted zoning regulations and infrastructure plans that are adequate to accommodate:
  - i. A minimum of 15,000 jobs within one-half mile of an existing or planned high-capacity transit station;
  - ii. At a minimum, an average of 50 employees per gross acre within the Urban Center; and
  - iii. At a minimum, an average of 15 housing units per gross acre within the Urban Center.

**DP-32** Adopt a map and housing and employment growth targets in city comprehensive plans for each Urban Center, and adopt policies to promote and maintain quality of life in the Center through:

- A broad mix of land uses that foster both daytime and nighttime activities and opportunities for social interaction;
- A range of affordable and healthy housing choices;
- Historic preservation and adaptive reuse of historic places;
- Parks and public open spaces that are accessible and beneficial to all residents in the Urban Center;
- Strategies to increase tree canopy within the Urban Center and incorporate low-impact development measures to minimize stormwater runoff;
- Facilities to meet human service needs;
- Superior urban design which reflects the local community vision for compact urban development;

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<sup>5</sup> 2012 King County Countywide Planning Policies, as amended:

<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>

- Pedestrian and bicycle mobility, transit use, and linkages between these modes;
- Planning for complete streets to provide safe and inviting access to multiple travel modes, especially bicycle and pedestrian travel; and
- Parking management and other strategies that minimize trips made by single occupant vehicle, especially during peak commute periods.

**DP-33** Form the land use foundation for a regional high-capacity transit system through the designation of a system of Urban Centers. Urban Centers should receive high priority for the location of transit service.

## **ANALYSIS**

On September 25, 2019, the GMPC unanimously adopted Motion 19-1, which is a non-binding recommendation to the County Council that the Urban Growth Boundary map in the 2012 King County Countywide Planning Policies be amended to add Greater Downtown Kirkland as an Urban Center. Through its adoption of Motion 19-1, the GMPC has confirmed that the City of Kirkland has demonstrated that the Greater Downtown Kirkland Urban Center meets the criteria listed in Policy DP-31<sup>6</sup> for designation as an Urban Center.

Consistent with CPP adoption requirements, Proposed Ordinance 2019-0440 forwards the GMPC recommendation to the Council for consideration and possible approval. If Proposed Ordinance 2019-0440 is adopted by the Council, it would ratify the change on behalf of the population of unincorporated King County and begin the ratification process by the cities.

GMPC staff analysis of the City of Kirkland's proposal as presented to the GMPC is included as Attachment 4 to this staff report. Council staff has also reviewed the City of Kirkland's proposal and concurs that it meets the requirements of the CPPs for designation as an Urban Center.

## **INVITED**

- Lauren Smith, Director of Regional Planning, Office of Performance, Strategy and Budget
- Karen Wolf, Senior Policy Analyst, Office of Performance, Strategy and Budget
- Adam Weinstein, Director of Planning and Building, City of Kirkland

## **ATTACHMENTS**

1. Proposed Ordinance 2019-0440 (and its attachments)
2. Transmittal Letter
3. Fiscal Note
4. GMPC Staff Report

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<sup>6</sup> 2012 King County Countywide Planning Policies, as amended:  
<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>

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**Signature Report**

**Ordinance**

**Proposed No.** 2019-0331.2

**Sponsors** Kohl-Welles

1 AN ORDINANCE updating definitions relating to  
2 discrimination and making other technical corrections; and  
3 amending Ordinance 18665, Section 1, as amended, K.C.C.  
4 2.15.005, Ordinance 16692, Section 2, as amended, K.C.C.  
5 2.15.010, Ordinance 10159, Section 14, as amended, and  
6 K.C.C. 6.27A.120, Ordinance 14509, Section 4, as amended,  
7 and K.C.C. 7.01.010, Ordinance 11992, Section 2, as  
8 amended, K.C.C. 12.16.010, Ordinance 13981, Section 1,  
9 as amended, K.C.C. 12.17.002, Ordinance 13981, Section  
10 2, as amended, K.C.C. 12.17.010, Ordinance 7430, Section  
11 1, as amended, K.C.C. 12.18.010, Ordinance 7430, Section  
12 2, as amended, K.C.C. 12.18.020, Ordinance 5280, Section  
13 1, as amended, and K.C.C. 12.20.010, Ordinance 5280,  
14 Section 2, as amended, and K.C.C. 12.20.020, Ordinance  
15 5280, Section 3.A., as amended, and K.C.C. 12.20.040,  
16 Ordinance 5280, Section 3.B., as amended, and K.C.C.  
17 12.20.050, Ordinance 5280, Section 3.C, as amended, and  
18 K.C.C. 12.20.060, Ordinance 5280, Section 10, as  
19 amended, and K.C.C. 12.20.130, Ordinance 8625, Section

20 1, as amended, and K.C.C. 12.22.010, Ordinance 8625,  
21 Section 2, as amended, and K.C.C. 12.22.020 and  
22 Ordinance 8625, Section 3, as amended, and K.C.C.  
23 12.22.030.

24 STATEMENT OF FACTS:

25 1. Chapter 176, Laws of Washington 2018 limited the definition of  
26 service animals to dogs and miniature horses along with other related  
27 changes. This ordinance modifies the definition of "service or assistive  
28 animal" throughout King County Code to comport with state law.

29 2. The changes to the definition of "sexual orientation" and the addition of  
30 the definition of "gender identity or expression" included in this ordinance  
31 reflects the current understanding of the communities that identify with its  
32 definitions. The changes are also a reflection of the evolving nature of  
33 language, and the diversity of our communities. However, the council  
34 recognizes that language is not fixed, and terminology evolves as society  
35 evolves. The council strives to be inclusive and mindful of the complexity  
36 and richness of identities within King County's diverse communities and  
37 the council desires to ensure that the language used in the King County  
38 Code accurately reflects the communities that are served by the laws of the  
39 county. With that commitment, the council recognizes that the definition  
40 for "sexual orientation" and "gender identity or expression" will change in  
41 the near future and the council is committed to accommodating such  
42 changes.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

44 SECTION 1. Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005 are  
45 hereby amended to read as follows:

46 The definitions in this section apply throughout this chapter unless the context  
47 clearly requires otherwise.

48 A. "Administrative warrant" means a noncriminal immigration warrant of arrest,  
49 order to detain or release aliens, notice of custody determination, notice to appear, removal  
50 order, warrant of removal or any other document, issued by ICE, CBP or USCIS that can  
51 form the basis for a person's arrest or detention for a civil immigration enforcement  
52 purpose. ICE administrative warrant forms include the U.S. DHS form I-200 (Rev. 09/16)  
53 "Warrant for Arrest of Alien" and Form I-205 "Warrant Of Removal/Deportation," as well  
54 as predecessor and successor versions. "Administrative warrant" does not include any  
55 criminal warrants issued upon a judicial determination of probable cause and in compliance  
56 with the Fourth Amendment to the United States Constitution.

57 B. "Agency" means a King County department, agency, division, commission,  
58 council, committee, board, other body or person, established by authority of an ordinance,  
59 executive order, or charter.

60 C. "Agent" means a person acting within the scope of employment by or acting on  
61 behalf of an agency.

62 D. "CBP" means the United States Customs and Border Protection agency of the  
63 United States Department of Homeland Security and shall include any successor federal  
64 agency charged with border enforcement.

65 E. "Citizenship or immigration status" means a person's recorded citizenship or

66 immigration status, as such status is defined in the Immigration and Nationality Act, at the  
67 time an agent or agency receives the information.

68 F. "Civil immigration enforcement operation" means an operation that has as one  
69 of its objectives the identification or apprehension of a person or persons in order to  
70 investigate them for a violation of the immigration laws and subject them to one or more of  
71 the following:

- 72 1. Civil immigration detention;
- 73 2. Removal proceedings; and
- 74 3. Removal from the United States.

75 G. "Coerce" means to use express or implied threats towards a person or any  
76 family member of a person that attempts to put the person in immediate fear of the  
77 consequences in order to compel that person to act against the person's will.

78 H. "Commitment" means confinement in secure detention for a specified amount  
79 of time following a determination of guilt. "Commitment" does not include pretrial  
80 detention of any persons such as those who unable to post bail.

81 I. "Employee" means a person who is appointed as an employee by the appointing  
82 authority of a county agency, office, department, council, board, commission or other  
83 separate unit or division of county government, however designated, acting within the  
84 scope of employment by or acting on behalf of the county. "County employee" also  
85 includes a county elected official and a member of a county board, commission, committee  
86 or other multimember body, but does not include an official or employee of the county's  
87 judicial branch, though it does include an employee of the department of judicial  
88 administration.



89 J. "ICE" means the United States Immigration and Customs Enforcement agency  
90 including Enforcement and Removal Operations and Homeland Security Investigations and  
91 shall include any successor federal agency charged with the enforcement of immigration  
92 laws.

93 K. "Immigration detainer" means a request by ICE to a federal, state or local law  
94 enforcement agency, such as the King County department of adult and juvenile detention,  
95 to provide notice of release or maintain custody of a person based on an alleged violation of  
96 a civil immigration law. "Immigration detainer" includes a detainer issued under Sections  
97 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code  
98 of Federal Regulations. "Immigration detainer" includes a detainer issued under DHS form  
99 I-274A entitled Immigration Detainer- Notice of Action, as well as well as predecessor and  
100 successor versions.

101 L. "Interpretation" means the transfer of an oral communication from one language  
102 to another.

103 M. "Limited-English-proficient" means a person who does not speak English as the  
104 person's primary language, who has a limited ability to read, speak, write, or understand  
105 English.

106 N. "Nonpublic" means any area of a county facility, including the secure detention  
107 facilities of the department of adult and juvenile detention that is not generally open and  
108 accessible to the general public, but instead requires special permission for admittance by a  
109 county employee on an individual basis.

110 O. "Personal information" means one or more of the following, when the  
111 information is linked with or is reasonably linkable, including via analytic technology, to

112 the person's first name or first initial and last name:

- 113 1. Home address;
- 114 2. Work address;
- 115 3. Telephone number;
- 116 4. Electronic mail address;
- 117 5. Social media handle or other identifying social media information;
- 118 6. Any other means of contacting a person;
- 119 7. Social security number;
- 120 8. Driver's license number or Washington identification card number;
- 121 9. Bank account number or credit or debit card number;
- 122 10. Information or data collected through the use or operation of an automated
- 123 license plate recognition system; and
- 124 11. User name that, in combination with a password or security question and
- 125 answer, would permit access to an online account.

126 P. "Public communication materials" means materials that are intended for broad  
127 distribution to inform or educate people served by King County. For the purpose of  
128 translation, "public communication materials" refers only to printed media such as  
129 brochures, posters, booklets, pamphlets, billboards and advertisements in printed  
130 publications.

131 Q. "Translation" means the transfer of a written communication from one language  
132 to another while preserving the intent and essential meaning of the original text.

133 R. "USCIS" shall mean the United States Citizenship and Immigration Services  
134 and any successor agency charged with overseeing United States immigration laws.

135 S. "Verbal abuse" means the use of a remark which is overtly insulting, mocking or  
136 belittling directed at a person based upon the actual or perceived:

137 1. Race, color, sex, religion, national origin, English proficiency, sexual  
138 orientation or gender identity or expression of the person; or

139 2. Citizenship or immigration status of the person or the person's family member.

140 T. "Vital documents" are materials that provide essential information for accessing  
141 basic county services and benefits and for which serious consequences would result if the  
142 information were not provided.

143 SECTION 2. Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010 are  
144 hereby amended to read as follows:

145 A. Except as otherwise provided in this section or when otherwise required by law,  
146 a Reverend Doctor Martin Luther King, Jr., County office, department, employee, agency  
147 or agent shall not condition the provision of county services on the citizenship or  
148 immigration status of any person.

149 B. All applications, questionnaires and interview forms used in relation to the  
150 provision of county benefits, opportunities or services shall be reviewed by each agency,  
151 and any question requiring disclosure of information related to citizenship or immigration  
152 status, unless required by state or federal law, or international treaty, shall be, in the  
153 agency's best judgment, either deleted in its entirety or revised such that the disclosure of  
154 the information is no longer required. Agencies that have a need for the collection of  
155 demographic data related to immigration status for performance measurement shall identify  
156 mechanisms that will allow for the separation of the demographic information from  
157 personally identifying information.

158 C. The Seattle-King County department of public health shall not condition the  
159 provision of health benefits, opportunities or services on matters related to citizenship or  
160 immigration status. The Seattle-King County department of public health may inquire  
161 about or disclose information relating to a person's citizenship or immigration status for the  
162 purpose of determining eligibility for benefits or seeking reimbursement from federal, state  
163 or other third-party payers.

164 D. Except when otherwise required by law, where the county accepts presentation  
165 of a state-issued driver's license or identification card as adequate evidence of identity,  
166 presentation of a state-issued document marked as not valid for federal purposes or  
167 presentation of a photo identity document issued by the person's nation of origin, such as a  
168 driver's license, passport or other consul-issued document, such as a Matricula Consular de  
169 Alta Seguridad, shall also be accepted and shall not subject the person to a higher level of  
170 scrutiny or different treatment than if the person had provided a Washington state driver's  
171 license or identification card. However, a request for translation of such a document to  
172 English shall not be deemed a violation of any provision of this chapter. This subsection  
173 does not apply to documentation required to complete a federal I-9 employment eligibility  
174 verification form.

175 E. A county employee or an agent or agency of King County shall not inquire  
176 about or request, from a member of the public information about the citizenship or  
177 immigration status or place of birth of any person unless the inquiry, request or  
178 investigation is required by state or federal law, regulation or directive or court order or  
179 rule, or to ensure compliance with any state or federal law, regulation or directive or court  
180 order. When an inquiry, request or investigation into nationality, immigration status or

181 citizenship, including place of birth, is required to be or for any reason is made, the King  
182 County agent or county employee shall not attempt to coerce a response. All persons to  
183 whom the inquiries are made shall be explicitly informed of their right to decline to  
184 respond, free from fear or threat of retaliation.

185 F. Agents of King County and county employees are hereby prohibited from  
186 conditioning King County services on immigration status, except where required under  
187 applicable federal or state law or regulation or directive or court order or rule. Agents of  
188 King County and county employees are prohibited from verbally abusing or coercing  
189 persons or threatening to report them or their family members to ICE or threatening to take  
190 other immigration-related action against them or their family members.

191 G. Except where necessary to provide King County services, or where otherwise  
192 required by state or federal law or regulation or directive or court order, King County  
193 agents and employees are not permitted to either maintain or share, or both, personal  
194 information or information about national origin, race, ethnicity, language proficiency,  
195 religion, sexual orientation, gender identity or expression, disability, housing status,  
196 financial status, marital status, status as a victim of domestic violence, criminal history,  
197 release date from incarceration or confinement in a secure detention or other custody or  
198 status as a veteran.

199 H. Nothing in this chapter shall be construed as to prohibit any county employee,  
200 upon request of the noncitizen, from aiding a noncitizen to obtain immigration benefits  
201 pursuant federal immigration law.

202 I. An agent of King County or a county employee shall not expend any time,  
203 moneys or other resources on facilitating the civil enforcement of federal immigration law

204 or participating in civil immigration enforcement operations, except where state or federal  
205 law, regulation or court order shall so require. However, a county agency, employee or  
206 agent is not prohibited from sending to, or receiving from, federal immigration authorities,  
207 the citizenship or immigration status of a person. Also, nothing in this section prohibits  
208 any county agency from sending to, receiving from, requesting from or exchanging with  
209 any federal, state or local government agency information regarding the immigration status  
210 of a person or from maintaining such information.

211 J. Nothing in this section shall be construed to prohibit any county employee from  
212 participating in cross-designation or task force activities with federal law enforcement  
213 authorities for criminal law enforcement.

214 K. The executive shall ensure that all King County employees and agents receive  
215 appropriate training on the implementation of the provisions of this section.

216 SECTION 3. Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120 are  
217 hereby amended to read as follows:

218 A. A franchisee (~~and~~) or applicant for a franchise shall not deny cable service, or  
219 otherwise discriminate against any subscriber, access programmer(~~(s)~~) or resident on the  
220 basis of race, color, religion, national origin, physical or mental disability, age, political  
221 affiliation, marital status, sexual orientation, gender identity or expression, sex or income of  
222 the residents of the area in which the person resides. The franchisee shall comply at all  
223 times with all other applicable federal, state and local laws, rules(~~(s)~~) and regulations  
224 relating to nondiscrimination.

225 B. A franchisee shall not refuse to employ, nor discharge from employment, nor  
226 discriminate against any person in compensation or in terms, conditions or privileges of

227 employment because of race, color, religion, national origin, physical disability, age,  
228 political affiliation, marital status, sexual orientation, gender identity or expression, sex or  
229 income.

230 C. A franchisee shall comply with all applicable federal, state and local equal  
231 employment opportunity requirements.

232 D. The franchisee shall establish, maintain~~((;))~~ and execute an equal employment  
233 opportunity plan and a minority/women's business procurement program, which shall be  
234 consistent with the intent of the county's affirmative action and minority/women's business  
235 procurement policies. Upon request, the franchisee shall file with the cable office a copy of  
236 their equal employment opportunity report submitted annually to the FCC and shall file  
237 with King County office of civil rights and compliance an annual compliance report  
238 detailing its progress with its minority/women's business procurement program during the  
239 previous year. The franchisee must also provide the cable office, upon request, copies of  
240 all other reports and information filed with federal, state~~((;))~~ or local agencies concerning  
241 equal employment opportunity or employment discrimination laws. This subsection shall  
242 apply only to franchise agreements entered into after December 2, 1991.

243 ~~((PROVIDED THAT;))~~ E. Despite the other provisions of this section, ~~((N))~~no  
244 provision of this section shall invalidate any other section of this chapter.

245 SECTION 4. Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010 are  
246 hereby amended to read as follows:

247 The definitions in this section apply throughout this title and K.C.C. chapter 4.57,  
248 unless the context clearly requires otherwise.

249 A. "Advertising" means promotional activity for the financial gain of those

250 undertaking the activity or causing the activity to be undertaken, including, but not limited  
251 to, placing signs, posters, placards or any other display device in publicly visible location  
252 within a parks and recreation facility. "Advertising" does not include posting of an  
253 announcement on a community bulletin board, consistent with any applicable rules for the  
254 use of community bulletin boards.

255           B. "Aircraft" means any machine or device designed to travel through the air  
256 including, but not limited to, airplanes, helicopters, ultra light type planes, gliders, remote-  
257 control planes and gliders, hot air balloons, kites and balloons.

258           C. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as  
259 alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all  
260 other intoxicating beverages, and every liquor, solid or semisolid or other substance,  
261 patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and  
262 all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid  
263 or other substance that contains more than one percent alcohol by weight shall be  
264 conclusively deemed to be intoxicating.

265           D. "Associated marine area" means any water area within one hundred feet of any  
266 parks and recreation facility such as a dock, pier, float, buoy, log boom or other object that  
267 is part of a parks and recreation facility, only if the area does not include private property.

268           E. "Boat" means any contrivance up to sixty-five feet in length overall, used or  
269 capable of being used as a means of transportation on water.

270           F. "Camper" means a motorized vehicle containing either sleeping or housekeeping  
271 accommodations, or both, and shall include a pickup truck with camper, a van-type body, a  
272 converted bus, or any similar type vehicle.



273 G. "Camping" means erecting a tent or shelter or arranging bedding or both for the  
274 purpose of, or in such a way as will permit remaining overnight, or parking a trailer,  
275 camper or other vehicle for the purpose of remaining overnight.

276 H. "Campsite" means camping sites designated by the director.

277 I. "Change" a fee means to alter the amount of a fee.

278 J. "Concession" means the privilege or authority to sell goods or services within  
279 parks and recreation facilities or to operate parks and recreation facilities or a portion  
280 thereof.

281 K. "Concession contract" or "concession agreement" means the agreement granting  
282 a person a concession with respect to a parks and recreation facility.

283 L. "Department" means the department of natural resources and parks.

284 M. "Director" means the director of the department of natural resources and parks  
285 or the director's designee.

286 N. "Discrimination" means any action or failure to act, whether by single act or  
287 part of a practice, the effect of which is to adversely affect or differentiate between or  
288 among individuals or groups of individuals, because of race, color, religion, national origin,  
289 age, sex, marital status, parental status, sexual orientation, gender identity or expression,  
290 the presence of any sensory, mental or physical handicap or the use of ~~((an animal guide by~~  
291 ~~a blind or deaf or otherwise physically or mentally challenged person))~~ a service or  
292 assistive animal. For the purposes of this subsection, "service or assistive animal" means  
293 any dog or miniature horse, individually trained to do work or perform tasks for the benefit  
294 of an individual with a disability, including a physical, sensory, psychiatric, intellectual or  
295 other mental disability. The work or tasks performed by the service animal must be

296 directly related to the individual's disability. For the purposes of this subsection, "work or  
297 tasks" include, but are not limited to, assisting individuals who are blind or have low vision  
298 with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the  
299 presence of people or sounds, providing nonviolent protection or rescue work, pulling a  
300 wheelchair, assisting an individual during a seizure, alerting individuals to the presence of  
301 allergens, retrieving items such as medicine or a telephone, providing physical support and  
302 assistance with balance and stability to individuals with mobility disabilities and helping  
303 persons with psychiatric and neurological disabilities by preventing or interrupting  
304 impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and  
305 the provision of emotional support, well-being, comfort or companionship do not constitute  
306 "work or tasks."

307 O. "Division" means the parks and recreation division of the department of natural  
308 resources and parks.

309 P. "Eliminate" a fee means to remove a fee.

310 Q. "Establish" a fee means to impose a fee for an activity for which a fee was not  
311 being charged.

312 R. "Facility," "facilities," "parks and recreation facility," "parks and recreation  
313 facilities" or "park area" means any building, structure, park, open space, trail or other  
314 property owned or otherwise under the jurisdiction of the parks and recreation division of  
315 the department of natural resources and parks.

316 S. "Facility manager" means the person designated to manage a specific parks and  
317 recreation facility.

318 T. "High-use areas" means areas of parks and recreation facilities where people

319 congregate. "High-use areas" include athletic fields, off-leash dog parks, parking lots,  
320 picnic shelters, playgrounds, sports courts, trailheads, and any other areas designated as  
321 high-use areas by the director.

322 U. "Manager" means the manager of the parks and recreation division of the  
323 department of natural resources and parks.

324 V. "Motor vehicle" means any self-propelled device capable of being moved upon  
325 a road, and in, upon or by which any persons or property may be transported or drawn, and  
326 shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps  
327 or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be  
328 legally operated upon the public highways.

329 W. "Naming rights" means rights to name a facility after a person for a term of  
330 years in exchange for consideration.

331 X. "Parks and recreation purposes" means any lawful purpose of the division.

332 Y. "Person" means all natural persons, groups, entities, firms, partnerships,  
333 corporations, governmental and quasi-governmental entities, clubs and all associations or  
334 combination of persons whether acting for themselves or as an agent, servant or employee.

335 Z. "Permit" means an authorization for the use of parks and recreation facilities that  
336 imposes conditions on the permittee in addition to those conditions imposed on the general  
337 public.

338 AA. "Rocket" means any device containing a combustible substance that when  
339 ignited, propels the device forward.

340 BB. "Set" a fee means to change or eliminate a fee, including determining,  
341 changing or eliminating a range for a fee. "Set" does not include selecting a fee in a

342 previously set range for a fee.

343 CC. "Spirits" means any beverage that contains alcohol obtained by distillation,  
344 including wines exceeding twenty-four percent of alcohol by volume.

345 DD. "Sponsorship" means providing consideration to support specific parks and  
346 recreation facilities or activities, generally in exchange for advertising on county property,  
347 through county media, or otherwise, or other promotional consideration.

348 EE. "Tobacco product" means cigarettes, cigars, pipe tobacco and chewing  
349 tobacco.

350 FF. "Trail" means any path, track or right-of-way designed for use by pedestrians,  
351 bicycles, equestrians or other nonmotorized modes of transportation.

352 GG. "Trailer" means a towed vehicle that contains sleeping or housekeeping  
353 accommodations.

354 HH. "Trailer site" means a designated camping site that has either water or  
355 electrical facilities, or both, available for hookup.

356 II. "User fee" means a fee charged for the use of parks and recreation facilities,  
357 activities and programs, including, but not limited to, general facilities admission, classes  
358 and workshops, sponsored leagues and tournaments, gymnasium and field usage for games  
359 and practice, field lights and other equipment, concessions, parking, camping, special event  
360 admission, rooms for meetings, conference banquets and other indoor activities, kitchen  
361 and equipment. "User fee" does not include the cost of purchasing tangible personal  
362 property sold by the division. "User fee" also does not include charges made under:

363 1. An advertising, sponsorship or naming rights agreement in accordance with  
364 K.C.C. 7.08.080;

365 2. A concession contract in accordance with K.C.C. chapter 4.57;

366 3. A lease, rental or use agreement in accordance with K.C.C. 4.56.150; or

367 4. A special use permit in accordance with K.C.C. 7.12.050.

368 SECTION 5. Ordinance 11992, Section 2, as amended, and K.C.C. 12.16.010 are  
369 hereby amended to read as follows:

370 The definitions in this section apply throughout this chapter unless the context  
371 clearly requires otherwise.

372 A. "Administrator" means the director of the finance and business operations  
373 division in the department of executive services.

374 B. "Contract awarding authority" means any person with the power to enter into a  
375 contractual arrangement binding the county and also means the particular office, agency or  
376 division on whose behalf the contract is executed. In addition, "contract awarding  
377 authority" includes, but is not limited to, the county executive, heads of county departments  
378 or offices and, as delegated, division directors.

379 C. "Contractor" means any person, firm, business, organization, company,  
380 partnership, corporation or other legal entity, excluding real property lessors and lessees  
381 and government agencies, contracting to do business with the county including, but not  
382 limited to, public work contractors, consultant contractors, providers of professional  
383 services, service agencies, vendors and suppliers selling or furnishing materials, equipment  
384 or goods or services.

385 D. "Disability" means the presence of a sensory, mental or physical impairment  
386 that is medically cognizable or diagnosable; or exists as a record or history; or is perceived  
387 to exist whether or not it exists in fact. A disability exists whether it is temporary or

388 permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the  
389 ability to work generally or work at a particular job or whether or not it limits any other  
390 activity within the scope of this chapter.

391 E. "Disability access laws" means all laws requiring that county services, programs  
392 and activities be accessible by people with disabilities including Title II of the Americans  
393 with Disabilities Act, Title II of the Telecommunications Act of 1934, as amended, and  
394 Section 504 of the Rehabilitation Act of 1973, as amended.

395 F. "Discriminate" means an action, other than an action taken in accordance with  
396 lawful equal employment opportunity efforts, or failure to act, whether by itself or as part  
397 of a practice, the effect of which is to adversely affect or differentiate between or among  
398 individuals or groups of individuals, by reasons of sex, race, color, marital status, national  
399 origin, religious affiliation, disability, sexual orientation, gender identity or expression or  
400 age except by minimum age and retirement provisions, unless based upon a bona fide  
401 occupational qualification.

402 G. "Discrimination" means differential treatment of or pursuit of policies or  
403 practices that have a disproportionate impact upon persons due to their sex, race, color,  
404 marital status, national origin, religious affiliation, disability, sexual orientation, gender  
405 identity or expression or age except by minimum age and retirement provisions, unless  
406 based upon a bona fide occupational qualification.

407 H. "Employment" means any and all terms and conditions and policies and  
408 practices of employment including, but not limited to, hiring, firing, upgrading, demotion,  
409 recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions  
410 of work.

411 I. "Equal employment opportunity" means the availability of employment and  
412 advancement of all people based on merit, capability, and potential, and without regard to  
413 an individual's sex, race, color, marital status, national origin, religious affiliation,  
414 disability, sexual orientation, gender identity or expression or age except by minimum age  
415 and retirement provisions, unless based upon a bona fide occupational qualification.

416 "Equal employment opportunity" includes the following components: recruitment,  
417 application processing, hiring, job placement, compensation, promotion, transfer,  
418 termination and work assignment.

419 J. "Equal employment opportunity efforts" means active efforts to ensure equal  
420 opportunity in employment that is free from all forms of discrimination.

421 K. "Equal opportunity" means a system of practices under which individuals are  
422 not excluded from any opportunity or benefits because of their sex, race, color, marital  
423 status, national origin, religious affiliation, disability, sexual orientation, gender identity or  
424 expression or age except by minimum age and retirement provisions, unless based upon a  
425 bona fide occupational qualification.

426 L. "Gender identity or expression" means an individual's gender-related identity,  
427 appearance or expression, whether or not associated with the individual's sex assigned at  
428 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
429 the individual's own gender identity or expression.

430 M. "Lessor" and "lessee" means any person, firm, business, organization,  
431 company, partnership, corporation or other legal entity, excluding government agencies,  
432 entering into any lease or license for the possession or use of real property with the county.

433 ~~((M.))~~ N. "Minority" or "minorities" means a person who is a citizen of the United

434 States and who is a member of one or more of the following historically disadvantaged  
435 racial groups:

436 1. Black or African American: Having origins in any of the Black racial groups  
437 of Africa;

438 2. Hispanic: Mexican, Puerto Rican, Cuban, Central American, South American  
439 or of other Spanish or Portuguese culture or origin, regardless of race;

440 3. Asian American: Having origins in any of the original peoples of the Far East,  
441 Southeast Asia, the Indian subcontinent or the Pacific Islands; or

442 4. American Indian or Alaskan Native: Having origins in any of the original  
443 peoples of North America.

444 ~~((N:))~~ Q. "Permanent workforce" means those persons employed by a bidder,  
445 proposer or contractor for at least six continuous months immediately prior to the bid or  
446 proposal opening or the award of a contract by the county, and who are currently employed  
447 by the bidder, proposer or contractor.

448 ~~((O:))~~ P. "Reasonable accommodation" means steps taken to modify facilities used  
449 by employees or to modify a particular job component which enables an otherwise  
450 qualified person with a disability to perform the essential functions of the job.

451 ~~((P:))~~ Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs  
452 and practices pertaining to the individual's own sexual orientation including, but not limited  
453 to, heterosexuality, homosexuality and bisexuality ~~((or homosexuality, and includes a~~  
454 ~~person's attitudes, preferences, beliefs and practices pertaining to sex)).~~

455 ~~((Q:))~~ R. "Underrepresentation" means presence in a contractor's work force of  
456 minorities, women and persons with disabilities, in a particular job category in



457 proportionate numbers less than their representation in the county's labor market area.

458           SECTION 6. Ordinance 13981, Section 1, as amended, and K.C.C. 12.17.002 are  
459 hereby amended to read as follows:

460           This chapter is an exercise of the police power of King County for the protection of  
461 the public welfare, health, peace and safety of the residents of King County and in  
462 fulfillment of the provisions of the constitution of this state. The King County council  
463 hereby finds and declares that practices of discrimination in contracting by business  
464 enterprises against any person on the basis of race, color, age, gender, marital status, sexual  
465 orientation, gender identity or expression, religion, ancestry, national origin, disability or  
466 use of a service or assistive animal by an individual with a disability constitute matters of  
467 local concern and are contrary to the public welfare, health, peace and safety of the  
468 residents of King County.

469           SECTION 7. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are  
470 hereby amended to read as follows:

471           The definitions in this section apply throughout this chapter unless the context  
472 clearly requires otherwise.

473           A. "Business enterprise" means a licensed business organization located in or  
474 doing business in unincorporated King County or that is required to comply with this  
475 chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

476           B. "Charging party" means the person aggrieved by an alleged unfair contracting  
477 practice or the person making a complaint on another person's behalf, or the office of civil  
478 rights when the office of civil rights files a complaint.

479           C. "Commercially significant contract" means a contract for the provision of

480 services, including, but not limited to, construction services, consulting services or bonding  
481 or other financial services, or the sale of goods that exceeds five thousand dollars.

482 D. "Contract" means an agreement to perform a service or provide goods that  
483 entails a legally binding obligation and that is performed or intended to be wholly or partly  
484 performed within unincorporated King County or that includes King County as a party.

485 "Contract" does not include the following: a contract for the purchase and sale of  
486 residential real estate; a contract for employment; and a collective bargaining agreement.

487 E. "Contracting agency" means a person who for compensation engages in  
488 recruiting, procuring, referral or placement of contracts with a contractor, and that is doing  
489 business in King County.

490 F. "Contractor" means a business enterprise, including, but not limited to, a  
491 company, partnership, corporation or other legal entity, excluding real property lessors and  
492 lessees, contracting to do business within the county. "Contractor" includes, but is not  
493 limited to, a public works contractor, a consultant contractor, a provider of professional  
494 services, a service agency, a vendor, and a supplier selling or furnishing materials,  
495 equipment, goods or services, but does not include a governmental agency other than King  
496 County.

497 G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other  
498 than an action taken in accordance with a lawful affirmative action program, or failure to  
499 act, whether by itself or as part of a practice, the effect of which is to adversely affect or  
500 differentiate between or among individuals or groups of individuals, by reasons of race,  
501 color, age, gender, marital status, sexual orientation, gender identity or expression, religion,  
502 ancestry, national origin, disability or use of a service or assistive animal by an individual

503 with a disability, unless based upon a bona fide contractual qualification.

504 H. "Gender identity or expression" means an individual's gender-related identity,  
505 appearance or expression, whether or not associated with the individual's sex assigned at  
506 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
507 the individual's own gender identity or expression.

508 I. "Marital status" means the presence or absence of a marital relationship and  
509 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

510 ~~((I.))~~ J. "Party" includes the person making a complaint alleging an unfair  
511 contracting practice and the person alleged to have committed an unfair contracting  
512 practice.

513 ~~((J.))~~ K. "Person" includes one or more individuals, partnerships, business  
514 enterprises, associations, organizations, corporations, cooperatives, legal representatives,  
515 trustees, trustees in bankruptcy, receivers or group of persons and includes King County.

516 ~~((K.))~~ L. "Respondent" means a person who has been alleged or found to have  
517 committed an unfair contracting practice prohibited by this chapter.

518 ~~((L.))~~ M. "Retaliate" means to take action against any person because that person  
519 has:

- 520 1. Opposed any practice forbidden by this chapter;
- 521 2. Complied or proposed to comply with this chapter or any order issued under  
522 this chapter; or
- 523 3. Filed a complaint, testified or assisted in any manner in any investigation,  
524 proceeding or hearing initiated under this chapter.

525 N. "Service or assistive animal" means any dog or miniature horse, individually

526 trained to do work or perform tasks for the benefit of an individual with a disability,  
527 including a physical, sensory, psychiatric, intellectual or other mental disability. The work  
528 or tasks performed by the service animal must be directly related to the individual's  
529 disability. For the purposes of this subsection, "work or tasks" include, but are not limited  
530 to, assisting individuals who are blind or have low vision with navigation and other tasks,  
531 alerting individuals who are deaf or hard of hearing to the presence of people or sounds,  
532 providing nonviolent protection or rescue work, pulling a wheelchair, assisting an  
533 individual during a seizure, alerting individuals to the presence of allergens, retrieving  
534 items such as medicine or a telephone, providing physical support and assistance with  
535 balance and stability to individuals with mobility disabilities and helping persons with  
536 psychiatric and neurological disabilities by preventing or interrupting impulsive or  
537 destructive behaviors. The crime deterrent effects of an animal's presence and the  
538 provision of emotional support, well-being, comfort or companionship do not constitute  
539 "work or tasks."

540 ~~((M.))~~ O. "Sexual orientation" means an individual's attitudes, preferences, beliefs  
541 and practices pertaining to the individual's own sexual orientation including, but not limited  
542 to, actual or perceived heterosexuality, homosexuality((;)) and bisexuality((and gender  
543 identity. As used in this definition "gender identity" means having or being perceived as  
544 having a gender identity different from that traditionally associated with the sex assigned to  
545 that person at birth. Protection associated with "gender identity" includes self image,  
546 appearance, behavior or expression)).

547 ~~((N.))~~ P. "Trade association" means an association of businesses organizations  
548 engaged in similar fields of business that is formed for mutual protection, the interchange

549 of ideas, information and statistics or the maintenance of standards within their industry.

550 SECTION 8. Ordinance 7430, Section 1, as amended, and K.C.C. 12.18.010 are

551 hereby amended to read as follows:

552 This chapter is an exercise of the police power of King County for the protection of  
553 the public welfare, health, peace and safety of the residents of King County and in  
554 fulfillment of the state Constitution. The King County council hereby finds and declares  
555 that practices of employment discrimination against any person on the basis of race, color,  
556 age, gender, marital status, sexual orientation, gender identity or expression, religion,  
557 ancestry, national origin, disability or use of a service or assistive animal by an individual  
558 with a disability constitute matters of local concern and are contrary to the public welfare,  
559 health, peace and safety of the residents of King County.

560 SECTION 9. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are

561 hereby amended to read as follows:

562 The definitions in this section apply throughout this chapter unless the context  
563 clearly requires otherwise.

564 A. "Age" means being eighteen years old or older.

565 B. "Aggrieved person" includes any person who claims to have been injured by an  
566 act of discrimination in a place of public accommodation;

567 C. "Charging party" means any person alleging an act of discrimination in a place  
568 of public accommodation under this chapter by filing a complaint with the office of civil  
569 rights.

570 D.1. "Disability" means:

571 a. a physical or mental impairment that substantially limits one or more of a

572 person's major life activities, either temporarily or permanently;

573           b. a person has a record of having such an impairment;

574           c. a person is regarded as having such an impairment; or

575           d. a person has any other condition that is a disability under the Washington state

576 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

577           2. "Disability" does not include current, illegal use of a controlled substance, as

578 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

579           E. "Discrimination" or "discriminatory practice or act" means any action or failure

580 to act, whether by a single act or part of a practice, the effect of which is to adversely affect

581 or differentiate between or among individuals, by reasons of race, color, age, gender,

582 marital status, sexual orientation, gender identity or expression, religion, ancestry, national

583 origin, disability or use of a service or assistive animal by an individual with a disability,

584 unless based upon a bona fide occupational qualification.

585           F. "Employee" means any person who works for another in return for financial or

586 other compensation, and does not include any individual employed by the individual's

587 parents, spouse or child, or in the domestic service of any person.

588           G. "Employer" means King County or any person acting in the interest of an

589 employer, directly or indirectly, who employs eight or more persons in unincorporated

590 King County, and includes neither any religious or sectarian organization not organized

591 for private profit nor any governmental body other than King County.

592           H. "Employment agency" means any person who for compensation engages in

593 recruiting, procuring, referral or placement of employees with an employer.

594           I. "Gender identity or expression" means an individual's gender-related identity.

595 appearance, or expression, whether or not associated with the individual's sex assigned at  
596 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining  
597 to the individual's own gender identity or expression.

598 J. "Labor organization" means any organization existing for the purpose of:

599 1. Dealing with employers concerning grievances, terms or conditions of  
600 employment; or

601 2. Providing other mutual aid or protection in connection with employment.

602 ~~((J.))~~ K. "Marital status" means the presence or absence of a marital relationship  
603 and includes the status of married, separated, divorced, engaged, widowed, single or  
604 cohabiting.

605 ~~((K.))~~ L. "Party" includes the person making a complaint or upon whose behalf a  
606 complaint is made alleging an unfair employment practice, the person alleged or found to  
607 have committed an unfair employment practice and the office of civil rights.

608 ~~((L.))~~ M. "Person" includes one or more individuals, partnerships, associations,  
609 organizations, corporations, cooperatives, legal representatives, trustees, trustees in  
610 bankruptcy, receivers or groups of persons and includes King County.

611 ~~((M.))~~ N. "Respondent" means any person who is alleged to or found to have  
612 committed an unfair employment practice prohibited by this chapter.

613 ~~((N.))~~ O. "Service or assistive animal" means any dog ~~((guide, signal or hearing~~  
614 ~~dog, seizure response dog, therapeutic companion animal or other animal that does work,~~  
615 ~~performs tasks or provides medically necessary support for the benefit of an individual with~~  
616 ~~a disability))~~ or miniature horse, individually trained to do work or perform tasks for the  
617 benefit of an individual with a disability, including a physical, sensory, psychiatric,

618 intellectual or other mental disability. The work or tasks performed by the service animal  
619 must be directly related to the individual's disability. For the purposes of this subsection,  
620 "work or tasks" include, but are not limited to, assisting individuals who are blind or have  
621 low vision with navigation and other tasks, alerting individuals who are deaf or hard of  
622 hearing to the presence of people or sounds, providing nonviolent protection or rescue  
623 work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals  
624 to the presence of allergens, retrieving items such as medicine or a telephone, providing  
625 physical support and assistance with balance and stability to individuals with mobility  
626 disabilities and helping persons with psychiatric and neurological disabilities by  
627 preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects  
628 of an animal's presence and the provision of emotional support, well-being, comfort or  
629 companionship do not constitute "work or tasks."

630 ((O-)) P. "Settlement discussions" or "conference, conciliation and persuasion"  
631 means the attempted resolution of issues raised by a complaint, or by the investigation of  
632 a complaint, through informal negotiations involving the charging party, the respondent  
633 and the office of civil rights.

634 ((P-)) Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs  
635 and practices pertaining to the individual's own sexual orientation including, but not  
636 limited to, actual or perceived heterosexuality, homosexuality((;)) and bisexuality ((and  
637 gender identity. As used in this definition, "gender identity" means having or being  
638 perceived as having a gender identity different from that traditionally associated with the  
639 sex assigned to that person at birth. Protection associated with "gender identity" includes  
640 self image, appearance, behavior or expression)).



641            SECTION 10. Ordinance 5280, Section 1, as amended, K.C.C. 12.20.010 are  
642 hereby amended to read as follows:

643            This chapter is an exercise of the police power of King County for the protection of  
644 the public welfare, health, peace and safety of the residents of King County and in  
645 fulfillment of the state Constitution. The King County council finds and declares that  
646 practices of housing discrimination against any persons on the basis of race, color, religion,  
647 national origin, ancestry, age, gender, marital status, parental status, participation in the  
648 Section 8 program or other housing subsidy program, alternative source of income, sexual  
649 orientation, gender identity or expression, disability or use of a service or assistive animal  
650 by an individual with a disability constitute matters of local concern and are contrary to the  
651 public welfare, health, peace and safety of the residents of King County.

652            SECTION 11. Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020 are  
653 hereby amended to read as follows:

654            The definitions in this section apply throughout this chapter unless the context  
655 clearly requires otherwise.

656            A. "Aggrieved person" includes any person who claims to have been injured by an  
657 act of discrimination in a place of public accommodation;

658            B. "Charging party" means any person alleging an act of discrimination in a place  
659 of public accommodation under this chapter by filing a complaint with the office of civil  
660 rights.

661            C.1. "Disability" means:

662            a. a physical or mental impairment that substantially limits one or more of a  
663 person's major life activities, either temporarily or permanently;

664           b. a person has a record of having such an impairment;  
665           c. a person is regarded as having such an impairment; or  
666           d. a person has any other condition that is a disability under the Washington state  
667 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

668           2. "Disability" does not include current, illegal use of a controlled substance, as  
669 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

670           D. "Discrimination" or "discriminatory practice or act" means any action or failure  
671 to act, whether by a single act or part of a practice, the effect of which is to adversely affect  
672 or differentiate between or among individuals, because of race, color, religion, national  
673 origin, ancestry, age, gender, marital status, parental status, participation in the Section 8  
674 program, sexual orientation, gender identity or expression, disability or use of a service or  
675 assistive animal by an individual with a disability.

676           E. "Dwelling" or "dwelling unit" mean any building, structure or portion of a  
677 building or structure that is occupied as, or designed or intended for occupancy as, a  
678 residence by one or more families or individuals, and any vacant land that is offered for  
679 sale or lease for the construction or location thereon of any such a building, structure or  
680 portion of a building or structure.

681           F. "Gender identity or expression" means an individual's gender-related identity,  
682 appearance, or expression, whether or not associated with the individual's sex assigned at  
683 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining  
684 to the individual's own gender identity or expression.

685           G. "Housing accommodations" means any dwelling or dwelling unit, rooming  
686 unit, rooming house, lot or parcel of land in unincorporated King County that is used,

687 intended to be used or arranged or designed to be used as, or improved with, a residential  
688 structure for one or more human beings.

689 ~~((G-))~~ H. "Marital status" means the presence or absence of a marital relationship  
690 and includes the status of married, separated, divorced, engaged, widowed, single or  
691 cohabiting.

692 ~~((H-))~~ I.1. "Parental status" means one or more individuals, who have not attained  
693 the age of eighteen years, being domiciled with:

694 a. a parent or another person having legal custody of the individual or  
695 individuals; or

696 b. the designee of such a parent or other person having the custody, with the  
697 written permission  
698 of the parent or other person.

699 2. The protections afforded against discrimination on the basis of familial status  
700 apply to a person who is pregnant or is in the process of securing legal custody of an  
701 individual who has not attained the age of eighteen years.

702 ~~((I-))~~ J. "Participation in the Section 8 program" means participating in a federal,  
703 state or local government program in which a tenant's rent is paid partially by the  
704 government, through a direct contract between the government program and the owner or  
705 lessor of the real property, and partially by the tenant.

706 ~~((J-))~~ K. "Party" includes the person charging or making a complaint or upon  
707 whose behalf a complaint is made alleging an unfair practice, the person alleged or found  
708 to have committed an unfair practice and the office of civil rights.

709 ~~((K-))~~ L. "Person" means one or more individuals, partnerships, associations,

710 organizations, corporations, cooperatives, legal representatives, trustees and receivers or  
711 any group of persons; including any owner, lessee, proprietor, housing manager, agent or  
712 employee whether one or more natural persons. "Person" also includes any political or  
713 civil subdivisions of the state and any agency or instrumentality of the state or of any  
714 political or civil subdivision [of the state].

715 ~~((L.))~~ M. "Real estate transaction" includes, but is not limited to, the sale,  
716 conveyance, exchange, purchase, rental, lease or sublease of real property.

717 ~~((M.))~~ N. "Real estate-related transaction" means any of the following:

718 1. The making or purchasing of loans or providing other financial assistance:

719 a. for purchasing, constructing, improving, repairing or maintaining real  
720 property; or

721 b. secured by real property; or

722 2. The selling, brokering or appraising of real property.

723 ~~((N.))~~ O. "Real property" includes, but is not limited to, buildings, structures, real  
724 estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,  
725 and hereditaments, corporeal and incorporeal, or any interest therein.

726 ~~((O.))~~ P. "Respondent" means any person who is alleged or found to have  
727 committed an unfair practice prohibited by this chapter.

728 ~~((P.))~~ Q. "Senior citizens" means persons who are sixty-two years of age or older.

729 ~~((Q.))~~ R. "Service or assistive animal" means any dog ~~((guide, signal or hearing  
730 dog, seizure response dog, therapeutic companion animal or other animal that does work,  
731 performs tasks or provides medically necessary support for the benefit of an individual with  
732 a disability))~~ or miniature horse, individually trained to do work or perform tasks for the

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733 benefit of an individual with a disability, including a physical, sensory, psychiatric,  
734 intellectual or other mental disability. The work or tasks performed by the service animal  
735 must be directly related to the individual's disability. For the purposes of this subsection,  
736 "work or tasks" include, but are not limited to, assisting individuals who are blind or have  
737 low vision with navigation and other tasks, alerting individuals who are deaf or hard of  
738 hearing to the presence of people or sounds, providing nonviolent protection or rescue  
739 work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals  
740 to the presence of allergens, retrieving items such as medicine or a telephone, providing  
741 physical support and assistance with balance and stability to individuals with mobility  
742 disabilities and helping persons with psychiatric and neurological disabilities by  
743 preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects  
744 of an animal's presence and the provision of emotional support, well-being, comfort or  
745 companionship do not constitute "work or tasks."

746 ((R-)) S. "Settlement discussions" and "conference, conciliation and persuasion"  
747 mean the attempted resolution of issues raised by a complaint, or by the investigation of a  
748 complaint, through informal negotiations involving the charging party, the respondent  
749 and the office of civil rights.

750 ((S-)) T. "Sexual orientation" means an individual's attitudes, preferences, belief  
751 and practices pertaining to the individual's own sexual orientation including, but not  
752 limited to, actual or perceived heterosexuality, homosexuality((s)) and bisexuality ((and  
753 gender identity. As used in this definition, "gender identity" means having or being  
754 perceived as having a gender identity different from that traditionally associated with the  
755 sex assigned to that person at birth. Protection associated with gender identity| includes

756 self image, appearance, behavior or expression)).

757 SECTION 12. Ordinance 5280, Section 3.A., as amended, K.C.C. 12.20.040 are  
758 hereby amended to read as follows:

759 A. It is a discriminatory practice and unlawful for any person, whether acting on  
760 the person's own behalf or for another, because of race, color, religion, national origin,  
761 ancestry, age, gender, marital status, parental status, participation in the Section 8  
762 program or other housing subsidy program, alternative source of income, sexual  
763 orientation, gender identity or expression, disability or use of a service or assistive animal  
764 by an individual with a disability:

765 1. Except as otherwise provided in subsection A.12. of this section, to refuse to  
766 engage in a real estate transaction with a person or to otherwise make unavailable or deny  
767 a dwelling to any person;

768 2. To discriminate against a person in the terms, conditions or privileges of a  
769 real estate transaction, including financial terms and conditions such as the setting of  
770 rents or damage deposits, or in the furnishing of facilities or services in connection with  
771 any real estate transaction; however, rents and damage deposits may be adjusted to  
772 recognize the number of persons utilizing the property except insofar as such adjustment  
773 might discriminate based on race, color, religion, national origin, ancestry, age, gender,  
774 marital status, parental status, participation in the Section 8 program or other housing  
775 subsidy program, alternative source of income, sexual orientation, gender identity or  
776 expression, disability or use of a service or assistive animal by an individual with a  
777 disability;

778 3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real

779 estate transaction from a person;

780 4. To refuse to negotiate for a real estate transaction with a person;

781 5. To represent to a person that real property is not available for inspection, sale,  
782 rental or lease when in fact it is so available, to fail to bring a property listing to the  
783 person's attention or to refuse to permit the person to inspect real property;

784 6. To make, print, circulate, publish, post or mail or cause to be made, printed,  
785 circulated, published, posted or mailed a statement, notice, advertisement or sign,  
786 pertaining to a real estate transaction or a real estate related transaction that indicates,  
787 directly or indirectly, an intent to make a limitation, preference or discrimination with  
788 respect to the transaction;

789 7. To use a form of application or to make a record of inquiry regarding a real  
790 estate transaction or a real estate related transaction that indicates, directly or indirectly,  
791 an intent to make a limitation, preference or discrimination with respect to the  
792 transaction;

793 8. To offer, solicit, accept, use or retain a listing of real property with the  
794 understanding that a person might be discriminated against in a real estate transaction or  
795 in the furnishing of facilities or services in connection with the transaction;

796 9. To expel a person from occupancy of real property;

797 10. To discriminate against in the course of negotiating or executing a real  
798 estate transaction whether by mortgage, deed of trust, contract or other instrument  
799 imposing a lien or other security in real property or in negotiating or executing any item  
800 or service related thereto including issuance of title insurance, mortgage insurance, loan  
801 guarantee or other aspect of the transaction;

802           11. To deny any person access to or membership or participation in any  
803 multiple-listing service, real estate brokers' organization, or other service, organization,  
804 or facility relating to the business of selling or renting dwellings, or to discriminate  
805 against any person in the terms or conditions of such access, membership or participation;  
806 or

807           12.a. To refuse to lease or rent any real property to any person based on the  
808 person's reliance on the Section 8 program or other housing subsidy programs to make  
809 rental payments unless:

810                 (1) the person's reliance on the Section 8 program or other housing subsidy  
811 programs is conditioned on the real property passing inspection;

812                 (2) the written estimate of the cost of improvements necessary to pass  
813 inspection is more than one thousand five hundred dollars; and

814                 (3) the landlord has not received moneys from the state's landlord mitigation  
815 program, as set forth in chapter 43.31 RCW, to make the improvements.

816           b. This subsection A.12. shall apply beginning September 30, 2018.

817           B. It is a discriminatory practice and unlawful for any person, whether acting on  
818 the person's own behalf or for another, to coerce, intimidate, threaten or interfere with  
819 any other person in the exercise or enjoyment of, on account of the other person having  
820 exercised or enjoyed, or on account of the other person having aided or encouraged any  
821 person in the exercise or enjoyment of, any right granted or protected by this chapter.

822           C. It is a discriminatory practice and unlawful for any person, whether acting on  
823 the person's own behalf or for another, to discriminate against in the sale or rental of, or  
824 to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a



825 disability of any one or more of:

826           1. That buyer or renter;

827           2. A person residing in or intending to reside in that dwelling after it is so sold,  
828 rented or made available; or

829           3. Any person associated with that buyer or renter.

830           D. It is a discriminatory practice and unlawful for any person, whether acting on  
831 the person's own behalf or for another, to discriminate against any person in the terms,  
832 conditions or privileges of sale or rental of a dwelling, or in the provision of services or  
833 facilities in connection with a dwelling, because of a disability of any one or more of:

834           1. That person;

835           2. A person residing in or intending to reside in that dwelling after it is so sold,  
836 rented or made available; or

837           3. Any person associated with that person.

838           E. For the purposes of this chapter, discriminatory practices based either on  
839 disability or use of a service or assistive animal by an individual with a disability are  
840 unlawful and include:

841           1. Refusal to permit, at the expense of an individual with a disability, reasonable  
842 modifications of existing premises occupied or to be occupied by the person if the  
843 modifications might be necessary to afford the person full enjoyment of the premises.

844 However, for a rental, the landlord may, if it is reasonable to do so, condition permission  
845 for a modification on the renter agreeing to restore the interior of the premises to the  
846 condition that existed before the modification, reasonable wear and tear excepted;

847           2. Refusal to make reasonable accommodations in rules, policies, practices or

848 services, if the accommodations might be necessary to afford an individual or individuals  
849 with disabilities equal opportunity to use and enjoy a dwelling; or

850           3. Failure to design, construct and alter dwellings in conformance with 42  
851 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations  
852 (chapter 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations  
853 adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other  
854 applicable laws pertaining to access to individuals with disabilities. If the requirements  
855 of applicable laws differ, the requirements that require greater accessibility to individuals  
856 with disabilities govern.

857           F. It is discriminatory practice and unlawful for any person, whether acting on  
858 the person's own behalf or for another, to retaliate by taking action against another person  
859 because the other person:

- 860           1. Opposed any practice forbidden by this chapter;
- 861           2. Complied or proposed to comply with this chapter or any order issued under  
862 this chapter; or
- 863           3. Filed a complaint, testified or assisted in any manner in any investigation,  
864 proceeding or hearing initiated under this chapter.

865           SECTION 13. Ordinance 5280, Section 3.B., as amended, K.C.C. 12.20.050 are  
866 hereby amended to read as follows:

867           It is a discriminatory practice and unlawful for any person acting for monetary  
868 gain, whether acting on the person's own behalf or for another in connection with any real  
869 estate-related transaction, whose business includes engaging in real estate-related  
870 transactions to discriminate against any person in making available such a transaction, or

871 in the terms or conditions of such a transaction, because of race, color, religion, national  
872 origin, ancestry, age, gender, marital status, parental status, participation in Section 8  
873 program or other housing subsidy program, alternative source of income, sexual  
874 orientation, gender identity or expression, disability or use of a service or assistive animal  
875 by an individual with a disability.

876 SECTION 14. Ordinance 5280, Section 3.C, as amended, K.C.C. 12.20.060 are  
877 hereby amended to read as follows:

878 It is a discriminatory practice and unlawful for any person acting for monetary  
879 gain, whether acting on the person's own behalf or others, directly or indirectly, to engage  
880 in the practices of blockbusting or steering, including the commission of any one or more  
881 of the following acts:

882 A. Inducing or attempting to induce any person to sell or rent any real property  
883 by representation regarding the entry or prospective entry into the neighborhood or area  
884 of a person or persons of a particular race, color, religion, national origin, ancestry, age,  
885 gender, marital status, participation in the Section 8 program or other housing subsidy  
886 program, alternative source of income, sexual orientation, gender identity or expression,  
887 parental status, disability or use of a service or assistive animal by an individual with a  
888 disability; or

889 B. Showing or otherwise taking any action, the intention or effect of which is to  
890 steer a person or persons to any section of the county or to particular real property in a  
891 manner tending to segregate or maintain segregation on the basis of race, color, religion,  
892 national origin, ancestry, age, gender, marital status, sexual orientation, gender identity or  
893 expression, parental status, participation in Section 8 program or other housing subsidy

894 program, alternative source of income, disability or use of a service or assistive animal by  
895 a an individual with a disability.

896 SECTION 15. Ordinance 5280, Section 10, as amended, K.C.C. 12.20.130 are  
897 hereby amended to read as follows:

898 A. Nothing in this chapter:

899 1. Prohibits treating any person or persons meeting the definition of parental  
900 status or any individual with a disability or individuals with disabilities more favorably  
901 than others if the favorable treatment does not discriminate against persons on the basis  
902 of race, color, religion, national origin, ancestry, age, gender, marital status, parental  
903 status, participation in the Section 8 program or other housing subsidy program,  
904 alternative source of income, sexual orientation, gender identity or expression, disability  
905 or use of a service or assistive animal by an individual with a disability;

906 2. Prohibits a religious organization, association or society, or any nonprofit  
907 institution or organization operated, supervised or controlled by or in conjunction with a  
908 religious organization, association or society, from limiting the sale, rental or occupancy  
909 of dwellings that it owns or operates for other than a commercial purpose, to persons of  
910 the same religion, or from giving preference to persons of the same religion, but only if:

911 a. membership in the religion is not restricted on account of race, color,  
912 ancestry or national origin; and

913 b. the limitation or preference is reasonably in the furtherance of a religious  
914 purpose or activity;

915 3. Prohibits any person from limiting the rental or occupancy of housing  
916 accommodations in any collegiate Greek system residence, school dormitory or similar

917 residential facility to persons of one gender if considerations of personal privacy exist;

918           4. Prohibits any person from limiting, on the basis of age or parental status, the  
919 sale, rental or occupancy of housing accommodations that fully qualify as housing for  
920 older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16,  
921 2006;

922           5. Prohibits any person from limiting the sale, rental or occupancy of housing  
923 accommodations to:

924           a. individuals with disabilities in any housing facility operated for individuals  
925 with disabilities;

926           b. senior citizens in any housing facility operated exclusively for senior  
927 citizens; or

928           c. elderly persons in any housing provided under any state or federal program  
929 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16,  
930 2006;

931           6. Requires any person to rent or lease a housing accommodation to a minor;

932           7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

933           8. May be interpreted to prohibit any person from making a choice among  
934 prospective purchasers or tenants of real property on the basis of factors other than race,  
935 color, religion, ancestry, national origin, age, gender, marital status, parental status,  
936 sexual orientation, gender identity or expression, participation in the Section 8 program  
937 or other housing subsidy program, alternative source of income, disability or use of a  
938 service or assistive animal by an individual with a disability; or

939           9. Prohibits any person from placing limitations on the maximum number of

940 tenants permitted per unit on account of reasonable space limitations or requirements of  
941 law.

942 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7.,  
943 12.20.040.A.8., 12.20.040.B. and 12.20.050, applies to the renting, subrenting, leasing or  
944 subleasing of a single-family or duplex dwelling unit in which the owner normally  
945 maintains a permanent residence, home or abode.

946 C. Nothing in this chapter prohibits any party to a real estate transaction or real  
947 estate-related transaction from considering the capacity to pay and credit history of any  
948 individual applicant.

949 D. Nothing in this chapter prohibits any party to a real estate transaction or real  
950 estate related transaction from considering or taking reasonable action based on the  
951 application of (~~the~~) community property law to (~~the~~) an individual case.

952 SECTION 16. Ordinance 8625, Section 1, as amended, and K.C.C. 12.22.010 are  
953 hereby amended to read as follows:

954 This chapter is an exercise of the police power of King County for the protection of  
955 the public welfare, health, peace and safety of the residents of King County and in  
956 fulfillment of the state Constitution. The King County council hereby finds and declares  
957 that the practice of discrimination against any person on the basis of race, color, gender,  
958 marital status, parental status, sexual orientation, gender identity or expression, religion,  
959 ancestry, age, national origin, disability or use of a service or assistive animal by an  
960 individual with a disability in places of public accommodation constitute matters of local  
961 concern and are contrary to the public welfare, health, peace and safety of the residents of  
962 King County.

963            SECTION 17. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are  
964 hereby amended to read as follows:

965            The definitions in this section apply throughout this chapter unless the context  
966 clearly requires otherwise.

967            A. "Aggrieved person" includes any person who claims to have been injured by an  
968 act of discrimination in a place of public accommodation;

969            B. "Charging party" means any person alleging an act of discrimination in a place  
970 of public accommodation under this chapter by filing a complaint with the office of civil  
971 rights.

972            C.1. "Disability" means:

973                a. a physical or mental impairment that substantially limits one or more of a  
974 person's major life activities, either temporarily or permanently;

975                b. a person has a record of having such an impairment;

976                c. a person is regarded as having such an impairment; or

977                d. a person has any other condition that is a disability under the Washington state  
978 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

979            2. "Disability" does not include current, illegal use of a controlled substance, as  
980 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

981            D. "Discrimination" or "discriminatory practice or act" means any action or failure  
982 to act, whether by a single act or part of a practice, the effect of which is to adversely affect  
983 or differentiate between or among individuals, because of race, color, religion, national  
984 origin, ancestry, age, gender, marital status, parental status, sexual orientation, gender  
985 identity or expression, disability or use of a service or assistive animal by an individual

986 with a disability.

987 E. "Gender identity or expression" means an individual's gender-related identity,  
988 appearance, or expression, whether or not associated with the individual's sex assigned at  
989 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
990 the individual's own gender identity or expression.

991 F. "Marital status" means the presence or absence of a marital relationship and  
992 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

993 ~~((F-))~~ G. "Owner" includes a person who owns, leases, subleases, rents, operates,  
994 manages, has charge of, controls or has the right of ownership, possession, management,  
995 charge or control of real property on the person's own behalf or on behalf of another.

996 ~~((G-))~~ H. "Parental status" means being a parent, step-parent, adoptive parent,  
997 guardian, foster parent or custodian of a minor child or children.

998 ~~((H-))~~ I. "Party" includes a person making a complaint or upon whose behalf a  
999 complaint is made alleging an unfair public accommodations practice, a person alleged or  
1000 found to have committed an unfair public accommodations practice and the office of civil  
1001 rights.

1002 ~~((I-))~~ J. "Person" means one or more individuals, partnerships, associations,  
1003 organizations, corporations, cooperatives, legal representatives, trustees, trustees in  
1004 bankruptcy, receivers or any group of persons, and includes King County but no  
1005 governmental body other than King County. "Person" also includes any owner, lessee,  
1006 proprietor, manager, agent or employee whether one or more natural persons.

1007 ~~((J-))~~ K. "Place of public accommodation" means any place, store or other  
1008 establishment, either licensed or unlicensed, that supplies goods or services to the general



1009 public. "Place of public accommodation" includes, but is not limited to, the following  
1010 types of services or facilities: hotels, or other establishments provide lodging to transient  
1011 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities  
1012 principally engaged in selling or offering for sale food for consumption upon the premises;  
1013 motion picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or  
1014 other places of exhibition or entertainment; bowling alleys and amusement parks; retail  
1015 establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other  
1016 facilities engaged in selling or offering for sale alcoholic beverages for consumption upon  
1017 the premises; food banks, senior citizens centers and other social service organizations and  
1018 establishments; places of public accommodation operated by King County; and public  
1019 burial facilities if the facilities are owned and operated by any cemetery corporation or  
1020 burial association.

1021 ~~((K.))~~ L. "Respondent" means a person who is alleged or found to have  
1022 discriminated in a place of public accommodation.

1023 ~~((L.))~~ M. "Senior citizen" means an individual as old or older than an age set for a  
1024 senior category. The minimum age for the senior category is fifty-five years.

1025 ~~((M.))~~ N. "Service or assistive animal" means any dog ~~((guide, signal or hearing  
1026 dog, seizure response dog, therapeutic companion animal or other animal that does work,  
1027 performs tasks or provides medically necessary support for the benefit of an individual with  
1028 a disability))~~ or miniature horse, individually trained to do work or perform tasks for the  
1029 benefit of an individual with a disability, including a physical, sensory, psychiatric,  
1030 intellectual or other mental disability. The work or tasks performed by the service animal  
1031 must be directly related to the individual's disability. For the purposes of this subsection,

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1032 "work or tasks" include, but are not limited to, assisting individuals who are blind or have  
1033 low vision with navigation and other tasks, alerting individuals who are deaf or hard of  
1034 hearing to the presence of people or sounds, providing nonviolent protection or rescue  
1035 work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals  
1036 to the presence of allergens, retrieving items such as medicine or a telephone, providing  
1037 physical support and assistance with balance and stability to individuals with mobility  
1038 disabilities and helping persons with psychiatric and neurological disabilities by  
1039 preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects  
1040 of an animal's presence and the provision of emotional support, well-being, comfort or  
1041 companionship do not constitute "work or tasks."

1042 ((N-)) O. "Settlement discussions" or "conference, conciliation and persuasion"  
1043 means the attempted resolution of issues raised by a complaint, or by the investigation of a  
1044 complaint, through informal negotiations involving the charging party, the respondent and  
1045 the office of civil rights.

1046 ((O-)) P. "Sexual orientation" means an individual's attitudes, preferences, beliefs  
1047 and practices pertaining to the individual's own sexual orientation including, but not  
1048 limited to, actual or perceived heterosexuality, homosexuality((,)) and bisexuality((and  
1049 gender identity. As used in this definition, "gender identity" means having or being  
1050 perceived as having a gender identity different from that traditionally associated with the  
1051 sex assigned to that person at birth. Protection associated with "gender identity" includes  
1052 self image, appearance, behavior or expression)).

1053 SECTION 18. Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030 are  
1054 hereby amended to read as follows:

1055           It is unlawful for any person to engage in, or cause or allow another to engage in,  
1056 any of the acts listed in this section, which are hereby designated as discrimination, in  
1057 places of public accommodation located in unincorporated King County or operated by  
1058 King County wherever located.

1059           A. It is a discriminatory practice for any person, whether acting on the person's  
1060 own behalf or for another, because of race, color, religion, national origin, ancestry, age,  
1061 gender, marital status, parental status, sexual orientation, gender identity or expression,  
1062 disability or use of a service or assistive animal by an individual with a disability:

1063           1. As owner, custodial agent or employee of a place of public accommodation,  
1064 to discriminate in denying, refusing, rejecting or granting any privilege, service, goods,  
1065 merchandise, commodity or accommodation;

1066           2. As owner, custodial agent or employee of a place of public accommodation,  
1067 to discriminate by segregating or requiring the placing of any person in any separate  
1068 section or area of the premises or facilities of the place of public accommodation; or

1069           3. To place, post, maintain or display any written or printed advertisement,  
1070 notice or sign to the effect that any of the accommodations, advantages, facilities,  
1071 privileges, goods or merchandise of any place of public accommodation, will or might be  
1072 refused, withheld from or denied to any person.

1073           B. It is a discriminatory practice and unlawful for any person , whether acting on  
1074 the person's own behalf or for another, to retaliate by taking action against another person  
1075 because the other person:

1076           1. Opposed any practice forbidden by this chapter;

1077           2. Complied or proposed to comply with this chapter or any order issued under

1078 this chapter; or

1079           3. Filed a complaint, testified or assisted in any manner in any investigation,

1080 proceeding or hearing initiated under this chapter.

1081           C. Nothing in this section:

1082           1. Applies to any non-commercial facility operated or maintained by a bona fide

1083 religious institution;

1084           2. May be construed to prohibit treating individuals with disabilities more

1085 favorably than individuals without disabilities or to prohibit treating senior citizens more

1086 favorably than nonsenior citizens; or

1087           3. May be construed to prohibit offering discounts, special prices or other

1088 special arrangements to children or families or imposing age limits for individuals up to  
1089 twenty-one years old.  
1090

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

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**King County**

**Metropolitan King County Council  
Health, Housing and Human Services Committee**

**REVISED STAFF REPORT**

<b>Agenda Item:</b>	6	<b>Name:</b>	Andrew Kim
<b>Proposed No.:</b>	2019-0331	<b>Date:</b>	November 5, 2019

**COMMITTEE ACTION**

***Proposed Substitute Ordinance 2019-0331.2 to amend definitions to “service or assistive animal”, “sexual orientation”, and “gender identity” related to the county’s non-discrimination ordinances, passed out of committee on November 5, 2019 with a “Do Pass” recommendation. The Ordinance was amended in committee with Striking Amendment S1 to do the following:***

- Amend “gender identity” to “gender identity or expression” to be consistent with county charter;***
- Amend the definition of “sexual orientation” and “gender identity or expression” with the most current understanding from community stakeholders;***
- Amend other sections of King County Code (other than non-discrimination ordinances) that reference “sexual orientation”, “gender identity or expression”, and “service or assistive animal” for definition consistency; and***
- Make other technical corrections and edits to support the above changes.***

**SUBJECT**

Proposed Ordinance 2019-0331 would amend King County Code to amend definitions related to the county’s non-discrimination ordinances and make other technical corrections.

**SUMMARY**

The proposed ordinance would amend the county’s non-discrimination ordinances to modify the definition of “service or assistive animals” to comport with state law. This was prompted by the enactment of SHB 2822 in 2018 to limit the definition of service animals to a dog or miniature horse beginning January 1, 2019. The proposed ordinance would also amend the county’s non-discrimination ordinances to modify the definition of “sexual orientation” to be consistent with current understanding from

community stakeholders by adopting the definition as used by the City of Seattle's All-Gender Restroom Ordinance and taking out "gender identity" from the definition and adding the term as a separate protected class.

Striking Amendment S1 would amend "gender identity" to "gender identity or expression" to be consistent with county charter; amend the definition of "sexual orientation" and "gender identity or expression" with most current understanding from community stakeholders; amend the definition of "sexual orientation", "gender identity or expression", and "service or assistive animal" in other sections of King County Code; and make other technical corrections and edits to support the definition changes.

## **BACKGROUND**

**King County Non-Discrimination Ordinances** Since 1981, the county has enacted various ordinances to prohibit discrimination under the jurisdictional purview of the county which includes unincorporated King County and King County as a governmental organization with employees and contractors. These non-discrimination ordinances include:

- **Fair Housing** (Ordinance 5280; K.C.C. 12.20) enacted in 1981 to prohibit discrimination in the rental, sale or financing of housing in unincorporated King County;
- **Fair Employment** (Ordinance 7430; K.C.C. 12.18) enacted in 1985 to prohibit private employers in unincorporated King County with eight or more employees and King County government as an employer from discriminating against their employees;
- **Public Accommodations** (Ordinance 8625; K.C.C. 12.22) enacted in 1988 to prohibit discrimination in public establishments in unincorporated King County, such as hotels, restaurants, bars, sporting arenas, theaters, retail stores and mobile home parks;
- **Fair Contracting** (Ordinance 13981; K.C.C. 12.17) enacted in 2000 to prohibit discrimination by private parties in contracting for goods and services greater than \$5,000 in unincorporated King County and discrimination by King county government in its own contracting;
- **Citizen and Immigrant Status** (Ordinance 18665, K.C.C. 2.15) enacted in 2018 to prohibit from conditioning King County services on immigration status;
- **Non-Discrimination By County Contractors** (Ordinance; K.C.C. 12.16) enacted in 1995 to prohibit contractors, subcontractors and vendors doing business with King County government from any discriminatory practices;



- **Non-Discrimination By County Contractors in Employee Benefits** (Ordinance 14823, K.C.C. 12.19) enacted in 2003 to prohibit county contractors from discrimination in the provision of employee benefits between employees with spouses and employees with domestic partners; and
- **Discrimination, Harassment, and Inappropriate Conduct** (Ordinance 18757, K.C.C. 3.12D) enacted in 2018 to prohibit discrimination, harassment, and inappropriate conduct toward any employee in King County government.

Fair Housing, Fair Employment, Public Accommodations, Fair Contracting, and Citizenship and Immigrant Status non-discrimination ordinances are enforced by the Office of Civil Rights<sup>1</sup>. The non-discrimination ordinances related to county contractors are enforced by the Department of Executive Services – Finance and Business Operation Division and the Discrimination, Harassment, and Inappropriate Conduct ordinance is enforced separately by each of the departments managed by county electeds.

**Service or Assistive Animals** In 2018, Washington State enacted SHB 2822<sup>2</sup> which did the following:

- Limited the definition of service animal as applied to public accommodations under Washington's Law Against Discrimination to dogs and miniature horses specifically trained to perform tasks related to an individual's disability;
- Retained a requirement for reasonable modifications in a public accommodation to permit the use of a miniature horse as a service animal;
- Authorized limited inquiry by a public accommodation's staff or investigating officer to determine if a person misrepresents an animal as a service animal; and
- Established a \$500 civil infraction of misrepresenting an animal as a service animal.

In the public testimony section of the final senate bill report<sup>3</sup>, it states that the impetus for this bill came from a constituent who saw an issue with individuals bringing untrained animals into public accommodations as service animals and causing disruption. The public testimony further stated that this has resulted in unfair treatment of individuals with legitimate disabilities who have trained service animals. The public testimony section also included the opposition's position which stated that there are other animals (other than dogs and miniature horses) currently being used as emotional support animals, and excluding them as service animals could be an issue.

**Sexual Orientation and Gender Identity or Expression** Title VII of the Civil Rights Act of 1964 protects individuals from discrimination or harassment based on the

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<sup>1</sup> Through the 2017-2018 Biennial Budget (Ordinance 18409), the council moved the functions of the office of civil rights to the office of equity and social justice, which administratively changed the office of civil rights to a civil rights program. Proposed Ordinance 2018-0485 was transmitted by the executive to formally codify this administrative change, however, the council did not taken action on this item and the legislation has lapsed.

<sup>2</sup> Chapter 176, Laws of 2018.

<sup>3</sup> <http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/2822-S%20SBR%20APS%2018.pdf>.

following protected classes: (1) race, (2) religion, (3) national origin, and (4) sex. The list of protected classes expanded to include the following through additional anti-discrimination laws: (5) age, (6) familial status, (7) pregnancy, (8) disability, (9) veteran, and (10) genetic information.

While Title VII of the Civil Rights Act of 1964 does not explicitly include sexual orientation or gender identity in its list of protected bases, the U.S. Equal Employment Opportunity Commission (EEOC), consistent with Supreme Court case law holding that employment actions motivated by gender stereotyping are unlawful sex discrimination and other court decisions, interprets the statute's sex discrimination provision as prohibiting discrimination against employees on the basis of sexual orientation and gender identity.<sup>4</sup>

In 2006, Washington State amended the Washington Law Against Discrimination (WLAD)<sup>5</sup> to prohibit discrimination on the basis of sexual orientation and gender identity in the areas of employment, housing, public accommodation, credit, and insurance. Subsequently, in 2006, the county adopted Ordinance 15399 to modify the definition of sexual orientation and gender identity throughout the county's non-discrimination ordinances to align with state law. Moreover, in 2008, voters approved a ballot proposition<sup>6</sup> to amend the antidiscrimination provisions of the county charter (Section 840) to also include sexual orientation and gender identity or expression as protected classes.

## **ANALYSIS**

**Service or Assistive Animals** The proposed ordinance would amend the county's non-discrimination ordinances<sup>7</sup> to modify the definition of "service or assistive animals" to align with the new definition in state law. Executive staff stated that this was prompted by the enactment of SHB 2822 in 2018 to limit the definition of service animals to a dog or miniature horse beginning January 1, 2019.

Council staff determined that the proposed ordinance erroneously did not modify other sections of King County Code that also included definition of "service or assistive animal". The striking amendment (Attachment 2 to this staff report) would amend other sections of King County Code that also include the definition of "service or assistive animal" for definitional consistency. However, the striking amendment does not include changes to the definition included in Title 11 related to Animal Care and Control. Executive staff stated there Regional Animal Services of King County (RASKC) is working with the county's Hearing Examiner to do a comprehensive review Title 11 and that review effort would also include modifying the definition of "service or assistive

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<sup>4</sup> "What You Should Know About EEOC and the Enforcement Protections for LGBT Workers". *U.S. Equal Employment Opportunity Commission*.  
[https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement\\_protections\\_lgbt\\_workers.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm).

<sup>5</sup> RCW 49.60.

<sup>6</sup> Ordinance 16204, enacted July 25, 2008.

<sup>7</sup> K.C.C. Chapters 12.17, 12.18, 12.20, and 12.22.

animal” to align with state law. Executive staff stated that a proposed ordinance as a result of the review would be transmitted to council for action in the near future.

**Complaints/Inquiries** Executive staff has stated that since May 2018, there have been no inquiries or complaints regarding discrimination related to “service or assistive animal”. The staff did receive two inquiries related to SHB 2822 but those inquiries were not related to discrimination.

**Community Outreach** Executive staff has also stated that community outreach was not conducted to gather input on the changes to the definition of “service or assistive animal”. However, executive staff stated that internal and external stakeholders were consulted, such as the Facilities Management Division and the King County Library System. Both agencies shared the difficulty of navigating different protections between King County and the City of Seattle, particularly related to the term “therapeutic companion animal” in the current definition. Executive staff stated that this issue also informed and prompted the proposed ordinance to change the definition to align with state law. Executive staff stated this would ensure clarity, particularly when it comes to constituents facing different rules for King County verses City of Seattle buildings.

**Sexual Orientation and Gender Identity or Expression** Executive staff stated that the proposed ordinance would amend the county’s non-discrimination ordinances to modify the definition of “sexual orientation” to be consistent with current understanding from community stakeholders. The proposed ordinance would adopt the definition as used by the City of Seattle’s All-Gender Restroom Ordinance<sup>8</sup> and the City of Seattle’s Fair Employment Practices Ordinance<sup>9</sup> by taking out “gender identity” from the definition of “sexual orientation” and adding the term as a separate protected class, along with other changes. It should be noted that this definition is varied from the definition used by the State of Washington and executive staff stated that this was intentional since the City of Seattle’s definitions were the most accurate definition based on current understanding from community stakeholders. The changes to the definition as included in the proposed ordinance is shown below:

*"Sexual orientation" means actual or perceived male or female heterosexuality, homosexuality((;)) or bisexuality and ((gender identity. As used in this definition "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self-image, appearance, behavior or expression)) includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.*

*"Gender identity" means an individual's gender-related identity, appearance or expression, whether or not associated with the individual's biological sex or sex at birth, and includes an individual's attitudes, preferences, beliefs*

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<sup>8</sup> Seattle Municipal Code Chapter 14.07, enacted in August 2015.

<sup>9</sup> Seattle Municipal Code Chapter 14.04.

*and practices pertaining to the individual's own gender identity or expression.*

Council staff determined that the proposed ordinance erroneously did not modify other sections of King County Code that also included definition of “sexual orientation” and/or “gender identity”. The striking amendment (Attachment 2 to this staff report) would amend other sections of King County Code that also include the definition of “sexual orientation” and “gender identity” for definitional consistency.

**Complaints/Inquiries** Executive staff has stated that since May 2018, there have been no inquiries or complaints regarding discrimination related to “sexual orientation” and/or “gender identity”.

**Community Outreach** Executive staff has also stated that community outreach was not conducted to gather input on the changes to the definition of “sexual orientation” and/or “gender identity” since the proposed ordinance adopts the City of Seattle’s definition. Council staff reached out to the City of Seattle’s Office for Civil Rights and they confirmed that their definition for “sexual orientation” and “gender identity” was amended in 2015 with the enactment of the All-Gender Restroom Ordinance. The City of Seattle stated that the All-Gender Restroom Ordinance was developed with the participation of community members from organizations and groups including the Seattle LGBTQ Commission, Seattle Women’s Commission, Ingersoll Gender Center, Gender Justice League, and Equal Rights Washington.

**Additional Analysis** Executive staff stated that the Civil Rights Commission was not consulted on the proposed ordinance.

Executive staff also stated that the Office of Civil Rights plans to use its website and the Office of Equity and Social Justice newsletter to communicate changes from the proposed ordinance to the public and relevant stakeholders. In addition, the Office of Civil Rights will also update their website, appropriate materials and update and train internal departments as needed. Lastly, executive staff state that Office of Civil Rights staff are up to date on the proposed changes and since they consult and collaborate with civil rights staff in other jurisdictions within the State of Washington they will not require specialized training to be informed of the new definitions.

## **AMENDMENT**

Striking Amendment S1 to the proposed ordinance would do the following:

- Amend “gender identity” to “gender identity or expression” to be consistent with county charter;
- Amend the definition of “sexual orientation” and “gender identity or expression” with the most current understanding from community stakeholders;

- Amend other sections of King County Code (other than non-discrimination ordinances) that reference “sexual orientation”, “gender identity or expression”, and “service or assistive animal” for definition consistency; and
- Make other technical corrections and edits to support the above changes.

Council staff has determined that the definition of “sexual orientation” and “gender identity or expression” included in the striking amendment is a more current definition as provided by the City of Seattle’s Office for Civil Rights and is different than the definition included in the current All-Gender Restroom Ordinance. City of Seattle stated that this new definition has evolved since the All-Gender Restroom Ordinance was adopted in 2015 and they hope to make similar changes in the near future. The City of Seattle stated the definition proposed in the striking amendment includes input from community members from organizations and groups including the Seattle LGBTQ Commission, Seattle Women’s Commission, Ingersoll Gender Center, Gender Justice League, and Equal Rights Washington.

"Sexual orientation" means an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own sexual orientation including, but not limited to, heterosexuality, homosexuality and bisexuality ((~~or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex~~)).

"Gender identity or expression" means an individual's gender-related identity, appearance or expression, whether or not associated with the individual's sex assigned at birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.

Title Amendment T1 would amend the title to support Striking Amendment S1.

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**Signature Report**

**Ordinance**

**Proposed No.** 2019-0380.2

**Sponsors** Gossett and Kohl-Welles

1           AN ORDINANCE establishing the King County renters'  
2           commission; amending Ordinance 11955, Section 6, as  
3           amended, and K.C.C. 2.16.130 and adding a new chapter to  
4           K.C.C. Title 2.

5           STATEMENT OF FACTS:

- 6           1. More than forty-two percent of households in King County are renter  
7           households, according to the 2013-2017 American Community Survey.
- 8           2. The median household income of renters is less than 50 percent of the  
9           median income of homeowners in King County, according to the 2013-  
10          2017 American Community Survey.
- 11          3. Sixty-two percent of white households in King County own their  
12          homes, compared to twenty-eight percent of African-American and thirty-  
13          four percent of Latino residents, according to the 2013-2017 American  
14          Community Survey.
- 15          4. The median net worth of renter households in the United States is two  
16          percent of the median net worth of homeowner households, according to  
17          the 2016 Federal Reserve Board's Survey of Consumer Finances.
- 18          5. A recent study published in the journal Urban Affairs Review found  
19          that low-income renters are nearly twice as likely as homeowners to be

20 displaced by gentrification.

21 6. The renter population is representative of many protected classes,  
22 including people of color, people living with disabilities and LGBTQ  
23 people, as well as young adults, seniors, low-income people, those paying  
24 rent with assistance, those with felony records and renters who have  
25 experienced homelessness.

26 7. Renters in King County are directly impacted by a wide variety of  
27 issues facing the county, such as housing affordability, transportation  
28 access, access to green and other public spaces, land use, renter  
29 protections, public health and safety, education and economic growth.

30 8. King County has sought to include diverse perspectives on housing,  
31 such as with the Regional Affordable Housing Task Force, and a renters'  
32 commission will formalize participation of a group that comprises over  
33 forty percent of the county's households.

34 9. In 2010, Ordinance 16948, also referred to as the "Equity and Social  
35 Justice Ordinance," was enacted and fourteen determinants of equity were  
36 identified as the conditions that lead to the creation of a fair and just  
37 society in King County, which includes housing for all people that is safe,  
38 affordable, high quality and healthy.

39 10. In 2016, Motion 14754 was passed expressing support for regional  
40 planning, coordination and funding efforts to address the challenges of  
41 homelessness and housing affordability in King County.

42 11. The King County Regional Affordable Housing Task Force Five Year



43 Action Plan calls for better engaging local communities and other partners  
44 in addressing the urgent need for and benefits of affordable housing and  
45 expanding supports for low-income renters.

46 12. A renters' commission will offer useful insight and perspective  
47 inclusive of diverse renter voices from across the county that historically  
48 have not had a voice without such intentional and proactive efforts.

49 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

50 SECTION 1. Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130 are  
51 hereby amended to read as follows:

52 A. The department of community and human services is responsible to manage  
53 and be fiscally accountable for the children and youth services division, the behavioral  
54 health and recovery division, the developmental disabilities and early childhood supports  
55 division, the adult services division and the housing, homelessness and community  
56 development division.

57 B. The duties of the children and youth services division shall include the  
58 following:

59 1. Working in partnership with communities and other funders to develop,  
60 support and provide human services that emphasize prevention, early intervention, and  
61 community education, and that strengthen children, youth and young adults, families and  
62 communities in King County;

63 2. Managing programs that promote healthy childhood development, enhance  
64 youth resiliency, reduce justice system involvement, strengthen families and communities  
65 and ensure all children and youth have the opportunity to achieve their full potentials.

66 The division shall also provide staff to support the King County children and youth  
67 advisory board.

68 C. The duties of the behavioral health and recovery division shall, subject to  
69 available resources and to its exercise of discretionary prioritization, include the  
70 following:

71 1. Managing and operating a comprehensive continuum of behavioral health  
72 services including prevention, mental health, substance use disorder and co-occurring  
73 disorder treatment services for children, youth and adults who meet eligibility criteria;

74 2. Managing and operating a twenty-four-hour crisis response system, including  
75 civil commitment as a last resort;

76 3. Selecting appropriate agencies for the provision of behavioral health services  
77 and developing, implementing and monitoring the provision and outcomes of contracted  
78 services;

79 4. Being responsible for resource management of a comprehensive behavioral  
80 health system including provision of staff support to appropriate advisory boards, and  
81 serving as liaison to federal, state, and other governments and relevant organizations in  
82 carrying out planning and allocation processes;

83 5. Facilitating the continuing availability of appropriate treatment services for  
84 eligible individuals with a diagnosis of a mental illness, substance use or co-occurring  
85 disorder; and

86 6. Developing and maintaining a continuum of appropriate treatment services  
87 for eligible individuals.

88 D. The duties of the developmental disabilities and early childhood supports

89 division shall include the following:

90 1. Managing and operating a system of services for infant mental health, early  
91 childhood development screening and a system of services for persons with  
92 developmental disabilities in accordance with relevant state statutes and county policies  
93 and to provide staff support to the King County board for developmental disabilities; and

94 2. Negotiating, implementing and monitoring contracts with community  
95 agencies for the provision of developmental disabilities and early childhood support  
96 services.

97 E. The duties of the adult services division shall include the following:

98 1. Working in partnership with communities to develop, support and provide  
99 human services and programs that emphasize health and safety, self-sufficiency and  
100 healthy aging. The programs are to include, but not be limited to, providing employment  
101 and training for adults to achieve self-sufficiency, providing supports to survivors of  
102 abuse and trauma, and providing health, socialization and wellness services to promote  
103 healthy aging in place;

104 2. Providing assistance to indigent veterans and their families as authorized by  
105 chapter 73.08 RCW; and

106 3. Providing staff support for the women's advisory board as specified in K.C.C.  
107 2.30.040 and for the veterans, seniors and human services levy advisory board and its  
108 committees consistent with state and county requirements.

109 F. The duties of the housing, homelessness and community development division  
110 shall include the following:

111 1. Managing programs that address housing, homelessness and community

112 development needs, and helping implement improvements identified in subarea and  
113 neighborhood plans for low and moderate income communities;

114           2. Administering the county's federal housing, homelessness and community  
115 development funds and other housing, homelessness and community development  
116 programs; (~~and~~)

117           3. Developing housing, homelessness and community development policies and  
118 programs to implement the growth management policies throughout King County to  
119 provide affordable housing to low and moderate income residents; and

120           4. Providing staff support for the renters' commission as specified in K.C.C  
121 chapter 2.xx (the chapter created by section 2 of this ordinance).

122           SECTION 2. Sections 3 through 9 of this ordinance should constitute a new  
123 chapter in K.C.C. Title 2.

124           NEW SECTION. SECTION 3.

125           A. There is hereby created a King County renters' commission that shall advise  
126 the executive and council on issues and policies of importance to tenants in residential  
127 rental properties in unincorporated King County.

128           B. This chapter expires ten years after the effective date of this ordinance.

129           NEW SECTION. SECTION 4. The definitions in this section apply throughout  
130 this chapter unless the context clearly requires otherwise.

131           A. "Commission" means the King County renters' commission.

132           B. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the  
133 property of which it is a part, and in addition means any person designated as  
134 representative of the owner, lessor or sublessor, including, but not limited to, an agent, a

135 resident manager or a designated property manager.

136 C. "Rental agreement" means all agreements that establish or modify the terms,  
137 conditions, rules, regulations or any other provisions concerning the use and occupancy  
138 of a dwelling unit.

139 D. "Renter" means a tenant in a residential rental property.

140 E. "Residential rental property" means a structure or that part of a structure that is  
141 used as a home, residence or sleeping place, by one person or by two or more persons  
142 maintaining a common household, including, but not limited to, single-family residences  
143 and units of multiplexes, apartment buildings and mobile homes, and that is occupied  
144 primarily for living or dwelling purposes under a rental agreement.

145 F. "Tenant" means any person who is entitled to occupy a rental unit primarily  
146 for living or dwelling purposes under a rental or lease agreement, written or oral, express  
147 or implied. "Tenant" also includes a subtenant who is in occupancy with the consent of  
148 the owner.

149 NEW SECTION. SECTION 5.

150 A. The commission shall be composed of seven members. Appointments should  
151 be made to ensure that varied renter perspectives are represented, including those of  
152 renters who identify with or are affiliated with organizations that use an equity lens or  
153 that work with historically underrepresented groups, such as low-income renters, renters  
154 of color, LGBTQ renters, renters with criminal history, immigrant renters, those paying  
155 rent with assistance and renters who have experienced homelessness. Appointments  
156 should be made, to the extent possible, so that the commission membership is  
157 representative of the county geographically. Each member of the commission must be a

158 renter within unincorporated King County at the time of the member's appointment. A  
159 person may not be a landlord or owner while serving on the commission.

160 B. Members may receive compensation, contingent on budget appropriation.

161 NEW SECTION. SECTION 6.

162 A. Member positions shall be numbered one through seven. Individuals shall be  
163 appointed into these numbered positions by the executive in consultation with the county  
164 council. All appointments are subject to confirmation by the county council by motion.

165 B. For the initial round of appointments, odd numbered positions will serve one-  
166 year terms and even numbered positions will serve two-year terms. After the conclusion  
167 of initial terms, all subsequent terms of each position shall be for two years. A member  
168 shall not serve more than two consecutive terms. Any vacancy in an unexpired term shall  
169 be filled in the same manner as the original appointment. If a person is appointed to fill  
170 the duration of an unexpired term, then that term shall count as one of the two  
171 consecutive terms only if the portion of the unexpired term actually served is at least one  
172 year.

173 NEW SECTION. SECTION 7. The duties of the commission include the  
174 following:

175 A. Provide information, advice and counsel to the council, the executive, the  
176 department of community and human services, the office of equity and social justice and  
177 other county departments on issues and policies affecting renters, including housing  
178 affordability and the intersection of renters with their access to transportation, green and  
179 other public spaces, renter protections, public health and safety, education and economic  
180 growth as they relate to renters in unincorporated King County;

181           B. Monitor the enforcement and effectiveness of legislation related to renters and  
182 renter protections;

183           C. Provide periodic advice on priorities, policies and strategies for strengthening  
184 and enhancing the enforcement and effectiveness of renter protections;

185           D. The executive shall transmit to the council, on an annual basis, a summary of  
186 commission activities and recommendations for future affordable housing committee  
187 work plans, including actions to improve housing affordability in unincorporated King  
188 County. The report shall be filed in the form of a paper original and an electronic copy  
189 with the clerk of the council, who will retain the original and provide an electronic copy  
190 to all councilmembers, the council chief of staff and the lead staff to the mobility and  
191 environment committee or its successor.

192           E. Adopt an annual work plan. The plan shall include a briefing on the  
193 commission's public involvement process for soliciting community and citizen input in  
194 developing the commission's annual work plan and updates on the work plan; and

195           F. Collaborate and consult with other county commissions and committees,  
196 departments, the King County housing authority board of commissioners, the affordable  
197 housing committee of the King County growth management planning council, the Seattle  
198 renters' commission and other community groups and associations, including those  
199 representing rental property landlords, to gather information, feedback and  
200 recommendations related to the King County renters' commission's work.

201           NEW SECTION. SECTION 8. The director of the department of community  
202 and human services or designee shall be responsible for the staffing and operation of the  
203 commission. Before undertaking its other responsibilities, the commission shall elect

204 officers and adopt administrative procedures.

205           NEW SECTION. SECTION 9. Meetings of the commission shall be open to the  
206 public and the commission shall operate subject to the state Open Public Meetings Act of  
207 1971, in accordance with chapter 42.30 RCW.

208           NEW SECTION. SECTION 10. This ordinance shall take effect upon approved  
209 authority and appropriation of 1 FTE.

210

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None





**King County**

**Metropolitan King County Council  
Health, Housing and Human Services Committee**

**REVISED STAFF REPORT**

<b>Agenda Item:</b>	6	<b>Name:</b>	Andy Micklow
<b>Proposed No.:</b>	2019-0380	<b>Date:</b>	October 29, 2019

**COMMITTEE ACTION**

***Proposed Substitute Ordinance 2019-0380.2 establishing a King County Renters' Commission passed out of committee on October 29, 2019, with a "Do Pass" recommendation. The Ordinance was amended in committee with a striking amendment and four line amendments.***

**SUBJECT**

Proposed Ordinance 2019-0380 would establish a Renters' Commission and add a new chapter to King County Code Title 2.

**SUMMARY**

King County Proposed Ordinance 2019-0380 would establish a King County Renters' Commission that would advise the Executive and the Council on issues and policies of importance to tenants in residential rental properties countywide. The Commission would be comprised of fifteen members appointed by the council, Executive, and the Commission. Members would serve two-year terms with the exception of the inaugural term in which members in odd numbered positions would serve one-year terms and members in even numbered positions would serve two-year terms. Commission members would serve without compensation. The Renters' Commission would be staffed through by the Department of Community and Human Services.

**BACKGROUND**

More than 42 percent of households in King County are renter households. Seventy-two percent of African American households are renters compared to 38 percent of white households in King County. Renter households also have a significantly lower median household income compared to the homeowners in King County.<sup>1</sup>

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<sup>1</sup> 2013-2017 American Community Survey 5-year estimates

Proposed Ordinance 2019-0380 would amend the King County Code to create a Renters' Commission to advise the Executive and the Council on issues and policies affecting renters in King County.

Other jurisdictions that have established a Renters' Commission include the City of Seattle<sup>2</sup> and Vancouver, BC. The City of San Antonio, Texas is also in the process of establishing a Renters' Commission.<sup>3</sup>

## **ANALYSIS**

Proposed Ordinance 2019-0380 would amend the King County Code to create a Renters' Commission to advise the Executive and the Council on issues and policies of importance to tenants in residential rental properties countywide.

The Commission is proposed to have fifteen members. The Council would appoint nine members, the Executive would appoint three members, and the Commission would appoint the remaining three members. All appointments would be subject to confirmation by the Council by motion. Members would serve two year terms, with a limit of two consecutive terms. Members would serve without compensation. The King County Code chapter that would establish the Commission would expire ten years after the effective date of the Proposed Ordinance.

Membership is to be comprised of renters in King County who represent varied renter perspectives including those of renters who live in unincorporated King County and those of renters who identify with or are affiliated with organizations that use an equity lens or work with historically underrepresented groups such as low-income renters, LGBTQ renters, renters with felony records, immigrant renters, those paying rent with assistance, and renters who have experienced homelessness.

The Renters' Commission would be established to provide information, advice, and counsel to the council, Executive, and county departments concerning issues and policies affecting renters such as housing affordability, transportation access, access to green and other public spaces, land use, renter protections, public health and safety, education and economic growth. Other duties of the Commission include the following:

- Adopt an annual work plan;
- Develop an annual report that includes recommendations to improve housing affordability, especially in unincorporated King County;
- Monitoring the enforcement and effectiveness of legislation related to renters and renter protections;
- Provide periodic advice on priorities, policies, and strategies for strengthening and enhancing the enforcement and effectiveness of renter protections;
- Meet periodically with other county Commission and committees, departments, the King County housing authority board of Commissioners, the affordable housing committee of the King County growth management planning council, the

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<sup>2</sup> City of Seattle Ordinance 125280

<sup>3</sup> <https://www.sanantonio.gov/gpa/News/ArtMID/24373/ArticleID/16082/Councilman-Trevi241o-applauds-local-tax-exemption-files-policy-to-establish-Renters%E2%80%99-Commission>

Seattle renters' Commission, and other community groups and associations to gather information, feedback, and recommendations related to the King County renters' Commission's work.

Proposed Ordinance 2019-0380 requires that the Council, Executive, and Commission itself appoint members, but does not include an explicit process or timeline for appointment. The Proposed Ordinance also specifies that, to the extent possible, appointments should be made so that the Commission membership is representative of the county geographically. The Proposed Ordinance does not further define the meaning of "representative" in this context.

Proposed Ordinance 2019-0380 specifies that the Renters' Commission develop an annual report. There is guidance on report content, but there is no date provided in the Proposed Ordinance for transmitting the annual report to the Council.

Proposed Ordinance 2019-0380 is very similar to the ordinance that created the City of Seattle's Renters' Commission.<sup>4</sup> Differences between the ordinances include the number of Commission members appointed by the Council, annual report requirements, and groups identified from which to gather feedback related to the Renters' Commission's work. Proposed Ordinance 2019-0380 would require the Renters' Commission to develop an annual report that includes recommendations to improve housing affordability, especially in urban unincorporated King County. The City of Seattle's ordinance does not include such a requirement in the annual report. Proposed Ordinance 2019-0380 identifies the affordable housing committee of the King County growth management planning council and the Seattle Renters' Commission as groups from which to gather feedback and recommendations related to the King County Renters' Commission work. The City of Seattle's ordinance does not include these groups.

## **OCTOBER 1 HEALTH, HOUSING AND HUMAN SERVICES COMMITTEE MEETING**

Councilmembers asked the following questions of council staff. Council staff responses are below.

1. Could you provide more clarity about the scope with regard to unincorporated and incorporated?

As written, the duties in the Proposed Ordinance include developing an annual report that includes recommendations to improve housing affordability in urban unincorporated King County. Additionally, any legislation originating from the Renters' Commission that the Council could adopt would likely be limited to affecting unincorporated King County.

2. How would the Commission consult/work with cities in which King County does not have jurisdictional authority?

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<sup>4</sup> City of Seattle Ordinance 125280

This is an implementation question that is not addressed by the Proposed Ordinance. Nothing in the Proposed Ordinance would prevent the Commission from consulting with cities – nor would the legislation require consulting with the cities.

3. How is the Commission meant to work with the Affordable Housing Committee of the Growth Management Planning Council?

This is a policy choice for the Council to determine. The legislation could be amended to require working with the Affordable Housing Committee if the Council wishes.

4. Could you provide more information about how members are appointed and why this division of authority of appointments?

As drafted, the Council would appoint nine members, the Executive would appoint three members, and the Commission would appoint the remaining three members. The division of authority of appointments is a policy choice for the Council to determine.

5. What best practices were consulted?

Council staff reviewed other jurisdictions ordinances or proposals for Renters' Commissions, which included the City of Seattle and Vancouver, BC. The Proposed Ordinance was drafted to be consistent with how other county boards and commissions are run including language used and process.

## **AMENDMENT**

Council staff continues to work with councilmembers on potential amendments.



**Signature Report**

**Ordinance**

**Proposed No.** 2019-0422.2

**Sponsors** Upthegrove, von Reichbauer,  
Balducci and Kohl-Welles

1           AN ORDINANCE prohibiting the county and its  
2           contractors from paying disabled employees a subminimum  
3           wage; amending Ordinance 17909, Section 5, and K.C.C.  
4           3.18.020 and adding a new section to K.C.C. chapter 3.18.

5           STATEMENT OF FACTS:

6           1. King County established living wage requirements for King County  
7           employees and employees of certain county contractors in Ordinance  
8           17909.

9           2. However, the living wage ordinance did not apply to certain categories  
10          of employee, including individuals impaired by a physical or mental  
11          disability.

12          3. In furtherance of the county's equity and social justice policies, and to  
13          support inclusive workplaces, this ordinance ensures equal pay for  
14          employees impaired by a physical or mental disability

15          BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16          NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 3.18 a  
17          new section to read as follows:

18                 The county shall not pay any employee with a disability as defined in K.C.C.  
19          12.16.010. less than any applicable minimum wage.

20            SECTION 2. Ordinance 17909, Section 5, and K.C.C. 3.18.020 are hereby  
21 amended to read as follows:

22            A. An employee is covered by this chapter for each hour the employee is  
23 performing a measurable amount of work as a county employee or under a contract with  
24 the county. An employee who is not covered by this chapter is still included in  
25 determining the size of the employer.

26            B.1. For the purpose of determining whether an employer is a Schedule 1  
27 employer or a Schedule 2 employer, separate entities that form an integrated enterprise  
28 shall be considered a single employer under this chapter. Separate entities are considered  
29 an integrated enterprise and a single employer under this chapter if a separate entity  
30 controls the operation of another entity. The factors to consider in making this  
31 assessment include, but are not limited to:

- 32            a. The degree of interrelation between the operations of multiple entities;
- 33            b. The degree to which the entities share common management;
- 34            c. Centralized control of labor relations; and
- 35            d. The degree of common ownership or financial control over the entities.

36            2. There shall be a presumption that separate legal entities, which may share  
37 some degree of interrelated operations and common management with one another, are  
38 considered separate employers for purposes of this section as long as: the separate legal  
39 entities operate substantially in separate physical locations from one another; and each  
40 separate legal entity has partially different ultimate ownership.

41            3. The determination of employer schedule for the current calendar year is  
42 calculated based upon the average number of employees employed per calendar week

43 during the preceding calendar year for any and all weeks during which at least one  
44 employee worked for compensation. For an employer that did not have any employees  
45 during the previous calendar year, the employer schedule is calculated based upon the  
46 average number of employees employed per calendar week during the first ninety  
47 calendar days of the current year in which the employer engaged in business.

48 C. For purposes of this chapter, temporary employment agency employees who  
49 perform, for a Schedule 1 or Schedule 2 employer, a measurable amount of work under a  
50 contract with the county, shall be paid no less than the minimum wage required to be paid  
51 to covered employees of the Schedule 1 or Schedule 2 employer.

52 D. This chapter does not apply to the payment of wages to(~~(= employees in the~~  
53 ~~categories listed))~~ individuals defined in RCW 49.46.010(3)((= or employees)), individuals  
54 employed in the categories listed in RCW 49.46.060(1) or individuals less than eighteen  
55 years of age ((and defined in chapter 296-128 WAC for whom their employer has secured a  
56 letter of recommendation from the Washington state Department of Labor and Industries  
57 stating that the employer has demonstrated necessity in accordance with chapter 296-128  
58 WAC)).

59 E. The county's human resources director shall establish by rule the minimum  
60 wage for employees under the age of eighteen years, but any percentage of the hourly rate  
61 established by rule shall not be lower than the percentage applicable under state statutes  
62 and regulations.

63 SECTION 3. This ordinance shall apply only to those county employees hired on  
64 or after the effective date of this ordinance and to county contracts, except real property

65 sale and lease transactions and government agency contracts entered into on and after  
66 January 1, 2020.  
67

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



**2019-0429**

**ATTACHMENT A IS AVAILABLE AT THE FOLLOWING LINK:**

**[2019-0429 Attachment A](#)**

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**King County**

**Metropolitan King County Council  
Health, Housing and Human Services Committee**

**REVISED STAFF REPORT**

<b>Agenda Item:</b>		<b>Name:</b>	Nick Bowman
<b>Proposed No.:</b>	2019-0422	<b>Date:</b>	November 6, 2019

**COMMITTEE ACTION**

*Proposed Substitute Ordinance 2019-0422.2 prohibiting the county and any contractors doing business with the county, from paying disabled employees less than the county's minimum wage, passed out of committee on November 5, 2019, with a "Do Pass" recommendation. The Ordinance was amended in committee with Amendment 1 to clarify that the living wage provisions in King County Code 3.18 apply to individuals with disabilities and grants the executive until January 1, 2020 to include a provision requiring the contractor comply with the living wage requirements in county contracts..*

**SUBJECT**

An Ordinance prohibiting the county and any contractors doing business with the county, from paying disabled employees less than the county's minimum wage.

**SUMMARY**

The proposed ordinance would prohibit the county and any contractors or subcontractors doing business with the county from paying disabled employees less than the county's minimum wage under King County Code 3.18.

**BACKGROUND**

In May 2014, the Council adopted Motion 14131, which established as a policy of King County "that a living wage should be paid to county employees and to the employees of persons, businesses, organizations and other entities that receive procurement contracts, tax exemptions or credits, or other financial benefits from the county." In October 2014, the Council adopted Ordinance 17909 which intended to implement the living wage policy described in Motion 14131 by setting a minimum wage for county

employees and for employees of contractors who are performing work under certain county contracts for services.<sup>1</sup>

The County's living wage ordinance contained several exemptions from the minimum wage requirements including for short-term temporary employees who are employed in social service programs designed to help youth gain basic work training skills,<sup>2</sup> and various categories of employees exempt from Washington State's minimum wage requirements including certain types of agricultural workers, volunteers and casual laborers, among others.<sup>3</sup> The ordinance also provided an exemption for learners, apprentices, messengers and the disabled whose employers receive a certificate from the State Director of Labor and Industries affirming that wages lower than the applicable minimum wage paid to these individuals is necessary in order to prevent curtailment of employment opportunities.<sup>4</sup>

In recent years, exemptions from minimum wage requirements for disabled individuals has been discussed nationally and throughout Washington State. In 2018, the City of Seattle adopted an ordinance removing the authority to pay a subminimum wage to people with disabilities.<sup>5</sup> In 2019, the State Legislature passed a law prohibiting state agencies from employing individuals with disabilities at wages less than the minimum wage under the special certificates issued by the Director of the Dept. of Labor and Industries.<sup>6</sup> Also in 2019, S. 260, known as the Transformation to Competitive Employment Act, was introduced in the United States Senate. The bill would prohibit the Department of Labor from issuing any new federal certificates, known as 14(c) certificates, which allow employers to pay individuals with disabilities less than the federal minimum wage and would phase out existing certificates over a six year period.<sup>7</sup> The bill is currently in the U.S. Senate's Committee on Health, Education, Labor, and Pensions.

## **ANALYSIS**

Proposed Ordinance 2019-0422 would amend the County's living wage ordinance<sup>8</sup> to remove an exemption allowing individuals with disabilities meeting the criteria under RCW 49.46.060(2) to be paid less than the applicable minimum wage. In effect, the proposed ordinance would prohibit the County or any contractors subject to the County's living wage requirements, doing business with the County from paying

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<sup>1</sup> King County Code 3.18.010 E defines a Contract as that which obligates the county to pay a contractor \$100,000 or more for services as defined in KCC 2.93.030 and does not include: a contract between a contract-awarding authority and another government or public entity; a contract that the county enters into as the administrator of grants received from a third party; a contract for public works; an architectural or engineering contract; or a collective bargaining agreement.

<sup>2</sup> KCC 3.18.030

<sup>3</sup> RCW 49.46.010(3)

<sup>4</sup> RCW 49.46.060

<sup>5</sup> City of Seattle. Ordinance 125559, Council Bill 119220.

<http://seattle.legistar.com/View.ashx?M=F&ID=6205567&GUID=43C21030-5901-43E7-8CFE-964BC0566977>

<sup>6</sup> Washington State Legislature. C 374 L 19, Engrossed House Bill 1706.

<https://app.leg.wa.gov/billsummary?BillNumber=1706&Year=2019&Initiative=false>

<sup>7</sup> 116<sup>th</sup> Congress (2019-2020) S. 260 – Transformation to Competitive Employment Act.

<https://www.congress.gov/bill/116th-congress/senate-bill/260/text>

<sup>8</sup> Ordinance 17909

employees with disabilities a subminimum wage. The proposed ordinance would not remove any other exemptions currently allowed under the code.<sup>9</sup>

To determine the potential impact of the proposed ordinance, Council Staff contacted a number of Executive and County Offices which are either privy to county employee and/or contractor wage information or which operate programs whose participants may be exempt from the County's living wage requirements. These offices include the Department of Human Resources, the Finance and Business Operations Division of the Department of Executive Services, the Department of Community and Health Services, and the Superior Court. According to Executive and Superior Court staff, there are no active county employees or county program participants who meet the disability exemption criteria.

With regards to county contracts, the Finance and Business Operations Division conducted a review of active county contracts and identified several DCHS contracts with Northwest Center, a Seattle based organization that, among other programs, provides employment services to adults with disabilities and whose workforce has a number of employees who could be eligible for payment of a subminimum wage under KCC 3.18. While DCHS staff have stated that they do not believe any of their contracts support a subminimum wage, at this time, DCHS is still reviewing any potential effects the proposed ordinance may have on renewal of any contracts with Northwest Center.

It should be noted that the proposed ordinance is prospective and would therefore not affect any current businesses or organizations under contract for services with the county. FBOD staff have stated that should the proposed ordinance be adopted, the appropriate language will be instituted in all future contracts to support it.

## **AMENDMENTS**

Amendment 1 would clarify that the living wage provisions in King County Code 3.18 apply to individuals with disabilities and grants the executive until January 1, 2020 to include a provision requiring the contractor comply with the living wage requirements in county contracts.

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<sup>9</sup> King County Code 3.18

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**Signature Report**

**Ordinance**

**Proposed No.** 2019-0209.1

**Sponsors** Dunn

1 AN ORDINANCE relating to testamentary lot division;  
2 and amending Ordinance 13694, Section 42, as amended,  
3 and K.C.C. 19A.08.070.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070  
6 are each hereby amended to read as follows:

7 A. A property owner may request that the department determine whether a lot was  
8 legally created. The property owner shall demonstrate to the satisfaction of the department  
9 that a lot was created in compliance with applicable state and local land segregation statutes  
10 or codes in effect at the time the lot was created.

11 B. A lot shall be recognized as a legal lot:

12 1. If before October 1, 1972, it was:

13 a. conveyed as an individually described parcel to separate, noncontiguous  
14 ownerships through a fee simple transfer or purchase; or

15 b. recognized as a separate tax lot by the county assessor;

16 2. If created by a recorded subdivision before June 9, 1937, and it was served by  
17 one of the following before January 1, 2000:

18 a. an approved sewage disposal;

19 b. an approved water system; or

- 20 c. a road that was:
- 21 (1) accepted for maintenance by the King County department of transportation;
- 22 or
- 23 (2) located within an access easement for residential use or in a road right-of-
- 24 way and consists of a smooth driving surface, including, but not limited to, asphalt,
- 25 concrete, or compact gravel, that complied with the King County road standards in effect at
- 26 the time the road was constructed;
- 27 3. If created by an approved short subdivision, including engineers subdivisions;
- 28 4. If created by a recorded subdivision on or after June 9, 1937; or
- 29 5. If created through the following alternative means of lot segregation provided
- 30 for by state statute or county code:
- 31 a. at a size five acres or greater, created by a record of survey recorded between
- 32 August 11, 1969, and October 1, 1972, and that did not contain a dedication;
- 33 b. at a size twenty acres or greater, created by a record of survey recorded before
- 34 January 1, 2000, and not subsequently merged into a larger lot;
- 35 c. at a size forty acres or greater created through a larger lot segregation made in
- 36 accordance with RCW 58.18.010, approved by King County and not subsequently merged
- 37 into a larger lot. Within the F zone, each lot of tract shall be of a size that meets the
- 38 minimum lot size requirements of K.C.C. 21A.12.040.A;
- 39 d. through testamentary provisions or the laws of descent after August 10, 1969;
- 40 or
- 41 e. as a result of deeding land to a public body after April 3, 1977.
- 42 C. In requesting a determination, the property owner shall submit evidence,



43 deemed acceptable to the department, such as:

- 44 1. Recorded subdivisions or division of land into four lots or less;
- 45 2. King County documents indicating approval of a short subdivision;
- 46 3. Recorded deeds or contracts describing the lot or lots either individually or as  
47 part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
- 48 4. Historic tax records or other similar evidence, describing the lot as an  
49 individual parcel. The department shall give great weight to the existence of historic tax  
50 records or tax parcels in making its determination.

51 D. Once the department has determined that the lot was legally created, the  
52 department shall continue to acknowledge the lot as such, unless the property owner  
53 reaggregates or merges the lot with another lot or lots in order to:

- 54 1. Create a parcel of land that would qualify as a building site, or
- 55 2. Implement a deed restriction or condition, a covenant or court decision.

56 E. The department's determination shall not be construed as a guarantee that the lot  
57 constitutes a building site as defined in K.C.C. (~~(19A.04.050)~~) 19A.04.060. Testamentary  
58 lots created before January 1, 2019, shall be deemed to meet the minimum lot area  
59 requirements for the applicable zoning district. All other federal, state and local statutes  
60 shall apply to testamentary lots as required by K.C.C. 19A.04.060.

61 F. Reaggregation of lots after January 1, 2000, shall only be the result of a  
62 deliberate action by a property owner expressly requesting the department for a permanent

63 merger of two or more lots through a boundary line adjustment under K.C.C. chapter  
64 19A.28.  
65

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



**King County**

**Metropolitan King County Council  
Local Services, Regional Roads and Bridges Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	6	<b>Name:</b>	Jake Tracy
<b>Proposed No:</b>	2019-0209	<b>Date:</b>	August 26, 2019

**SUBJECT**

The proposed ordinance would remove minimum lot area requirements for properties created through the testamentary lot division process prior to January 1, 2019.

**SUMMARY**

State law exempts properties from the subdivision process if the land is lawfully divided and deeded as part of the owner's last will and testament. The King County Code recognizes lots deeded in this way as "legal lots", but does not exempt these properties from meeting development standards, such as minimum lot area, in order to be built upon. King County Code currently does not exempt testamentary lots from zoning requirements.

Between 2000 and 2018, approximately 30 testamentary lots were created that are below the County's minimum lot area requirements, and therefore cannot be built on under the King County Code. The proposed ordinance would remove the minimum lot area requirement for testamentary lots created before January 1, 2019. Testamentary lots created on or after January 1, 2019 would still be required to meet minimum lot area requirements. All testamentary lots, regardless of time of creation, would still be required to meet all other zoning requirements and development standards.

**BACKGROUND**

RCW 58.17.040 exempts properties from the subdivision process if the land is lawfully divided and deeded as part of the owner's last will and testament. Although testamentary lots are exempt from the subdivision process, the Washington Appeals Court found in *Dykstra v. County of Skagit* that the exemption in RCW 58.17.040 does not exempt testamentary lots from any development standards, including minimum lot area.

Testamentary property divisions do not require any local land use approvals, and thus are not evaluated by the County for buildability or compliance with the zoning code until a development proposal is made (e.g. application to build a single-family house).

K.C.C. 19A.08.070.B.5.d. states that lots created through the testamentary division process are recognized as legal lots by the Code, and therefore may receive legal lot determinations from the County. However, K.C.C. 19A.08.070.E. states that a legal lot

determination does not guarantee that the lot constitutes a *building site*, defined by K.C.C. 19A.04.060 as:

*An area of land, consisting of one or more lots or portions of lots, that is:*

- A. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or*
- B. Currently legally developed.*

According to Executive staff, since at least 2012, the Permitting Division has interpreted these code provisions to mean that testamentary lots, while legally existing, must meet all applicable development standards, including minimum lot area, in order to be developed.

The Permitting Division estimates that 106 lots have been created through the testamentary lot division process in unincorporated King County since 2000. Building permits have been issued for several properties that do not meet minimum lot area standards during this time.

## **ANALYSIS**

According to data provided by Executive staff, there are 30 lots that:

1. Were created through the testamentary lot division process between 2000 and January 1, 2019;
2. Are in the rural area;
3. Do not meet minimum lot area requirements for the zone in which they are located; and
3. Are currently undeveloped.

The proposed ordinance would remove the requirement that testamentary lots meet minimum lot area standards in order to be developed. In addition to the 30 lots created between 2000 and 2018, lots created prior to 2000 would also be exempt from the minimum lot area requirements. The Permitting Division states that they do not have data on the number of undersized testamentary lots created prior to 2000. In order to be developed, all testamentary lots would need to meet all other zoning requirements and development standards, including minimum lot width and other dimensional standards.

Any testamentary lots created on or after January 1, 2019 would still be required to meet the minimum lot area of the zone in order to be considered buildable.

## **INVITEES**

- John Taylor, Director, Department of Local Services
- Mark Rowe, Deputy Division Director, Permitting Division

## **ATTACHMENTS**

1. Proposed Ordinance 2019-0209

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**Signature Report**

**Ordinance**

**Proposed No.** 2019-0408.2

**Sponsors** Upthegrove and McDermott

1           AN ORDINANCE authorizing the county executive to  
2           execute an agreement between King County and the  
3           Central Puget Sound Regional Transit Authority for  
4           operations and maintenance of ST Express Bus service.

5           STATEMENT OF FACTS:

- 6           1. The Central Puget Sound Regional Transit Authority, also known as  
7           Sound Transit, contracts with King County for the operation and  
8           maintenance of ST Express Bus service.
- 9           2. That operations and maintenance agreement, originally signed in 2015  
10          and administratively amended in 2017 and 2018, with two allotted one-  
11          year extensions, will expire December 31, 2019.
- 12          3. Sound Transit and the county desire to enter into a new agreement, to  
13          begin on January 1, 2020.
- 14          4. The agreement will benefit of the residents of King County. The  
15          partnership between King County and Sound Transit brings together  
16          operation of two complementary bus transit networks serving King  
17          County residents. In 2018, ST Express bus carried over 9.2 million  
18          passengers on King County operated routes, delivering 99.8 percent of  
19          scheduled trips.

20           5. Under RCW 39.33.050 and other authorities, the legislative bodies of  
21           King County and Sound Transit may enter into a contract for public  
22           transportation services, such as ST Express Bus operations and  
23           maintenance services.

24           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25           SECTION 1. Findings: The current operating and maintenance agreement  
26           between Sound Transit and the county expires on December 31, 2019. Unless this  
27           ordinance takes effect before that date, it will not be effective before the current  
28           agreement expires. To ensure that ST Express Bus may operate without interruption, this  
29           ordinance must take effect before December 31, 2019, so that the executive may execute  
30           the new agency agreement.

31           SECTION 2. The county executive is authorized to execute an agreement with



- 32 Sound Transit, substantially in the form of Attachment A to this ordinance, to provide ST  
33 Express Bus operations and maintenance services.  
34

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Interagency Agreement between King County Metro and Sound Transit for ST Express Bus Service Operations and Maintenance 2019, dated November 5, 2019

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**2019-0408**

**ATTACHMENT A IS AVAILABLE AT THE FOLLOWING LINK:**

[2019-0408 Attachment A](#)

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**King County**

**Metropolitan King County Council  
Mobility and Environment Committee**

**REVISED STAFF REPORT**

<b>Agenda Item:</b>	6	<b>Name:</b>	Leah Krekel-Zoppi Paul Carlson
<b>Proposed No.:</b>	2019-0408	<b>Date:</b>	November 5, 2019

**COMMITTEE ACTION**

***Proposed Substitute Ordinance 2019-0408.2 authorizing an agreement between King County and Sound Transit for operations and maintenance of Sound Transit Express Bus service, passed out of committee on November 5, 2019, with a “Do Pass” recommendation. The Ordinance was amended in committee with Amendment 1 to replace Attachment A with an updated agreement that includes non-substantive clarifications and updates, and incorporates the exhibits to the agreement.***

**SUBJECT**

An ordinance authorizing an agreement between King County and the Central Puget Sound Regional Transit Authority (known as Sound Transit) for operations and maintenance of Sound Transit Express Bus service.

**SUMMARY**

This proposed ordinance would authorize an updated agreement for King County to operate and maintain a portion of Sound Transit’s Express (ST Express) bus service. King County and Sound Transit first entered into an agreement for operating and maintaining the ST Express in 1999. That agreement was updated and extended multiple times, and is set to expire on December 31, 2019.

The proposed agreement would be for a base term of five years with the option of a three-year extension, followed by a two-year extension, and for a projected cost of approximately \$52 million in 2020. The proposed agreement maintains the vast majority of the terms from the original agreement, with modifications to include cost containment measures, provide additional data sharing and collaborative planning, provide additional cost information, reduce overhead charges, identify issues for further discussion, and update civil rights provisions.

**BACKGROUND**

Sound Transit is the Central Puget Sound Regional Transit Authority, which plans, builds and operates<sup>1</sup> express buses, Light Rail, and commuter train services for the central Puget Sound Region.

Since September 1999, King County Metro has operated a portion of Sound Transit Regional Express (ST Express) bus services. The agreement between King County and Sound Transit for operating and maintaining ST Express bus service was first approved in 1999, and updated in 2004, 2009, and 2015, with the current term expiring on December 31, 2019.

- The ST Express operating and maintenance agreement covers operation of eight bus routes and 262,000 annual platform hours. A summary of the key terms in the agreement is as follows: King County Metro operates and maintains Sound Transit ST Express buses and invoices Sound Transit for the costs.
- Sound Transit provides the buses, pays for the service, and receives the fare revenue.
- King County and Sound Transit are to consult with each other on policy decisions, service development, and planning affecting ST Express bus service.
- Sound Transit is responsible for planning and oversight of the ST Express bus system.
- King County is responsible for providing and training the staff to operate and maintain ST Express bus service, including complying with labor agreements and monitoring employee conduct and performance.
- The County must comply with federal requirements related to the federal financial assistance Sound Transit receives for ST Express, meet prescribed performance standards, and provide monthly performance reports to Sound Transit.
- The agreement establishes a process for financial authorization and payment for services, which involves establishing a baseline cost to provide the planned level of service. The baseline cost includes both direct and indirect costs shared with other County operations. The County then provides monthly invoices to Sound Transit for 1/12<sup>th</sup> of the baseline cost and any additional task orders or extra services.
- Either the County or Sound Transit can terminate the agreement with 12 months prior notification. Alternatively, the agreement can be terminated due to default with 30 days written notice and an opportunity for the defaulting party to remedy the default.
- Amendments and revisions to the exhibits of the agreement can be made by the Sound Transit Executive Director of Operations and the General Manager of Metro, however, the agreement states that amendments to policies contained within the agreement are subject to approval of the Sound Transit Board of Directors and the King County Council.

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<sup>1</sup>Through contracts with service providers.

## ANALYSIS

### Agreement Terms and Key Changes

A summary of the key changes in the proposed agreement compared to the current agreement is as follows:

- **Term<sup>2</sup>:** The proposed agreement is for a base term of five years, with options for two extensions totaling up to five additional years (the first extension would be for three years and the second would be for an additional two years). The current agreement was for a base term of three years, with two one-year optional extensions.
- **Joint Leadership Team<sup>3</sup>:** The proposed agreement would establish a Joint Leadership Team<sup>4</sup> charged with monthly review of service performance, and identifying areas of performance and continuous improvement.
- **Information Sharing<sup>5</sup>:** The proposed agreement would add language stating that Sound Transit and King County Metro will share disclosable data as it becomes available, including access to reports, databases, data sharing tools and business analytics dashboards for operations, vehicle maintenance, planning, safety, and security data and information. The current agreement only requires monthly performance reports and states that as Metro develops new data collection technology, Metro will make that data available to Sound Transit in a timely manner.
- **Planning<sup>6</sup>:** The proposed agreement would clarify the process and timeline for planning bi-annual service changes. The proposed agreement also adds a provision for Metro and Sound Transit to meet annually to review and comment on each agency's mid- and long-range plans. Additionally, the proposed agreement would add a requirement for either agency to provide four months prior notice of significant route changes.
- **Fleet Costs<sup>7</sup>:** The proposed agreement would add two provisions related to fleet costs. First, the annual discussion on the condition of the fleet, as required by the current agreement, would be required to include discussion of strategies for coach standardization and other efficiencies to reduce costs. Second, the proposed agreement would state that the County will provide storage and maintenance facilities for up to 125 Sound Transit buses (the current agreement does not specify the number of buses the County would store), and that above 125 buses, storage and maintenance facilities cost will be negotiated by task order.
- **Costs and Overhead<sup>8</sup>:** The proposed agreement would provide additional specificity and transparency about how the County's indirect costs are determined in the County's cost allocation model. The cost allocation model would also be modified to exclude general county overhead costs, and the

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<sup>2</sup> Section 23.2

<sup>3</sup> Section 6.4

<sup>4</sup> This Joint Leadership Team is separate from the Joint Leadership Team established in the 2019 Link Light Rail Operations and Maintenance Agreement, approved by Ordinance 18914.

<sup>5</sup> Section 6.5.1

<sup>6</sup> Section 7.2

<sup>7</sup> Sections 8.3, 8.4

<sup>8</sup> Section 12

county overhead charge would be capped at 6.3 percent of ST Express operations and maintenance costs.

- **Issues for Further Consideration<sup>9</sup>:** The proposed agreement would identify two areas for further conversations between Metro and Sound Transit. The first would be discussions regarding actionable items for the recognition of King County Metro as the operator of ST Express Bus, with the goal of reaching an agreement on public facing recognition in 2020. The second would be conversations exploring planning and operations of Sound Transit’s Bus Rapid Transit service<sup>10</sup>.
- **Nondiscrimination<sup>11</sup>:** Updates nondiscrimination provisions to include Title VI compliance requirements consistent with the Sound Transit and King County Title VI programs.

Table 2 at the end of this staff report provides a complete list and description of each section and exhibit of the proposed agreement.

## Overhead

As noted above, the overhead costs charged to Sound Transit are proposed to change in the updated agreement. Under the proposed agreement, Sound Transit would continue to pay overhead costs for King County Human Resources, King County Information Technology, Business Resource Center, Finance and Business Operations Division, and Office of Performance Strategy and Budget. However, the proposed agreement would exempt one category of overhead that Sound Transit has been paying under the current agreement: general government overhead, which includes the King County Council and Council Administration, the King County Executive’s Office, the King County Auditor, Executive Services Administration, the Office of Economic and Financial Analysis, King County Civic Television, the Office of Equity and Social Justice, Real Estate Services, and State Auditor. According to Metro, the rationale for this change is that it reflects that Sound Transit has its own governance and management structure, and it matches the precedent set in the Link Light Rail operating and maintenance agreement adopted earlier this year<sup>12</sup>. As in the current agreement, the proposed agreement would continue to exempt Sound Transit from overhead related to the King County General Manager’s Office, Passenger Facilities Maintenance, and Transit Route Facilities Development and Administration. The rationale for these exemptions, according to Metro, are that Sound Transit has its own management and leadership structure, and to reflect the regional “good neighbor” policy.

Table 1 provides a comparison of the overhead charges in the proposed ST Express operating and maintenance agreement, compared to the previous agreement and other Metro operating agreements. One agreement in this comparison, the Seattle Streetcar operating and maintenance agreement, is expiring; a proposed update to the agreement<sup>13</sup> has been transmitted to Council but is still being analyzed.

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<sup>9</sup> Section 19

<sup>10</sup> As part of the voter-approved ST3 plan, Sound Transit will implement bus rapid transit service in the I-405 and SR 522 corridors.

<sup>11</sup> Section 20.3

<sup>12</sup> Ordinance 18914

<sup>13</sup> Proposed Ordinance 2019-0409



According to Metro, the proposed change in overhead charges would reduce the contract cost by approximately \$600,000 per year.

**Table 1. Metro Operating Agreements Overhead Comparison**

Overhead charge	Agreement					
	Proposed ST Express	Current ST Express	ST Rail (updated in 2019)	Seattle Bus	Seattle Streetcar (expiring in 2019)	Transit Now/ other partnerships
<b>Metro General Manager's Office</b>	Excluded	Excluded	Excluded	Excluded	Included	Included
<b>General Government</b>	Excluded	Included	Excluded	Included	Included	Included
<b>KCIT</b>	Included	Included	Included	Included	Included	Included
<b>FBOD</b>	Included	Included	Included	Included	Included	Included
<b>PSB</b>	Included	Included	Included	Included	Included	Included

Additionally, the proposed agreement would cap total County overhead charges at 6.3 percent. In 2017 through 2019, total overhead charges specified by the contract ranged from 5.2 – 6.1 percent, so Metro does not expect the 6.3 percent cap to have a fiscal impact and states that limiting overhead growth is consistent with County goals.

**Fiscal Impact**

According to the Executive, the agreement is projected to cost \$52,363,834 in 2020, and \$107,513,005 in the 2021-2022 biennium. These costs would be fully revenue-backed.

**AMENDMENT**

Amendment 1 would replace Attachment A to Proposed Ordinance 2019-0410 with an updated agreement that includes non-substantive clarifications and updates. The amendment would also incorporate the exhibits to the agreement.

The proposed amendment has undergone legal review and was developed in cooperation with Metro and Sound Transit staff.

**Table 2. Agreement Sections**

Section	Description	Page
Preamble	Describes Sound Transit and County authority to operate public transportation services and enter into the agreement	7
1. Definitions	Definitions are contained in Attachment A.	7
2. Federal Requirements	Provides that King County, as a contractor, will adhere to federal requirements that Sound Transit must comply with in order to receive federal funds. Lists requirements relating to: (1) National Transit Database (NTD) data reporting, (2) Americans with Disabilities Act (ADA) related matters, (3)	7

	<p>security and (4) safety.</p> <p>Exhibit I lists additional federal requirements: As a transit operator and federal funding recipient, Metro must comply with these requirements anyway.</p> <p>2.3 states that security is not limited to federal requirements and data collection: This section states that Metro will provide security services on Sound Transit buses operated by Metro in accordance with Metro's current standard security procedures.</p>	
3. General Requirements	Addresses coordination, records and audits, subcontracting, prioritization of applicable operating policies, specialized training, and Environmental Sustainability. See Exhibits J and K.	12
4. Cooperation	States that the Parties will engage in cooperative planning for long range needs, fares, security and other issues.	14
5. Role of Sound Transit	Describes Sound Transit's role in coordinating ST Express bus policy with Metro, service planning, and oversight of Metro implementation of this Agreement.	15
6. Personnel and Performance Standards	Provides that Metro will provide personnel, address unsatisfactory employee conduct, meet performance standards provided in Exhibit D, and report on performance using the formats provided in Exhibits E and F.	16
7. Route Planning/Scheduling	Defines the service planning process including timelines for service change planning.	19
8. Vehicle Maintenance	Defines vehicle maintenance standards, including compliance with local, state, and federal laws and regulations, responsibilities for maintenance, warranty and recall, fuel, parts, cleaning and recordkeeping.	23
9. Operations	<p>Provides that Metro will manage all aspects of the street operation of bus service and provide needed personnel and resources. Service to be consistent with Metro procedures except as provided in this Agreement or Exhibit J (Sound Transit Express Bus policies).</p> <p>Provides for cross use of fleets, response to</p>	27

	service disruptions, extra service, and revenue processing (King County processes fare revenue, which is credited to Sound Transit.)	
10. Customer Services, Marketing and Media Relations	Defines Parties' responsibilities for customer services, customer communication, and marketing including advertising on Sound Transit vehicles and media relations.	31
11. Maintenance and Operations of Facilities	Addresses passenger facility use and maintenance. States that Parties will adhere to the "Good Neighbor Policy" (Exhibit L) unless separate agreement is addressed.	35
12. Financial Authorization, Compensation and Payment	Establishes the process for Metro to invoice Sound Transit monthly for services, including extra service, recordkeeping, and year-end reconciliation. Exhibit G includes financial forms.	37
13. Dispute Resolution	Establishes a multi-step process for resolving disputes, including mediation, that must be exhausted before legal action is initiated.	44
14. Insurance and Risk Management Program	States that King County will provide insurance coverage as set forth in Exhibit M: Insurance and Risk Management Program.	45
15. Indemnification and Defense	Addresses General Indemnity, Labor Indemnity, and Labor Compliance.	45
16. Excuse from Performance	Defines conditions that would excuse the Parties from providing service, including natural disaster, labor disputes, war, or other conflicts beyond the Parties' control.	46
17. Termination of Agreement	Provides for termination for default and for convenience; states that the Parties will develop a coordinated plan to terminate services; defines close-out cost payments; in case of termination for default, Sound Transit would not be responsible for contract close-out costs.	46
18. Legal Compliance	Addresses multiple issues including Amendments and Modifications.	47
19. Additional Issues for Further Consideration	Identifies Recognition of King County Metro as ST Express bus operator and Sound Transit Bus Rapid Transit service as issues for further discussions.	50
20. Statutory Requirements	Identifies statutory requirements include	50

	compliance with Civil Rights statutes.	
21. Notice	Lists Sound Transit and Metro contacts.	54
22. Exhibits	States that Exhibits A through P are incorporated into the Agreement by reference.	54
23. Effective Date and Term	Agreement effective when executed by both Parties. First year of term ends 12/31/2020; expires 12/31/2024, with option to extend for an additional three-year period, followed by an option to extend for an additional two-year period.	54
24. Execution of Agreement	Signing of the agreement.	55
<b>Exhibits</b>		
A. Definitions	Provides definitions of terms used in the agreement	
B. ADA Complaint Summary	Provides form to use for ADA complaints	
C. Designated Representatives	Lists designated representatives	
D. Performance Standards	Form: performance standards; Section 6.4 requires Metro to meet or exceed these standards and report on them monthly.	
E. National Transit Database Reports	Forms used to report on route statistics and other information that is reported to the National Transit Database (NTD).	
F. Management Reports	List of reports required for NTD and additional forms besides those in Exhibit E.	
G. Compensation	Forms for rate setting, monthly invoices, and timing of financial data submission.	
H. Bus Cleaning Matrix	List of bus cleaning tasks and frequency.	
I. FTA Provisions	Defines federal requirements that Metro, as a contractor to Sound Transit, must meet. (Section 2.0)	
J. ST Express Policies and Procedures	ST Express Policies for Operations, Customer Service, and Fares. Metro operates ST bus service according to Metro standard procedures unless this Agreement or Exhibit J provide otherwise.	
K. Multiple-Agency Signage Responsibilities	Draft matrix of transit facilities identifying each agency's responsibility for signage.	
L. Good Neighbor Policy	Multi-agency policy on joint facility use and cost-sharing.	
M. Insurance and Risk Management Program	Defines County's Liability and Property insurance obligation and provides that Sound Transit will be billed.	
N. ST Environmental	Sound Transit "Environmental and Sustainability Management System" and	

Sustainability Information	related Executive Order (Section 3 provides that Metro must certify that responsible Metro staff have read these documents and will make reasonable efforts to perform work in a manner consistent with these documents.	
O. ST Express Bus Operations Task Order	Form	
P. Federal Transit Administration Provisions	Incorporates required provisions related to receiving federal funding.	



**Signature Report**

**Ordinance**

**Proposed No.** 2019-0410.2

**Sponsors** Gossett and McDermott

1                   AN ORDINANCE establishing the alignment and station  
2                   locations of, and meeting federal assistance conditions for,  
3                   the RapidRide G Line (Seattle).

4                   STATEMENT OF FACTS:

5                   1. Via Ordinance 18449, enacted January 23, 2017, the King County  
6                   council adopted and executive signed King County Metro's long-range  
7                   transit service and capital plan, METRO CONNECTS, which identifies an  
8                   expanded network of future RapidRide lines for implementation, including  
9                   the G Line, serving the Madison Street corridor, which connects  
10                  employment and educational institutions with regional transit in Seattle.

11                  2. Via Ordinance 18301, enacted June 16, 2016, the council approved the  
12                  2015 update to Metro's Strategic Plan for Public Transportation 2011-2021  
13                  and associated Service Guidelines. The plan describes current and future  
14                  planning work required to implement additional RapidRide bus rapid  
15                  transit service in King County.

16                  3. Via Ordinance 18409, enacted November 27, 2016, the council adopted  
17                  and executive signed the 2017-2018 Biennial Budget Ordinance, included  
18                  Section 132, Provisos P4 and P5 requiring the Metro transit department to  
19                  submit reports describing the process for implementing new RapidRide

20 lines.

21 4. Via Motion 14956, enacted September 18, 2017, the council approved  
22 Proviso P5, titled Implementation of New RapidRide Lines/METRO  
23 CONNECTS RapidRide Expansion, which identifies the G Line as one of  
24 the first two next generation RapidRide lines to be implemented.

25 5. Via Ordinance 18835, enacted November 13, 2018, the council adopted  
26 and executive signed the 2019-2020 Biennial Budget, including the capital  
27 project 1132324 to implement the RapidRide G Line.

28 6. Starting in 2014, Metro and the Seattle Department of Transportation  
29 ("SDOT") conducted public outreach concerning proposed alignment and  
30 station locations for the RapidRide G Line in the Madison Street and  
31 Spring Street corridors. SDOT as the lead agency conducted several  
32 rounds of community engagement regarding station locations and  
33 proposed right of way improvements, street and facility design and  
34 proposed transit priority treatments, consistent with bus rapid transit  
35 concepts. Those engagement efforts included engagement with transit  
36 riders, non-transit riders, institutions, hospitals, businesses and community  
37 organizations.

38 7. The Proviso P5 report states that specific routing shall be determined  
39 by the council and be consistent with the corridor descriptions in the  
40 Proviso P5 report.

41 8. The proposed G Line alignment is consistent with the corridor  
42 descriptions in the Proviso P5 report.



43           9. The RapidRide G Line will compete to receive \$60,000,000 in federal  
44           grant funding from the Federal Transit Administration's Small Starts grant  
45           program, with the goal of entering into a Small Starts grant agreement in  
46           2020.

47           10. The Federal Transit Administration requires that Small Starts grant-  
48           funded projects operate transit service at the level specified in the grant  
49           agreement for a defined period of performance. The period of  
50           performance for such service level commitments is at the discretion of the  
51           Federal Transit Administration and is a prescribed condition of receiving  
52           federal financial assistance.

53           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

54           SECTION 1. The RapidRide G Line (Seattle) alignment, including general  
55           station locations, substantially as set forth in Attachment A to this ordinance, is hereby  
56           approved to allow design and construction of RapidRide infrastructure and facilities  
57           design and construction.

58           SECTION 2. Before the implementation of RapidRide service, the executive  
59           shall notify the King County council and the affected city of any substantial changes to  
60           station locations. The notice to the council shall be filed in the form of a paper original  
61           and an electronic copy to the clerk of the council, who shall retain the original and  
62           provide an electronic copy to all councilmembers. Following implementation, the Metro  
63           transit department shall consult with the affected city before making any changes to the  
64           routing or station locations.

65           SECTION 3. Before the start of RapidRide G Line service, the executive shall

66 submit a service change ordinance in accordance with K.C.C. 28.94.020 that identifies  
67 hours of operation and service levels by period of the day.

68 SECTION 4. For the purpose of securing federal financial assistance for the  
69 development and implementation of RapidRide G Line capital projects as documented in  
70 the six-year capital improvement program, the executive or designee is authorized to  
71 enter into a RapidRide G Line project agreement that includes defined service level  
72 commitments as a prescribed condition of receiving federal funds provided that the  
73 following conditions are met:

74 A. The contractual service commitment does not exceed the period of  
75 performance specified in the federal grant agreement; and

76           B. The contractual service commitment does not exceed five years from the  
77 opening of revenue service.  
78

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. RapidRide G Line Overview, B. RapidRide G Line Alignment Public Engagement Summary

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## RapidRide G Line

Madison Street Bus Rapid Transit (Madison Street BRT) will provide fast, frequent, reliable, and safe public transportation between 1st Ave in downtown Seattle and Martin Luther King Jr Way East. The route will serve medical and educational institutions and other employment centers, densely developed neighborhoods in downtown Seattle, First Hill, Capitol Hill, the Central Area, and Madison Valley. It will connect to dozens of bus routes, Link light rail, the First Hill Streetcar, and ferry service at the Colman Dock Ferry Terminal.

### Station Locations

There will be a total of 21 stations, including the western terminal (1<sup>st</sup> Avenue) and 10 stations in each direction. From west to east (outbound, away from downtown), stations are proposed to be located at:

- **1st Ave and Spring Street**
- **Madison Street and 3rd Ave**
- **Spring Street and 3rd Ave**
- **Madison Street and 5th Ave**
- **Spring Street and 5th Ave**
- **Madison Street and 8th Ave**
- **Spring Street and 8th Ave**

The following three stations on Madison Street will utilize center island platforms serving both inbound and outbound service on respective sides of the platform.

- **Madison Street and Terry St**
- **Madison Street between Summit Avenue and Boylston Avenue**
- **Madison Street between 12th Avenue and 13th Avenue**

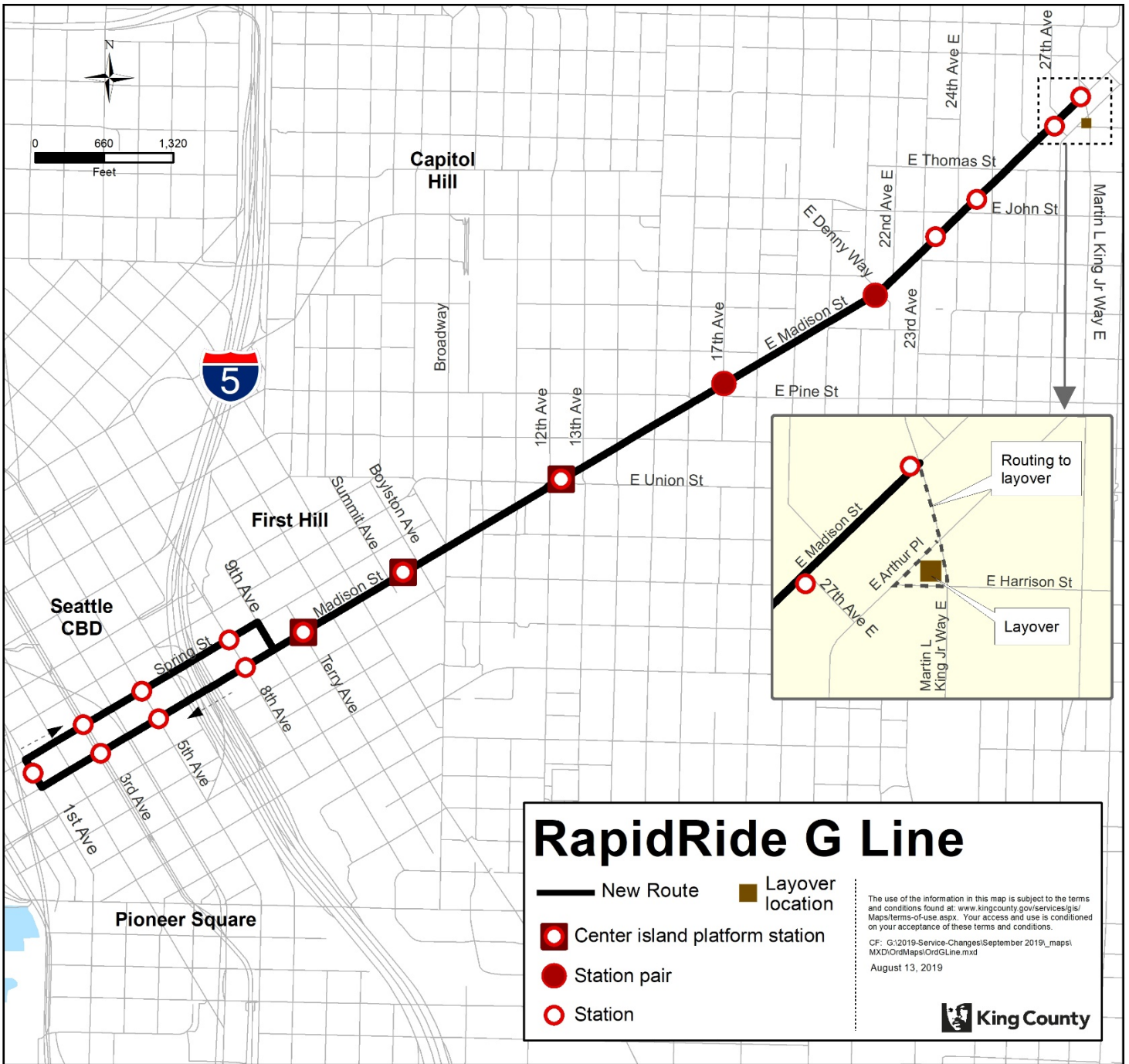
The following intersections will have a station pair located on either side of Madison Street.

- **Madison Street and 17th Ave**
- **Madison Street and E Denny Way/22nd Ave**
- **Madison Street and 24th Ave**

The western most station pair is separated by a block to accommodate transit transfers and traffic operations at the Madison Street and Martin Luther King Jr Way E intersection.

- **Madison Street and 27th Ave** (Outbound away from downtown)
- **Madison Street and Martin Luther King Jr Way E** (Inbound towards downtown)

G Line stations have an average spacing of less than one-fourth of a mile apart. This station spacing reflects consideration of RapidRide design standards, and a number of factors that guide RapidRide stop/station optimization, including development density, development patterns, potential ridership, safety, traffic control, and customer accessibility.



**2019-0410**

**ATTACHMENT A IS AVAILABLE AT THE FOLLOWING LINK:**

[2019-0410 Attachment B](#)

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**King County**

**Metropolitan King County Council  
Mobility and Environment Committee**

**REVISED STAFF REPORT**

<b>Agenda Item:</b>	7	<b>Name:</b>	Leah Krekel-Zoppi
<b>Proposed No.:</b>	2019-0410	<b>Date:</b>	November 5, 2019

**COMMITTEE ACTION**

*Proposed Substitute Ordinance 2019-0410.2 establishing the alignment and station locations for Metro Transit’s RapidRide G Line serving the Madison Street corridor in Seattle, passed out of committee on November 5, 2019, with a “Do Pass” recommendation. The Ordinance was amended in committee with Amendment 1 to authorize the Executive to enter into a project agreement that requires a defined service level commitment to operate the G Line for up to five years after the line opens.*

**SUBJECT**

An ordinance establishing the alignment and station locations for Metro Transit’s RapidRide G Line serving the Madison Street corridor in Seattle.

**SUMMARY**

The proposed RapidRide G Line, serving the Madison Street corridor in Seattle, was identified in Seattle’s Transit Master Plan, and later as part of an extended RapidRide network envisioned in King County’s METRO CONNECTS Long-Range Plan. Seattle will be providing the majority of funding for the \$121.4 million capital costs of the project; Seattle’s share of funding includes several secured grants and there is a pending application to the Federal Transit Administration (FTA) for a \$60 million federal Small Starts grant. King County’s portion of funding for RapidRide G Line design and construction was appropriated in the 2019-2020 Biennial Budget. Proposed Ordinance 2019-0410 would establish the alignment and station locations for the G Line, allowing the project to move forward with the federal grant application and construction in order for service to begin in 2022.

The proposed alignment for the G Line was established through a process conducted by the City of Seattle to identify a locally preferred alternative. The public outreach process for selection and design of the corridor was carried out in a manner consistent with Seattle’s Race and Social Justice Initiative, according to Seattle staff. The

proposed G Line alignment and design is estimated to provide bus riders with a 5-7 minute improvement in travel time compared to current conditions.

King County would own and operate the G Line. As a condition of receiving federal Small Starts grant funding, King County would be required to enter into an agreement committing to operate service on the G Line at a specified level for up to five years.

## **BACKGROUND**

### **RapidRide Implementation 2006 - Present**

The first RapidRide lines were proposed as part of the successful 2006 King County Transit Now ballot measure, which added 0.1 percent to the King County Metro dedicated sales tax. Transit Now included a commitment to implement the first RapidRide lines (Lines A-E) and described RapidRide as including:

- High frequency operation
- Faster, more reliable trip times through exclusive, HOV or Business Access and Transit (BAT) lanes and/or priority at intersections through transit signal priority or queue jumps;
- Improved shelter waiting areas with real-time information at major stops;
- Low emission hybrid diesel-electric buses; and
- Branded buses and facilities with a unique ride and feel.

The RapidRide alignments were established by ordinance, and each line’s bus service start date and frequency were defined by a service change ordinance. At the Council’s direction, the RapidRide F Line was added. Table 1 summarizes these changes.

**Table 1. RapidRide Lines A-F Alignment and Service Change Ordinances**

<b>Line</b>	<b>Alignment Ordinance</b>	<b>Service Change Ordinance</b>	<b>Service Start</b>
<b>A</b>	16725 (12/14/2009)	16844 (5/24/2010)	<b>October 2010</b>
<b>B</b>	16725 (12/14/2009)	17100 (5/31/2011)	<b>October 2011</b>
<b>C</b>	16725 (12/14/2009)	17320 (5/7/2012)	<b>September 2012</b>
<b>D</b>	16725 (12/14/2009)	17320 (5/7/2012)	<b>September 2012</b>
<b>E</b>	17391 (7/30/2012)	17584 (5/13/2013)	<b>February 2014</b>
<b>F</b>	17391 (7/30/2012)	17584 (5/13/2013)	<b>June 2014</b>

Note: Ordinance 18132, adopted 10-19-2015, revised the C and D Line alignments; the City of Seattle picked up the costs of the added service hours.

As implemented, RapidRide features include well-spaced stops, on-board WIFI, larger and well-lit branded shelters, real time bus arrival signs, One Regional Card for All (ORCA) readers that let card holders pay at some bus stops and board through any of the distinctive red buses’ three doors, and a variety of “intelligent transportation systems” (ITS) to help keep buses moving quickly.

Metro states that rider satisfaction surveys indicate that RapidRide is recognized by riders as a higher quality service, and that ridership growth has outpaced regular Metro service. As of 2018, combined ridership on the six active RapidRide lines had grown 75 percent relative to the pre-RapidRide ridership.

## RapidRide Expansion and METRO CONNECTS

In 2015-2016, King County Metro worked with cities and other transportation agencies to develop the METRO CONNECTS Long Range Plan service network<sup>1</sup>. To implement the vision of an extensive, frequent service network, Metro included additional RapidRide lines in various parts of the county, proposing 13 new RapidRide Lines by 2025, with a total of 26 by 2040. Seven of the lines would be Move Seattle RapidRide Lines that were included in the 2015 Move Seattle ballot measure approved by Seattle voters for development in partnership with Metro.

Appendix G to the METRO CONNECTS Long Range Plan explains the process for evaluating potential new RapidRide lines. Current and future productivity, social equity, and geographic value measures are used to identify candidate corridors.

Though building on the foundation of the current RapidRide Lines A-F, future RapidRide Lines are expected to require large investments to feature more Bus Rapid Transit (BRT) characteristics, as described in the METRO CONNECTS plan:

“METRO CONNECTS envisions RapidRide service with much more investment in speed and reliability improvements to achieve more robust BRT. We would target operating 50 percent of RapidRide service in transit-only lanes, and would make additional improvements to reduce delays caused by major bottlenecks, traffic signals, boarding, and other sources.”<sup>2</sup>

Since adoption of METRO CONNECTS, Metro has revised the timeline, with the 2019-2020 Biennial Budget showing plans for implementing seven new RapidRide lines by 2027, with the additional 13 to be delivered at a later time. Table 2 lists the proposed new RapidRide lines and target implementation dates as of October 2019. The Move Seattle RapidRide lines are in italics.

**Table 2. RapidRide Implementation Schedule, 2021-2027**

<b>Assigned Letter</b>	<b>To / via / from</b>	<b>Target opening</b>
<b>G</b>	<i>Madison: Madison Valley/E Madison St/ Seattle Central Business District (CBD)</i>	2022
<b>H</b>	<i>Delridge: Burien TC/ Westwood Village/ Seattle CBD</i>	2021
<b>I</b>	Renton/ Kent/ Auburn	2023

<sup>1</sup> Ordinance 18449 and <http://metro.kingcounty.gov/planning/long-range-plan/>

<sup>2</sup> METRO CONNECTS Long Range Plan, page 22

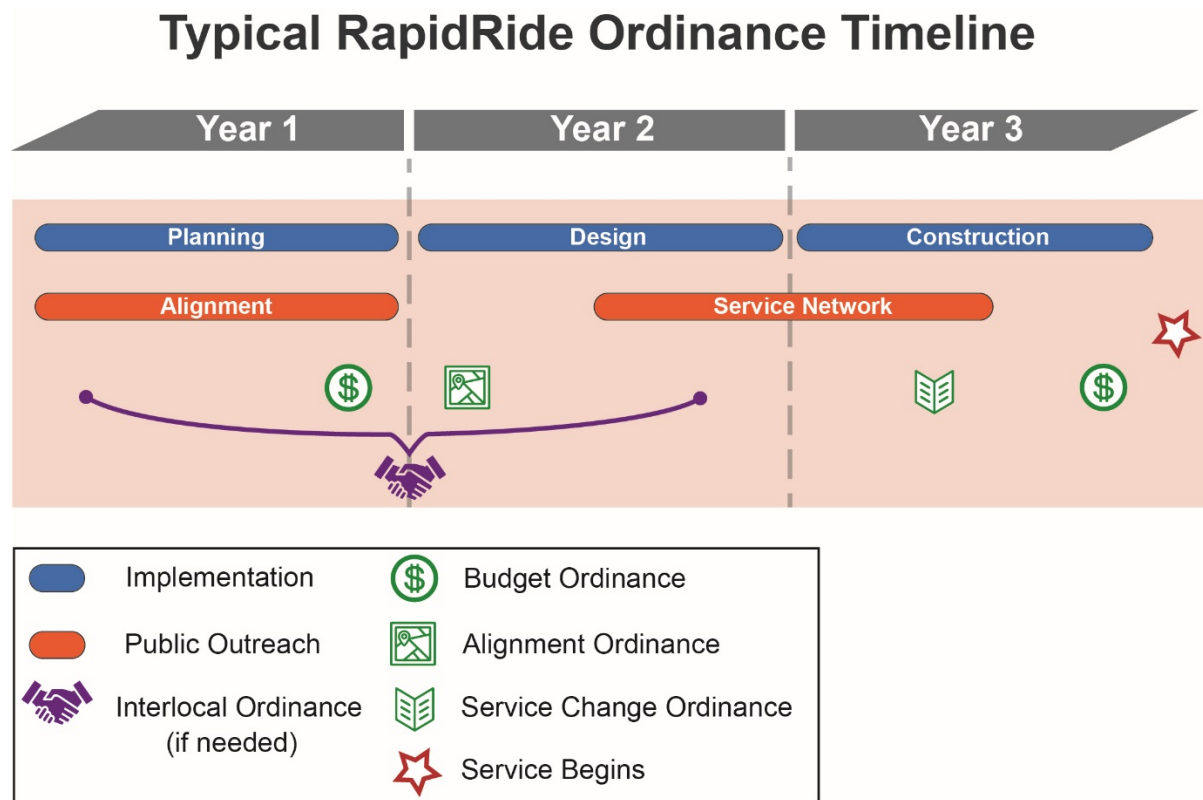
Assigned Letter	To / via / from	Target opening
R	<i>Rainier:</i> Seattle CBD/ Mt. Baker/ Rainier Beach	2024
J	<i>Roosevelt:</i> Seattle CBD/ Eastlake/ Roosevelt	2024
K	Totem Lake/ Bellevue/ Eastgate	2025
TBD	East or South King County Line (TBD)	2027

The Council approved the alignment and station locations for the RapidRide H Line, which will serve Burien, Delridge, and Downtown Seattle, in May 2019<sup>3</sup>.

### RapidRide G Line Implementation and Funding

Figure 1 shows the typical process and timeline for implementing a RapidRide line, which includes identifying capital funding through a budget ordinance, establishing the alignment, and adopting a service plan for the route.

Figure 1. Typical RapidRide Ordinance Timeline



In the case of the G Line, the budget ordinance and proposed alignment ordinance are occurring later than typical in the design phase because the project was initiated by Seattle in 2014 and not determined to be a RapidRide partnership with King County Metro until METRO CONNECTS was developed in 2016.

<sup>3</sup> Ordinance 18894

In the 2017-2018 Biennial Budget, the Council included provisos<sup>4</sup> requiring Metro to submit reports describing the process for implementing new RapidRide lines. In response, the Executive transmitted a report titled “Implementation of New RapidRide Lines/METRO CONNECTS RapidRide Expansion,” which identified the G Line as one of the first two next generation RapidRide lines to be implemented, with specific routing to be determined by the Council. The Council approved the report in September 2017<sup>5</sup>.

Seattle has been the lead of the G Line project, with a planned contribution of up to \$118 million towards the estimated \$121.4 million capital costs for the project. Portions of Seattle’s contributions include \$28.5 million from Sound Transit, \$2.5 million from the state, \$9.7 million from the Federal Highway Administration, and applying for a \$60 Federal Transit Administration (FTA) Small Starts grant<sup>6</sup>.

Metro’s capital funding contributions of \$10.5 million<sup>7</sup> for RapidRide G Line implementation and \$3.4 million for fleet were included in the adopted 2019-2020 Biennial Budget. The County’s funding is for Metro staff time to plan, design, and implement the project, and to install Metro-owned assets in the corridor, such as shelters, real time information signs, trash bins, and ORCA fare collection equipment; some of these costs are anticipated to be reimbursed by Seattle through funding received from the Small Starts grant.

Other capital improvements in the corridor, funded by partnership dollars, will involve major reconfiguration of the corridor to provide improvements in speed and reliability, safety, and connectivity. Such improvements would include:

- Stations with passenger amenities, including branded RapidRide shelters, off-board fare payment, and real-time arrival information.
- New pavement, dedicated transit lanes, and new bike lanes.
- Transit signal priority at intersections.
- Reconfigured intersections with new crosswalk and bike box markings, separation between pedestrian and bicycle paths, expanded sidewalk space, and restricted turn movements to facilitate pedestrian and bicycle safety.

The County will also be providing the fleet of RapidRide vehicles for the G Line<sup>8</sup>, which will operate with 13 RapidRide branded five-door sixty foot diesel-electric hybrid buses<sup>9</sup>.

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<sup>4</sup> Ordinance 18409, Section 132, Provisos P4 and P5

<sup>5</sup> Motion 14956

<sup>6</sup> According to information provided by Metro during adoption of King County’s 2019-2020 Biennial Budget.

<sup>7</sup> Ordinance 18835, capital project 1132324

<sup>8</sup> According to the Amended and Restated Agreement between the City of Seattle and King County Concerning Fleet Purchase for the Madison Street Bus Rapid Transit Project, RapidRide G Line fleet funding would be divided between the federal Small Starts grant, which would provide funding to purchase nine coaches, and King County, which would provide funding to purchase the additional four coaches.

<sup>9</sup> As the service in the Madison Street corridor is currently provided through a combination of electric trolley buses and diesel-electric hybrid buses, utilization of all-electric buses was explored for the G Line, but according to Metro, bus manufacturers were not able to deliver all-electric buses meeting the specifications needed for the corridor.

Using buses with doors on both sides of the vehicle will allow the buses to use the three center platform stations proposed for the alignment.

## **ANALYSIS**

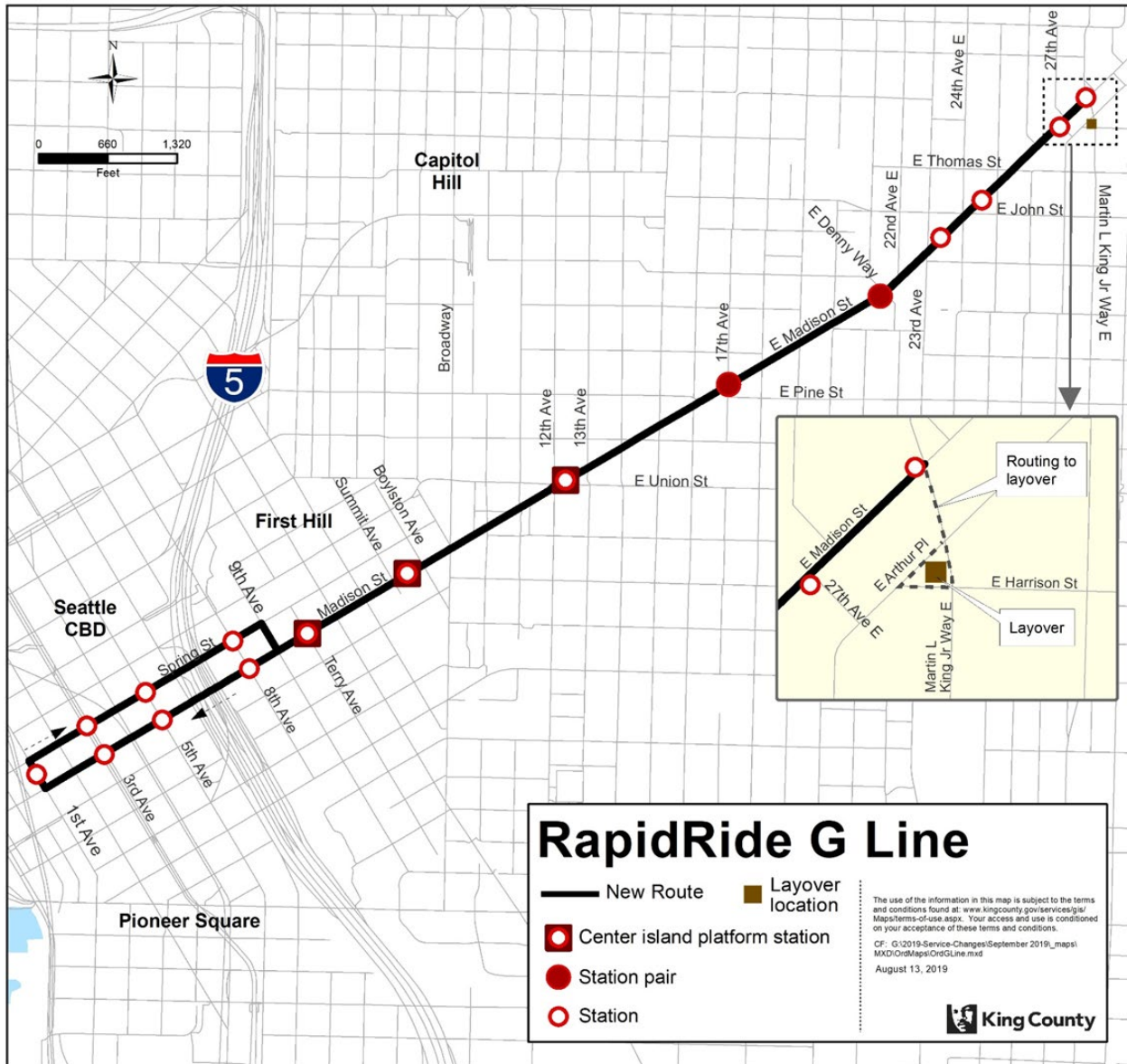
### **Proposed RapidRide G Line Alignment**

Proposed Ordinance 2019-0410 would establish the alignment and station locations for the G Line. Approval of the alignment and station locations would allow Metro to complete design of the capital elements of the G Line and move forward with the FTA Small Starts grant application and construction. The service for RapidRide G Line would be established by the Council through a service change ordinance in 2021 or 2022.

As proposed, the G Line would replace service on Metro's Routes 11 and 12 along the Madison Street corridor and would travel 2.3 miles from 1<sup>st</sup> Avenue near the Downtown Seattle waterfront to Martin Luther King, Jr. Way E in the Central District of Seattle, serving Downtown, First Hill, Capitol Hill, Madison Valley, and the Central District.

Figure 2 shows the proposed G Line alignment, and Attachment 6 shows a comparison between existing routes and stops in the area, and the proposed G Line alignment and stations. The proposed RapidRide G Line alignment would connect to dozens of bus routes, the First Hill Streetcar, and ferry service at the Colman Dock Ferry Terminal.

**Figure 2: Proposed RapidRide G Line Alignment and Stations**



The proposed G Line alignment was developed through a local planning process conducted by the City of Seattle as a component of positioning the project for federal funding. In 2016, Seattle selected a locally preferred alternative (LPA) that was approved by the Mayor and City Council. Proposed Ordinance 2019-0410 is consistent with the LPA adopted by Seattle.

The G Line is proposed to have 21 stations, including three center island platform stations, located an average of less than one-quarter of a mile apart. The proposed station locations for the G Line are:

- 1st Ave and Spring Street (eastbound)
- Madison Street and 3rd Ave (westbound)
- Spring Street and 3rd Ave (eastbound)
- Madison Street and 5th Ave (westbound)
- Spring Street and 5th Ave (eastbound)

- Madison Street and 8th Ave (westbound)
- Spring Street and 8th Ave (eastbound)
- Madison Street and Terry St (center platform both directions)
- Madison Street between Summit Avenue and Boylston Avenue (center platform both directions)
- Madison Street between 12th Avenue and 13th Avenue (center platform both directions)
- Madison Street and 17th Ave (both directions)
- Madison Street and E Denny Way/22nd Ave (both directions)
- Madison Street and 24th Ave (both directions)
- Madison Street and 27th Ave (eastbound)
- Madison Street and Martin Luther King Jr Way E (westbound)

Approximately 85 percent of the people boarding at existing stops in the proposed G Line corridor would have no more than a block to travel to reach a proposed G Line stop<sup>10</sup>.

## Public Engagement

The G Line corridor along Madison Street is home to a diverse community, with census tracts directly south of Madison Street containing a percentages of people of color of 36 – 57 percent<sup>11</sup>; and several major employers and destinations, including Virginia Mason Hospital, Kaiser Permanente Capitol Hill Campus, Swedish Medical Center, Seattle University, and Seattle Central College.

The City of Seattle identified the Madison Street corridor as a priority for high-capacity transit in the 2012 Seattle Transit Master Plan, and began public engagement for the corridor in 2014, before Metro’s participation in the project was identified. Thus the City of Seattle has conducted the public engagement for the corridor. Seattle’s public engagement efforts related to Madison Street bus rapid transit began in September 2014 and have continued through fall of 2019 in several phases:

- September 2014 – Fall 2015: A **local planning process** to determine the LPA
- August 2016 – August 2019: Three rounds of outreach on various **design phases**, including 90 percent design in 2019

Seattle’s outreach efforts have included the following:

- Open houses, including an online open house
- Design workshops
- Community meetings
- Online surveys
- Door-to-door outreach to businesses on or near the corridor

For the **local planning process**, Seattle solicited participation in outreach efforts through mailers, email, the Seattle Transit Blog, the Capitol Hill blog, the First Hill Improvement Association, and Seattle Department of Transportation website. According

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<sup>10</sup> Seattle Department of Transportation RapidRide G Line Alignment Public Engagement Summary

<sup>11</sup> Seattle Department of Transportation RapidRide G Line Alignment Public Engagement Summary



to Seattle, public and stakeholder input during the local planning process helped inform development of project design priorities and alignment alternatives. Project decisions informed by this phase of design were: the configuration of bus lanes (including having center-running bus lanes), stations, and street design; the eastern and western terminals of the line; and the eastbound alignment in Downtown Seattle.

For the **design process**, Seattle solicited public engagement participation through email notifications and mailers translated into six languages, web and print advertisements in local media outlets including translated advertisements in ethnic media outlets, and door-to-door outreach to businesses on or near Madison Street. Public feedback during the design phase helped refine the design related to sidewalk and pedestrian access, parking and loading zones, station design, and the bus layover area. Feedback from business and property owners along the corridor also influenced the construction phasing plan for the project.

According to Seattle, staff led the G Line outreach in a manner consistent with the Seattle Race and Social Justice Initiative. In fall of 2015, after the public engagement process for the LPA had concluded but prior to outreach on the project design, Seattle staff conducted a Racial Equity Toolkit for the project, laying out strategies and considerations to address the impacts of the project on racial equity. Public outreach for the design phase was conducted by a project team with experience doing inclusive outreach to traditionally underrepresented populations.

The City of Seattle provided a letter of support for the G Line alignment, available as Attachment 7 to this staff report.

### **Consistency with METRO CONNECTS and Travel Time Improvements**

METRO CONNECTS identified an enhanced RapidRide network to be built out by 2040. The RapidRide G Line is consistent with line 1059 included in the METRO CONNECTS enhanced RapidRide network<sup>12</sup>.

METRO CONNECTS envisions RapidRide service operating 50 percent in transit-only lanes, with additional improvements to reduce delays. With planned dedicated bus lanes through most of the corridor, including center-running bus lanes in the center portion of the corridor, and other planned speed and reliability enhancements at stations and intersections, the proposed G Line alignment is consistent with the METRO CONNECTS vision for RapidRide design. See Attachment 8 for a detailed depiction of the planned G Line design.

The proposed G Line would have an average travel time reduction of 32-46 percent compared to bus travel in the Madison Street corridor today, which equates to a 5-7 minute improvement.

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<sup>12</sup> METRO CONNECTS Long Range Plan, page 22

## **Federal Grant Requirements and Operating Costs**

Although Seattle and other partners are funding the majority of the capital improvements for the RapidRide G Line, King County Metro would own and operate the service. While a service change ordinance establishing G Line service levels wouldn't be adopted by the Council until 2021 or 2022, Metro estimates the G Line would operate with approximately 35,700 service hours, at a cost of approximately \$16.5 million in the 2023-2024 biennium (the first full biennium of service). Operation of the RapidRide G Line would also trigger the need to restructure service in the Madison Street corridor, as the main route that would be replaced by the G Line, Route 12, currently serves 19<sup>th</sup> Avenue, and the G Line would not.

Metro currently operates Route 12 with 27,249 annual service hours. For a rough comparison between current and future service hours in the corridor, operating the RapidRide G Line would require approximately 8,450 more service hours than are currently operated in the corridor. However, that is with the caveat that transit service in the Madison Street corridor would be restructured in concert with G Line service, providing some flexibility in how many total net service hours are distributed in the area.

Currently, Seattle provides 3,560 annual service hours towards the operation of Route 12 through its Transportation Benefit District (TBD) and partnership with Metro. However, the potential for Seattle making future operating contributions towards the G Line cannot be assumed at this time due to the uncertainty around Seattle's TBD as a funding source, which expires in 2020 and would be impacted if Initiative 976 were to pass in November 2019.

As a requirement for the receipt of an FTA Small Starts grant, which would provide \$60 million of the project's \$121.4 million capital cost, King County would need to enter into an agreement with the FTA committing to operate service on the G Line at a specified level for a period of five years. The Executive transmitted Proposed Ordinance 2019-0411 to change county code to allow the Executive to enter into RapidRide project agreements that require defined service level commitments as a prescribed condition of receiving federal financial assistance.

In order to stay on track with the FTA Small Starts grant application timeline, the Executive would need authority to enter into a project agreement for the G Line by the end of 2019.

A policy consideration for entering into a service commitment for the G Line is how such a service commitment would comply with the policies established in Metro's Service Guidelines for prioritizing service investments. The Service Guidelines recognize that service investments expand and contract according to the availability of resources, but a service commitment implies a static investment in G Line service levels regardless of the availability of resources.

According to Metro, FTA project agreements typically include language allowing FTA to grant a waiver to all or a portion of the service requirement at FTA's discretion. Metro states that if the agency were in a scenario of needing to cut service and the process of

using the Service Guidelines identified a need to cut RapidRide service, Metro would enter into discussions with the FTA and Seattle (the primary grant recipient) about seeking a waiver to comply with the service guidelines. If the waiver were not granted, Metro would not be able to reduce service on the G Line during the term of the service commitment.

However, since the G Line would be a highly productive route serving an area with a high concentration of population and jobs, and a higher than average concentration of people of color, it would be unlikely to be identified for service cuts under the criteria of the Service Guidelines.

Future RapidRide lines that receive FTA Small Start grants would also have service commitments. RapidRide Lines A-F received federal capital grants under different FTA rules, and did not have comparable service commitments. Seattle and Metro did not apply for a Small Starts grant for the H Line.

### **AMENDMENT**

Because it is uncertain whether the Mobility and Environment Committee will have adequate time to consider 2019-0411 within the timeline needed for the G Line project, the Chair instructed staff to draft Amendment 1.

Amendment 1 would amend Proposed Ordinance 2019-0410 to authorize the Executive to enter into a project agreement that requires a defined service level commitment to operate the G Line for up to five years after the line opens. The fiscal and policy impacts of this amendment are discussed in the previous section of this staff report.

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**Signature Report**

**Ordinance**

**Proposed No.** 2019-0467.1

**Sponsors** Dembowski

1 AN ORDINANCE relating to council involvement with  
2 collective bargaining agreements; amending Ordinance  
3 11683, Section 2, as amended, and K.C.C. 1.24.015,  
4 Ordinance 11683, Section 5, as amended, and K.C.C.  
5 1.24.045, Ordinance 11683, Section 9, as amended, and  
6 K.C.C. 1.24.085, Ordinance 10631, Section 2, as amended,  
7 and K.C.C. 3.16.015, Ordinance 197, Section 2, as  
8 amended, and K.C.C. 3.16.020, Ordinance 11480, Section  
9 7, as amended, and K.C.C. 3.16.025, Ordinance 8658,  
10 Section 1, and K.C.C. 3.16.040, Ordinance 12014, Section  
11 55, as amended, and K.C.C. 3.16.050, Ordinance 14287,  
12 Section 5, as amended, and K.C.C. 3.16.055 and repealing  
13 Ordinance 11480, Section 5, and K.C.C. 3.16.012; and  
14 declaring an emergency.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. Findings:

17 A. King County's most-valuable asset is its employees.

18 B. One of the major responsibilities of management is to negotiate timely  
19 collective bargaining agreements with the county's employees.\

20 C. Over the years, the approval process by all parties to the agreements has  
21 become lengthened.

22 D. The ratification and approval process now stands as a hindrance to timeline  
23 implementation of collective bargaining agreements.

24 E. Because the council is modifying its rules and procedures to handle collective  
25 bargaining agreements more expeditiously and making changes to its organizational  
26 motion, effective today, this ordinance needs to take immediate affect as to allow  
27 efficient administration of the council's work in the support of county government and its  
28 existing public institutions.

29 SECTION 2. Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015 are  
30 hereby amended to read as follows:

31 **Rule 2: Powers and duties of the chair.** The chair of the council has the  
32 following powers and duties:

33 A. The chair shall:

34 1. Call the council to order at the hour appointed for meeting and, if a quorum is  
35 present, shall cause the minutes of the previous meeting to be approved;

36 2. Proceed with the order of business; and

37 3. Adjourn the council upon a motion to adjourn approved by a majority of  
38 members present;

39 B. The chair shall preserve order and decorum and in the interest of efficiency may  
40 impose time and subject matter limits for testimony and comment given by the public and  
41 members of the council;

42 C. The chair shall promote efficient operation of the council, which shall include

43 setting the agenda and expediting parliamentary debate or, if there is no objection from any  
44 other member, expediting the passage of routine motions. The chair's act of adding to,  
45 removing from or taking out of order an item on a distributed and posted agenda may be  
46 appealed to the full body by any two members under Rule 5.D, K.C.C. 1.24.045.D. The  
47 chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to  
48 facilitate the will of the majority of members present at all times;

49 D. The chair may speak to points of order, inquiry or information in preference to  
50 other members. Upon a ruling of the chair on a point of order, the chair shall allow any  
51 two members to immediately request that the decision be placed before the body. If a  
52 majority of members present agree to the ruling of the chair, the business of the council  
53 must proceed without further debate. If a majority of the members present do not support  
54 the ruling of the chair, the chair shall immediately allow a procedural motion to dispense  
55 with the issue in question, proceeding until a decision of the council is secured and the  
56 business of the council is allowed to proceed;

57 E. The chair shall retain legislation related to collective bargaining, including  
58 appropriation ordinances limited solely to costs associated with implementation of the  
59 collective bargaining, in the control of the council and refer all other legislation to  
60 committees unless there is an objection to a referral. If there is an objection by a member,  
61 the chair's referral will stand unless a majority of the members present vote to support the  
62 objection. If the objection is sustained, the chair shall refer the legislation to another  
63 committee, unless there is an objection to the referral.

64 F. Any motion that proposes to censure a councilmember for violating the council's  
65 antiharassment policy shall be referred to the employment and administration committee;

66 G. The chair shall introduce all legislation relating to land use appeals, road  
67 vacations, plat applications, current use assessments and other similar land use decisions.  
68 The chair shall introduce all legislation relating to collective bargaining, including  
69 appropriation ordinances limited solely to costs associated with implementing the  
70 collective bargaining agreement. If recommended by action of the employment and  
71 administration committee, the chair shall introduce any motion that proposes to censure a  
72 councilmember for violating the council's antiharassment policy, unless the chair is the  
73 subject of the motion; and

74 H. The chair shall provide copies to all councilmembers of all official  
75 communications and requests for council action addressed to the chair from the executive,  
76 the sheriff, the assessor, the presiding judge of the district or superior court or the  
77 prosecuting attorney.

78 SECTION 3. Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045 are  
79 hereby amended to read as follows:

80 **Rule 5: Agenda.**

81 A. Council business must be disposed of in the following order, or in an order the  
82 chair deems appropriate, subject to appeal as provided in Rule 5.D, K.C.C. 1.24.045.D:

- 83 1. Roll call;
- 84 2. Flag salute and Pledge of Allegiance, the leading of which must be offered by a  
85 member of the council and which must rotate among all members of the council;
- 86 3. Approval of minutes;
- 87 4. Additions to the council agenda;
- 88 5. Special items;



- 89           6. General public comment when scheduled in accordance with Rule 10, K.C.C.  
90 1.24.095;
- 91           7. Plat tracings;
- 92           8. Hearing and second reading of ordinances from standing committees and  
93 regional committees, and of ordinances related to collective bargaining;
- 94           9. First reading of and action on emergency ordinances without referral to  
95 committee;
- 96           10. Consent agenda on hearing examiner recommendations;
- 97           11. Motions, from standing committees and regional committees and motions  
98 related to collective bargaining, for council action;
- 99           12. First reading of and action on motions without referral to committee;
- 100           13. Consent agenda on reappointments to boards and commissions;
- 101           14. Consent agenda on reports and recommended actions from the employment  
102 and administration committee;
- 103           15. Other reports and recommended actions from the employment and  
104 administration committee;
- 105           16. First reading and referral of ordinances;
- 106           17. First reading and referral of motions;
- 107           18. Reports from members serving on special and outside committees;
- 108           19. Extra items;
- 109           20. Messages from the county executive and other county officials, the judiciary,  
110 the regional committees and other agencies;
- 111           21. Other business; and

112 22. Adjournment.

113 B. Legislation or other items for placement on the council meeting agenda must be  
114 submitted to the clerk of the council by 10:00 a.m. Thursday of the week before the next  
115 scheduled meeting, except that:

116 1. If directed by the chair, the clerk may place an item on the council agenda with  
117 a note that the item is contingent on being voted out of committee before the council  
118 meeting; and

119 2. Legislation or other items needing action by the full council may be added at  
120 the discretion of the chair of the council at a regularly scheduled council meeting. The  
121 chair shall apply the following criteria for the additions:

122 a. the legislation is particularly time-sensitive and delay in action either:

123 (1) might impair the effectiveness of the county's responses to emergencies  
124 such as natural or human-made disasters, or other circumstances seriously affecting the  
125 public health, safety or welfare or the support of county government and its existing public  
126 institutions; or

127 (2) might impair timely performance under deadlines of a statute, ordinance,  
128 contract, interlocal agreement, real property instrument or other provision requiring  
129 immediate action;

130 b. legislation should be delivered to the clerk before the beginning of the council  
131 meeting. The original should be provided to the clerk, together with an introduction slip  
132 from the sponsor; and

133 c. the sponsor should provide a brief written description to the chair of the  
134 reason for the need to expedite the legislation without regular committee review.

135 D. The chair shall notify the members present of proposed changes to the agenda.  
136 If two members object to a change, a majority of the members present shall decide whether  
137 to change the agenda.

138 SECTION 4. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are  
139 hereby amended to read as follows:

140 **Rule 9: Introduction and initial consideration of proposed legislation.**

141 A. All legislative proposals submitted to the King County council by the executive  
142 shall be accompanied by a completed Legislative Review Form in the form of Attachment  
143 A to Ordinance 17666, dated July 25, 2013, or as amended from time to time.

144 B. Upon receipt of proposed legislation from the executive, the sheriff, the  
145 assessor, the presiding judge, the prosecuting attorney, the director of elections or a  
146 councilmember, the clerk of the council shall assign a proposed number to the legislation.  
147 The clerk may make formatting and nonsubstantive revisions in form and style to proposed  
148 legislation before first reading and shall indicate on the revised legislation that the  
149 legislation is revised by the clerk and the date of the revision.

150 C. Upon filing with the clerk of the council of either a signature of at least one  
151 member of the council or electronic sponsorship of legislation in a form prescribed by the  
152 clerk of the council, or upon receipt by the council of a proposed ordinance submitted as an  
153 institutional initiative under Section 230.50.10 of the King County Charter, the proposed  
154 legislation is introduced and must be placed on the agenda for first reading and referral.  
155 Legislation may be introduced with the title only, but the text of the legislation must be  
156 filed with the clerk by first reading. In accordance with Rule 2.E., K.C.C. 1.24.015.E.,  
157 ~~((F))~~the chair of the council shall refer both the title and the subsequently filed text of the

158 legislation to committee if the legislation was introduced with the title only. If the text of  
159 the legislation is not timely filed, the legislation is to be removed from the agenda and is  
160 not to be referred to committee.

161 D. A member may add the member's own name to sponsorship of legislation at any  
162 time before passage of the legislation by informing the clerk of the council in writing. The  
163 first member listed on the first introduction slip filed for legislation may not remove that  
164 member's own name from sponsorship of the legislation. However, any other sponsor of  
165 legislation may remove that sponsor's own name from sponsorship of the legislation by  
166 informing the clerk of the council in writing.

167 E. First reading of legislation shall consist of either:

168 1. Printing the number and title of the proposed legislation on the published  
169 agenda; or

170 2. Adding the proposed legislation to the agenda under Rule 5, K.C.C.  
171 1.24.045.B.2. or 3. and including this information in the council's minutes.

172 F. After the first reading, proposed legislation must be referred to an appropriate  
173 committee or committees by the chair of the council, except for motions confirming  
174 executive reappointments to boards or commissions, which may be referred directly to a  
175 council consent agenda, or legislation related to collective bargaining, including  
176 appropriation ordinances limited solely to the costs associated with implementation of a  
177 collective bargaining agreement. Proposed legislation referred to more than one committee  
178 must be considered consecutively by the committees in the order set forth on the marked  
179 published agenda or as specified by the chair during the meeting and reflected in the  
180 council's minutes.

181 G. Upon being reported out of committee with a recommendation signed by a  
182 majority of the committee, proposed legislation must be placed upon an agenda for  
183 appropriate action, after consideration of public hearing notice requirements, one week  
184 after the Wednesday after the committee meeting, unless the committee chair decides and  
185 states on the record at the committee meeting that the item be placed on the next council  
186 agenda. The clerk of the council may make formatting and nonsubstantive revisions in  
187 form to proposed legislation after the legislation is reported out of the committee and  
188 before the legislation is placed on the agenda for second reading and shall indicate on the  
189 revised legislation that the legislation is revised by the clerk and the date of the revision.

190 H. Proposed legislation related to collective bargaining, including appropriation  
191 ordinances limited solely to the costs associated with implementation of collective  
192 bargaining agreements must be placed on the agenda for appropriate action, after  
193 consideration of public hearing notice requirements, one week after its first reading.

194 SECTION 5. Ordinance 11480, Section 5, and K.C.C. 3.16.012 are hereby  
195 repealed.

196 SECTION 6. Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015 are  
197 hereby amended to read as follows:

198 Unless the text clearly indicates otherwise, as used in this chapter, the following  
199 words shall have the meanings set forth in this section:

200 A. "Corrections officer" means any full-time, fully compensated uniformed  
201 correctional officer or sergeant who works for the department of adult detention (King  
202 County jail).

203 B. "Bargaining representative" means any lawful organization which has as one

204 of its primary purposes the representation of employees in their employment relations  
205 with King County.

206 C. "Bargaining agent" means the designated bargaining agent as determined  
207 under K.C.C. 3.16.010.

208 D. "Public employer" means King County.

209 E. "Commission" means the Public Employment Relations Commission.

210 F. "Executive director" means the executive director of the Commission.

211 G. "911 operator" means any full-time, fully compensated communications  
212 specialist or communications specialist supervisor who works for the department of  
213 public safety.

214 H. "Labor policy committee" or "policy committee" means the King County  
215 council.

216 I. (~~"Labor implementation committee" or "implementation committee" means~~  
217 ~~each King County council committee whose subject matter, as designated by the council~~  
218 ~~by motion, and to which legislation is referred by the council chair under K.C.C.~~  
219 ~~4.24.015.~~

220 J.) "Labor policy" or "policy" means those general principles (~~which~~) that  
221 work to implement the intent of this chapter and guide negotiations for wages, benefits,  
222 working conditions and other terms of employment.

223 SECTION 7. Ordinance 197, Section 2, as amended, and K.C.C. 3.16.020 are  
224 hereby amended to read as follows:

225 The bargaining agent is authorized on behalf of King County to meet, confer and  
226 negotiate with bargaining representatives of the public employees of King County for the

227 purpose of collective bargaining as contemplated by chapter 41.56 RCW and Section 890  
228 of the King County Charter, and to timely recommend to the King County council  
229 proposed wages, hours, and employee benefits and other conditions of county  
230 employment for the purposes of county budgets and such collective bargaining agreement  
231 or agreements as may be required and authorized by ordinance. The bargaining agent  
232 shall not negotiate new collective bargaining agreements prior to preparing for bargaining  
233 and conferring with the labor policy committee as required in K.C.C. (~~3.16.012,~~)  
234 3.16.025 and 3.16.050.

235 SECTION 8. Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025 are  
236 hereby amended to read as follows:

237 A. The bargaining agent shall establish and conduct a process to prepare for  
238 negotiations that performs at least the following functions:

239 1. The bargaining agent should continue to use collaborative or interest-based  
240 bargaining where both parties agree, and this chapter shall not be construed to restrict or  
241 inhibit such bargaining;

242 2. The bargaining agent shall cause to be developed and maintained a database  
243 of information within King County government on wages, hours, employee benefits,  
244 vacation and other leave, job classifications and substantial and factual information to  
245 provide knowledge of working conditions necessary to conduct effective negotiations.

246 Such information shall be made available to the bargaining representatives to the extent  
247 provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the  
248 state of Washington, as set forth by the collaborative process identified in King County  
249 council Motion 9182; and

250           3. The labor policy committee (~~(and implementation committee)~~) shall (~~(each)~~)  
251 confer with the bargaining agent to develop necessary guidelines for the implementation  
252 of this section, consistent with this chapter and King County council Motion 9182.

253           B. The bargaining agent shall be the sole negotiator for King County government  
254 and shall bargain in good faith as provided by law. The bargaining agent shall commence  
255 and complete collective bargaining negotiations in a timely manner and in accordance  
256 with the overall principles and intent of this chapter.

257           SECTION 9. Ordinance 8658, Section 1, and K.C.C. 3.16.040 are hereby  
258 amended to read as follows:

259           A. Any collective bargaining agreement between King County and a recognized  
260 bargaining representative as defined in RCW 41.56.030 which has been ratified by both  
261 parties shall be transmitted to the King County council no later than (~~(45)~~) seven days  
262 after the tentative agreement has been reached.

263           B. Failure to meet this deadline shall result in the payment of interest on the  
264 retroactive amount of any negotiated salary or wage increase equal to interest earned on  
265 Federal 90 day treasury bills from the first day following the deadline through the date  
266 the tentative agreement is transmitted to the King County council, unless the (~~(45)~~) seven  
267 days have been extended by mutual agreement by both parties in writing.

268           C. The interest accrued, if any, shall be divided among the county employees  
269 represented by the collective bargaining unit, based upon each employees individual  
270 retroactive wage rate increase. The computed interest shall be included in the first pay  
271 check which pays out the rate of pay negotiated in the tentative collective bargaining  
272 agreement.



273            SECTION 10. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050  
274 are hereby amended to read as follows:

275            A. The labor policy committee shall meet as it deems necessary to obtain the  
276 testimony of members of the public, the bargaining agent, bargaining representatives or  
277 their designees, county department management and others in order to consider such  
278 testimony in policy decisions before the committee. The labor policy committee shall not  
279 engage in bargaining with bargaining representatives or represented employees. The  
280 labor policy committee shall also meet to consider matters referred to it by the council in  
281 accordance with K.C.C. chapter 1.24.

282            B. The labor policy committee shall provide an opportunity for bargaining  
283 representatives or their designees to address the committee before the adoption of overall  
284 policy. Overall policy, and all amendments to adopted policies, shall be established only  
285 upon an affirmative vote by a majority of the members of the labor policy committee.

286            C. The bargaining agent shall recommend to the labor policy committee overall  
287 changes to adopted policies that would be required to implement the changes proposed in  
288 K.C.C. 3.16.055.C., and an overall estimate of the monetary value, if any, of these  
289 changes, including both costs and benefits.

290            D. Following the establishment of overall policy, and before commencing  
291 negotiations, the labor policy committee shall meet to hear the bargaining agent's  
292 recommended strategies for implementing adopted policies. The labor policy committee  
293 shall confer with the bargaining agent as it deems necessary to ensure compliance with  
294 this chapter and good-faith collective bargaining. The bargaining agent's strategies shall  
295 be generally consistent with the principles contained in this chapter and the overall policy

296 direction established by the labor policy committee.

297 E. The labor policy shall meet at least quarterly to review the progress of the  
298 negotiations but shall not interfere with good-faith collective bargaining.

299 F. The bargaining agent may seek further clarification of adopted policies from  
300 the labor policy committee at any time during the negotiations.

301 ~~((E,))~~ G. By June 30 of each year, the executive shall report to the labor policy  
302 committee regarding employment policies applicable to nonrepresented employees.

303 ~~((F,))~~ H. For the purpose of maintaining an effective collective bargaining  
304 process, the strategies and related information presented by the bargaining agent shall be  
305 maintained as confidential. In addition, proposed or adopted policies designated as  
306 confidential shall be considered policy formulation documents and be maintained as  
307 confidential and exempt from public disclosure as provided in RCW 42.56.280. The  
308 labor policy committee shall develop guidelines to assist in accomplishing such  
309 confidentiality.

310 ~~((G,))~~ I. Any councilmember may propose the adoption, amendment or repeal of  
311 any labor policy by filing with the clerk of the council a memorandum that includes the  
312 proposed policy. Any proposed amendment shall set for the existing policy and show  
313 proposed changes as in the form required for ordinances by K.C.C. 1.24.075. The clerk  
314 shall provide a copy of the proposal to the executive, each councilmember and the lead  
315 staff for the labor policy committee. The proposal shall be designated by the  
316 councilmember either as public or as confidential pending action by the committee on the  
317 policy. Adopted policies may be designated as confidential by an affirmative vote of a  
318 majority of the members of the policy committee.

319            ~~((H.))~~ J. The clerk of the council shall maintain a compilation of adopted policies.  
320 The clerk shall make publicly available all public policies, and shall maintain as  
321 confidential all labor policies designated as confidential policy formulation documents.

322            SECTION 11. Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 are  
323 hereby amended to read as follows:

324            A.1. A bargaining representative may at any time during negotiations forward to  
325 the director of the department of human resources, or its successor, a written complaint  
326 that the collective bargaining process is not being conducted in a timely manner or is not  
327 being conducted in a manner consistent with good faith bargaining. The director shall,  
328 within fifteen calendar days, respond in writing to the complaint and propose such  
329 remedies as may address the complaint.

330            2. If the bargaining representative is not satisfied with the written response of  
331 the director, or if a written response to the complaint is not received within fifteen  
332 calendar days, the bargaining representative may forward the written complaint to the  
333 King County executive, as the bargaining agent, who shall, within fifteen calendar days,  
334 respond to it in writing and propose such remedies as may address the complaint.

335            3. If the bargaining representative is not satisfied with the written response of  
336 the bargaining agent, or if a written response is not received from the bargaining agent  
337 within fifteen calendar days, the bargaining representative may request that the  
338 bargaining agent forward the written complaint ~~((be forwarded))~~ to the ~~((implementation~~  
339 ~~committee))~~ council.

340            4. If the bargaining agent receives a written request to have the complaint  
341 forwarded to the ~~((implementation committee))~~ council, including an explanation of

342 reasons for the request, the bargaining agent shall forward the request, together with the  
343 bargaining agent's written response, to the ~~((implementation committee))~~ council within  
344 five calendar days from the receipt of the request. These materials or any discussion  
345 thereof shall remain confidential to the extent allowed by law.

346 5. The ~~((implementation committee))~~ council may request that the bargaining  
347 agent meet with the ~~((implementation committee))~~ council for the purpose of reviewing  
348 the status of negotiations with regard to the principles contained in this chapter and the  
349 overall policy direction established by the labor policy committee, but the  
350 ~~((implementation committee))~~ council shall take no action that would interfere with the  
351 lawful role of the bargaining agent.

352 B. By June 30 of each year, the prosecuting attorney, in conjunction with  
353 bargaining agent, shall report to the ~~((implementation committee))~~ council on all pending  
354 unfair labor practice charges and all pending arbitration involving represented employees.

355 C. By June 30 of each year, or, in the case of agreements expiring other than  
356 December 31, at least ninety days before the commencement of negotiations, in  
357 preparation for collective bargaining the bargaining agent shall report to the  
358 ~~((implementation committee))~~ council the agreements expiring that calendar year. The  
359 bargaining agent shall also generally explain existing policies that, if changed, would  
360 further the principles and intent established by this chapter. County department  
361 management concerned with the collective bargaining process, with the advice of other  
362 relevant county departments, shall assist the bargaining agent in reporting to the council.

363 D. By June 30 of each year or, for agreements expiring other than December 31,  
364 at least ninety days before commencing negotiations, the council shall meet with the

365 bargaining agent to review the schedule of collective bargaining agreements expiring in  
366 that calendar year and the key issues related to the collective bargaining process.

367 Methods of consultation with unions, management rights and eliminating the causes of  
368 employee grievances shall also be considered.

369 ~~((E. Following the establishment of overall policy, and before commencing  
370 negotiations, the implementation committee shall meet to hear the bargaining agent's  
371 recommended strategies for implementing adopted policies. The implementation  
372 committee shall confer with the bargaining agent as it deems necessary to ensure  
373 compliance with this chapter and good faith collective bargaining. The bargaining  
374 agent's strategies shall be generally consistent with the principles contained in this  
375 chapter and the overall policy direction established by the policy committee.~~

376 ~~F. The implementation committee shall meet at least quarterly to review the  
377 progress of the negotiations but shall not interfere with good faith collective bargaining.~~

378 ~~G. The implementation committee shall review all agreements negotiated  
379 between the bargaining agent and bargaining representatives to ensure compliance with  
380 the principles contained in this chapter and with the overall policy direction established  
381 by the policy committee. The implementation committee may recommend to the council  
382 adoption or rejection of agreements or it may forward agreements to the council for  
383 action without recommendation.~~

384 H.) F. For the purpose of maintaining an effective collective bargaining process,  
385 the strategies and related information presented by the bargaining agent shall be  
386 maintained as confidential. The ~~((implementation committee))~~ council shall develop  
387 guidelines to assist in accomplishing such confidentiality.

388            SECTION 12. The county council finds as a fact and declares that an emergency  
389 exists and that this ordinance is necessary for the immediate preservation of public peace,  
390 health or safety or for the support of county government and its existing public institutions.  
391

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



**Signature Report**

**Ordinance**

**Proposed No.** 2018-0013.2

**Sponsors** McDermott

1 AN ORDINANCE authorizing the vacation of a portion of  
2 SE 184th Street, File V-2710; Petitioners: Robbie and  
3 Chree Donaldson, Monica L. and James N. Runyon, Duane  
4 and Michele D. Schilling and Steve K. Tran.

5 **STATEMENT OF FACTS:**

6 1. A petition has been filed requesting vacation of a portion of SE 184th  
7 Street, hereinafter described.

8 2. The road services section notified utility companies serving the area  
9 and King County departments of the proposed vacation and has been  
10 advised that no utilities require easements over the vacation area.

11 Vacation does not extinguish the rights of any utility company to any  
12 existing easements for facilities or equipment within the vacation area.

13 3. Road services records indicate that King County has not expended  
14 public funds for the acquisition or maintenance of the subject portions of  
15 SE 184th Street right-of-way. The subject vacation area is an unopened  
16 right-of-way.

17 4. Due notice was given in the manner provided by law. The office of the  
18 hearing examiner held public hearings on February 27, 2018, and on  
19 August 27, 2019.

20           5. The examiner concluded that the subject portion of right-of-way is  
21           useless as part of the county road system, that the public will benefit from  
22           its vacation, and set the appropriate amount of compensation due from  
23           each petitioner.

24           6. For the reasons stated in the examiner's recommendation, the council  
25           determines that it is in the best interest of the citizens of King County to  
26           grant said petition and vacate the right-of-way, at the compensation levels  
27           set out in sections 1 through 4 of this ordinance.

28           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29           SECTION 1. The council, on the effective date of this ordinance, hereby  
30           vacates and abandons a portion of SE 184th Street right-of-way abutting the Schilling  
31           property, parcel 400840-0191, as described below:

32                       That portions of a 30-foot wide right-of-way for SE 184th Street  
33                       lying within the Southwest Quarter of the Northeast Quarter of  
34                       Section 36, Township 23 North, Range 5 East of the Willamette  
35                       Meridian abutting Lot 13, Block 2 of the Plat of Lake Desire  
36                       Summer Home Tracts according to the plat recorded in Volume  
37                       39 of Plats at page 44, Records of King County, Washington,  
38                       situated in the County of King and State of Washington,  
39           subject to the conditions set forth in this section. Vacation of 400840-0191 is  
40           contingent on petitioners paying \$3,882 to King County, within ninety days of the  
41           date the council takes final action. If King County does not receive \$3,882 by that



42 date, there is no vacation and the right-of-way associated with parcel 400840-0191  
43 remains King County's. If payment is timely received, the clerk shall record this  
44 ordinance against parcel 400840-0191. Recording this ordinance against parcel  
45 400840-0191 signifies that payment has been received, the contingency is satisfied,  
46 and the right-of-way associated with parcel 400840-0191 is vacated.

47 SECTION 2. The council, on the effective date of this ordinance, hereby  
48 vacates and abandons a portion of SE 184th Street right-of-way abutting the Runyon  
49 property, parcel 400840-0190, as described below:

50 That portions of a 30-foot wide right-of-way for SE 184th Street  
51 lying within the Southwest Quarter of the Northeast Quarter of  
52 Section 36, Township 23 North, Range 5 East of the Willamette  
53 Meridian abutting Lot 12, Block 2 of the Plat of Lake Desire  
54 Summer Home Tracts according to the plat recorded in Volume  
55 39 of Plats at page 44, Records of King County, Washington,  
56 situated in the County of King and State of Washington,  
57 subject to the conditions set forth in this section. Vacation of parcel 400840-0190 is  
58 contingent on petitioners paying \$7,803 to King County, within ninety days of the  
59 date the council takes final action. If King County does not receive \$7,803 by that  
60 date, there is no vacation and the right-of-way associated with parcel 400840-0190  
61 remains King County's. If payment is timely received, the clerk shall record this  
62 ordinance against parcel 400840-0190. Recording this ordinance against parcel  
63 400840-0190 signifies that payment has been received, the contingency is satisfied,

64 and the right-of-way associated with parcel 400840-0190 is vacated.

65           SECTION 3. The council, on the effective date of this ordinance, hereby  
66 vacates and abandons a portion of SE 184th Street right-of-way abutting the  
67 Donaldson property, parcel 400840-0185, as described below:

68           That portions of a 30-foot wide right-of-way for SE 184th Street  
69           lying within the Southwest Quarter of the Northeast Quarter of  
70           Section 36, Township 23 North, Range 5 East of the Willamette  
71           Meridian abutting Lot 11, Block 2 of the Plat of Lake Desire  
72           Summer Home Tracts according to the plat recorded in Volume  
73           39 of Plats at page 44, Records of King County, Washington,  
74           situated in the County of King and State of Washington,  
75 subject to the conditions set forth in this section. Vacation of parcel 400840-0185 is  
76 contingent on petitioners paying \$8,784 to King County, within ninety days of the  
77 date the council takes final action. If King County does not receive \$8,784 by that  
78 date, there is no vacation and the right-of-way associated with parcel 400840-0185  
79 remains King County's. If payment is timely received, the clerk shall record this  
80 ordinance against parcel 400840-0185. Recording this ordinance against parcel  
81 400840-0185 signifies that payment has been received, the contingency is satisfied,  
82 and the right-of-way associated with parcel 400840-0185 is vacated.

83           SECTION 4. The council, on the effective date of this ordinance, hereby  
84 vacates and abandons a portion of SE 184th Street right-of-way abutting the Tran  
85 property, parcel 400840-0175, as described below:

86                   That portions of a 30-foot wide right-of-way for SE 184th Street  
87                   lying within the Southwest Quarter of the Northeast Quarter of  
88                   Section 36, Township 23 North, Range 5 East of the Willamette  
89                   Meridian abutting Lots 11-12, Block 2 of the Plat of Lake  
90                   Desire Summer Home Tracts according to the plat recorded in  
91                   Volume 39 of Plats at page 44, Records of King County,  
92                   Washington, situated in the County of King and State of  
93                   Washington,  
94                   subject to the conditions set forth in this section. Vacation of 400840-0175 is  
95                   contingent on the rights-of-way described in sections 1 through 3 of this ordinance  
96                   being vacated. If all three of those rights-of-way are vacated, then the clerk shall  
97                   record this ordinance against parcel 400840-0175. Recording this ordinance against  
98                   parcel 400840-0175 signifies that the contingency is satisfied and the right-of-way  
99                   associated with parcel 400840-0175 is vacated. If any right-of-way described in  
100                   sections 1 through 3 of this ordinance is not vacated, there is no vacation of

101 400840-0175 and the right-of-way associated with parcel 400840-0175 remains King  
102 County's.  
103

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Hearing Examiner Report dated 9-18-19

September 18, 2019

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**FINAL REPORT AND RECOMMENDATION**

SUBJECT: Department of Transportation file no. **V-2710**  
Proposed ordinance no. **2018-0013**  
Adjacent parcel no(s). **4008400185, 4008400175, 4008400190, 4008400191**

**DONALDSONS, RUNYONS, AND SCHILLINGS**  
Road Vacation Petition

Location: A portion of SE 184th Street, Renton

Petitioners: **Robbie and Chree Donaldson**  
18321 W Lake Desire Drive SE  
Renton, WA 98058  
Telephone: (425) 228-5180  
Email: [thetwenty3rdpsalm@yahoo.com](mailto:thetwenty3rdpsalm@yahoo.com)

Petitioners: **James and Monica Runyon**  
18331 W Lake Desire Drive SE  
Renton, WA 98058  
Telephone: (425) 577-2212  
Email: [monica.runyon@hotmail.com](mailto:monica.runyon@hotmail.com)

Petitioners: **Duane and Michelle Schilling**  
18341 W Lake Desire Drive SE  
Renton, WA 98058  
Email: [michelle-schilling@comcast.net](mailto:michelle-schilling@comcast.net)

Intervenor: Parks Homeowners Association  
*represented by* **Michelle Faltaous**  
PO Box 58273  
Renton, WA 98058  
Email: [michellefarag@yahoo.com](mailto:michellefarag@yahoo.com)

King County: Department of Local Services  
Road Services Section  
*represented by* **Leslie Drake**  
201 S Jackson Street  
Seattle, WA 98104  
Telephone: (206) 684-1481  
Email: leslie.drake@kingcounty.gov

## FINDINGS AND CONCLUSIONS:

### Overview

1. This petition to vacate involves four separate private parcels and approximately 12,274 square feet of public right-of-way, mapped as SE 180th Street, but never developed into a road. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we recommend vacating three of the four right-of-way segments, at the compensation level calculated using Performance, Strategy, and Budget's (PSB's) financial model. If vacation is completed on those three segments, then we recommend vacating the fourth segment without compensation.
2. Except as provided herein, we adopt and incorporate the facts set forth in Roads' reports (exhibits 1 and 26) and in proposed ordinance no. 2018-0013. Those documents, along with maps showing the vicinity of the proposed vacation and the specific area to be vacated (exhibits 7–9), will be attached to copies of this recommendation submitted to Council.

### Background

3. Chapter RCW 36.87 sets the general framework for county road vacations, augmented by KCC chapter 14.40. There are at least four main, somewhat interrelated, inquiries. The first two relate to whether vacation is warranted: is the road useless to the road system and would vacation benefit the public? If the answers to these are both yes, the third and fourth relate to compensation: what is the appraised (or perhaps assessed) value of the right-of-way, and should this number be downwardly adjusted? Whether the public benefits from a vacation depends in part on the compensation the County obtains and the costs the County avoids.
4. At some point in the early 2000s, the Schillings petitioned the County to vacate the easternmost 4,729 square feet of SE 180th Street, as it intersected with West Lake Desire SE. Ex. 1 at 27 (V-2456). In 2003, the then-examiner recommended, and the Council later approved, vacation of this portion of the right-of-way. It is not clear whether the Schillings built their gray-roofed structure in this footprint before or after the area was vacated, but it is clearly visible in the 2017 aerial photos. Ex. 1 at 29. As the Schillings had not petitioned to vacate the entire right-of-way they bordered, County right-of-way continues to abut approximately half their southern boundary. It appears the Schillings

have built another outbuilding (which they described as a shed) in the remaining County right-of-way, although the aerial maps are not survey-level accurate. Ex. 1 at 29.

5. In 2017, the Schillings, along with their adjacent neighbors the Donaldsons, Runyons, and Kwons, petitioned the County to vacate the remaining portion of this unopened stretch of SE 180th Street. Ex. 3 at 001.
6. We held two public hearings here on behalf of the Metropolitan King County Council. Our February 2018 hearing focused largely on whether vacation was warranted. However, the Roads Services Section (Roads) was unable at that point to come up with a comprehensive methodology for calculating the downward adjustments to the appraised value “to reflect the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.” RCW 36.87.120; KCC 14.40.020.A.1. We thus stayed this and other pending road vacation petitions and turned to PSB to help us come up with a sound financial model.
7. PSB answered the call, completing a thorough report at the end of January 2019 that, per the Executive’s transmittal letter, “furthers the King County Strategic Plan goal of exercising sound financial management by understanding administrative costs and valuation of rights-of-way in road vacation petitions.” Ex. 30 at 001. After wrapping up three other previously-stayed vacation petitions, in today’s case we held a prehearing conference in July and a second public hearing in August. The second hearing focused on the appropriateness of vacating one of the four parcels and on the compensation question.

#### Is Vacation Warranted?

8. A petitioner has the burden to show that the “road is useless as part of the county road system and that the public will be benefitted by its vacation and abandonment.” RCW 36.87.020. “A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.” KCC 14.40.0102.B. While denial is mandatory where a petitioner fails to meet the standard, approval is discretionary where a petitioner meets the standard. RCW 36.87.060(1).
9. This portion of SE 180th Street was not opened, constructed, or maintained for public use. Vacation would have no adverse effect on the provision of access and of fire and emergency services to the abutting properties and surrounding area. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
10. Whether the public will be benefitted by the vacation—the second part of RCW 36.87.060(1)—has both a standalone, intangible component and a financial component. The more the County would financially benefit by vacating a right-of-way, the more the public would benefit from transferring that interest into private hands. We discuss the dollars directly below, but vacating the right-of-way segments abutting the Donaldsons,

Runyons, and Schillings raises no novel issues and is not inconsistent with the public interest. Vacation of these portions of the right-of-way is warranted.

11. The right-of-way abutting the fourth property is more complex.
12. First, while the Kwons were original 2017 petitioners, by the time of our 2018 hearing, Steve Tran had purchased the Kwons' home. Mr. Tran testified that he had agreed to continue with the three adjoining families in their petition out of neighborliness, not from a desire to obtain the right-of-way. He explained that he did not want to acquire the right-of-way or to have any further involvement in proceedings, and he withdrew his portion of the petition. After un-staying the case in 2019, Roads stated that it still wished to vacate the Tran right-of-way. We advised Mr. Tran that he might want to participate, either to support or to oppose vacation. Consistent with his testimony that he did not want any further involvement, Mr. Tran did not respond.
13. A petition requires only “owners of the majority of the frontage on any county road or portion thereof” to join; unanimity is not required. RCW 36.87.020; KCC 14.40.0102. *Thayer v. King County*, 46 Wn. App. 734, 731 P.2d 1167 (1987), is directly on point. There, petitioners sought to vacate the right-of-way north of a creek. The Council vacated not only the requested portion, but also the creek bed, thereby delegating to the surrounding property owners' upkeep of that area. *Id.* at 735. The petitioners appealed. The court ruled that Council had the statutory authority to vacate any portion of the road on its own motion. *Id.* at 737. The court affirmed the Council's action, observing that the power to vacate is a political function and—absent collusion, fraud, or interference with a vested right—is not judicially reviewable. *Id.* at 738. This does not mean vacation is necessarily warranted; even for a right-of-way useless to the road system, vacation remains discretionary. RCW 36.87.060(1). But Mr. Tran's withdrawal does not end our analysis.
14. Second, unlike the Donaldson, Runyon, or Schilling properties, the Tran property does not abut any private homesite in the Parks. However, it does abut the entrance to the Parks subdivision. In 2018, Michelle Faltaous, head of the Parks homeowner's association (HOA), petitioned us to intervene. At our 2018 hearing, she explained that the Parks' developer left purchasers in a pickle, because he placed some of the Parks' entrance's improvements—such as the subdivision's entrance sign, stone monuments, some trellises, and some shrubbery, sprinklers, an electric box, and lights—in the County right-of-way, without obtaining a permit to do so. The HOA had no idea that this was not Parks property, and the HOA has been maintaining it, recently spending thousands of dollars fixing it up. She submitted thoughtful comments from many of the Parks homeowners and a petition apparently signed by 183 of them concerned that vacation would result in their improvements being removed. Ex. 25 at 3–14. We granted the HOA's intervention. *See* HEx R. X.B. Ms. Faltaous participated in our 2019 hearing as well.
15. Eventual removal of the improvements is a possibility if the right-of-way is vacated to Mr. Tran, private-private negotiations fail, and things go south. However, it is also a very



real possibility if the area remains public. Roads explained that the County does not permit permanent improvements in a right-of-way, nor does it allow obstructions. Even if the County would grant a right-of-way use permit, it would be temporary in nature, would not stretch beyond five years, and would be revocable at any time. We have no crystal ball, but we think the odds of the HOA being allowed to keep its improvements in that area long-term is actually slightly *better* in the scenario where it can negotiate directly with Mr. Tran and there are no private use restrictions for a public right-of-way. In any event, Roads is not in the business of keeping public rights-of-way for the sole use of maintaining private improvements. As described below the conditionally recommend vacating the Tran right-of-way as well.

### Compensation

16. As to compensation, the PSB model starts by working with the Assessor to get an individualized assessment of what value merging the right-of-way area adds to each parcel. That is only the starting point, because we adjust downward to reflect transferred liability risk, avoided management or maintenance, and increased tax revenue. To arrive at such financial accounting, PSB used information from the Office of Risk Assessment—whom PSB described as having a complete methodology for calculating claims judgments and settlements, per mile—to arrive at a number for avoided liability risk. PSB explained which types of taxes (General Fund and Roads Fund) would figure into the mix and which would not (other taxes such as levy lid lifts). PSB analyzed the avoided maintenance costs. It also explained why it did not include petition-processing costs in its assessment. Ex. 33. We have previously detailed the workings of PSB’s model, and we and Council have adopted it in past vacations.<sup>1</sup>
17. Although none of the neighbors abutting the southerly border of the right-of-way abutting the Donaldson, Runyon, and Schilling properties participated in our 2019 process, they did in 2018. One testified to placing over 40 calls to at least three different Roads employees. Roads had visited the property at least four times. Neighbors asserted that the petitioners had planted (without proper permits) things like laurels along the right-of-way’s boundary that had grown “totally out of control,” encroaching into (and damaging) their properties. In our order after the 2018 hearing, we described this as “an especially high conflict right-of-way for which [Roads] has had to expend higher personnel costs than they would for a typical unopened right-of-way.”
18. PSB has opined that one way to measure avoiding maintenance costs is actual costs incurred on the parcel over the last five years. Ex. 33 at 005. Because the right-of-way of way had been the subject of many complaints to (and visits by) Roads, we thought that the reduction for avoided maintenance costs might be greater than the default \$2,000-per-parcel the PSB model provides for and Roads applied in today’s case. Although Roads explained that it did not track hours and costs, we asked them to perform a back-of-the-envelope calculation, presuming it would produce a higher avoided-maintenance-cost to subtract from compensation otherwise due.

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<sup>1</sup> See, e.g., [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/applications/road%20vacation/2019/V-2692\\_GoodGround\\_GirlScoutsWW\\_Report\\_CDversion.ashx?la=en](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/applications/road%20vacation/2019/V-2692_GoodGround_GirlScoutsWW_Report_CDversion.ashx?la=en).

19. Our assumption was incorrect. Roads' best estimate is that it expended \$4,000 in staff time on this right-of-way. Ex. 32. Dividing that by the four segments in question would mean a \$1,000-per-parcel reduction, which is less than reduction the default provides petitioners. It leads us to think that maybe the \$2,000 default from the PSB model is a little high—since this stretch required far more Roads involvement than the typical unopened, undeveloped right-of-way (where Roads is often not even aware of the right-of-way's existence until the vacation petition arrives). We will stick with the default.
20. Applying PSB's model, vacation will increase the Donaldsons' property value by \$11,000, but save the County \$2,216, resulting in compensation due of \$8,784. Ex. 27. Vacation will increase the Runyons' property value by \$10,000, but save the County \$2,197, resulting in compensation due of \$7,803. Ex. 28. Vacation will increase the Schillings' property value by \$6,000, but save the County \$2,118, resulting in compensation due of \$3,882. Ex. 29.
21. For the Tran property, vacation will increase property values by \$7,000, but save the County \$2,138, resulting in compensation due of \$4,852. Ex. 26. Unlike the Donaldsons, Runyons, and Schillings, as discussed above Mr. Tran withdrew his portion of the petition and testified, under oath, that he did not want the right-of-way vacated to him.
22. As we have written previously, we are on guard to prevent strategic behavior. A property owner could attempt to get something for free by sitting on the sidelines while the neighbors soldiered on with a petition and paid the compensation figure the PSB model produces. Knowing that Roads would have an interest in vacating an entire right-of-way stretch and not leaving an orphaned sliver, a wily property owner could calculate that holding out long enough just might result in a freebie. We have been steadfast in protecting the public fisc, and we will not allow someone to game the system.
23. We are convinced that there is nothing disingenuous about Mr. Tran withdrawing his vacation petition. He withdrew at a time where Roads was recommending (and strenuously arguing) that all compensation for all four petitioners should be waived. Thus, Mr. Tran withdrew at a point where the expectation was that, if he stayed with the process, he would get the right-of-way for free. Yet he still wanted nothing more to do with the process. We find nothing manipulative about Mr. Tran's position. And we cannot ask him to pay for something he wants no part of.
24. If the Donaldsons, Runyons, and Schillings perfect the vacation and acquire the right-of-way, then instead of leaving an orphan strip along the Tran property, we recommend vacating the Tran portion of the right-of-way, with a full compensation waiver for Mr. Tran.

#### RECOMMENDATION:

1. We recommend that Council APPROVE proposed ordinance no. 2018-0013 to vacate each of the four road right-of-way segments, each with a condition to the Council recording the vacation ordinance as to the respective property.

2. Vacation of the Donaldson portion of the right-of-way, parcel 400840-0185, is contingent on petitioners paying \$8,784 to King County, within 90 days of the date Council takes final action. If King County does not receive \$8,784 by that date, there is no vacation and the right-of-way associated with parcel -0185 remains King County's. If payment is timely received, the clerk shall record this ordinance against parcel -0185. Recording this ordinance against parcel -0185 signifies that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -0185 is vacated.
3. Vacation of the Runyon portion of the right-of-way, parcel 400840-0190, is contingent on petitioners paying \$7,803 to King County, within 90 days of the date Council takes final action. If King County does not receive \$7,803 by that date, there is no vacation and the right-of-way associated with parcel -0190 remains King County's. If payment is timely received, the clerk shall record this ordinance against parcel -0190. Recording this ordinance against parcel -0190 signifies that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -0190 is vacated.
4. Vacation of the Schilling portion of the right-of-way, parcel 400840-0191, is contingent on petitioners paying \$3,882 to King County, within 90 days of the date Council takes final action. If King County does not receive \$3,882 by that date, there is no vacation and the right-of-way associated with parcel -0191 remains King County's. If payment is timely received, the clerk shall record this ordinance against parcel -0191. Recording this ordinance against parcel -0191 signifies that payment has been received, the contingency is satisfied, and the right-of-way associated with parcel -0191 is vacated.
5. Vacation of the Tran portion of the right-of-way, parcel 400840-0175 is contingent on vacation of all three of the rights-of-way described in paragraphs 2 through 5 above. If the rights-of-way associated with parcels -0185, -0190, and -0191 are all vacated, then the clerk shall record this ordinance against parcel -0175. Recording this ordinance against parcel -0175 signifies that the contingency is satisfied and the right-of-way associated with parcel -0175 is vacated. If a right-of-way associated with either parcel -0185, -0190, or -0191 is not vacated, there is no vacation of -0175 and the right-of-way associated with parcel -0175 remains King County's

DATED September 18, 2019.



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David Spohr  
Hearing Examiner

### **NOTICE OF RIGHT TO APPEAL**

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a **\$250**

appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **October 14, 2019**, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about “next steps.”

**MINUTES OF THE FEBRUARY 27, 2018, HEARING ON THE ROAD VACATION  
PETITION OF DONALDSON, RUNYON, SCHILLING, AND TRAN,  
DEPARTMENT OF TRANSPORTATION FILE NO. V-2710**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Brandy Rettig, Robert Wick, Chree Donaldson, Erroll Garnett, Brenda Bower, Steve Tran, Monica Runyon, Michelle Faltaous, Michelle Schilling, Karen Holman-Brown, and Robbie Donaldson.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent February 13, 2018
Exhibit no. 2	Letter from Clerk of the Council to KCDOT transmitting petition, dated January 10, 2017
Exhibit no. 3	Petition for vacation of a county road, transmitted January 10, 2017
Exhibit no. 4	Amended letter from Clerk of the Council to KCDOT transmitting petition noting inclusion of lot 13, dated January 17, 2017
Exhibit no. 5	Petition for vacation of a county road, transmitted February 2, 2017
Exhibit no. 6	Letter from KCDOT to Petitioner acknowledging receipt of petition and explaining road vacation process, dated February 6, 2017
Exhibit no. 7	Vacation site map
Exhibit no. 8	Aerial photograph of subject area
Exhibit no. 9	Vicinity map
Exhibit no. 10	Lake Desire plat
Exhibit no. 11	Final agency to stakeholders, sent March 9, 2017
Exhibit no. 12	Letter from KCDOT to Petitioner recommending approval, conveying County Road Engineer report, and proposing compensation waiver, dated July 13, 2017

Exhibit no. 13	County Road Engineer report
Exhibit no. 14	Notification of petition letter to Lori Brooks, dated January 25, 2018
Exhibit no. 15	Notification of petition letter to Paul Brown and Karen Holeman, dated January 25, 2018
Exhibit no. 16	Notification of petition letter to Robert and Susanne Wick, dated January 25, 2018
Exhibit no. 17	Notification of petition letter to Parks Homeowners Association, dated January 25, 2018
Exhibit no. 18	Letter from KCDOT to KC Council recommending approval and transmitting proposed ordinance, dated October 18, 2017
Exhibit no. 19	Proposed ordinance
Exhibit no. 20	Revised proposed ordinance
Exhibit no. 21	Fiscal note
Exhibit no. 22	Affidavit of posting, noting posting date of January 25, 2018
Exhibit no. 23	Affidavit of publication, noting advertisement dates of February 14 and 21, 2018
Exhibit no. 24	Intervenor Wicks photographs of portion of vacation area
Exhibit no. 25	Intervenor Parks Homeowners Association petition to council and examiner

### **MINUTES OF THE AUGUST 27, 2019, HEARING**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Chree Donaldson, Monica Runyon, Michelle Schilling, Duane Schilling, and Michelle Faltaous.

Exhibit no. 26	Road Services Supplemental Report, received August 13, 2019
Exhibit no. 27	E-mail, from Jeffrey Darrow, sent July 8, 2019
Exhibit no. 28	Valuation of Roads of Right of Way: Train
Exhibit no. 29	Valuation of Roads of Right of Way: Donaldson
Exhibit no. 30	Valuation of Roads of Right of Way: Runyon
Exhibit no. 31	Valuation of Roads of Right of Way: Schilling
Exhibit no. 32	Addendum to Supplemental Report, received August 26, 2019
Exhibit no. 33	Transmittal memorandum and right-of-way valuation model, dated January 31, 2019

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**DEPARTMENT OF TRANSPORTATION  
ROAD SERVICES DIVISION  
REPORT TO THE HEARING EXAMINER**

**PUBLIC HEARING: Tuesday, February 27, 2018 at 10:30 am or shortly thereafter**

**King County Hearing Examiner's Office  
516 Third Avenue, Fred Conference Room, 12<sup>th</sup> Floor  
Seattle, WA 98104**

**February 9, 2018**

**PETITION TO VACATE: Portions of SE 184<sup>th</sup> Street**

**Transportation File: V-2710**

**Proposed Ordinance: 2018-0013**

**A. GENERAL INFORMATION**

Petitioner(s): Robbie and Chree Donaldson  
18321 W. Lake Desire Drive SE  
Renton, WA 98058  
[TheTwenty3rdpsalm@yahoo.com](mailto:TheTwenty3rdpsalm@yahoo.com)

Steve K. Tran  
3008 227<sup>th</sup> St. SW  
Brier, WA 98036

James and Monica Runyon  
18331 W. Lake Desire Dr. SE  
Renton, WA 98058

Duane and Michelle Schilling  
18341 W. Lake Desire Dr. SE  
Renton, WA 98058

Location of Road: Portions of SE 184<sup>th</sup> Street  
Thomas Brothers Page 687  
Zoning – R6

Adjacent Parcels: 4008400175, 4008400185, 4008400190, and 4008400191

# Report to the Hearing Examiner

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## **B. HISTORY**

R.C.W. 36.87 establishes the right of property owners to petition a county legislative body for the vacation of road rights-of-way. K.C.C. 14.40 establishes King County policies and procedures for accomplishing same.

The petition was filed on January 10, 2017 with the Clerk of the King County Council and subsequently revised to clarify the vacation area. The Department of Transportation, Road Services Division (Roads) circulated the request for vacation, soliciting comments from the agencies listed below. The petition requests vacation of portions of SE 184<sup>th</sup> Street located in the Lake Desire area east of Renton in the NE quarter of Section 36, Township 23 N, Range 5 E, W.M. and Thomas Brothers Page 687.

A search of records by staff found that King County acquired the subject right-of-way by plat in the plat of Lake Desire Summer Home Tracts according to the plat recorded in Volume 39 of Plats, pages 44-47, records of King County Washington.

Petitioners own all parcels with the plat abutting the subject right-of-way. The properties to the south of the subject right-of-way are part of a different plat and will not acquire any portion of this right-of-way upon vacation. Upon vacation, the right-of-way interest is eliminated and the full rights to the underlying property revert to their historical origin. In most instances, the vacated area attaches to the abutting property. When the right-of-way is created by plat, upon vacation the interests in the right-of-way revert to the adjoining parcels within the plat.

The subject portion of the right-of-way is not currently opened, constructed, or maintained for public use and is not known to be used for access to any parcel. No record has been located reflecting expenditure of public funds for improvement or maintenance of the right-of-way. The development to the south of the right-of-way may have improvements associated with a common area encroaching on the subject right-of-way.

## **C. NOTICE**

Notice of this hearing was posted at the termini of the proposed vacation area on January 25, 2018 and published in accordance with requirements of RCW 36.87.060.

Pursuant to KCC 14.40.015(C), not less than fourteen days prior to the scheduled hearing for this matter, a copy of the County Road Engineer's Report was sent to all petitioners and persons who are not petitioners but whose property abuts the county road right-of-way or portion of county right-of-way to be vacated under the subject petition. A list of persons to whom the report was sent appears at the end of this report.



**Report to the Hearing Examiner**

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**D. REVIEWING AGENCIES AND COMMENTS**

Roads did not receive responses from Comcast, Frontier Communications, King County Fire District #40, or the following King County agencies: Department of Natural Resources and Parks, Open Space and Wastewater divisions. A copy of the Final Notice is included as Exhibit # 11.

<b>ATTACHMENTS</b>	<b>AGENCY</b>	<b>COMMENT</b>
1.	<b>Puget Sound Energy</b>	Responses dated 05/17/2017. No easements desired. No utilities in the right-of-way. Ok to proceed with vacation.
2.	<b>Century Link</b>	Response dated 02/03/2017. Centurylink does not have facilities in the vacation area and no vested interest or conflict with the proposed vacation.
3.	<b>Wave Broadband</b>	Response dated 02/07/2017. Wave has no plant at this location. No impacts to our facilities.
4.	<b>Soos Creek Water &amp; Sewer Dist.</b>	Response dated 02/07/2017. No water or sanitary sewer in right-of-way. No easements needed. No impact on water or sanitary sewer. Proceed with road vacation.
5.	<b>DPER</b>	Response dated 03/10/2017. No objection.
6.	<b>DES – Property Services</b>	Response dated 04/20/2017. Reserve a vehicular access, if needed, for emergency vehicles and thefor the maintenance of the adjoin storm pond.
7.	<b>DNRP- Parks Div.</b>	Response dated 02/03/2017. Parks has no objections to this request. Okay to vacate.
8.	<b>DNRP-WLRD</b>	Response dated 04/25/2017. There are no structures within the proposed vacation of the Right-of-way. During the development of Cambridge at the Parks Phase II there was nothing pertaining to this roadway that made use of it for access or drainage. We appreciate Ingrid’s comments and observations but in this instance there is nothing there drainage wise that would preclude them from getting the vacation. Our access to the site is via West Lake Desire DR SE and the area that is proposed vacation would not be able to provide us with any feasible access that is not already provided at West Lake Desire DR SE. So WLRD has no interests impacted by the proposed vacation. V-2710, Thank you for the opportunity to comment.
9.	<b>DOT- CIP &amp; Planning Section</b>	Response dated 03/02/2017. No long range transportation planning concerns with this road vacation.

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10.	<b>DOT- Roads Maintenance</b>	Response dated 03/10/2017. Roads Maintenance section has no comments/concerns regarding this proposal.
11.	<b>DOT- Traffic Engineering</b>	Response dated 02/07/2017. No objection to this proposed road vacation.
12.	<b>DOT- Transit</b>	Response dated 02/10/2017. No comments or objection to the vacation.
13.	<b>DOT – Roads Survey</b>	Response dated 03/16/2017. Recommend approval of vacation.
14.	<b>DOT-Enviro Unit</b>	Response dated 02/03/2017. No comments regarding this road vacation.
15.	<b>DOT – Roads Drainage</b>	Response dated 02/03/2017. No known drainage system within the proposed vacation. Some improvements have been made on the west end, probably as part of development. May be some encroachments by adjacent development. DNRP has a regional RD pond at the east end of the right of way but the ROW is not used to access the pond.
16.	<b>EXEC- Landmarks &amp; Heritage</b>	Response dated 02/28/2017. Reviewed data and files for the location and the adjacent parcels and find no indications of historical resources that would be affected by this road vacation. No concerns and no conditions to request.

## E. OTHER COMMENTS:

To the south of the subject vacation area is a development known as The Parks. The Parks Home Owners Association has a common area immediately adjacent to a portion of the vacation area. The common area is improved with an entrance sign, playground equipment, fencing and landscaping. Some portions of the sign, fencing and landscaping are likely within the vacation area. Roads staff has alerted the Petitioners of the situation and encouraged the parties to work towards resolution of the property issues. Roads supports the resolution of the matter by and between the property owners. Vacation of this segment of right-of-way will remove the county's interest in the property and allow the private parties to reach resolution directly.

The vacation portion of right-of-way, has been the subject of numerous contacts with Roads staff. Maintenance staff and management, enforcement staff and administrative personnel have responded to many calls and emails over a period of several years regarding this right-of-way. Roads staff have been called to intervene in private party disputes regarding vegetation, landscaping and activity within the right-of-way, and requests for maintenance and enforcement activity on this unopened and unmaintained section of right-of-way.

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### F. COUNTY ROAD ENGINEER RECOMMENDATION

The Department of Transportation recommends vacating the right-of-way. The subject right-of-way is useless to the County Road System. The full report of the County Road Engineer is included as Exhibit #13.

### G. COMPENSATION

The County Road Engineer recommends that the County accept the non-monetary benefits of reduction of liability and obligation, the avoided costs of management and the additional tax revenue that will result from vacating this segment of useless right-of-way as full compensation for the proposed vacation and waiver of any payment by Petitioners.

Road vacations are a unique activity created and governed specifically by statute and county code. The circumstances, methodology and purpose of road vacations are limited to the statutes and codes from which they arise. RCW 36.87 and King County Code section 14.40 govern this action.

Under KCC 14.40.020, compensation may be required as a condition of a road vacation. The requirement is discretionary, not mandatory. If the county council chooses to require compensation for a road vacation, it “may consider as a factor the assessed land value of the parcels adjacent to the county right-of-way proposed for vacation in addition to the factors listed in RCW 36.87.120.”

The compensation analysis begins with the assessed value of the properties adjacent to the subject right-of-way. KCC 14.40.020. The Petitioners’ property and those in the immediate area are currently zoned R6. The petitioners’ properties range from 19,208 square feet to 77,659 square feet. R6 zoning allows for 6 dwellings per acre within setbacks. Minimum lot size is approximately 7,260 square feet. Under R6 zoning, the petitioners’ parcels in their current state could be subdivided. However, with the exception of the Tran parcel, the addition of the vacation area to the parcels may not substantially change the potential subdivision or development of the parcels. Looking only at the zoning and not taking into consideration setbacks, possible environmental restrictions, or development restrictions for access, the addition of the vacation area to the Tran parcel may allow for one additional resulting lot if the property were to be subdivided.

The total vacation area is 20,622 square feet. Of the total vacation area, 8,348 square feet will attach to the parcel owned by Steve Tran, 4,196 square feet will attach to the property will attach to the property owned by Robbie and Chree Donaldson, 4,202 square feet will attach to the property owned by Monica and James Runyon, and 3,876 square feet will attach to the property owned by Duane and Michel Schilling. The averaged assessed value on a square footage basis for the subject right-of-way is approximately \$4.82 per square foot.

Application of this average assessed value of \$4.82 per square foot to the 20,622 square foot vacation area results in a total value for the vacation area of \$99,398.04. This amount would be apportioned between the parcels as follows: \$40,237.36 for the 8,348 square feet to be vacated to

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Steve Tran; \$20,224.72 for the 4,196 square feet to be vacated to Robbie and Chree Donaldson; \$20,253.64 for the 4,202 square feet to be vacated to Monica and James Runyon; and \$18,682.32 for the 3,876 square feet to be vacated to Duane and Michel Schilling.

However, as a stand-alone strip of land, the vacation area for each parcel would not be usable as a building lot and, with the possible exception of the Tran parcel, by adding the vacation area to the Petitioners' properties, the development and subdivision potential is not substantially changed. Therefore, the valuation of \$4.82 per square foot is not directly applicable to the vacation area.

Unlike tax title parcels or other property owned by the county, sections of right-of-way do not have a readily open market. Vacation, pursuant to RCW 36.87, 58.17 and KCC 14.40, is the only method to eliminate the county's interest in useless county right-of-way and the only method by which the county may divest itself of the duty and liability of maintaining county roads. *See Attorney General Opinion 57-58 No.3, March 13, 1957.* Except in the very limited circumstance of vacating right-of-way abutting bodies of water (RCW 36.87.130), the county is not free to transfer the vacated right-of-way to anyone other than the abutting property. Therefore, the area to be vacated does not have a ready market for its sale. The only party that can acquire the vacated area from the county in this instance are the petitioners, the abutting property owners within the plat of Lake Desire Summer Home Tracts. The county cannot sell the vacation area on the open market.

RCW 36.87.120 allows the County to adjust the appraised value of proposed vacation area "to reflect the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit."

The County Road Engineer recommends that the County accept the non-monetary benefits of reduction of liability and obligation, the avoided obligations of enforcement and management, plus the addition of tax income as compensation for the proposed vacation. In reaching this recommendation, the following factors have been considered:

- The right-of-way is imposed over an area with no useful connectivity to the County Road system and it is unlikely that it would ever be developed as a road;
- Prior vacation of the eastern most portion of this right-of-way further restricts the connectivity and future usefulness of this right-of-way;
- Upon vacation of this section of unopened, unimproved and unmaintained right-of-way the County shall receive monetary benefit as it is added to the property tax rolls;
- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of obligation and liability associated with maintenance, improvement, enforcement, monitoring and management of the right-of-way;
- Upon vacation King County Department of Transportation Road Services Division (Roads) is relieved of liability that can arise as an owner of vacant and unattended land; and
- Retention of this right-of-way provides no other benefit to the County.

## Report to the Hearing Examiner

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Roads maintains approximately 1500 miles of roadway within unincorporated King County. The total amount of unopened unimproved road right-of-way in the County is not known.

Roads has limited staff hours available; diverting Roads staff to respond to calls associated with unopened right-of-way prevents Roads staff from addressing critical daily work on the County's contiguous road system. Roads supports the vacation of unopened unimproved road right-of-way that is useless to the county road system in order to allow the Department to focus on its core responsibility of maintaining improved county roads.

Furthermore, the County's ownership of open and unopened right-of-way can give rise to tort liability for the County. Vacation of this particular unopened road right-of-way reduces the County's exposure to liability claims. Portions of this unopened right-of-way are adjacent to a Home Owners' Association property improved as a neighborhood park. The use of the adjacent property as a neighborhood park brings the potential for unauthorized use of this unopened right-of-way by park visitors. Unauthorized use of the unopened right-of-way that is the subject of this vacation petition brings with it potential tort liability for the County.

King County Office of Risk Management Services informed Roads that as of March 2017 it had closed 428 claims on behalf of Roads for the five year period of January 1, 2012 through December 31, 2016. Of the 428 claims closed, 152 (64%) were closed with payments. In 2016, the Office of Risk Management Services paid \$3,022,232 to resolve 21 claims on behalf of Roads and closed 2016 with 42 additional open claims remaining.

Risk Management Services also reports that the County routinely pays out in excess of \$50,000 for a simple pedestrian trip and fall occurring in maintained county areas such as park and rides and sidewalks. The county has crews to maintain and service such improved areas and the general public will report hazards within an improved area. Whereas, not only does the county not know of all unopened and unimproved road right-of-way, it does not regularly patrol or monitor unopened right-of-way. A sink hole could open or a skateboard jump could be constructed in unopened right-of-way and the county wouldn't know until a claim is filed.

The County has the liability risks associated with simply being an owner of vacant land: hazardous materials dumped on unopened road right-of-way can migrate to adjacent properties exposing the County to potential trespass claims; hazard trees on unopened road right-of-way can fall on adjacent property damaging structures or harming residents; and attractive nuisances can be erected resulting in claims for personal injury.

Every piece of unopened right-of-way held by Roads carries with it the real potential liability for injuries to persons and property. The cost of just one claim can far surpass the straight calculated compensation for the vacation of this road.

Roads seeks to reduce potential obligations, opportunity costs, and liability risk while benefiting the citizens of King County through the vacation of this portion of right-of-way. The dollars Roads

# Report to the Hearing Examiner

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might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its retention.

This particular segment of unopened right-of-way has been the subject of numerous calls and emails to county staff, site visits by staff and management and disputes between neighboring property owners. Staff from Roads, DPER, the Sheriff's Office and DNRP Community Services have been involved in the issues between neighboring property owners over this particular segment of right-of-way. Adjacent property owners have made multiple requests upon the county for the removal of vegetation from the right-of-way, enforcement actions against other property owners who have either planted vegetation or removed vegetation, and direct involvement in neighbor disputes. Significant staff hours have been expended regarding this unopened right-of-way. Additionally, such on going private disputes and use of some portions of the right-of-way by the neighboring homeowners' association increases Roads potential exposure to a liability claim. This right-of-way provides no benefit to the county road system and is better in private ownership where the property owners can work directly to resolve their disputes, possible encroachments and property use.

The other factors included in RCW 36.87.120 to offset monetary compensation, limits on development and future public benefit are briefly highlighted here. Each parcel is currently occupied by and used as a single family residence. The subject vacation area is of limited use or function. The vacation of this unopened right-of-way may have some impact on the potential for subdivision of one petitioner's parcel but not the other three. Otherwise, based upon information available, the mere addition of the vacation area is unlikely to substantially change the use or development potential of the petitioner's parcels. The vacation will add the portion of right-of-way to the county property tax rolls.

It is the recommendation of the County Road Engineer and the Director of Road Services that this right-of-way be vacated and any associated monetary compensation be waived. The reduction in liability and obligations for maintenance and enforcement are valuable consideration for the vacation of this right-of-way and substantially exceed the amounts that could reasonably be charged for the vacation of this right-of-way.

## H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DOT Report to the Hearing Examiner February 9, 2018, with 16 attachments.
2.	Petition transmittal letter dated January 10, 2017 to the Department of Transportation from the Clerk of Council.
3.	Petition for Vacation of a County Road. Received January 10, 2017.
4.	Amended transmittal letter from Clerk of the Council dated January 17, 2017.
5.	Revised petition received February 2, 2017.
6.	February 6, 2017 letter to Petitioners acknowledging receipt of petition and explaining process.

# Report to the Hearing Examiner

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7.	Site map depicting vacation area.
8.	Aerial Map showing vacation area
9.	Vicinity Map
10.	Plat of Lake Desire Summer Home Tracts
11.	Copy of final agency notice sent to stakeholders on March 9, 2017, including comment sheet, vicinity map, and maps of vacation area.
12.	Letter dated July 13, 2017 to Petitioners with a copy of the County Road Engineer's Report.
13.	County Road Engineer's Report
14.	Letter dated January 25, 2018 to Lori Brooks with a copy of the County Road Engineer's Report
15.	Letter dated January 25, 2018 to Paul Brown and Karen Holeman with a copy of the County Road Engineer's Report
16.	Letter dated January 25, 2018 to Robert and Susanne Wick with a copy of the County Road Engineer's Report
17.	Letter dated January 25, 2018 to Parks Homeowners Association with a copy of the County Road Engineer's Report
18.	Ordinance transmittal Letter dated October 18, 2017 from King County Executive to Councilmember Joe McDermott. (note: signed copy unavailable).
19.	Proposed Ordinance 2017-xxxx
20.	Revised Proposed Ordinance 2018-0013
21.	Fiscal Note.
22.	Affidavit of posting for hearing & notice of hearing.
23.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

## **G. ISSUES:**

Exhibit #23 Affidavit of Publication, is typically received either on the day of the hearing or shortly thereafter. The Clerk of Council will forward a copy of the affidavit to both the Examiner's Office and Road Services Division when they receive it.

In preparing the staff Report to the Hearing Examiner, it was determined that there is a typographical error in the legal description within the proposed Ordinance as transmitted from Council. A revised proposed ordinance 2018-0013 is attached as Exhibit #20.

**DEPARTMENT OF LOCAL SERVICES  
ROAD SERVICES DIVISION  
SUPPLEMENTAL REPORT TO THE  
HEARING EXAMINER**

**PUBLIC HEARING: Tuesday, August 27, 2019 at 9:30 am or shortly thereafter**

**King County Hearing Examiner's Office  
516 Third Avenue, Fred Conference Room, 12<sup>th</sup> Floor  
Seattle, WA 98104**

**August 13, 2019**

**PETITION TO VACATE: Portions of SE 184<sup>th</sup> Street**

**Transportation File: V-2710**

**Proposed Ordinance: 2018-0013**

**A. GENERAL INFORMATION**

Petitioner(s): Robbie and Chree Donaldson  
18321 W. Lake Desire Drive SE  
Renton, WA 98058  
[TheTwenty3rdpsalm@yahoo.com](mailto:TheTwenty3rdpsalm@yahoo.com)

Steve K. Tran  
3008 227<sup>th</sup> St. SW  
Brier, WA 98036  
[Stevetranwk@gmail.com](mailto:Stevetranwk@gmail.com)

James and Monica Runyon  
18331 W. Lake Desire Dr. SE  
Renton, WA 98058  
[Monica.runyon@hotmail.com](mailto:Monica.runyon@hotmail.com)

Duane and Michelle Schilling  
18341 W. Lake Desire Dr. SE  
Renton, WA 98058  
[Michelle-schilling@comcast.net](mailto:Michelle-schilling@comcast.net)

Location of Road: Portions of SE 184<sup>th</sup> Street  
Thomas Brothers Page 687  
Zoning – R6



## **Supplemental Report to the Hearing Examiner**

**V-2710**

**Page 2 of 8**

Adjacent Parcels: 4008400175, 4008400185, 4008400190, and 4008400191

Initial Hearing: February 27, 2018

### **B. HISTORY**

The petition was filed on January 10, 2017 with the Clerk of the King County Council and subsequently revised to clarify the vacation area. The Department of Local Services, Road Services Division (Roads) circulated the request for vacation, soliciting comments from stakeholders. The petition requests vacation of portions of SE 184<sup>th</sup> Street located in the Lake Desire area east of Renton in the NE quarter of Section 36, Township 23 N, Range 5 E, W.M. and Thomas Brothers Page 687.

A hearing on the petition was conducted by the County Hearing Examiner on February 27, 2018. An Interlocutory Order in his matter was issued by the Hearing Examiner on March 13, 2018 holding the matter open until the County Office of Performance Strategy and Budget (PSB) prepared a model for calculating compensation in road vacation petitions. Such model has been created and was presented to the County Council.

### **C. NOTICE**

Notice of this hearing was posted at the termini of the proposed vacation area on July 31, 2019 and published in accordance with requirements of RCW 36.87.060.

### **D. REVIEWING AGENCIES AND COMMENTS**

After the February 27, 2018 hearing, Roads did not solicit or receive new comments or responses from stakeholders regarding this petition.

### **E. COUNTY ROAD ENGINEER RECOMMENDATION**

The County Road Engineer recommends vacating the right-of-way. The subject right-of-way is useless to the County Road System. The full report of the County Road Engineer was submitted with Roads' initial Staff Report to the Hearing Examiner as Exhibit #13.

### **F. OTHER ISSUES**

As noted in the Hearing Examiner's Notice of Hearing dated July 30, 2019, during the first hearing on this matter, Mr. Tran indicated that he did not wish to continue his participation in the vacation petition. Roads has not received a written notice of withdrawal from Mr. Tran. Roads prefers that if this subject right-of-way is vacated, that the entire portion as described in the revised petition and prepared Ordinance, Exhibit#20 previously submitted. Removing one property from the vacation

## Supplemental Report to the Hearing Examiner

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area will leave Roads with a small segment of useless right-of-way and a potential enforcement action to removed structures, plantings and sprinkler systems from the right-of-way.

This petition may proceed, and the entire segment of right-of-way vacated. A valid road vacation petition requires the participation of the owners of a majority of the frontage on any county right of way or portion of right of way they seek to vacate. RCW 36.87.020, KCC 14.40.0102. Regardless of whether Mr. Tran formally withdraws his participation in the petition, the remaining petitioners constitute the ownership of a majority of the frontage of the subject right-of-way including that abutting Mr. Tran's property. Proceeding with this petition absent Mr. Tran's participation is supported by statute, County Code and court ruling in the case of *Thayer v. King County*, 46 Wn.App. 734, 731 P.2d 1167 (1987).

In *Thayer*, the petitioners sought vacation of only a portion of a road lying north of Bear Creek. The County Road Engineer reviewed the vacation area and recommended the area be expanded to include a culvert serving the creek. The County Council, acting on the report of the County Road Engineer, vacated the expanded area as opposed to merely the area stated in the petition. Appellants purchased their property while the road vacation petition was in process; just six months prior to the passage of the vacation ordinance. Upon passage of the ordinance, the Appellants became owners of not only the roadway the petitioners had originally sought to vacate, but also the creek bed. As a result, they became responsible for the upkeep of the culvert through which the creek flows.

The Appellants objected to the expansion of the vacation area. The Court found that the County acted in accordance with the statutes governing road vacations. Specifically, the Court upheld the vacation on the grounds that the County Road Engineer has the power to modify the portion of road to be vacated, the hearing for a road vacation is held on the engineer's report, not the petition, and, moreover, the County Council "has the statutory authority to vacate any portion of the road on its own motion". *Thayer*, 46 Wn.App. at 737, 738. The vacation of the road and culvert, with the transfer of obligation for maintenance of the creek and culvert, was held to be valid and proper.

Should Mr. Tran choose to withdraw his participation, this road vacation may continue with the vacation of the full portion of SE 184<sup>th</sup> Street right-of-way extending along the properties of the Schillings, Runyons, Donaldsons, and Mr. Tran. The issue then becomes, what if any compensation the petitioners will be required to pay in order to complete this road vacation.

### G. COMPENSATION

Utilizing the model prepared by PSB, Roads solicited from the Assessor's Office a determination of the value of the approximately 20,622 square feet of right-of-way to be vacated under this petition as apportioned to each of the Petitioners' properties abutting the subject section of right-of-way. See Exhibit #25. The full model spreadsheets as applied to the Petitioners' properties for this road vacation appear in Exhibits #26-29.

**Supplemental Report to the Hearing Examiner**

**V-2710**

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**Property 400840-0175** is owned by Steve Tran and will receive approximately 8,348 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 400840-0175 is improved with a residence.

The pre-vacation value is \$211,000.

The post-vacation value is \$218,000.

Difference in value after the vacation area of 8,348 square feet added to the parcel is \$7,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$7,000 valuation:

\$ 138 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is a charge of \$4,862.00

Under the calculation set forth in the County Road Engineer's Report and the Roads Staff Report submitted prior to the initial hearing, the compensation for Parcel 400840-0175 was \$40,237.36 for the 8,348 square feet to be vacated. However, Roads had recommended that compensation be waived.

**Property 400840-0185** is owned by Robbie and Chree Donaldson and will receive approximately 4,196 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 400840-0185 is improved with a residence.

The pre-vacation value is \$151,000.

The post-vacation value is \$162,000.

Difference in value after the vacation area of 4,196 square feet added to the parcel is \$11,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$11,000 valuation:

\$ 216 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

**Supplemental Report to the Hearing Examiner**

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Result is a charge of \$8,784.00

Under the calculation set forth in the County Road Engineer's Report and the Roads Staff Report submitted prior to the initial hearing, the compensation for Parcel 400840-0185 was \$20,224.72 for the 4,196 square feet to be vacated. However, Roads had recommended that compensation be waived.

**Property 400840-0190** is owned by Monica and James Runyon and will receive approximately 4,202 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 400840-0190 is improved with a residence.

The pre-vacation value is \$133,000.

The post-vacation value is \$143,000.

Difference in value after the vacation area of 4,202 square feet added to the parcel is \$10,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$10,000 valuation:

\$ 197 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is a charge of \$7,803.00

Under the calculation set forth in the County Road Engineer's Report and the Roads Staff Report submitted prior to the initial hearing, the compensation for Parcel 400840-0190 was \$20,253.64 for the 4,202 square feet to be vacated. However, Roads had recommended that compensation be waived.

**Property 400840-0191** is owned by Duane and Michel Schilling and will receive approximately 3,876 square feet under this road vacation.

The Assessor's Office provided the following information:

Parcel 400840-0191 is improved with a residence.

The pre-vacation value is \$132,000.

The post-vacation value is \$138,000.

## Supplemental Report to the Hearing Examiner

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Difference in value after the vacation area of 3,876 square feet added to the parcel is \$6,000.

The category of this section of right-of-way is Undeveloped and Unopened ROW under the PSB model.

From the \$6,000 valuation:

\$ 118 is deducted for the present value of anticipated property tax revenue

\$ 2,000 is deducted for the maintenance and management costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of- way.

Result is a charge of \$3,882.00

Under the calculation set forth in the County Road Engineer's Report and the Roads Staff Report submitted prior to the initial hearing, the compensation for Parcel 400840-0191 was \$18,682.32 for the 3,876 square feet to be vacated. However, Roads had recommended that compensation be waived.

This section of right-of-way has been the subject of numerous contacts with Roads staff. Maintenance staff and management, enforcement staff, and administrative personnel have responded to numerous calls and emails over a period of several years regarding this right-of-way. Roads staff have been called to intervene in private party disputes regarding vegetation, landscaping and activity within the right-of-way, and requests for maintenance and enforcement activity on this unopened and unmaintained section of right-of-way. However, Roads does not track time spent responding to calls or engaged in enforcement actions by specific right-of-way or party. Therefore, Roads is not able to provide a direct accounting of the costs it has incurred for this right-of-way.

Roads' intention in its approach to road vacation compensation under the County Code was to reduce its inventory of right-of-way useless to the County Road system and reduce costs, obligations and liability exposure. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County's potential liability from its mere retention or the costs Roads has incurred responding to citizen complaints and concerns. Roads reiterates that under the County Code, a requirement of compensation for a road vacation is discretionary with the County Council. KCC 14.40.020 specifically provides that compensation may be required as a condition of a road vacation. Roads understands the concerns that gave rise to the request for a compensation model and will follow the directions of the County Council in applying such model. However, Roads remains very concerned that requiring compensation, particularly to vacate unopened right-of-way, will present barriers to eliminating these useless and often problematic sections of right-of-way leaving the county to continue to carry full responsibility for these random pieces of property.

# Supplemental Report to the Hearing Examiner

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## H. EXHIBITS

Exhibit #	DESCRIPTION
24.	Roads Supplemental Report to the Hearing Examiner August 13, 2019.
25.	Email exchange with Assessor's Office for valuation calculation.
26.	Compensation calculation model spreadsheet Parcel 400840-0175
27.	Compensation calculation model spreadsheet Parcel 400840-0185
28.	Compensation calculation model spreadsheet Parcel 400840-0190
29.	Compensation calculation model spreadsheet Parcel 400840-0191
30.	Affidavit of Posting
31.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

## G. ISSUES:

Exhibit #31 Affidavit of Publication, is typically received either on the day of the hearing or shortly thereafter. The Clerk of Council will forward a copy of the affidavit to both the Examiner's Office and Road Services Division when they receive it.

In preparing the initial staff Report to the Hearing Examiner, it was determined that there is a typographical error in the legal description within the proposed Ordinance as transmitted from Council. A revised proposed ordinance 2018-0013 was attached as Exhibit #20 to the initial report.



**Signature Report**

**Motion**

**Proposed No.** 2019-0353.1

**Sponsors** Dembowski

1           A MOTION acknowledging receipt of King County  
2           organics market development plan prepared in accordance  
3           with 2019-2020 Biennial Budget Ordinance, Ordinance  
4           18835, Section 102, Proviso P2.

5           WHEREAS, King County 2019-2020 Biennial Budget Ordinance, Ordinance  
6           18835, Section 102, Proviso P2, states that \$250,000 shall not be expended or  
7           encumbered until the executive transmits an organics market development plan to expand  
8           and enhance the regional market for compost that is produced using the county's organics  
9           stream, and a motion that acknowledges receipt of the plan and the motion is passed by  
10          the council, and

11          WHEREAS, the ordinance requires the organics market development plan to  
12          include but not be limited to:

13           1. An evaluation of actions the county can take to expand and enhance the  
14          regional market for compost that is produced using the county's organics stream. The  
15          evaluation shall consider, but not be limited to:

- 16           a. Best practices and actions taken by cities and counties across the nation;
- 17           b. County procurement policies;
- 18           c. Use in water quality, habitat and site rehabilitation projects;
- 19           d. Use in county or private development projects; and

20 e. Subsidies for agricultural or other uses.

21 2. A set of recommendations that the county could pilot to use compost produced  
22 from the county's organics stream, cost estimates for those recommendations, any barriers  
23 to the use of the compost and options to overcome those barriers, and

24 WHEREAS, the executive has transmitted to the council the organics market  
25 development plan and a motion by August 16, 2019;

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

27 Receipt of the King County Organics Market Development Plan submitted as



28 Attachment A to this motion in accordance with 2019-2020 Biennial Budget Ordinance,  
29 Ordinance 18835, Section 102, Proviso P2, is hereby acknowledged.  
30

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. King County Organics Market Development Plan

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## **King County Organics Market Development Plan**

Prepared in accordance with  
Ordinance 18835, Section 102, Proviso P2

**August 2019**



**King County**

Department of Natural Resources and Parks  
Solid Waste Division

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## **Executive Summary**

The King County Council, via a proviso in the King County 2019-2020 adopted budget Ordinance (Section 102, Proviso P2), requested the Executive to submit an Organics Market Development Plan (Organics Plan) to expand and enhance the regional market for compost that is produced using the county's organics stream. The intent of the Organics Plan is to develop new uses to increase local demand which will help divert organic materials (food, yard, wood and compostable paper) from the Cedar Hills Regional Landfill through recycling.

It is King County's goal to achieve zero waste of resources by 2030. This goal is contained in King County Code 10.14.020<sup>1</sup>, the Strategic Climate Action Plan<sup>2</sup>, and the 2019 Comprehensive Solid Waste Management Plan<sup>3</sup>. Recovering organic material is an essential part of reaching this goal. The Solid Waste Division (SWD) of the Department of Parks and Natural Resources (DNRP) works to divert these materials from the Cedar Hills Regional Landfill.

In 2018, organic materials comprised more than 35 percent of what was disposed at Cedar Hills Landfill<sup>4</sup>. This represents a significant wasted resource as this organic material could be utilized to improve water quality and soil plant health, and reduce climate impacts. King County relies on the private sector to collect and process organic materials. Current processing in the region is at 85 percent permitted capacity, meaning that in order to reach King County's goals; more capacity will be needed in the future.

The current market demand (by government agencies, landscapers, homeowners and others) for compost synchronizes with supply of material produced, however to recycle more material, additional markets are needed to incentivize additional composting (or other organics technology) processing capacity. At the same time, contamination of the organics stream in the form of plastic and glass disposed of at the curb in recycling containers by residents and business is a barrier to high quality compost. High quality compost is critical for markets to be strong, sustained and to expand.

As part of the development of this Organics Plan, SWD contracted with Cascadia Consulting Group on the Organics Materials Management Report<sup>5</sup> documenting and analyzing the organics management system for King County. The report is comprised of two parts:

- Regional organic material data, presenting trends in disposal and recovery of organic materials, including food scraps and yard trimmings;
- King County Organics Market Assessment, an update of local organics market conditions, (previously documented in 2017 and 2015), an extensive literature review covering best practices from across the country, and summarizing relevant

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<sup>1</sup> [King County Code 10.14.020](#).

<sup>2</sup> [Strategic Climate Action Plan](#).

<sup>3</sup> [2019 Comprehensive Solid Waste Management Plan](#).

<sup>4</sup> An infographic setting out the regional organic system can be found in the addendum to this plan.

<sup>5</sup> [Organic Materials Management in King County](#).

trends related to King County's organics supply, processing, and end market demand.

The study notes there are many organics management challenges for the region, including mitigating contamination across all stages of the supply chain, as well as ensuring adequate organics processing capacity for the quantity of organics generated by residents and businesses.

In response to this proviso, this Organics Plan identifies a role for King County government to expand and enhance the market for organics and compost. It organizes the issues facing organics in the region into three categories of response – 1) enhance and expand the local market for compost; 2) reduce contamination and materials which are currently disposed which could be recycled (also referred to as wasted resources); and 3) expand organic material processing.

1. Enhance and expand the local market for compost – target recommendations to increase the purchase of compost in the region:
  - *Recommendation 1-A: Provide technical assistance to King County agencies to increase compost use in county projects*
  - *Recommendation 1-B: Use compost for closed landfill cover biofiltration enhancement pilot project*
  - *Recommendation 1-C: Increase compost use on King County owned farmland pilot*
  - *Recommendation 1-D: Soil restoration at Parks and Recreation Division post demolition sites*
  - *Recommendation 1-E: Explore incentives for compost use in King County's green building practices*
  - *Recommendation 1-F: Review post-construction soil standards for compost use and compliance*
2. Reduce wasted resources and contamination – a multi-cultural strategy focusing on the need to reduce contaminants in the organics waste stream:
  - *Recommendation 2-A: Regional contamination reduction outreach campaign*
3. Expand organic material processing – identifies opportunities that could lead to additional regional organics processing:
  - *Recommendation 3-A: Explore commercial food waste processing to enhance wastewater gas production*
  - *Recommendation 3-B: Support regional organics processing in appropriately zoned areas*
  - *Recommendation 3-C: Explore feasibility of local organics processing at the Vashon Island Recycling Transfer Station*

This Organics Plan identifies that additional budget authority is necessary to conduct part

of the SWD biofiltration<sup>6</sup> enhancement pilot project to use compost as a cover on three closed landfill sites (*Recommendation 1-B*). It is anticipated that this request will be included in a subsequent budget ordinance. Other recommendations that involve SWD will be paid for through the existing budget. No code changes are needed to implement any of the pilot projects.

### **Proviso Text**

Ordinance 18835, Section 102, Proviso P2:

Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a plan identifying actions and recommendations that the county can take to expand and enhance the regional market for compost that is produced using the county's organics stream and a motion that should acknowledge receipt of the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion, and a motion acknowledging receipt of the plan is passed by the council. The intent of the plan is to divert flows from the landfill through recycling and by developing new uses to increase local demand.

In the development of the plan, the solid waste division shall consult with the following county divisions on potential options: road services; permitting; wastewater treatment; water and land resources; and parks and recreation.

The plan shall include, but not be limited to:

A. An evaluation of actions the county can take to expand and enhance the regional market for compost that is produced using the county's organics stream. The evaluation shall consider, but not be limited to:

1. Best practices and actions taken by cities and counties across the nation;
2. County procurement policies;
3. Use in water quality, habitat and site rehabilitation projects;
4. Use in county or private development projects; and
5. Subsidies for agricultural or other uses.

B. A set of recommendations that the county could pilot to use compost produced from the county's organics stream, cost estimates for those recommendations, any barriers to the use of the compost and options to overcome those barriers.

The executive should file the plan and a motion required by this proviso by August 16, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the committee of the whole, or its successor.

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<sup>6</sup> Biofiltration: is a technology that uses compost, wood chips and living organisms to capture and biologically degrade landfill methane.

## Introduction

### **Background:**

It is King County's goal to achieve zero waste of resources by 2030. This goal is contained in King County Code 10.14.020<sup>7</sup>, the Strategic Climate Action Plan<sup>8</sup>, and 2019 Comprehensive Solid Waste Management Plan<sup>9</sup>. Recovering organic material is an essential part of reaching this goal.

The SWD works to divert organic material - food waste, yard waste, wood waste, and soiled paper - from the Cedar Hills Regional Landfill through a variety of programs including food waste prevention, edible food recovery, and organics recycling. Businesses, institutions and residents in King County generate these materials.

When processed into a soil amendment<sup>10</sup> (compost), these materials provide a significant benefit to the environment. Compost improves soil health, which along with healthy air and water is vital to ecosystem survival. Methane gas, a potent greenhouse gas is generated as these materials degrade<sup>11</sup>. Recycling these materials helps mitigate this impact. Compost is beneficial for many uses including agriculture, erosion control, stormwater management and land restoration.

In 2018, organic materials comprised more than 35 percent of what was disposed at Cedar Hills Landfill. This represents a significant wasted resource, as this organic material could be utilized to improve water quality and soil plant health, and reduce climate impacts. King County relies on the private sector to collect and process organic materials. In 2018, Seattle-King County and Snohomish County public health agencies permitted capacity for organics processing was at 85 percent<sup>12</sup>. In order to reach King County's zero waste of resources and climate goals, more capacity will be needed in the future.

The current market demand (by government agencies, landscapers, homeowners and others) for compost synchronizes with supply of material produced, however to recycle more material, additional markets are needed to incentivize additional composting (or other organics technology) processing capacity. At the same time, contamination of the organics stream in the form of plastic and glass disposed of at the curb in recycling containers by residents and business is a barrier to high quality compost. High quality

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<sup>7</sup> [King County Code 10.04.](#)

<sup>8</sup> [King County Strategic Climate Action Plan.](#)

<sup>9</sup> [King County Comprehensive Solid Waste Management Plan.](#)

<sup>10</sup> Soil amendments are materials which are added and worked into the soil to enhance physical properties, such as the soils ability to hold water, and to enhance overall plant health.

<sup>11</sup> [King County Strategic Climate Action Plan-Greenhouse Emissions.](#)

<sup>12</sup> An infographic setting out the regional organic system can be found in the addendum to this plan.



compost is critical for markets to be strong, sustained and to expand.

As required by the Proviso, SWD consulted on potential options with the Department of Local Services Roads and Permitting Division, and the DNRP divisions of Wastewater Treatment, Water and Land Resources, and Parks and Recreation.

This Organics Plan is organized as follows:

**Part A:** Is an evaluation of actions the county can take to expand and enhance the regional market for compost that is produced using the county's organics stream. As required, the evaluation considers:

1. Best practices and actions taken by cities and counties across the nation;
2. County procurement policies;
3. Use of compost in water quality, habitat and site rehabilitation projects;
4. Use of compost in county or private development projects; and
5. Subsidies for agricultural or other uses.

**Part B:** Includes recommendations that the county could pilot to use compost produced from the county's organics stream, associated cost estimates for the recommendations, identification of barriers to the use of the compost and options to overcome those barriers.

### **Part A: Evaluation**

#### **Plan Development:**

To develop this Organics Plan, SWD contracted with Cascadia Consulting Group for market assessment research<sup>13</sup> and hosted two facilitated full-day organics summits<sup>14</sup> in March and April 2019. Over 50 regional stakeholders from, tribes, cities, composters, waste haulers, landscapers, universities, regulators, nongovernmental organizations, and King County government, gathered at the Tukwila Community Center to provide input on barriers, challenges, and opportunities in organics recycling.

Together, organics summit participants drafted a vision statement to guide the work on compost and organic material management – *“Organic material is prevented, reduced, recycled and ultimately reused locally, creating a self-sustaining regional organics system that minimizes waste, promotes healthier soils and protects the environment.”*

In addition to research and public involvement, SWD consulted on potential options with county departments and divisions as required including:

- Department of Natural Resources and Parks: Parks and Recreation Division; Wastewater Treatment Division; Water and Land Resources Division
- Department of Executive Services: Procurement and Payables Section

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<sup>13</sup> [King County 2019 Organic Materials Management.](#)

<sup>14</sup> [Organics Summits.](#)

- Department of Local Services: Road Services Division and Permitting Division

### 1. **Best practices and actions to expand and enhance the regional market for compost taken by cities and counties across the nation**

Many jurisdictions have implemented best practices and actions that have driven increase in compost demand. The following sources of best practices were reviewed for this Organics Plan, with further references within this document as relevant. Further information on these can be found in the Organics Materials Management Report, Appendix 3<sup>15</sup>.

- **The Washington State Department of Transportation (WSDOT)** has developed extensive guidance and specifications for compost use in transportation projects.
- **The Compost Outreach Project** is an initiative of the Washington State University Cooperative Extension in Snohomish County works with local compost producers, conservation districts, and counties to promote compost use from commercial food and yard waste on farms in King and Snohomish Counties.
- **Marin Carbon Project** is a consortium of agricultural groups working to increase carbon sequestration<sup>16</sup> in soils in Marin County, California through research, advocacy, and support of carbon farming demonstration projects.
- **California Healthy Soils Program** is a collaboration of state agencies and departments to promote the development of healthy soils on California's farmlands and ranchlands.
- **The Washington State Department of Ecology** produced the Stormwater Management Manual for Western Washington includes guidelines for compost as part of bioretention soil mix to improve soil quality and organic matter.
- **Built Green** is a local green building program of the Master Builders Association of King and Snohomish Counties, calls out compost use specifically in its certification checklists for both single and multifamily homes, requiring that projects amend disturbed soil with compost to restore soil environmental functions.
- **Clean Washington Center and City of Everett (WA)** partnered on a demonstration project to assess compost use for wetland restoration.
- **New York City Parks Department** leads on compost use in parks and community gardens.
- **City of Phoenix** is currently working with Arizona State University to study compost application on multiuse turf in nine parks.
- **California Department of Food and Agriculture** administers the **Healthy Soils Program**, a multi-agency collaboration to promote soil health on the state's farm and ranchlands.
- **New York City Department of Sanitation (DSNY)** hosts multiple compost giveback events to residents.
- **Colorado state environmental purchasing policy** gives preference to compost produced by Colorado-generated plant debris and/or food and agricultural waste.

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<sup>15</sup> [King County 2019 Organic Materials Management.](#)

<sup>16</sup> Carbon sequestration is the process of capturing and storing carbon dioxide from the atmosphere.

## 2. County procurement policies

King County's Department of Executive Services Procurement and Payables Section,<sup>17</sup> helps King County departments and agencies achieve sustainability through responsible stewardship of county resources, streamlining business processes, and strategic procurements. Its Sustainable Purchasing Program (SPP), and corresponding Sustainable Purchasing policies and County Code 18.20<sup>18</sup>, support county purchasing options and educate agencies about the importance of balancing environmental, social and fiscal concerns when choosing products, materials and services.

SWD and SPP staff reviewed the current approach for procuring compost in county projects. An analysis of King County's capital projects identified missed opportunities to include compost specifications in the bid language for some projects. When compost was specified, there was a lack of uniformity in material specifications, monitoring, tracking, and costs. Thus, a county-wide systematic approach for using organics in county projects is needed. This would include educating project managers and business units on the availability and acceptable use of organics in county projects, and stimulating the demand for the use of organics in county projects. To increase compost use regionally, these resources and lessons learned would then be shared with local jurisdictions within King County.

The lack of uniform material specifications for compost, coupled with limited awareness of opportunities within projects for compost use, hampers wider use of compost by county agencies and also by local jurisdictions. Opportunities exist for increased compost use in public projects through contracting processes, coupled with targeted marketing. Where possible and appropriate, procurements could incorporate specifications for locally produced compost, derived from waste material generated by King County residents and businesses. Increasing the use of compost in public projects provides an opportunity to lead by example and demonstrate "circular" management of the region's organic waste<sup>19</sup>. Aggregating quantities of compost through a county-wide contract and having standard material specifications provides product consistency, and also has the potential to reduce procurement and product costs for all agencies.

King County government undertakes a wide range of projects where use of more compost and other finished organic materials could benefit local soils and communities.

## 3. Compost use in water quality, habitat and site rehabilitation projects

There are common applications for compost employed by many agencies across the country including green stormwater infrastructure projects such as rain gardens,

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<sup>17</sup> [King County Procurement](#).

<sup>18</sup> [King County Code 18.20](#).

<sup>19</sup> A [circular economy](#) involves designing out waste and pollution, keeping products and materials in use, and regenerating natural systems.

bioswales<sup>20</sup>, and green roofs. Habitat and restoration projects use compost to conserve water where soils are damaged, support revegetation and growth of cover plants, and improve soil fertility. For example:

**Green stormwater:** The King County Wastewater Treatment Division works with Seattle Public Utilities and partners with the Rainwise program<sup>21</sup> to implement green stormwater infrastructure (GSI) as called for by local and state requirements<sup>22</sup> and environmental objectives<sup>23</sup>.

**Tree health:** A study of urban forests in New York City found that compost application increased water-holding capacity and microbial biomass of soil immediately and increased tree growth<sup>24</sup>.

**Water conservation:** The City of Redmond's soil amendment guidelines indicate amending a turf site with compost can reduce peak summer irrigation by 60 percent compared to unamended sites<sup>25</sup>.

**Site restoration:** A U.S. Forest Service study in 1996 found that seedlings planted on compacted, eroded, and steep slopes grew taller and to wider diameters after 20 months when planted on test plots with compost compared to those planted with straw mulch<sup>26</sup>.

**Soil amendments:** King County Code 16.82 requires construction projects within King County to develop a soil management plan and document the amount of compost or compost-containing topsoil mix used<sup>27</sup>.

**Carbon sequestration and storage in soil applications:** There is significant emerging research and public policy exploration of the carbon benefits of healthy soils. The California Healthy Soils Program is a multi-agency collaboration to promote soil health on the state's farm and rangelands to improve soil health while reducing greenhouse gas emissions<sup>28</sup>.

#### 4. Compost use in County or private development projects

Seasonality and construction project timelines continue to be factors affecting market demand for organics. For example, WSDOT's use of compost varies with new project funding since compost uses are tied to some but not all of their construction activities – which vary in size and the extent to which soil amendments are required, including

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<sup>20</sup> Bioswales slow stormwater runoff and directs it to an area where it can soak into the soil.

<sup>21</sup> The [RainWise program](#) helps private property owners manage the rain that falls on their roofs by providing rebates to cover the cost of particular building improvements like rain gardens.

<sup>22</sup> Requirements vary depending on location, but generally aim to reduce runoff from building development and promote stormwater reuse. For example, Seattle [Municipal Code \(SMC\) 22.800-22.808](#).

<sup>23</sup> [King County 2019 Organic Materials Management](#).

<sup>24</sup> Cornell Waste Management Institute, *Compost Use for Improved Soil*, Ithaca: Cornell University.

<sup>25</sup> [King County 2019 Organic Materials Management](#).

<sup>26</sup> Ibid.

<sup>27</sup> [King County Post Construction Soil Standard](#).

<sup>28</sup> [California Department of Food and Agriculture Healthy Soils Program](#).

compost. Analysis finds that total annual compost use by WSDOT, as tracked by the quantities specified in bid awards, have ranged from 35,000 to 105,000 cubic yards per year (a threefold difference) over the last 10 years, demonstrating the yearly fluctuations in demand for compost.

Stakeholders at the organics summit in April 2019 noted potential for more routine applications of compost or other soil amendments for parks, city landscaping, and on roadsides, but these are not standard practices and/or do not represent significant quantities of compost at this time.

The King County Department of Local Services Road Services Division reports that critical safety work remains the top priority for 2019-2020 biennium. The Road Services Division's six-year capital improvement program is significantly diminished from past years and is focused on roads projects addressing deterioration rather than planned preservation and maintenance<sup>29</sup>. With insufficient funds for a full preservation program or timely replacement of infrastructure, available revenues are focused on reacting to the higher risks associated with the deteriorating road system. King County continues to experience a roads funding crisis, due to municipal annexations, the 2008 recession, declines in gas tax revenues, the effects of voter initiatives, and an aging bridge and road system. The lack of revenue is significantly impacting the county's ability to maintain and improve roads. It has been more than a decade since a new capacity project has been funded, and preservation projects have been limited or associated with one-time funding.

Rather than importing soils, when feasible, the Roads Services Division strives to keep native soils on its project sites. Roads Services Division's capital projects are typically successful in reusing the onsite soil materials generated from the site, in compliance with the King County Green Building Ordinance<sup>30</sup>. As such, Roads Services Division's projects typically use less purchased compost and soil materials, reducing overall project costs. It is anticipated that recent rates associated with Roads Services Division's compost procurement, in capital projects, will remain stable through the King County Council adopted Roads 2019-2024 six-year CIP<sup>31</sup>.

## **5. Subsidies for agricultural or other uses**

Subsidies to the agricultural sector can help to reduce the cost of doing business and increase use of organics. Government programs that benefit the public interest and support farms take a number of forms, including financial support (such as grants), or providing goods or services at below market prices (such as favorable procurement processes)<sup>32</sup>.

In examining the case for subsidies for the compost market, understanding current and future markets and opportunities, identifying producer and consumer barriers, and

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<sup>29</sup> [King County Roads Services Division Capital Improvement Program Transportation Projects 2017-2022.](#)

<sup>30</sup> [King County Green Building Ordinance.](#)

<sup>31</sup> [King County Roads Services Division Capital Improvement Program Transportation Projects 2017-2022.](#)

<sup>32</sup> [World Trade Organization: World Trade Report.](#)

recognizing the current support already provided by ratepayers will be essential parts of considering any future support.

### **Agricultural applications:**

The Compost Outreach Project<sup>33</sup> – an initiative by the Washington State University Cooperative Extension in Snohomish County – has collaborated with local compost producers, county offices and local conservation districts since 2011 to promote and evaluate use of commercial food scraps and yard trimmings compost on farms in Snohomish and northern King County through compost use trials. Agricultural markets made up less than five percent of the total compost market in Washington State and found that 81 percent of farmers surveyed had not previously used compost made from food scraps and yard trimmings<sup>34</sup>.

In addition to identifying the opportunity for compost use in agriculture, the project also noted that farmers have pinpointed compost price, spreading (equipment and time required), compost delivery, plastic contamination of compost, and lack of information about how to use compost as barriers for further compost use. Similar barriers were identified for agricultural use of compost in California during a one-day workshop organized in early 2018 by BioCycle<sup>35</sup>.

High costs of transporting compost produced in western Washington for applications in central and eastern Washington makes compost less competitive than locally made compost in those areas. Interviewees for the 2019 Organics Market Assessment contained in the Organics Materials Management in King County report<sup>36</sup> and regional organics summit attendees identified the costs and associated marketing challenges for applications that require long-distance transport of compost<sup>37</sup>. Participants at the organics summit noted higher opportunity for potential compost use on King County farmlands rather than focusing on the agriculture in eastern Washington.

As outlined above, development of support programs for agriculture which would provide direct financial support (such as a grant) or an in-kind support (such as below market price for compost) will need to address the identified barriers which currently prevent wider agricultural use of compost. These barriers include market price for compost and transport costs, spreading (equipment and time required), compost delivery, plastic contamination of compost, and lack of information about how to use compost.

Building on previous King County supported research<sup>38</sup>, an opportunity exists for King County to explore greater support for agricultural uses of organics, particularly working with farmers from immigrant and refugee communities and for farmers supplying the

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<sup>33</sup> [Washington State University Extension Snohomish County Compost in Agriculture.](#)

<sup>34</sup> Doug Collins, Hallie Harness and Andy Bary, WSU. "Commercial Compost Application on Western Washington Farms." July 8, 2016.

<sup>35</sup> [King County 2019 Organic Materials Management.](#)

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

local horticulture markets. Immigrant and refugee farmers lease land and are less able to invest in improvements, given the shorter duration of their stewardship. Translation of materials into several of the primary languages of these farmers would be necessary to increase their interest in compost use.

## **Part B: Recommendations**

Informed by the organics summits held in March and April of 2019, the Organics Plan organizes issues facing the region into three categories of needed outcomes:

1. Enhance and expand the local market for compost – target recommendations to increase the purchase of compost in the region;
2. Reduce contamination and materials which are currently disposed which could be recycled also referred to as wasted resources – creates a focused strategy aimed at reducing contaminants in the organics waste stream and diverting more material from disposal and;
3. Expand organic material processing – identifies opportunities that could lead to additional regional organics processing.

Each recommendation outlined below includes the following information

- Description
- Basis
- Why action is needed
- Barriers/challenges
- Expected outcomes/impacts/improvements of implementation
- Duration
- Projected costs and what the funds do
- Partners involved with implementation

Each recommendation aligns with DNRP’s goals and policies to achieve zero waste of resources in 2030 and divert organic materials for a more beneficial use than disposal including improved soil and plant health, enhanced water quality and climate mitigation. Actions that lead to reduced contamination recycled in organics bins and/or expansion of compost use, will help strengthen the organics recycling infrastructure.

### **Recommendation Area 1: Enhance and Expand the Local Market for Compost**

King County government implements a wide range of projects where use of more compost and other finished organic materials could benefit local soils and communities.

#### ***Recommendation 1-A: Provide technical assistance to King County agencies to increase compost use in county projects***

- **Description** – This technical assistance program will help project managers determine how to optimize the use and purchase of compost. The SWD and the SPP will develop this as a pilot project for King County government departments and divisions. The pilot includes specifications for the compost and its

applications, simplified contract arrangements, and internal education and marketing.

- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because a successful pilot could provide a blueprint for more activities in the future, including direct technical assistance to local jurisdictions that could potentially better utilize and purchase compost.
- **Why action is needed** – As outlined in Part A, and in the Organics Materials Management in King County report<sup>39</sup>, aggregating quantities of compost through a county-wide contract and having standard material specifications provides product consistency, and also have the potential to reduce procurement and product costs for all agencies.
- **Barriers/challenges** – Limited knowledge about the product and/or previous performance issues could limit the likelihood of compost being included in county projects. To overcome these issues, this technical assistance pilot will conduct a stakeholder segment analysis to prioritize activities, such as education on beneficial use and environmental impacts or updated compost specifications, on projects most likely to use significant amounts of compost.
- **Expected outcomes/impacts/improvements of implementation** – The pilot project is expected to increase use of compost in county projects. After successful county implementation, a similar program could potentially be offered to cities and other local jurisdictions.
- **Duration** – Launching in the third quarter of 2019, the technical assistance program will last until the end of 2020, with the possibility of further extension based on performance.
- **Projected costs and what the funds do** – from the 2019/2020 SWD adopted budget an 18-month SPP term limited temporary position has been funded, which will support county organics initiatives. Additional project costs may include technical consultant work and development of marketing materials.
- **Partners involved with implementation** – SWD, SPP, department and agencies that may procure compost for county projects, such as the Parks and Recreation Division, Road Services Division, and Water and Land Resources Division.

***Recommendation 1-B: Use compost for closed landfill cover biofiltration enhancement pilot project***

- **Description** – Understanding greenhouse gas emissions from stored organic carbon within landfills is an increasingly important area in landfill gas<sup>40</sup> management. SWD recommends piloting the use of biofiltration technology on one acre to test alternatives of compost and wood mixtures as a cover for the

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<sup>39</sup> [King County 2019 Organic Materials Management](#)

<sup>40</sup> Landfill gas – a gas produced during the breakdown of materials in a landfill.



closed landfill facilities. Biofiltration is a technology that uses compost and wood chips and living organisms to capture and biologically degrade landfill methane. This recommendation includes piloting with biofiltration systems such as bioberms<sup>41</sup>/biocanisters<sup>42</sup> to further enhance reduction of greenhouse gas emissions from closed landfills<sup>43</sup>.

- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because greater compost use in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions. The project also aligns with the SWD’s carbon neutral efforts<sup>44</sup>, because if the pilot provides evidence of greenhouse gas reduction at the closed landfill, there is opportunity for expanded compost use over closed landfill covers that could be explored.
- **Why action is needed** – Greenhouse gas concentrations in landfill gas diminishes in closed landfills as the refuse ages and decomposes. The landfill gas treatment system used during the active phases are typically no longer needed after landfills are closed. SWD has the opportunity to apply an additional polishing step that utilizes biofiltration materials to support further reduction of greenhouse gases.
- **Barriers/challenges** – The potential for secondary environmental impacts from compost use on closed landfills could be a potential unanticipated consequence of this project. The pilot will monitor this issue by evaluating a 1-acre plot to determine such environmental impacts. The project will need staffing, consultant services, and construction resources to implement. The SWD has collaborated on similar projects at Cedar Falls Closed Landfill with Public Health – Seattle and King County and does not anticipate any regulatory barriers.
- **Expected outcomes/impacts/improvements of implementation** – The pilot project will evaluate the effectiveness of compost biofiltration to reduce landfill gas emission through landfill covers at closed landfills. Once evaluated and analyzed, results will determine whether and what potential environmental impacts occur, the reduction rate in metric tons of greenhouse gases, and plausibility of application on larger landfill covers at any of the King County landfill facilities.
- **Duration** – The biofiltration project anticipated to launch by the end of 2019 (biofiltration cover pilot is subject to a further budget ordinance but could start as soon as Q1 2020) with review and determination for continuation of the project from 2021 to 2024. Depending on pilot results, the project could be amended as described above.
- **Projected costs and what the funds do** – from the 2019/2020 adopted SWD budget, \$110,000 is the estimated cost to cover funding for the Landfill Gas Collection System Biofiltration Treatment using the bioberm and biocanisters

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<sup>41</sup> Bioberms are large half dome of compost and wood chips in which landfill gas is vented through.

<sup>42</sup> Biocannisters are 55 gallon drums containing compost and wood chip material in which landfill gas is vented through.

<sup>43</sup> Closed landfills are landfills that are no longer accepting or placing solid waste.

<sup>44</sup> SWD role in [DNRP Beyond Carbon Neutral](#) commitment

technologies. A future budget request for an additional project is needed for the SWD Closed Landfill Cover Biofiltration Pilot (\$560,000). This request will be submitted in a subsequent supplemental budget ordinance transmitted to Council mid-September. The budget is composed of contractual consultant and contractor fees and staff labor.

- **Partners involved with implementation** – Public Health – Seattle and King County; consultants, contractors and composters.

***Recommendation 1-C: Increase compost use on King County owned farmland pilot***

- **Description** – Farmland is a precious and disappearing resource. The U.S. Department of Agriculture’s Census reports a loss of two million acres of farmland in Washington State, from 1982 to 2012<sup>45</sup>. King County owned farmland supports minority communities including immigrant, refugee, and communities of color by providing access to land and enabling participation within the agricultural market place<sup>46</sup>. The pilot will provide compost to improve soils on King County farmlands.
- **Basis** – The project aligns with the King County Comprehensive Growth Plan<sup>47</sup>, Strategic Climate Action Plan<sup>48</sup>, and Equity and Social Justice Strategic Plan<sup>49</sup>. The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because greater compost use in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions. The project also aligns with the County’s equity and social justice work efforts, because the pilot project will be working with farmers drawn from several communities who might otherwise be excluded from using compost.
- **Why action is needed** – This pilot would address several issues at the same time, including enhancing farmland soils, supporting immigrant and refugee communities in expanding their awareness and use of organics, and enhancing land stewardship.
- **Barriers/challenges** – Barriers to using compost on these farms include farmer awareness and access to compost equipment and compost quality concerns. The pilot project will address these issues by developing the project in partnership with communities and subject matter experts.
- **Expected outcomes/impacts/improvements of implementation:** The pilot project will explore and produce data on the impact of increasing access to compost and compost application equipment, and education and information that will maximize the benefit of compost use for participants. Once evaluated and analyzed, the project should provide insight into designing compost programs for

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<sup>45</sup> [Washington State Recreation and Conservation Office.](#)

<sup>46</sup> [King County Agriculture Program.](#)

<sup>47</sup> [King County Comprehensive Growth Plan.](#)

<sup>48</sup> [Strategic Climate Action Plan.](#)

<sup>49</sup> [Equity and Social Justice Strategic Plan.](#)

a range of different farming communities, including communities where a language other than English is the primary language. If the pilot shows increased production and financial benefits, other farmers would be interested in the results and in exploring compost application on their farms.

- **Duration** – Planning and development is underway with implementation to begin in spring of 2020. Depending on the results, the program is extendable.
- **Projected costs and what the funds do** – from the 2019/2020 SWD adopted budget, \$30,000 to cover cost of compost, equipment hire, relevant marketing and facilitation needed to engage communities for 2-3 farms.
- **Partners involved with implementation** – SWD, Water and Land Resources Division, Office of Equity and Social Justice, King Conservation District, King County Agriculture Commission, farming partners, Immigrant and Refugee Commission.

***Recommendation 1-D: Soil restoration at Parks and Recreation Division post demolition sites***

- **Description** – Being outdoors is a way of life for King County citizens. It helps to de-stress, brings peace of mind, and makes healthier and more livable neighborhoods – benefits that are ever more important as cities grow and densify. The County acquires natural lands often with structures in need of demolition before returning to a natural state. The soil on the building footprint at these sites is often in very poor quality. Compost could be beneficial for helping to strengthen the natural environment, supporting trees and plant life.
- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because greater compost use in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions. The project aligns with the King County Land Conservation Initiative because by using compost to aid green space recovery, accelerating when these green spaces can be enjoyed by all citizens.
- **Why action is needed** – The soil from sites with newly demolished structures is often of poor quality making it more difficult for plants to grow. Using compost on degraded or damaged lands supports tree and plant life on newly restored land. Increasing the number of projects using compost will increase local demand.
- **Barriers/challenges** – Barriers to using compost on these sites include site proximity to wetlands which could require additional permitting; and resources to plan, use and monitor compost use. Consequently, appropriate grading permits need to be secured. The project will address the issue by working with the technical assistance program and using subject matter expert involvement.
- **Expected outcomes/impacts/improvements of implementation** – Improved tree and plant growth through enriched soil quality.
- **Duration** – Planning and development is underway. The program is expected to begin working on sites in early 2020. Depending on the results, the program is

extendable.

- **Projected costs and what the funds do** – from the 2019/2020 SWD adopted budget, \$1,000 to \$5,000 per site to cover compost material, delivery and application.
- **Partners involved with implementation** – SWD and the Parks and Recreation Division.

***Recommendation 1-E: Explore incentives for compost use in King County’s green building practices***

- **Description** – The King County Sustainable Infrastructure Scorecard rating system integrates green building and sustainability practices in County-owned capital projects by awarding points for sustainable strategies, and is a key tool for county projects complying with the King County Green Building and sustainable development ordinance. Currently compost use in King County buildings is not incentivized but could be in the future. This pilot will establish the case that using compost in green buildings projects is worthwhile and identify any initial projects to test the new approach<sup>50</sup>.
- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because greater compost use in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions.
- **Why action is needed** – The Scorecard rating system includes soil amendment but does not explicitly require County projects to use compost. Exploring how the sustainable infrastructure scorecard could incentivize compost use and identifying potential pilots could be beneficial for future compost use in King County buildings.
- **Barriers/challenges** – Barriers to using compost on these projects have not been identified at this time but are expected to be similar to the broader challenges of the technical assistance program (recommendation 1A). Limited knowledge about the product and/or previous performance issues could limit the likelihood of compost being included in county projects. To overcome these issues, this technical assistance pilot will conduct a stakeholder segment analysis that focuses on the green building project managers to prioritize activities, such as education on beneficial use and environmental impacts or updated compost specifications.
- **Expected outcomes/impacts/improvements of implementation** – Sustainable Infrastructure Scorecard guidelines<sup>51</sup> are updated and projects are incentivized to use compost.
- **Duration** – Work has already begun and is expected to be completed by mid-

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<sup>50</sup> [King County Sustainable Scorecard](#).

<sup>51</sup> Ibid.

2020.

- **Projected costs and what the funds do** – No additional costs; will be absorbed into current bodies of work.
- **Partners involved with implementation** – Green Building Team<sup>52</sup>.

***Recommendation 1-F: Review post-construction soil standards for compost use and compliance***

- **Description** – King County's land clearing and grading regulations for property in King County include a post-construction soil standard for site development activities in unincorporated King County (KC Code, Chapter 16.82)<sup>53</sup>. In effect since January 1, 2005, the soil standard is meant to preserve and restore healthy soils to better manage stormwater and reduce stormwater runoff and its negative effects. These regulations help prevent costly environmental and landscape problems by requiring permit holders to preserve topsoil, restore soils by adding compost after construction, or implement other measures to maintain the soil's moisture holding capacity. At present, there is no system for tracking and recording compliance with KCC 16.82, so SWD is not able to identify whether projects use compost or other top soil. Additional collaboration with the Permitting Division is needed to gather data on the current level of compliance and the volume of compost used.
- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because greater compost use in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions.
- **Why action is needed** – Participants at the organics summits identified that no information is available on how the post-construction soil standard ordinance is working in practice. In particular, it is not known how any construction projects are using compost. The data collected from monitoring compliance of the post-construction soil standard will help inform a further evaluation of the approach. This could lead to further information, such as targeted marketing materials about compost to construction developers to help increase compost demand.
- **Barriers/challenges** – There is limited information available on how the requirements of the soil standard ordinance are applied. The process of compliance monitoring may also help to identify potential barriers to compliance, such as awareness of requirements or the role of inspectors. This could lead to new marketing and information materials or a need for an updated approach for inspectors.
- **Expected outcomes/impacts/improvements of implementation** – The project will provide data on application of the ordinance requirements and so allow a

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<sup>52</sup> [King County Departments](#) including Natural Resources and Parks, Transportation, Development and Environmental Services, Finance, Executive Services, and Adult and Juvenile Detention.

<sup>53</sup> [King County Code 16.82.](#)

more confident evaluation of whether there is opportunity to take further steps in the future.

- **Duration** – Project will begin in late 2019 and run throughout 2020.
- **Projected costs and what the funds do** – No additional costs; will be absorbed into current bodies of work.
- **Partners involved with implementation** – Local construction stakeholders (such as contractors who are responsible for complying with County code), SWD and the Department of Local Services Permitting Division.

## **Recommendation Area 2: Reducing Wasted Resources and Contamination**

Maximizing diversion of wasted resources and minimizing contamination is essential to meeting King County’s goals. High quality compost, free of plastic contamination, is critical for strong and sustained market demand<sup>54</sup>. Contamination in the form of plastic and glass disposed improperly at the curb in recycling carts by residents and businesses is a barrier that must be overcome. Organics processors<sup>55</sup> implement a variety of technologies to remove unwanted contamination from their finished product. Educating customers on the correct placement of plastics, glass, and organics in collection carts by residents and businesses will reduce contamination. This is necessary to reduce contamination and improve the quality of the organic material delivered to the organics processor. SWD plans to continue a regional dialogue with stakeholders on a bi-annual basis to ensure continued collaboration particularly through coordinated customer education.

### ***Recommendation 2-A: Regional contamination reduction outreach campaign***

- **Description** — A social marketing development plan and regional education campaign aimed at reducing contamination in the organics collection carts. A multi-cultural approach to campaign tactics will include contamination cart tagging, enforcement, and working directly with households that are not compliant with reducing contamination.
- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because reduced contamination in materials collected for composting, supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions. The campaign additionally supports the Equity and Social Justice Strategic Plan as a variety of tactics and tools will be used to reach diverse audiences all across King County.
- **Why action is needed** – Addressing confusion about acceptable organic materials for recycling across the region requires a consistent approach.

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<sup>54</sup> [Contamination report for Washington State.](#)

<sup>55</sup> [Processing organic waste.](#)

Contamination in the organics cart such as plastic bags and other non-compostable materials are a continued problem for organic processors because finished compost products with even small fragments of plastic or glass hamper marketability and impact value.

- **Barriers/challenges** – Sources of contamination and consumer beliefs and behaviors driving contamination are unclear and represent barriers to progress. SWD is investigating major sources, residential beliefs and behaviors that are driving contamination.
- **Expected outcomes/impacts/improvements of implementation** – Increased residential understanding of acceptable materials in organics recycling containers leading to increased quality of organics through reduced contamination.
- **Duration** – Campaign research and development fall 2019 and campaign implementation spring 2020.
- **Projected costs and what the funds do** – from the 2019/2020 adopted SWD budget \$250,000 to cover behavior research, development of a social marketing campaign, advertising and media buys.
- **Partners involved with implementation** – SWD, cities, haulers, households, composters and consultant team.

### **Recommendation Area 3: Expand Regional Organic Material Processing**

According to King County studies that characterize the waste stream<sup>56</sup>, in 2018 more than 350,000 tons of organic materials (food, yard and wood waste, soiled paper) were disposed at the Cedar Hills Regional Landfill. This represents more than 35 percent of total disposal. To reach King County goals, and more sustainably manage these materials, they are better managed in the recycling system. In 2018, the Seattle-King County and Snohomish County public health agencies permitted organics facilities to process 553,000 tons. During the same time an estimated 470,000 tons were processed at these privately owned facilities, representing 85 percent of permitted capacity<sup>57</sup>. There remains opportunity for King County to increase organics recycling rates and divert more of the organics disposed, however additional processing infrastructure will be necessary.

#### ***Recommendation 3-A: Explore commercial food waste processing to enhance wastewater gas production***

- **Description** – The Wastewater Treatment Division (WTD) and SWD have an opportunity to collaborate on the management of food waste in King County by partnering on a co-digestion project. Finding innovative ways to manage food waste is an essential part of enhancing the regional organics system. A growing number of jurisdictions have begun processing food waste with municipal sewage

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<sup>56</sup> [King County waste monitoring reports.](#)

<sup>57</sup> [King County 2018 waste monitoring reports.](#)

sludge through a process called co-digestion. The anaerobic digesters used for wastewater treatment are capable of treating biodegradable waste such as sewage sludge and food waste. Through the process of digestion, beneficial bacterial breakdown organic matter and harmful bacteria, producing a nutrient rich soil amendment and biogas or methane. WTD does not accept food waste because the process of managing this material is not currently feasible or efficient. However, wastewater treatment plants elsewhere including in New Jersey, New York City, Boston and Los Angeles have partnered with solid waste management facilities to feasibly and efficiently process food waste to their benefit. To achieve this, commercial food waste is screened to remove contaminants and sent through a blend tank, converting it into an organic slurry. The slurry can then be directly pumped into anaerobic digesters at wastewater treatment facilities, enhancing the digestion process and increasing gas production.

- **Basis** – This alternative to food waste management aligns with waste diversion and climate goals by diverting a renewable waste product from the Cedar Hills Regional Landfill, reducing greenhouse gas emissions, generating renewable energy and increasing carbon sequestration. By co-digesting food waste through the wastewater treatment process methane gas is converted to renewable biogas. The co-digestion process enhances the wastewater digestion process, producing a high quality biosolids product and when applied to the land, increases carbon sequestration.
- **Why action is needed** – Co-digestion<sup>58</sup> provides a sustainable solution for food waste management. Twenty percent of material disposed at Cedar Hills Regional Landfill is food waste. By co-digesting food waste through the wastewater treatment process, methane is captured and converted to a renewable product. This process helps preserve Cedar Hills Regional Landfill capacity, compost capacity limits, and increased limits on fossil fuel use. The biogas produced at the treatment plant is a renewable source of methane that can be converted into electricity or sold to the gas market and the food waste is converted into a nutrient rich soil amendment.
- **Barriers/challenges** –
  - Isolation of food waste material
  - Educating residents on food separation
  - Marketing – who and how?
  - Ensuring enough tonnage of food waste needed for the treatment plant process
  - Partnering with other entities
  - Costs associated with needed infrastructure
- **Expected outcomes/impacts/improvements of implementation** – WTD currently uses approximately 50 percent of the total energy consumed by King

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<sup>58</sup> Co-digestion is a process where energy-rich organic waste materials (e.g. including food scraps) are added to dairy or wastewater to produce gas from the decomposition of the organic materials.



County government. By increasing gas production at the plant, WTD could sell or reuse a larger percent of its own gas, reducing the total energy demand by the County. Adding food waste slurry to the anaerobic digesters<sup>59</sup> can increase energy output by about 50 percent. The municipalities currently using co-digestion are seeing enough energy production from this process to set goals of Net Zero within the next five years. This project evaluates the feasibility of adding co-digestion to WTD, as it will require capital investments and long-term Operations and Maintenance. At a minimum, WTD will need to address digester capacity, gas capture and scrubbing capacity.

- **Duration** – Should this project prove to be feasible, co-digestion is expected to be a permanent part of the wastewater treatment process until such time that it is no longer needed or no longer the best alternative for food waste management within the region. Project implementation has not begun. The first line of action is to determine feasibility and develop a timeline.
- **Projected costs and what the funds do** – Total project costs have not been determined to-date. It is anticipated that at a minimum, project costs will include a food waste slurry receiving station, slurry pumps, pipes and meters, gas capturing and scrubbing and potential digester installations. There will be a range of cost associated with the project depending upon the location, necessary equipment installs and partners.
- **Partners involved with implementation** – WTD and SWD will work in partnership to develop this project while engaging with waste haulers to develop a public/private partnership.

***Recommendation 3-B: Support regional organics processing in appropriately zoned areas***

- **Description** – The Permitting Division of the Department of Local Services has undertaken a code study to review the potential for siting organics composting facilities in unincorporated King County, and will consider modifying policies or development regulations as part of the study.
- **Basis** – Per Section B (II. Area Zoning and Land Use Studies) of the Scope of Work for the 2020 Comprehensive Plan Midpoint Update (Motion 15329).
- **Why action is needed** – The County is committed to increasing organic recycling to help meet the zero waste of resources 2030 goal. As organic material generation grows with population, and more material is diverted from the landfill, the region will need additional permitted composting capacity to meet the future tonnage of organic recycling.
- **Expected outcomes/impacts/improvements of implementation** – Facilitate the siting of additional organics composting facilities.

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<sup>59</sup> Anaerobic digestion: is the natural process in which microorganisms break down Picture of microorganisms organic materials.

- **Duration** – Report submittal to Council September 30.

***Recommendation 3-C: Explore feasibility of local organics processing at the Vashon Island Recycling Transfer Station***

- **Description** – SWD collects yard waste at the Transfer Station from self-haul customers, and contracts with a compost facility in Maple Valley for processing. SWD is hiring a consultant to evaluate small-scale organics management options for the Vashon/Maury Island community. The project will illustrate costs and benefits of an on-island organics processing facility by considering available organics feedstock, potential organics technologies, co-located or coordinated anaerobic digestion, potential project sites, options for ownership and operation, and expected markets for finished products.
- **Basis** – The project aligns with the King County Comprehensive Solid Waste Management Plan and the Strategic Climate Action Plan because additional capacity to process organic materials in the region supports a robust organics recycling infrastructure and helps reduce greenhouse gas emissions. Due to its distance from other King County infrastructure, serving Vashon Island is costly and has climate impacts that can be potentially reduced. The Vashon community strongly advocates for local composting, reducing organic waste export, and desires a local supplier for compost.
- **Why action is needed** – Study results are needed to inform SWD on the costs and benefits of on-island organics processing at the Vashon Island Transfer Station. The study will:
  - Provide information on current volumes, practices, and costs for handling assorted organic wastes on Vashon/Maury Islands; and
  - Develop and describe alternative on-island organics processing strategies;
- **Barriers/challenges** – The feasibility study will inform barriers/challenges of on-island processing.
- **Expected outcomes/impacts/improvements of implementation** – The study will inform next steps for implementing a chosen organics processing strategy. SWD will share recommended alternative strategies with stakeholders and solid waste advisory groups to determine next steps.
- **Duration** – A Request for Proposals (RFP) was published on July 12, 2019 and a consultant will be selected in September. The report is expected to be completed 6-9 months after contract execution.
- **Projected costs and what the funds do** – from the 2019/2020 SWD adopted budget, \$50,000 to cover procuring the study.
- **Partners involved with implementation** – SWD, Vashon community groups, and KC Department of Local Services.

**Conclusion and Next Steps**

The Solid Waste Division of the Department of Parks and Natural Resources works to divert organic materials (food, yard and wood waste and compostable paper) from the Cedar Hills Regional Landfill in support of the Comprehensive Solid Waste Management Plan, Strategic Climate Action Plan and Title 10. Recycling these materials into compost or other organic products improve water quality, soil and plant health, and reduces climate impacts.

High quality compost is critical for strong and sustained market demand for the material. The current market demand for compost synchronizes with supply of material produced, however to recycle more material, additional markets are needed to develop additional processing capacity. At the same time, contamination of the organics stream in the form of plastic and glass disposed of at the curb in the recycling containers by residents and business is a barrier to high quality compost.

Recycling of organic material in the region is processed by the private sector. Current Seattle-King County and Snohomish County Public Health permitted capacity is at 85 percent, meaning that in order to reach King County's zero waste of resources goal; more capacity will be needed in the future.

This Organics Plan outlines a series of recommendations King County can take with the intent to develop local demand in support of the enhancement and expansion of the organics market. A strong and vibrant compost market relies on material collected for recycling with minimal contamination and a diverse range of purchasers and users.

Fully implementing the recommendations in the Organics Plan is a work in progress. It requires ongoing collaboration from regional stakeholders and other County agencies.

All of the recommendations align with King Counties goals and policies to achieve zero waste of resources by 2030 and divert organic materials for a more beneficial use than disposal including improve water quality, soil and plant health, and reduces climate impacts. Actions that lead to reduced contamination recycled in organics containers and/or expansion of compost use will help strengthen the organics recycling infrastructure.

At this time, the only new budget authority needed is the Solid Waste Division Closed Landfill Cover Biofiltration Enhancement Pilot Project (Recommendation 1-B). This request will be submitted in a subsequent budget ordinance, expected to be transmitted to Council mid-September. No code changes are needed to implement this project.

Other recommendations that involve SWD will be paid for through the existing budget. Capital projects in the Construction Fund are paid for by bond proceeds, transfers from Operating and fund balance.

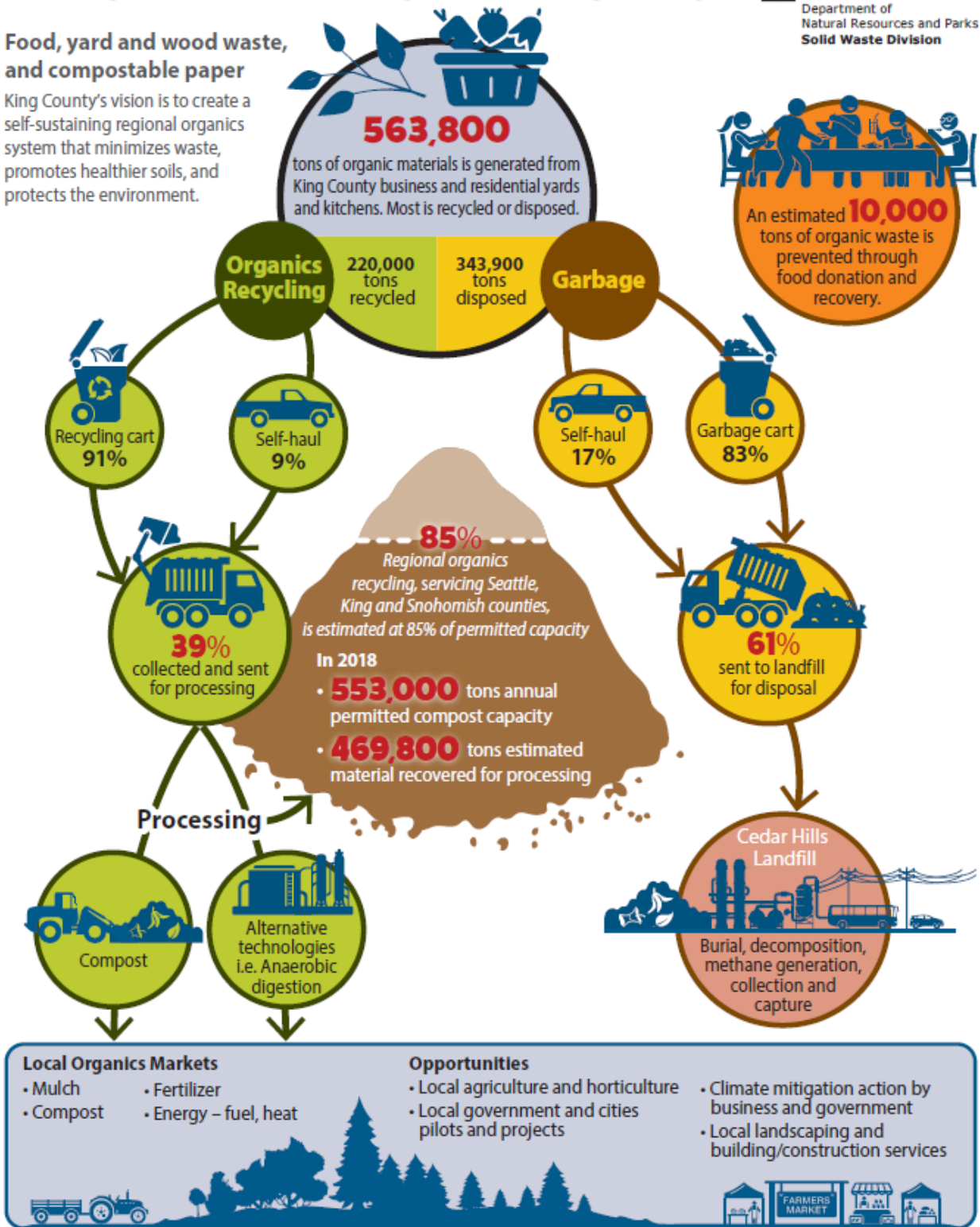
## Addendum

### 2018 Organic Materials Management in King County



#### Food, yard and wood waste, and compostable paper

King County's vision is to create a self-sustaining regional organics system that minimizes waste, promotes healthier soils, and protects the environment.



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**King County**

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

**STAFF REPORT**

<b>Agenda Item:</b>	6	<b>Name:</b>	Terra Rose
<b>Proposed No.:</b>	2019-0353	<b>Date:</b>	November 4, 2019

**SUBJECT**

Proposed Motion 2019-0353 would acknowledge receipt of the King County Organics Market Development Plan in response to a budget proviso.

**SUMMARY**

In the County’s solid waste system, the Solid Waste Division (SWD) is responsible with disposal of waste generated in 37 partner cities and the unincorporated area, as well as waste prevention and recycling programs. Partner cities manage curbside collection of garbage, recycling, and organics within their jurisdictions and, in general, contract with private haulers to provide service. While garbage is transported to the Cedar Hills Regional Landfill for disposal, recyclables and organics are taken directly to processing or compost facilities where materials are prepared for sale to manufacturers and other users. In order for materials to be effectively recycled, there must be a market for the end product.

In the 2019-2020 biennial budget,<sup>1</sup> the Council restricted \$500,000 to be expended only to develop a plan to expand and enhance the regional market for compost that is produced using the County’s organics stream, and to pilot recommendations in the developed plan. Also included in the budget is a linked proviso that withholds \$250,000 until the Executive transmits the plan to the Council, and which requires SWD in the development of the plan to consult with other county agencies, and to consider best practices, procurement policies, use in development and site rehabilitation projects, and agricultural subsidies.

Proposed Motion 2019-0353 would acknowledge receipt of the King County Organics Market Development Plan. The Plan identifies a range of strategies in three areas: (1) Enhance and expand the local market for compost; (2) Reduce wasted resources and contamination; and (3) Expand regional organic material processing. The Plan notes that at this time only the recommendation related to a project testing compost covers on closed landfills would need new budget authority and that all other efforts will be paid through existing appropriations.

<sup>1</sup> Ordinance 18835, Section 102, Proviso P2

## **BACKGROUND**

The King County Solid Waste Division (SWD) operates eight transfer stations, two drop boxes, the Cedar Hills Regional Landfill, and waste prevention and recycling programs for the unincorporated area and 37 partner cities. Cities manage solid waste handling and disposal within their jurisdictions, and in general, contract with solid waste haulers to provide service within the city. Garbage is transported to the Cedar Hills Regional Landfill for disposal, while recyclables and organics are taken directly to processing or compost facilities where materials are prepared for sale to manufacturers and other users. In order for materials to be effectively recycled, there must be a market for the end product.

According to a report conducted by Cascadia Consulting Group for SWD this year, King County, Seattle, and Snohomish County together generated approximately 1.03 million tons of organics in 2018, 55 percent of which is attributable to King County.<sup>2</sup> Three composting facilities accept and process organic material from residences and businesses in the region: Cedar Grove Composting in Maple Valley and in Everett, and Lenz Enterprises.

King County Code,<sup>3</sup> the Strategic Climate Action Plan,<sup>4</sup> and the 2019 Comprehensive Solid Waste Management Plan<sup>5</sup> include a goal for the County to achieve zero waste of resources by 2030. In this context, zero waste does not mean that no waste will be disposed. It instead means that maximum feasible and cost-effective efforts be made to prevent, reuse, and reduce waste.<sup>6</sup> In 2018, organic materials comprised more than 35 percent of what was disposed at Cedar Hills, thus SWD notes that diverting more organics from the landfill would be an important part of reaching the zero waste goal.

**Composting Market Development Plan.** In the 2019-2020 biennial budget,<sup>7</sup> the Council restricted \$500,000 to be expended only to develop a plan to expand and enhance the regional market for compost that is produced using the County's organics stream, and to pilot recommendations in the developed plan. Also included in the budget is a linked proviso that withholds \$250,000 until the Executive transmits the plan due by August 16, 2019 to the Council, and which requires SWD in the development of the Plan to consult with other county agencies, and to consider best practices, procurement policies, use in development and site rehabilitation projects, and agricultural subsidies. The proviso and expenditure restriction state:

### ER2 EXPENDITURE RESTRICTION:

Of this appropriation, \$500,000 shall be expended or encumbered solely to develop and pilot the recommendations in the plan to expand and enhance the regional market for compost that is produced using the county's organics stream as described in Proviso P2 in this section. The pilot must include a program whereby the solid waste division purchases compost for county use.

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<sup>2</sup> Organic Materials Management in King County, Cascadia Consulting Group, August 2019

<sup>3</sup> K.C.C. 10.14.020

<sup>4</sup> Motion 14449

<sup>5</sup> Ordinance 18893

<sup>6</sup> 2019 Comprehensive Solid Waste Management Plan (Ordinance 18893)

<sup>7</sup> Ordinance 18835, Section 102, Proviso P2 and Expenditure Restriction ER2

**P2 PROVIDED FURTHER THAT:**

Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a plan identifying actions and recommendations that the county can take to expand and enhance the regional market for compost that is produced using the county's organics stream and a motion that should acknowledge receipt of the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion, and a motion acknowledging receipt of the plan is passed by the council. The intent of the plan is to divert flows from the landfill through recycling and by developing new uses to increase local demand.

In the development of the plan, the solid waste division shall consult with the following county divisions on potential options: road services; permitting; wastewater treatment; water and land resources; and parks and recreation.

The plan shall include, but not be limited to:

A. An evaluation of actions the county can take to expand and enhance the regional market for compost that is produced using the county's organics stream. The evaluation shall consider, but not be limited to:

1. Best practices and actions taken by cities and counties across the nation;
2. County procurement policies;
3. Use in water quality, habitat and site rehabilitation projects;
4. Use in county or private development projects; and
5. Subsidies for agricultural or other uses.

B. A set of recommendations that the county could pilot to use compost produced from the county's organics stream, cost estimates for those recommendations, any barriers to the use of the compost and options to overcome those barriers.

The executive should file the plan and a motion required by this proviso by August 16, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the committee of the whole, or its successor.

**ANALYSIS**

In response to the proviso described in the previous section, the Executive transmitted Proposed Motion 2019-0353, which would acknowledge receipt of the King County Organics Market Development Plan (Plan). The Plan notes that SWD contracted with Cascadia Consulting Group for market assessment and best practices research, as well as hosted two full-day organics summits in March and April 2019, to inform the recommendations in the Plan. The Plan indicates that the summits included over 50 regional stakeholders from tribes, cities, composters, waste haulers, landscapers, universities, regulators, nongovernment organizations, and County agencies.

Executive staff also noted that additional consultation occurred with the following County agencies per the proviso requirement:

- Department of Natural Resources and Parks: Parks and Recreation Division; Wastewater Treatment Division; Water and Land Resources Division;
- Department of Executive Services: Procurement and Payables Section;
- Department of Local Services: Road Services Division; Permitting Division.

Staff indicated that Cascadia Consulting Group conducted interviews with agency staff to develop the recommendations and that SWD staff organized a number of interagency meetings to develop proposals and build relationships for future compost-related pilots and projects.

**Recommendations.** The proviso requires the Executive to include a set of recommendations that the County could pilot to use compost produced from the County’s organic stream, along with cost estimates, a description of any barriers, as well as strategies to overcome the barriers. The Plan notes that at this time, only Recommendation 1-B (further described below) would need new budget authority. All other efforts will be paid through existing appropriations.

The Plan’s recommended actions are divided into three areas:

- 1) Enhance and expand the local market for compost;
- 2) Reduce wasted resources and contamination; and
- 3) Expand regional organic material processing.

*Area 1: Enhance and expand the local market for compost.* Recommendations in this area seek to increase the purchase of compost in the region. Table 1 provides a description of each of the recommendations.

**Table 1. Recommendations to Enhance and Expand the Local Compost Market (Area 1)**

Number	Description of the Recommendation
1-A	<p><b>Provide technical assistance to King County agencies to increase compost use in County projects.</b></p> <p>SWD and the Sustainable Purchasing Program (SPP) staff conducted an analysis of the County’s capital projects and identified missed opportunities to include compost specifications in the bid language for some projects. The Plan notes that when compost was used, there was a lack of uniformity in specifications, monitoring, tracking, and costs which could benefit from a more systematic approach. This project will educate and provide technical assistance to project managers and business units through an 18-month Term Limited Temporary position included in the adopted 2019-2020 budget and will explore the use of a countywide compost contract. If successful, this pilot could be extended to provide technical assistance to local jurisdictions. An identified barrier to the use of compost in County projects is limited knowledge about the product and/or previous performance issues (e.g., contamination). To mitigate these barriers, the pilot plans to conduct a stakeholder segment analysis that will help prioritize pilot activities.</p>



Number	Description of the Recommendation
1-B	<p><b>Use compost for a closed landfill biofiltration enhancement pilot project.</b> This initiative would evaluate the use of compost covers on closed landfills to further reduce greenhouse gas emissions through biofiltration. Biofiltration, according to the Plan, refers to the use of compost, wood chips, and living organisms to capture and biologically degrade landfill methane. The transmitted supplemental omnibus<sup>8</sup> under consideration by the Council includes a budget request of approximately \$556,000 to support planning, preliminary design, final design, and the hiring of contractors related to this recommendation. The Plan notes the potential for secondary environmental impacts from compost use on closed landfills could be a potential unanticipated consequence, but that the pilot will monitor this by evaluating a one-acre test plot to determine environmental impacts.</p>
1-C	<p><b>Pilot increased compost use on County-owned farmland.</b> Executive staff indicate that SWD is collaborating with a Water and Land Resources Division program that leases County-owned farmland to immigrant and refugee communities. The Plan indicates that barriers to using compost on these farms include farmer awareness, lack of access to compost equipment, and compost quality concerns. The pilot intends to address these barriers by providing compost and use of compost-spreading equipment, as well as technical assistance, at no cost to the farmers. The pilot's estimated cost is \$30,000 to cover the cost of compost, equipment hire, and marketing and facilitation needed to engage communities for 2-3 farms.</p>
1-D	<p><b>Restore soil at Parks and Recreation Division post-demolition sites.</b> When the County acquires sites for parks and open space, the Plan states that there are often structures in need of demolition before the land can be returned to a more natural state. The soil on the building footprint at these sites is often of poor quality and this project would amend the soil with compost. The project's estimated cost is \$1,000 to \$5,000 per site to cover compost material, delivery, and application. Potential barriers described in the Plan include: potential site proximity to wetlands which could require additional permitting; and the possibility for additional resources needed to plan, use, and monitor compost use. The project proposes to address these issues by working with the technical assistance program.</p>
1-E	<p><b>Explore incentives for compost use in County's green building practices.</b> This project will explore the potential for incentivizing compost use in the King County Sustainable Infrastructure Scorecard, a rating system that integrates green building and sustainability practices in County capital projects and is a key tool in the County's Green Building ordinance effort according to Executive staff. Specifically, this project will establish the case that using compost in green building projects is worthwhile and will identify projects to test this approach. The Plan notes that potential barriers to this project are similar to the challenges of the technical assistance program, including limited knowledge about compost and previous performance concerns. These barriers are proposed to be overcome through information discovered during the previously mentioned stakeholder segment analysis. No additional costs are expected for this project and it is expected to be absorbed into current bodies of work.</p>

<sup>8</sup> Proposed Ordinance 2019-0400

Number	Description of the Recommendation
1-F	<p><b>Review post-construction soil standards for compost use and compliance.</b>            The Plan notes that King County Code<sup>9</sup> regulations about land clearing and grading include a post-construction soil standard for development activities in the unincorporated areas. However, SWD is not able to identify whether projects use compost in their plans or other materials. Executive staff indicate that SWD will work with Permitting staff to determine current barriers to track this standard, develop an approach to help inspectors track relevant projects, and then use resulting data to help determine the next activities. According to the Plan, barriers to complying with the soil standard are unknown, but increased data through compliance monitoring may help identify new approaches to both marketing to developers or related to the inspection process. No additional costs are expected for this project and it is expected to be absorbed into current bodies of work.</p>

*Area 2. Reducing wasted resources and contamination.* The recommendation in this area seeks to minimize contamination. When plastic and glass are disposed improperly in organics collection bins, the resulting compost can become contaminated if processors are unable to remove the plastic and glass fragments. The Plan notes that contamination reduces compost quality and can hamper marketability and impact value. Table 2 provides a description of the single recommendation in this area.

**Table 2. Recommendations to Reduce Wasted Resources and Contamination (Area 2)**

Number	Description of Recommendation
2-A	<p><b>Develop a regional contamination reduction outreach campaign.</b>            This project will develop a social marketing plan and regional education campaign to address contamination in curbside organics collection bins. Campaign tactics may also include tagging contaminated carts, enforcement, and working directly with households not in compliance. According to the Plan, the sources of contamination, as well as the specific consumer beliefs and behaviors driving contamination, are unclear. This initiative’s estimated cost is \$250,000 to cover behavior research, the development of a social marketing campaign, and advertising and media buys.</p>

*Area 3. Expand regional organic material processing.* Recommendations in this area seek to aid in the development of additional compost processing infrastructure. The Plan indicates that in 2018, the King County and Snohomish County public health agencies permitted organics facilities to process 553,000 tons, but they only processed an estimated 470,000 tons, representing 85 percent of permitted capacity. Additionally, according to studies that characterize the waste stream, more than 350,000 tons of organic materials (e.g., food, yard and wood waste, soiled paper) were disposed at the Cedar Hills landfill. The Plan notes that in order to reach the County’s zero waste goal, more processing capacity will be needed in addition to efforts to divert more organics from the landfill. Table 3 provides a description of the recommendations in this area.

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<sup>9</sup> K.C.C. 16.82

**Table 3. Recommendations to Expand Regional Organic Material Processing (Area 3)**

Number	Description of Recommendation
<p><b>3-A</b></p>	<p><b>Explore commercial food waste processing to enhance wastewater gas production.</b>            This project would explore the potential of processing commercial food waste in the anaerobic digesters used for wastewater treatment, following the approach used in other cities such as New York City and Los Angeles. The Plan notes that co-digesting food waste through the wastewater treatment process can increase energy output by 50 percent. Barriers related to this effort include: determining how to isolate food waste material; ensuring sufficient tonnage of food waste for the co-digestion process; and equipment costs. It is anticipated that this project would identify ways to mitigate those barriers as it evaluates feasibility. Total project costs have not yet been determined.</p>
<p><b>3-B</b></p>	<p><b>Support regional organics processing in appropriately zoned areas.</b>            The Permitting Division has undertaken a code study to facilitate the siting of additional organics composting facility. The completed code study was recently transmitted as a part of the 2020 Comprehensive Plan Midpoint Update.<sup>10</sup> While three code amendments were considered, none were ultimately included in the transmitted Comprehensive Plan update.</p>
<p><b>3-C</b></p>	<p><b>Explore feasibility of local organics processing at the Vashon Island Recycling and Transfer Station.</b>            At the Vashon Recycling and Transfer Station, SWD collects yard waste and contracts with a compost facility for processing. This project would hire a consultant to evaluate small-scale organics management options for the Vashon/Maury Island community and will determine costs and benefits of an on-island facility, available feedstock, potential technologies, potential project sites, options for ownership and operation, and expected markets for finished products. The Plan notes that this feasibility study will help understand barriers of on-island processing and inform next steps for implementation. The project’s estimated cost is \$50,000 to cover procurement of the consultant.</p>

Executive staff note that estimating the amount of future compost use expected by these actions is difficult at this time. Since many of these initiatives are pilots testing new approaches, it is not known yet if they will be successful. However, if the pilots are shown to be successful and cost-effective, they could be scaled up in the future. Additionally, Executive staff point out that the amount of compost the County currently purchases is unknown, but with the universal composting contract, SWD and the Sustainable Purchasing Program of the Department of Executive Services will be able to track use during the contract period and better able to estimate future potential. SWD and SPP staff plan to track the number of capital projects and pilot programs that incorporate compost into their design, as well as the number of municipalities engaged in the outreach program and that use the County’s future compost contract.

With the transmittal of the King County Organics Market Development Plan required by the proviso, the funds encumbered by the proviso can be released, if Motion 2019-0353 is approved by the Council.

<sup>10</sup> Proposed Ordinance 2019-0413

## **INVITED**

1. Pat McLaughlin, Director, Solid Waste Division

## **ATTACHMENTS**

1. Proposed Motion 2019-0353 (and its attachments)
2. Transmittal Letter
3. Fiscal Note



**Signature Report**

**Motion**

**Proposed No.** 2019-0429.1

**Sponsors** McDermott and Lambert

1           A MOTION acknowledging receipt of the feasibility study  
2           for a waste to energy facility to manage the region's solid  
3           waste that provides a comparison to waste export by rail in  
4           accordance with the 2019-2020 Biennial Budget,  
5           Ordinance 18835, Section 19, Proviso P4.

6           WHEREAS, the 2019-2020 Biennial Budget, Ordinance 18835, Section 19,  
7           Proviso P4, requires the executive to transmit a feasibility study for a waste to energy  
8           facility to manage the region's solid waste that provides a comparison to waste export by  
9           rail, and

10          WHEREAS, Ordinance 18835, Section 19, Proviso P4, provides that \$100,000  
11          shall not be expended or encumbered until the executive transmits the feasibility study  
12          required by the proviso and a motion acknowledging receipt of the study, and the motion  
13          acknowledging receipt of the study is passed, and

14          WHEREAS, the executive is further required to submit the feasibility study and  
15          the motion that acknowledges receipt of the study by October 4, 2019;

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

17          The receipt of the feasibility study for a waste to energy facility to manage the  
18          region's solid waste that provides a comparison to waste export by rail, which is  
19          Attachment A to this motion, in accordance with the 2019-2020 Biennial Budget,

20 Ordinance 18835, Section 19, Proviso P4, is hereby acknowledged.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Waste-To-Energy and Waste Export By Rail Feasibility Study



**King County**

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

**STAFF REPORT**

<b>Agenda Item:</b>	5	<b>Name:</b>	Terra Rose
<b>Proposed No.:</b>	2019-0429	<b>Date:</b>	November 4, 2019

**SUBJECT**

Proposed Motion 2019-0429 would acknowledge receipt of a feasibility study related to long-term disposal of the region’s waste, comparing a waste to energy facility to waste export by rail, in response to a budget proviso.

**SUMMARY**

King County’s Solid Waste Division (“SWD”) operates a regional solid waste system for the unincorporated area and 37 partner cities. This system includes one remaining local landfill, the Cedar Hills Regional Landfill, a 920-acre site located in Maple Valley owned and operated by the County. This past spring, the Council approved the 2019 Comprehensive Solid Waste Management Plan,<sup>1</sup> which directed further development of the Cedar Hills landfill to maximize disposal capacity instead of the other considered options of a Waste-to-Energy facility and waste export by rail. However, the Plan did not specify the next disposal method after ultimate Cedar Hills closure. SWD is currently conducting a State Environmental Policy Act process to evaluate three engineering options to develop Cedar Hills for additional capacity that Executive staff estimate will extend the landfill’s life to between 2035 and 2041. Because the current interlocal agreements with the partner cities obligate the County to dispose of the region’s waste through 2040 and it is not known the exact year when Cedar Hills will reach capacity, an alternative waste disposal strategy will need to be identified given the lead time associated with implementing the next disposal method.

In the 2019-2020 biennial budget,<sup>2</sup> the Council directed the Office of Performance, Strategy and Budget to issue a Request for Proposal and manage a contractor to conduct a study evaluating the feasibility of either a Waste-to-Energy (“WTE”) facility or waste export by rail as the County’s next disposal method. Included in the budget is a proviso that requires the feasibility study to review the County’s projected waste forecast, as well as provide estimates for the costs and environmental impacts of both options, among other items.

<sup>1</sup> Ordinance 18893

<sup>2</sup> Ordinance 18835, Sec. 19 (Proviso P4; Expenditure Restriction ER2); Sec. 102 (Proviso P3; Expenditure Restriction ER3)

Proposed Motion 2019-0429 would acknowledge receipt of the *King County Waste-to-Energy and Waste Export by Rail Feasibility Study* developed by the consultant Arcadis. The consultant concludes based on its financial modeling that the total costs (offset by revenues)<sup>3</sup> for both long-term disposal options are similar in the ten-year near-term at over one billion dollars, but that a WTE facility could cost less in the fifty-year long-term (\$6.96 to \$8.90 billion for WTE and \$11.25 to \$16.14 billion for waste export).

Additionally, the consultant estimates that a WTE facility would have comparatively less greenhouse gas emissions than waste export by rail given the opportunity for emissions offsets through recycling the resulting ash byproduct and recovered metals. The study notes, however, that the estimates are dependent on the different variables and assumptions made in the financial and greenhouse gas models. Further detail concerning how these figures were derived and the consultant's assumptions can be found both in the remainder of this staff report, as well as the in the study and associated appendices.

Approval of Proposed Motion 2019-0429 release the funds encumbered by the proviso, however would not provide Council approval for the next disposal method. The main legislative vehicle for solid waste system planning decisions, including long-term disposal, is through updates to the Comprehensive Solid Waste Management Plan.

## **BACKGROUND**

The King County Solid Waste Division ("SWD") operates eight transfer stations, two drop boxes, the Cedar Hills Regional Landfill, as well as waste prevention and recycling programs for the unincorporated area and 37 partner cities. The County's solid waste system is supported by a variety of disposal fees that are approved by the Council. The per ton disposal fee for garbage at most recycling and transfer stations is currently \$140.82.<sup>4</sup> For the 2019-2020 budget, SWD has been appropriated \$323.2 million<sup>5</sup> and \$178.8 million in capital<sup>6</sup> funds.

**Cedar Hills Regional Landfill and Long-Term Disposal Planning.** The Cedar Hills Regional Landfill, owned and operated by the County, has served as the final disposal location for the region's mixed municipal solid waste since its opening in 1965. In 2017, approximately 931,000 tons of waste were disposed at the landfill.<sup>7</sup>

This past spring, the Council approved the 2019 Comprehensive Solid Waste Management Plan,<sup>8</sup> which directed further development of the Cedar Hills landfill to maximize disposal capacity instead of the other considered options of a Waste-to-Energy facility and waste export by rail. Funding for landfill development capital projects

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<sup>3</sup> Total costs include capital and operating costs offset by revenues. The Consultant indicates that some departmental costs are not included in the cited figures as they are expected to be the same under both options.

<sup>4</sup> Ordinance 18784

<sup>5</sup> Figure includes appropriations in the Solid Waste Operating Fund and Solid Waste Post-Closure Maintenance Fund and includes appropriations in supplemental budget ordinances

<sup>6</sup> Figure includes appropriations in the Solid Waste Capital Equipment Replacement, Solid Waste Construction, and Landfill Reserve Funds and includes appropriations in supplemental budget ordinances

<sup>7</sup> Motion 15174

<sup>8</sup> Ordinance 18893



was included in the 2019-2020 biennial budget.<sup>9</sup> SWD is currently conducting a State Environmental Policy Act process to evaluate three engineering options to develop Cedar Hills for additional landfill capacity, which is based on acreage within the permitted boundaries of the facility, as well as associated airspace. Executive staff indicate that, based on the three development alternatives being considered and the current tonnage forecast, Cedar Hills is expected to reach capacity sometime between 2035 and 2041.

Because the current interlocal agreements (“ILAs”) with the partner cities obligate the County to dispose of the region’s waste through 2040 and it is not known the exact year when Cedar Hills will reach capacity, an alternative waste disposal strategy will need to be identified given the lead time associated with implementing the next disposal method. The 2019 Comprehensive Solid Waste Management Plan did not specify the next disposal method after ultimate Cedar Hills closure, but the Council added a requirement that the Office of Performance, Strategy and Budget engage with SWD and regional partners to develop a plan for long-term disposal. Under this requirement, a progress report is due to the Council by December 31, 2021 that outlines how the plan will be developed and that includes the timing for the transmittal of the plan, as well as the implementing legislation.

**Waste-to-Energy and Waste Export by Rail Feasibility Study Proviso.** In the 2019-2020 biennial budget, the Council directed the Executive to lead a study that evaluates the feasibility of a Waste-to-Energy facility and waste export by rail as the County’s next disposal method. Specifically, an expenditure restriction restricts \$500,000 to be expended only for the Office of Performance, Strategy and Budget to issue a Request for Proposal and to manage a contractor to conduct the feasibility study. A linked proviso describes the requirements of the study and specifies that \$100,000 shall not be expended until the feasibility study is transmitted to the Council, which should occur by October 4, 2019. The expenditure restriction and proviso state:<sup>10</sup>

**ER3 EXPENDITURE RESTRICTION ER:**

Of this appropriation, \$500,000 shall be expended or encumbered solely for the office of performance, strategy and budget to issue a request for proposals, and to manage and pay a contractor to conduct the feasibility study for a waste to energy facility to manage the region's solid waste that provides a comparison to waste export by rail as described in Proviso P3 of this section.

**P3 PROVIDED FURTHER THAT:**

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits the feasibility study for a waste to energy facility to manage the region's solid waste that provides a comparison to waste export by rail and a motion that should acknowledge receipt of the feasibility study and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion and a motion acknowledging receipt of the feasibility study is passed by the council. The study should be performed by a contractor with significant experience in the field of waste management and recycling, demonstrated expertise with waste to

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<sup>9</sup> Ordinance 18835

<sup>10</sup> In Ordinance 18835, duplicate provisos and expenditure restrictions are found in Sections 19 (Office of Performance, Strategy and Budget) and 102 (Solid Waste).

energy technology and familiarity with the capital and operating needs of waste to energy facilities located around the world, and shall primarily consider a waste to energy facility that uses mass burn technology. The contractor may also identify other technologies that may be feasible to accommodate the current and future projections for the amount and composition of the county's waste stream. The solid waste division must provide the county's waste tonnage forecast model to the contractor upon request and explain any assumptions.

The feasibility study shall include, but not be limited to:

- A. A review of factors that may affect the county's future waste tonnage forecast completed in 2018, and an analysis, with a range of estimates, of how different assumptions could affect the forecast;
- B. A discussion of the potential for exporting the county's waste by rail that includes an analysis of the future rail capacity forecast, the estimated capital and operating costs and the environmental impacts;
- C. An evaluation of the size of a waste to energy facility that would be needed to accommodate the county's solid waste over a twenty to fifty year time horizon, beginning in 2025, with any assumptions clearly articulated, and a description of any siting needs including the necessary parcel size;
- D. A discussion of the costs of a waste to energy facility and potential financing options that includes estimates for the capital costs, the annual operating and maintenance costs and the estimated impact on the county's tipping fee, with any assumptions clearly articulated;
- E. A discussion of any environmental impacts of a waste to energy facility;
- F. An assessment of regional electricity markets and the regulatory structure to produce an estimate of potential revenues from the sale of electricity by a waste to energy facility;
- G. An analysis of other potential revenue sources from the potential byproducts of a waste to energy facility that includes, but is not limited to, the sale of recovered metals and possible uses of bottom ash;
- H. A discussion of the state and federal regulatory environment related to waste to energy facilities; and
- I. A reasonable timeline for implementation of a waste to energy facility, and an analysis of the potential impact on the lifespan and capacity of the Cedar Hills regional landfill if a waste to energy facility was developed according to the timeline.

The executive should file the feasibility study and a motion required by this proviso by October 4, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the committee of the whole, or its successor.

## **ANALYSIS**

The Office of Performance, Strategy and Budget issued a Request for Proposal earlier this year for the feasibility study required by the proviso and expenditure restriction described above, selecting Arcadis ("Consultant") as the consultant to perform the work. The *King County Waste-to-Energy and Waste Export by Rail Feasibility Study* ("Feasibility Study", "Study"), with Proposed Motion 2019-0429 that would acknowledge its receipt, was transmitted to the Council on October 4, 2019.

A summary of the Consultant's findings in each of the areas requested by the proviso is provided in the following subsections of the staff report.

**County's Future Waste Tonnage Forecast.** The proviso required the consultant to review the factors that may affect the County's future waste tonnage forecast and analyze how different assumptions could affect the forecast, as well as include a range of estimates. The Consultant reviewed the waste forecast developed in February 2019 by the Solid Waste Division ("SWD"), along with population growth projections, per capita waste generation, and recycling rate data to determine whether the same methodology should be used through the 2075 planning horizon specified by the proviso. The Feasibility Study notes that waste per capita depends on several factors including:

- Economic activity (e.g., the amount of waste generated per capita tends to decrease during recessions);
- Technological factors (e.g., packaging, recycling infrastructure);
- Social factors (e.g., a person's attitude toward recycling); and
- Administrative/Governmental factors (e.g., government policies on recycling and how easy or difficult it is to recycle).

Executive staff note that the SWD forecast model is based on multiple variables (e.g., retail sales data, per capita waste disposed) which are challenging to predict and become more uncertain the farther out you look in time. Because the SWD forecast model was not designed to develop 50-year estimates, the Consultant felt it was not appropriate to use that projection methodology and instead recommends a simpler approach with population as the major variable, as it reduces the potential number of assumptions to project out fifty years. Arcadis developed two waste tonnage forecasts representing a high<sup>11</sup> and low<sup>12</sup> bound. Both forecasts assume a 52 percent recycling rate throughout the entire study period and the Feasibility Study explains that this is based on the leveling off in the County's recycling rate in recent years and the limited role of the County in enforcing recycling rate improvements in the partner cities. Table 1 below provides the estimated waste generated in a few key years under each developed forecast. For context, approximately 931,000 tons of waste were disposed at the Cedar Hills landfill in 2017.<sup>13</sup>

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<sup>11</sup> The Feasibility Study explains that the Consultant's High Bound forecast is based on the SWD baseline model through 2040, which considers inputs such as per capita employment and retail sales data. For years 2040 through 2075, the forecast switches to an average annual growth rate based on the Puget Sound Regional Council Land Use Vision population forecast.

<sup>12</sup> For the Consultant's Low Bound forecast, the Feasibility Study notes that an average annual growth rate is used for the entire study period that is based on the Puget Sound Regional Council Land Use Vision population forecast.

<sup>13</sup> Motion 15174

**Table 1. Projected Total Tons Disposed Annually Under Low and High Bound Forecasts**

<b>Model</b>	<b>2025</b>	<b>2040</b>	<b>2045</b>	<b>2075</b>
<b>Consultant High Bound Forecast (tons)</b>	1,079,268	1,454,250	1,496,171	1,774,331
<b>Consultant Low Bound Forecast (tons)</b>	928,046	1,006,379	1,035,239	1,226,639

**Comparison of Waste-to-Energy Facility and Waste Export by Rail Findings.** The Consultant concludes based on its financial modeling that the total costs (offset by revenues)<sup>14</sup> for both long-term disposal options are similar in the ten-year near-term at over one billion dollars, but that a WTE facility could cost less in the fifty-year long-term (\$6.96 to \$8.90 billion for WTE and \$11.25 to \$16.14 billion for waste export). Additionally, the consultant estimates that a WTE facility would have comparatively less greenhouse gas emissions than waste export by rail given the opportunity for emissions offsets from recycling the resulting ash byproduct and recovered metals. The Study notes, however, that the estimates are dependent on the different variables and assumptions made in the financial and greenhouse gas models. Additional detail concerning how these figures were derived and the Consultant’s assumptions can be found both in the remainder of this staff report, as well as the in the Feasibility Study and associated appendices.

Table 2 below provides a summary comparison of some of the key Study findings for a WTE facility compared to waste export by rail (“WEBR”) in terms of the potential implementation timeline, estimated greenhouse gas (“GHG”) emissions, and estimated costs. In the table, total cost includes capital and operating costs offset by revenues, but does not include some departmental costs, which are assumed to be the same for both options. The average cost per ton refers to the average over the described period (e.g., 10-Year Term). Executive staff indicate that the cost per ton figure does not include the following departmental costs: capital improvements at the recycling and transfer stations, transfer operations, recycling transportation, recycling programs, post-closure maintenance at closed landfills, and support services.

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<sup>14</sup> Total costs include capital and operating costs offset by revenues. The Consultant indicates that some departmental costs are not included in the cited figures as they are expected to be the same under both options.

**Table 2. Comparison of Potential Implementation Timeline, Estimated GHG Emissions, and Estimated Costs for WTE and WEBR**

Category		Preliminary WTE Estimates	Preliminary Rail Export Estimates
Potential Implementation Schedule		8-11 years	3-6 years
Net GHG Emissions		-0.05 MTCO <sub>2</sub> E/ton	0.08-0.33 MTCO <sub>2</sub> E/ton
10-Year Term	Total Cost (Low – High Bound)	\$1.07 - \$1.30 billion	\$1.03 - \$1.36 billion
	Average Cost Per Ton	Low Bound: \$106.65 High Bound: \$97.35	Low Bound: \$109.94 High Bound: \$110.25
20-Year Term	Total Cost (Low – High Bound)	\$2.37 - \$2.92 billion	\$2.42 - \$3.38 billion
	Average Cost Per Ton	Low Bound: \$118.42 High Bound: \$99.62	Low Bound: \$126.35 High Bound: \$127.19
50-Year Term	Total Cost (Low – High Bound)	\$6.96 - \$8.90 billion	\$11.25 – 16.14 billion
	Average cost Per Ton	Low Bound: \$116.06 High Bound: \$112.18	Low Bound: \$215.15 High Bound: \$216.90

For comparison, the analysis contained in the 2019 Comprehensive Solid Waste Management Plan comparing the two long-term disposal options resulted in the opposite conclusion and determined that waste export was the more inexpensive option per ton. Executive staff provided a memo to Councilmembers by email on October 24th that described the different assumptions that led to this conclusion. The memo is included as Attachment 3 to this staff report for reference.

**Waste-to-Energy Facility.** The proviso requires that the consultant primarily consider a WTE facility that uses mass burn technology. Per the Feasibility Study, a mass burn WTE facility involves the combustion of waste in a controlled furnace system where heat is recovered via boilers to generate electricity, which can be used internally to operate the facility and/or can be sold to local utilities. Gas exiting the boiler is processed through an air pollution control system, metals remaining after combustion can be recovered and sold to recycling companies, and the ash resulting from the combustion process is landfilled or may be directed toward reuse opportunities discussed later in the staff report. The Feasibility Study notes that the WTE process will typically reduce the incoming volume of waste by 85 to 90 percent and 75 percent or more by weight.

*Facility Size and Site Evaluation.* The budget proviso directs for an evaluation of the size of a WTE facility that would be needed to accommodate the County’s waste over a twenty to fifty-year time horizon, beginning in 2025, with any assumptions clearly articulated, as well as a description of any siting needs (e.g., parcel size).

Based on the high and low bound forecasts described in the previous subsection, the Consultant developed two facility sizing options: (1) a facility with initial processing capacity of 3,000 tons per day that would be expanded to 4,000 tons per day in 2048 (reflecting the Low Bound forecast); and (2) a facility with initial processing capacity of

4,000 tons per day that would be expanded to 5,000 tons per day in 2040 (reflecting the High Bound forecast). Executive staff indicate that the initial facility size in each scenario is designed to meet the disposal needs through approximately the first 20-year period and assumes the facility can be expanded thereafter to meet the disposal needs of the remaining required study period. Note that the Study assumes that a WTE facility can operate up to ten percent above the design capacity based on historic experience and industry standard.

These initial facility size estimates are lower than the 5,000 tons per day facility that the 2019 Comprehensive Solid Waste Management Plan assumed would be needed to handle the County's projected waste tonnage, and which was based on SWD and external consultant analysis.<sup>15</sup> For context, Executive staff indicate that in 2018, the County's solid waste system averaged 2,520 tons per day.<sup>16</sup>

The Feasibility Study indicates that approximately 43 to 55 acres would be needed for a WTE facility with the processing capacities described above, but also notes that it is often possible to condense buildings and equipment into a smaller footprint with additional cost and that this acreage range represents a slightly larger site requirement than ultimately may be needed.

According to the Feasibility Study, the WTE facility is assumed to conform to the following requirements (which is thought by staff to refer to siting needs and features in a suitable site):

- Located in proximity to an intermodal facility for out-of-county disposal of process residuals (bypass waste and resulting ash);
- Land zoning is consistent with medium or heavy industry;
- Located away from "sensitive receptors" to minimize noise impact and to protect against other nuisances;
- Located near existing or planned major thoroughfares in place prior to construction for site access;
- Located near the center of waste generation;
- Availability and sufficient capacity of utilities to operate and meet performance needs of facility and within close proximity to avoid high construction and operating costs;
- Proximity to a connection point for a surplus energy distribution;
- Site access and perimeter road sufficient for appropriate truck loading standards and queueing without detriment to surrounding traffic flow;
- Sited within the borders of King County;
- Parcel shape roughly rectangular and suitable for required facility structures and equipment;
- Reasonable topography, with ground slopes are compatible with vehicle traffic, buildings, and structures; and

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<sup>15</sup> SWD retained the services of Normandeau Associates to conduct a study on recommendations for a Waste-to-Energy facility given King County's waste projections and profile, as well as evaluate out-of-county landfill options and rail capacity. The resulting report was internally used at SWD and was not a Council request, therefore was not transmitted to the Council.

<sup>16</sup> Figure provided during deliberations on the 2019 Comprehensive Solid Waste Management Plan

- Sufficient space for equipment laydown and storage during construction.

*Costs and Financing Options.* In response to the proviso requirement for a discussion of estimated costs, as well as potential financing options, the Consultant developed a financial model that includes the costs for development, construction, operation, and expansion of a WTE facility based on the high and low bound forecast estimates over the 50-year planning period. The Feasibility Study model assumes a design-build-operate contract is used, meaning that the contracted entity is responsible for design, construction, and operation of the County-owned facility. Additionally, capital costs and operation and maintenance costs are escalated at three percent per year according to the Consultant based on historic contractual escalation seen at other facilities and the Consumer Price Index (“CPI”).

Table 3 provides the estimated total cost and average cost per ton for both facility sizing options. In the table, total cost includes capital and operating costs offset by revenues, but does not include some departmental costs, which are assumed to be the same for both options. The average cost per ton refers to the average over the described period (e.g., 10-Year Term). Executive staff indicate that the following departmental costs are not included: capital improvements at the recycling and transfer stations, transfer operations, recycling transportation, recycling programs, post-closure maintenance at closed landfills, and support services.

**Table 3. Estimated Total Cost and Average Cost per Ton for WTE Facility by Sizing Option**

<b>Facility Sizing Option</b>	<b>Cost Type</b>	<b>10-Year Term</b>	<b>20-Year Term</b>	<b>50-Year Term</b>
<b>Initial Facility Size of 3,000 Tons per Day</b>	Total Cost (offset by revenues)	\$1.07 billion	\$2.37 billion	\$6.96 billion
	Average Cost Per Ton	\$106.65	\$118.42	\$116.06
<b>Initial Facility Size of 4,000 Tons per Day</b>	Total Cost (offset by revenues)	\$1.30 billion	\$2.92 billion	\$8.90 billion
	Average Cost Per Ton	\$97.35	\$99.62	\$112.18

As noted previously, the Feasibility Study assumes that a WTE facility under either sizing option would need to be expanded at a future point to accommodate the region’s waste. Initial construction and expansion construction costs are summarized in the table below.

**Table 4. Estimated Initial and Expansion Construction Costs for a WTE Facility by Sizing Option**

<b>Facility Sizing Option</b>	<b>Cost Type</b>	<b>Amount</b>
<b>Initial Facility Size of 3,000 Tons per Day</b>	Initial Construction Costs	\$1.19 billion
	Expansion Construction Costs	\$289.5 million
<b>Initial Facility Size of 4,000 Tons per Day</b>	Initial Construction Costs	\$1.49 billion
	Expansion Construction Costs	\$231.0 million

The Consultant based the estimated capital costs on the most recent facility constructed in the United States located in West Palm Beach, Florida, which is of a comparable size to the developed sizing scenarios and assumes long-term bond financing. The Feasibility Study notes that costs were adjusted for higher labor costs in this region, a higher sales tax rate for equipment purchase, and to account for differences in land acquisition costs. Additionally, according to the Feasibility Study, the financial model assumes costs related to carbon sequestration technology and advanced metal recovery equipment,<sup>17</sup> the former of which is anticipated to be required under a new state law concerning electricity sales. The implications of the state law are described in further detail later in this staff report. The Study notes that the construction figures cited above also include: project contingency funds, consultant fees, and bond issuance costs that assume a 4.0 percent interest rate.

Table 5 summarizes the estimates for the total operation and maintenance (O&M) costs offset by revenues under the two facility sizing options over a 50-year time horizon.

**Table 5. Estimated O&M Cost for a WTE Facility by Sizing Option**

<b>Facility Sizing Option</b>	<b>Cost Type</b>	<b>Total Revenue Over 20-Year Term</b>	<b>Total Revenue Over Remaining 30-Year Term</b>
<b>Initial Facility Size of 3,000 Tons per Day</b>	Total O&M Cost (offset by revenues)	\$954.6 million	\$3.44 billion
<b>Initial Facility Size of 4,000 Tons per Day</b>	Total O&M Cost (offset by revenues)	\$1.06 billion	\$4.85 billion

The Consultant describes the following O&M costs, revenues, and assumptions included in the model:

- **Operator Contract:** The estimate for the operator contract was based on the actual operating contract for the West Palm Beach facility, adjusted for 2019 dollars and for the additional costs for operation and maintenance of the equipment related to carbon sequestration and advanced metal recovery.

<sup>17</sup> The Feasibility Study notes that advances in metals recovery equipment makes it possible for the separation of more precious metals from unwanted residue which commands a more premium price when recovered metals are sold.



- **Consumables:** This category includes air pollution control reagents, which were estimated based on usage of the West Palm Beach facility, and the utilities needed to operate the facility, which were adjusted to account for local prices.
- **Ash Disposal:** The financial model includes the costs of exporting the resulting ash that has no reuse value by rail to an out-of-county landfill permitted specifically for ash disposal. The Consultant notes that an additional scenario of ash disposal at Cedar Hills could also be considered and would provide reduced disposal costs.
- **Hauling Costs:** Included in the model are the estimated costs to haul waste from existing transfer stations to a WTE facility and the Feasibility Study notes that it assumes a similar distance from the transfer stations to the current landfill.
- **Revenues:** The O&M figures cited above are offset by revenues from electricity sales, sale of recovered metals, as well as assume revenue from acceptance of out-of-county waste. Executive staff indicate that the available facility capacity for out-of-county waste was determined by subtracting the projected King County waste from the design capacity of the facility in a given year, but that the interest on the part of non-County jurisdictions was not specifically evaluated as part of this Study.
- **“Throughput Guarantee”:** The Consultant assumes an “annual throughput guarantee” to the facility operator, which provides that a certain amount of waste will be provided to the facility.

As noted previously, the Consultant indicates that the model-generated estimates are influenced by a variety of variables and assumptions. The top five risks or assumptions impacting the financial model identified by the Consultant are summarized in Table 6.

**Table 6. Top Five Risks or Assumptions Impacting the WTE Facility Financial Model as Identified in the Feasibility Study**

<b>Risks or Assumptions Impacting Financial Model</b>
<ul style="list-style-type: none"> <li>• <b>Facility capacity and tonnage projections.</b> If the larger facility capacity option is selected and the actual waste processed is significantly lower (e.g., County not able to secure out-of-county waste to process), the cost per ton of waste may increase. The Feasibility Study notes that the cost per ton would be nine percent higher if excess waste capacity is not successfully sold, however, indicates that this is still less than the waste export by rail costs over the 50-year term.</li> <li>• <b>Electricity sales revenues.</b> Given that electricity sales make up two-thirds of estimated revenues, deviations higher or lower may impact the cost per ton.</li> <li>• <b>Carbon sequestration.</b> The 2019 Clean Energy Transformation Act passed by the legislature (and described later in the staff report) imposes new requirements for electricity generation. According to the Study, to meet the carbon neutral requirements, a new WTE facility may be able to offset emissions through carbon sequestration, however uncertainties remain related to technologies at the scale that would be needed by the County and in how the state law will be implemented over time.</li> <li>• <b>Escalation Rate.</b> The current CPI estimate of three percent was used for all costs except electricity revenue, but actual CPI may vary over time.</li> <li>• <b>Materials Recovery.</b> Quantity of metals recovered and associated revenues, as well as the reduction of ash for disposal through reuse opportunities may impact costs and revenues, relative to the model assumptions.</li> </ul>

While the financial model assumes long-term bond financing, the Consultant notes that third-party financing as part of a contract to design, build, and operate a facility may be possible. The Feasibility Study concludes that this option typically costs more than long-term bond financing since the contracting entity is taking on more risk for the project and the County would not have the advantages of facility ownership.

*Assessment of Regional Electricity Markets.* Included in the budget proviso is a requirement that the study provide an assessment of the regional electricity markets and regulatory structure. The Feasibility Study points out two significant features of the regional electricity markets and associated regulatory environment that could affect the potential revenue resulting from electricity generated by a WTE facility – the comparatively low electricity prices in the area and the Clean Energy Transformation Act<sup>18</sup> passed by the Legislature earlier this year.

The Consultant notes that hydroelectric power is the predominant source of electricity generation in this state and provides lower-cost electricity to the region relative to power prices in other states. Furthermore, due to the state’s hydroelectric power generating capacity, Washington produces excess electricity relative to demand and exports electricity to 14 other states and Canada. For these reasons, the Feasibility Study concludes that electricity pricing will likely remain lower and more stable over time relative to other parts of the country.

Additionally, the Consultant indicates that the passage of the Clean Energy Transformation Act (“CETA”) by the State Legislature and resulting implementation may also influence electricity revenues from a future WTE facility. Under CETA, the Feasibility Study explains that all retail electricity sales must be carbon neutral by 2030. By 2045, all utilities in the state must obtain electricity from sources classified as renewable or non-emitting. Failure to comply with the requirements under the law will result in monetary penalties (e.g., \$/non-compliant megawatt-hour). According to the Consultant, new WTE facilities would likely require carbon sequestration or carbon capture technology and/or require the purchase of renewable energy credits to offset emissions in order to meet the carbon neutral goal. However, the Consultant suggests that it will be difficult for a WTE facility to meet the 2045 requirement for renewable or “non-emitting” electricity generation even with carbon sequestration or capture, absent a modification of the rule.

*Potential Revenue Sources.* The budget proviso requires an analysis of potential revenues from the sale of electricity and any WTE facility byproducts including, but not limited to, sale of recovered metals, and possible uses of the ash resulting from combustion. The Feasibility Study describes the revenue potential from four sources: (1) electricity sales; (2) sale of recovered metals, (3) acceptance of out-of-county waste for a fee per ton, and (4) the reuse of ash. Table 7 summarizes the revenue included in the financial model from these sources. The Consultant notes that the revenue estimates use current estimates (e.g., electricity prices from 2018) as “Facility Operation Year 1” prices in the model and therefore are conservative estimates.

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<sup>18</sup> E2SSB 5116

**Table 7. Estimated Revenues for a WTE Facility by Sizing Option**

<b>Facility Sizing Option</b>	<b>Revenue Source</b>	<b>Total Revenue Over 20-Year Term</b>	<b>Total Revenue Over Remaining 30-Year Term</b>
<b>Initial Facility Size of 3,000 Tons per Day</b>	Electricity Sales	\$485.6 million	\$1.42 billion
	Sale of Recovered Metals	\$212.4 million	\$905.6 million
	Out-of-county Waste	\$34.3 million	\$650.8 million
	Use of Ash	\$0	\$0
	<b>TOTAL</b>	<b>\$732.3 million</b>	<b>\$2.97 billion</b>
<b>Initial Facility Size of 4,000 Tons per Day</b>	Electricity Sales	\$718.0 million	\$1.77 billion
	Sale of Recovered Metals	\$316.6 million	\$1.13 billion
	Out-of-county Waste	\$140.9 million	\$186.0 million
	Use of Ash	\$0	\$0
	<b>TOTAL</b>	<b>\$1.18 billion</b>	<b>\$3.09 billion</b>

As noted previously, the financial model developed by the Consultant assumed an advanced materials processing component to the facility which would yield cleaner metals that command a higher price than comparable facilities that do not have such equipment. An additional assumption in the financial model relates to the acceptance of out-of-county waste for remaining facility capacity above the anticipated tonnage forecast for a per ton fee.<sup>19</sup> Out-of-county waste in this context is waste not provided by the 37 partner cities in the County’s solid waste system. The Consultant notes that accepting out-of-county waste may also result in improved facility operation, as WTE facilities operate more efficiently when they process waste at the designed capacity.

The Feasibility Study provides that a portion of the ash resulting from combustion may be directed towards reuse opportunities such as in cement or asphalt, but that revenues depend on the market for ash and area demand. The financial model assumes no revenue for ash directed towards reuse, but that the recipient would pay hauling costs. Note that the portion of ash not reused would have to be landfilled.

*Environmental Impacts.* The budget proviso requires a discussion of any environmental impacts of a WTE facility. The Study focuses primarily on greenhouse gas (“GHG”) emissions and non-greenhouse gas emissions.

The Consultant estimated GHG emissions using two methods (1) the default U.S. Environmental Protection Agency (“EPA”) WARM<sup>20</sup> tool; and (2) the WARM tool with line item adjustments based on the Consultant’s professional judgment (“adjusted WARM tool”). Both models consider gross GHG emissions (e.g., emissions of carbon dioxide and nitrogen dioxide from the combustion of waste) offset by avoided emissions (e.g., avoided carbon dioxide emissions from electricity generation). According to the Study, the WARM tool and adjusted WARM tool do not quantify annual emissions from

<sup>19</sup> In the financial model, the Feasibility Study notes that out-of-county waste is priced at \$35 per ton to be competitive with potentially interested jurisdictions and provides Snohomish County’s current disposal cost of \$50 per ton as an example.

<sup>20</sup> Waste Reduction Model (WARM)

a WTE facility because they do not explicitly model the timing of GHG emissions, thus the GHG emissions estimated in the Study should only be used to compare alternative waste management strategies.

For a WTE facility, the Study notes that both modeling tools yielded the same net estimate of -0.05 metric tons of carbon dioxide equivalent per ton of waste (MTCO<sub>2e</sub>/ton). The negative result indicates that, in the Consultant's modeling, the estimated offsets, or emissions avoided, for things like ash and metals recycling at a WTE facility are greater than the generated emissions. For comparison, the GHG emissions estimate in the 2019 Comprehensive Solid Waste Management Plan, which also used the WARM tool but included different assumptions, yielded the opposite conclusion and estimated that GHG emissions for a WTE facility would be a net positive, meaning emissions are higher than offsets.<sup>21</sup>

The Feasibility Study also notes that a WTE facility would have environmental impacts associated with non-GHG air emissions (e.g., carbon monoxide, lead) that would be subject to emission standards and, in some instances, Best Available Control Technology requirements. The Study includes a table of air permit limits and emissions compliance test results for the West Palm Beach WTE facility for illustrative purposes on page 3-57 of the Study and concludes that, "Due to the small size of the facility, the air modeling required to meet Title V and PSD [air quality permit] requirements, and the sophisticated air pollution control systems included, the emissions will not have a measurable effect on local air quality" (page 3-58).

*State and Federal Regulatory Environment.* The budget proviso includes the requirement for a discussion of the state and federal regulatory environment. The Feasibility Study includes a preliminary assessment of the applicable regulatory requirements for construction and operation and identifies licenses, permits, or other approvals that may be needed, however notes that it does not represent an exhaustive list. Some examples include the following, with the permitting agency noted in parentheses:

- Environmental Impact Statement (SWD);
- Traffic Control Plan (Roads Services Division);
- Building and Construction Permit (Permitting Division or City);
- Solid Waste Permit (Washington State Department of Ecology via Public Health Seattle & King County);
- Industrial Wastewater Discharge Permit (Wastewater Treatment Division); and
- Endangered Species Act Compliance (U.S. Fish and Wildlife Services and National Oceanic and Atmospheric Administration - Fisheries)

According to the Consultant, one significant task would be securing a Prevention of Significant Deterioration construction permit from the Puget Sound Clear Air Agency (PSCAA), which has jurisdiction for regulating sources of air pollution in the County. The PSD permitting process includes public participation and review by a few different

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<sup>21</sup> Note that the metric used in the Feasibility Study (MTCO<sub>2e</sub>/ton) and the metric used in the 2019 Comprehensive Solid Waste Management Plan (MTCO<sub>2e</sub>) are not the same and so cannot be directly compared.

entities (e.g., EPA). Permit application preparation would be expected to take 18 to 24 months, with an estimated 12 to 24 months for PSCAA review and final permit issuance.

The Feasibility Study also outlines the major applicable regulations for a WTE facility, including the following examples:

- Federal: Clean Air Act, Resource Conservation and Recovery Act, Clean Water Act;
- State: State Environmental Policy Act, Washington Clean Air Act, Special Incinerator Ash Management Standards, Solid Waste Management Act, etc.

*Potential Implementation Timeline.* In response to the budget proviso requirement for a reasonable implementation timeline for a WTE facility, the Consultant developed two potential schedules, an accelerated and extended version. Both schedules include extending the interlocal agreements with the partner cities and updating the Comprehensive Solid Waste Management Plan, siting and permitting, procurement, and design and construction. The fast-track schedule assumes no significant regulatory hurdles or public opposition to the project and availability of long-lead time materials. The extended schedule allows for up to two years of delay for permitting or siting issues. Both schedules assume design-build-operate procurement, which the Feasibility Study notes is typical in the industry, but that there are a variety of alternative delivery methods that could be considered. Additionally, both schedules assume that procurement would occur concurrently with siting, planning, and permitting. Table 8 summarizes the two potential implementation schedules.

**Table 8. Potential WTE Facility Implementation Schedules – Accelerated and Extended**

<b>Phase</b>	<b>Accelerated Schedule</b>	<b>Extended Schedule</b>
<b>Extend and negotiate ILAs and update Comprehensive Solid Waste Management Plan</b>	1-2 years	2 years
<b>Siting, Planning, Permitting</b>	3 years	5 years
<b>Procurement</b>	1-2 years <i>*Concurrent with Siting, Planning, Permitting</i>	2 years <i>*Concurrent with Siting, Planning, Permitting</i>
<b>Design and Construction</b>	4 years	4 years
<b>TOTAL</b>	8-9 years	11 years
<i>Commercial Operations Date if Start 1/1/2020</i>	<i>Jan 2028 – Jan 2029</i>	<i>Jan 2031</i>

The budget proviso also required the Consultant to provide an analysis of the potential impact on the lifespan and capacity of the Cedar Hills landfill if a WTE facility was developed according to the potential timeline. The Feasibility Study provides that because SWD is in the process of evaluating options to develop the Cedar Hills landfill and the ultimate capacity is at this point unknown since an option has not been selected, the Consultant could not determine the effect of WTE implementation on the remaining life of the Cedar Hills landfill.

Additionally, the Feasibility Study considered the possibility of mining the existing landfill and using the materials as fuel should the County develop a WTE facility. The Consultant notes that this has been done in few facilities in the U.S. and Europe and only for waste that had been landfilled within the past year, as older waste tends to have a low heating potential and this “low-quality” waste can result in operation and maintenance issues. Landfill mining is not included in the financial model developed in the study and described previously in this staff report.

**Waste Export by Rail.** The budget proviso requires a discussion of the potential for exporting the County’s waste by rail that includes an analysis of the future rail capacity forecast, the estimated capital and operating costs, as well as the environmental impacts. The consultant findings in these areas were informed by interviews with railroad companies and out-of-county landfill operators and they are summarized in the subsections below.

*Costs and Financing Options.* Table 9 provides the estimated total cost and average cost per ton for both the high and low bound waste forecasts. In the table, total cost includes capital and operating costs, but does not include some departmental costs, which are assumed to be the same for both options. The average cost per ton refers to the average over the described period (e.g., 10-Year Term). Executive staff indicate that the following departmental costs are not included: capital improvements at the recycling and transfer stations, transfer operations, recycling transportation, recycling programs, post-closure maintenance at closed landfills, and support services.

**Table 9. Estimated Total Cost and Average Cost per Ton for Waste Export by Rail**

Facility Sizing Option	Cost Type	10-Year Term	20-Year Term	50-Year Term
<b>Waste Export by Rail – Low Bound Forecast</b>	Total Cost	\$1.03 billion	\$2.42 billion	\$11.25 billion
	Average Cost Per Ton	\$109.94	\$126.35	\$215.15
<b>Waste Export by Rail – High Bound Forecast</b>	Total Cost	\$1.36 billion	\$3.38 billion	\$16.14 billion
	Average Cost Per Ton	\$110.25	\$127.19	\$216.90

The Feasibility Study notes that a waste export program would have four major cost components: (1) construction of an intermodal facility (IMF) where waste is trucked to the IMF and then is loaded onto rail cars; (2) transport of waste from the transfer stations to the IMF; (3) transport of waste by rail to the landfill; and (4) the disposal fee at the landfill.

Executive staff indicate that the financial model assumes that current IMFs would not offer sufficient capacity to handle the County’s volume of waste, and therefore would be financed and constructed by the rail companies. Under the model, the rail companies would charge the County for these capital expenses in the per ton fee charged for waste export by rail. The per ton fee related to IMF construction is estimated at approximately \$3.35 per ton over a ten-year period, based on an estimated construction cost of \$5 million, estimated land acquisition cost of \$18 million for a 20-acre site, and a four

percent interest rate. The ten-year time period was selected as the interviews with the railroads indicated that it would likely be the maximum contract period that would be acceptable to them.

As noted previously, the Consultant indicates that the model-generated estimates are influenced by a variety of variables and assumptions. The top five risks or assumptions impacting the financial model identified by the Consultant are summarized in Table 10.

**Table 10. Top Five Risks or Assumptions Impacting the Waste Export by Rail Financial Model as Identified in the Feasibility Study**

Risks or Assumptions Impacting Financial Model
<ul style="list-style-type: none"> <li>• <b>Short-term contracts.</b> The contract terms (5-10 years) identified in interviews with railroad operators may result in uncertainty related to hauling/disposal costs over the long-term.</li> <li>• <b>Rail capacity.</b> Capacity on some rail stretches is limited presently and may be in the future, which could impact cost as demand increases.</li> <li>• <b>Congestion or service interruption.</b> Snowstorms or earthquakes which disrupt the rail system may result in lower reliability and additional costs for expansion or improvements or the need to haul waste by road.</li> <li>• <b>Compaction.</b> Variances in compaction of waste per container, relative to the assumptions in the model, may impact hauling and disposal costs.</li> <li>• <b>Captive shipper landfills.</b> Captive shipper landfills, meaning landfills that typically partner with a specific rail hauler, may make it more difficult to switch landfills and rail hauler at the end of a contract period, potentially resulting in less competition.</li> </ul>

*Environmental Impacts.* The Study focuses primarily on the environmental impacts of rail export related to greenhouse gas (“GHG”) emissions and non-greenhouse gas emissions.

The Consultant modeled GHG emissions for waste export by rail using the same two methods that were described in a previous subsection – the WARM tool and the adjusted WARM tool. As noted earlier, the two modeling tools do not quantify annual emissions from a WTE facility because they do not explicitly model the timing of GHG emissions, thus the GHG emissions estimated in the Study should only be used to compare alternative waste management strategies.

For waste export by rail, the Study notes that the two modeling tools yielded a low of 0.08 metric tons of carbon dioxide equivalency per ton of waste (MTCO<sub>2e</sub>/ton) and a high of 0.33 MTCO<sub>2e</sub>/ton. The positive result indicates that, in the Consultant’s modeling, the generated emissions for waste export by rail are greater than the offsets for avoided emissions. The Feasibility Study notes that an important consideration in the GHG analysis for waste export is the issue of offset credit for carbon sequestration in a landfill. The Study goes on to point out that biogenic<sup>22</sup> carbon in wastes such as wood and yard waste will not significantly degrade with the lack of oxygen in a landfill compared to the degradation that would occur if these materials were not landfilled.

<sup>22</sup> Biogenic is not defined in the Feasibility Study but is thought to mean “produced by living organisms” based on the dictionary definition.

The WARM model subtracts the amount of carbon dioxide that would have been generated if these wastes were allowed to naturally degrade; in this particular instance the credit is calculated at -0.21 MTCO<sub>2</sub>/ton. The Consultant notes that Intergovernmental Panel on Climate Change guidance is that the carbon sequestration credit be identified so the user may decide whether the credit shall be applied or not.

For comparison, the GHG emissions estimate for waste export by rail in the 2019 Comprehensive Solid Waste Management Plan, which also used the WARM tool but included different assumptions, yielded the opposite conclusion that estimated GHG emissions for waste export would be a net negative, meaning emissions are lower than offsets.<sup>23</sup>

The Feasibility Study also notes that waste export by rail would have environmental impacts associated with non-GHG air emissions, citing nitrogen dioxide (NO<sub>2</sub>) and particulate matter released from the use of locomotives. According to the Consultant, one of the railroads interviewed indicated they were testing alternative engine technology and particulate devices but suggested that use of these could not be guaranteed to the County in the event of waste export by rail.

*Future Rail Capacity.* The Consultant reviewed state rail plans and capacity studies and concluded that there appears to be sufficient capacity now to accommodate the region's waste and that there will continue to be some rail capacity in the future but availability of that capacity may depend on an entity's willingness to pay. Specifically, the Feasibility Study states:

*As of summer 2019, there appears to be enough rail capacity to ship an additional 1.2 million tpy [tons per year] to either of the two private landfills that currently serve city and county governments in Washington and Oregon. We can reasonably conclude that absent a major catastrophe such as a landslide or earthquake that destroys a significant portion of the Seattle-Portland track, there will continue to be some rail capacity. If in 2035 there is not enough capacity to carry an additional 1.2 million tpy, then the question becomes who gets to use the available capacity. The answer depends on how much each entity is willing to pay to move its own products. It seems likely that each railroad will select and prioritize what commodities it will haul based on its own economic self-interest: that is, which combination of total tons and rate / ton provides the highest economic benefit for the railroad (page 4-23).*

The Consultant indicates that the railroads suggested in their interviews that the County consider phasing-in waste export over time, which would allow both the railroads and landfill companies to phase-in their investments (e.g., shipping containers, rail cars). This option, according to the Feasibility Study, would potentially slightly extend the capacity of the Cedar Hills landfill and initially allow use of existing IMFs. However, the Consultant notes that the primary drawback of phasing-in waste export would be that the costs to continue operating the Cedar Hills landfill and the cost of partial waste export "would likely exceed the value of nominally increasing the life of Cedar Hills"

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<sup>23</sup> Note that the metric used in the Feasibility Study (MTCO<sub>2</sub>e/ton) and the metric used in the 2019 Comprehensive Solid Waste Management Plan (MTCO<sub>2</sub>e) are not the same and so cannot be directly compared.



(page 4-23). Phase-in of waste export was not considered in the financial model that has been described in this staff report.

**Summary of Consultant Recommendations.** Based on its analysis, the Consultant recommends that the County consider pursuing additional preliminary evaluation, permitting, and siting considerations in order to move forward with a WTE facility over waste export by rail. Specifically, the Feasibility Study states that “Due to the long-term cost saving, improved recycling rates, and potential for net negative GHG emissions with the inclusion of carbon capture technology, WTE disposal will provide a significant financial and environmental benefit to the County over WEBR [waste export by rail]. Additionally, even with the potential hurdles during the permitting and siting process, WTE represents a much more stable long-term financial profile over WEBR to protect the County’s solid waste rate structure against future inflation and escalation” (page 6-3). The Consultant also recommends that the County explore the potential of carrying out siting and planning studies concurrently with the update to the Comprehensive Solid Waste Management Plan, and also evaluate opportunities at Cedar Hills for future ash disposal.

**Council Action and Next Steps.** With the transmittal of this feasibility study required by the proviso, the funds encumbered by the proviso can be released, if Proposed Motion 2019-0429 is approved by the Council. However, approval of the proposed motion would not provide Council approval for the next disposal method. The main legislative vehicle for solid waste system planning decisions, including long-term disposal, is through updates to the Comprehensive Solid Waste Management Plan.

The 2019 Comprehensive Solid Waste Management Plan included a requirement that the Office of Performance, Strategy and Budget engage with SWD and regional partners to develop a plan for long-term disposal. Under this requirement, a progress report is due to the Council by December 31, 2021 that outlines how the plan will be developed and that includes the timing for the transmittal of the plan, as well as the implementing legislation.

### **INVITED**

1. Dwight Dively, Director, Performance, Strategy and Budget
2. Pat McLaughlin, Director, Solid Waste Division

### **ATTACHMENTS**

1. Proposed Motion 2019-0429 (and its attachments)
2. Transmittal Letter
3. Waste-to-Energy Studies Cost Comparison Memo - Performance, Strategy and Budget

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Signature Report

Motion

Proposed No. 2019-0468.1

Sponsors Dembowski

1 A MOTION relating to the organization of the county  
2 council; amending Motion 11122, Section D, as amended,  
3 and OR 2-020 and adding a new section to OR chapter 2.

4 WHEREAS, the county council is committed to reviewing and processing  
5 collectively bargained agreements in a more expeditious manner, and

6 WHEREAS, a healthy management and labor relationship is dependent, in part,  
7 on good-faith and timely bargaining, and

8 WHEREAS, the council, to implement the goal of continued productive  
9 management and labor relationships will now consider legislation related to collective  
10 bargaining in a labor policy committee and take up items in an expedited manner;

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

12 I. Motion 11122, Section D, as amended, and OR2-020 are hereby amended to  
13 read as follows:

14 **Standing committees - functions.** In addition to any committee otherwise  
15 established by law, the committees of the metropolitan King County council and their  
16 respective functions are established as follows:

17 A. **Budget and fiscal management committee** shall consider and make  
18 recommendations on: the county revenue and expenditure fiscal structural gap; capital  
19 and operating budget appropriations; the sale and lease of real property to or by the

20 county; debt and investment proposals; bond issues; the office of economic and financial  
21 analysis; levies including parks and emergency medical services; and financial policies.

22 ~~((The committee shall also consider the implementation of appropriate labor  
23 agreements.))~~

24 1. The committee shall develop recommendations on policy direction for the  
25 biennial budget, based on the recommendations of other council committees and taking  
26 into account the estimated fiscal impacts of state and federal legislation.

27 2. In respect to consideration of the county's proposed biennial budget, all  
28 members of the council not assigned to the budget and fiscal management committee  
29 shall be considered ex officio voting members of the committee.

30 **B. Government accountability and oversight committee.**

31 1. The committee shall consider and make recommendations on:

32 a. improving the efficiency, cost effectiveness and performance of all branches  
33 of county government (legislative, executive and judicial);

34 b. enhancing oversight, accountability and transparency in King County  
35 government, the annual county audit program and federal, state or county audit reports,  
36 the administration of the Public Records Act, capital projects oversight, strategic  
37 planning, performance measurement and performance management, management  
38 organizational structure and technology management; and

39 c. general government oversight, including customer service, worker safety,  
40 the department of assessments; elections; records and licensing; animal control; cable  
41 communications; the county fair; King County international airport; risk management;  
42 veterans, and executive services such as telecommunications, facilities management,

43 purchasing and real property management(~~(; and~~  
44 ~~d. the implementation of appropriate labor agreements~~)).

45 2. In the areas within the committee's purview, the committee shall track state  
46 and federal legislative action and develop recommendations on policy direction for the  
47 biennial budget.

48 **C. Health, housing and human services committee.**

49 1. The committee shall consider and make recommendations on policies relating  
50 to:

51 a. public health programs, including those related to the protection, promotion  
52 and provision functions of the department of public health, including the structure of the  
53 public health centers;

54 b. affordable housing, including therapeutic and low-income housing;

55 c. human services programs, including review of human services-related  
56 levies, and civil rights and social justice;

57 ~~d. ((The implementation of appropriate labor agreements;~~

58 ~~e.))~~ economic development including equity and pay disparity;

59 ~~((f.))~~ e. homelessness crisis response system reforms; and

60 ~~((g.))~~ f. gender equity.

61 2. In the areas within the committee's purview, the committee shall track state  
62 and federal legislative action and develop recommendations on policy direction for the  
63 biennial budget.

64 **D. Law and justice committee.**

65 1. The committee shall consider and make recommendations on policies relating

66 to law, safety, criminal justice and emergency management programs, excluding those  
67 related to alternatives to incarceration and including those related to: public safety; adult  
68 detention; juvenile justice and youth services; superior and district courts; judicial  
69 administration; prosecuting attorney; public defense; emergency medical services; office  
70 of law enforcement oversight; bail reform; pretrial services including alternatives to  
71 incarceration; and civil rights.

72           2. In the areas within the committee's purview, the committee shall track state  
73 and federal legislative action and develop recommendations on policy direction for the  
74 biennial budget.

75           ~~((3. The committee shall also consider the implementation of appropriate labor  
76 agreements.))~~

77           **E. Local services, regional roads and bridges committee.**

78           1. The committee shall consider and make recommendations on policies relating  
79 to:

- 80           a. surface water management and water supply;
- 81           b. unincorporated and rural areas, including agriculture and rural services;
- 82           c. local government;
- 83           d. ~~((the implementation of appropriate labor agreements;~~
- 84           e.)) permitting and zoning including winery and marijuana related legislation;
- 85           ~~((f.))~~ e. roads and bridges;
- 86           ~~((g.))~~ f. emergency management including disaster response, emergency  
87 preparedness and emergency planning and the Puget Sound emergency radio network;
- 88           ~~((h.))~~ g. local services provided by the sheriff; and

89            ~~((i))~~ h. utility annexations and water and sewer district plans.

90            2. In the areas within the committee's purview, the committee shall track state  
91 and federal legislative action and develop recommendations on policy direction for the  
92 biennial budget.

93            **F. Mobility and environment committee.**

94            1. The committee shall consider and make recommendations on:

95            a. transportation, including passenger ferries and public transportation  
96 including fares and fare equity policies;

97            b. the environment, including:

98            (1) salmon recovery and barriers to recovery such as culverts;

99            (2) resources lands, excluding agriculture;

100           (3) energy;

101           (4) water quality, including wastewater;

102           (5) trails and parks; and

103           c. growth management, including regional planning and the Comprehensive  
104 Plan.

105           2. ~~((The committee shall also consider the implementation of relevant labor  
106 contracts.~~

107           ~~3.))~~ In the areas within the committee's purview, the committee shall track state  
108 and federal legislative action and develop recommendations on policy direction for the  
109 biennial budget.

110           II. There is hereby added a new section to OR chapter 2 to read as follows:

111           **Labor policy committee.** The council may go into the labor policy committee at

Motion

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112 any time. The labor policy committee shall consider matters related to labor policies and  
113 other collective bargaining process issues as may be assigned to the committee.

114

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None