8/22/2016

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Sponsor:

Claudia Balducci

Proposed No.: 2016-0236

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2016-0236, VERSION 1 2 1 On page 1, beginning on line 5, strike everything through page 26, line 448, and insert: 3 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY: 4 SECTION 1. Findings: For the purposes of effective land use planning and 5 regulation, the King County council makes the following legislative findings: 6 7 A. King County adopted zoning regulations for marijuana retail, processing and production activities in Ordinances 17710, 17725 and 17841 to address the land uses 8 9 allowed under Washington state Initiative 502. 10 B. In 2015, the Washington state legislature adopted changes to the marijuana regulatory system as part of Chapter 70, Laws of Washington 2015 and Chapter 4, Laws 11 of Washington 2015 2nd Special Session. 12 C. In response to the 2015 laws, and due to concerns about potential impacts of 13 14 state licensed marijuana businesses, preserving patient access to cannabis for legal medical purposes, and the need to coordinate with multiple other state and local 15 16 regulatory agencies, King County adopted Ordinance 18326, which, in part updated zoning for marijuana producers. 17 D. Due to an editing error, Ordinance 18326, Section 15, contains erroneous 18

- 19 internal references that require correction in order to avoid confusion in interpretation.
 - E. The changes to zoning contained in this ordinance bear a substantial
- 21 relationship to, and are necessary for, the public health, safety and general welfare of
- 22 King County and its residents.

SECTION 2. Ordinance 10870, Section 336, as amended, and K.C.C.

24 21A.08.090 are each hereby amended to read as follows:

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A. Resource land uses.

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B. Development conditions.

- 14 A	지는 것 같은 것 같아요. 그는 것을 같은 것 같은 것 같은 것 같은 것 같은 것 같이 많이
27	1. May be further subject to K.C.C. chapter 21A.25.
28	2. Only forest research conducted within an enclosed building.
29	3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
30	4. Excluding housing for agricultural workers.
31	5. Limited to either maintenance or storage facilities, or both, in conjunction
32	with mineral extraction or processing operation.
33	6. Allowed in accordance with K.C.C. chapter 21A.30.
34	7. Only in conjunction with a mineral extraction site plan approved in
35	accordance with K.C.C. chapter 21A.22.
36	8. Only on the same lot or same group of lots under common ownership or
37	documented legal control, which includes, but is not limited to, fee simple ownership, a
38	long-term lease or an easement:
39	a. as accessory to a primary mineral extraction use;
40	b. as a continuation of a mineral processing only for that period to complete
41	delivery of products or projects under contract at the end of a mineral extraction; or
42	c. for a public works project under a temporary grading permit issued in
43	accordance with K.C.C. 16.82.152.
44	9. Limited to mineral extraction and processing:
45	a. on a lot or group of lots under common ownership or documented legal
46	control, which includes but is not limited to, fee simple ownership, a long-term lease or
47	an easement;
48	b. that are located greater than one-quarter mile from an established residence;
49	and

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1	50	c. that do not use local access streets that abut lots developed for residential
	51	use.
	52	10. Agriculture training facilities are allowed only as an accessory to existing
	53	agricultural uses and are subject to the following conditions:
	54	a. The impervious surface associated with the agriculture training facilities
	55	shall comprise not more than ten percent of the allowable impervious surface permitted
	56	under K.C.C. 21A.12.040;
ř	57	b. New or the expansion of existing structures, or other site improvements,
(d	58	shall not be located on class 1, 2 or 3 soils;
,°	59	c. The director may require reuse of surplus structures to the maximum extent
ŝ.	60⁄	practical;
	61	d. The director may require the clustering of new structures with existing
	62	structures;
	63	e. New structures or other site improvements shall be set back a minimum
	64	distance of seventy-five feet from property lines adjoining rural area and residential
×	65	zones;
	66	f. Bulk and design of structures shall be compatible with the architectural style
	67	of the surrounding agricultural community;
	68	g. New sewers shall not be extended to the site;
	69	h. Traffic generated shall not impede the safe and efficient movement of
	70	agricultural vehicles, nor shall it require capacity improvements to rural roads;
	71	i. Agriculture training facilities may be used to provide educational services to
	72	the surrounding rural/agricultural community or for community events. Property owners

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13	may be required to obtain a temporary use permit for community events in accordance
74	with K.C.C. chapter 21A.32;
75	j. Use of lodging and food service facilities shall be limited only to activities
76	conducted in conjunction with training and education programs or community events
77	held on site;
78	k. Incidental uses, such as office and storage, shall be limited to those that
79	directly support education and training activities or farm operations; and
80	1. The King County agriculture commission shall be notified of and have an
81	opportunity to comment upon all proposed agriculture training facilities during the permit
82.	process in accordance with K.C.C. chapter 21A.40.
83	11. Continuation of mineral processing and asphalt/concrete mixtures and block
84	uses after reclamation in accordance with an approved reclamation plan.
85	12.a. Activities at the camp shall be limited to agriculture and agriculture-
86	oriented activities. In addition, activities that place minimal stress on the site's
87	agricultural resources or activities that are compatible with agriculture are permitted.
88	(1) passive recreation;
89	(2) training of individuals who will work at the camp;
90	(3) special events for families of the campers; and
91	(4) agriculture education for youth.
92	b. Outside the camp center, as provided for in subsection B.12.e. of this
93	section, camp activities shall not preclude the use of the site for agriculture and
94	agricultural related activities, such as the processing of local food to create value-added
95	products and the refrigeration and storage of local agricultural products. The camp shall

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96 be managed to coexist with agriculture and agricultural activities both onsite and in the
97 surrounding area.

c. A farm plan shall be required for commercial agricultural production to 98 ensure adherence to best management practices and soil conservation. 99 d.(1) The minimum site area shall be five hundred acres. Unless the property 100 owner has sold or transferred the development rights as provided in subsection B.12.c.(3) 101 of this section, a minimum of five hundred acres of the site must be owned by a single 102 individual, corporation, partnership or other legal entity and must remain under the 103 104 ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp. 105 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property 106 owner from selling or transferring the development rights for a portion or all of the site to 107 the King County farmland preservation program or, if the development rights are 108 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director; 109 e. The impervious surface associated with the camp shall comprise not more 110 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040; 111 f. Structures for living quarters, dining facilities, medical facilities and other 112 nonagricultural camp activities shall be located in a camp center. The camp center shall 113 be no more than fifty acres and shall depicted on a site plan. New structures for 114 nonagricultural camp activities shall be clustered with existing structures; 115

g. To the extent practicable, existing structures shall be reused. The applicant
shall demonstrate to the director that a new structure for nonagricultural camp activities
cannot be practicably accommodated within an existing structure on the site, though

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	119	cabins for campers shall be permitted only if they do not already exist on site;
- 4 	120	h. Camp facilities may be used to provide agricultural educational services to
	121	the surrounding rural and agricultural community or for community events. If required
	122	by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
	123	community events;
49	124	i. Lodging and food service facilities shall only be used for activities related to
	125	the camp or for agricultural education programs or community events held on site;
	126	j. Incidental uses, such as office and storage, shall be limited to those that
	127	directly support camp activities, farm operations or agricultural education programs;
1	128	k. New nonagricultural camp structures and site improvements shall maintain a
6	129	minimum set-back of seventy-five feet from property lines adjoining rural area and
Sep.	130	residential zones;
а 1992 г. 1	131	1. Except for legal nonconforming structures existing as of January 1, 2007,
	132	camp facilities, such as a medical station, food service hall and activity rooms, shall be of
	133	a scale to serve overnight camp users;
ЧР Поле	134	m. Landscaping equivalent to a type III landscaping screen, as provided for in
	135	K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
	136	and site improvements located within two hundred feet of an adjacent rural area and
2	137	residential zoned property not associated with the camp;
10	138	n. New sewers shall not be extended to the site;
9 A H	139	o. The total number of persons staying overnight shall not exceed three
8	140	hundred;
	. 141	p. The length of stay for any individual overnight camper, not including camp

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142	personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
143	q. Traffic generated by camp activities shall not impede the safe and efficient
144	movement of agricultural vehicles nor shall it require capacity improvements to rural
145	roads;
146	r. If the site is adjacent to an arterial roadway, access to the site shall be
147	directly onto the arterial unless the county road engineer determines that direct access is
148	unsafe;
149	s. If direct access to the site is via local access streets, transportation
150	management measures shall be used to minimize adverse traffic impacts;
151	t. Camp recreational activities shall not involve the use of motor vehicles V
152	unless the motor vehicles are part of an agricultural activity or are being used for the
153	transportation of campers, camp personnel or the families of campers. Camp personnel
154	may use motor vehicles for the operation and maintenance of the facility. Client-specific
155	motorized personal mobility devices are allowed; and
156	u. Lights to illuminate the camp or its structures shall be arranged to reflect the
157	light away from any adjacent property.
158	13. Limited to digester receiving plant and animal and other organic waste from
159	agricultural activities, as follows:
160	a. the digester must be included as part of a Washington state Department of
161	Agriculture approved dairy nutrient plan;
162	b. the digester must process at least seventy percent livestock manure or other
163	agricultural organic material from farms in the vicinity, by volume;
164	c. imported organic waste-derived material, such as food processing waste,

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100	1 1 (1 1) (1 1) (1 1)
165	may be processed in the digester for the purpose of increasing methane gas production for
166	beneficial use, but not shall exceed thirty percent of volume processed by the digester;
167	and
168	d. the use must be accessory to an operating dairy or livestock operation.
169	14. Temporary farm worker housing subject to the following conditions:
170	a. The housing must be licensed by the Washington state Department of
171	Health under chapter 70.114A RCW and chapter 246-358 WAC;
172	b. Water supply and sewage disposal systems must be approved by the Seattle
173	King County department of health;
174	c. To the maximum extent practical, the housing should be located on
175	nonfarmable areas that are already disturbed and should not be located in the floodplain
176	or in a critical area or critical area buffer; and
177	d. The property owner shall file with the department of executive services,
178	records and licensing services division, a notice approved by the department identifying
179	the temporary farm worker housing as accessory and that the housing shall only be
180	occupied by agricultural employees and their families while employed by the owner or
181	operator. The notice shall run with the land.
182	15. Marijuana production by marijuana producers licensed by the Washington
183	state Liquor and Cannabis Board is subject to the following standards:
184	a. Only allowed on lots of at least four and one-half acres;
185	b. With a lighting plan, only if required by and that complies with K.C.C.
186	21A.12.220.G.;

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c. Only with documentation that the operator has applied for a Puget Sound 187 Clean Air Agency Notice of Construction Permit. All department permits issued to either 188 marijuana producers or marijuana processors, or both, shall require that a Puget Sound 189 Clean Air Agency Notice of Construction Permit be approved before marijuana products 190 are imported onto the site: 191 d. Production is limited to outdoor, indoor within marijuana greenhouses, and 192 within structures that are nondwelling unit structures that exist as of October 1, 2013, 193 subject to the size limitations in subsection B.15.e. of this section; 194 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with 195 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum 196 aggregated total of two thousand square feet and shall be located within a fenced area or 197 marijuana greenhouse that is no more than ten percent larger than that combined area, or 198 may occur in nondwelling unit structures that exist as of October 1, 2013; 199 f. Outdoor production area fencing as required by the Washington state Liquor 200 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall 201 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty 2.02 203 feet; and g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined 204 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every 205 marijuana-related entity occupying space in addition to the two-thousand-square-foot 206 threshold area on that lot shall obtain a conditional use permit as set forth in subsection 207 208 B.22. of this section. 16. Marijuana production by marijuana producers licensed by the Washington 209

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210		state Liquor and Cannabis Board is subject to the following standards:
211		a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
212	,	that do not require a conditional use permit issued by King County, that receive a
213		Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
214	ł.	and that King County did not object to within the Washington state Liquor and Cannabis
215	- 	Board marijuana license application process, shall be considered nonconforming as to
216	5	subsection B.16.d. and $((g.))$ <u>h.</u> of this section, subject to the provisions of K.C.C.
217	7	21A.32.020 through 21A.32.075 for nonconforming uses;
218	3	b. In all rural area zones, only with a lighting plan that complies with K.C.C.
219)	21A.12.220.G.;
220)	c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
221		Island;
222	2	d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
223	3	except on Vashon-Maury Island;
224	1	e. Only with documentation that the operator has applied for a Puget Sound
225	5	Clean Air Agency Notice of Construction Permit. All department permits issued to either
220	5	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
221	7	Clean Air Agency Notice of Construction Permit be approved before marijuana products
228	3	are imported onto the site;
229)	f. Production is limited to outdoor, indoor within marijuana greenhouses, and
230)	within nondwelling unit structures that exist as of October 1, 2013, subject to the size
23	1	limitations in subsection B.16.((f.)) g. of this section;
232	2	g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

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	233	any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
	234	aggregated total of two thousand square feet and shall be located within a fenced area or
	235	marijuana greenhouse, that is no more than ten percent larger than that combined area, or
	236	may occur in nondwelling unit structures that exist as of October 1, 2013;
	237	h. Outdoor production area fencing as required by the Washington state Liquor
	238	and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback \sum
	239	of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
	240	of one hundred fifty feet from any existing residence; and
	241	i. If the two-thousand-square-foot-per lot threshold of plant canopy within
	242	fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
	243	entity occupying space in addition to the two-thousand-square-foot threshold area on that
	244	lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.
	245	17. Marijuana production by marijuana producers licensed by the Washington
	246	state Liquor and Cannabis Board is subject to the following standards:
	247	a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
	248	Island;
	249	b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
ĉ	250	except on Vashon-Maury Island;
	251	c. In all rural area zones, only with a lighting plan that complies with K.C.C.
	252	21A.12.220.G.;
	253	d. Only with documentation that the operator has applied for a Puget Sound
	254	Clean Air Agency Notice of Construction Permit. All department permits issued to either
	255	marijuana producers or marijuana processors, or both, shall require that a Puget Sound

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256	Clean Air Agency Notice of Construction Permit be approved before manyuana products
257	are imported onto the site;
258	e. Production is limited to outdoor and indoor within marijuana greenhouses
259	subject to the size limitations in subsection B.17.((e.)) \underline{f} . of this section;
260	f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
261	any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
262	aggregated total of thirty thousand square feet and shall be located within a fenced area or
263	marijuana greenhouse that is no more than ten percent larger than that combined area;
264	and
265	g. Outdoor production area fencing as required by the Washington state Liquor
266	and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
267	of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
268	of one hundred fifty feet from any existing residence.
269	18.a. Production is limited to indoor only;
270	b. With a lighting plan only as required by and that complies with K.C.C.
271	21A.12.220.G.;
272	c. Only with documentation that the operator has applied for a Puget Sound
273	Clean Air Agency Notice of Construction Permit. All department permits issued to either
274	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
275	Clean Air Agency Notice of Construction Permit be approved before marijuana products
276	are imported onto the site;
277	d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
278	any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

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279)	aggregated total of two thousand square feet and shall be located within a building or
280)	tenant space that is no more than ten percent larger than the plant canopy and separately
281		authorized processing area; and
282	2	e. If the two-thousand-square-foot-per -lot threshold is exceeded, each and
283	3	every marijuana-related entity occupying space in addition to the two-thousand-square-
284	1 ×	foot threshold area on that lot shall obtain a conditional use permit as set forth in
-28	5	subsection B.19. of this section.
286	5	19.a. Production is limited to indoor only;
287	7	b. With a lighting plan only as required by and that complies with K.C.C.
288	3	21A.12.220.G.;
289)	c. Only with documentation that the operator has applied for a Puget Sound
290)	Clean Air Agency Notice of Construction Permit. All department permits issued to either
29	1	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
292	2	Clean Air Agency Notice of Construction Permit be approved before marijuana products
293	3	are imported onto the site; and
294	4	d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
29:	5	any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
29	6	aggregated total of thirty thousand square feet and shall be located within a building or
29	7	tenant space that is no more than ten percent larger than the plant canopy and separately
29	8	authorized processing area.
29	9	20.a. Production is limited to indoor only;
30	0	b. With a lighting plan only as required by and that complies with K.C.C.
30	1	21A.12.220.G.;

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	302	c. Only with documentation that the operator has applied for a Puget Sound
	303	Clean Air Agency Notice of Construction Permit. All department permits issued to either
	304	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
	305	Clean Air Agency Notice of Construction Permit be approved before marijuana products
	306	are imported onto the site;
0	30,7	d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
ņ	308	any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
	309	aggregated total of two thousand square feet and shall be located within a building or
	310	tenant space that is no more than ten percent larger than the plant canopy and separately
	311	authorized processing area; and
	312	e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
	313	every marijuana-related entity occupying space in addition to the two-thousand-square-
	314	foot threshold area on that lot shall obtain a conditional use permit as set forth in
	315	subsection B.21. of this section.
3	316	21.a. Production is limited to indoor only;
2	317	b. With a lighting plan only as required by and that complies with K.C.C.
	318	21A.12.220.G.;
	319	c. Only with documentation that the operator has applied for a Puget Sound
	320	Clean Air Agency Notice of Construction Permit. All department permits issued to either
	321 -	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
	322	Clean Air Agency Notice of Construction Permit be approved before marijuana products
	323	are imported onto the site; and
	324	d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

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325	any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
326	aggregated total of thirty thousand square feet and shall be located within a building or
327	tenant space that is no more than ten percent larger than the plant canopy and separately
328	authorized processing area.
329	22. Marijuana production by marijuana producers licensed by the Washington
330	state Liquor and Cannabis Board is subject to the following standards:
331	a. With a lighting plan only as required by and that complies with K.C.C.
332	21A.12.220.G.;
3,33	b. Only allowed on lots of at least four and one-half acres;
334	c. Only with documentation that the operator has applied for a Puget Sound
335	Clean Air Agency Notice of Construction Permit. All department permits issued to either
336	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
337	Clean Air Agency Notice of Construction Permit be approved before marijuana products
338	are imported onto the site;
339	d. Production is limited to outdoor, indoor within marijuana greenhouses, and
340	within structures that are nondwelling unit structures that exist as of October 1, 2013,
341	subject to the size limitations in subsection B.22. e and f. of this section;
342	e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
343	314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
344	be limited to a maximum aggregated total of five thousand square feet, and shall be
345	located within a fenced area or marijuana greenhouse that is no more than ten percent
346	larger than that combined area, or may occur in nondwelling unit structures that exist as
347	of October 1, 2013;

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348	f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
349	55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
350	limited to a maximum aggregated total of ten thousand square feet, and shall be located
351	within a fenced area or marijuana greenhouse that is no more than ten percent larger than
352	that combined area, or may occur in nondwelling unit structures that exist as of October
353	1, 2013; and
354	g. Outdoor production area fencing as required by the Washington state Liquor
355	and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
356 -	maintain a minimum street setback of fifty feet and a minimum interior setback of one
357	hundred feet, and a minimum setback of one hundred fifty feet from any existing
358	residence.
359	23. The storage and processing of non-manufactured source separated organic
360	waste that originates from agricultural operations and that does not originate from the
361	site, if:
362	a. agricultural is the primary use of the site;
363	b. the storage and processing are in accordance with best management
364	practices included in an approved farm plan; and
365	c. except for areas used for manure storage, the areas used for storage and
366	processing do not exceed three acres and ten percent of the site.
367	SECTION 3. Severability. If any provision of this ordinance or its application to
368	any person or circumstance is held invalid, the remainder of the ordinance or the
369	application of the provision to other persons or circumstances is not affected."
370	EFFECT: Corrects three numbering errors in development conditions 16 and 17.

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8/22/16

Sponsor:

Claudia Balducci

T1

Proposed No.: 2016-0236.1

1	TITLE AMENDMENT TO PROPOSED ORDINANCE 2016-0236, VERS	ION 1
2	On page 1, beginning on line 1, strike everything through line 4, and insert:	
3	"AN ORDINANCE to related to zoning; correcting	
4	technical and numbering errors in Ordinance 18326,	
5	Section 15; and amending Ordinance 10870, Section 336,	
6	as amended, and K.C.C. 21A.08.090."	201
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8		÷
- 21		

9 EFFECT: Amends the title to reflect the content of the striker.