

12/02/13

1

CUP all uses/10-year sunset

Sponsor: Kathy Lambert

Proposed No.: 2013-0472

1 AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2

2 On page 5, in the row entitled "Recreational marijuana retailer" for the CB and RB zones, delete
3 "P26" and insert "C26"

4
5 On page 11, in the row entitled "Recreational marijuana Processor I" for the A and RA zones,
6 delete "P21" and insert "C21"

7
8 On page 11, in the row entitled "Recreational marijuana Processor I" for the CB and RB zones,
9 delete "P22" and "C23" and insert "C22"

10
11 On page 11, in the row entitled "Recreational marijuana Processor II" in the UR zone, delete
12 "P24" and "C25" and insert "C24"

13
14 On page 11, in the row entitled "Recreational marijuana Processor II" in the CB and RB zones,
15 delete "P24" and "C25" and insert "C24"

16
17 On page 11, in the row entitled "Recreational marijuana Processor II", in the I zone, delete
18 "P26", and insert "C25"

19

KL →
KL WD
See 1a

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20 On page 19, delete lines 316 through 323 and insert:

21 "22. Only when located outside the urban growth area and the gross floor area devoted to
22 the use of, and in support of, processing marijuana together with any separately authorized
23 production of marijuana shall be limited to a maximum of thirty thousand square feet."

24

25 On page 19, at the beginning of line 324, delete "24.a." and insert "23.a."

26

27 On page 20, at the beginning of line 320, delete "25.a." and insert "24.a."

28

29 On page 20, at the beginning of line 336, delete "26." and insert "25."

30

31 On page 21, in the row entitled "Recreational marijuana producer" for the A zone, delete "P15"
32 and insert "C15"

33

34 On page 21, in the row entitled "Recreational marijuana producer" for the RA zone, delete "P16"
35 and "C17" and insert "C16"

36

37 On page 21, in the row entitled "Recreational marijuana producer" for the UR zone, delete "P18"
38 and "C19" and insert "C18"

39

40 On page 21, in the row entitled "Recreational marijuana producer" for the CB and RB zones,
41 delete "P18" and "C19", and insert "C18"

42

43 On page 21, in the row entitled "Recreational marijuana producer" for the I zone, delete "P20"
44 and insert "C20"

45

46 On page 38, after line 725, insert:

47 "SECTION 13. The King County council shall reevaluate the requirement for a
48 conditional use permit to establish any marijuana related business and shall by no later than
49 December 31, 2023, adopt any necessary revisions to the King County Code."

50 Renumber the remaining sections consecutively and correct any internal references accordingly.

51 **Effect: Requires a conditional use permit for all marijuana uses and calls for re-evaluation**
52 **of CUP requirement within 10 years**

12/02/13

2

Rb

P and CUP and prohibit in UR

Sponsor: Kathy Lambert

Proposed No.: 2013-0472

1 **AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2**

2 On page 11, in the row entitled "Recreational marijuana Processor II" in the UR zone, delete
3 "P24" and "C25"

4

5 On pages 19 and 20, delete lines 324 through 335 and insert:

6 "24.a. Only in the CB and RB zones located inside the urban growth area; and
7 b. The gross floor area devoted to the use of, and in support of, processing marijuana
8 shall be limited to a maximum of ten thousand square feet.

9 25. a. Only in the CB and RB zones located inside the urban growth area; and
10 b. The gross floor area devoted to the use of, and in support of, processing marijuana
11 shall be limited to a maximum of thirty thousand square feet."

12

13 On page 21, in the row entitled "Recreational marijuana producer" for the UR zone, delete "P18"
14 and "C19"

15

16 On page 30, delete lines 533 through 546 and insert:

17 "18.a. Production is limited to indoor only; and

KL →
5-4
RD:
JMcD
LP
LG 'no'

18 b. The plant canopy, as defined in WAC 314-55-010, shall be limited to a maximum
19 of ten thousand square feet and shall be located within a building or tenant space that is no more
20 than ten percent larger than the plant canopy.

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

22 b. The plant canopy, as defined in WAC 314-55-010, shall be limited to a maximum
23 of thirty thousand square feet and shall be located within a building or tenant space that is no
24 more than ten percent larger than the plant canopy."

25

26 **Effect: Prohibits marijuana uses in the UR zone**

12/02/13

3

Rb

All CUP and prohibit UR

Sponsor: Kathy Lambert

Proposed No.: 2013-0472

1 **AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2**

2 On page 11, in the row entitled "Recreational marijuana Processor II" in the UR zone, delete
3 "P24" and "C25"

4
5 On page 11, in the row entitled "Recreational marijuana Processor II" in the CB zone, delete
6 "C25" and insert "C24"

7
8 On page 11, in the row entitled "Recreational marijuana Processor II" in the RB zone, delete
9 "C25" and insert "C24"

10
11 On page 11, in the row entitled "Recreational marijuana Processor II" in the I zone, delete "P26"
12 and insert "P25"

13
14 On pages 19 and 20, delete lines 324 through 335 and insert:

15 "24.a. Only in the CB and RB zones located inside the urban growth area; and
16 b. The gross floor area devoted to the use of, and in support of, processing marijuana
17 shall be limited to a maximum of thirty thousand square feet."

18
19 On page 20, at the beginning of line 336, delete "26." and insert "25."

KL
WD

20

21 On page 21, in the row entitled "Recreational marijuana producer" for the UR zone, delete "P18"
22 and "C19"

23

24 On page 30, delete all language starting on line 533 through line 546, and insert:

25 "18.a. Production is limited to indoor only; and

26 b. The plant canopy, as defined in WAC 314-55-010, shall be limited to a

27 maximum of thirty thousand square feet and shall be located within a building or tenant space

28 that is no more than ten percent larger than the plant canopy."

29

30 On page 31, at the beginning of line 547, delete "20.a." and insert "19.a."

31

32 **Effect: Prohibits marijuana uses from the UR zone**

12/02/13

4

Rb

All CUP/allow in UR zone

Sponsor: Kathy Lambert

Proposed No.: 2013-0472

1 **AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2**

2 On pages 19 and 20, delete lines 324 through 335 and insert:

3 "24.a. Only in the CB and RB zones located inside the urban growth area and in the UR
4 zone in the Redmond Ridge Urban Planned Development/Fully Contained Community on sites
5 designated as business park under the agreement as authorized by the Northridge Development
6 Agreement; and

7 b. The gross floor area devoted to the use of, and in support of, processing marijuana
8 shall be limited to a maximum of thirty thousand square feet. "

9

10 On page 20, at the beginning of line 336, delete "26." and insert "25."

11

12 **Effect:**

- 13 • **All marijuana uses require CUP**
14 • **Retains marijuana uses in the UR zone**

KL
WD

12/02/13

5

rb

Sponsor: Kathy Lambert

Proposed No.: 2013-0472\

1 **AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2**

2 On page 38, after line 719, insert

3 SECTION 13. There is hereby added to K.C.C. chapter 21A.32 a new section to read as
4 follows:

5 Recreational marijuana producers and processors licensed by the state shall provide to the
6 department of permitting and environmental review an odor management plan for any areas of
7 outdoor growing or processing or ventilation of any structure used to produce or process
8 marijuana. The purpose of such a plan is to ensure that odors and fumes from chemicals or
9 products used in or resulting from production and/or processing of marijuana will not be
10 detectable beyond the site on which marijuana is produced or processed."

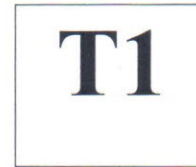
11 Renumber the remaining sections consecutively and correct any internal references accordingly.

12

13 **Effect: Requires plan to control odor from marijuana production and processing**

Not offered
See 5a

12/02/13



rb

Sponsor: Kathy Lambert

Proposed No.: 2013-0472

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2013-0472, VERSION 2**

2 On page 1, line 10, after "21A.30.090" delete everything through line 11 and insert ", adding new
3 sections to K.C.C. chapter 21A.06 and adding a new section to K.C.C. chapter 21A.32."

4

5 **Effect: Reflects adoption of Amendment 5 - requiring odor control plan**

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12/02/13

1a

CUP over 2000 square feet

Sponsor: Kathy Lambert
Proposed No.: 2013-0472

AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2013-0472, VERSION 2

On page 5, in the row entitled "Recreational marijuana retailer" for the CB and RB zones, insert "C27"

On page 10, line 158, delete "five" and insert "two"

On page 10, after line 159, insert:

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

On page 19, line 314, delete "ten" and insert "two"

On page 19, line 319, delete "ten" and insert "two"

On page 20, line 329, delete "ten" and insert "two"

On page 29, line 503, delete "ten" and insert "two"

On page 29, line 516, delete "ten" and insert "two"

On page 30, line 535, delete "ten" and insert "two"

On page 38, after line 725, insert:

"SECTION 13. The King County council shall reevaluate the requirement for a conditional use permit to establish any marijuana related business and shall by no later than December 31, 2016, adopt any necessary revisions to the King County Code."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Effect: Requires a conditional use permit when marijuana use exceeds 2000 square feet versus Executive-proposed 10,000 square feet and calls for re-evaluation of CUP requirement by

12/31/2016

KL → 7-0
Jmcd
28 'no'

12/02/13

5 a

rb

Sponsor: Kathy Lambert
Rod Dembowski
Proposed No.: 2013-0472

AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2013-0472, VERSION 2

On page 38, after line 719, insert

“SECTION 13. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

For those recreational marijuana production and processing facilities requiring a conditional use permit under this chapter, as part of the permit review process, the department may require the applicant to submit an odor management plan for any areas of indoor processing or ventilation of any structure used to produce or process marijuana. The purpose of such plan is to minimize odors and fumes from chemicals or products used in or resulting from production and/or processing of marijuana.”

Renumber the remaining sections.

Effect: Allows DPER to require a plan to control odor from marijuana production and processing

KL →

6-3

gmcD
gp
fg
no

12/09/13

6

Per lot and aggregate size

Sponsor:

Proposed No.: 2013-0472

1

2 **AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2013-0472, VERSION 2**

3 **On page 10, delete all language on lines 158 and 159, and insert:**

4 “26. Per parcel, limited to a maximum aggregated total of five thousand square feet of
5 gross floor area devoted to, and in support of, the retail sale of marijuana.”

6

7 **On pages 19 and 20, delete all language on lines 316 through 337, and insert:**

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

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

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

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

KL →
w/changes line 4
five → two
ten → two 90

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

20 24.a. Only in the CB and RB zones located inside the urban growth area and in the UR
21 zone in the Redmond Ridge Urban Planned Development/Fully Contained Community on sites
22 designated as business park under the agreement as authorized by the Northridge Development
23 Agreement; and

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

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

31 25. a. Only in the CB and RB zones located inside the urban growth area and in the UR
32 zone in the Redmond Ridge Urban Planned Development/Fully Contained Community on sites
33 designated as business park under the agreement as authorized by the Northridge Development
34 Agreement; and

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

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

41

42 **On pages 28 through 31, delete all language on lines 497 through 551, and insert:**

43 “15. Marijuana production by marijuana producers licensed by the Washington state
44 Liquor Control Board is subject to the following standards:

45 a. Production is limited to outdoor, indoor within marijuana greenhouses, and within
46 non-dwelling unit structures that exist as of October 1, 2013 subject to the size limitations in
47 subsection B.15.b of this section;

48 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with any
49 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated
50 total of ten thousand square feet and shall be located within a fenced area or marijuana
51 greenhouse that is no more than ten percent larger than that combined area, or may occur in non-
52 dwelling unit structures that exist as of October 1, 2013; and

53 c. Outdoor production area fencing as required by the Washington state Liquor
54 Control Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet
55 and a minimum interior setback of thirty feet.

56 16. Marijuana production by marijuana producers licensed by the Washington state
57 Liquor Control Board is subject to the following standards:

58 a. Production is limited to outdoor, indoor within marijuana greenhouses, and within
59 non-dwelling unit structures that exist as of October 1, 2013 subject to the size limitations in
60 subsection B.16.b of this section;

61 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with any
62 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated
63 total of ten thousand square feet and shall be located within a fenced area or marijuana
64 greenhouse that is no more than ten percent larger than that combined area, or may occur in non-
65 dwelling unit structures that exist as of October 1, 2013;

66 c. Only allowed on lots of at least four and one-half acres; and

67 d. Outdoor production area fencing as required by the Washington state Liquor
68 Control Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet
69 and a minimum interior setback of thirty feet; and

70 e. If the ten thousand square foot per parcel threshold of plant canopy within fenced
71 areas or marijuana greenhouses is exceeded, each and every marijuana-related entity occupying
72 space in addition to the ten thousand square foot threshold area on that parcel shall obtain a
73 conditional use permit as set forth in subsection B.17 of this section.

74 17. Marijuana production by marijuana producers licensed by the Washington state
75 Liquor Control Board is subject to the following standards:

76 a. Production is limited to outdoor and indoor within marijuana greenhouses subject
77 to the size limitations in subsection B.17.b of this section;

78 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with any
79 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated
80 total of thirty thousand square feet and shall be located within a fenced area or marijuana
81 greenhouse that is no more than ten percent larger than that combined area; and

82 c. Only allowed on lots of at least four and one-half acres.

83 18.a.i. Production is limited to indoor only; and

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

88 b. In the UR zone, only allowed in the Redmond Ridge Urban Planned
89 Development/Fully Contained Community on sites designated as business park under the
90 agreement as authorized by the Northridge Development Agreement; and

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

95 19. a.i. Production is limited to indoor only; and

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

100 b. In the UR zone, only allowed in the Redmond Ridge Urban Planned
101 Development/Fully Contained Community on sites designated as business park under the
102 agreement as authorized by the Northridge Development Agreement..

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

104 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with any
105 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated
106 total of thirty thousand square feet and shall be located within a building or tenant space that is

107 no more than ten percent larger than the plant canopy and and separately authorized processing
108 area.”

109

110 **Effect:**

111

112 The proposed ordinance intended a concept of accommodating multiple facilities, or “doorknobs”,
113 per parcel permitted up to 10,000 sf and requiring a CUP over 10,000 sf up to 30,000 sf. Proposed
114 applications beyond 10,000 sf would be required to go through a CUP. The effect of this amendment
115 would be to clarify that the proposed size limitations apply to the entire parcel for one facility or
116 multiple facilities.

117

118 Without these amendments it would be possible to have both production and processing facilities on
119 a parcel for a total of 60,000 square feet on one parcel, which is a scenario not intended to be
120 allowed. The amendment caps any combination of processing and production to 10,000 (permitted)
121 or 30,000 square feet (CUP) per parcel.

122

123 **Note:** this will require the County to more closely track the size the facility and the size of any existing
124 facilities on a parcel.

125

126

127

12/09/13

7

Per lot and aggregate size

Sponsor:

Gossell

Proposed No.: 2013-0472

AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2013-0472, VERSION 2

On page 19, delete aall language on lines 309 through 315, and insert:

“21.a. Only allowed on lots of at least four and one-half acres;

b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot; and

c. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.”

Effect:

Apply same limitations to producers and accessory processors in A and RA zones

KL →
9-0