



4/20/22

WBD Ordinance 1 Striker v5

[E. Auzins]

Sponsor: Perry

Proposed No.: 2022-0147

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2022-0147, VERSION**

2 **1**

3 On page 2, beginning on line 29, strike everything through page 94, line 1995, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. The Washington state Growth Management Act ("GMA"), including RCW
7 36.70A.130, requires that King County take action to review, and if needed, revise its
8 Comprehensive Plan and development regulations implementing the Comprehensive
9 Plan.

10 B. Ordinance 19030 established updated regulations for winery, brewery,
11 distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

12 C. Ordinance 19030 was challenged to the Central Puget Sound Growth
13 Management Hearings Board ("the board").

14 D. On May 26, 2020, the board issued an Order on Dispositive Motions for Case
15 No. 20-3-0004c ("the board's May 2020 order"), which invalidated most of the
16 substantive sections of Ordinance 19030.

17 E. As part of the board's May 2020 order, the uses that were defined and
18 regulated as part of the ordinance were invalidated. As a result, the county did not have

19 clear regulations to enforce.

20 F. In order to provide clarity to county permit review and code enforcement staff,
21 the county declared a moratorium that prevented new WBDs and remote tasting rooms as
22 primary uses, as home occupations and as home industries, from locating or being
23 established in unincorporated King County, while the council and executive determined
24 and implemented the next steps in responding to the board's May 2020 order. The
25 moratorium was declared by Ordinance 19122, and was extended twice, with Ordinances
26 19217 and 19290.

27 G. In 2020, in response to the board's May 2020 order, the county developed and
28 issued a revised SEPA checklist, dated November 4, 2020. Based on the SEPA checklist,
29 the county's SEPA Responsible Official issued a Determination of Nonsignificance on
30 January 15, 2021. The comment period ended February 12, 2021. Comments were
31 received by the SEPA Responsible Official during the comment period.

32 H. The superior court reversed the board's May 2020 order on April 16, 2021, by
33 an Order Granting King County's Appeal from an Order of the Central Puget Sound
34 Region Growth Management Hearings Board, and remanded the matter back to the board
35 for a full hearing on the merits.

36 I. As part of a settlement agreement to resolve Court of Appeals review of the
37 board's dispositive motion process, the county agreed to declare an additional one-year
38 moratorium on acceptance of applications for or establishment of new or expansion of
39 existing WBDs and remote tasting rooms. The one-year moratorium was adopted
40 through Ordinance 19309 and took effect on December 23, 2021.

41 J. The board held a hearing on the merits of the appeal of Ordinance 19030 on

42 November 17, 2021.

43 K. On January 3, 2022, the board issued its Final Decision and Order for Case No.
44 20-3-0004c ("the board's January 2022 order"), which granted the appeal based on SEPA
45 and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map
46 amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those
47 sections included definitions, zoning conditions, parking requirements, temporary use
48 permit clarifications, home occupation and home industry limitations and a
49 demonstration project. The board's January 2022 order also remanded Ordinance 19030
50 to the county to take actions to bring it into compliance.

51 L. On January 28, 2022, the county filed an appeal of the board's January 2022
52 order in King County superior court and sought a transfer to the court of appeals for
53 direct review. On March 7, 2022, the superior court agreed to transfer the case to the
54 court of appeals.

55 M. Ordinance 19030 adopted regulations for WBDs that were last substantively
56 amended by Ordinance 14781 in 2003, which adopted substantive requirements for
57 wineries and breweries in unincorporated King County. Distilleries were added as a
58 permitted use, with the same development conditions as wineries and breweries, with
59 Ordinance 17539 in 2013. No other substantive regulatory changes for WBD have
60 occurred since 2003. Since that time King County has encountered unprecedented
61 economic and population growth, resulting in major changes to WBD uses and causing
62 concerns about land speculation in some areas of the county, while leaving others in need
63 of economic stimulation.

64 N. Population growth, combined with the growing popularity of small WBD

65 producers has created a need for clarification regarding core WBD functions compared to
66 other types of more impactful on-site special events that may help support marketing for
67 developing businesses and consideration of GMA planning requirements, including
68 economic growth, rural character and protection for water resources and Agricultural and
69 Industrial zoned areas. Changes in state regulations have also occurred, driving a need to
70 bring the county's WBD development regulations up to date with state licensing
71 allowances.

72 O. As part of the legislative process, the county conducted a multiyear study of
73 WBD uses, which included the 2016 King County Sammamish Valley Wine and
74 Beverage Study. The study period was necessary to evaluate previously existing zoning
75 regulations for WBD uses in light of changes in operational practices, state licensing
76 allowances and the growing popularity of WBD uses across King County and the state of
77 Washington.

78 P. The changes to WBD zoning regulations provided by this ordinance will help
79 King County prepare for and support the future of farming, natural resources and WBD
80 uses, as they evolve in the region, to better implement and comply with the goals of the
81 Growth Management Act, and policies of the King County Comprehensive Plan ("the
82 Comprehensive Plan") and Countywide Planning Policies, and to minimize the
83 ambiguities in existing development regulations that were identified in the study period.
84 The changes are intended to improve clarity, administrative efficiencies and
85 enforceability while avoiding confusion for WBD uses that may have been caused by
86 lack of consistency with King County Code and systems regulating state tasting room
87 allowances. The changes provide guidance on honoring and protecting rural character

88 and nearby farmland while establishing appropriate levels of economic activity in the
89 Rural Area zones as called for in the Comprehensive Plan.

90 Q. King County continues to support and foster agriculture, especially within the
91 five designated Agricultural Production Districts, including Snoqualmie Valley,
92 Sammamish Valley, Lower Green River Valley, Upper Green River Valley, and
93 Enumclaw Plateau. King County also supports WBD uses and recognizes the
94 relationship between agricultural and WBD uses. There is a historical and continuing
95 crossover between agricultural and WBD uses, including factors such as: agricultural
96 uses providing aesthetic value and the opportunity for WBD uses to promote local
97 agricultural products. The changes to WBD zoning regulations recognize competing and
98 complimentary interests between agriculture and WBD uses and aim to provide a
99 balance, consistent with the GMA and the Comprehensive Plan.

100 R. Economic development polices in the Comprehensive Plan, including ED-102,
101 ED-103 and ED-106, recognize that the Rural Area and Natural Resource Lands have a
102 role in economic activity in the county. The changes to WBD zoning regulations aim to
103 implement those Comprehensive Plan policies and are focused on protecting the
104 economic value of the natural environment through traditional land use controls such as
105 minimum lot size limitations and structural and other impervious surface limitations in
106 Rural Area. The changes allow for small, limited-scope WBDs that are compatible with
107 rural character and provide cultural opportunities to enhance the region's quality of life
108 and economic vitality.

109 S. Comprehensive Plan policies ED-601 through ED-606, which are part of the
110 rural economic strategies plan, call for a "sustainable and vibrant rural economy that

111 allows rural residents to live and work throughout the Rural Area and Natural Resource
112 Lands." By creating clear direction regarding scope and intensity limits for WBD uses,
113 the changes to WBD zoning regulations protect rural character while encouraging new
114 economic and employment opportunities for rural residents. Comprehensive Plan Policy
115 ED-602, in part, "recognizes the value of home-based business, recreation and tourism,
116 and commercial and industrial clusters for their ability to provide job opportunities in the
117 Rural Area and Natural Resource Lands, and help sustain the rural economic base." The
118 changes to WBD zoning regulations take advantage of the existing, organically
119 developing WBD uses to implement this policy in a variety of ways. The Comprehensive
120 Plan, in ED-602, directs the county to explore opportunities to encourage value-added
121 programs related to the production of food specifically including specialty beverages
122 such as beer, distilled beverages, and wine in the county. The changes carefully follow
123 this directive, and were developed over several years as the county considered existing
124 and proposed regulations, balancing the differing needs and emerging trends of
125 agricultural and WBD uses. Size and scale limits on WBD uses in the rural area are
126 maintained and new limits to enhance open and green space values and preserve the
127 natural aesthetic are added, which helps protect the rural area character and local food
128 production while allowing WBD uses at a size and scale appropriate for the rural area.

129 T. Comprehensive Plan Policy ED-212 states "King County shall encourage and
130 support community based and community led efforts to support and retain existing small
131 businesses." Although rapid growth has resulted in some WBD businesses becoming
132 incompatible with rural character, the changes to WBD zoning regulations honor the
133 sometimes-competing Comprehensive Plan policies to support and retain existing small

134 businesses with equally important policy to protect rural character by setting clear scope
135 and size limits to protect the Rural Area zone.

136 U. The GMA requires that rural development be contained and controlled to
137 ensure the protection of rural character, assure the visual compatibility of rural
138 development with the surrounding Rural Area and Natural Resource Lands, protect
139 environmentally critical areas and habitat, and protect against conflicts with natural
140 resource uses, such as farming, forestry and mining. Proximity to existing agricultural
141 uses and rural area recreational destinations provide the customer base to allow
142 traditional small-scale WBD uses to thrive. WBD uses rely on all of these elements to
143 succeed. For example, the definition of agriculture in the GMA, in RCW 36.70A.030(3),
144 includes viticulture, an essential component of a winery use. Viticulture, and agricultural
145 practices related to brewery and distillery uses and their associated processing and sales
146 activities, are all examples of activities the Comprehensive Plan requires the county to
147 support and protect.

148 V. Chapter 3 of the Comprehensive Plan describes rural character and notes that
149 King County "recognizes that each of its rural communities has distinct and unique
150 characteristics." For instance, "residents of Vashon-Maury Island, accessible only by
151 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle," while "[i]n the
152 Snoqualmie Valley, farming is still the mainstay." The Sammamish valley, which was a
153 study area during development of this ordinance, has its own distinctively rural character,
154 despite its close proximity to urban incorporated areas and to the city of Woodinville's
155 popular, concentrated WBD districts. Adopting varying allowances for on-site tasting
156 and sales associated with WBD production facilities acknowledges the needs of different

157 rural communities in unincorporated King County. Individual rural communities take
158 different positions and have different priorities, and this is reflected in some of the
159 regulations; however, generally a countywide lens was used for analyzing potential
160 regulatory impacts on the wider rural area and natural resource lands.

161 W. Comprehensive Plan Policy R-201 defines the characteristics of rural
162 character and the rural area. Four of these characteristics are particularly relevant to the
163 changes made in this ordinance: "b. Commercial and noncommercial farming, forestry,
164 fisheries, mining, home-occupations and home industries," "d. Community small-town
165 atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses
166 of a size and scale that blend with historic rural development" and "i. Rural uses that do
167 not include primarily urban-serving facilities."

168 X. Public testimony on Ordinance 19030 was consistent with Comprehensive
169 Plan policy goals and included discussion of WBD uses as being community gathering
170 places, rural residents' desire to take advantage of economic opportunities created by
171 WBD uses and the need for solid customer bases to allow small businesses to thrive.

172 Y. The county is required to balance protecting rural character and agricultural
173 resources in diverse communities, with creating space for rural industries to thrive within
174 those communities. The changes to WBD zoning regulations allow for WBDs at a size
175 and scale appropriate for the rural communities they are located in and add measures that
176 enhance enforceability of the regulations. The changes to WBD zoning regulations aim
177 to implement Comprehensive Plan Policy R-204, which encourages "the retention of
178 existing and establishment of new rural resource-based uses, with appropriate site
179 management and that protects habitat resources" and Comprehensive Plan Policy R-205

180 which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries,
181 such as the raising of livestock, growing of crops, creating value-added products, and sale
182 of agricultural products; small-scale cottage industries; and recreational and small-scale
183 tourism uses that rely on a rural location" are appropriate in the Rural Area zones. The
184 County continues to encourage and support the growing and harvesting of produce and
185 crops in the rural area where on-site conditions can support successful farming activities,
186 such as growing hops, berries or apples, and the changes made by this ordinance do not
187 impact current allowances to grow and harvest.

188 Z. Comprehensive Plan Policy R-324 describes the type of nonresidential use
189 appropriate for the Rural Area. Those include uses that "[p]rovide convenient local
190 products and services for nearby residents," "[r]equire location in a Rural Area,"
191 "[s]upport natural resource-based industries" or "[p]rovide recreational and tourism
192 opportunities that are compatible with the surrounding Rural Area," as long as the use is
193 "sited, sized and landscaped to complement rural character" and "prevent impacts to the
194 environment and function with rural services including on-site wastewater disposal."
195 Creating clear regulations for WBD uses, requiring uses to be sited, sized and landscaped
196 to be compatible with rural character, and creating a winery, brewery, distillery land use
197 business license so WBD uses can be better enforced and evaluated implements the
198 policy. WBD uses provide convenient local products for rural residents, support
199 agricultural resource-based industries and provide new regional recreational and tourism
200 opportunities.

201 AA. K.C.C. Title 13 establishes standards for water facilities. In part, those
202 standards prioritize connection to Group A water systems, then to Group B water

203 systems, followed by use of private wells, subject to specified criteria. WBD III uses in
204 the RA zones are required to connect to a Group A water system, and WBD II uses are
205 required to connect to a Group A or Group B water system. This ordinance adopts a clear
206 standard that improves enforceability.

207 BB. The changes to WBD zoning regulations protect the Rural Area zones by
208 limiting on-site tasting of products and sales for WBD manufacturing uses to the extent
209 allowed by state law, and by allowing on-site tasting of products and sales only as
210 accessory to production. This ordinance places a twenty percent maximum on spaces
211 devoted to on-site tasting and sales of products, in order to prevent potential traffic and
212 noise sometimes associated with those uses, and to prevent the more intensive impacts
213 that they can have on rural character and nearby agricultural production districts.

214 CC. Other development regulations, including stormwater management,
215 impervious surface, critical areas and landscaping requirements, remain in place and are
216 unchanged.

217 DD. Existing special district overlays and property-specific development
218 conditions are in effect and provide additional layers of regulation on development within
219 specific areas of the county. One special district overlay ("SDO") that has been the
220 subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120
221 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is
222 "to provide a buffer between agricultural and upslope residential uses." SO-120 requires
223 clustering of residential subdivisions and imposes a minimum seventy-five percent open
224 space requirement on all such developments. That SDO will remain in place and will
225 continue to apply to residential subdivisions. Additionally, this ordinance limits

226 impervious surface maximums for WBD facilities in the RA zones to twenty five percent,
227 or the percentage identified in the zoning code, whichever is less, to be consistent with
228 rural character.

229 EE. During the study period preceding adoption of Ordinance 19030, many WBD
230 uses were found to be unaware of local health and building codes. Establishment of a
231 winery, brewery, distillery land use business license for WBD uses provides greater
232 certainty about where WBD uses are located, so that King County agencies can more
233 easily educate business owners and verify that they comply with county land use, health
234 and safety regulations.

235 FF. Public testimony on Ordinance 19030 included discussion of congestion on
236 local roads caused by population growth. With that concern in mind WBDs are banned
237 as home occupation or home industry uses which would allow any A or RA zoned
238 property to attempt to establish a WBD home occupation or home industry, and require
239 the largest WBD facilities to be sited where there is direct access to an arterial.
240 Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are
241 designed to accommodate higher traffic volumes, at higher speeds than local roads," and
242 the county should "encourage such traffic to use highways or arterials whenever
243 possible." Requiring larger WBD uses to utilize arterial roads responds to the public
244 testimony received and the Comprehensive Plan policies.

245 GG. Chapter 3 of the Comprehensive Plan states that "[t]he purposes of Rural
246 Town designations within the Comprehensive Plan are to recognize existing
247 concentrations of higher density and economic activity in Rural Areas and to allow
248 modest growth of residential and economic uses to keep them economically viable into

249 the future." Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as
250 activity centers for the Rural Area and Natural Resource Lands and may be served by a
251 range of utilities and services, and may include several or all of the following land uses, if
252 supported by necessary utilities and other services and if scaled and designed to protect
253 rural character: a. Retail, commercial, and industrial uses to serve the surrounding Rural
254 Area and Natural Resource Lands population ... c. Other retail, commercial, and
255 industrial uses, such as resource industries, tourism, commercial recreation, and light
256 industry." Remote tasting rooms are similar to other, more intensive uses contained
257 within the stated categories and may be appropriately located in Rural Towns. Other
258 Community Business and Regional Business zones, outside of Rural Towns, are located
259 within the urban growth area or have access to an arterial.

260 HH. The WBD zoning changes are intended to show a progression in a business's
261 growth, from a small-scale production facility that only sells product off-site and to a
262 small client base to a medium-sized facility that has grown large enough to support on-
263 site tasting and sales to the general public, and to the largest-sized facility where the
264 additional conditions are intended to limit the impacts of the facility. The development
265 conditions reflect that intent and are designed to balance the various interests of the GMA
266 and the Comprehensive Plan.

267 II. This ordinance attempts to respond to the board's January 2022 order by
268 making changes to strengthen the protections for agricultural production districts and
269 Agricultural zones, clarifying the regulations in the Rural Area zones, and removing
270 provisions no longer permitted under the board's January 2022 order.

271 JJ. This ordinance reorganizes the regulations, so that all requirements for WBD

272 production facilities are located in the same chapter of code. This reorganization is
273 shown with the substantive provisions for WBDs placed at the beginning of the
274 ordinance, and followed by other changes, including changes to the winery, brewery,
275 distillery land use business license, definitions, retail land use table, manufacturing land
276 use table, home occupation and home industry, temporary use permits, and then repeal of
277 certain provisions of Ordinance 19030.

278 KK. This ordinance responds to the board's January 2022 order with several
279 substantive changes. To improve the protection of agricultural lands and agricultural
280 production districts, this ordinance:

281 1. Prohibits all WBDs within the A zone. Removing the provision for WBDs in
282 the A zone recognizes the lack of interest in WBDs to site within these zones. There are
283 very few WBDs currently located within the A zone, and as of January 2022, the county
284 has not received notice of application for any Washington state Liquor and Cannabis
285 Board applications for WBDs within the A zone. Prohibiting WBDs would not prohibit
286 growing grapes, hops, or other source materials within the A zone;

287 2. Requires all WBDs in other zones, including structures, associated parking
288 and other impervious surfaces associated with the WBD, to be setback seventy-five feet
289 from property lines adjoining agricultural zoned properties, with an allowance to reduce
290 the setback for reuse of existing structures with a conditional use permit; and

291 3. Removes allowances for special events for WBDs in the A zone.

292 LL. This ordinance responds to the board's January 2022 order to protect and
293 enhance rural character by making the following changes in the RA zone development
294 conditions. These changes are carefully considered and balanced to reflect both the

295 requirements in Policy R-201 with other Comprehensive Plan policies, cited in
296 subsections A. through KK. of these Findings, that call for the RA zone to be a mixed-use
297 zone that encourages small-scale economic development and business activity:

298 1. Repealing remote tasting room demonstration project A, which authorized
299 remote tasting rooms in a limited section of the RA zone for a time-limited period, but
300 was invalidated by the board's January 2022 order and would not have been successful
301 due to other underlying zoning requirements for nonresidential uses in the RA zone;

302 2. Strengthening on-site production requirements for WBD IIs and IIIs, by
303 requiring that a minimum of three stages of production occur on-site, and a minimum of
304 two be active stages;

305 3. Reducing the percentage of floor area that can be dedicated to on-site tasting
306 and sales for WBD IIs and IIIs, and limiting the amount of area and percentage of sales
307 that can be dedicated to incidental sales;

308 4. Limiting on-site tasting and sales to those products produced on-site, with
309 exceptions for cited state liquor license allowances and for incidental retail items for
310 WBD IIs and IIIs;

311 5. Limiting on-site tasting and sales hours of operation for WBD IIs and IIIs;

312 6. Adding a specific requirement for compliance with the county's surface water
313 management regulations in K.C.C. Title 9 and the King County Surface Water Design
314 Manual, during construction and operation of WBD IIs and IIIs. Many of these
315 requirements already apply to WBDs and this specific cross-reference for the RA zone is
316 intended to ensure that surface water management requirements are met throughout
317 development and operation of the WBD, including but not limited to, requirements such

318 as prohibition of illicit discharges during crushing of products;

319 7. To address water use and water quality impacts, prohibiting distillery IIs in
320 basins closed to new wells due to the more intensive water use by distilleries; and
321 requiring all WBD IIs to be hooked up to a Group A or Group B water system;

322 8. Restricting issuance of the winery, brewery, distillery land use business
323 license for new WBDs until after a building permit or change of occupancy permit has
324 been issued, in order to ensure compliance with water and wastewater requirements, and
325 requiring existing WBDs to obtain any required building permit or change of occupancy
326 permit before the business receives full business license approval; and

327 9. Reducing the number of events for WBDs to one per month, with lower
328 maximum guest sizes, and prohibiting events that would require permanent or temporary
329 stages, or traffic control. The exemption from temporary use permit requirements,
330 adopted in Ordinance 19030, for certain WBDs in the RA zone is also removed by this
331 ordinance.

332 MM. Many of the changes above do not apply to WBD I in the RA zone, as this
333 very small-scale production facility is not likely to cause impacts to rural character. In
334 addition, in order to maintain the small-scale nature of WBD Is, on-site tasting and sales
335 are prohibited, to eliminate any impacts for these activities. WBDs that are intending to
336 have on-site tasting and sales are at a larger scale than WBD I, and in order to protect
337 rural character and avoid urban-looking uses in the rural area, would need to meet the
338 more-stringent requirements for WBD II or III.

339 NN. This ordinance modifies the county's licensing program for WBDs in order
340 to assist in enforcement of the county's WBD land use regulations, consistent with the

341 state liquor licensing law requirements. This ordinance also removes the allowance in
342 Ordinance 19030 for nonconforming WBDs to obtain an initial county license while
343 continuing to document or demonstrate a nonconforming status, and modifies the
344 language regarding nonconforming status to clarify what is necessary to demonstrate a
345 nonconforming status.

346 OO. This ordinance also modifies the definitions for WBDs and remote tasting
347 rooms to reflect changes to state allowances, and to remove general references to state
348 law for on-site tasting and sales, that are more appropriately regulated in the development
349 conditions.

350 PP. Ordinance 19030 adopted an efficacy evaluation that is removed by this
351 ordinance. This efficacy evaluation was closely tied to the remote tasting room
352 demonstration project, which is also repealed by this ordinance, and to provisions related
353 to WBDs in the A, which are prohibited by this ordinance.

354 SECTION 2. Sections 3 through 6 of this ordinance shall constitute a new
355 chapter in K.C.C. Title 21A.

356 NEW SECTION. SECTION 3. There is hereby added to the chapter established
357 in section 2 of this ordinance a new section to read as follows:

358 A. The establishment and operation of any winery, brewery, distillery facility I, II
359 or III is subject to the provisions of this chapter. Except as otherwise provided in this
360 chapter, all other standards of the King County Code shall apply.

361 B. The following standards apply to all winery, brewery, distillery facilities:

362 1. The business operator shall obtain a winery, brewery, distillery land use
363 business license in accordance with K.C.C. chapter 6.74;

364 2. Events may be allowed only with an approved temporary use permit under
365 K.C.C. chapter 21A.32 and in conformance with section 6 of this ordinance;

366 3. Winery, brewery, distillery facility I, II or IIIs, excluding those on Vashon-
367 Maury Island, shall meet the standards in section 4 of this ordinance; and

368 4. Winery, brewery, distillery facility I, II or IIIs on Vashon-Maury Island shall
369 meet the standards in section 5 of this ordinance.

370 NEW SECTION. SECTION 4. There is hereby added to the chapter established
371 in section 2 of this ordinance a new section to read as follows:

372 For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-
373 Maury Island, the following standards shall apply:

374 A. In the RA zones:

375 1. For winery, brewery, distillery facility I:

376 a. The aggregated floor area of structures and areas for winery, brewery,
377 distillery facility uses shall not exceed one thousand five hundred square feet;

378 b. Structures, parking areas and impervious surfaces associated with winery,
379 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
380 from interior property lines adjoining agricultural, rural area and residential zones, unless
381 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
382 of the review for a winery, brewery, distillery facility use approved through a conditional
383 use permit, the director may reduce this setback for existing structures, considering the
384 following factors:

385 (1) proximity of the winery, brewery, distillery facility use to neighboring
386 residential uses and other winery, brewery, distillery facility uses;

387 (2) sufficient existing or proposed landscape screening between the winery,
388 brewery, distillery facility use and adjacent uses;

389 (3) anticipated impacts to neighboring residential uses such as noise or odor;
390 and

391 (4) parcel size, topography and proximity to critical areas;

392 c. Off-street parking is limited to a maximum of one hundred fifty percent of
393 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

394 d. In addition to an approved Washington state Liquor and Cannabis Board
395 production license, at least two stages of production of wine, beer or distilled spirits,
396 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
397 aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of
398 production occurring on-site shall include crushing or milling, pressing, fermenting or
399 distilling;

400 e. No product tasting or retail sales shall be allowed on-site;

401 f. The impervious surface associated with the winery, brewery, distillery
402 facility use shall not exceed twenty-five percent of the site or the maximum impervious
403 surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less; and

404 g. Distilleries may not be located within a basin that is closed or partially
405 closed to new surface water or groundwater withdrawals by the Department of Ecology.

406 2. For winery, brewery, distillery facility II:

407 a. Only allowed on lots of at least two and one-half acres, except that for sites
408 that contain a building designated as historic resource under K.C.C. chapter 20.62, only
409 allowed on lots of at least two acres;

410 b. The aggregated floor area of structures and areas for winery, brewery,
411 distillery facility uses shall not exceed three thousand five hundred square feet, unless
412 located wholly within a structure designated as historic resource under K.C.C. chapter
413 20.62, in which case the aggregated floor area of structures devoted to winery, brewery,
414 distillery facility uses shall not exceed seven thousand square feet;

415 c. Structures, parking areas and impervious surfaces associated with winery,
416 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
417 from interior property lines adjoining agricultural, rural area and residential zones. As
418 part of the review for a winery, brewery, distillery facility use approved through a
419 conditional use permit, the director may reduce this setback for existing structures,
420 considering the following factors:

421 (1) proximity of the winery, brewery, distillery facility use to neighboring
422 residential uses and other winery, brewery, distillery facility uses;

423 (2) sufficient existing or proposed landscape screening between the winery,
424 brewery, distillery facility use and adjacent uses;

425 (3) anticipated impacts to neighboring residential uses such as noise or odor;
426 and

427 (4) parcel size, topography and proximity to critical areas;

428 d. In addition to an approved Washington state Liquor and Cannabis Board
429 production license, at least three stages of production of wine, beer or distilled spirits,
430 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
431 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
432 on-site production shall include crushing or milling, pressing, fermenting or distilling.

433 At the time of the initial or renewal of the winery, brewery, distillery land use business
434 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
435 that demonstrates that the equipment on-site is sufficient to produce the quantity of
436 products sold on-site required by this subsection A.2.d. and that the on-site tasting and
437 retail sales requirements in subsection A.2.e. are met;

438 e.(1) Tasting and retail sales of products is limited to those produced on-site, as
439 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
440 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
441 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
442 occur only as accessory to the primary winery, brewery, distillery production use;

443 (2) The area devoted to on-site tasting or retail sales shall be limited to no
444 more than twenty percent of the aggregated floor area and shall be included in the
445 aggregated floor area limitation in subsection A.2.b. of this section;

446 (3) The limitation on area devoted to tasting and retail sales of products
447 produced on-site shall not apply on sites that contain a building designated as historic
448 resource under K.C.C. chapter 20.62;

449 (4) Incidental retail sales of merchandise related to the products produced on-
450 site is allowed subject to the restrictions described in this subsection A.2, and the area
451 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
452 sales area.

453 (5) Incidental retail sales of merchandise is limited to no more than twenty
454 percent of annual gross sales on a three-year average, and at the time of the initial or
455 renewal of the winery, brewery, distillery land use business license application under

456 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
457 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
458 and for renewals, documentation of previous years sales to demonstrate compliance with
459 the twenty percent of annual gross sales limit on a three-year average; and

460 (6) Hours of operation for on-site tasting and retail sales of products shall be
461 limited to 11:00 a.m. through 8:00 p.m. daily;

462 f. Access to the site shall be directly to and from an arterial roadway, except
463 that the department may authorize a winery, brewery, distillery facility use with access
464 directly to and from a public roadway if the winery, brewery, distillery facility use
465 obtains a conditional use permit;

466 g. Off-street parking is limited to a maximum of one hundred fifty percent of
467 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

468 h. The impervious surface associated with the winery, brewery, distillery
469 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
470 surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less;

471 i. All requirements of K.C.C. Title 9, Surface Water Management, and the
472 adopted King County Surface Water Design Manual shall be met for construction and
473 operation of the winery, brewery, distillery facility;

474 j.(1) Wineries, breweries and distilleries shall comply with Washington state
475 Department of Ecology and King County board of health regulations for water usage and
476 wastewater disposal, and shall connect to a Group A or Group B water system. The
477 definitions and limits of Group A and Group B water systems are described in K.C.C.
478 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140

479 and 13.24.142; and

480 (2) Distilleries may not be located within a basin that is closed or partially
481 closed to new surface water or groundwater withdrawals by the Washington state
482 Department of Ecology; and

483 k. Wineries, breweries, and distilleries must comply with all commercial septic
484 system regulations and shall not be connected to a sewer system.

485 3. For winery, brewery, distillery facility III:

486 a. The aggregated floor area of structures and areas for winery, brewery,
487 distillery facility uses shall not exceed a total of eight thousand square feet;

488 b. Only allowed on lots of at least four and one-half acres. If the aggregated
489 floor area of structures for winery, brewery, distillery uses exceeds five thousand square
490 feet, the minimum site area shall be ten acres;

491 c. Wineries, breweries and distilleries shall comply with Washington state
492 Department of Ecology and King County board of health regulations for water usage and
493 wastewater disposal, and shall connect to a Group A water system. The definitions and
494 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
495 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

496 d. Structures, parking areas and impervious surfaces associated with winery,
497 brewery distillery facility uses shall maintain a minimum distance of seventy-five feet
498 from interior property lines adjoining agricultural, rural area and residential zones, unless
499 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
500 of the review for a winery, brewery, distillery facility use approved through a conditional
501 use permit, the director may reduce this setback for existing structures, considering the

502 following factors:

503 (1) proximity of the winery, brewery, distillery facility use to neighboring
504 residential uses and other winery, brewery, distillery facility uses;

505 (2) sufficient existing or proposed landscape screening between the winery,
506 brewery, distillery facility use and adjacent uses;

507 (3) anticipated impacts to neighboring residential uses such as noise or odor;

508 and

509 (4) parcel size, topography and proximity to critical areas;

510 e. In addition to an approved Washington state Liquor and Cannabis Board
511 production license, at least three stages of production of wine, beer or distilled spirits,
512 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
513 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
514 on-site production shall include crushing or milling, pressing, fermenting or distilling. At
515 the time of the initial or renewal of the winery, brewery, distillery land use business
516 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
517 that demonstrates that the equipment on-site is sufficient to produce the quantity of
518 products sold on-site required by this subsection A.3.e. and the on-site tasting and retail
519 sales requirements in subsection A.3.f. are met;

520 f.(1) Tasting and retail sales of products is limited to those produced on-site, as
521 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
522 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
523 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
524 occur only as accessory to the primary winery, brewery, distillery production use;

525 (2) The area devoted to on-site tasting or retail sales shall be limited to no
526 more than twenty percent of the aggregated floor area and shall be included in the
527 aggregated floor area limitation in subsection A.2.b. of this section;

528 (3) The limitation on area devoted to tasting and retail sales of products
529 produced on-site shall not apply on sites that contain a building designated as historic
530 resource under K.C.C. chapter 20.62;

531 (4) Incidental retail sales of merchandise related to the products produced on-
532 site is allowed subject to the restrictions described in this subsection A.2, and the area
533 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
534 sales area.

535 (5) Incidental retail sales of merchandise is limited to no more than twenty
536 percent of annual gross sales on a three-year average, and at the time of the initial or
537 renewal of the winery, brewery, distillery land use business license application under
538 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
539 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
540 and for renewals, documentation of previous years sales to demonstrate compliance with
541 the twenty percent of annual gross sales limit on a three-year average; and

542 (6) Hours of operation for on-site tasting and retail sales of products shall be
543 limited to 11:00 a.m. through 8:00 p.m. daily;

544 g. Access to the site shall be directly to and from an arterial roadway;

545 h. Off-street parking is limited to a maximum of one hundred fifty percent of
546 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

547 i. The impervious surface associated with the winery, brewery, distillery

548 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
549 surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less;

550 j. All requirements of Title 9, Surface Water Management, and the adopted
551 King County Surface Water Design Manual shall be met for construction and operation
552 of the winery, brewery, distillery facility; and

553 k. Wineries, breweries, and distilleries must comply with all commercial septic
554 system regulations and shall not be connected to a sewer system.

555 B. In the NB and CB zones:

556 1. For winery, brewery, distillery facility II:

557 a. The aggregated floor area of structures and areas for winery, brewery,
558 distillery facility uses shall not exceed three thousand five hundred square feet, unless
559 located wholly within a structure designated as historic resource under K.C.C. chapter
560 20.62, in which case the aggregated floor area of structures and areas devoted to winery,
561 brewery, distillery facility uses shall not exceed five thousand square feet;

562 b. Structures, parking areas and impervious surfaces associated with winery,
563 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
564 from interior property lines adjoining agricultural, rural area and residential zones, unless
565 located in a building designated as historic resource under K.C.C. chapter 20.62;

566 c. The area devoted to on-site tasting or retail sales shall be included in the
567 aggregated floor area limitation in subsection B.1.a. of this section; and

568 d. Off-street parking for the tasting and retail areas shall be limited to a
569 maximum of one space per fifty square feet of tasting and retail areas.

570 2. For winery, brewery, distillery facility III:

571 a. Structures, parking areas and impervious surfaces associated with winery,
572 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
573 from interior property lines adjoining agricultural, rural area and residential zones, unless
574 located in a building designated as historic resource under K.C.C. chapter 20.62; and

575 b. Off-street parking for the tasting and retail areas shall be limited to a
576 maximum of one space per fifty square feet of tasting and retail areas.

577 C. In the RB zone:

578 1. For winery, brewery, distillery facility III:

579 a. Structures, parking areas and impervious surfaces associated with winery,
580 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
581 from interior property lines adjoining agricultural, rural area and residential zones, unless
582 located in a building designated as historic resource under K.C.C. chapter 20.62; and

583 b. Off-street parking for the tasting and retail areas shall be limited to a
584 maximum of one space per fifty square feet of tasting and retail areas.

585 D. In the I zone:

586 1. For winery, brewery, distillery facility III:

587 a. Limited to businesses with non-retail brewery and distillery production
588 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
589 tasting rooms for wineries shall not be allowed;

590 b. The area devoted to on-site tasting or retail sales shall not exceed one
591 thousand five hundred square feet;

592 c. Structures, parking areas and impervious surfaces associated with brewery
593 and distillery facility uses shall maintain a minimum distance of seventy-five feet from

594 interior property lines adjoining agricultural, rural area and residential zones, unless
595 located in a building designated as historic resource under K.C.C. chapter 20.62; and

596 d. Off-street parking for the tasting and retail areas shall be limited to a
597 maximum of one space per fifty square feet of tasting and retail areas.

598 NEW SECTION. SECTION 5. There is hereby added to the chapter established
599 in section 2 of this ordinance a new section to read as follows:

600 For any winery, brewery, distillery facility I, II or III on Vashon-Maury Island the
601 following standards shall apply:

602 A. In the RA zones:

603 1. For winery, brewery, distillery facility I:

604 a. The aggregated floor area of structures and areas for winery, brewery,
605 distillery facility uses shall not exceed one thousand five hundred square feet;

606 b. Structures, parking areas and impervious surfaces associated with winery,
607 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
608 from interior property lines adjoining agricultural, rural area and residential zones, unless
609 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
610 of the review for a winery, brewery, distillery facility use approved through a conditional
611 use permit, the director may reduce this setback for existing structures, considering the
612 following factors:

613 (1) proximity of the winery, brewery, distillery facility use to neighboring
614 residential uses and other winery, brewery, distillery facility uses;

615 (2) sufficient existing or proposed landscape screening between the winery,
616 brewery, distillery facility use and adjacent uses;

617 (3) anticipated impacts to neighboring residential uses such as noise or odor;
618 and

619 (4) parcel size, topography and proximity to critical areas;

620 c. Off-street parking is limited to a maximum of one hundred fifty percent of
621 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

622 d. In addition to an approved Washington state Liquor and Cannabis Board
623 production license, at least two stages of production of wine, beer or distilled spirits, such
624 as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging,
625 finishing, or bottling or packaging shall occur on-site. At least one of the stages of
626 production occurring on-site shall include crushing or milling, pressing, fermenting or
627 distilling;

628 e. No product tasting or retail sales shall be allowed on-site; and

629 f. The impervious surface associated with the winery, brewery, distillery
630 facility use shall not exceed twenty-five percent of the site or the maximum impervious
631 surface for the zone in accordance with K.C.C. 21A.12.040.A., whichever is less.

632 2. For winery, brewery, distillery facility II:

633 a. Only allowed on lots of at least two and one-half acres, except that this
634 requirement shall not apply to winery, brewery or distillery business locations in use and
635 licensed to produce by the Washington state Liquor and Cannabis Board before January
636 1, 2019, and that for sites that contain a building designated as historic resource under
637 K.C.C. chapter 20.62, only allowed on lots of at least two acres;

638 b. The aggregated floor area of structures and areas for winery, brewery,
639 distillery facility uses shall not exceed three thousand five hundred square feet, unless

640 located wholly within a structure designated as historic resource under K.C.C. chapter
641 20.62, in which case the aggregated floor area of structures devoted to winery, brewery,
642 distillery facility uses shall not exceed seven thousand square feet;

643 c. Structures, parking areas and impervious surfaces associated with winery,
644 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
645 from interior property lines adjoining agricultural, rural area and residential zones, unless
646 located in a building designated as historic resource under K.C.C. chapter 20.62, except
647 that this setback requirement shall not apply to structures, parking areas and impervious
648 surfaces in use on December 4, 2019, by existing winery, brewery or distillery business
649 locations licensed to produce by the Washington state Liquor and Cannabis Board before
650 January 1, 2019;

651 d. In addition to an approved Washington state Liquor and Cannabis Board
652 production license, at least three stages of production of wine, beer or distilled spirits,
653 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
654 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
655 on-site production shall include crushing or milling, pressing, fermenting or distilling.
656 At the time of the initial or renewal of the winery, brewery, distillery land use business
657 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
658 that demonstrates that the equipment on-site is sufficient to produce the quantity of
659 products sold on-site as required by this subsection A.2.d. and the on-site tasting and
660 retail sales requirements in subsection A.2.e. are met;

661 e.(1) Tasting and retail sales of products is limited to those produced on-site, as
662 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,

663 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
664 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
665 occur only as accessory to the primary winery, brewery, distillery production use;

666 (2) The area devoted to on-site tasting or retail sales shall be limited to no
667 more than twenty percent of the aggregated floor area and shall be included in the
668 aggregated floor area limitation in subsection A.2.b. of this section;

669 (3) The limitation on area devoted to tasting and retail sales of products
670 produced on-site shall not apply to winery, brewery or distillery business locations in use
671 and licensed to produce by the Washington state Liquor and Cannabis Board before
672 January 1, 2019, or on sites that contain a building designated as historic resource under
673 K.C.C. chapter 20.62;

674 (4) Incidental retail sales of merchandise related to the products produced on-
675 site is allowed subject to the restrictions described in this subsection A.2, and the area
676 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
677 sales area.

678 (5) Incidental retail sales of merchandise is limited to no more than twenty
679 percent of annual gross sales on a three-year average, and at the time of the initial or
680 renewal of the winery, brewery, distillery land use business license application under
681 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
682 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
683 and for renewals, documentation of previous years sales to demonstrate compliance with
684 the twenty percent of annual gross sales limit on a three-year average; and

685 (6) Hours of operation for on-site tasting and retail sales of products shall be

686 limited to 11:00 a.m. through 8:00 p.m. daily;

687 f. Access to the site shall be directly to and from an arterial roadway, except
688 that this requirement shall not apply to winery, brewery, distillery facility business
689 locations in use and licensed to produce by the Washington state Liquor and Cannabis
690 Board before January 1, 2019. The department may authorize a winery, brewery,
691 distillery facility use with access directly to and from a public roadway for access if the
692 winery, brewery, distillery facility use obtains a conditional use permit ;

693 g. Off-street parking is limited to a maximum of one hundred fifty percent of
694 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

695 h. The impervious surface associated with the winery, brewery, distillery
696 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
697 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
698 whichever is less; and

699 i. All requirements of Title 9, Surface Water Management, and the adopted
700 King County Surface Water Design Manual shall be met for construction and operation
701 of the winery, brewery, distillery facility.

702 3. For winery, brewery, distillery facility III:

703 a. The aggregated floor area of structures and areas for winery, brewery,
704 distillery facility uses shall not exceed a total of eight thousand square feet;

705 b. Only allowed on lots of at least four and one-half acres. If the aggregated
706 floor area of structures for winery, brewery, distillery uses exceeds five thousand square
707 feet, the minimum site area shall be ten acres;

708 c. Wineries, breweries and distilleries shall comply with Washington state
709 Department of Ecology and King County board of health regulations for water usage and
710 wastewater disposal, and shall connect to a Group A water system. The definitions and
711 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
712 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

713 d. Structures, parking areas and impervious surfaces associated with winery,
714 brewery distillery facility uses shall maintain a minimum distance of seventy-five feet
715 from interior property lines adjoining agricultural, rural area and residential zones, unless
716 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
717 of the review for a winery, brewery, distillery facility use approved through a conditional
718 use permit, the director may reduce this setback for existing structures, considering the
719 following factors:

720 (1) proximity of the winery, brewery, distillery facility use to neighboring
721 residential uses and other winery, brewery, distillery facility uses;

722 (2) sufficient existing or proposed landscape screening between the winery,
723 brewery, distillery facility use and adjacent uses;

724 (3) anticipated impacts to neighboring residential uses such as noise or odor;

725 and

726 (4) parcel size, topography and proximity to critical areas;

727 e. In addition to an approved Washington state Liquor and Cannabis Board
728 production license, at least three stages of production of wine, beer or distilled spirits,
729 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
730 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of

731 on-site production shall include crushing, pressing, fermenting or distilling. At the time
732 of the initial or renewal of the winery, brewery, distillery land use business license
733 application under K.C.C. chapter 6.74, the applicant shall submit documentation that
734 demonstrates that the equipment on-site is sufficient to produce the quantity of products
735 sold on-site as required by this subsection A.3.e. and the on-site tasting and retail sales
736 requirements in subsection A.3.f. are met;

737 f.(1) Tasting and retail sales of products is limited to those produced on-site, as
738 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
739 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
740 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
741 occur only as accessory to the primary winery, brewery, distillery production use;

742 (2) The area devoted to on-site tasting or retail sales shall be limited to no
743 more than twenty percent of the aggregated floor area and shall be included in the
744 aggregated floor area limitation in subsection A.2.b. of this section;

745 (3) The limitation on area devoted to tasting and retail sales of products
746 produced on-site shall not apply to winery, brewery, or distillery business locations in use
747 and licensed to produce by the Washington state Liquor and Cannabis Board before
748 January 1, 2019, or on sites that contain a building designated as historic resource under
749 K.C.C. chapter 20.62;

750 (4) Incidental retail sales of merchandise related to the products produced on-
751 site is allowed subject to the restrictions described in this subsection A.2, and the area
752 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
753 sales area.

754 (5) Incidental retail sales of merchandise is limited to no more than twenty
755 percent of annual gross sales on a three-year average, and at the time of the initial or
756 renewal of the winery, brewery, distillery land use business license application under
757 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
758 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
759 and for renewals, documentation of previous years sales to demonstrate compliance with
760 the twenty percent of annual gross sales limit on a three-year average; and

761 (6) Hours of operation for on-site tasting and retail sales of products shall be
762 limited to 11:00 a.m. through 8:00 p.m. daily;

763 g. Access to the site shall be directly to and from an arterial roadway;

764 h. Off-street parking is limited to a maximum of one hundred fifty percent of
765 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

766 i. The impervious surface associated with the winery, brewery, distillery
767 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
768 surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less; and

769 j. All requirements of Title 9, Surface Water Management, and the adopted
770 King County Surface Water Design Manual shall be met for construction and operation
771 of the winery, brewery, distillery facility.

772 B. In the NB and CB zones:

773 1. For winery, brewery, distillery facility II:

774 a. The aggregated floor area of structures and areas for winery, brewery,
775 distillery facility uses shall not exceed three thousand five hundred square feet, unless
776 located wholly within a structure designated as historic resource under K.C.C. chapter

777 20.62, in which case the aggregated floor area of structures and areas devoted to winery,
778 brewery, distillery facility uses shall not exceed five thousand square feet;

779 b. Structures, parking areas and impervious surfaces associated with winery,
780 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
781 from interior property lines adjoining agricultural, rural area and residential zones, unless
782 located in a building designated as historic resource under K.C.C. chapter 20.62;

783 c. The area devoted to on-site tasting or retail sales shall be included in the
784 aggregated floor area limitation in subsection B.1.a. of this section; and

785 d. Off-street parking for the tasting and retail areas shall be limited to a
786 maximum of one space per fifty square feet of tasting and retail areas.

787 2. For winery, brewery, distillery facility III:

788 a. Structures, parking areas and impervious surfaces associated with winery,
789 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
790 from interior property lines adjoining agricultural, rural area and residential zones, unless
791 located in a building designated as historic resource under K.C.C. chapter 20.62; and

792 b. Off-street parking for the tasting and retail areas shall be limited to a
793 maximum of one space per fifty square feet of tasting and retail areas.

794 C. In the RB zone:

795 1. For winery, brewery, distillery facility III:

796 a. Structures, parking areas and impervious surfaces associated with winery,
797 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
798 from interior property lines adjoining agricultural, rural area and residential zones, unless
799 located in a building designated as historic resource under K.C.C. chapter 20.62; and

800 b. Off-street parking for the tasting and retail areas shall be limited to a
801 maximum of one space per fifty square feet of tasting and retail areas.

802 D. In the I zone:

803 1. For winery, brewery, distillery facility III:

804 a. Limited to businesses with non-retail brewery and distillery production
805 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
806 tasting rooms for wineries shall not be allowed;

807 b. The area devoted to on-site tasting or retail sales shall not exceed one
808 thousand five hundred square feet;

809 c. Structures, parking areas and impervious surfaces associated with brewery
810 and distillery facility uses shall maintain a minimum distance of seventy-five feet from
811 interior property lines adjoining agricultural, rural area and residential zones, unless
812 located in a building designated as historic resource under K.C.C. chapter 20.62; and

813 d. Off-street parking for the tasting and retail areas shall be limited to a
814 maximum of one space per fifty square feet of tasting and retail areas.

815 NEW SECTION. SECTION 6. There is hereby added to the chapter established
816 in section 2 of this ordinance a new section to read as follows:

817 A. Uses regulated under this chapter shall be allowed to conduct on-site functions
818 that are accessory to the principal winery, brewery, or distillery facility use, limited to
819 those that are directly related to the on-site production of the winery, brewery, distillery
820 facility use, including, but not limited to, tours of the facility, private tastings, product
821 releases, or dinners with the alcohol producers. If an on-site activity includes any of the
822 elements listed in subsection C. of this section, the on-site activity shall be subject to the

823 temporary use permit requirements under K.C.C. chapter 21A.32.

824 B. Winery, brewery, distillery facility functions and events requiring a temporary
825 use permit under subsection C. of this section and K.C.C. chapter 21A.32 may not
826 include any of the following activities:

- 827 1. Utilizing temporary or permanent stages;
- 828 2. Requiring traffic control for public rights-of-way; or
- 829 3. Except as allowed in subsection C.2. of this section, utilizing on-site parking
830 that exceeds the maximum number of spaces allowed by this title.

831 C. A temporary use permit under K.C.C. chapter 21A.32 shall be required for any
832 events at a winery, brewery, distillery facility that includes one or more of the following
833 activities:

- 834 1. Exceeding the permitted building occupancy;
- 835 2. Utilizing off-site parking;
- 836 3. Utilizing temporary tents or canopies that require a permit;
- 837 4. Extending beyond allowed hours of operation; or
- 838 5. Utilizing portable toilets.

839 D. Temporary use permits shall be limited as follows:

- 840 1. The temporary use permit for events shall be effective for one year from the
841 date of issuance and may be renewed annually as provided in K.C.C. 21A.32.120;
- 842 2. For a winery, brewery, distillery facility II and III in the RA zone, the
843 temporary use shall not exceed one day per month and all event parking shall be
844 accommodated on-site or managed through a parking management plan approved by the

845 director. This subsection D.2. applies only to the days that the event or events actually
846 take place;

847 3. For a winery, brewery, distillery facility II in the RA zones, in addition to all
848 other relevant facts, the department shall consider building occupancy and parking
849 limitations during permit review, and shall condition the number of guests allowed for a
850 temporary use based on those limitations. The department shall not authorize attendance
851 of more than seventy-five guests;

852 4. For a winery, brewery, distillery facility III in the RA zones, in addition to all
853 other relevant facts, the department shall consider building occupancy and parking
854 limitations during permit review, and shall condition the number of guests allowed for a
855 temporary use based on those limitations. The department shall not authorize attendance
856 of more than one hundred twenty-five guests;

857 5. Events for any winery, brewery, distillery facility I in the RA zone shall be
858 limited to two days per year, and limited to a maximum of fifty guests. If the event
859 complies with this subsection D.5., a temporary use permit is not required for a special
860 event for a winery, brewery, distillery facility I in the RA zone;

861 6. Events for winery, brewery, distillery facilities located outside of the RA
862 zone shall be limited to a total of sixty days per year. This subsection D.6. applies only
863 to the days that the event or events actually take place;

864 7. All functions and events authorized under this section shall comply with
865 K.C.C. chapter 12.86, Noise; and

866 8. Permitting shall set the maximum number of portable toilets for events based
867 on compliance with applicable laws, with no more than two portable toilets allowed for

868 any event.

869 E. A temporary use permit issued under this section shall be effective for one
870 year from the date of issuance and may be renewed annually as provided in subsection G.
871 of this section;

872 F. The temporary use permit shall specify a date upon which the use shall be
873 terminated and removed; and

874 G. A temporary use permit may be renewed annually for up to a total of five
875 consecutive years as follows:

876 1. The applicant shall make a written request and pay the applicable permit
877 extension fees for renewal of the temporary use permit at least seventy days before the
878 end of the permit period;

879 2. The department must determine that the temporary use is being conducted in
880 compliance with the conditions of the temporary use permit;

881 3. The department must determine that site conditions have not changed since
882 the original temporary permit was issued; and

883 4. At least forty-five days before the end of the permit period, the department
884 shall notify property owners within five hundred feet of the property boundaries that a
885 temporary use permit extension has been requested and contact information to request
886 additional information or to provide comments on the proposed extension.

887 SECTION 7. Ordinance 19030, Section 4, and K.C.C. 6.74.010 are hereby
888 amended to read as follows:

889 It is the purpose of this chapter to establish winery, brewery, distillery land use
890 business licensing standards for ~~((adult beverage businesses))~~ wineries, breweries and

891 distilleries located in unincorporated King County, in order to promote and protect the
892 health, safety and general welfare of unincorporated King County's residents, and to
893 assist with enforcement of land use related portions of the King County Code, including,
894 but not limited to, the development conditions found in K.C.C. chapter 21A.xx (the new
895 chapter created in section 2 of this ordinance), critical areas requirements found in K.C.C.
896 chapter 21A.24, and health code requirements found in K.C.C. Title 13.

897 SECTION 8. Ordinance 19030, Section 5, and K.C.C. 6.74.020 are hereby
898 amended to read as follows:

899 For the purpose of this chapter, unless the context clearly requires otherwise,
900 ~~((("adult beverage business"))~~ "winery, brewery, distillery" means a winery, brewery,
901 distillery ~~((or cidery, and))~~ facility or remote tasting room~~((s for any of these~~
902 ~~businesses))~~. A nonconforming home occupation and a nonconforming home industry is
903 ~~((an "adult beverage business"))~~ a "winery, brewery, distillery" for the purposes of this
904 section.

905 SECTION 9. Ordinance 19030, Section 6, and K.C.C. 6.74.030 are hereby
906 amended to read as follows:

907 A person or entity shall not operate or maintain ~~((an adult beverage business))~~ a
908 winery, brewery, distillery facility in unincorporated King County unless the business has
909 obtained a winery, brewery, distillery land use business license issued by the director as
910 provided by this chapter. A current ~~((adult beverage business))~~ winery, brewery,
911 distillery land use business license issued under this chapter shall be prominently
912 displayed on the licensed premises. The ~~((adult beverage business))~~ winery, brewery,
913 distillery land use business licensee shall comply with all applicable laws.

914 SECTION 10. Ordinance 19030, Section 7, and K.C.C. 6.74.040 are hereby
915 amended to read as follows:

916 An application for ~~((an adult beverage business))~~ a winery, brewery, distillery
917 land use business license or license renewal ~~((must))~~ shall be submitted in the name of
918 the person, the persons or the entity proposing to operate the business. The application
919 shall be signed by each person, or a responsible principal or officer of the entity
920 proposing to operate the business, certified as true under penalty of perjury. All
921 applications shall be submitted on a form supplied by the director, and shall include the
922 following:

923 A. The full name and current residential, email and mailing address of each
924 person, including all partners if the applicant is a partnership, and all officers or
925 principals if the applicant is a corporation or limited liability company, and the Universal
926 Business Identifier number, the identity of the registered agent and the address of the
927 principal office, if the applicant is a corporation or limited liability company;

928 B. The name, street address and telephone number of the ~~((adult beverage~~
929 ~~business))~~ winery, brewery, distillery facility;

930 C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor
931 license or non-retail liquor license with retail endorsement associated with the business
932 address;

933 D. ~~((For businesses in the A zone, a signed statement that at least sixty percent of~~
934 ~~the products to be used by the business are grown on-site, as prescribed under K.C.C.~~
935 ~~21A.08.030 and 21A.08.080))~~ For businesses in the RA zone:

936 1. A projection that demonstrates compliance with the incidental retail sales

937 limitation in chapter 21A.xx (the chapter created in section 2 of this ordinance), and for
938 renewals, documentation regarding incidental retail sales for previous years that
939 demonstrates compliance on a three-year average; and

940 2. Documentation that demonstrates that the equipment on-site is sufficient to
941 produce the quantity of products sold on-site to demonstrate compliance with the on-site
942 production and on-site tasting and retail sales requirements in chapter 21A.xx (the
943 chapter created in section 2 of this ordinance). Such documentation could include federal
944 or state reporting forms that document the on-site production quantities, verification of
945 purchase for equipment at that level of on-site production, or calculations demonstrating
946 that the on-site tasting and retail sales requirements are met, or some combination of
947 documentation that the director deems sufficient to demonstrate compliance with the on-
948 site production and on-site tasting and retail sales requirements in chapter 21A.xx (the
949 chapter created in section 2 of this ordinance); ((and))

950 E. For any ~~((adult beverage))~~ business~~((es))~~ attempting to demonstrate legal
951 nonconforming use status under 6.74.080.B.~~((;))~~ and operating under an active
952 Washington state Liquor and Cannabis Board production license issued for ~~((their))~~ the
953 ~~current location ((before December 31, 2019, and where King County did not object to~~
954 ~~the location during the Washington state Liquor and Cannabis Board license application~~
955 ~~process))~~, the applicant shall submit documentation sufficient to establish that the
956 requirements of K.C.C. ~~((Title))~~ chapter 21A.32 have been met, and documentation of the
957 county's response to the Washington state Liquor and Cannabis Board license notice of
958 application, if any. If King County objected to the current location during the
959 Washington state Liquor and Cannabis Board license application process, the Department

960 may presume that the associated use was not legally established and a license application
961 under this subsection D. shall be denied, unless the applicant can clearly establish that the
962 objection was based on an erroneous interpretation of K.C.C. Title 21A; and

963 F. A statement acknowledging that the director or designee may conduct site
964 inspections in accordance with K.C.C. 6.01.110.

965 SECTION 11. Ordinance 19030, Section 8, and K.C.C. 6.74.050 are hereby
966 amended to read as follows:

967 An applicant for ~~((an adult beverage business))~~ a winery, brewery, distillery land
968 use business license or renewal under this chapter shall pay an application fee at the time
969 of application submittal. The nonrefundable application fee for ~~((an adult beverage~~
970 ~~business))~~ a winery, brewery, distillery land use business license or renewal is one
971 hundred dollars.

972 SECTION 12. Ordinance 19030, Section 9, and K.C.C. 6.74.060 are hereby
973 amended to read as follows:

974 The director shall deny, suspend or revoke a winery, brewery, distillery land use
975 business license issued under this chapter if the Washington state Liquor and Cannabis
976 Board does not issue a license to the business, or if the department of local services,
977 permitting division receives notice that the state license issued to the business is
978 suspended or revoked, or was not reissued, or if, after an investigation, the director
979 determines that the proposed business location does not comply with K.C.C. Title 21A.

980 A business owner whose application for a winery, brewery, distillery land use business
981 license has been denied or whose winery, brewery, distillery land use business license has
982 been suspended or revoked may appeal the decision to the office of the hearing examiner

983 in accordance with K.C.C. 6.01.150.

984 SECTION 13. Ordinance 19030, Section 10, and K.C.C. 6.74.070 are hereby
985 amended to read as follows:

986 ~~((An adult beverage business))~~ A winery, brewery, distillery land use business
987 license expires one year from the date the ~~((business))~~ license is issued by the department
988 of local services, permitting division. To avoid a lapse in the effectiveness of a license,
989 an application to renew a license ~~((must))~~ shall be submitted to the director, on a form
990 provided by the director, at least thirty days before the expiration of the ~~((business))~~
991 previous license. ~~((An adult beverage business))~~ A winery, brewery, distillery land use
992 business license renewal expires one year from the previous license's expiration date.

993 SECTION 14. Ordinance 19030, Section 11, and K.C.C. 6.74.080 are hereby
994 amended to read as follows:

995 A. ~~((Within thirty days of the director's receipt of a complete adult beverage~~
996 ~~business license application, the director shall issue or deny the license.))~~ 1.a. The
997 director shall not issue the initial winery, brewery, distillery land use business license
998 until the director has either issued all county required building or change of occupancy
999 permits for the winery, brewery, distillery in conformance with the requirements of this
1000 chapter, K.C.C. chapters 21A.xx (the new chapter created in section 2 of this
1001 ordinance),16.02 and 16.04 or determined in writing that a building or change of
1002 occupancy permit is not required for basic operations to establish the use. A license
1003 application may be denied if the applicant has not obtained all required permits within a
1004 reasonable time, except as provided in subsection A.1.b. of this section;

1005 b. For any winery, brewery, distillery business operating under an active

1006 Washington state Liquor and Cannabis Board production license issued for the current
1007 location before June 21, 2021, and where King County did not object to the location
1008 during the Washington state Liquor and Cannabis Board license application process:

1009 (1) if all other requirements of this chapter and life safety requirements are
1010 met, the director shall issue the first business license regardless of whether a building
1011 permit or change of occupancy permit has been issued;

1012 (2) the first business license shall be valid for a maximum of twelve months
1013 from the date of issuance and may be extended, for additional six month periods, if the
1014 director determines that the business operator has taken substantial steps to obtain a
1015 building permit or change of occupancy permit; and

1016 (3) no additional extensions or renewals shall be approved or issued beyond
1017 the first license if the business operator has not taken substantial steps to obtain a
1018 building permit or change of occupancy permit.

1019 2. If the requirements of subsection A.1. of this section have been met,
1020 ~~((W))~~within thirty days of the director's receipt of a complete renewal application, the
1021 director shall issue or deny the renewal.

1022 B. For any ~~((adult beverage businesses))~~winery, brewery, distillery facility
1023 operating under an active Washington state Liquor and Cannabis Board production
1024 license issued for ~~((their))~~ the current location, ~~((before December 31, 2019, and where~~
1025 ~~King County did not object to the location during the Washington state Liquor and~~
1026 ~~Cannabis Board license application process, if all other requirements of this chapter are~~
1027 ~~met, the director shall approve the first adult beverage business license. The first~~
1028 ~~business license shall be valid for six months from the date of issuance. The first~~

1029 ~~business license may be extended, at no charge to the applicant, for an additional six~~
1030 ~~months, if the director determines that the business operator has taken substantial steps to~~
1031 ~~document compliance with K.C.C. Title 21A. Subsequent))~~ winery, brewery, distillery
1032 land use business licenses or renewals for such locations shall only be approved by the
1033 director if:

- 1034 1. The applicant has established that requirements ~~((to establish a))~~ for legal
1035 nonconforming uses set forth in K.C.C. Title 21A have been met;
- 1036 2. The applicant has otherwise established a vested or legal nonconforming use;
1037 or
- 1038 3. ~~((The director determines that the business operator has taken substantial~~
1039 ~~steps to document compliance with K.C.C. Title 21A; or~~
- 1040 4.) ~~((If))~~ The business ~~((has come into conformance))~~ conforms with the
1041 winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted
1042 in K.C.C. 21A.08.070~~((;))~~ or 21A.08.080 ~~((or K.C.C. 21A.55.110))~~ and K.C.C. chapter
1043 21A.xx (the new chapter created by section 2 of this ordinance).

1044 SECTION 15. Ordinance 1888, Article III, Section 3, as amended, and K.C.C.
1045 6.01.130 are hereby amended to read:

1046 A. The director shall issue a notice and order, pursuant to K.C.C. 6.01.120,
1047 directed to the person whom the director has determined to be in violation of any of the
1048 terms and provisions of any business license ordinance. The notice and order shall
1049 contain:

- 1050 1. The street address, when available, and a legal description sufficient for
1051 identification of the premises upon which the violation occurred;

1052 2. A statement that the director has found the conduct of the person to be in
1053 violation of any business license ordinance, with a brief and concise description of the
1054 conditions found to render the person in violation of the business license ordinance;

1055 3. A statement of any action required to be taken as determined by the director.
1056 If the director has determined to assess a civil penalty, the order shall require that the
1057 penalty shall be paid within a time certain from the date of the order as determined by the
1058 director to be reasonable;

1059 4. A statement of any action taken by the director; and

1060 5. Statements advising that: a.(1) for actions of the director arising under
1061 K.C.C. chapter 6.64, for-hire transportation, or K.C.C. chapter 6.74, winery, brewery,
1062 distillery land use business license appeals, the person may appeal ((from the notice and
1063 order of any action of the director arising under K.C.C. chapter 6.64, for-hire
1064 transportation,)) to the office of the hearing examiner in accordance with K.C.C.
1065 20.22.080; or

1066 (2) the person may appeal ((~~from the notice and order~~)) any action of the
1067 director, other than those arising under K.C.C. chapter 6.64 or 6.74, to the office of the
1068 hearing examiner, but only if the appeal is made in writing as provided in this chapter and
1069 filed with the director within seven days from the date of service of such notice and
1070 order;

1071 b. the failure to appeal will constitute a waiver of all right to an administrative
1072 hearing and determination of the matter.

1073 B. The notice and order, and any amended or supplemental notice and order,
1074 shall be served upon the person either personally or by mailing a copy of the notice and

1075 order by certified mail, postage prepaid, return receipt requested to the person at the
1076 person's address as it appears on the license, registration or permit. Service by certified
1077 mail in the manner provided in this section shall be effective on the date of mailing.

1078 C. Proof of service of the notice and order shall be made at the time of service by
1079 a written declaration under penalty of perjury executed by the person effecting service,
1080 declaring the time, date, and manner in which service was made.

1081 SECTION 16. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
1082 6.01.150 are hereby amended to read as follows:

1083 A. The office of the hearing examiner is designated to hear appeals by parties
1084 aggrieved by actions of the director pursuant to any business license ordinance. The
1085 examiner may adopt reasonable rules or regulations for conducting its business. Copies of
1086 all rules and regulations adopted by the examiner shall be delivered to the director, who
1087 shall make them freely accessible to the public. All decisions and findings of the examiner
1088 shall be rendered to the appellant in writing, with a copy to the director.

1089 B. For-hire transportation appeals under K.C.C. chapter 6.64 and ~~((adult beverage~~
1090 ~~businesses))~~ winery, brewery, distillery land use business license appeals under K.C.C.
1091 chapter 6.74 shall be filed in accordance with K.C.C. 20.22.080 and the hearing process
1092 conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this
1093 section do not apply to this subsection B.

1094 C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and
1095 order or any action of the director by filing at the office of the director within seven days
1096 from the date of service of such order, a written appeal containing;

1097 1. A heading in the words: "Before the Office of the Hearing Examiner";

1098 2. A caption reading: "Appeal of" giving the names of all appellants
1099 participating in the appeal;

1100 3. A brief statement setting forth the legal interest of each of the appellants in the
1101 business or entertainment involved in the notice and order;

1102 4. A brief statement in concise language of the specific order or action protested,
1103 together with any material facts claimed to support the contentions of the appellant;

1104 5. A brief statement in concise language of the relief sought, and the reasons why
1105 it is claimed the protested order or action should be reversed, modified or otherwise set
1106 aside;

1107 6. The signatures of all parties named as appellants, and their official mailing
1108 addresses; and

1109 7. The verification (by declaration under penalty of perjury) of at least one
1110 appellant as to the truth of the matters stated in the appeal.

1111 D. As soon as practicable after receiving the written appeal, the examiner shall fix
1112 a date, time and place for the hearing of the appeal. The date shall be neither less than ten
1113 days nor more than sixty days from the date the appeal was filed with the director. Written
1114 notice of the time and place of the hearing shall be given at least ten days before the date of
1115 the hearing to each appellant by the examiner either by causing a copy of the notice to be
1116 delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
1117 addressed to the appellant at the appellant's address shown on the appeal.

1118 E. At the hearing the appellant shall be entitled to appear in person and be
1119 represented by counsel and offer such evidence as is pertinent and material to the action of
1120 the director.

1121 F. Only those matters or issues specifically raised by the appellant in the written
1122 notice of appeal shall be considered in the hearing of the appeal.

1123 G. Failure of any person to file an appeal in accordance with this section shall
1124 constitute a waiver of the person's right to an administrative hearing and adjudication of the
1125 notice and order, or any portion thereof.

1126 H. Enforcement of any notice and order of the director shall be stayed during the
1127 pendency of an appeal therefrom that is properly and timely filed.

1128 SECTION 17. Ordinance 19030, Section 13, and K.C.C. 21A.06.996 are hereby
1129 amended to read as follows:

1130 Remote tasting room: A small facility licensed by the Washington state Liquor
1131 and Cannabis Board and limited to the following non-retail liquor licenses: an off-site
1132 tasting room license for a distillery licensed as a Distillery or Craft Distillery; a Tasting
1133 Room - Additional Location for a winery licensed as a Domestic Winery; or a
1134 Microbrewery, including, but not limited to, a Microbrewery operating in accordance
1135 with an off-site tavern license subject to the retail sale limitations for a Microbrewery in
1136 WAC 314-20-015(1). "Remote tasting room" does not include any additional privileges
1137 allowed for such licenses or approvals or any use that would require a license under
1138 chapter 314-02 WAC, except as specifically set forth in this chapter.

1139 SECTION 18. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427 are hereby
1140 amended to read as follows:

1141 Winery, brewery, distillery facility I: A very small-scale production facility
1142 licensed by the ~~((state of))~~ Washington state Liquor and Cannabis Board to produce
1143 ~~((adult beverages such as))~~ alcoholic beverages including, but not limited to, wine, cider,

1144 beer and distilled spirits, ~~((and that includes an adult beverage production use such as))~~
1145 through stages of production including, but not limited to, crushing or milling, pressing,
1146 fermentation, distilling, filtration, barrel or tank aging, ~~((and)) finishing, and bottling or~~
1147 packaging. A winery, brewery, distillery facility I may include additional production-
1148 related uses such as vineyards, orchards, wine cellars or similar product-storage areas ~~((as~~
1149 ~~authorized by state law))~~. On-site tasting of products or retail sales are not allowed.
1150 "Winery, brewery, distillery facility I" does not include any additional privileges or uses
1151 that would require a retail liquor license((s)) that would be authorized by chapter 314-02
1152 WAC.

1153 SECTION 19. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B are hereby
1154 amended to read as follows:

1155 Winery, brewery, distillery facility II: A small-scale production facility licensed
1156 by the ~~((state of))~~ Washington state Liquor and Cannabis Board to produce ~~((adult~~
1157 ~~beverages such as))~~ alcoholic beverages including, but not limited to, wine, cider, beer
1158 and distilled spirits ~~((and that includes an adult beverage production use such as))~~ through
1159 stages of production including, but not limited to, crushing or milling, pressing,
1160 fermentation, distilling, filtration, barrel or tank aging, ~~((and)) finishing, and bottling or~~
1161 packaging. A winery, brewery, distillery facility II may include additional production-
1162 related uses such as vineyards, orchards, wine cellars or similar product-storage areas ~~((as~~
1163 ~~authorized by state law, on-site tasting of products and sales as authorized by state law~~
1164 ~~and sales of merchandise related to products available for tasting as authorized by state~~
1165 ~~law))~~. "Winery, brewery, distillery facility II" does not include any additional privileges

1166 or uses that would require a retail liquor license((s)) that would be authorized by chapter
 1167 314-02 WAC.

1168 SECTION 20. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C are hereby
 1169 amended to read as follows:

1170 Winery, brewery, distillery facility III: A production facility licensed by the
 1171 ~~((state of))~~ Washington state Liquor and Cannabis Board to produce ~~((adult beverages~~
 1172 ~~such as))~~ alcoholic beverages including, but not limited to, wine, cider, beer and distilled
 1173 spirits ~~((and that includes an adult beverage production use such as))~~ through stages of
 1174 production including, but not limited to, crushing or milling, pressing, fermentation,
 1175 distilling, filtration, barrel or tank aging, ~~((and))~~ finishing, and bottling or packaging. A
 1176 winery, brewery, distillery facility III may include additional production-related uses
 1177 such as vineyards, orchards, wine cellars or similar product-storage areas ~~((as authorized~~
 1178 ~~by state law, on-site tasting of products and sales as authorized by state law and sales of~~
 1179 ~~merchandise related to products available as authorized by state law)).~~ "Winery,
 1180 brewery, distillery facility III" does not include any additional privileges or uses that
 1181 would require a retail liquor license((s)) that would be authorized by chapter 314-02
 1182 WAC.

1183 SECTION 21. Ordinance 10870, Section 334, as amended, and K.C.C.
 1184 21A.08.070 are hereby amended to read as follows:

1185 A. Retail land uses.

P-Permitted Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use													
S-Special Use													
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)

*	Building Materials and Hardware Stores		P23					P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1			P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4					P		
*	Department and Variety Stores					C14a	P14	P5	P	P		
54	Food Stores					C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)						P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers									P8		P
553	Auto Supply Stores								P9	P9		P
554	Gasoline Service Stations							P	P	P		P
56	Apparel and Accessory Stores								P	P		
*	Furniture and Home								P	P		

	Furnishings Stores												
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				(P13)					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P

*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

1186 B. Development conditions.

1187 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
1188 thousand square feet, unless located in a building designated as historic resource under
1189 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
1190 thousand five hundred square feet may be allowed. Greenhouses used for the display of
1191 merchandise other than plants shall be considered part of the covered sales area.
1192 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
1193 considered part of the covered sales area;

- 1194 b. The site area shall be at least four and one-half acres;
- 1195 c. Sales may include locally made arts and crafts; and
- 1196 d. Outside lighting is permitted if no off-site glare is allowed.

1197 2. Only hardware stores.

1198 3.a. Limited to products grown on site.

1199 b. Covered sales areas shall not exceed a total area of five hundred square feet.

1200 4. No permanent structures or signs.

1201 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
1202 maximum of two thousand square feet of gross floor area.

- 1203 6. Limited to a maximum of five thousand square feet of gross floor area.
- 1204 7.a. Off-street parking is limited to a maximum of one space per fifty square
- 1205 feet of tasting and retail areas; and
- 1206 b. The business operator shall obtain a winery, brewery, distillery land use
- 1207 business license in accordance with K.C.C. chapter 6.74.
- 1208 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 1209 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 1210 10. Excluding SIC Industry No. 5813-Drinking Places.
- 1211 11. No outside storage of fuel trucks and equipment.
- 1212 12. Excluding vehicle and livestock auctions.
- 1213 13. ~~((Permitted as part of the demonstration project authorized by K.C.C.~~
- 1214 ~~21A.55.110))~~ Repealed.
- 1215 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
- 1216 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 1217 21A.12.230; and
- 1218 b. Before filing an application with the department, the applicant shall hold a
- 1219 community meeting in accordance with K.C.C. 20.20.035.
- 1220 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
- 1221 feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 1222 b. Before filing an application with the department, the applicant shall hold a
- 1223 community meeting in accordance with K.C.C. 20.20.035.

1224 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
1225 Places, and limited to a maximum of five thousand square feet of gross floor area and
1226 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1227 b. Before filing an application with the department, the applicant shall hold a
1228 community meeting in accordance with K.C.C. 20.20.035.

1229 17. Repealed.

1230 18. Repealed.

1231 19. Only as:

1232 a. an accessory use to a permitted manufacturing or retail land use, limited to
1233 espresso stands to include sales of beverages and incidental food items, and not to include
1234 drive-through sales; or

1235 b. an accessory use to a recreation or multiuse park, limited to a total floor area
1236 of three thousand five hundred square feet.

1237 20. Only as:

1238 a. an accessory use to a recreation or multiuse park; or

1239 b. an accessory use to a park and limited to a total floor area of one thousand
1240 five hundred square feet.

1241 21. Accessory to a park, limited to a total floor area of seven hundred fifty
1242 square feet.

1243 22. Only as an accessory use to:

1244 a. a large active recreation and multiuse park in the urban growth area; or

1245 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
1246 total floor area of seven hundred and fifty square feet.

1247 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
1248 Industry No. 2431-Millwork and;
1249 a. limited to lumber milled on site; and
1250 b. the covered sales area is limited to two thousand square feet. The covered
1251 sales area does not include covered areas used to display only milled lumber.

1252 24. Requires at least five farmers selling their own products at each market and
1253 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
1254 vendors.

1255 25. Limited to sites located within the urban growth area and:
1256 a. The sales area shall be limited to three hundred square feet and must be
1257 removed each evening;
1258 b. There must be legal parking that is easily available for customers; and
1259 c. The site must be in an area that is easily accessible to the public, will
1260 accommodate multiple shoppers at one time and does not infringe on neighboring
1261 properties.

1262 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
1263 of gross floor area devoted to, and in support of, the retail sale of marijuana.

1264 b. Notwithstanding subsection B.26.a. of this section, the maximum
1265 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
1266 may be increased to up to three thousand square feet if the retail outlet devotes at least
1267 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
1268 the operator maintains a current medical marijuana endorsement issued by the
1269 Washington state Liquor and Cannabis Board.

1270 c. Any lot line of a lot having any area devoted to retail marijuana activity
1271 must be one thousand feet or more from any lot line of any other lot having any area
1272 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
1273 retail marijuana activity may not be within one thousand feet of any lot line of any lot
1274 having any area devoted to existing retail marijuana activity.

1275 d. Whether a new retail marijuana activity complies with this locational
1276 requirement shall be determined based on the date a conditional use permit application
1277 submitted to the department of local services, permitting division, became or was deemed
1278 complete, and:

1279 (1) if a complete conditional use permit application for the proposed retail
1280 marijuana use was not submitted, or if more than one conditional use permit application
1281 became or was deemed complete on the same date, then the director shall determine
1282 compliance based on the date the Washington state Liquor and Cannabis Board issues a
1283 Notice of Marijuana Application to King County;

1284 (2) if the Washington state Liquor and Cannabis Board issues more than one
1285 Notice of Marijuana Application on the same date, then the director shall determine
1286 compliance based on the date either any complete building permit or change of use
1287 permit application, or both, were submitted to the department declaring retail marijuana
1288 activity as an intended use;

1289 (3) if more than one building permit or change of use permit application was
1290 submitted on the same date, or if no building permit or change of use permit application
1291 was submitted, then the director shall determine compliance based on the date a complete
1292 business license application was submitted; and

1293 (4) if a business license application was not submitted or more than one
1294 business license application was submitted, then the director shall determine compliance
1295 based on the totality of the circumstances, including, but not limited to, the date that a
1296 retail marijuana license application was submitted to the Washington state Liquor and
1297 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
1298 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
1299 illustrating the timing of substantial investment in establishing a licensed retail marijuana
1300 use at the proposed location.

1301 e. Retail marijuana businesses licensed by the Washington state Liquor and
1302 Cannabis Board and operating within one thousand feet of each other as of August 14,
1303 2016, and retail marijuana businesses that do not require a permit issued by King County,
1304 that received a Washington state Liquor and Cannabis Board license to operate in a
1305 location within one thousand feet of another licensed retail marijuana business prior to
1306 August 14, 2016, and that King County did not object to within the Washington state
1307 Liquor and Cannabis Board marijuana license application process, shall be considered
1308 nonconforming and may remain in their current location, subject to the provisions of
1309 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

1310 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
1311 and

1312 (2) the gross floor area of a nonconforming retail outlet may be increased up to
1313 the limitations in subsection B.26.a. and B.26.b. of this section.

1314 27. Per lot, limited to a maximum aggregated total of five thousand square feet
1315 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

1316 a. Any lot line of a lot having any area devoted to retail marijuana activity must
1317 be one thousand feet or more from any lot line of any other lot having any area devoted to
1318 retail marijuana activity; and any lot line of a lot having any area devoted to new retail
1319 marijuana activity may not be within one thousand feet of any lot line of any lot having any
1320 area devoted to existing retail marijuana activity; and

1321 b. Whether a new retail marijuana activity complies with this locational
1322 requirement shall be determined based on the date a conditional use permit application
1323 submitted to the department of local services, permitting division, became or was deemed
1324 complete, and:

1325 (1) if a complete conditional use permit application for the proposed retail
1326 marijuana use was not submitted, or if more than one conditional use permit application
1327 became or was deemed complete on the same date, then the director shall determine
1328 compliance based on the date the Washington state Liquor and Cannabis Board issues a
1329 Notice of Marijuana Application to King County;

1330 (2) if the Washington state Liquor and Cannabis Board issues more than one
1331 Notice of Marijuana Application on the same date, then the director shall determine
1332 compliance based on the date either any complete building permit or change of use permit
1333 application, or both, were submitted to the department declaring retail marijuana activity as
1334 an intended use;

1335 (3) if more than one building permit or change of use permit application was
1336 submitted on the same date, or if no building permit or change of use permit application
1337 was submitted, then the director shall determine compliance based on the date a complete
1338 business license application was submitted; and

1339 (4) if a business license application was not submitted or more than one
1340 business license application was submitted, then the director shall determine compliance
1341 based on the totality of the circumstances, including, but not limited to, the date that a retail
1342 marijuana license application was submitted to the Washington state Liquor and Cannabis
1343 Board identifying the lot at issue, the date that the applicant entered into a lease or
1344 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
1345 illustrating the timing of substantial investment in establishing a licensed retail marijuana
1346 use at the proposed location; and

1347 c. Retail marijuana businesses licensed by the Washington state Liquor and
1348 Cannabis Board and operating within one thousand feet of each other as of August 14,
1349 2016, and retail marijuana businesses that do not require a permit issued by King County,
1350 that received a Washington state Liquor and Cannabis Board license to operate in a
1351 location within one thousand feet of another licensed retail marijuana business prior to
1352 August 14, 2016, and that King County did not object to within the Washington state
1353 Liquor and Cannabis Board marijuana license application process, shall be considered
1354 nonconforming and may remain in their current location, subject to the provisions of
1355 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

1356 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
1357 and

1358 (2) the gross floor area of a nonconforming retail outlet may be increased up to
1359 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

1360 28. If the agricultural product sales or livestock sales is associated with
1361 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1362 29. Businesses selling firearms that have a storefront, have hours during which it
 1363 is open for business, and post advertisements or signs observable to passersby that firearms
 1364 are available for sale shall be located at least five hundred feet or more from any
 1365 elementary, middle/junior high and secondary or high school properties. Businesses selling
 1366 firearms in existence before June 30, 2020, shall be considered nonconforming and may
 1367 remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through
 1368 21A.32.075 for nonconforming uses.

1369 SECTION 22. Ordinance 10870, Section 335, as amended, and K.C.C.
 1370 21A.08.080 are hereby amended to read as follows:

1371 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	Winery/Brewery /Distillery Facility I				P ((32)) <u>3</u> C <u>3</u>								
*	Winery/Brewery /Distillery Facility II	((P3))			P3 C ((30)) <u>3</u>				P ((47)) <u>3</u>	P ((47)) <u>3</u>	((P29))		((P34))
	Winery/Brewery /Distillery Facility III	((C12))			C ((42)) <u>3</u>				C ((29)) <u>3</u>	C ((29)) <u>3</u>	((C29)) <u>P3</u>		((C34)) <u>P3</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C

23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7C	P7C		P
*	Marijuana Processor I	P20			P27				P21 C22	P21 C22			
*	Marijuana Processor II								P23 C24	P23 C24			P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351- 55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P

36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781- 82	Movie Production/Distribution										P		P

1372 B. Development conditions.

1373 1. Repealed.

1374 2. Except slaughterhouses.

1375 3. ~~(a. In the A zone, only allowed on sites where the primary use is SIC Industry~~

1376 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~

1377 ~~Animals;~~

1378 ~~b. Only allowed on lots of at least two and one half acres, except that this~~

1379 ~~requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery~~

1380 ~~business locations in use and licensed to produce by the Washington state Liquor and~~

1381 ~~Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a~~

1382 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots
1383 of at least two acres;

1384 ~~c. The aggregated floor area of structures and areas for winery, brewery,~~
1385 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
1386 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
1387 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
1388 ~~winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the~~
1389 ~~RA zone and five thousand square feet in the A zone. Decks that are not occupied and~~
1390 ~~not open to the public are excluded from the calculation for maximum aggregated floor~~
1391 ~~area;~~

1392 ~~d. Structures and parking areas for winery, brewery, distillery facility uses~~
1393 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
1394 ~~adjoining rural area and residential zones, unless located in a building designated as~~
1395 ~~historic resource under K.C.C. chapter 20.62, except that on Vashon Maury Island this~~
1396 ~~setback requirement shall not apply to structures and parking areas in use on December 4,~~
1397 ~~2019, by existing winery, brewery or distillery business locations licensed to produce by~~
1398 ~~the Washington state Liquor and Cannabis Board before January 1, 2019;~~

1399 ~~e. In the A zone, sixty percent or more of the products processed must be~~
1400 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~
1401 ~~applicant shall submit a projection of the source of products to be produced;~~

1402 ~~f. At least two stages of production of wine, beer, cider or distilled spirits, such~~
1403 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
1404 ~~Washington state Liquor and Cannabis Board production license, shall occur on site. At~~

1405 ~~least one of the stages of production occurring on site shall include crushing, fermenting~~
1406 ~~or distilling;~~

1407 ~~g. In the A zone, structures and area for non agricultural winery, brewery,~~
1408 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
1409 ~~for agricultural purposes, such as areas within the already developed portion of such~~
1410 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
1411 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
1412 ~~a nonagricultural accessory use;~~

1413 ~~h. Tasting and retail sales of products produced on site may occur only as~~
1414 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
1415 ~~in accordance with state law. The area devoted to on site tasting or retail sales shall be~~
1416 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
1417 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~
1418 ~~on tasting and retail sales of products produced on site shall not apply on Vashon Maury~~
1419 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~
1420 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~
1421 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~
1422 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~
1423 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~
1424 ~~operation for on site tasting of products shall be limited as follows: Mondays, Tuesdays,~~
1425 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~
1426 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~
1427 ~~11:00 a.m. through 9:00 p.m.;~~

1428 i. ~~Access to the site shall be directly to and from an arterial roadway, except~~
1429 ~~that this requirement shall not apply on Vashon Maury Island to winery, brewery,~~
1430 ~~distillery facility business locations in use and licensed to produce by the Washington~~
1431 ~~state Liquor and Cannabis Board before January 1, 2019;~~

1432 j. ~~Off street parking is limited to a maximum of one hundred fifty percent of~~
1433 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

1434 k. ~~The business operator shall obtain an adult beverage business license in~~
1435 ~~accordance with K.C.C. chapter 6.74;~~

1436 l. ~~Events may be allowed with an approved temporary use permit under K.C.C.~~
1437 ~~chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and~~

1438 m. ~~The impervious surface associated with the winery, brewery, distillery~~
1439 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
1440 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
1441 ~~whichever is less)) Winery, brewery, distillery facility I, II, and III uses shall comply with~~
1442 ~~the standards in K.C.C. chapter 21A.xx (the new chapter created by section 2 of this~~
1443 ~~ordinance).~~

1444 4. Limited to rough milling and planing of products grown on-site with portable
1445 equipment.

1446 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
1447 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
1448 minimum site area is four and one-half acres.

1449 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
1450 No. 2431-Millwork, (excluding planing mills).

- 1451 7. Limited to photocopying and printing services offered to the general public.
- 1452 8. Only within enclosed buildings, and as an accessory use to retail sales.
- 1453 9. Only within enclosed buildings.
- 1454 10. Limited to boat building of craft not exceeding forty-eight feet in length.
- 1455 11. For I-zoned sites located outside the urban growth area designated by the
- 1456 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
- 1457 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
- 1458 rural industrial uses as set forth in K.C.C. chapter 21A.12.
- 1459 12. ~~((a. In the A zone, only allowed on sites where the primary use is SIC~~
- 1460 ~~Industry Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and~~
- 1461 ~~Small Animals;~~
- 1462 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~
- 1463 ~~distillery facility uses shall not exceed a total of eight thousand square feet. Decks that~~
- 1464 ~~are not occupied and not open to the public are excluded from the calculation for~~
- 1465 ~~maximum aggregated floor area;~~
- 1466 ~~c. Only allowed on lots of at least four and one half acres. If the aggregated~~
- 1467 ~~floor area of structures for winery, brewery, distillery uses exceeds six thousand square~~
- 1468 ~~feet, the minimum site area shall be ten acres;~~
- 1469 ~~d. Wineries, breweries and distilleries shall comply with Washington state~~
- 1470 ~~Department of Ecology and King County board of health regulations for water usage and~~
- 1471 ~~wastewater disposal, and must connect to an existing Group A water system. The~~
- 1472 ~~definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and~~
- 1473 ~~provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

1474 e. ~~Structures and parking areas for winery, brewery distillery facility uses shall~~
1475 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~
1476 ~~rural area and residential zones, unless located in a building designated as historic~~
1477 ~~resource under K.C.C. chapter 20.62;~~

1478 f. ~~In the A Zone, sixty percent or more of the products processed must be~~
1479 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~
1480 ~~applicant shall submit a projection of the source of products to be processed;~~

1481 g. ~~At least two stages of production of wine, beer, cider or distilled spirits,~~
1482 ~~such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized~~
1483 ~~by the Washington state Liquor and Cannabis Board production license, shall occur on-~~
1484 ~~site. At least one of the stages of on-site production shall include crushing, fermenting or~~
1485 ~~distilling;~~

1486 h. ~~In the A zone, structures and areas for non agricultural winery, brewery,~~
1487 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
1488 ~~for agricultural purposes, such as areas within the already developed portion of such~~
1489 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
1490 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
1491 ~~a nonagricultural accessory use;~~

1492 i. ~~Tasting and retail sales of products produced on site may occur only as~~
1493 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
1494 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
1495 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
1496 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~

1497 ~~on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury~~
1498 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~
1499 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~
1500 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~
1501 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~
1502 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~
1503 ~~operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,~~
1504 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~
1505 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~
1506 ~~11:00 a.m. through 9:00 p.m.;~~

1507 ~~j. Access to the site shall be directly to and from an arterial roadway;~~

1508 ~~k. Off-street parking maximums shall be determined through the conditional~~
1509 ~~use permit process, and should not be more than one hundred fifty percent of the~~
1510 ~~minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

1511 ~~l. The business operator shall obtain an adult beverage business license in~~
1512 ~~accordance with K.C.C. chapter 6.74;~~

1513 ~~m. Events may be allowed with an approved temporary use permit under~~
1514 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
1515 ~~and~~

1516 ~~n. The impervious surface associated with the winery, brewery, distillery~~
1517 ~~facility use shall not exceed twenty-five percent of the site, or the maximum impervious~~
1518 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
1519 ~~whichever is less)) Repealed.~~

1520 13. Only on the same lot or same group of lots under common ownership or
1521 documented legal control, which includes, but is not limited to, fee simple ownership, a
1522 long-term lease or an easement:

1523 a. as accessory to a primary forestry use and at a scale appropriate to process
1524 the organic waste generated on the site; or

1525 b. as a continuation of a sawmill or lumber manufacturing use only for that
1526 period to complete delivery of products or projects under contract at the end of the
1527 sawmill or lumber manufacturing activity.

1528 14. Only on the same lot or same group of lots under common ownership or
1529 documented legal control, which includes, but is not limited to, fee simple ownership, a
1530 long-term lease or an easement:

1531 a. as accessory to a primary mineral use; or

1532 b. as a continuation of a mineral processing use only for that period to
1533 complete delivery of products or projects under contract at the end of mineral extraction.

1534 15. Continuation of a materials processing facility after reclamation in
1535 accordance with an approved reclamation plan.

1536 16. Only a site that is ten acres or greater and that does not use local access
1537 streets that abut lots developed for residential use.

1538 17. ~~((a. The aggregated floor area of structures and areas for winery, brewery,~~
1539 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
1540 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
1541 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
1542 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~

1543 ~~that are not occupied and not open to the public are excluded from the calculation for~~
1544 ~~maximum aggregated floor area;~~

1545 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
1546 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
1547 ~~adjoining rural area and residential zones, unless located in a building designated as~~
1548 ~~historic resource under K.C.C. chapter 20.62;~~

1549 ~~e. Tasting and retail sale of products produced on-site, and merchandise related~~
1550 ~~to the products produced on-site, may be provided in accordance with state law. The area~~
1551 ~~devoted to on-site tasting or retail sales shall be included in the aggregated floor area~~
1552 ~~limitation in subsection B.17.a. of this section;~~

1553 ~~d. Off street parking for the tasting and retail areas shall be limited to a~~
1554 ~~maximum of one space per fifty square feet of tasting and retail areas;~~

1555 ~~e. The business operator shall obtain an adult beverage business license in~~
1556 ~~accordance with K.C.C. chapter 6.74; and~~

1557 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~
1558 ~~chapter 21A.32)) Repealed.~~

1559 18. Limited to:

1560 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
1561 Millwork, as follows:

1562 (1) If using lumber or timber grown off-site, the minimum site area is four
1563 and one-half acres;

1564 (2) The facility shall be limited to an annual production of no more than one
1565 hundred fifty thousand board feet;

1566 (3) Structures housing equipment used in the operation shall be located at
1567 least one-hundred feet from adjacent properties with residential or rural area zoning;

1568 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1569 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1570 (5) In the RA zone, the facility's driveway shall have adequate entering sight
1571 distance required by the 2007 King County Road Design and Construction Standards. An
1572 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1573 the roadway that the driveway accesses; and

1574 (6) Outside lighting is limited to avoid off-site glare; and

1575 b. SIC Industry No. 2411-Logging.

1576 19. Limited to manufacture of custom made wood furniture or cabinets.

1577 20.a. Only allowed on lots of at least four and one-half acres;

1578 b. Only as an accessory use to a Washington state Liquor Control Board
1579 licensed marijuana production facility on the same lot;

1580 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1581 d. Only with documentation that the operator has applied for a Puget Sound
1582 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1583 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1584 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1585 are imported onto the site; and

1586 e. Accessory marijuana processing uses allowed under this section are subject
1587 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1588 21.a. Only in the CB and RB zones located outside the urban growth area;

1589 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1590 c. Only with documentation that the operator has applied for a Puget Sound
1591 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1592 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1593 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1594 are imported onto the site;

1595 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1596 support of, processing marijuana together with any separately authorized production of
1597 marijuana shall be limited to a maximum of two thousand square feet; and

1598 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1599 every marijuana-related entity occupying space in addition to the two-thousand-square-
1600 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1601 subsection B.22. of this section.

1602 22.a. Only in the CB and RB zones located outside the urban growth area;

1603 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
1604 support of, processing marijuana together with any separately authorized production of
1605 marijuana shall be limited to a maximum of thirty thousand square feet;

1606 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

1607 d. Only with documentation that the operator has applied for a Puget Sound
1608 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1609 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1610 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1611 are imported onto the site.

1612 23.a. Only in the CB and RB zones located inside the urban growth area;
1613 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
1614 c. Only with documentation that the operator has applied for a Puget Sound
1615 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1616 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1617 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1618 are imported onto the site;
1619 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1620 support of, processing marijuana together with any separately authorized production of
1621 marijuana shall be limited to a maximum of two thousand square feet; and
1622 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1623 every marijuana-related entity occupying space in addition to the two-thousand-square-
1624 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1625 subsection B.24. of this section.

1626 24.a. Only in the CB and RB zones located inside the urban growth area;
1627 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
1628 c. Only with documentation that the operator has applied for a Puget Sound
1629 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1630 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1631 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1632 are imported onto the site; and
1633 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1634 support of, processing marijuana together with any separately authorized production of

1635 marijuana shall be limited to a maximum of thirty thousand square feet.

1636 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1637 b. Only with documentation that the operator has applied for a Puget Sound

1638 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1639 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1640 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1641 are imported onto the site; and

1642 c. Per lot, limited to a maximum aggregate total of two thousand square feet of

1643 gross floor area devoted to, and in support of, the processing of marijuana together with

1644 any separately authorized production of marijuana.

1645 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1646 b. Only with documentation that the operator has applied for a Puget Sound

1647 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1648 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1649 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1650 are imported onto the site; and

1651 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of

1652 gross floor area devoted to, and in support of, the processing of marijuana together with

1653 any separately authorized production of marijuana.

1654 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury

1655 Island, that do not require a conditional use permit issued by King County, that receive a

1656 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,

1657 and that King County did not object to within the Washington state Liquor and Cannabis

1658 Board marijuana license application process, shall be considered nonconforming as to
1659 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
1660 21A.32.075 for nonconforming uses;

1661 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

1662 c. Only with documentation that the operator has applied for a Puget Sound
1663 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1664 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1665 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1666 are imported onto the site;

1667 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
1668 Island;

1669 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1670 except on Vashon-Maury Island;

1671 f. Only as an accessory use to a Washington state Liquor Cannabis Board
1672 licensed marijuana production facility on the same lot; and

1673 g. Accessory marijuana processing uses allowed under this section are subject to
1674 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1675 28. If the food and kindred products manufacturing or processing is associated
1676 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1677 ~~((29.a. Tasting and retail sales of products produced on-site, and merchandise
1678 related to the products produced on-site, may be provided in accordance with state law;~~

1679 ~~b. Structures and parking areas for winery, brewery, distillery facility uses
1680 shall maintain a minimum distance of seventy-five feet from interior property lines~~

1681 adjoining rural area and residential zones, unless located in a building designated as
1682 historic resource under K.C.C. chapter 20.62;

1683 ~~c. For winery, brewery, distillery facility uses that do not require a conditional~~
1684 ~~use permit, off-street parking for the tasting and retail areas shall be limited to a~~
1685 ~~maximum of one space per fifty square feet of tasting and retail areas. For winery,~~
1686 ~~brewery, distillery facility uses that do require a conditional use permit, off-street parking~~
1687 ~~maximums shall be determined through the conditional use permit process, and off-street~~
1688 ~~parking for the tasting and retail areas should be limited to a maximum of one space per~~
1689 ~~fifty square feet of tasting and retail areas;~~

1690 ~~d. The business operator shall obtain an adult beverage business license in~~
1691 ~~accordance with K.C.C. chapter 6.74; and~~

1692 ~~e. Events may be allowed with an approved temporary use permit under~~
1693 ~~K.C.C. chapter 21A.32.~~

1694 ~~30.a. Only allowed on lots of at least two and one-half acres;~~

1695 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~
1696 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
1697 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
1698 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
1699 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~
1700 ~~that are not occupied and not open to the public are excluded from the calculation for~~
1701 ~~maximum aggregated floor area;~~

1702 ~~c. Structures and parking areas for winery, brewery, distillery facility uses~~
1703 ~~shall maintain a minimum distance of seventy-five feet from interior property lines~~

1704 adjoining rural area and residential zones, unless located in a building designated as
1705 historic resource under K.C.C. chapter 20.62;

1706 d. ~~Tasting and retail sales of products produced on site may occur only as~~
1707 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
1708 ~~in accordance with state law. The area devoted to on site tasting or retail sales shall be~~
1709 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
1710 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~
1711 ~~on tasting and retail sales of products produced on site shall not apply on Vashon Maury~~
1712 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~
1713 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~
1714 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~
1715 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~
1716 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~
1717 ~~operation for on site tasting of products shall be limited as follows: Mondays, Tuesdays,~~
1718 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~
1719 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~
1720 ~~11:00 a.m. through 9:00 p.m.;~~

1721 e. ~~Access to the site shall be directly to and from a public roadway;~~

1722 f. ~~Off street parking is limited to a maximum of one hundred fifty percent of~~
1723 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

1724 g. ~~The business operator shall obtain an adult beverage business license in~~
1725 ~~accordance with K.C.C. chapter 6.74;~~

1726 h. ~~Events may be allowed with an approved temporary use permit under~~

1727 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
1728 ~~i. At least two stages of production of wine, beer, cider or distilled spirits, such~~
1729 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
1730 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
1731 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~
1732 ~~or distilling; and~~
1733 ~~j. The impervious surface associated with the winery, brewery, distillery~~
1734 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
1735 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
1736 ~~whichever is less.~~
1737 ~~31.a. Limited to businesses with non-retail brewery and distillery production~~
1738 ~~licenses from the Washington state Liquor and Cannabis board. Wineries and remote~~
1739 ~~tasting rooms for wineries shall not be allowed;~~
1740 ~~b. Tasting and retail sale of products produced on-site and merchandise related~~
1741 ~~to the products produced on-site may be provided in accordance with state law. The area~~
1742 ~~devoted to on-site tasting or retail sales shall not exceed one thousand five hundred~~
1743 ~~square feet;~~
1744 ~~c. Structures and parking areas for brewery and distillery facility uses shall~~
1745 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~
1746 ~~rural area and residential zones, unless located in a building designated as historic~~
1747 ~~resource under K.C.C. chapter 20.62;~~
1748 ~~d. For brewery and distillery facility uses that do not require a conditional use~~
1749 ~~permit, off-street parking for the tasting and retail areas shall be limited to a maximum of~~

1750 ~~one space per fifty square feet of tasting and retail areas. For brewery and distillery~~
1751 ~~facility uses that do require a conditional use permit, off-street parking maximums shall~~
1752 ~~be determined through the conditional use permit process, and off-street parking for the~~
1753 ~~tasting and retail areas should be limited to a maximum of one space per fifty square feet~~
1754 ~~of tasting and retail areas;~~

1755 ~~e. The business operator shall obtain an adult beverage business license in~~
1756 ~~accordance with K.C.C. chapter 6.74; and~~

1757 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~
1758 ~~chapter 21A.32.~~

1759 ~~32.a. The aggregated floor area of structures and areas for winery, brewery,~~
1760 ~~distillery facility uses shall not exceed one thousand five hundred square feet;~~

1761 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
1762 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
1763 ~~adjoining rural area and residential zones, unless located in a building designated as~~
1764 ~~historic resource under K.C.C. chapter 20.62;~~

1765 ~~e. One on-site parking stall shall be allowed for the winery, brewery, distillery~~
1766 ~~facility I use;~~

1767 ~~d. The business operator shall obtain an adult beverage business license in~~
1768 ~~accordance with K.C.C. chapter 6.74;~~

1769 ~~e. At least two stages of production of wine, beer, cider or distilled spirits, such~~
1770 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
1771 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
1772 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~

1773 ~~or distilling;~~
 1774 ~~f. No product tasting or retail sales shall be allowed on-site;~~
 1775 ~~g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and~~
 1776 ~~h. The impervious surface associated with the winery, brewery, distillery~~
 1777 ~~facility use shall not exceed twenty five percent of the site or the maximum impervious~~
 1778 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
 1779 ~~whichever is less.))~~

1780 SECTION 23. Ordinance 10870, Section 407, as amended, and K.C.C.

1781 21A.18.030 are hereby amended to read as follows:

1782 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
 1783 areas shall contain at a minimum the number of parking spaces as stipulated in the
 1784 following table. Off-street parking ratios expressed as number of spaces per square feet
 1785 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
 1786 public areas include but are not limited to building maintenance areas, storage areas,
 1787 closets or restrooms. If the formula for determining the number of off-street parking
 1788 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 1789 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 1790 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	

Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)

Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed

Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas

Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	

Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility ((H and HH))	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

1791 B. An applicant may request a modification of the minimum required number of

1792 parking spaces by providing that parking demand can be met with a reduced parking

1793 requirement. In such cases, the director may approve a reduction of up to fifty percent of
1794 the minimum required number of spaces.

1795 C. When the county has received a shell building permit application, off-street
1796 parking requirements shall be based on the possible tenant improvements or uses
1797 authorized by the zoning classification and compatible with the limitations of the shell
1798 permit. When the range of possible uses result in different parking requirements, the
1799 director will establish the amount of parking based on a likely range of uses.

1800 D. Where other provisions of this code stipulate maximum parking allowed or
1801 reduced minimum parking requirements, those provisions shall apply.

1802 E. In any development required to provide six or more parking spaces, bicycle
1803 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
1804 facilities unless otherwise specified.

1805 1. Off-street parking areas shall contain at least one bicycle parking space for
1806 every twelve spaces required for motor vehicles except as follows:

1807 a. The director may reduce bike rack parking facilities for patrons when it is
1808 demonstrated that bicycle activity will not occur at that location.

1809 b. The director may require additional spaces when it is determined that the
1810 use or its location will generate a high volume of bicycle activity. Such a determination
1811 will include but not be limited to the following uses:

1812 (1) Park/playfield,

1813 (2) Marina,

1814 (3) Library/museum/arboretum,

1815 (4) Elementary/secondary school,

1816 (5) Sports club, or

1817 (6) Retail business (when located along a developed bicycle trail or

1818 designated bicycle route).

1819 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1820 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
1821 structure attached to the pavement.

1822 3. All bicycle parking and storage shall be located in safe, visible areas that do
1823 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1824 4. When more than ten people are employed on site, enclosed locker-type
1825 parking facilities for employees shall be provided. The director shall allocate the
1826 required number of parking spaces between bike rack parking and enclosed locker-type
1827 parking facilities.

1828 5. One indoor bicycle storage space shall be provided for every two dwelling
1829 units in townhouse and apartment residential uses, unless individual garages are provided
1830 for every unit. The director may reduce the number of bike rack parking spaces if indoor
1831 storage facilities are available to all residents.

1832 SECTION 24. Ordinance 10870, Section 536, as amended, and K.C.C.

1833 21A.30.080 are hereby amended to read as follows:

1834 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
1835 or more home occupations as accessory activities, only if:

1836 A. The total floor area of the dwelling unit devoted to all home occupations shall
1837 not exceed twenty percent of the floor area of the dwelling unit.

1838 B. Areas within garages and storage buildings shall not be considered part of the
1839 dwelling unit and may be used for activities associated with the home occupation;

1840 C. All the activities of the home occupation or occupations shall be conducted
1841 indoors, except for those related to growing or storing of plants used by the home
1842 occupation or occupations;

1843 D. A home occupation or occupations is not limited in the number of employees
1844 that remain off-site. No more than one nonresident employee shall be permitted to work
1845 on-site for the home occupation or occupations;

1846 E. The following uses, by the nature of their operation or investment, tend to
1847 increase beyond the limits permitted for home occupations. Therefore, the following shall
1848 not be permitted as home occupations:

- 1849 1. Automobile, truck and heavy equipment repair;
- 1850 2. Auto body work or painting;
- 1851 3. Parking and storage of heavy equipment;
- 1852 4. Storage of building materials for use on other properties;
- 1853 5. Hotels, motels or organizational lodging;
- 1854 6. Dry cleaning;
- 1855 7. Towing services;
- 1856 8. Trucking, storage or self service, except for parking or storage of one
1857 commercial vehicle used in home occupation;
- 1858 9. Veterinary clinic;
- 1859 10. Recreational marijuana processor, recreational marijuana producer or
1860 recreational marijuana retailer; and

1861 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,
1862 except that home occupation (~~((adult beverage))~~) winery, brewery, distillery or remote
1863 tasting room businesses in compliance with this section as of December 31, 2019 and
1864 operating under an active Washington state Liquor and Cannabis Board production
1865 license issued for ((their)) the current location before December 31, 2019, ((and where
1866 ~~King County did not object to the location during the Washington state Liquor and~~
1867 ~~Cannabis Board license application process,)) shall be ((considered legally~~
1868 ~~nonconforming and)) allowed to remain in ((their)) the current location subject to
1869 compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 ((if the
1870 ~~use is in compliance with this section as of December 31, 2019)).~~ Such nonconforming
1871 businesses shall remain subject to all other requirements of this section and other
1872 applicable state and local regulations. The resident operator of a nonconforming winery,
1873 brewery, ~~((or))~~ distillery or remote tasting room home occupation shall obtain ~~((an adult~~
1874 ~~beverage business))~~ a winery, brewery, distillery land use business license in accordance
1875 with K.C.C. chapter 6.74;~~

1876 F. In addition to required parking for the dwelling unit, on-site parking is provided
1877 as follows:

- 1878 1. One stall for each nonresident employed by the home occupations; and
- 1879 2. One stall for patrons when services are rendered on-site;

1880 G. Sales are limited to:

- 1881 1. Mail order sales;
- 1882 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1883 and

1884 3. Items accessory to a service provided to patrons who receive services on the
1885 premises;

1886 H. On-site services to patrons are arranged by appointment;

1887 I. The home occupation or occupations use or store a vehicle for pickup of
1888 materials used by the home occupation or occupations or the distribution of products from
1889 the site, only if:

1890 1. No more than one such a vehicle is allowed; and

1891 2. The vehicle is not stored within any required setback areas of the lot or on
1892 adjacent streets; and

1893 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
1894 ton;

1895 J. The home occupation or occupations do not:

1896 1. Use electrical or mechanical equipment that results in a change to the
1897 occupancy type of the structure or structures used for the home occupation or occupations;
1898 or

1899 2. Cause visual or audible interference in radio or television receivers, or
1900 electronic equipment located off-premises or fluctuations in line voltage off-premises;

1901 K. There shall be no exterior evidence of a home occupation, other than growing or
1902 storing of plants under subsection C. of this section or a permitted sign, that would cause
1903 the premises to differ from its residential character. Exterior evidence includes, but is not
1904 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
1905 by using normal senses from any lot line or on average increase vehicular traffic by more
1906 than four additional vehicles at any given time;

1907 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1908 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

1909 M. Uses not allowed as home occupations may be allowed as a home industry
1910 under K.C.C. 21A.30.090.

1911 SECTION 25. Ordinance 15606, Section 20, as amended, and K.C.C.
1912 21A.30.085 are hereby amended to read as follows:

1913 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
1914 home occupations as accessory activities, under the following provisions:

1915 A. The total floor area of the dwelling unit devoted to all home occupations shall
1916 not exceed twenty percent of the dwelling unit.

1917 B. Areas within garages and storage buildings shall not be considered part of the
1918 dwelling unit and may be used for activities associated with the home occupation;

1919 C. Total outdoor area of all home occupations shall be permitted as follows:

1920 1. For any lot less than one acre: Four hundred forty square feet; and

1921 2. For lots one acre or greater: One percent of the area of the lot, up to a
1922 maximum of five thousand square feet.

1923 D. Outdoor storage areas and parking areas related to home occupations shall be:

1924 1. No less than twenty-five feet from any property line; and

1925 2. Screened along the portions of such areas that can be seen from an adjacent
1926 parcel or roadway by the:

1927 a. planting of Type II landscape buffering; or

1928 b. use of existing vegetation that meets or can be augmented with additional
1929 plantings to meet the intent of Type II landscaping;

1930 E. A home occupation or occupations is not limited in the number of employees
1931 that remain off-site. Regardless of the number of home occupations, the number of
1932 nonresident employees is limited to no more than three who work on-site at the same time
1933 and no more than three who report to the site but primarily provide services off-site;

1934 F. In addition to required parking for the dwelling unit, on-site parking is provided
1935 as follows:

- 1936 1. One stall for each nonresident employed on-site; and
- 1937 2. One stall for patrons when services are rendered on-site;

1938 G. Sales are limited to:

- 1939 1. Mail order sales;
- 1940 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 1941 3. Items accessory to a service provided to patrons who receive services on the
1942 premises;

1943 4. Items grown, produced or fabricated on-site; and

1944 5. On sites five acres or larger, items that support agriculture, equestrian or
1945 forestry uses except for the following:

- 1946 a. motor vehicles and parts (North American Industrial Classification System
1947 ("NAICS" Code 441);
- 1948 b. electronics and appliances (NAICS Code 443); and
- 1949 c. building material and garden equipments and supplies (NAICS Code 444);

1950 H. The home occupation or occupations do not:

- 1951 1. Use electrical or mechanical equipment that results in a change to the
1952 occupancy type of the structure or structures used for the home occupation or occupations;

1953 2. Cause visual or audible interference in radio or television receivers, or
1954 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
1955 3. Increase average vehicular traffic by more than four additional vehicles at any
1956 given time;

1957 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1958 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1959 J. The following uses, by the nature of their operation or investment, tend to
1960 increase beyond the limits permitted for home occupations. Therefore, the following shall
1961 not be permitted as home occupations:

1962 1. Hotels, motels or organizational lodging;
1963 2. Dry cleaning;
1964 3. Automotive towing services, automotive wrecking services and tow-in parking
1965 lots;
1966 4. Recreational marijuana processor, recreational marijuana producer or
1967 recreational marijuana retailer; and
1968 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,
1969 except that home occupation ~~((adult beverage))~~ winery, brewery, distillery or remote
1970 tasting room businesses in compliance with this section as of December 31, 2019 and
1971 operating under an active Washington state Liquor and Cannabis Board production
1972 license issued for ~~((their))~~ the current location before December 31, 2019, ~~((and where~~
1973 ~~King County did not object to the location during the Washington state Liquor and~~
1974 ~~Cannabis Board license application process,))~~ shall be ~~((considered legally~~
1975 ~~nonconforming and))~~ allowed to remain in ~~((their))~~ the current location subject to

1976 compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 (~~if the~~
1977 ~~use is in compliance with this section as of December 31, 2019~~). Such nonconforming
1978 businesses shall remain subject to all other requirements of this section and all applicable
1979 state and local regulations. The resident operator of a nonconforming home occupation
1980 winery, brewery, ~~((or))~~ distillery or remote tasting room shall obtain ~~((an adult beverage~~
1981 ~~business))~~ a winery, brewery, distillery land use business license in accordance with
1982 K.C.C. chapter 6.74;

1983 K. Uses not allowed as home occupation may be allowed as a home industry under
1984 K.C.C. chapter 21A.30; and

1985 L. The home occupation or occupations may use or store vehicles, as follows:

1986 1. The total number of vehicles for all home occupations shall be:

1987 a. for any lot five acres or less: two;

1988 b. for lots greater than five acres: three; and

1989 c. for lots greater than ten acres: four;

1990 2. The vehicles are not stored within any required setback areas of the lot or on
1991 adjacent streets; and

1992 3. The parking area for the vehicles shall not be considered part of the outdoor
1993 storage area provided for in subsection C. of this section.

1994 SECTION 26. Ordinance 10870, Section 537, as amended, and K.C.C.

1995 21A.30.090 are hereby amended to read as follows:

1996 A resident may establish a home industry as an accessory activity, as follows:

1997 A. The site area is one acre or greater;

1998 B. The area of the dwelling unit used for the home industry does not exceed fifty
1999 percent of the floor area of the dwelling unit.

2000 C. Areas within attached garages and storage buildings shall not be considered part
2001 of the dwelling unit for purposes of calculating allowable home industry area but may be
2002 used for storage of goods associated with the home industry;

2003 D. No more than six nonresidents who work on-site at the time;

2004 E. In addition to required parking for the dwelling unit, on-site parking is provided
2005 as follows:

2006 1. One stall for each nonresident employee of the home industry; and
2007 2. One stall for customer parking;

2008 F. Additional customer parking shall be calculated for areas devoted to the home
2009 industry at the rate of one stall per:

2010 1. One thousand square feet of building floor area; and
2011 2. Two thousand square feet of outdoor work or storage area;

2012 G. Sales are limited to items produced on-site, except for items collected, traded
2013 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

2014 H. Ten feet of Type I landscaping are provided around portions of parking and
2015 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
2016 way;

2017 I. The department ensures compatibility of the home industry by:

2018 1. Limiting the type and size of equipment used by the home industry to those that
2019 are compatible with the surrounding neighborhood;

- 2020 2. Providing for setbacks or screening as needed to protect adjacent residential
2021 properties;
- 2022 3. Specifying hours of operation;
- 2023 4. Determining acceptable levels of outdoor lighting; and
- 2024 5. Requiring sound level tests for activities determined to produce sound levels
2025 that may be in excess of those in K.C.C. chapter 12.88;

2026 J. Recreational marijuana processors, recreational marijuana producers and
2027 recreational marijuana retailers shall not be allowed as home industry; and

2028 K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
2029 not be allowed as home industry, except that home industry (~~adult beverage~~) winery,
2030 brewery, distillery businesses that have, in accordance with K.C.C. 20.20.070, a vested
2031 conditional use permit application before December 31, 2019, shall be (~~considered~~
2032 ~~legally nonconforming and~~) allowed to remain in (~~their~~) the current location subject to
2033 compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075. Such
2034 nonconforming businesses remain subject to all other requirements of this section and all
2035 applicable state and local regulations. The resident operator of a nonconforming winery,
2036 brewery or distillery home industry shall obtain (~~an adult beverage business~~) a winery,
2037 brewery, distillery land use business license in accordance with K.C.C. chapter 6.74.

2038 SECTION 27. Ordinance 10870, Section 547, as amended, and K.C.C.

2039 21A.32.100 are hereby amended to read as follows:

2040 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
2041 required for any of the following:

2042 A. A use not otherwise permitted in the zone that can be made compatible for a
2043 period of up to sixty days a year;

2044 B. The expansion of an established use that :

2045 1. Is otherwise allowed in the zone;

2046 2. Is not inconsistent with the original land use approval;

2047 3. Exceeds the scope of the original land use approval; and

2048 4. Can be made compatible with the zone for a period of up to sixty days a year;

2049 or

2050 C. Events at a winery, brewery, distillery facility (~~or remote tasting room that~~
2051 ~~include one or more of the following activities:~~

2052 1. ~~Exceeds the permitted building occupancy;~~

2053 2. ~~Utilizes portable toilets;~~

2054 3. ~~Utilizes parking that exceeds the maximum number of spaces allowed by this~~
2055 ~~title on site or utilizes off-site parking;~~

2056 4. ~~Utilizes temporary stages;~~

2057 5. ~~Utilizes temporary tents or canopies that require a permit;~~

2058 6. ~~Requires traffic control for public rights-of-way; or~~

2059 7. ~~Extends beyond allowed hours of operation)) under section 6 of this~~

2060 ordinance.

2061 SECTION 28. Ordinance 10870, Section 548, as amended, and K.C.C.
2062 21A.32.110 are hereby amended to read as follows:

2063 A. The following uses shall be exempt from requirements for a temporary use
2064 permit when located in the RB, CB, NB, O or I zones for the time period specified
2065 ~~((below))~~ in this subsection A.:

2066 1. Uses not to exceed a total of thirty days each calendar year:

2067 a. Christmas tree lots; and

2068 b. Produce stands.

2069 2. Uses not to exceed a total of fourteen days each calendar year:

2070 a. Amusement rides, carnivals or circuses;

2071 b. Community festivals; and

2072 c. Parking lot sales.

2073 B. Any use not exceeding a cumulative total of two days each calendar year shall
2074 be exempt from requirements for a temporary use permit.

2075 C. Any community event held in a park and not exceeding a period of seven days
2076 shall be exempt from requirements for a temporary use permit.

2077 D. Christmas tree sales not exceeding a total of thirty days each calendar year
2078 when located on Rural Area (RA) zoned property with legally established non-residential
2079 uses shall be exempt from requirements for a temporary use permit.

2080 ~~((E.1. Events at a winery, brewery, distillery facility II or III shall not require a
2081 temporary use permit if:~~

2082 ~~a. The business is operating under an active Washington state Liquor and
2083 Cannabis Board production license issued for their current location before December 31,
2084 2019, and where King County did not object to the location during the Washington state
2085 Liquor and Cannabis Board license application process;~~

- 2086 ~~b. The parcel is at least eight acres in size;~~
- 2087 ~~e. The structures used for the event maintain a setback of at least one hundred~~
- 2088 ~~fifty feet from interior property lines;~~
- 2089 ~~d. The parcel is located in the RA zone;~~
- 2090 ~~e. The parcel has access directly from and to a principal arterial or state~~
- 2091 ~~highway;~~
- 2092 ~~f. The event does not use amplified sound outdoors before 12:00 p.m. or after~~
- 2093 ~~8:00 p.m.~~

2094 ~~2. Events that meet the provisions in this subsection E. shall not be subject to~~

2095 ~~the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than~~

2096 ~~an annual average of eight days per month.))~~

2097 SECTION 29. Ordinance 10870, Section 549, as amended, and K.C.C.

2098 21A.32.120 are hereby amended to read as follows:

2099 Except as otherwise provided in this chapter, or in K.C.C. chapter 21A.45 or

2100 section 6 of this ordinance, temporary use permits shall be limited in duration and

2101 frequency as follows:

2102 A. The temporary use permit shall be effective for one year from the date of

2103 issuance and may be renewed annually as provided in subsection D. of this section;

2104 B.1. The temporary use shall not exceed a total of sixty days in any three-

2105 hundred-sixty-five-day period. This subsection B.1 applies only to the days that the

2106 event or events actually take place.

2107 2. ~~((For a winery, brewery, distillery facility II and III in the A zone, the~~

2108 ~~temporary use shall not exceed a total of two events per month and all event parking must~~

2109 ~~be accommodated on-site or managed through a parking management plan approved by~~
2110 ~~the director. This subsection B.2. applies only to the days that the event or events~~
2111 ~~actually take place.~~

2112 ~~3. For a winery, brewery, distillery facility II and III in the RA zone, the~~
2113 ~~temporary use shall not exceed a total of twenty four days in any three hundred sixty~~
2114 ~~five day period and all event parking must be accommodated on-site or managed through~~
2115 ~~a parking management plan approved by the director. This subsection B.3. applies only~~
2116 ~~to the days that the event or events actually take place.~~

2117 ~~4. For a winery, brewery, distillery facility II in the A or RA zones, in addition~~
2118 ~~to all other relevant facts, the department shall consider building occupancy and parking~~
2119 ~~limitations during permit review, and shall condition the number of guests allowed for a~~
2120 ~~temporary use based on those limitations. The department shall not authorize attendance~~
2121 ~~of more than one hundred fifty guests.~~

2122 ~~5. For a winery, brewery, distillery facility III in the A or RA zones, in addition~~
2123 ~~to all other relevant facts, the department shall consider building occupancy and parking~~
2124 ~~limitations during permit review, and shall condition the number of guests allowed for a~~
2125 ~~temporary use based on those limitations. The department shall not authorize attendance~~
2126 ~~of more than two hundred fifty guests.~~

2127 ~~6.) Events for ((any winery, brewery, distillery facility I in the RA zone,)) any~~
2128 ~~nonconforming winery, brewery, distillery facility home occupation, or any~~
2129 ~~nonconforming winery, brewery, distillery facility home industry shall be limited to two~~
2130 ~~per year, and limited to a maximum of fifty guests. If the event complies with this~~
2131 ~~subsection ((B.6.)) B.2., a temporary use permit is not required for a special event for a~~

2132 ((winery, brewery, distillery facility I in the RA zone, a)) nonconforming home
2133 occupation winery, brewery, distillery facility or a nonconforming home industry winery,
2134 brewery, distillery facility.

2135 ~~((7. For a winery, brewery, distillery facility II and III in the RA zone, events
2136 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
2137 permit shall not be subject to the provisions of this section));~~

2138 C. The temporary use permit shall specify a date upon which the use shall be
2139 terminated and removed; and

2140 D. A temporary use permit may be renewed annually for up to a total of five
2141 consecutive years as follows:

2142 1. The applicant shall make a written request and pay the applicable permit
2143 extension fees for renewal of the temporary use permit at least seventy days before the
2144 end of the permit period;

2145 2. The department must determine that the temporary use is being conducted in
2146 compliance with the conditions of the temporary use permit;

2147 3. The department must determine that site conditions have not changed since
2148 the original temporary permit was issued; and

2149 4. At least forty-five days before the end of the permit period, the department
2150 shall notify property owners within five hundred feet of the property boundaries that a
2151 temporary use permit extension has been requested and contact information to request
2152 additional information or to provide comments on the proposed extension.

2153 SECTION 30. The following are hereby repealed:

2154 A. Ordinance 19030, Section 28;

2155 B. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

2156 C. Ordinance 19030, Section 32.

2157 SECTION 31. Map Amendment #1 is hereby adopted, as shown in Attachment A
2158 to this ordinance.

2159 SECTION 32. Before the moratorium adopted by Ordinance 19309 expires, the
2160 executive shall contact known winery, brewery, distillery businesses with information
2161 regarding the changes to the regulations made by this ordinance and Proposed Ordinance
2162 2022-0148 if it is adopted, and develop materials for technical assistance for winery,
2163 brewery, distillery businesses.

2164 SECTION 33. A. The executive shall transmit a winery, brewery, distillery
2165 evaluation report which includes the following topics:

2166 1. Recommended interior lot line setback requirements for winery, brewery,
2167 distillery facilities, including evaluation of other similar uses allowed in the RA zone and the
2168 setbacks required for them, evaluation of the setbacks adopted by this ordinance, and
2169 evaluation of the setback necessary to implement the policies of the Comprehensive Plan
2170 regarding preservation of rural character, protection of farmland and support of rural
2171 economic development; and

2172 2. Study of, and recommended changes to, temporary use permit criteria related
2173 to functions and events for winery, brewery, distillery facilities, including the criteria for
2174 obtaining a temporary use permit and the requirements that are established in this
2175 ordinance; and

2176 3. Study of the environmental impacts of winery, brewery, distillery uses on
2177 riparian and shoreline habitats, water quality, water quantity including volumes and

2178 velocities, vegetation communities and habitat structures and the county's obligations to
2179 protect threatened and endangered salmonid species, and recommended changes to winery,
2180 brewery, distillery use regulations.

2181 B. The executive shall electronically file the winery, brewery, distillery evaluation
2182 report no later than October 1, 2022 with the clerk of the council, who shall retain the
2183 original and provide an electronic copy to all councilmembers, the council chief of staff and
2184 the lead staff for the local services and land use committee or its successor.

2185 SECTION 34. Contingent effective date. Sections 2 through 31 of this
2186 ordinance take effect only upon adoption of Proposed Ordinance 2022-0148.

2187 SECTION 35. Severability. If any provision of this ordinance or its application
2188 to any person or circumstance is held invalid, the remainder of the ordinance or the
2189 application of the provision to other persons or circumstances is not affected."

2190

2191 **EFFECT prepared by E. Auzins: Striking Amendment S# to PO 2022-0147**
2192 **(Ordinance 1) would make the following changes:**

2193

2194 **Substantive Changes**

- 2195 1. For WBD I in the RA zone, modify the off-street parking requirements to
2196 match what is required for WBD II and III (minimum 0.9 spaces per 1,000
2197 square feet of manufacturing area, maximum 150% of the minimum).
- 2198 2. For WBD I in the RA zone, remove requirement for commercial septic
2199 system.
- 2200 3. For WBDs in historic structures, require that the WBD be entirely within the
2201 historic structure to be eligible for the larger floor area allowance.
- 2202 4. For WBD II and III in the RA zone, limit the square footage of area for
2203 incidental sales to 20% of the tasting and sales area.
- 2204 5. For WBD II and III in the RA zone, limit the percentage of sales for
2205 incidental items to 20% of annual gross sales on a 3-year average, and
2206 require documentation of compliance with this requirement with the land use
2207 business license.
- 2208 6. For WBD II and III in the RA zone, require documentation of the on-site
2209 production and on-site tasting and retail sales conditions with the land use
2210 business license.

- 2211 7. For WBD I, II, and III in the RA zone, allows for a conditional use permit to
2212 reduce the 75' setback subject to specific criteria.
2213 8. Allows up to two portable toilets with events requiring a temporary use
2214 permit, and requires a temporary use permit for any event that uses portable
2215 toilets.
2216 9. Allows the initial land use business license for existing WBDs for 12 months,
2217 with 6 month extensions if the business has taken substantial steps to obtain
2218 building permits.
2219 10. Adds a requirement for the Executive to contact known WBD businesses
2220 with information regarding the changes made by this ordinance and PO
2221 2022-0148 (Ordinance 2) and to develop materials for technical assistance for
2222 WBD businesses.
2223 11. Adds a requirement for the Executive to evaluate components of the WBD
2224 regulations.
2225 12. Delays the effective date of the ordinance until Proposed Ordinance 2022-
2226 0148 (Ordinance 2) is adopted.
2227

2228 **Clarifying Changes**

- 2229 13. Streamlines the Findings to better reflect the provisions in this ordinance.
2230 14. For WBDs in the RA zone, require that the stages of production are in
2231 addition to a production WBD license from the state.
2232 15. For WBD II in the RA zone, a WBD use is required to get a CUP to be
2233 eligible for access to and from a public roadway.
2234 16. Differentiates between on-site functions, and on-site events that require a
2235 temporary use permit.
2236 17. States that the requirement for a WBD to obtain required building permits
2237 prior to issuance of the land use business license applies to the permits
2238 required to establish the use, not future expansions or alterations.
2239 18. Allows the initial land use business license for existing WBDs to be issued
2240 before building permit issuance, if life safety requirements are met.
2241 19. Differentiates between a legal nonconforming or vested use, for purposes of
2242 issuing the land use business license.
2243 20. States that the WBD land use business license is subject to the appeal to the
2244 hearing examiner in accordance with K.C.C. 20.22, not Title 6.
2245

2246 **Technical Changes**

- 2247 21. Corrects and updates cross references.
2248 22. Corrects typos.