## REVISED STAFF REPORT

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| **Agenda Items:** | 7 | **Name:** | Rick Bautista |
| **Proposed No**.: | 2014-0104 | **Date:** | April 1,2014 |

**The Transportation, Economy and Environment Committee approved a “Do Pass” recommendation on the proposed substitute ordinance. The Committee revised the legislation to include wineries, breweries and distilleries as uses allowed within the Community-Business and Industrial zones within the Vashon town center.**

**SUBJECT**

Proposed Substitute Ordinance 2014-0104 adopts 2014 amendments to the King County Comprehensive Plan.

**BACKGROUND**

**King County Comprehensive Plan (KCCP) Revisions**

The scope of changes during annual revisions to the KCCP are set forth in King County Code (KCC) 20.18.030. The annual cycle is limited to technical updates and corrections, code or p-suffix revisions that do not require substantive changes to policy language, and re-designation proposals under the Four-to-One program.

**Vashon Town Plan**

The Vashon Town Plan was adopted in July 1996 to guide development within the Vashon town center. In addition to policies, the plan implemented a number of “P-suffixes” that outlined specific use limitations and/or development design restrictions that were applied to various properties.

In 2011, a draft outline for a potential process for a comprehensive update to the 1996 Plan was developed by the Community Service Areas (CSA) program. To date, such a comprehensive update has not been completed.

**Four-to-One Program**

The King County Four-to-One Program allows limited expansions of the Urban Growth Area (UGA). For each acre of land added to the UGA, four acres of rural land must be dedicated as permanent open space.

Proposals under this program are initiated by submittal of a docket request to the Department of Permitting and Environmental Review (DPER), which for this proposal occurred in 2013. DPER conducted a formal public notification and application review process, and a public hearing before the Hearing Examiner. Through this process, conditions of approval were developed and are recommended by the Executive.

Approval of a UGA change through the Four-to-One program will require a corresponding approval of such change by the Growth Management Planning Council, which would occur subsequent to County action.

**SUMMARY**

The 2014 revision includes two proposals, affecting land use on Vashon Island and an area adjacent to the city of Maple Valley.

**Vashon Island P-Suffixes**

This ordinance proposes several amendments to property-specific zoning conditions VS-P29 (restricting uses in Community Business-CB zones) and VS-P30 (restricting uses in Industrial-I zones).

The first would add recreational marijuana uses to the list of allowed uses. Specifically, it proposes adding:

* Recreational marijuana producer, processor I[[1]](#footnote-1) and retailer uses to the list of allowed uses in the CB zone, and
* Recreational marijuana producer and processor II[[2]](#footnote-2) uses to the list of allowed uses in the I zone.

The additional uses would be further subject to the provisions of KCC Chapter 21A.08 (the Zoning Code), which detailed below:

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| SPECIFIC LAND USE | CB zone |
| Recreational marijuana retailer | P26C27 |

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

*27. Limited to a maximum of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana.*

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| SPECIFIC LAND USE | CB zone | I zone |
| Recreational marijuana Processor I | P22 C23 |  |
| Recreational marijuana Processor II | P24 C25 | P26 |

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

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

 *c. If the two thousand square foot per parcel threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two thousand square foot threshold area on that parcel shall obtain a conditional use permit as set forth in subsection B.23. of this section.*

*23.a. Only in the CB and RB zones located outside the urban growth area; and*

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

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

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

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

*25. a. Only in the CB and RB zones located inside the urban growth area; and*

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

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

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| SPECIFIC LAND USE | CB zone | I zone |
| Recreational marijuana Producer | P18C19 | P20 |

*18.a.(1). Production is limited to indoor only; and*

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

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

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

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

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

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

The second would add a requirement that no CUP is approved for a site listed as contaminated by the state Department of Ecology (DOE), without first obtaining a No Further Action (NFA) letter from DOE. This provision is intended to address soil contamination from a leaky oil tank that was removed from the K2 property.

The third would add wineries, breweries and distilleries as uses that may also be established. This revision was added to address the status of a distillery established within the town center.

**Rainier Ridge Four-to-One Proposal**

The Rainier Ridge Four-to-One Proposal would add 14 acres to the UGA adjacent to the City of Maple Valley and would create approximately 56 acres of dedicated open space adjacent to the Black Diamond Natural Area (owned by King County).

The City of Maple Valley has stated its intent in writing to annex the newly created urban area if the Four-to-One proposal is approved[[3]](#footnote-3). The area added to the UGA will be annexed by the City of Maple Valley prior to actual development. Maple Valley has provided verbal and written support for the project and of their intent to process the development permits.

The Executive recommends the following conditions for this proposal[[4]](#footnote-4):

1. A term conservation easement agreement satisfactory to King County shall be recorded within 21 days of approval of this ordinance. The conservation easement shall apply to the remaining 56 acres of the site and shall prohibit all use and development other than passive recreation until such time as the parcel is officially subdivided, whereby the rural portion will be deeded fee simple to King County for the purpose of permanent public passive open space.
2. Within one year, the City of Maple Valley shall commence annexation proceedings and the County and the City shall enter into an interlocal agreement addressing:
	1. annexation of the urban portion of the property;
	2. zoning for the urban portion of the property that will achieve a minimum density of 4 dwelling units per acre; and
	3. subdivision procedures that will enable the City of Maple Valley to process a plat application including land within the City and County.
3. SEPA mitigation measures per the MDNS Threshold Determination for project

MAMD13-0001 dated November 26,2013 shall be implemented and completed

upon the approval date of this ordinance.

1. In the event Condition 2 is not satisfied within one year after Council approval of

this ordinance, the site shall be re-designated in the next King County

Comprehensive Plan update to its pre-application land use (Rural Area) and

zoning (RA-5cP) designations.

**ANALYSIS**

**Vashon Town Plan**

The current zoning and P-suffix designation effectively prohibits recreational marijuana uses, as well as, wineries, breweries and distilleries on CB and I zoned properties within the town center. The Executive proposal would apply the same standards on the CB or I zones within the town center, as on such similarly-zoned properties located in other parts of King County. The addition of a requirement for an NFA letter from DOE on contaminated sites prior to issuance of a CUP, is a reasonable step given the potential for impacts to the sole-source aquifer providing water to Vashon Island.

**Rainier Ridge Four-to-One Proposal**

The proposal is consistent with the provisions of the Four-to-One program. In addition, the recommended conditions are appropriate and have been agreed to by the applicant.

**ATTACHMENTS**

None

1. **21A.06.7344 Marijuana processor, recreational.** Marijuana processor, recreational: a facility licensed by the Washington state Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. Recreational marijuana processors are classified as follows:

 A. Recreational marijuana processor I -- processing which is limited to:

 1. Drying, curing, and trimming; and

 2. Packaging. [↑](#footnote-ref-1)
2. B. Recreational marijuana processor II -- all elements of processing including:

 1. All recreational marijuana processor I activities;

 2. Extracting concentrates and infusing products;

 3. Mechanical and chemical processing; and

 4. Packaging. [↑](#footnote-ref-2)
3. This ordinance also amends the Potential Annexation Area map to add Rainier Ridge to the City of Maple Valley's PAA [↑](#footnote-ref-3)
4. The project proponent agrees with the proposed conditions [↑](#footnote-ref-4)