

King County

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Meeting Minutes Metropolitan King County Council

Councilmembers: Dave Upthegrove, Chair; Jeanne Kohl-Welles, Vice Chair of Policy Development and Review;

Reagan Dunn, Vice Chair of Regional Coordination; Claudia Balducci, Rod Dembowski, Joe McDermott, Sarah Perry, Pete von Reichbauer, Girmay Zahilay

1:30 PM

Tuesday, October 3, 2023

Hybrid Meeting

DRAFT MINUTES

Hybrid Meetings: Attend King County Council meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

HOW TO PROVIDE PUBLIC TESTIMONY: The Council values community input and looks forward to hearing from you.

There are three ways to provide public testimony:

- 1. In person: You may attend the meeting in person in Council Chambers.
- 2. By email: You may testify by submitting a COMMENT email. If your testimony is submitted before 10:00 a.m. on the day of the Council meeting, your email testimony will be distributed to the Councilmembers and appropriate staff prior to the meeting. Please submit your testimony by emailing clerk@kingcounty.gov.
- 3. Remote attendance on the Zoom Webinar: You may provide oral public testimony at the meeting by connecting to the meeting via phone or computer using the ZOOM application at https://zoom.us/, and entering the Webinar ID below.

You are not required to sign-up in advance. Testimony will be limited to ordinances and motions listed on the meeting agenda for action. On the fourth Tuesday of each month, the council allows general public comment on matters relating to county government.

CONNECTING TO THE WEBINAR

Webinar ID: 890 5838 1493

If you do not have access to the ZOOM application, you can connect to the meeting by calling 1-253-215-8782 and using the Webinar ID. Connecting in this manner, however, may impact your ability to be unmuted to speak.

You have the right to language access services at no cost to you. To request these services, please contact our Equity and Social Justice Director, Dae Shogren at 206-263-8124, or dae.shogren@kingcounty.gov by 10:00 a.m. the day prior to the meeting.

If you do not wish to be called upon for public comment during the meeting, please help us manage the callers and use one of the options below (Live Streaming or King County TV Channel 22).

HOW TO LISTEN TO THE MEETING: There are several ways to listen to the meeting if you don't wish to provide public testimony:

- 1. Stream online via this link: https://livestream.com/accounts/15175343/events/4485487, or input the link web address into your web browser.
- 2. Watch King County TV Channel 22 (Comcast Channel 22 and 322(HD), Wave Broadband Channel 22)
- 3. Listen to the meeting by telephone See "Connecting to the Webinar" above.

1. Call to Order

The meeting was called to order at 1:32 p.m.

The Chair recessed the meeting at 2:07 p.m.

The Chair reconvened the meeting at 2:08 p.m.

2. Roll Call

Present: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

3. Flag Salute and Pledge of Allegiance

Councilmember Dunn led the flag salute and Pledge of Allegiance.

4. Approval of Minutes of September 26, 2023

Councilmember Dunn moved to approve the minutes of the September 26, 2023, meeting as presented. Seeing no objection, the Chair so ordered.

5. Additions to the Council Agenda

There were no additions.

6. Special Item

Proclamation of September 15 to October 15, 2023, as Latino/a/e Heritage Month in King County

Councilmembers Balducci, Kohl-Welles, and Perry, made remarks and presented the proclamation to Edgar Longoria, Executive Director, Entre Hermanos; Mario Paredes, Executive Director, Consejo Counseling and Referral Services; Ray Corona, Board Member, Somos Seattle; Alicia Spinner, Executive Director, The Circle Community Navigation. Edgar Longoria, Mario Paredes, Ray Corona, and Alicia Spinner, made remarks and thanked the Council.

Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees, and of Ordinances related to Collective Bargaining

There will be one public hearing on Items 6-19 and 31

The following people spoke:
Marguerite Richard
Alex Tsimmerman
Lloyd Lytle
Robert Riedl
Abby Brockway
David Perk
Jim Oliver

Consent Item 7

7. Proposed Substitute Ordinance No. 2023-0185.2

AN ORDINANCE related to the establishment and administration of the forest carbon program; amending Ordinance 17022, Section 2, and K.C.C. 4.56.250 and Ordinance 17527 Section 150, as amended, and K.C.C. 4A.200.155 and adding a new chapter to K.C.C. Title 18.

Sponsors: Dembowski and Upthegrove

The enacted number is 19671.

A Public Hearing was held and closed. A motion was made by Councilmember Dunn that this Ordinance be Passed on the Consent Agenda. The motion carried by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Motions, from Standing Committees and Regional Committees and Motions related to Collective Bargaining, for Council Action

Consent Items 8-12

8. Proposed Motion No. 2023-0217

A MOTION acknowledging receipt of the 2022 health through housing annual report, in accordance with K.C.C. chapter 24.30.

Sponsors: Kohl-Welles

The enacted number is 16429.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

9. Proposed Motion No. 2023-0271

A MOTION confirming the executive's appointment of Cynthia Hickey, who resides in council district two, for a partial term to the King County waterworks grant ranking committee, as the district two representative.

Sponsors: Zahilay

The enacted number is 16430.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

10. **Proposed Motion No. 2023-0272**

A MOTION confirming the executive's appointment of Cynthia Hickey, who resides in council district two, for a full three-year term to the King County waterworks grant ranking committee, as the district two representative.

Sponsors: Zahilay

The enacted number is 16431.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

11. **Proposed Motion No. 2023-0294**

A MOTION confirming the executive's appointment of Joe Miles, who resides in council district nine, to the King County parks levy oversight board, as the district nine representative.

Sponsors: Dunn

The enacted number is 16432.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

12. Proposed Motion No. 2023-0301

A MOTION confirming the executive's appointment of Hannah Cavendish-Palmer, who resides in council district three, to the King County conservation futures advisory committee, as the district three representative.

Sponsors: Perry

The enacted number is 16433.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

Passed On The Consent Agenda

Jenny Giambatista, Council Staff, briefed the Council and answered questions.

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

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Committee of the Whole

13. Proposed Substitute Motion No. 2023-0264.2

A MOTION concerning contaminants of emerging concern in wastewater effluent and directing next steps to limit their impact.

Sponsors: Kohl-Welles and Balducci

The enacted number is 16434.

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

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

14. Proposed Motion No. 2023-0278

A MOTION approving a workgroup-recommended program plan for those health and safety improvements at the Harborview Medical Center that can be built within the amount of the bond revenues estimated to be available and as authorized by Ordinance 19117, as required by Ordinance 19583.

Sponsors: Kohl-Welles and McDermott

The enacted number is 16435.

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

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

<u>Transportation, Economy and Environment</u>

15. <u>Proposed Motion No. 2023-0314</u>

A MOTION requesting the executive to develop and transmit a study regarding state forest trust lands currently managed for King County by the Washington state Department of Natural Resources.

Sponsors: Dembowski and Upthegrove

The enacted number is 16436.

Councilmember Dunn moved Amendment 1. The motion carried.

Councilmember Dunn moved Amendment 2. The motion carried.

A Public Hearing was held and closed. A motion was made by Councilmember Dembowski that this Motion be Passed as Amended. The motion carried by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

16. Proposed Substitute Motion No. 2023-0316.2

A MOTION requesting the executive to identify and analyze mature forests in King County, and to transmit two reports.

Sponsors: Upthegrove

The enacted number is 16437.

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

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Reappointment Consent Agenda - Items 17-19

17. <u>Proposed Motion No. 2023-0329</u>

A MOTION confirming the executive's reappointment of Linwood Robinson, who resides in council district seven, to the King County transit advisory commission.

Sponsors: von Reichbauer

The enacted number is 16438.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

18. **Proposed Motion No. 2023-0333**

A MOTION confirming the executive's reappointment of Loy Anne Leiblie, who resides in council district seven, to the King County Lake Geneva Management District advisory board.

Sponsors: von Reichbauer

The enacted number is 16439.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

19. Proposed Motion No. 2023-0336

A MOTION confirming the executive's reappointment of Jamie Hill, who resides in council district four, to the King County emergency management advisory committee, as a representative from the King and Kitsap Counties Chapter of the American Red Cross.

Sponsors: Kohl-Welles

The enacted number is 16440.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

Passed On The Consent Agenda

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

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

First Reading and Referral of Ordinances

20. Proposed Ordinance No. 2023-0230

AN ORDINANCE relating to taxicabs and for-hire vehicles; repealing or deleting provisions intended to no longer be in effect in separating the taxicab and transportation network company industries; conforming to changes in state law; adding a new section to K.C.C. chapter 6.64 and repealing Ordinance 17892, Section 6, and K.C.C. 6.64.101, Ordinance 17892, Section 11, and K.C.C. 6.64.121, Ordinance 17892, Section 12, and K.C.C. 6.64.131, Ordinance 17892, Section 13, and K.C.C. 6.64.141, Ordinance 17892, Section 14, and K.C.C. 6.64.151, Ordinance 17892, Section 15, and K.C.C. 6.64.161, Ordinance 17892, Section 16, and K.C.C. 6.64.171, Ordinance 17892, Section 17, and K.C.C. 6.64.181, Ordinance 17892, Section 18, and K.C.C. 6.64.191, Ordinance 10498, Section 11, as amended, and K.C.C. 6.64.310, Ordinance 10498, Section 12, as amended, and K.C.C. 6.64.320, Ordinance 10498, Section 13, as amended, and K.C.C. 6.64.330, Ordinance 10498, Section 14, as amended, and K.C.C. 6.64.340, Ordinance 10498, Section 15, as amended, and K.C.C. 6.64.350, Ordinance 10498, Section 18, as amended, and K.C.C. 6.64.380, Ordinance 10498, Section 19, as amended, and K.C.C. 6.64.390, Ordinance 10498, Section 20, as amended, and K.C.C. 6.64.400, Ordinance 10498, Section 21, as amended, and K.C.C. 6.64.410, Ordinance 10498, Section 22, as amended, and K.C.C. 6.64.420, Ordinance 10498, Section 23, as amended, and K.C.C. 6.64.430, Ordinance 10498, Section 24, as amended, and K.C.C. 6.64.440, Ordinance 10498, Section 25, as amended, and K.C.C. 6.64.450, Ordinance 10498, Section 26, as amended, and K.C.C. 6.64.460, Ordinance 10498, Sections 61 through 68, as amended, and K.C.C. 6.64.670, Ordinance 10498, Sections 86 through 88, as amended, and K.C.C. 6.64.695, Ordinance 10498, Section 89, as amended, and K.C.C. 6.64.700, Ordinance 10498, Section 90, as amended, and K.C.C. 6.64.710, Ordinance 10498, Section 92, as amended, and K.C.C. 6.64.730, and Ordinance 10498, Section 94, and K.C.C. 6.64.750.

Sponsors: von Reichbauer

This matter had its first reading and was referred to the Government Accountability and Oversight Committee.

21. Proposed Ordinance No. 2023-0231

AN ORDINANCE relating to taxicabs and for-hire vehicles; separating and amending taxicab and for-hire vehicle industry regulations; amending Ordinance 2165, Section 6, as amended, and K.C.C. 2.98.060, Ordinance 2165, Section 8, as amended, and K.C.C. 2.98.080, Ordinance 18398, Section 8, as amended, and K.C.C. 4A.601.025, Ordinance 10498, Section 6, as amended, and K.C.C. 4A.750.100, Ordinance 18230, Section 79, as amended, and K.C.C. 6.01.150, and Ordinance 18230, Section 16, as amended, and K.C.C. 20.22.070 and adding a new chapter to K.C.C. Title 6.

Sponsors: von Reichbauer

This matter had its first reading and was referred to the Government Accountability and Oversight Committee.

22. Proposed Ordinance No. 2023-0232

AN ORDINANCE relating to the department of executive services; authorizing the director of executive services or designee to execute an interlocal agreement with public agencies to regulate for-hire transportation.

Sponsors: von Reichbauer

This matter had its first reading and was referred to the Government Accountability and Oversight Committee.

23. Proposed Ordinance No. 2023-0233

AN ORDINANCE relating to the department of executive services; authorizing the director of executive services or designee to execute an interlocal agreement with the city of Seattle to regulate for-hire transportation.

Sponsors: von Reichbauer

This matter had its first reading and was referred to the Government Accountability and Oversight Committee.

24. Proposed Ordinance No. 2023-0319

AN ORDINANCE approving the Woodinville Water District General Sewer Plan dated May 2023.

Sponsors: Perry

This matter had its first reading and was referred to the Local Services and Land Use Committee.

25. Proposed Ordinance No. 2023-0343

AN ORDINANCE creating the King County Doors Open program to support cultural organizations, imposing a one-tenth of one percent sales and use tax to finance the King County Doors Open program; and repealing Ordinance 18513, Section 2, Ordinance 18513, Section 3, and Ordinance 18513, Section 4

Sponsors: Kohl-Welles and Balducci

This is a dual referral first to the Regional Policy Committee and then to the Committee of the Whole.

This is a mandatory referral to the Regional Policy Committee as set forth in King County Charter Section 270.30 and K.C.C. 1.24.065.

This matter had its first reading and was referred to the Regional Policy Committee.

First Reading and Referral of Motions

26. **Proposed Motion No. 2023-0320**

A MOTION confirming the executive's appointment of Darron Lewis, who resides in council district one, to the King County transit advisory commission.

Sponsors: Dembowski

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

27. Proposed Motion No. 2023-0323

A MOTION confirming the executive's appointment of Jonathan Chen, who resides in council district four, to the King County transit advisory commission.

Sponsors: Kohl-Welles

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

28. Proposed Motion No. 2023-0324

A MOTION confirming the executive's appointment of Prem Subedi, who resides in council district five, to the King County transit advisory commission.

Sponsors: Upthegrove

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

29. **Proposed Motion No. 2023-0332**

A MOTION confirming the executive's appointment of Steven Vargo, who resides in council district three, to the King County International Airport roundtable, as an airport tenant representative - corporate tenant.

Sponsors: Perry

This matter had its first reading and was referred to the Government Accountability and Oversight Committee.

30. Reports on Special and Outside Committees

No reports were given.

Other Business

At the September 12, 2023, Council meeting the Chair asked members for nominations for an at-large Conservation Futures Advisory Committee position. The Chair received two nominations, Eric Zimmerman and Andrew Mathewson, and will forward both names to the Executive.

Councilmember Upthegrove condemned the racist hate speech that occurred in the Law, Justice, Health and Human Services Committee on October 3, 2023.

Proclamation/Recognition Presented in the Community

31. Proclaiming the week of October 2-9, 2023, Megan Rapinoe Week in King County

Councilmember Upthegrove acknowledged the proclamation of October 2-9, 2023, Megan Rapinoe Week in King County.

Land Use Appeals - Items 32-35

Darren Carnell, Supervising Attorney, Prosecuting Attorney's Office, gave an overview of the Council's role in the quasi-judicial process.

Councilmember Perry made the following statement for the record. "Before the Council considers this land use appeal, I want to provide a little information about my review as well as some other issues related to Fall City. I understand that it is Council's obligation to review these vested plat applications based on the record the parties developed before the Hearing Examiner and I have made my best effort to do that. As everyone knows, there has been ongoing legislative activities regarding the future of Fall City. The 2016 Comprehensive Plan divided the county into seven community service areas and established a schedule for the development of a new subarea plan for each area. Since June of 2020, the County has been working on a new subarea plan for Snoqualmie Valley - Northeast King County, which includes Fall City. The new subarea plan is expected to be adopted in December 2024. Earlier this year the County adopted a moratorium to limit the ability of new projects to vest to the old code. This legislation was intended to allow the future of Fall City to be guided by the new plan and regulations. Of course, applications that were previously vested will be continue to be reviewed under existing regulations. In my ongoing work for the subarea plan, I directed staff in my office to screen me from any written communications about the projects that are on appeal here. My staff and I were also very careful to be clear that conversations about ongoing plat applications and appeals were not something that I could discuss. I reviewed the briefs in this land use appeal, and I am not aware of any facts or arguments about the proposed plats that are not contained in the briefing. This reinforces for me that my office's screening system worked, and I have not inadvertently learned anything about the proposed plats other than what the parties have presented and is in the record. I am looking forward to hearing the arguments today."

Councilmember Balducci made the following statement for the record. "I would also like to provide some information about my review of this appeal and some other issues related to Fall City. Like Councilmember Perry, I understand our obligation as a Council to review these proposed plats and these appeals based on the record before the Hearing Examiner, and I of course am making my best effort to do that. As you all know, there has been ongoing discussion and legislative activity regarding the future of Fall City. The County has been working on a new subarea plan for the area. Earlier this year we adopted a moratorium to limit the ability of new projects to vest to the current version of the county code while the planning process was completed. Of course, applications that are previously vested will continue to be reviewed under existing regulations. In the course of my learning about this situation and considering the moratorium, in April of this year I took a drive in my car through Fall City, so I could see the area for myself. Councilmember Perry's office provided a map to help me find some of the locations in question and I was able to view them from my car. I did not meet or talk with anyone while I was there. In fact, I didn't get out of the car. I just wanted to see the signs and what was going on the area. Later in August I had one 30-minute meeting online with representatives of the building industry. An employee of Taylor Development was invited to that meeting but did not attend. I've also received a number of emails from I believe just in the course of business that we all have received, but none of those were about these plat appeals. As I must, I will confine my decision making to the briefs in this land use appeal. I am not aware of any facts or arguments that are outside of the briefing and unless there are any questions that is the disclosure I would like to make before we get into the hearing."

Councilmember Dembowski stated for the record that because of the ongoing legislative work and the moratorium that was advanced, his office received emails from people who he believed live in or have an interest in these issues in the Fall City Area. He did read the emails but did not know the status of these appeals or that there was any issue before the Hearing Examiner. The emails seem to be related to the moratorium and he does not know if any of those people who emailed his office are a part of this appeal or a member of the organizations that are doing these appeals. He also stated that he had a recent meeting, related to the moratorium legislation, with the master builders of King and Snohomish County, and there was no representative of either party present nor they did not talk about this appeal in that meeting.

David Spohr, Hearing Examiner, summarized the appeal and recommendations and answered questions.

Michael Rea and David Bricklin, Attorney's for the Appellant, Fall City Sustainable Growth, presented and answered questions of the Council.

Patrick Mullaney, Attorney for the Applicants, Slalom 13 LLC, Cedar 17 LLC, Cha Cha LLC, and Mt. Si LLC, presented and answered questions of the Council.

At 4:12 p.m., the Chair recessed the meeting.

The Chair reconvened the meeting at 4:47 p.m.

32. Proposed Ordinance No. 2022-0443

AN ORDINANCE approving a stipulation for, adopting an additional condition of approval for, and dismissing an appeal of, the Fall City II preliminary plat, located at 4135 332nd Avenue SE, Fall City, department of local services, permitting division file no. PLAT200003.

Sponsors: Balducci and Upthegrove

The enacted number is 19672.

Councilmember Dembowski moved Amendment 1. The motion carried.

Councilmember Dembowski moved Title Amendment T1. The motion carried.

A motion was made by Councilmember Dembowski that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

33. Proposed Ordinance No. 2023-0049

AN ORDINANCE approving a stipulation adopting an additional condition of approval for and denying an appeal of the Mt. Si preliminary plat, located at 32433 SE Redmond Fall City Road, Fall City, department of local services, permitting division file no. PLAT210002.

<u>Sponsors:</u> Upthegrove

The enacted number is 19673.

Councilmember von Reichbauer moved Amendment 1. The motion carried.

Councilmember von Reichbauer moved Title Amendment T1. The motion carried.

A motion was made by Councilmember von Reichbauer that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Excused: 2 - Balducci, and Dunn

34. Proposed Ordinance No. 2023-0003

AN ORDINANCE approving a stipulation adopting an additional condition of approval for and denying an appeal of the Cedar 23 preliminary plat, located at 4218 and 4250 324th Avenue SE, Fall City, department of local services, permitting division file no. PLAT210005.

Sponsors: Upthegrove

The enacted number is 19674.

Councilmember von Reichbauer moved Amendment 1. The motion carried.

Councilmember von Reichbauer moved Title Amendment T1. The motion carried.

A motion was made by Councilmember von Reichbauer that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Excused: 2 - Balducci, and Dunn

35. Proposed Ordinance No. 2023-0138

AN ORDINANCE approving a stipulation adopting an additional condition of approval for and denying an appeal of the Cha preliminary plat, located at 4142 324th Avenue SE, Fall City, department of local services, permitting division file no. PLAT210006.

Sponsors: Upthegrove

The enacted number is 19675.

Councilmember von Reichbauer moved Amendment 1. The motion carried.

Councilmember von Reichbauer moved Title Amendment T1. The motion carried.

A motion was made by Councilmember von Reichbauer that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer, and Zahilay

Excused: 2 - Balducci, and Dunn

Adjournment

The meeting was adjourned at 4:54 p.m.

Approved this	day of	
•		Clerk's Signature