



# King County

## Signature Report

Ordinance: 18335

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

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**File Number: 2016-0236**

**Enactment Number: 18335**

AN ORDINANCE to related to zoning; correcting technical and numbering errors in Ordinance 18326, Section 15; and amending Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: For the purposes of effective land use planning and regulation, the King

County council makes the following legislative findings:

A. King County adopted zoning regulations for marijuana retail, processing and production activities in Ordinances 17710, 17725 and 17841 to address the land uses allowed under Washington state Initiative 502.

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 of Washington 2015 2nd Special Session.

C. In response to the 2015 laws, and due to concerns about potential impacts of state licensed marijuana businesses, preserving patient access to cannabis for legal medical purposes, and the need to coordinate with multiple other state and local regulatory agencies, King County adopted Ordinance 18326, which, in part updated zoning for marijuana producers.

D. Due to an editing error, Ordinance 18326, Section 15, contains erroneous internal references that require correction in order to avoid confusion in interpretation.

E. The changes to zoning contained in this ordinance bear a substantial relationship to, and are

necessary for, the public health, safety and general welfare of King County and its residents.

**SECTION 2.** Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby

amended to read as follows:

**A. Resource land uses.**

KEY	RESOURCE	R U R A L			RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C
	E	U	T	A		V		E	B	E	N	E	N	E	E	T
	L		L	A		E		N	O	S	I	S	A	S		R
	T			R				T	R	S	T	S	L	S		I
	U			E				I	H		Y					A
	R			A				A	O							L
	E							L	O							D
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8		R12-48	NB	CB	RB	O	I		
<b>AGRICULTURE:</b>																
01	Growing and Harvesting Crops			P	P		P	P	P						P	
02	Raising Livestock and Small Animals (6)					P	P		P	P						P
*	Marijuana producer	P15	C22			P16	C17				P18	C19	P18	C19		P20
*	Agriculture Training Facility			C10												
*	Agriculture-related special needs camp					P12										
*	Agricultural Anaerobic Digester					P13										
<b>FORESTRY:</b>																
08	Growing & Harvesting Forest Production				P	P	P7	P	P	P						P
*	Forest Research		P		P	P					P2	P				
<b>FISH AND WILDLIFE MANAGEMENT:</b>																
0921	Hatchery/Fish Preserve (1)			P	P			P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C				P					
*	Wildlife Shelters		P	P		P	P									
<b>MINERAL:</b>																
10,12,14	Mineral Extraction and Processing						P9	C	P	C11						
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block									P8	C11	P8	C11			P
<b>ACCESSORY USES:</b>																
*	Resource Accessory Uses		P3	P23	P4	P5	P3	P3								P4
*	Temporary Farm Worker Housing				P14	P14		P14								

**GENERAL CROSS REFERENCES:** Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (\*)Definition of this specific land use, see K.C.C. chapter 21A.06.

**B. Development conditions.**

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
  - a. as accessory to a primary mineral extraction use;
  - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
  - c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:
  - a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
  - b. that are located greater than one-quarter mile from an established residence; and
  - c. that do not use local access streets that abut lots developed for residential use.
10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:
  - a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

- b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
- c. The director may require reuse of surplus structures to the maximum extent practical;
- d. The director may require the clustering of new structures with existing structures;
- e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones;
- f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;
- g. New sewers shall not be extended to the site;
- h. Traffic generated shall not impede the safe and efficient movement of agricultural vehicles, nor shall it require capacity improvements to rural roads;
- i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;
- j. Use of lodging and food service facilities shall be limited only to activities conducted in conjunction with training and education programs or community events held on site;
- k. Incidental uses, such as office and storage, shall be limited to those that directly support education and training activities or farm operations; and
- l. The King County agriculture commission shall be notified of and have an opportunity to comment upon all proposed agriculture training facilities during the permit process in accordance with K.C.C. chapter 21A.40.

11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after

reclamation in accordance with an approved reclamation plan.

12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

- (1) passive recreation;
- (2) training of individuals who will work at the camp;
- (3) special events for families of the campers; and
- (4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.

d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to the King County farmland preservation

program or, if the development rights are extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

e. The impervious surface associated with the camp shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

f. Structures for living quarters, dining facilities, medical facilities and other nonagricultural camp activities shall be located in a camp center. The camp center shall be no more than fifty acres and shall be depicted on a site plan. New structures for nonagricultural camp activities shall be clustered with existing structures;

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 cabins for campers shall be permitted only if they do not already exist on site;

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;

i. Lodging and food service facilities shall only be used for activities related to the camp or for agricultural education programs or community events held on site;

j. Incidental uses, such as office and storage, shall be limited to those that directly support camp activities, farm operations or agricultural education programs;

k. New nonagricultural camp structures and site improvements shall maintain a minimum set-back of seventy-five feet from property lines adjoining rural area and residential zones;

l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such

as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;

m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C.

21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent rural area and residential zoned property not associated with the camp;

n. New sewers shall not be extended to the site;

o. The total number of persons staying overnight shall not exceed three hundred;

p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;

s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.

13. Limited to digester receiving plant and animal and other organic waste from agricultural

activities, as follows:

- a. the digester must be included as part of a Washington state Department of Agriculture approved dairy nutrient plan;
- b. the digester must process at least seventy percent livestock manure or other agricultural organic material from farms in the vicinity, by volume;
- c. imported organic waste-derived material, such as food processing waste, may be processed in the digester for the purpose of increasing methane gas production for beneficial use, but not shall exceed thirty percent of volume processed by the digester; and
- d. the use must be accessory to an operating dairy or livestock operation.

14. Temporary farm worker housing subject to the following conditions:

- a. The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;
- b. Water supply and sewage disposal systems must be approved by the Seattle King County department of health;
- c. To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain or in a critical area or critical area buffer; and
- d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

15. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:



- a. Only allowed on lots of at least four and one-half acres;
- b. With a lighting plan, only if required by and that complies with K.C.C. 21A.12.220.G.;
- c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
- d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;
- e. Per lot, 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 fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;
- f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and
- g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

16. Marijuana production by marijuana producers licensed by the Washington state Liquor and

Cannabis Board is subject to the following standards:

a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and

a meeting of the Metropolitan King County Council on 8/22/2016, a motion was made by that this Ordinance be Hearing Held. The motion passed.