

## KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

# Signature Report

July 26, 2016

### Ordinance 18326

	<b>Proposed No.</b> 2016-0254.3	Sponsors Balducci
1	AN ORDINANCE re	lated to zoning; amending Ordinance
2	17710, Section 4, and	K.C.C. 21A.06.7344, Ordinance
3	17710, Section 5, and	K.C.C. 21A.06.7346, Ordinance
4	17710, Section 6, and	K.C.C. 21A.06.7348, Ordinance
5	10870, Section 334, a	s amended, and K.C.C. 21A.08.070,
6	Ordinance 10870, Se	etion 335, as amended, and K.C.C.
7	21A.08.080, and Ord	nance 10870, Section 336, as
8	amended, and K.C.C.	21A.08.090, adding a new chapter to
9	K.C.C. Title 6, adding	g a new section to K.C.C. chapter
10	27.10 and repealing (	Ordinance 18269, Section 2, and
11	Ordinance 18269, Sec	etion 3.
12	BE IT ORDAINED BY THE	COUNCIL OF KING COUNTY:
13	SECTION 1. Findings: For	the purposes of effective land use planning and
14	regulation, the King County council	makes the following legislative findings:
15	A. King County adopted zor	ing regulations for marijuana retail, processing and
16	production activities in Ordinances 1	7710, 17725 and 17841 to address the land uses
17	allowed under Washington state Init	ative 502.

18	B. In 2015, the Washington state legislature adopted changes to the marijuana
19	regulatory system as part of Chapter 70, Laws of Washington 2015 and Chapter 4, Laws
20	of Washington 2015 2nd Special Session.
21	C. In response to the 2015 laws, the Washington state Liquor and Cannabis

- C. In response to the 2015 laws, the Washington state Liquor and Cannabis

  Board has accepted a large number of applications for additional producer and processor licenses and additional retail license applications.
- D. King County has received notice that many additional license applications have been submitted to the Washington state Liquor and Cannabis Board for marijuana producers and processors seeking to become established in rural and agriculturally zoned areas of unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither adequately comply with the King County Comprehensive Plan policies to preserve rural character, nor sufficiently address the impacts and proliferation of these businesses in unincorporated King County.
- E. King County has also received notice that many additional license applications have been submitted to the Washington state Liquor and Cannabis Board for marijuana retailers seeking to locate in urban areas of unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither sufficiently address the impact of retailer density in close proximity to low income residential areas nor assure patients access to medical marijuana.
- F. In order to preserve King County's regulatory authority and the validity of its legislative process, and to allow sufficient time for policy discussion on the issues raised, the King County council enacted a temporary, four-month moratorium on new marijuana producers, processors and retailers with Ordinance 18269 on April 25, 2016.

41	G. King County has completed the policy discussion on the marijuana zoning
42	regulations, and now proposes modifications to those zoning regulations, in order to
43	address the impacts in unincorporated King County of marijuana businesses, to allow for
44	orderly development of marijuana businesses, and to maintain consistency with King
45	County Comprehensive Plan policies.
46	H. King County acknowledges that state licensed marijuana businesses have
47	impacts that are subject to the jurisdiction of multiple state and local regulatory agencies
48	including, but not limited to, the Puget Sound Clean Air Agency, which has adopted its
49	own regulations and enforcement system applicable to marijuana odor emissions.
50	I. Healthy, vibrant business districts should offer multiple types of retail,
51	banking, office and other businesses used by residents.
52	J. Access to cannabis for medical patients with valid medical marijuana
53	authorization cards is of concern to the county and is proposed to be addressed through
54	appropriate zoning, preserving patient access to cannabis for legal medical purposes.
55	K. The changes to zoning contained in this ordinance bear a substantial
56	relationship to, and are necessary for, the public health, safety and general welfare of
57	King County and its residents.
58	SECTION 2. Sections 3 through 9 of this ordinance should constitute a new
59	chapter in K.C.C. Title 6.
60	NEW SECTION. SECTION 3. There is hereby added to the chapter established
61	in section 2 of this ordinance a new section to read as follows:
62	It is the purpose of this chapter to establish business licensing standards for
63	marijuana retail activities and businesses licensed by the Washington state Liquor and

Cannabis Board and located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents.

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

A person or entity shall not operate or maintain a retail marijuana business in unincorporated King County unless the business has obtained a business license issued by the director as provided by this chapter. A current marijuana retail business license issued under this chapter shall be prominently displayed on the licensed premises.

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

An application for a retail marijuana business license or license renewal must be submitted in the name of the person or persons or the entity proposing to operate the business. The application shall be signed by each person, or a responsible principle or officer of any entity, proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

A. The full name, birthdate, current residential, email and mailing address of each person, including all partners if the applicant is a partnership, and all officers or principles if the applicant is a corporation or limited liability company, with a financial interest in the business; and the Universal Business Identifier number, the identity of the registered agent and the address of the principle office, if the applicant is a corporation or limited liability company;

86	B. The name, street address and telephone number of the retail marijuana
87	business;
88	C. A copy of the Washington state Liquor and Cannabis Board retail marijuana
89	license associated with the business address or, if a state license has not been issued, a
90	complete copy of a retail marijuana license application submitted to and accepted by the
91	Washington state Liquor and Cannabis Board; and
92	D. A copy of a medical marijuana endorsement approval letter issued by the
93	Washington state Liquor and Cannabis Board, if applicable.
94	NEW SECTION. SECTION 6. There is hereby added to the chapter established
95	in section 2 of this ordinance a new section to read as follows:
96	An applicant for a retail marijuana business license or renewal under this chapter
97	shall pay an application fee at the time of application submittal. The nonrefundable
98	application fee for a retail marijuana business license or renewal is set under section 16 or
99	this ordinance. The nonrefundable application fee for a retail marijuana business license
100	or renewal shall be reduced by fifty percent if at the time of application, the applicant
101	shows proof of a current medical marijuana endorsement issued by the Washington state
102	Liquor and Cannabis Board.
103	NEW SECTION. SECTION 7. There is hereby added to the chapter established
104	in section 2 of this ordinance a new section to read as follows:
105	The director shall deny, suspend or revoke a license issued under this chapter if
106	the Washington state Liquor and Cannabis Board does not issue a license to the business,
107	or if the department of permitting and environmental review receives notice that the state
108	license issued to the business is suspended or revoked, or was not reissued. A business

109	owner whose application for a business license has been denied or whose license has
110	been suspended or revoked may appeal the decision to the office of the hearing examiner
111	in accordance with K.C.C. 6.01.150.
112	NEW SECTION. SECTION 8. There is hereby added to the chapter established
113	in section 2 of this ordinance a new section to read as follows:
114	A retail marijuana business license expires one year from the date the business
115	license is issued by the department of permitting and environmental review. To avoid a
116	lapse in the effectiveness of a license, an application to renew a license must be submitted
117	to the director, on a form provided by the director, at least thirty days before the
118	expiration of the business license. A retail marijuana business license renewal expires
119	one year from the previous license's expiration date.
120	NEW SECTION. SECTION 9. There is hereby added to the chapter established
121	in section 2 of this ordinance a new section to read as follows:
122	Within thirty days of the director's receipt of a complete retail marijuana business
123	license application, the director shall issue or deny the license. Within thirty days of the
124	director's receipt of a complete renewal application, the director shall issue or deny the
125	renewal.
126	SECTION 10. Ordinance 17710, Section 4, and K.C.C. 21A.06.7344 are hereby
127	amended as follows:
128	Marijuana processor((, recreational)): a facility licensed by the Washington state
129	Liquor ((Control)) and Cannabis Board to process marijuana into useable marijuana and
130	marijuana-infused products, package and label useable marijuana and marijuana-infused
131	products for sale in retail outlets, and sell useable marijuana and marijuana-infused

132	products at wholesale to marijuana retailers. ((Recreational m))Marijuana processors are
133	classified as follows:
134	A. ((Recreational m))Marijuana processor I processing ((which)) that is limited
135	to:
136	1. Drying, curing( $(5)$ ) and trimming; and
137	2. Packaging.
138	B. ((Recreational m))Marijuana processor II all elements of processing
139	including:
140	1. All ((recreational)) marijuana processor I activities;
141	2. Extracting concentrates and infusing products;
142	3. Mechanical and chemical processing; and
143	4. Packaging.
144	SECTION 11. Ordinance 17710, Section 5, and K.C.C. 21A.06.7346 shall be
145	amended as follows:
146	Marijuana producer((, recreational)): a facility licensed by the Washington state
147	Liquor ((Control)) and Cannabis Board for the production and sale at wholesale of
148	marijuana to marijuana processors and other marijuana producers.
149	SECTION 12. Ordinance 17710, Section 6, and K.C.C. 21A.06.7348 shall be
150	amended as follows:
151	Marijuana retailer((, recreational)): a facility licensed by the Washington state
152	Liquor ((Control)) and Cannabis Board where useable marijuana and marijuana-infused
153	products may be sold at retail.

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SECTION 13. Ordinance 10870, Section 334, as amended, and K.C.C.

### 21A.08.070 shall be amended as follows:

### A. Retail land uses.

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*	Department	Т	1	1	Т	T	C14a	P14	P5	P	P	1	Ï
							CITA	117		1	1		
	and Variety												
	Stores												
54	Food Stores						C15a	P15	P	Р	P	С	P6
*	Agricultural	P7	P4		P7	P3	P3	P25	P25	P25	P25	P25	P25
	Product Sales	C7			C7								
*	Farmers	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
	Market												
*	Motor Vehicle			a							P8		P
	and Boat												
	Dealers												
553	Auto Supply						+			P9	P9		P
	Stores												
554	Gasoline								P	P	P		P
	Service												
	Stations												
56					-						-		
30	Apparel and									P	P		
	Accessory												
	Stores												
*	Furniture and									Р	P		
	Home												
	Furnishings												
	Stores												
58	Eating and				P21		P20	P20	P10	P	P	P	P
	Drinking				C19		C16	P16					
	Places												
*	Drug Stores						C15	P15	P	P	P	С	
*	((Recreational									P26	P26		
	m)) <u>M</u> arijuana			163						C27			
										C27	C27		
	retailer												
592	Liquor Stores	P13			P13	P13			P13	Р	P		
593	Used Goods:									P	P		
	Antiques/		1			1			1	1		1	1

	Secondhand			1		1			T				I -
	Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	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	Р		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									CH	P		Р
*	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	P17	P17		P17	P17	P17 and						P

<b>REFERENCES:</b> chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21	A.38;
Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definiti	on of this
specific land use, see K.C.C. chapter 21A.06.	
B. Development conditions.	
1.a. As a permitted use, covered sales areas shall not exceed a total area	of two
thousand square feet, unless located in a building designated as historic resource u	ınder
K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to	o three
thousand five hundred square feet may be allowed. Greenhouses used for the disp	olay of
merchandise other than plants shall be considered part of the covered sales area.	
Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are	not
considered part of the covered sales area;	
b. The site area shall be at least four and one-half acres;	
c. Sales may include locally made arts and crafts; and	
d. Outside lighting is permitted if no off-site glare is allowed.	
2. Only hardware stores.	l e
3.a. Limited to products grown on site.	
b. Covered sales areas shall not exceed a total area of five hundred squa	are feet.
4. No permanent structures or signs.	
5. Limited to SIC Industry No. 5331-Variety Stores, and further limited	to a
maximum of two thousand square feet of gross floor area.	
6. Limited to a maximum of five thousand square feet of gross floor area	-4
7.a. As a permitted use, the covered sales area shall not exceed two thous	sand
square feet, unless located in a building designated as a historic resource under K.	C.C.

177	chapter 20.62. As a conditional use, up to three thousand five hundred square feet of
178	covered sales area may be allowed;
179	b. The site area shall be at least four and one-half acres;
180	c. Forty percent or more of the gross sales of agricultural product sold through
181	the store must be sold by the producers of primary agricultural products;
182	d. Sixty percent or more of the gross sales of agricultural products sold through
183	the store shall be derived from products grown or produced in the Puget Sound counties.
184	At the time of the initial application, the applicant shall submit a reasonable projection of
185	the source of product sales;
186	e. Sales shall be limited to agricultural products and locally made arts and
187	crafts;
188	f. Storage areas for agricultural products may be included in a farm store
189	structure or in any accessory building; and
190	g. Outside lighting is permitted if no off-site glare is allowed.
191	8. Excluding retail sale of trucks exceeding one-ton capacity.
192	9. Only the sale of new or reconditioned automobile supplies is permitted.
193	10. Excluding SIC Industry No. 5813-Drinking Places.
194	11. No outside storage of fuel trucks and equipment.
195	12. Excluding vehicle and livestock auctions.
196	13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
197	and limited to sales of products produced on site and incidental items where the majority
198	of sales are generated from products produced on site.

199	14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
200	a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
201	21A.12.230; and
202	b. Before filing an application with the department, the applicant shall hold a
203	community meeting in accordance with K.C.C. 20.20.035.
204	15.a. Not permitted in R-1 and limited to a maximum of five thousand square
205	feet of gross floor area and subject to K.C.C. 21A.12.230; and
206	b. Before filing an application with the department, the applicant shall hold a
207	community meeting in accordance with K.C.C. 20.20.035.
208	16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
209	Places, and limited to a maximum of five thousand square feet of gross floor area and
210	subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
211	b. Before filing an application with the department, the applicant shall hold a
212	community meeting in accordance with K.C.C. 20.20.035.
213	17. Retail sale of livestock is permitted only as accessory to raising livestock.
214	18. Limited to the R-1 zone.
215	19. Only as:
216	a. an accessory use to a permitted manufacturing or retail land use, limited to
217	espresso stands to include sales of beverages and incidental food items, and not to include
218	drive-through sales; or
219	b. an accessory use to a recreation or multiuse park, limited to a total floor area
220	of three thousand five hundred square feet.
221	20. Only as:

222	a. an accessory use to a recreation or multiuse park; or
223	b. an accessory use to a park and limited to a total floor area of one thousand
224	five hundred square feet.
225	21. Accessory to a park, limited to a total floor area of seven hundred fifty
226	square feet.
227	22. Only as an accessory use to:
228	a. a large active recreation and multiuse park in the urban growth area; or
229	b. a park, or a recreation or multiuse park in the RA zones, and limited to a
230	total floor area of seven hundred and fifty square feet.
231	23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
232	Industry No. 2431-Millwork and;
233	a. limited to lumber milled on site; and
234	b. the covered sales area is limited to two thousand square feet. The covered
235	sales area does not include covered areas used to display only milled lumber.
236	24. Requires at least five farmers selling their own products at each market and
237	the annual value of sales by farmers should exceed the annual sales value of nonfarmer
238	vendors.
239	25. Limited to sites located within the urban growth area and:
240	a. The sales area shall be limited to three hundred square feet and must be
241	removed each evening;
242	b. There must be legal parking that is easily available for customers; and

243	c. The site must be in an area that is easily accessible to the public, will
244	accommodate multiple shoppers at one time and does not infringe on neighboring
245	properties.
246	26. <u>a.</u> Per ((parcel)) <u>lot</u> , limited to a maximum aggregated total of two thousand
247	square feet of gross floor area devoted to, and in support of, the retail sale of_marijuana.
248	b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated
249	total gross floor area devoted to, and in support of, the retail sale of marijuana may be
250	increased to up to three thousand square feet if the retail outlet devotes at least five
251	hundred square feet to the sale, and the support of the sale, of medical marijuana, and the
252	operator maintains a current medical marijuana endorsement issued by the Washington
253	state Liquor and Cannabis Board.
254	c. Any lot line of a lot having any area devoted to retail marijuana activity
255	must be one thousand feet or more from any lot line of any other lot having any area
256	devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
257	retail marijuana activity may not be within one thousand feet of any lot line of any lot
258	having any area devoted to existing retail marijuana activity.
259	d. Whether a new retail marijuana activity complies with this locational
260	requirement shall be determined based on the date a conditional use permit application
261	submitted to the department of permitting and environmental review became or was
262	deemed complete, and:
263	(1) if a complete conditional use permit application for the proposed retail
264	marijuana use was not submitted, or if more than one conditional use permit application
265	hacema or was deemed complete on the same date, then the director shall determine

compliance based on the date the	Washington	state Liquor	and Cannabis	Board	issues a
Notice of Marijuana Application	to King Cou	nty;			

- (2) if the Washington state Liquor and Cannabis Board issues more than one

  Notice of Marijuana Application on the same date, then the director shall determine

  compliance based on the date either any complete building permit or change of use

  permit application, or both, were submitted to the department declaring retail marijuana

  activity as an intended use;
- (3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and
- (4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.
- e. Retail marijuana businesses licensed by the Washington state Liquor and
  Cannabis Board and operating within one thousand feet of each other as of the effective
  date of this ordinance, and retail marijuana businesses that do not require a permit issued
  by King County, that received a Washington state Liquor and Cannabis Board license to

operate in a location within one thousand feet of another licensed retail marijuana
business prior to the effective date of this ordinance, and that King County did not object
to within the Washington state Liquor and Cannabis Board marijuana license application
process, shall be considered nonconforming and may remain in their current location,
subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming
uses, except:
(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
<u>and</u>
(2) the gross floor area of a nonconforming retail outlet may be increased up
to the limitations in subsection B.26.a. and B.26.b. of this section.
27. Per ((parcel)) <u>lot</u> , limited to a maximum aggregated total of five thousand
square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and:
a. Any lot line of a lot having any area devoted to retail marijuana activity
must be one thousand feet or more from any lot line of any other lot having any area
devoted to retail marijuana activity; and any lot line of a lot having any area devoted to
new retail marijuana activity may not be within one thousand feet of any lot line of any
lot having any area devoted to existing retail marijuana activity; and
b. Whether a new retail marijuana activity complies with this locational
requirement shall be determined based on the date a conditional use permit application
submitted to the department of permitting and environmental review became or was
deemed complete, and:
(1) if a complete conditional use permit application for the proposed retail
marijuana use was not submitted, or if more than one conditional use permit application

312	became or was deemed complete on the same date, then the director shall determine
313	compliance based on the date the Washington state Liquor and Cannabis Board issues a
314	Notice of Marijuana Application to King County;
315	(2) if the Washington state Liquor and Cannabis Board issues more than one
316	Notice of Marijuana Application on the same date, then the director shall determine
317	compliance based on the date either any complete building permit or change of use
318	permit application, or both, were submitted to the department declaring retail marijuana
319	activity as an intended use;
320	(3) if more than one building permit or change of use permit application was
321	submitted on the same date, or if no building permit or change of use permit application
322	was submitted, then the director shall determine compliance based on the date a complete
323	business license application was submitted; and
324	(4) if a business license application was not submitted or more than one
325	business license application was submitted, then the director shall determine compliance
326	based on the totality of the circumstances, including, but not limited to, the date that a
327	retail marijuana license application was submitted to the Washington state Liquor and
328	Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
329	or purchased the lot at issue for the purpose of retail marijuana use, and any other facts
330	illustrating the timing of substantial investment in establishing a licensed retail marijuana
331	use at the proposed location; and
332	c. Retail marijuana businesses licensed by the Washington state Liquor and
333	Cannabis Board and operating within one thousand feet of each other as of the effective
334	date of this ordinance, and retail marijuana businesses that do not require a permit issued

and

by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to the effective date of this ordinance, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

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

SECTION 14. Ordinance 10870, Section 335, as amended, and K.C.C.

21A.08.080 shall be amended as follows:

A. Manufacturing land uses.

KEY		RESC	OURCE	3	RURA	RESIDENTIAL		COMMERCIAL/INDUSTRIAL									
					L												
P-Permitted Use		Α	F	М	R	U	R	U	R	N	В	С	В	R	В	0	I
C-Conditional Use		G	0	I	U	R	Е	R	Е	Е	U	0	U	Е	U	F	N
S-Special Use	Z	R	R	N	R	В	S	В	S	I	S	M	S	G	S	F	D
	0	I	Е	Е	A	A	Е	A	I	G	I	M	I	I	1	I	U
	N	С	S	R	L	N	R	N	D	Н	N	U	N	0	N	С	S
	Е	U	Т	A			V		E	В	Е	N	Е	N	Е	Е	Т
		L		L	A		Е		N	0	S	I	S	A	S		R
		Т			R				T	R	S	Т	S	L	S		I
		U			Е				I	Н		Y					A
		R			A				A	0							L
		Е							L	0							

							T		D				
SIC#	SPECIFIC LAND	A	F	M	RA	UR	R1-	R12-	NB	СВ	RB	0	I (11)
	USE						8	48					
20	Food and Kindred	P1	P1		P1 C1	P1			P2	P2	P2 C		P2 C
	Products	C1											
*/2082	Winery/Brewery	P3			P3 C12	P3			P17	P17	P		P
/2085	/Distillery	C12											
*	Materials Processing		P13	P14	P16 C								P
	Facility		С	C15									
22	Textile Mill Products												С
23	Apparel and other										С		Р
	Textile Products												
24	Wood Products, except	P4	P4		P4 P18	P4					C6		P
	furniture	P18	P18		C5								
			C5										
25	Furniture and Fixtures		P19		P19						С		Р
26	Paper and Allied												С
	Products												
27	Printing and Publishing								P7	P7	P7C	P7C	Р
*	((Recreational m))	P20			(( <del>P20</del> ))					P21	P21		
	Marijuana Processor I				<u>P27</u>					C22	C22		
*	((Recreational m))									P23	P23		P25
	Marijuana Processor II									C24	C24		C26
28	Chemicals and Allied												С
	Products												
2911	Petroleum Refining and												С
	Related Industries											-	
30	Rubber and Misc.												С
	Plastics Products												
31	Leather and Leather										С		P
	Goods												
32	Stone, Clay, Glass and									P6	P9		P
	Concrete Products												

33	Primary Metal		ľ				1					T	ГС
55													
	Industries												
34	Fabricated Metal												P
	Products												
35	Industrial and												P
	Commercial Machinery												
351-55	Heavy Machinery and												С
	Equipment											31	
357	Computer and Office										С	С	P
	Equipment												
36	Electronic and other										С		Р
	Electric Equipment												
374	Railroad Equipment												С
376	Guided Missile and												С
	Space Vehicle Parts												
379	Miscellaneous												C
	Transportation Vehicles												
38	Measuring and										С	С	P
	Controlling Instruments												
39	Miscellaneous Light										С		P
	Manufacturing												
*	Motor Vehicle and												С
	Bicycle Manufacturing												-
*	Aircraft, Ship and Boat												P10C
	Building									35.			
7534	Tire Retreading										С		P
781-82	Movie										P		Р
	Production/Distribution												
GENER	AL CROSS Land	Use Ta	ble Inst	ructions	, see K.C.C	. 21A.08.0	20 and 2	21A.02.070	); Develop	ment Stan	dards, see	K.C.C.	
REFERI	ENCES: chap	ters 21A	.12 thro	ough 21.	A.30; Gene	ral Provisi	ons, see	K.C.C. cha	pters 21A	.32 throug	h 21A.38 A	Applicat	ion and
	Revi	ew Proc	edures,	see K.C	.C. chapter	s 21A.40 t	hrough 2	lA.44; (*)	Definition	of this sp	ecific land	use, see	K.C.C.
		ter 21A.		λ			Ü	, , ,		r			
	Опар												

B. Development conditions.

350	1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;
351	b. In the A zone, only allowed on sites where the primary use is SIC industry
352	Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small
353	Animals;
354	c. In the RA and UR zones, only allowed on lots of at least four and one-half
355	acres and only when accessory to an agricultural use;
356	d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
357	the floor area devoted to all processing shall not exceed three thousand five hundred
358	square feet, unless located in a building designated as historic resource under K.C.C.
359	chapter 20.62;
360	(2) With a conditional use permit, up to five thousand square feet of floor
361	area may be devoted to all processing; and
362	(3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
363	all processing shall not exceed seven thousand square feet, unless located in a building
364	designated as historic resource under K.C.C. chapter 20.62;
365	e. Structures and areas used for processing shall maintain a minimum distance
366	of seventy-five feet from property lines adjoining rural area and residential zones, unless
367	located in a building designated as historic resource under K.C.C. chapter 20.62;
368	f. Processing is limited to agricultural products and sixty percent or more of
369	the products processed must be grown in the Puget Sound counties. At the time of initial
370	application, the applicant shall submit a projection of the source of products to be
371	produced;

372	g. In the A zone, structures used for processing shall be located on portions of
373	agricultural lands that are unsuitable for other agricultural purposes, such as areas within
374	the already developed portion of such agricultural lands that are not available for direct
375	agricultural production, or areas without prime agricultural soils; and
376	h. Tasting of products produced on site may be provided in accordance with
377	state law. The area devoted to tasting shall be included in the floor area limitation in
378	subsection B.1.d. of this section.
379	2. Except slaughterhouses.
380	3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
381	Industry No. 2085-Distilled and Blended Liquors;
382	b. In the A zone, only allowed on sites where the primary use is SIC Industry
383	Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
384	Animals;
385	c. In the RA and UR zones, only allowed on lots of at least four and one-half
386	acres;
387	d. The floor area devoted to all processing shall not exceed three thousand five
388	hundred square feet, unless located in a building designated as historic resource under
389	K.C.C. chapter 20.62;
390	e. Structures and areas used for processing shall maintain a minimum distance
391	of seventy-five feet from property lines adjoining rural area and residential zones, unless
392	located in a building designated as historic resource under K.C.C. chapter 20.62;

393	f. Sixty percent or more of the products processed must be grown in the Puget
394	Sound counties. At the time of the initial application, the applicant shall submit a
395	projection of the source of products to be produced; and
396	g. Tasting of products produced on site may be provided in accordance with
397	state law. The area devoted to tasting shall be included in the floor area limitation in
398	subsection B.3.c. of this section.
399	4. Limited to rough milling and planing of products grown on-site with portable
400	equipment.
401	5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
402	2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
403	minimum site area is four and one-half acres.
404	6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
405	No. 2431-Millwork, (excluding planing mills).
106	7. Limited to photocopying and printing services offered to the general public.
107	8. Only within enclosed buildings, and as an accessory use to retail sales.
108	9. Only within enclosed buildings.
109	10. Limited to boat building of craft not exceeding forty-eight feet in length.
110	11. For I-zoned sites located outside the urban growth area designated by the
111	King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
112	21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
113	rural industrial uses as set forth in K.C.C. chapter 21A.12.
114	12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
115	Industry No. 2085-Distilled and Blended Liquors;

K.C.C. chapter 20.62;

b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
of structures for wineries, breweries and distilleries and any accessory uses shall not
exceed a total of eight thousand square feet. The floor area may be increased by up to ar
additional eight thousand square feet of underground storage that is constructed
completely below natural grade, not including required exits and access points, if the
underground storage is at least one foot below the surface and is not visible above
ground; and
(2) On Vashon-Maury Island, the total floor area of structures for wineries,
breweries and distilleries and any accessory uses may not exceed six thousand square
feet, including underground storage;
c. Wineries, breweries and distilleries shall comply with Washington state
Department of Ecology and King County board of health regulations for water usage and
wastewater disposal. Wineries, breweries and distilleries using water from exempt wells
shall install a water meter;
d. Off-street parking is limited to one hundred and fifty percent of the
minimum requirement for wineries, breweries or distilleries specified in K.C.C.
21A.18.030;
e. Structures and areas used for processing shall be set back a minimum
distance of seventy-five feet from property lines adjacent to rural area and residential

zones, unless the processing is located in a building designated as historic resource under

437	f. The minimum site area is four and one-half acres. If the total floor area of
438	structures for wineries, breweries and distilleries and any accessory uses exceed six
439	thousand square feet, including underground storage:
440	(1) the minimum site area is ten acres; and
441	(2) a minimum of two and one-half acres of the site shall be used for the
442	growing of agricultural products;
443	g. The facility shall be limited to processing agricultural products and sixty
444	percent or more of the products processed must be grown in the Puget Sound counties.
445	At the time of the initial application, the applicant shall submit a projection of the source
446	of products to be processed; and
447	h. Tasting of products produced on site may be provided in accordance with
448	state law. The area devoted to tasting shall be included in the floor area limitation in
449	subsection B.12.b. of this section.
450	13. Only on the same lot or same group of lots under common ownership or
451	documented legal control, which includes, but is not limited to, fee simple ownership, a
452	long-term lease or an easement:
453	a. as accessory to a primary forestry use and at a scale appropriate to process
454	the organic waste generated on the site; or
455	b. as a continuation of a sawmill or lumber manufacturing use only for that
456	period to complete delivery of products or projects under contract at the end of the
457	sawmill or lumber manufacturing activity.

458	14. Only on the same lot or same group of lots under common ownership or
459	documented legal control, which includes, but is not limited to, fee simple ownership, a
460	long-term lease or an easement:
461	a. as accessory to a primary mineral use; or
462	b. as a continuation of a mineral processing use only for that period to
463	complete delivery of products or projects under contract at the end of mineral extraction.
464	15. Continuation of a materials processing facility after reclamation in
465	accordance with an approved reclamation plan.
466	16. Only a site that is ten acres or greater and that does not use local access
467	streets that abut lots developed for residential use.
468	17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
469	Industry No. 2085-Distilled and Blended Liquors;
470	b. The floor area devoted to all processing shall not exceed three thousand five
471	hundred square feet, unless located in a building designated as historic resource under
472	K.C.C. chapter 20.62;
473	c. Structures and areas used for processing shall maintain a minimum distance
474	of seventy-five feet from property lines adjoining rural area and residential zones, unless
475	located in a building designated as historic resource under K.C.C. chapter 20.62; and
476	d. Tasting of products produced on site may be provided in accordance with
477	state law. The area devoted to tasting shall be included in the floor area limitation in
478	subsection B.18.b. of this section.
479	18. Limited to:

480	a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
481	Millwork, as follows:
482	(1) If using lumber or timber grown off-site, the minimum site area is four
483	and one-half acres;
484	(2) The facility shall be limited to an annual production of no more than one
485	hundred fifty thousand board feet;
486	(3) Structures housing equipment used in the operation shall be located at
487	least one-hundred feet from adjacent properties with residential or rural area zoning;
488	(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
489	7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
490	(6) In the RA zone, the facility's driveway shall have adequate entering sight
491	distance required by the 2007 King County Road Design and Construction Standards. An
492	adequate turn around shall be provided on-site to prevent vehicles from backing out on to
493	the roadway that the driveway accesses; and
494	(7) Outside lighting is limited to avoid off-site glare; and
495	b. SIC Industry No. 2411-Logging.
496	19. Limited to manufacture of custom made wood furniture or cabinets.
497	20.a. Only allowed on lots of at least four and one-half acres;
498	b. Only as an accessory use to a Washington state Liquor Control Board
199	licensed marijuana production facility on the same lot;
500	c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
501	d. Only with documentation that the operator has applied for a Puget Sound
502	Clean Air Agency Notice of Construction Permit. All department permits issued to either

503	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
504	Clean Air Agency Notice of Construction Permit be approved before marijuana products
505	are imported onto the site; and
506	e. Accessory marijuana processing uses allowed under this section are subject
507	to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
508	21.a. Only in the CB and RB zones located outside the urban growth area;
509	(( <del>and</del> ))
510	b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
511	c. Only with documentation that the operator has applied for a Puget Sound
512	Clean Air Agency Notice of Construction Permit. All department permits issued to either
513	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
514	Clean Air Agency Notice of Construction Permit be approved before marijuana products
515	are imported onto the site;
516	d. Per ((parcel)) lot, the aggregated total gross floor area devoted to the use of,
517	and in support of, processing marijuana together with any separately authorized
518	production of marijuana shall be limited to a maximum of two thousand square feet; and
519	((e.)) e. If the two_thousand_square_foot_per ((parcel)) -lot threshold is
520	exceeded, each and every marijuana-related entity occupying space in addition to the
521	two_thousand_square_foot threshold area on that ((parcel)) lot shall obtain a conditional
522	use permit as set forth in subsection $((B.23.))$ B.22. of this section.
523	22.a. Only in the CB and RB zones located outside the urban growth area;
524	((and))

525	b. Per ((parcel)) <u>lot</u> , the aggregated total gross floor area devoted to the use of,
526	and in support of, processing marijuana together with any separately authorized
527	production of marijuana shall be limited to a maximum of thirty thousand square feet
528	c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
529	d. Only with documentation that the operator has applied for a Puget Sound
530	Clean Air Agency Notice of Construction Permit. All department permits issued to either
531	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
532	Clean Air Agency Notice of Construction Permit be approved before marijuana products
533	are imported onto the site.
534	23.a. Only in the CB and RB zones located inside the urban growth area; ((and))
535	b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
536	c. Only with documentation that the operator has applied for a Puget Sound
537	Clean Air Agency Notice of Construction Permit. All department permits issued to either
538	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
539	Clean Air Agency Notice of Construction Permit be approved before marijuana products
540	are imported onto the site;
541	<u>d.</u> Per (( <del>parcel</del> )) <u>lot</u> , the aggregated total gross floor area devoted to the use of,
542	and in support of, processing marijuana together with any separately authorized
543	production of marijuana shall be limited to a maximum of two thousand square feet; and
544	((e.)) e. If the two_thousand_square_foot_per ((pareel))lot threshold is
545	exceeded, each and every marijuana-related entity occupying space in addition to the
546	two_thousand_square_foot threshold area on that ((parcel)) lot shall obtain a conditional
547	use permit as set forth in subsection $((B.25))$ B.24. of this section.

548	24.a. Only in the CB and RB zones located inside the urban growth area;
549	b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
550	c. Only with documentation that the operator has applied for a Puget Sound
551	Clean Air Agency Notice of Construction Permit. All department permits issued to either
552	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
553	Clean Air Agency Notice of Construction Permit be approved before marijuana products
554	are imported onto the site; and
555	$\underline{d}$ . Per ((parcel)) $\underline{lot}$ , the aggregated total gross floor area devoted to the use of,
556	and in support of, processing marijuana together with any separately authorized
557	production of marijuana shall be limited to a maximum of thirty thousand square feet.
558	25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
559	b. Only with documentation that the operator has applied for a Puget Sound
60	Clean Air Agency Notice of Construction Permit. All department permits issued to either
61	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
62	Clean Air Agency Notice of Construction Permit be approved before marijuana products
63	are imported onto the site; and
64	c. Per ((parcel)) lot, limited to a maximum aggregate total of two thousand
65	square feet of gross floor area devoted to, and in support of, the processing of marijuana
666	together with any separately authorized production of marijuana.
67	26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
68	b. Only with documentation that the operator has applied for a Puget Sound
69	Clean Air Agency Notice of Construction Permit. All department permits issued to either
70	marijuana producers or marijuana processors, or both, shall require that a Puget Sound

571	Clean Air Agency Notice of Construction Permit be approved before marijuana products
572	are imported onto the site; and
573	c. Per ((pareel)) lot, limited to a maximum aggregate total of thirty thousand
574	square feet of gross floor area devoted to, and in support of, the processing of marijuana
575	together with any separately authorized production of marijuana.
576	27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
577	Island, that do not require a conditional use permit issued by King County, that receive a
578	Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
579	and that King County did not object to within the Washington state Liquor and Cannabis
580	Board marijuana license application process, shall be considered nonconforming as to
581	subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
582	21A.32.075 for nonconforming uses;
583	b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
584	c. Only with documentation that the operator has applied for a Puget Sound
585	Clean Air Agency Notice of Construction Permit. All department permits issued to either
586	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
587	Clean Air Agency Notice of Construction Permit be approved before marijuana products
588	are imported onto the site;
589	d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
590	Island;
591	e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
592	except on Vashon-Maury Island;

f. Only as an accessory use to a Washington state Liquor Cannabis Board

licensed marijuana production facility on the same lot; and

g. Accessory marijuana processing uses allowed under this section are subject

to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

SECTION 15. Ordinance 10870, Section 336, as amended, and K.C.C

21A.08.090 are hereby amended as follows:

A. Resource land uses.

KEY			RES	OURCI	E	RU	RESI	DENTI	AL	СО	MM	ERC	IAL	/IND	UST	RIAL	
						RA											
						L											
P-Permitted	l Use		A	F	М	R	UR	U	R	N	В	С	В	R	В	0	I
C-Condition	nal Use		G	0	I	U	R E	R	Е	Е	U	0	U	Е	U	F	N
S-Special U	Ise	Z	R	R	N	R	B S	В	S	I	S	М	S	G	S	F	D
	196	0	I	Е	Е	A	A E	A	1	G	I	M	I	ī	I	I	U
		N	С	S	R	L	N R	N	D	Н	N	U	N	0	N	С	S
		Е	U	Т	A		V		Е	В	Е	N	Е	N	Е	E	Т
			L		L	Α	Е		N	0	S	I	S	A	S		R
			Т			R			T	R	S	Т	S	L	S		I
			U			E			I	Н		Y					A
			R			A			Α	0							L
			Е						L	0							
										D							
SIC#	SPECIFIC LAND	USE	A	F	M	RA	UR	R1-	R12	NB		СВ		RB		0	I
								8	-48								
	AGRICULTURE:																
01	Growing and Harve		P	P		Р	P	P									P
	Crops	oung.	1	1													,
02		n d	P	P		P	P										P
	Raising Livestock a	מחט	P	P		P	P										Р
	Small Animals (6)																
*	((Recreational m))		P15			P16						P18		P18			P20

	Marijuana producer	C22			C17					C19	C19		C2
*	Agriculture Training	C10											$\vdash$
	Facility												
*	Agriculture-related	P12			1						1		
	special needs camp												
*	Agricultural Anaerobic	P13											
	Digester												
	FORESTRY:												
08	Growing & Harvesting	P	P	P7	P	P	Р						Р
	Forest Production												
*	Forest Research		Р		P	Р						P2	Р
	FISH AND												
	WILDLIFE												
	MANAGEMENT:												
0921	Hatchery/Fish Preserve	P	P		Р	P	С						Р
	(1)												
0273	Aquaculture (1)	P	Р		P	Р	С						Р
*	Wildlife Shelters	P	Р		P	Р							
	MINERAL:												
10,12,14	Mineral Extraction and		P9	P									
	Processing		С	Cl									
				1									-
2951,	Asphalt/Concrete		P8	P8									P
3271, 3273	Mixtures and Block		C1	C1									
			1	1									
	ACCESSORY USES:												
*	Resource Accessory	P3	P4	P5	P3	P3							P4
	Uses	P23											
*	Temporary Farm	P14	P14		P14								
	Worker Housing			×									
GENERAL	CROSS Land	Use Ta	ble Inst	ruction	s, see K.	C.C. 21 <i>A</i>	.08.020	and 21	A.02.070;	Developr	L nent Stand	ards, s	ee

21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;

	(*)Definition of this specific land use, see K.C.C. chapter 21A.06.
600	B. Development conditions.
601	1. May be further subject to K.C.C. chapter 21A.25.
602	2. Only forest research conducted within an enclosed building.
603	3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
604	4. Excluding housing for agricultural workers.
605	5. Limited to either maintenance or storage facilities, or both, in conjunction
606	with mineral extraction or processing operation.
607	6. Allowed in accordance with K.C.C. chapter 21A.30.
608	7. Only in conjunction with a mineral extraction site plan approved in
609	accordance with K.C.C. chapter 21A.22.
610	8. Only on the same lot or same group of lots under common ownership or
611	documented legal control, which includes, but is not limited to, fee simple ownership, a
612	long-term lease or an easement:
613	a. as accessory to a primary mineral extraction use;
614	b. as a continuation of a mineral processing only for that period to complete
615	delivery of products or projects under contract at the end of a mineral extraction; or
616	c. for a public works project under a temporary grading permit issued in
617	accordance with K.C.C. 16.82.152.
618	9. Limited to mineral extraction and processing:
619	a. on a lot or group of lots under common ownership or documented legal
620	control, which includes but is not limited to, fee simple ownership, a long-term lease or
621	an easement:

622	b. that are located greater than one-quarter mile from an established residence;
623	and
624	c. that do not use local access streets that abut lots developed for residential
625	use.
626	10. Agriculture training facilities are allowed only as an accessory to existing
627	agricultural uses and are subject to the following conditions:
628	a. The impervious surface associated with the agriculture training facilities
629	shall comprise not more than ten percent of the allowable impervious surface permitted
630	under K.C.C. 21A.12.040;
631	b. New or the expansion of existing structures, or other site improvements,
632	shall not be located on class 1, 2 or 3 soils;
633	c. The director may require reuse of surplus structures to the maximum extent
634	practical;
635	d. The director may require the clustering of new structures with existing
636	structures;
637	e. New structures or other site improvements shall be set back a minimum
638	distance of seventy-five feet from property lines adjoining rural area and residential
639	zones;
640	f. Bulk and design of structures shall be compatible with the architectural style
641	of the surrounding agricultural community;
642	g. New sewers shall not be extended to the site;
643	h. Traffic generated shall not impede the safe and efficient movement of
644	agricultural vehicles, nor shall it require capacity improvements to rural roads:

645	1. Agriculture training facilities may be used to provide educational services to
646	the surrounding rural/agricultural community or for community events. Property owners
647	may be required to obtain a temporary use permit for community events in accordance
648	with K.C.C. chapter 21A.32;
649	j. Use of lodging and food service facilities shall be limited only to activities
650	conducted in conjunction with training and education programs or community events
651	held on site;
652	k. Incidental uses, such as office and storage, shall be limited to those that
653	directly support education and training activities or farm operations; and
654	1. The King County agriculture commission shall be notified of and have an
655	opportunity to comment upon all proposed agriculture training facilities during the permit
656	process in accordance with K.C.C. chapter 21A.40.
657	11. Continuation of mineral processing and asphalt/concrete mixtures and block
658	uses after reclamation in accordance with an approved reclamation plan.
659	12.a. Activities at the camp shall be limited to agriculture and agriculture-
660	oriented activities. In addition, activities that place minimal stress on the site's
661	agricultural resources or activities that are compatible with agriculture are permitted.
662	(1) passive recreation;
663	(2) training of individuals who will work at the camp;
664	(3) special events for families of the campers; and
665	(4) agriculture education for youth.
666	b. Outside the camp center, as provided for in subsection B.12.e. of this
667	section, camp activities shall not preclude the use of the site for agriculture and

agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

690	g. To the extent practicable, existing structures shall be reused. The applicant
691	shall demonstrate to the director that a new structure for nonagricultural camp activities
692	cannot be practicably accommodated within an existing structure on the site, though
693	cabins for campers shall be permitted only if they do not already exist on site;
694	h. Camp facilities may be used to provide agricultural educational services to
695	the surrounding rural and agricultural community or for community events. If required
696	by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
697	community events;
698	i. Lodging and food service facilities shall only be used for activities related to
699	the camp or for agricultural education programs or community events held on site;
700	j. Incidental uses, such as office and storage, shall be limited to those that
701	directly support camp activities, farm operations or agricultural education programs;
702	k. New nonagricultural camp structures and site improvements shall maintain a
703	minimum set-back of seventy-five feet from property lines adjoining rural area and
704	residential zones;
705	1. Except for legal nonconforming structures existing as of January 1, 2007,
706	camp facilities, such as a medical station, food service hall and activity rooms, shall be of
707	a scale to serve overnight camp users;
708	m. Landscaping equivalent to a type III landscaping screen, as provided for in
709	K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
710	and site improvements located within two hundred feet of an adjacent rural area and
711	residential zoned property not associated with the camp;
712	n. New sewers shall not be extended to the site;

/13	o. The total number of persons staying overnight shall not exceed three
714	hundred;
715	p. The length of stay for any individual overnight camper, not including camp
716	personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
717	q. Traffic generated by camp activities shall not impede the safe and efficient
718	movement of agricultural vehicles nor shall it require capacity improvements to rural
719	roads;
720	r. If the site is adjacent to an arterial roadway, access to the site shall be
721	directly onto the arterial unless the county road engineer determines that direct access is
722	unsafe;
723	s. If direct access to the site is via local access streets, transportation
724	management measures shall be used to minimize adverse traffic impacts;
725	t. Camp recreational activities shall not involve the use of motor vehicles
726	unless the motor vehicles are part of an agricultural activity or are being used for the
727	transportation of campers, camp personnel or the families of campers. Camp personnel
728	may use motor vehicles for the operation and maintenance of the facility. Client-specific
729	motorized personal mobility devices are allowed; and
730	u. Lights to illuminate the camp or its structures shall be arranged to reflect the
731	light away from any adjacent property.
732	13. Limited to digester receiving plant and animal and other organic waste from
733	agricultural activities, as follows:
734	a. the digester must be included as part of a Washington state Department of
735	Agriculture approved dairy nutrient plan;

736	b. the digester must process at least seventy percent livestock manure or other
737	agricultural organic material from farms in the vicinity, by volume;
738	c. imported organic waste-derived material, such as food processing waste,
739	may be processed in the digester for the purpose of increasing methane gas production for
740	beneficial use, but not shall exceed thirty percent of volume processed by the digester;
741	and
742	d. the use must be accessory to an operating dairy or livestock operation.
743	14. Temporary farm worker housing subject to the following conditions:
744	a. The housing must be licensed by the Washington state Department of
745	Health under chapter 70.114A RCW and chapter 246-358 WAC;
746	b. Water supply and sewage disposal systems must be approved by the Seattle
747	King County department of health;
748	c. To the maximum extent practical, the housing should be located on
749	nonfarmable areas that are already disturbed and should not be located in the floodplain
750	or in a critical area or critical area buffer; and
751	d. The property owner shall file with the department of executive services,
752	records and licensing services division, a notice approved by the department identifying
753	the temporary farm worker housing as accessory and that the housing shall only be
754	occupied by agricultural employees and their families while employed by the owner or
755	operator. The notice shall run with the land.
756	15. Marijuana production by marijuana producers licensed by the Washington
757	state Liquor ((Control)) and Cannabis Board is subject to the following standards:
758	a. Only allowed on lots of at least four and one-half acres;

759	b. With a lighting plan, only if required by and that complies with K.C.C.
760	21A.12.220.G.;
761	c. Only with documentation that the operator has applied for a Puget Sound
762	Clean Air Agency Notice of Construction Permit. All department permits issued to either
763	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
764	Clean Air Agency Notice of Construction Permit be approved before marijuana products
765	are imported onto the site;
766	d. Production is limited to outdoor, indoor within marijuana greenhouses, and
767	within structures that are nondwelling unit structures that exist as of October 1, 2013,
768	subject to the size limitations in subsection ((B.15.b.)) B.15.e. of this section;
769	((b.)) e. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
770	combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to
771	a maximum aggregated total of two thousand square feet and shall be located within a
772	fenced area or marijuana greenhouse that is no more than ten percent larger than that
773	combined area, or may occur in nondwelling unit structures that exist as of October 1,
774	2013; (( <del>and</del>
775	e.)) f. Outdoor production area fencing as required by the Washington state
776	Liquor ((Control)) and Cannabis Board ((and)), marijuana greenhouses and nondwelling
777	unit structures shall maintain a minimum street setback of fifty feet and a minimum
778	interior setback of thirty feet; and
779	g. If the two_thousand_square_foot-per_lot threshold of plant canopy combined
780	with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
781	marijuana-related entity occupying space in addition to the two-thousand-square-foot

782	threshold area on that lot shall obtain a conditional use permit as set forth in subsection
783	B.22. of this section.
784	16. Marijuana production by marijuana producers licensed by the Washington
785	state Liquor ((Control)) and Cannabis Board is subject to the following standards:
786	a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island
787	that do not require a conditional use permit issued by King County, that receive a
788	Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
789	and that King County did not object to within the Washington state Liquor and Cannabis
790	Board marijuana license application process, shall be considered nonconforming as to
791	subsection B.16.d. and g. of this section, subject to the provisions of K.C.C. 21A.32.020
792	through 21A.32.075 for nonconforming uses;
793	b. In all rural area zones, only with a lighting plan that complies with K.C.C.
794	21A.12.220.G.;
795	c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
796	Island;
797	d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
798	except on Vashon-Maury Island;
799	e. Only with documentation that the operator has applied for a Puget Sound
800	Clean Air Agency Notice of Construction Permit. All department permits issued to either
801	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
802	Clean Air Agency Notice of Construction Permit be approved before marijuana products
803	are imported onto the site;

804	$\underline{f}$ . Production is limited to outdoor, indoor within marijuana greenhouses, and
805	within nondwelling unit structures that exist as of October 1, 2013, subject to the size
806	limitations in subsection $((B.16.b.))$ <u>B.16.f.</u> of this section;
807	((b.)) g. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
808	combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to
809	a maximum aggregated total of two thousand square feet and shall be located within a
810	fenced area or marijuana greenhouse, that is no more than ten percent larger than that
811	combined area, or may occur in nondwelling unit structures that exist as of October 1,
812	2013;
813	((c. Only allowed on lots of at least four and one-half acres; and
814	d.)) h. Outdoor production area fencing as required by the Washington state
815	Liquor ((Control)) and Cannabis Board and marijuana greenhouses shall maintain a
816	minimum street setback of fifty feet and a minimum interior setback of ((thirty)) one
817	hundred feet; and a minimum setback of one hundred fifty feet from any existing
818	residence; and
819	$((e_{-}))$ <u>i.</u> If the two_thousand_square_foot_per $((pareel))$ _lot threshold of plant
820	canopy within fenced areas or marijuana greenhouses is exceeded, each and every
821	marijuana-related entity occupying space in addition to the two_thousand_square_foot
822	threshold area on that ((parcel)) lot shall obtain a conditional use permit as set forth in
823	subsection B.17. of this section.
824	17. Marijuana production by marijuana producers licensed by the Washington
825	state Liquor ((Control)) and Cannabis Board is subject to the following standards:

826	a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
827	Island;
828	b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
829	except on Vashon-Maury Island;
830	c. In all rural area zones, only with a lighting plan that complies with K.C.C.
831	21A.12.220.G.;
832	d. Only with documentation that the operator has applied for a Puget Sound
833	Clean Air Agency Notice of Construction Permit. All department permits issued to either
834	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
835	Clean Air Agency Notice of Construction Permit be approved before marijuana products
836	are imported onto the site;
837	e. Production is limited to outdoor and indoor within marijuana greenhouses
838	subject to the size limitations in subsection ((B.17.b.))B.17.e. of this section;
839	((b.)) f. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
840	combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to
841	a maximum aggregated total of thirty thousand square feet and shall be located within a
842	fenced area or marijuana greenhouse that is no more than ten percent larger than that
843	combined area; and
844	((c. Only allowed on lots of at least four and one-half acres)) g. Outdoor
845	production area fencing as required by the Washington state Liquor and Cannabis Board,
846	and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a
847	minimum interior setback of one hundred feet, and a minimum setback of one hundred
848	fifty feet from any existing residence.

849	18.a. Production is limited to indoor only; ((and))
850	b. With a lighting plan only as required by and that complies with K.C.C.
851	21A.12.220.G.;
852	c. Only with documentation that the operator has applied for a Puget Sound
853	Clean Air Agency Notice of Construction Permit. All department permits issued to either
854	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
855	Clean Air Agency Notice of Construction Permit be approved before marijuana products
856	are imported onto the site;
857	d. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
858	combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
859	a maximum aggregated total of two thousand square feet and shall be located within a
860	building or tenant space that is no more than ten percent larger than the plant canopy and
861	separately authorized processing area; and
862	$((e.))$ <u>e.</u> If the two_thousand_square_foot_per $((parcel))$ <u>-lot</u> threshold is
863	exceeded, each and every marijuana-related entity occupying space in addition to the
864	two_thousand_square_foot threshold area on that ((parcel)) lot shall obtain a conditional
865	use permit as set forth in subsection B.19. of this section.
866	19.a. Production is limited to indoor only;
867	b. With a lighting plan only as required by and that complies with K.C.C.
868	21A.12.220.G.;
869	c. Only with documentation that the operator has applied for a Puget Sound
870	Clean Air Agency Notice of Construction Permit. All department permits issued to either
871	marijuana producers or marijuana processors, or both, shall require that a Puget Sound

872	Clean Air Agency Notice of Construction Permit be approved before marijuana products
873	are imported onto the site; and
874	d. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
875	combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
876	a maximum aggregated total of thirty thousand square feet and shall be located within a
877	building or tenant space that is no more than ten percent larger than the plant canopy and
878	separately authorized processing area.
879	20.a. Production is limited to indoor only;
880	b. With a lighting plan only as required by and that complies with K.C.C.
881	21A.12.220.G.;
882	c. Only with documentation that the operator has applied for a Puget Sound
883	Clean Air Agency Notice of Construction Permit. All department permits issued to either
884	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
885	Clean Air Agency Notice of Construction Permit be approved before marijuana products
886	are imported onto the site;
887	d. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
888	combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
889	a maximum aggregated total of two thousand square feet and shall be located within a
890	building or tenant space that is no more than ten percent larger than the plant canopy and
891	separately authorized processing area; and
892	e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
893	every marijuana-related entity occupying space in addition to the two-thousand-square-

894	foot threshold area on that lot shall obtain a conditional use permit as set forth in
895	subsection B.21. of this section.
896	21.a. Production is limited to indoor only;
897	b. With a lighting plan only as required by and that complies with K.C.C.
898	21A.12.220.G.;
899	c. Only with documentation that the operator has applied for a Puget Sound
900	Clean Air Agency Notice of Construction Permit. All department permits issued to either
901	marijuana producers or marijuana processors, or both, shall require that a Puget Sound
902	Clean Air Agency Notice of Construction Permit be approved before marijuana products
903	are imported onto the site; and
904	d. Per ((parcel)) lot, the plant canopy, as defined in WAC 314-55-010,
905	combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
906	a maximum aggregated total of thirty thousand square feet and shall be located within a
907	building or tenant space that is no more than ten percent larger than the plant canopy and
908	separately authorized processing area.
909	22. Marijuana production by marijuana producers licensed by the Washington
910	state Liquor ((Control)) and Cannabis Board is subject to the following standards:
911	a. With a lighting plan only as required by and that complies with K.C.C.
912	21A.12.220.G.;
913	b. Only allowed on lots of at least four and one-half acres;
914	c. Only with documentation that the operator has applied for a Puget Sound
915	Clean Air Agency Notice of Construction Permit. All department permits issued to either
916	marijuana producers or marijuana processors, or both, shall require that a Puget Sound

917	Clean Air Agency Notice of Construction Permit be approved before marijuana products
918	are imported onto the site;
919	d. Production is limited to outdoor, indoor within marijuana greenhouses, and
920	within structures that are nondwelling unit structures that exist as of October 1, 2013,
921	subject to the size limitations in subsection ((B.15.b.)) B.22. e and f. of this section;
922	((b.)) e. On lots less than ten acres, $((P))$ per $((parcel))$ lot, the plant canopy, as
923	defined in WAC 314-55-010, combined with any area used for processing under K.C.C.
924	21A.08.080 shall be limited to a maximum aggregated total of ((ten)) five thousand
925	square feet, and shall be located within a fenced area or marijuana greenhouse that is no
926	more than ten percent larger than that combined area, or may occur in nondwelling unit
927	structures that exist as of October 1, 2013;
928	f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
929	55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
930	limited to a maximum aggregated total of ten thousand square feet, and shall be located
931	within a fenced area or marijuana greenhouse that is no more than ten percent larger than
932	that combined area, or may occur in nondwelling unit structures that exist as of October
933	1, 2013; and
934	((e-)) g. Outdoor production area fencing as required by the Washington state
935	Liquor ((Control)) and Cannabis Board, ((and)) marijuana greenhouses and nondwelling
936	unit structures shall maintain a minimum street setback of fifty feet and a minimum
937	interior setback of ((thirty)) one hundred feet, and a minimum setback of one hundred
938	fifty feet from any existing residence.

939	23. The storage and processing of non-manufactured source separated organic
940	waste that originates from agricultural operations and that does not originate from the
941	site, if:
942	a. agricultural is the primary use of the site;
943	b. the storage and processing are in accordance with best management
944	practices included in an approved farm plan; and
945	c. except for areas used for manure storage, the areas used for storage and
946	processing do not exceed three acres and ten percent of the site.
947	SECTION 16. There is hereby added to K.C.C. chapter 27.10 a new section to
948	read as follows:
949	The nonrefundable application fee for a retail marijuana business license or
950	renewal imposed under section 6 of this ordinance is one thousand dollars. The
951	nonrefundable application fee for a retail marijuana business license or renewal shall be
952	reduced by fifty percent in accordance with section 6 of this ordinance.
953	SECTION 17. Before transmitting the 2017/2018 biennial budget, the executive
954	shall review the permit fees for conditional use permits related to marijuana businesses to
955	ensure those fees are achieving the full cost recovery contemplated by K.C.C. Title 27.
956	As part of the transmittal, the executive shall propose any necessary fee adjustment
957	including, if necessary, a fee specific to marijuana-related conditional use permits, to
958	ensure such permit fees achieve full cost recovery, and shall provide written
959	documentation to the council that the department expects the proposed fee to provide full
960	cost recovery for these types of land use applications.

SECTION 18. A. It is the intent of the council to find additional appropriate locations for marijuana retail stores, especially to serve medical marijuana patients. As such, the executive shall transmit a report that analyzes the potential for allowing marijuana uses in Neighborhood Business (NB) as follows:

- 1. Identify each NB zoned area. For each NB zoned area:
- a. provide parcel information including, but not limited to: parcel acreage, current and significant historical uses, development conditions and area mapping shall include, but is not limited to any and all map designations and adjacent area zoning;
- b. determine the approximate acreage for marijuana retail uses in each NB zoned area considering state buffer requirements;
- c. recommend whether to allow marijuana retailers in the NB zone, and if so, what development conditions should apply; and
- d. discuss regulatory options for marijuana retail uses in NB zones, including development conditions and any property or area specific conditions that could be used to assist with compatibility of marijuana retailer uses;
- B. The report and a proposed ordinance allowing marijuana retail uses in ten existing NB-zoned areas, along with appropriate development conditions shall be transmitted to the council by December 31, 2016. The proposed ordinance shall allow marijuana retail uses in no more than two NB-zoned areas per council district. The report and the proposed ordinance shall be transmitted to the council by December 31, 2016, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief

983	of staff, the policy staff director, and the lead staff for the transportation, economy and
984	environment committee, or its successor.
985	SECTION 19. A. The executive shall transmit a report that analyzes the potential
986	for allowing marijuana uses in Urban Reserve (UR) and Rural Area-10 (RA-10) zones in
987	unincorporated King County as follows:
988	1. Identify each UR zoned area. For each UR zoned area, provide:
989	a. acreage, potential annexation area descriptions including but not limited to
990	any adjacent jurisdictions' potential zoning and recent or current annexation processes,
991	and area mapping including, but not limited to any and all map designations,
992	comprehensive plan mapping layers and adjacent area zoning;
993	b. parcel information including, but not limited to, parcel acreage, current and
994	significant historical uses and area mapping including, but not limited to, any and all map
995	designations, and adjacent area zoning;
996	c. determine the approximate acreage for marijuana production, processing and
997	retail uses in each UR zoned area considering state buffer requirements; and
998	d. recommend whether to allow marijuana producers, processors and retailers
999	in the UR zone and, if so, what development conditions should apply; and
1000	2. Identify each RA-10 zoned area. For each RA-10 zoned area provide:
1001	a. parcel information including, but not limited to, parcel acreage, current and
1002	significant historical uses and area mapping including, but not limited to, any and all map
1003	designations, and adjacent area zoning;
1004	b. determine the approximate acreage for marijuana production and processing
1005	uses in the RA-10 zoned area considering existing uses, and state buffer requirements;

1006	c. recommend whether to allow marijuana producers and processors in the RA-
1007	10 zone generally; and
1008	d. discuss regulatory options for marijuana producers and processors in RA
1009	zones, recommended development conditions that could be used to assist with limiting
1010	the impact of marijuana retailer uses.
1011	B. The report and a proposed motion accepting the report shall be transmitted to
1012	the council by April 28, 2017, in the form of a paper original and an electronic copy to
1013	the clerk of the council, who shall retain the original and provide an electronic copy to all
1014	councilmembers, the council chief of staff, the policy staff director, and the lead staff for
1015	the transportation, economy and environment committee, or its successor.
1016	SECTION 20. A. The executive shall transmit a report describing the marijuana
1017	industry in King County and the impacts of retail stores and marijuana processors on the
1018	residents of unincorporated King County as detailed in subsection B. of this section.
1019	B. The report should include:
1020	1. An analysis of the land available under the county's land use code to
1021	determine if there is sufficient capacity to absorb the number of licenses the state has
1022	allocated to King County;
1023	2. A map of the known retail and producer and processor locations and any
1024	potential locations;
1025	3. An analysis of the impacts of legal marijuana retail and processing on
1026	unincorporated residents for the period 2014-2018, including the number, location and
1027	nature of complaints made to the department of permitting and environmental review;

crimes attributable to marijuana businesses; an assessment of how regulations governing

light and odor are being implemented; and a summary of public comment made during
five conditional use permit reviews;

- 4. An assessment of the equity and social justice impacts of how the marijuana industry is developing in unincorporated King County;
- 5. Recommendations for ways to meet the county's obligations under the new regulated state framework and adopt development regulations that are fair and predictable to the industry and that minimize the impact of marijuana retail stores and processing facilities on residents;
- 6. Recommendations for ways to use development regulations to incentivize the location of medical retrial establishments in King County;
- 7. An overview of the state of the marijuana industry in the state and county based on what is learned in this report, as well as information available through state, federal and privately funded studies; and
- 8. A table showing the land use rules for all jurisdictions in Washington where such information is readily available.
- C. The report shall be transmitted to the council by December 31, 2018, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.
- 1049 <u>SECTION 21.</u> Ordinance 18269, Section 2, and Ordinance 18269, Section 3, are each hereby repealed.

Yes: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.

Upthegrove and Ms. Balducci No: 3 - Mr. Gossett, Mr. McDermott and Mr. Dembowski

Excused: 1 - Ms. Kohl-Welles

KING COUNTY COUNCIL KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 4 day of AUGUST, 2016.

Dow Constantine, County Executive

Attachments: None