



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2018-0241.2

Sponsors Lambert

1 AN ORDINANCE relating to planning and permitting;
2 amending Ordinance 10870, Section 330, as amended, and
3 K.C.C. 21A.08.030, Ordinance 10870, Section 334, as
4 amended, and K.C.C. 21A.08.070, Ordinance 10870,
5 Section 335, as amended, and K.C.C. 21A.08.080,
6 Ordinance 10870, Section 336, as amended, and K.C.C.
7 21A.08.090, Ordinance 10870, Section 407, as amended,
8 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as
9 amended, and K.C.C. 21A.30.080, Ordinance 15606,
10 Section 20, as amended, and K.C.C. 21A.30.085,
11 Ordinance 10870, Section 537, as amended, and K.C.C.
12 21A.30.090, Ordinance 10870, Section 547, as amended,
13 and K.C.C. 21A.32.100, Ordinance 10870, Section 549, as
14 amended, and K.C.C. 21A.32.120 and Ordinance 13623,
15 Section 37, as amended, and K.C.C. 23.32.010, adding new
16 sections to K.C.C. chapter 21A.06, adding new sections to
17 K.C.C. chapter 21A.55, adding a new chapter to K.C.C.
18 Title 6, repealing Ordinance 15974, Section 5, and K.C.C.
19 21A.06.1427 and prescribing penalties.

20 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

21 SECTION 1. Findings:

22 A. The Growth Management Act, including RCW 36.70A.130, requires that King
23 County take action to review, and if needed, revise its Comprehensive Plan and
24 development regulations implementing the Comprehensive Plan.

25 B. The existing regulations for wineries and breweries were last substantively
26 amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with
27 the same development conditions as wineries and breweries, with Ordinance 17539 in
28 2013. No other substantive regulatory changes for wineries, breweries and distilleries
29 (collectively "the adult beverage industry") have occurred since 2003. Since that time
30 King County has encountered unprecedented economic and population growth, resulting
31 in major changes to the adult beverage industry and causing concerns about land
32 speculation in some areas of the county, while leaving others in need of economic
33 stimulation.

34 C. Population growth, combined with the growing popularity of small producers
35 and local sourcing within the adult beverage industry has created a need for: clarification
36 regarding core industry functions versus other types of more intensive on-site special
37 events that may help a developing business thrive and consideration of the planning
38 requirements of the Growth Management Act, including economic growth, rural
39 character and protection for water resources and Agricultural and Industrial zoned areas.
40 Changes in state regulations have also occurred, driving a need to bring adult beverage
41 industry development regulations up to date with state licensing allowances. In particular,
42 a state winery allowance for off-site tasting created confusion for business owners

43 regarding the interplay between state licensing requirements and county land use
44 regulations.

45 D. This ordinance follows a multiyear study of the adult beverage industry,
46 which included the 2016 King County Sammamish Valley Wine and Beverage Study.
47 The study period was necessary to evaluate existing zoning regulations for the adult
48 beverage industry in light of changes in industry practices, state licensing allowances and
49 the growing popularity of adult beverage industry across King County and the state of
50 Washington.

51 E. The changes made by this ordinance will help King County to prepare for and
52 support the future of the adult beverage industry as it evolves in the region, to better
53 implement and comply with the policies of the King County Comprehensive Plan
54 ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth
55 Management Act, and to minimize the ambiguities in existing development regulations
56 that were identified in the study period. The changes are intended to improve clarity,
57 administrative efficiencies and enforceability while avoiding confusion for the industry
58 users that may have been caused by lack of consistency with state regulatory systems.
59 The ordinance adds additional protection for the Agricultural zone and provides guidance
60 on enhancing economic activity in the Rural Area zones while also honoring and
61 protecting rural character.

62 F. King County continues to support and foster agriculture, especially within the
63 five designated Agricultural Production Districts. King County also supports the adult
64 beverage industry and recognizes the synergistic relationship between the agricultural and
65 the adult beverage industries. The ordinance aims to establish a strong foundation for

66 moving both industries into the future. There is a historical and continuing crossover
67 between the agricultural industry and the adult beverage industry, including factors such
68 as agricultural uses providing aesthetic value and raw materials that support the adult
69 beverage industry; and the exposure, opportunity and market demand for agricultural
70 products that the adult beverage industry provides for the agricultural industry. This
71 ordinance recognizes competing and complimentary interests between the two industries,
72 and aims to provide a balance consistent with the Growth Management Act and the
73 Comprehensive Plan.

74 G. Consistent with Comprehensive Plan policies R-610, R-615 R-633 and R-
75 677b, the adult beverage industry uses allowed by the ordinance support development of
76 new markets for local agricultural products and help ensure that agricultural production
77 districts continue to be economically viable and farmed into the future. By promoting
78 complimentary relationships with the adult beverage industry, these regulations will help
79 to improve access to locally grown agricultural products throughout King County.

80 H. Economic development polices in the Comprehensive Plan, including ED-
81 102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands
82 have a role in economic activity in the county. The ordinance aims to implement these
83 Comprehensive Plan Policies and is focused on protecting the economic value of the
84 natural environment through traditional land use controls such as minimum lot size
85 limitations and structural and other impervious surface limitations in Rural Area and
86 Agricultural zones. The ordinance creates space for new kinds of small, limited-scope
87 businesses, such as tasting rooms, and small wineries, breweries and distilleries that are
88 visually compatible with rural character and provide cultural opportunities to enhance the

89 region's quality of life and economic vitality.

90 I. Comprehensive Plan policies ED-601 through ED-606, which are part of the
91 rural economic strategies plan, call for a "sustainable and vibrant rural economy that
92 allows rural residents to live and work throughout the Rural Area and Natural Resource
93 Lands." By creating clear direction regarding scope and intensity limits for adult
94 beverage industry uses, this ordinance protects rural character while encouraging new
95 economic and employment opportunities for rural residents. The Comprehensive Plan
96 "recognizes the value of home-based business, recreation and tourism, and commercial
97 and industrial clusters for their ability to provide job opportunities in the Rural Area and
98 Natural Resource Lands, and help sustain the rural economic base." This ordinance takes
99 advantage of the existing, organically developing adult beverage industry to implement
100 this policy in a variety of ways. The plan directs the county to explore opportunities to
101 support agricultural tourism and to encourage value-added programs related to the
102 production of food specifically including specialty beverages such as beer, distilled
103 beverages, and wine in the county. The ordinance carefully follows this directive, and
104 was developed over several years as the county considered existing and proposed
105 regulations, balancing the differing needs and emerging trends of the agricultural and
106 adult beverage businesses. The ordinance adds flexibility, maintains existing size and
107 scale limits on adult beverage industry uses in the Agricultural zone and the rural area
108 and adds new limits to enhance open and green space values and preserve the natural
109 aesthetic which helps both industries grow.

110 J. The Comprehensive Plan addresses the Growth Management Act's requirement
111 to plan for industrial uses. Plan Policy ED-211 encourages the county to "support

112 programs and strategies to preserve and plan for an adequate supply of industrial and
113 commercial land," including through "[p]reventing the encroachment of non-industrial
114 uses on industrially-zoned land and the rezoning of industrial land to other uses." This
115 ordinance recognizes that although King County has a finite amount of industrial land
116 available, at their highest levels of intensity, some adult beverage businesses can grow to
117 a level of mechanization, volume and intensity suited for the Industrial zone, but avoids
118 funneling smaller, less mechanized, community-serving businesses into the county's
119 limited Industrial zoned areas. Those smaller scale adult beverage industry uses are
120 appropriately placed in more aesthetically pleasing areas, where rural community
121 consumers and a healthy population of visitors to the county's many regional recreation
122 and tourism opportunities can support economic success. This ordinance aims to avoid
123 bringing low-impact, low-intensity adult beverage uses into limited Industrial zone
124 spaces that are reserved for more intensive industrial uses.

125 K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
126 support community based and community led efforts to support and retain existing small
127 businesses." Although rapid industry growth has resulted in some adult beverage
128 businesses becoming incompatible with rural character, this ordinance honors the
129 sometimes competing Comprehensive Plan policies to support and retain existing small
130 businesses with equally important policy to protect rural character by setting clear scope
131 and size limits to protect the Agricultural zone and Rural Area zone. In the specific case
132 of the previously untested remote tasting room use, which was recently created within
133 state licensing provisions, the ordinance allows some small businesses to continue within
134 limited rural area demonstration projects but also makes space available for tasting rooms

135 in Community Business and Regional Business zones for those businesses that wish to
136 expand their scope.

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

149 M. The Comprehensive Plan, describes rural character and notes that King
150 County "...recognizes that each of its rural communities has distinct and unique
151 characteristics." For instance, "...residents of Vashon-Maury Island, accessible only by
152 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle..." while "...[i]n the
153 Snoqualmie Valley, farming is still the mainstay...". The Sammamish valley, which was
154 a study area during development of this ordinance, has its own distinctively rural
155 character, despite its close proximity to urban incorporated areas and to the city of
156 Woodinville's popular, concentrated winery district. Some of the regulations adopted as
157 part of this ordinance, such as the various allowances for tasting associated with winery,

158 brewery, distillery production facilities, vary across the different rural communities in
159 unincorporated King County. Individual rural communities take different positions and
160 have different priorities, and this is reflected in some of the regulations, while generally a
161 county-wide lens was used for analyzing potential regulatory impacts on the wider rural
162 area and natural resource lands.

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

170 O. Public testimony on this ordinance was consistent with Comprehensive Plan
171 policy goals and included discussion of adult beverage industry uses as being community
172 gathering places, rural residents desire to take advantage of economic opportunities
173 created by the adult beverage industry and the need for solid customer bases to allow
174 small businesses to thrive.

175 P. The county is required to balance protecting rural character and agricultural
176 resources over diverse communities, with creating space for rural industries to thrive
177 within those communities. Existing and proposed regulations on the adult beverage
178 industry are designed for a size and scale appropriate for the rural communities they are
179 located in, and add protections for the Agriculture zone and agricultural production
180 district as well as measures that enhance enforceability of the regulations. This ordinance

181 aims to implement Comprehensive Plan Policy R-204, which encourages
182 "...establishment of new rural resource-based uses, with appropriate site management
183 and that protects habitat resources..." and Comprehensive Plan Policy R-205 which states
184 uses that "...include those relating to agriculture, forestry, mineral extraction, and
185 fisheries, such as the raising of livestock, growing of crops, creating value-added
186 products, and sale of agricultural products; small-scale cottage industries; and
187 recreational and small-scale tourism uses that rely on a rural location..." are appropriate
188 in the Rural Area zones.

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

202 R. Other development regulations, including stormwater management,
203 impervious surface, critical area and landscaping requirements, remain in place and are

204 unchanged by this ordinance.

205 S. During the study period preceding adoption of this ordinance many adult
206 beverage industry uses were found to be unaware of local health and building codes.

207 T. This ordinance establishes a business license for the adult beverage industry to
208 provide greater certainty about where adult beverage uses are located, so that King
209 County agencies can more easily educate business owners and verify that they are in
210 compliance with county land use, health and safety regulations.

211 U. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to
212 test and evaluate alternative development standards and processes prior to amending
213 King County policies and regulations." Two demonstration projects are established by
214 this ordinance. The first demonstration evaluates the presence of remote tasting rooms in
215 Rural Area zoned land in the Sammamish valley, and within the Vashon Rural Town and
216 Fall City Rural Town. The second demonstration evaluates incorporating rural industry-
217 supporting special events through a joint conditional use permit and temporary use permit
218 review process for winery, brewery, distillery facility III, and applies to Rural Area zoned
219 land in the Sammamish valley. Those two demonstrations are located in areas where
220 businesses are supported by nearby small-scale agriculture and proximity to consumers,
221 and rely on a pastoral setting and a rural sense of community for economic viability and
222 traditional rural-based activities. The criteria for site selection for the two demonstration
223 projects were based on existing levels of development on the property, lot size, current
224 zoning, availability of arterial access, proximity to Agricultural zoned areas and
225 agricultural production districts, proximity to local and rural industry-supportive uses and
226 to areas in need of economic stimulus and availability of arterial access. These criteria

227 implement Comprehensive Plan policy direction to protect agricultural lands and rural
228 character, and to provide rural economic opportunities. State Route 202, state Route 203
229 and Vashon Highway SW are designated arterials designed to carry significant traffic
230 loads and are not expected to reflect measurable impacts over loads already generated by
231 Rural Area residents and businesses. These selected locations are ideal places to test the
232 demonstration projects' ability to support businesses that are primarily nonurban in
233 nature, and to evaluate their positive and negative impacts before adopting potential
234 countywide regulations.

235 V. Public testimony on this ordinance included discussion of congestion on local
236 roads caused by population growth. With that concern in mind, the ordinance requires
237 the largest winery, brewery, distillery facilities to be sited where there is direct access to
238 an arterial, and that remote tasting rooms be tested where related vehicle trips will be
239 directed to an existing state highway. Comprehensive Plan Policy T-310 states "state
240 highway facilities and arterial roads are designed to accommodate higher traffic volumes,
241 at higher speeds than local roads," and the county should "encourage such traffic to use
242 highways or arterials whenever possible." This ordinance implements the Plan's directive
243 by requiring larger and previously untested uses to utilize arterial roads.

244 W. Parcels chosen for the remote tasting room demonstration project A in the
245 Sammamish valley are located directly on an arterial. Parcels chosen for the remote
246 tasting room demonstration project A on Vashon-Maury Island and in Fall City are zoned
247 Community Business, and are inside the boundaries of the designed Rural Town. The
248 parcel selection complies with the policies in the Comprehensive Plan. For instance, the
249 Comprehensive Plan states that "[t]he purposes of Rural Town designations within the

250 Comprehensive Plan are to recognize existing concentrations of higher density and
251 economic activity in Rural Areas and to allow modest growth of residential and economic
252 uses to keep them economically viable into the future." Comprehensive Plan Policy R-
253 507 states, in part, "Rural Towns serve as activity centers for the Rural Area and Natural
254 Resource Lands and may be served by a range of utilities and services, and may include
255 several or all of the following land uses, if supported by necessary utilities and other
256 services and if scaled and designed to protect rural character: a. Retail, commercial, and
257 industrial uses to serve the surrounding Rural Area and Natural Resource Lands
258 population...c. Other retail, commercial, and industrial uses, such as resource industries,
259 tourism, commercial recreation, and light industry." Tasting rooms are similar to other,
260 more intensive uses contained within the stated categories and may be appropriately
261 located in Rural Towns.

262 X. The county is committed to providing fair, accurate and consistent
263 enforcement of the regulations adopted by this ordinance. The executive expects to
264 engage on-call consultants to conduct outreach and provide technical assistance to
265 businesses required to comply with the new regulations. It is anticipated that some
266 businesses may take several months to come into compliance. For businesses
267 progressing toward compliance with the ordinance, the county does not intend to begin
268 enforcement proceedings for a minimum of six months after the effective date of this
269 ordinance.

270 SECTION 2. Sections 3 through 11 of this ordinance should constitute a new
271 chapter in K.C.C. Title 6.

272 NEW SECTION. SECTION 3. There is hereby added to the chapter established

273 in section 2 of this ordinance a new section to read as follows:

274 It is the purpose of this chapter to establish business licensing standards for adult
275 beverage businesses located in unincorporated King County, in order to promote and
276 protect the health, safety and general welfare of unincorporated King County's residents.

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

279 For the purpose of this chapter, unless the context clearly requires otherwise,
280 "adult beverage business" means a winery, brewery, distillery or cidery, and remote
281 tasting rooms for any of those businesses. A nonconforming home occupation and a
282 nonconforming home industry is an "adult beverage business" for the purposes of this
283 section.

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

286 A person or entity shall not operate or maintain an adult beverage business in
287 unincorporated King County unless the business has obtained a business license issued by
288 the director as provided by this chapter. A current adult beverage business license issued
289 under this chapter shall be prominently displayed on the licensed premises. The adult
290 beverage business licensee shall comply with all applicable laws.

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

293 An application for an adult beverage business license or license renewal must be
294 submitted in the name of the person, the persons or the entity proposing to operate the
295 business. The application shall be signed by each person, or a responsible principal or

296 officer of the entity proposing to operate the business, certified as true under penalty of
297 perjury. All applications shall be submitted on a form supplied by the director, and shall
298 include the following:

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

304 B. The name, street address and telephone number of the adult beverage
305 business;

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

309 D. For businesses in the A zone, a signed statement that at least sixty percent of
310 the products to be used by the business are grown on-site, as prescribed under K.C.C.
311 21A.08.030 and 21A.08.080, or for winery, brewery, distillery I businesses in the A zone,
312 that at least sixty percent of the products to be used by the business are grown in Puget
313 Sound counties, as defined in K.C.C. chapter 21A.06.

314 NEW SECTION. SECTION 7. There is hereby added to the chapter established
315 in section 2 of this ordinance a new section to read as follows:

316 An applicant for an adult beverage business license or renewal under this chapter
317 shall pay an application fee at the time of application submittal. The nonrefundable
318 application fee for an adult beverage business license or renewal is one hundred dollars.

319 NEW SECTION. SECTION 8. There is hereby added to the chapter established
320 in section 2 of this ordinance a new section to read as follows:

321 The director shall deny, suspend or revoke a license issued under this chapter if
322 the Washington state Liquor and Cannabis Board does not issue a license to the business,
323 or if the department of local services, permitting division receives notice that the state
324 license issued to the business is suspended or revoked, or was not reissued. A business
325 owner whose application for a business license has been denied or whose license has
326 been suspended or revoked may appeal the decision to the office of the hearing examiner
327 in accordance with K.C.C. 6.01.150.

328 NEW SECTION. SECTION 9. There is hereby added to the chapter established
329 in section 2 of this ordinance a new section to read as follows:

330 An adult beverage business license expires one year from the date the business
331 license is issued by the department of local services, permitting division. To avoid a lapse
332 in the effectiveness of a license, an application to renew a license must be submitted to
333 the director, on a form provided by the director, at least thirty days before the expiration
334 of the business license. An adult beverage business license renewal expires one year
335 from the previous license's expiration date.

336 NEW SECTION. SECTION 10. There is hereby added to the chapter established
337 in section 2 of this ordinance a new section to read as follows:

338 A business license for a winery, brewery, distillery facility I interim use shall not
339 be issued or renewed for more than five years on any one site.

340 NEW SECTION. SECTION 11. There is hereby added to the chapter established
341 in section 2 of this ordinance a new section to read as follows:

342 Within thirty days of the director's receipt of a complete adult beverage business
343 license application, the director shall issue or deny the license. Within thirty days of the
344 director's receipt of a complete renewal application, the director shall issue or deny the
345 renewal.

346 SECTION 12. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each
347 hereby repealed.

348 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
349 21A.06 a new section to read as follows:

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

358 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
359 21A.06 a new section to read as follows:

360 Winery, brewery, distillery facility I: A very small-scale production facility
361 licensed by the state of Washington to produce adult beverages such as wine, cider, beer
362 and distilled spirits, and that includes an adult beverage production use such as crushing,
363 fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility I
364 may include additional production-related uses such as vineyards, orchards, wine cellars

365 or similar product-storage areas as authorized by state law. On-site product tasting or
366 retail sale of merchandise as authorized by state law is limited. "Winery, brewery,
367 distillery facility I" does not include any retail liquor licenses that would be authorized by
368 chapter 314-02 WAC.

369 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
370 21A.06 a new section to read as follows:

371 Winery, brewery, distillery facility I interim use permit: A term-limited permit
372 for a winery, brewery, distillery facility I in the Agriculture zone. A winery, brewery,
373 distillery facility I interim use permit is a one-time approval, effective for one year, with
374 four annual renewals possible for up to five years. After the interim use permit or any
375 renewals have expired, a winery, brewery, distillery facility I interim use is required to
376 either comply with zoning conditions for a winery, brewery, distillery facility II or III
377 use, and meet the requirements of one of those uses, or cease operations and vacate the
378 site. Applications for a winery, brewery, distillery facility I interim use permit may only
379 be accepted by the permitting division within five years of the effective date of this
380 ordinance. The time limitations on a winery, brewery, distillery facility I interim use
381 permit do not apply to agricultural uses such as vineyards and orchards.

382 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter
383 21A.06 a new section to read as follows:

384 Winery, brewery, distillery facility II: A small-scale production facility licensed
385 by the state of Washington to produce adult beverages such as wine, cider, beer and
386 distilled spirits and that includes an adult beverage production use such as crushing,
387 fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II

388 may include additional production-related uses such as vineyards, orchards, wine cellars
389 or similar product-storage areas as authorized by state law, on-site product tasting and
390 sales as authorized by state law and sales of merchandise related to products available for
391 tasting as authorized by state law. "Winery, brewery, distillery facility II" does not
392 include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

393 NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter
394 21A.06 a new section to read as follows:

395 Winery, brewery, distillery facility III: A production facility licensed by the state
396 of Washington to produce adult beverages such as wine, cider, beer and distilled spirits
397 and that includes an adult beverage production use such as crushing, fermentation, barrel
398 or tank aging, and finishing. A winery, brewery, distillery facility III may include
399 additional production-related uses such as vineyards, orchards, wine cellars or similar
400 product-storage areas as authorized by state law, on-site product tasting and sales as
401 authorized by state law and sales of merchandise related to products available as
402 authorized by state law. "Winery, brewery, distillery facility III" does not include any
403 retail liquor licenses that would be authorized by chapter 314-02 WAC.

404 SECTION 18. Ordinance 10870, Section 330, as amended, and K.C.C.
405 21A.08.030 are each hereby amended to read as follows:

406 A. Residential land uses.

P-Permitted Use C- Conditional Use S-Special Use	RESOURC E	R U R A	RESIDENTIA L	COMMERCIAL/INDUST RIAL
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					L								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-2-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P C1 2	P2		P C1 2	P C1 2	P C12 2	P C1 2	P15				
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S1 3		C8	P					
*	Cottage Housing						P15						
	GROUP RESIDENCES:												
*	Community Residential Facility-I				C	C	P14 .a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P14 .b	P	P3	P3	P3	P3	

*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7 P1 9	P7		P7 P1 7 C1 7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P1 8	P1 8		P1 8	P1 8	P18	P18	P18	P18	P18	P18
*	Home Industry	C			C	C	C					
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10	
7041	Organization Hotel/Lodging Houses										P	

407

B. Development conditions.

408

1. Except bed and breakfast guesthouses.

409

2. In the forest production district, the following conditions apply:

410 a. Site disturbance associated with development of any new residence shall be
411 limited to three acres. Site disturbance shall mean all land alterations including, but not
412 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
413 disposal systems and driveways. Additional site disturbance for agriculture, including
414 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
415 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
416 21A.30. Animal densities shall be based on the area devoted to animal care and not the
417 total area of the lot;

418 b. A forest management plan shall be required for any new residence in the
419 forest production district, that shall be reviewed and approved by the King County
420 department of natural resources and parks before building permit issuance; and

421 c. The forest management plan shall incorporate a fire protection element that
422 includes fire safety best management practices developed by the department.

423 3. Only as part of a mixed use development subject to the conditions of K.C.C.
424 chapter 21A.14, except that in the NB zone on properties with a land use designation of
425 commercial outside of center (CO) in the urban areas, stand-alone townhouse
426 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
427 21A.14.180.

428 4. Only in a building listed on the National Register as an historic site or
429 designated as a King County landmark subject to K.C.C. chapter 21A.32.

430 5.a. In the R-1 zone, apartment units are permitted, if:

431 (1) At least fifty percent of the site is constrained by unbuildable critical
432 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,

433 aquatic areas and slopes forty percent or steeper and associated buffers; and

434 (2) The density does not exceed a density of eighteen units per acre of net
435 buildable area.

436 b. In the R-4 through R-8 zones, apartment units are permitted if the density
437 does not exceed a density of eighteen units per acre of net buildable area.

438 c. If the proposal will exceed base density for the zone in which it is proposed,
439 a conditional use permit is required.

440 6. Only as accessory to a school, college, university or church.

441 7.a. Accessory dwelling units:

442 (1) Only one accessory dwelling per primary single detached dwelling unit;

443 (2) Only in the same building as the primary dwelling unit on:

444 (a) an urban lot that is less than five thousand square feet in area;

445 (b) except as otherwise provided in subsection B.7.a.(5) of this section, a
446 rural lot that is less than the minimum lot size; or

447 c. a lot containing more than one primary dwelling;

448 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
449 occupied;

450 (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,
451 one of the dwelling units shall not exceed one thousand square feet of heated floor area
452 except when one of the dwelling units is wholly contained within a basement or attic; and

453 (b) When the primary and accessory dwelling units are located in the same
454 building, or in multiple buildings connected by a breezeway or other structure, only one
455 entrance may be located on each street;

456 (5) On a site zoned RA:

457 (a) If one transferable development right is purchased from the Rural Area
458 or Natural Resource Lands under K.C.C. chapter 21A.37, the smaller of the dwelling
459 units is permitted a maximum floor area up to one thousand five hundred square feet; and

460 (b) If one transferable development right is purchased from the Rural Area
461 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling
462 unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than
463 three and three-quarters acres;

464 (6) One additional off-street parking space shall be provided;

465 (7) The accessory dwelling unit shall be converted to another permitted use or
466 shall be removed if one of the dwelling units ceases to be owner occupied; and

467 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
468 approved by the department of executive services, records and licensing services
469 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
470 The applicant shall submit proof that the notice was filed before the department shall
471 approve any permit for the construction of the accessory dwelling unit. The required
472 contents and form of the notice shall be set forth in administrative rules. If an accessory
473 dwelling unit in a detached building in the rural zone is subsequently converted to a
474 primary unit on a separate lot, neither the original lot nor the new lot may have an
475 additional detached accessory dwelling unit constructed unless the lot is at least twice the
476 minimum lot area required in the zone; and

477 (9) Accessory dwelling units and accessory living quarters are not allowed in
478 the F zone.

479 b. One single or twin engine, noncommercial aircraft shall be permitted only
480 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
481 or landing field, but only if there are:

482 (1) no aircraft sales, service, repair, charter or rental; and

483 (2) no storage of aviation fuel except that contained in the tank or tanks of the
484 aircraft.

485 c. Buildings for residential accessory uses in the RA and A zone shall not
486 exceed five thousand square feet of gross floor area, except for buildings related to
487 agriculture or forestry.

488 8. Mobile home parks shall not be permitted in the R-1 zones.

489 9. Only as accessory to the permanent residence of the operator, and:

490 a. Serving meals shall be limited to paying guests; and

491 b. The number of persons accommodated per night shall not exceed five,
492 except that a structure that satisfies the standards of the International Building Code as
493 adopted by King County for R-1 occupancies may accommodate up to ten persons per
494 night.

495 10. Only if part of a mixed use development, and subject to the conditions of
496 subsection B.9. of this section.

497 11. Townhouses are permitted, but shall be subject to a conditional use permit if
498 exceeding base density.

499 12. Required before approving more than one dwelling on individual lots,
500 except on lots in subdivisions, short subdivisions or binding site plans approved for
501 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.

502 of this section.

503 13. No new mobile home parks are allowed in a rural zone.

504 14.a. Limited to domestic violence shelter facilities.

505 b. Limited to domestic violence shelter facilities with no more than eighteen
506 residents or staff.

507 15. Only in the R4-R8 zones limited to:

508 a. developments no larger than one acre;

509 b. not adjacent to another cottage housing development such that the total
510 combined land area of the cottage housing developments exceeds one acre;

511 c. All units must be cottage housing units with no less than three units and no
512 more than sixteen units, provided that if the site contains an existing home that is not
513 being demolished, the existing house is not required to comply with the height limitation
514 in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.

515 21A.14.025.B; and

516 d. Before filing an application with the department, the applicant shall hold a
517 community meeting in accordance with K.C.C. 20.20.035.

518 16. The development for a detached single-family residence shall be consistent
519 with the following:

520 a. The lot must have legally existed before March 1, 2005;

521 b. The lot has a Comprehensive Plan land use designation of Rural
522 Neighborhood Commercial Center or Rural Area; and

523 c. The standards of this title for the RA-5 zone shall apply.

524 17. ~~((Repealed))~~ a. The aggregated floor area of structures and areas for

525 winery, brewery, distillery facility uses shall not exceed one thousand five hundred
526 square feet;

527 b. Structures and parking areas for winery, brewery, distillery facility uses
528 shall be set back a minimum distance of seventy-five feet from interior property lines
529 adjoining rural area and residential zones, unless located in a building designated as
530 historic resource under K.C.C. chapter 20.62. As part of the review of a conditional use
531 permit, the setback may be reduced to twenty-five feet if there is sufficient screening
532 between the proposed use and adjacent rural area and residential zones;

533 c. No more than one nonresident employee shall be permitted to work on-site;

534 d. Parking shall be provided as follows:

535 (1) in addition to the required parking for the dwelling, one on-site parking
536 stall shall be provided if a nonresident is employed to work on-site;

537 (2) a minimum of one on-site parking stall shall be provided for customers,
538 and additional parking shall be calculated at the rate of one stall per one thousand square
539 feet of floor or outdoor area dedicated to the winery, brewery, distillery facility uses; and

540 (3) parking shall be limited to one hundred fifty percent of minimum required
541 for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,
542 brewery, distillery facility I business locations licensed to produce by the Washington
543 state Liquor and Cannabis Board before January 1, 2019, without objection from King
544 County during the license application processes, and that signed a settlement agreement
545 with King County before January 1, 2019, parking spaces exceeding the limits of this
546 section shall be considered nonconforming and may continue, subject to the provisions of
547 K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other

548 applicable state and local regulations;

549 e. The business operator shall obtain an adult beverage business license in
550 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
551 ordinance);

552 f. At least two stages of production of wine, beer, cider or distilled spirits, such
553 as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the
554 Washington state Liquor and Cannabis Board production license, shall occur on-site;

555 g. Tasting of products shall be limited as follows:

556 (1) within the area bounded by the urban growth area boundaries of
557 Woodinville and Kirkland on the west, NE 124th Street on the South, Avondale Road NE
558 on the east and Woodinville-Duvall Road NE on the north, product tasting shall not be
559 allowed; and

560 (2) in all other areas of the county, for products produced on-site, tasting of
561 products may be provided in accordance with state law. The area devoted to tasting shall
562 be included in the aggregated floor area limitation in subsection B.17.a. of this section.

563 Tastings shall be limited to appointment only; and appointments may only occur
564 Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m.
565 and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings
566 shall be indoors;

567 h. Incidental retail sales of products produced on-site and merchandise related
568 to the products produced on-site is allowed; and

569 i. Events may be allowed in accordance with K.C.C. chapter 21A.32.

570 18. Allowed if consistent with K.C.C. chapter 21A.30.

571 19.a.(1) The permitting division shall accept applications for a winery, brewery,
572 distillery facility I interim use permit only within five years of the effective date of this
573 ordinance;

574 (2) A winery, brewery, distillery facility I interim use permit shall be
575 reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. All
576 application, notice, review and appeal processes in K.C.C. chapter 20.20 shall apply to
577 the review of the winery, brewery, distillery facility I interim use permit. If not exempt
578 under K.C.C. 20.44.040, State Environmental Policy Act review shall be required;

579 (3) The applicant shall be required to pay a review fee equivalent to the fee
580 applicable to a temporary use permit upon application;

581 (4) The permitting division shall apply the review criteria for temporary use
582 permits in K.C.C. 21A.44.020 to winery, brewery, distillery facility I interim use permit
583 applications;

584 (5) If approved, a winery, brewery, distillery facility I interim use permit shall
585 be effective for one year from the date of issuance and may be renewed up to four times
586 annually, subject to the provisions for a temporary use permit provided in K.C.C.
587 21A.32.120.D.;

588 (6) No more than one winery, brewery, distillery facility I interim use permit
589 may be issued for any one site, and after the interim use approval has expired, no
590 additional winery, brewery, distillery facility I interim use may be permitted on that site;
591 and

592 (7) A winery, brewery, distillery facility I interim use permit shall, no later
593 than the expiration of the original approval or any extension granted by the permitting

594 division, whichever is later, either:

595 (a) convert to a winery, brewery, distillery facility II or III and comply with
596 the requirements in K.C.C. 21A.08.080; or

597 (b) cease operations and vacate a site;

598 b. Only allowed on sites where the primary use is SIC Industry Group No. 01-
599 Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

600 c. The aggregated floor area of structures and areas for winery, brewery,
601 distillery facility uses shall not exceed one thousand five hundred square feet. Decks that
602 are not occupied and not open to the public are excluded from the calculation for
603 maximum aggregated floor area;

604 d. Structures and parking areas for winery, brewery, distillery facility uses
605 shall be set back a minimum distance of seventy-five feet from interior property lines
606 adjoining rural area and residential zones, unless located in a building designated as
607 historic resource under K.C.C. chapter 20.62;

608 e. No more than one nonresident employee shall be permitted to work on-site;

609 f. On a site with direct access to an arterial;

610 g. Parking shall be provided as follows:

611 (1) in addition to the required parking for the dwelling, one on-site parking
612 stall shall be provided if a nonresident is employed to work on-site;

613 (2) a minimum of one on-site parking stall shall be provided for customers,
614 and additional parking shall be calculated at the rate of one stall per one thousand square
615 feet of floor or outdoor area dedicated to the winery, brewery, distillery facility uses; and

616 (3) parking shall be limited to one hundred fifty percent of minimum required

617 for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,
618 brewery, distillery facility I business locations licensed to produce by the Washington
619 state Liquor and Cannabis Board before January 1, 2019, without objection from King
620 County during the license application processes, and that signed a settlement agreement
621 with King County before January 1, 2019, parking spaces exceeding the limits of this
622 section shall be considered nonconforming and may continue, subject to the provisions of
623 K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other
624 applicable state and local regulations;

625 h. The business operator shall obtain an adult beverage business license in
626 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
627 ordinance);

628 i. At least two stages of production of wine, beer, cider or distilled spirits, such
629 as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the
630 Washington state Liquor and Cannabis Board production license, shall occur on-site;

631 j. Structures and areas for non-agricultural winery, brewery, distillery facility
632 uses shall be located on portions of agricultural lands that are unsuitable for agricultural
633 purposes, such as areas within the already developed portion of such agricultural lands
634 that are not available for direct agricultural production, or areas without prime
635 agricultural soils;

636 k. Product tasting shall not be allowed;

637 l. Incidental retail sales of products produced on-site and merchandise related
638 to the products produced on-site is allowed;

639 m. Special events shall not be allowed; and

640 n. Sixty percent or more of the products processed must be grown in the Puget
 641 Sound counties. At the time of the initial application under K.C.C. chapter 6.xx (the new
 642 chapter created in section 2 of this ordinance), the applicant shall submit a projection of
 643 the source of products to be produced.

644 SECTION 19. Ordinance 10870, Section 334, as amended, and K.C.C.
 645 21A.08.070 are each hereby amended to read as follows:

646 A. Retail land uses.

P-Permitted Use C- Conditional Use S-Special Use		RESOURCE			RUR AL	RESIDENTIA L			COMMERCIAL/INDUS TRIAL				
SI C#	SPECIF IC LAND USE	A	F	M	RA	UR	R1 -8	R1 2- 48	NB	C B	R B	O	I (3 0)
*	Building Material s and Hardwar e Stores		P2 3						P2	P	P		
*	Retail Nursery, Garden	P1 C1			P1 C1				P	P	P		

	Center and Farm Supply Stores											
*	Forest Products Sales	P3 and 4	P4		P3 and 4					P		
*	Departm ent and Variety Stores					C1 4a	P1 4	P5	P	P		
54	Food Stores					C1 5a	P1 5	P	P	P	C	P6
*	Agricult ural Product Sales (28)						P2 5	P25	P2 5	P2 5	P2 5	P2 5
*	Farmers Market	P24	P2 4		P24	P24	P2 4	P2 4	P24	P2 4	P2 4	P2 4
*	Motor Vehicle and Boat									P8		P

	Dealers											
55 3	Auto Supply Stores								P9	P9		P
55 4	Gasoline Service Stations							P	P	P		P
56	Apparel and Accesso ry Stores								P	P		
*	Furnitur e and Home Furnishi ngs Stores								P	P		
58	Eating and Drinking Places			P21 C19		P2 0 C1 6	P2 0 P1 6	P10	P	P	P	P
* -	<u>Remote Tasting Room</u>								<u>P7</u>	<u>P7</u>		

	(13)											
*	Drug Stores					C1 5	P1 5	P	P	P	C	
*	Marijuana retailer								P2 6 C2 7	P2 6 C2 7		
59 2	Liquor Stores	((P1 3))		((P13)	((P1 3))			((P1 3))	P	P		
59 3	Used Goods: Antiques / Secondhand and Shops								P	P		
*	Sporting Goods and Related Stores		P2 2	P22	P22	P2 2	P2 2	P22	P	P	P2 2	P2 2
*	Book, Stationery, Video					C1 5a	P1 5	P	P	P		

	and Art Supply Stores											
*	Jewelry Stores								P	P		
*	Monume nts, Tombsto nes, and Gravesto nes									P		
*	Hobby, Toy, Game Shops							P	P	P		
*	Photogra phic and Electron ic Shops							P	P	P		
*	Fabric Shops								P	P		
59 8	Fuel Dealers								C1 1	P		P
*	Florist					C1	P1	P	P	P	P	

	Shops						5a	5				
*	Personal Medical Supply Stores									P	P	
*	Pet Shops								P	P	P	
*	Bulk Retail									P	P	
*	Auction Houses										P1 2	P
*	Livestoc k Sales (28)											P

647 B. Development conditions.

648 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
 649 thousand square feet, unless located in a building designated as historic resource under
 650 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
 651 thousand five hundred square feet may be allowed. Greenhouses used for the display of
 652 merchandise other than plants shall be considered part of the covered sales area.

653 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
 654 considered part of the covered sales area;

655 b. The site area shall be at least four and one-half acres;

656 c. Sales may include locally made arts and crafts; and

- 657 d. Outside lighting is permitted if no off-site glare is allowed.
- 658 2. Only hardware stores.
- 659 3.a. Limited to products grown on site.
- 660 b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 661 4. No permanent structures or signs.
- 662 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
- 663 maximum of two thousand square feet of gross floor area.
- 664 6. Limited to a maximum of five thousand square feet of gross floor area.
- 665 7. ~~((Repealed))~~ Off-street parking is limited to a maximum of one space per
- 666 fifty square feet of tasting and retail areas.
- 667 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 668 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 669 10. Excluding SIC Industry No. 5813-Drinking Places.
- 670 11. No outside storage of fuel trucks and equipment.
- 671 12. Excluding vehicle and livestock auctions.
- 672 13. ~~((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,~~
- 673 ~~and limited to sales of products produced on site and incidental items where the majority~~
- 674 ~~of sales are generated from products produced on site))~~ Permitted as part of the
- 675 demonstration project authorized by section 29 of this ordinance.
- 676 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
- 677 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 678 21A.12.230; and
- 679 b. Before filing an application with the department, the applicant shall hold a

680 community meeting in accordance with K.C.C. 20.20.035.

681 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
682 feet of gross floor area and subject to K.C.C. 21A.12.230; and

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

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

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

690 17. Repealed.

691 18. Repealed.

692 19. Only as:

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

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

698 20. Only as:

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

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

702 21. Accessory to a park, limited to a total floor area of seven hundred fifty

703 square feet.

704 22. Only as an accessory use to:

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

706 b. a park, or a recreation or multiuse park in the RA zones, and limited to a

707 total floor area of seven hundred and fifty square feet.

708 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC

709 Industry No. 2431-Millwork and;

710 a. limited to lumber milled on site; and

711 b. the covered sales area is limited to two thousand square feet. The covered

712 sales area does not include covered areas used to display only milled lumber.

713 24. Requires at least five farmers selling their own products at each market and

714 the annual value of sales by farmers should exceed the annual sales value of nonfarmer

715 vendors.

716 25. Limited to sites located within the urban growth area and:

717 a. The sales area shall be limited to three hundred square feet and must be

718 removed each evening;

719 b. There must be legal parking that is easily available for customers; and

720 c. The site must be in an area that is easily accessible to the public, will

721 accommodate multiple shoppers at one time and does not infringe on neighboring

722 properties.

723 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet

724 of gross floor area devoted to, and in support of, the retail sale of marijuana.

725 b. Notwithstanding subsection B.26.a. of this section, the maximum

726 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
727 may be increased to up to three thousand square feet if the retail outlet devotes at least
728 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
729 the operator maintains a current medical marijuana endorsement issued by the
730 Washington state Liquor and Cannabis Board.

731 c. Any lot line of a lot having any area devoted to retail marijuana activity
732 must be one thousand feet or more from any lot line of any other lot having any area
733 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
734 retail marijuana activity may not be within one thousand feet of any lot line of any lot
735 having any area devoted to existing retail marijuana activity.

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

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

745 (2) if the Washington state Liquor and Cannabis Board issues more than one
746 Notice of Marijuana Application on the same date, then the director shall determine
747 compliance based on the date either any complete building permit or change of use
748 permit application, or both, were submitted to the department declaring retail marijuana

749 activity as an intended use;

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

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

762 e. Retail marijuana businesses licensed by the Washington state Liquor and
763 Cannabis Board and operating within one thousand feet of each other as of August 14,
764 2016, and retail marijuana businesses that do not require a permit issued by King County,
765 that received a Washington state Liquor and Cannabis Board license to operate in a
766 location within one thousand feet of another licensed retail marijuana business prior to
767 August 14, 2016, and that King County did not object to within the Washington state
768 Liquor and Cannabis Board marijuana license application process, shall be considered
769 nonconforming and may remain in their current location, subject to the provisions of
770 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

772 and

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

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

777 a. Any lot line of a lot having any area devoted to retail marijuana activity
778 must be one thousand feet or more from any lot line of any other lot having any area
779 devoted to retail marijuana activity; and any lot line of a lot having any area devoted to
780 new retail marijuana activity may not be within one thousand feet of any lot line of any
781 lot having any area devoted to existing retail marijuana activity; and

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

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

791 (2) if the Washington state Liquor and Cannabis Board issues more than one
792 Notice of Marijuana Application on the same date, then the director shall determine
793 compliance based on the date either any complete building permit or change of use
794 permit application, or both, were submitted to the department declaring retail marijuana

795 activity as an intended use;

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

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

808 c. Retail marijuana businesses licensed by the Washington state Liquor and
809 Cannabis Board and operating within one thousand feet of each other as of August 14,
810 2016, and retail marijuana businesses that do not require a permit issued by King County,
811 that received a Washington state Liquor and Cannabis Board license to operate in a
812 location within one thousand feet of another licensed retail marijuana business prior to
813 August 14, 2016, and that King County did not object to within the Washington state
814 Liquor and Cannabis Board marijuana license application process, shall be considered
815 nonconforming and may remain in their current location, subject to the provisions of
816 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

818 and

819 (2) the gross floor area of a nonconforming retail outlet may be increased up

820 to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

821 28. If the agricultural product sales or livestock sales is associated with

822 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

823 SECTION 20. Ordinance 10870, Section 335, as amended, and K.C.C.

824 21A.08.080 are each hereby amended to read as follows:

825 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	R 1- 8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
* (/2082 /2085))	Winery/ Brewery/ Distillery Facility II	P3 ((C12)) C3			P3 C3 C((42)) 30	((P3))			P17 C17	P17 C17	P29 C29		P31 C31
*	Winery/ Brewery/ Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P

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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

Ordinance

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

830 ~~Industry No. 2085 Distilled and Blended Liquors;~~

831 ~~b.))~~ In the A zone, only allowed on sites where the primary use is SIC Industry
832 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
833 Animals;

834 ~~((e. In the RA and UR zones, e))~~b. Only allowed on lots of at least ((four))
835 two and one-half acres;

836 ~~((e.))~~ c. The aggregated floor area ((devoted to all processing)) of structures
837 and areas for winery, brewery, distillery facility uses shall not exceed three thousand five
838 hundred square feet, unless located in ((a building)) whole or in part in a structure
839 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
840 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
841 not exceed five thousand square feet. Decks that are not occupied and not open to the
842 public are excluded from the calculation for maximum aggregated floor area;

843 ~~((e.))~~ d. Structures and parking areas ((used)) for ((processing)) winery,
844 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
845 from interior property lines adjoining rural area and residential zones, unless located in a
846 building designated as historic resource under K.C.C. chapter 20.62. As part of the
847 review of a conditional use permit, the setback may be reduced to twenty-five feet if there
848 is sufficient screening between the proposed use and adjacent rural area and residential
849 zones;

850 ~~((f.))~~ e. In the A zone, ((S))sixty percent or more of the products processed
851 must be grown ((in the Puget Sound counties)) on-site. At the time of the initial
852 application under K.C.C. chapter 6.xx (the new chapter created in section 2 of this

853 ordinance), the applicant shall submit a projection of the source of products to be
854 produced; (~~and~~

855 ~~g-))~~ f. At least two stages of production of wine, beer, cider or distilled spirits,
856 such as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the
857 Washington state Liquor and Cannabis Board production license, shall occur on-site;

858 g. In the A zone, structures and areas for non-agricultural winery, brewery,
859 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
860 for agricultural purposes, such as areas within the already developed portion of such
861 agricultural lands that are not available for direct agricultural production, or areas without
862 prime agricultural soils;

863 h. Tasting of products produced on-site may be provided in accordance with
864 state law. The area devoted to tasting shall be included in the aggregated floor area
865 limitation in subsection B.3.c. of this section. Hours of operation for on-site tasting of
866 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
867 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
868 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
869 p.m.;

870 i. Incidental retail sales of products produced on-site and merchandise related
871 to the products produced on-site is allowed;

872 j. On a site with direct access to an arterial;

873 k. Off-street parking is limited to a maximum of one space per 50 square feet
874 of tasting and retail area, except for winery, brewery, distillery facility II business
875 locations licensed to produce by the Washington state Liquor and Cannabis Board before

876 January 1, 2019, without objection from King County during the license application
877 processes, and that signed a settlement agreement with King County before January 1,
878 2019, parking spaces exceeding the limits of this section shall be considered
879 nonconforming and may continue, subject to the provisions of K.C.C. 21A.32.020
880 through 21A.32.075. Such parking spaces remain subject to all other applicable state and
881 local regulations;

882 1. The business operator shall obtain an adult beverage business license in
883 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
884 ordinance); and

885 m. Events may be allowed with an approved temporary use permit under
886 K.C.C. chapter 21A.32.

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

889 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
890 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
891 minimum site area is four and one-half acres.

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

894 7. Limited to photocopying and printing services offered to the general public.

895 8. Only within enclosed buildings, and as an accessory use to retail sales.

896 9. Only within enclosed buildings.

897 10. Limited to boat building of craft not exceeding forty-eight feet in length.

898 11. For I-zoned sites located outside the urban growth area designated by the

899 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
900 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
901 rural industrial uses as set forth in K.C.C. chapter 21A.12.

902 12.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC
903 Industry No. 2085 Distilled and Blended Liquors;~~

904 ~~b.(1) Except as provided in subsection B.12.b.(2) of this section, t))~~The
905 aggregated floor area of structures and areas for ~~((wineries, breweries and distilleries and
906 any accessory)) winery, brewery, distillery facility~~ uses shall not exceed a total of eight
907 thousand square feet~~((:)), except that ((F))~~the floor area may be increased by up to an
908 additional eight thousand square feet of underground storage that is constructed
909 completely below natural grade, not including required exits and access points, if the
910 underground storage is at least one foot below the surface and is not visible above
911 ground. Decks that are not occupied and not open to the public are excluded from the
912 calculation for maximum aggregated floor area; ~~((and~~

913 ~~((2) On Vashon Maury Island, the total floor area of structures for wineries,
914 breweries and distilleries and any accessory uses may not exceed six thousand square
915 feet, including underground storage;))~~

916 ~~((e-))~~ b. Only allowed on lots of at least four and one-half acres. If the
917 aggregated floor area of structures for winery, brewery, distillery uses exceeds six
918 thousand square feet, including underground storage, the minimum site area shall be ten
919 acres;

920 c. Wineries, breweries and distilleries shall comply with Washington state
921 Department of Ecology and King County board of health regulations for water usage and

922 wastewater disposal, and must connect to an existing Group A water system or an
923 existing Group B water system if a Group A water system is not available (~~(. Wineries,~~
924 ~~breweries and distilleries using water from exempt wells shall install a water meter;~~

925 ~~d. Off-street parking is limited to one hundred and fifty percent of the~~
926 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
927 ~~21A.18.030;~~

928 ~~e.))~~ d. Structures and parking areas (~~(used for processing))~~ for winery, brewery
929 distillery facility uses shall be set back a minimum distance of seventy-five feet from
930 interior property lines (~~((adjacent to))~~) adjoining rural area and residential zones, unless
931 ~~((the processing is))~~ located in a building designated as historic resource under K.C.C.
932 chapter 20.62. As part of the review of the conditional use permit, the setback may be
933 reduced to twenty-five feet if there is sufficient screening between the proposed use and
934 adjacent rural area and residential zones;

935 ~~((f. The minimum site area is four and one-half acres. If the total floor area of~~
936 ~~structures for wineries, breweries and distilleries and any accessory uses exceed six~~
937 ~~thousand square feet, including underground storage:~~

938 ~~(1) the minimum site area is ten acres; and~~

939 ~~(2) a minimum of two and one-half acres of the site shall be used for the~~
940 ~~growing of agricultural products;~~

941 ~~g. The facility shall be limited to processing agricultural products and))~~ e. In
942 the A zone, sixty percent or more of the products processed must be grown (~~(in the Puget~~
943 ~~Sound counties))~~ on-site. At the time of the initial application under K.C.C. chapter 6.xx
944 (the new chapter created in section 2 of this ordinance), the applicant shall submit a

945 projection of the source of products to be processed; (~~and~~)

946 f. At least two stages of production of wine, beer, cider or distilled spirits, such
947 as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the
948 Washington state Liquor and Cannabis Board production license, shall occur on-site;

949 g. In the A zone, structures and areas for non-agricultural winery, brewery,
950 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
951 for agricultural purposes, such as areas within the already developed portion of such
952 agricultural lands that are not available for direct agricultural production, or areas without
953 prime agricultural soils;

954 h. Tasting of products produced on-site may be provided in accordance with
955 state law. The area devoted to tasting shall be included in the aggregated floor area
956 limitation in subsection B.12.~~(b-)~~a. and b. of this section. Hours of operation for on-site
957 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
958 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
959 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
960 through 9:00 p.m.;

961 i. Incidental retail sales of products produced on-site and merchandise related
962 to the products produced on-site is allowed;

963 j. On a site with direct access to an arterial;

964 k. Off-street parking maximums shall be determined through the conditional
965 use permit process, and the parking ratio for the tasting and retail areas should be limited
966 to a maximum of one space per fifty square feet of tasting and retail areas;

967 l. The business operator shall obtain an adult beverage business license in

968 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
969 ordinance); and

970 m. Events may be allowed with an approved temporary use permit under
971 K.C.C. chapter 21A.32.

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

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

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

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

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

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

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

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

990 17.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

991 ~~Industry No. 2085 Distilled and Blended Liquors;~~

992 ~~b.))~~ The aggregated floor area ((devoted to all processing)) of structures and
993 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
994 hundred square feet, unless located in ~~((a building))~~ whole or in part in a structure
995 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
996 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
997 not exceed five thousand square feet. Decks that are not occupied and not open to the
998 public are excluded from the calculation for maximum aggregated floor area;

999 ~~((e.))~~ b. Structures and parking areas ((used for processing)) for winery,
1000 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
1001 from interior property lines adjoining rural area and residential zones, unless located in a
1002 building designated as historic resource under K.C.C. chapter 20.62. As part of the
1003 review of a conditional use permit, the setback may be reduced to twenty-five feet if there
1004 is sufficient screening between the proposed use and adjacent rural area and residential
1005 zones; ((and

1006 ~~d.))~~ c. Tasting and retail sale of products produced on site, and merchandise
1007 related to the products produced on-site, may be provided in accordance with state law.
1008 The area devoted to tasting shall be included in the aggregated floor area limitation in
1009 subsection B.~~((18.b.))~~17.a. of this section;

1010 d. Off-street parking for the tasting and retail areas shall be limited to a
1011 maximum of one space per fifty square feet of tasting and retail areas;

1012 e. The business operator shall obtain an adult beverage business license in
1013 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this

1014 ordinance); and

1015 f. Events may be allowed with an approved temporary use permit under K.C.C.

1016 chapter 21A.32.

1017 18. Limited to:

1018 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

1019 Millwork, as follows:

1020 (1) If using lumber or timber grown off-site, the minimum site area is four

1021 and one-half acres;

1022 (2) The facility shall be limited to an annual production of no more than one

1023 hundred fifty thousand board feet;

1024 (3) Structures housing equipment used in the operation shall be located at

1025 least one-hundred feet from adjacent properties with residential or rural area zoning;

1026 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to

1027 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1028 (5) In the RA zone, the facility's driveway shall have adequate entering sight

1029 distance required by the 2007 King County Road Design and Construction Standards. An

1030 adequate turn around shall be provided on-site to prevent vehicles from backing out on to

1031 the roadway that the driveway accesses; and

1032 (6) Outside lighting is limited to avoid off-site glare; and

1033 b. SIC Industry No. 2411-Logging.

1034 19. Limited to manufacture of custom made wood furniture or cabinets.

1035 20.a. Only allowed on lots of at least four and one-half acres;

1036 b. Only as an accessory use to a Washington state Liquor Control Board

1037 licensed marijuana production facility on the same lot;

1038 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1039 d. Only with documentation that the operator has applied for a Puget Sound

1040 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1041 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1042 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1043 are imported onto the site; and

1044 e. Accessory marijuana processing uses allowed under this section are subject

1045 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1046 21.a. Only in the CB and RB zones located outside the urban growth area;

1047 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1048 c. Only with documentation that the operator has applied for a Puget Sound

1049 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1050 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1051 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1052 are imported onto the site;

1053 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

1054 support of, processing marijuana together with any separately authorized production of

1055 marijuana shall be limited to a maximum of two thousand square feet; and

1056 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and

1057 every marijuana-related entity occupying space in addition to the two-thousand-square-

1058 foot threshold area on that lot shall obtain a conditional use permit as set forth in

1059 subsection B.22. of this section.

- 1060 22.a. Only in the CB and RB zones located outside the urban growth area;
- 1061 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
- 1062 support of, processing marijuana together with any separately authorized production of
- 1063 marijuana shall be limited to a maximum of thirty thousand square feet;
- 1064 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
- 1065 d. Only with documentation that the operator has applied for a Puget Sound
- 1066 Clean Air Agency Notice of Construction Permit. All department permits issued to either
- 1067 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
- 1068 Clean Air Agency Notice of Construction Permit be approved before marijuana products
- 1069 are imported onto the site.
- 1070 23.a. Only in the CB and RB zones located inside the urban growth area;
- 1071 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
- 1072 c. Only with documentation that the operator has applied for a Puget Sound
- 1073 Clean Air Agency Notice of Construction Permit. All department permits issued to either
- 1074 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
- 1075 Clean Air Agency Notice of Construction Permit be approved before marijuana products
- 1076 are imported onto the site;
- 1077 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
- 1078 support of, processing marijuana together with any separately authorized production of
- 1079 marijuana shall be limited to a maximum of two thousand square feet; and
- 1080 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
- 1081 every marijuana-related entity occupying space in addition to the two-thousand-square-
- 1082 foot threshold area on that lot shall obtain a conditional use permit as set forth in

1083 subsection B.24. of this section.

1084 24.a. Only in the CB and RB zones located inside the urban growth area;

1085 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1086 c. Only with documentation that the operator has applied for a Puget Sound

1087 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1088 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1089 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1090 are imported onto the site; and

1091 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

1092 support of, processing marijuana together with any separately authorized production of

1093 marijuana shall be limited to a maximum of thirty thousand square feet.

1094 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1095 b. Only with documentation that the operator has applied for a Puget Sound

1096 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1097 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1098 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1099 are imported onto the site; and

1100 c. Per lot, limited to a maximum aggregate total of two thousand square feet of

1101 gross floor area devoted to, and in support of, the processing of marijuana together with

1102 any separately authorized production of marijuana.

1103 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1104 b. Only with documentation that the operator has applied for a Puget Sound

1105 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1106 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1107 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1108 are imported onto the site; and

1109 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet
1110 of gross floor area devoted to, and in support of, the processing of marijuana together
1111 with any separately authorized production of marijuana.

1112 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
1113 Island, that do not require a conditional use permit issued by King County, that receive a
1114 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
1115 and that King County did not object to within the Washington state Liquor and Cannabis
1116 Board marijuana license application process, shall be considered nonconforming as to
1117 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
1118 21A.32.075 for nonconforming uses;

1119 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

1120 c. Only with documentation that the operator has applied for a Puget Sound
1121 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1122 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1123 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1124 are imported onto the site;

1125 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
1126 Island;

1127 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1128 except on Vashon-Maury Island;

1129 f. Only as an accessory use to a Washington state Liquor Cannabis Board
1130 licensed marijuana production facility on the same lot; and

1131 g. Accessory marijuana processing uses allowed under this section are subject
1132 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1133 28. If the food and kindred products manufacturing or processing is associated
1134 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1135 29.a. Tasting and retail sales of products produced on site, and merchandise
1136 related to the products produced on-site, may be provided in accordance with state law;

1137 b. Structures and parking areas for winery, brewery, distillery facility uses shall
1138 maintain a minimum distance of seventy-five feet from interior property lines adjoining
1139 rural area and residential zones, unless located in a building designated as historic
1140 resource under K.C.C. chapter 20.62. As part of the review of a conditional use permit,
1141 the setback may be reduced to twenty-five feet if there is sufficient screening between the
1142 proposed use and adjacent rural area and residential zones;

1143 c. For winery, brewery, distillery facility uses that do not require a conditional
1144 use permit, off-street parking for the tasting and retail areas shall be limited to a
1145 maximum of one space per fifty square feet of tasting and retail areas. For winery,
1146 brewery, distillery facility uses that do require a conditional use permit, off-street parking
1147 maximums shall be determined through the conditional use permit process, and the
1148 parking ratio for the tasting and retail areas should be limited to a maximum of one space
1149 per fifty square feet of tasting and retail areas;

1150 d. The business operator shall obtain an adult beverage business license in
1151 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this

1152 ordinance); and

1153 e. Events may be allowed with an approved temporary use permit under

1154 K.C.C. chapter 21A.32.

1155 30.a. Only allowed on lots of at least two and one-half acres;

1156 b. The aggregated floor area of structures and areas for winery, brewery,

1157 distillery facility uses shall not exceed three thousand five hundred square feet, unless

1158 located in whole or in part in a structure designated as historic resource under K.C.C.

1159 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to

1160 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks

1161 that are not occupied and not open to the public are excluded from the calculation for

1162 maximum aggregated floor area;

1163 c. Structures and parking areas for winery, brewery, distillery facility uses

1164 shall maintain a minimum distance of seventy-five feet from interior property lines

1165 adjoining rural area and residential zones, unless located in a building designated as

1166 historic resource under K.C.C. chapter 20.62. As part of the review of the conditional use

1167 permit, the setback may be reduced to twenty-five feet if there is sufficient screening

1168 between the proposed use and adjacent rural area and residential zones;

1169 d. Tasting of products produced on-site may be provided in accordance with

1170 state law. The area devoted to tasting shall be included in the floor area limitation in

1171 subsection B.30.b. of this section. Hours of operation for on-site tasting of products shall

1172 be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room

1173 hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and

1174 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

1175 e. Incidental retail sales of products produced on-site and merchandise related
1176 to the products produced on-site is allowed;

1177 f. On a site with direct access to a public roadway;

1178 g. Off-street parking for tasting and retail areas is limited to a maximum of one
1179 space per fifty square feet of tasting and retail areas, except for winery, brewery,
1180 distillery facility II business locations licensed to produce by the Washington state Liquor
1181 and Cannabis Board before January 1, 2019, without objection from King County during
1182 the license application processes, and that signed a settlement agreement with King
1183 County before January 1, 2019, parking spaces exceeding the limits of this section shall
1184 be considered nonconforming and may continue, subject to K.C.C. 21A.32.020 through
1185 21A.32.075. Such parking spaces remain subject to all other applicable state and local
1186 regulations;

1187 h. The business operator shall obtain an adult beverage business license in
1188 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1189 ordinance);

1190 i. Events may be allowed with an approved temporary use permit under K.C.C.
1191 chapter 21A.32; and

1192 j. At least two stages of production of wine, beer, cider or distilled spirits, such
1193 as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the
1194 Washington state Liquor and Cannabis Board production license, shall occur on-site.

1195 31.a. Limited to businesses with non-retail brewery and distillery production
1196 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
1197 tasting rooms for wineries shall not be allowed;

1198 b. Tasting and retail sale of products produced on site, and merchandise related
1199 to the products produced on-site, may be provided in accordance with state law. The area
1200 devoted to tasting shall not exceed one thousand five hundred square feet;

1201 c. Structures and parking areas for winery, brewery, distillery facility uses shall
1202 maintain a minimum distance of seventy-five feet from interior property lines adjoining
1203 rural area and residential zones, unless located in a building designated as historic
1204 resource under K.C.C. chapter 20.62. As part of the review of a conditional use permit,
1205 the setback may be reduced to twenty-five feet if there is sufficient screening between the
1206 proposed use and adjacent rural area and residential zones;

1207 d. For winery, brewery, distillery facility uses that do not require a conditional
1208 use permit, off-street parking for the tasting and retail areas shall be limited to a
1209 maximum of one space per fifty square feet of tasting and retail areas. For winery,
1210 brewery, distillery facility uses that do require a conditional use permit, off-street parking
1211 maximums shall be determined through the conditional use permit process, and the
1212 parking ratio for the tasting and retail areas should be limited to a maximum of one space
1213 per fifty square feet of tasting and retail areas;

1214 e. The business operator shall obtain an adult beverage business license in
1215 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1216 ordinance); and

1217 f. Events may be allowed with an approved temporary use permit under K.C.C.
1218 chapter 21A.32.

1219 SECTION 21. Ordinance 10870, Section 336, as amended, and K.C.C.
1220 21A.08.090 are each hereby amended to read as follows:

1221

A. Resource land uses.

P-Permitted Use C- Conditional Use S-Special Use		RESOURC E			R U R A L	RESIDENTI AL			COMMERCIAL/INDUSTR IAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R 1- 8	R1 2- 48	NB	CB	RB	O	I
	AGRICULTUR E:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P2 4C	P2 4C		P2 4C	P2 4C							
*	Agricultural Support Services	P2 5C	P2 5C		P2 6C	P2 6C	P2 6C		P27 C28	P27 C28			
*	Marijuana producer	P1 5 C2 2			P1 6 C1 7					P18 C19	P18 C19		P2 0 C2 1

*	Agriculture Training Facility	C1 0											
*	Agriculture- related special needs camp	P1 2											
*	Agricultural Anaerobic Digester	P1 3											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P 2	P
	FISH AND WILDLIFE MANAGEMENT: T:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,1	Mineral		P9	P									

4	Extraction and Processing		C	C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P2 3	P4	P5	P3	P3							P4
*	Farm Worker Housing	P1 4			P1 4								

1222

B. Development conditions.

1223

1. May be further subject to K.C.C. chapter 21A.25.

1224

2. Only forest research conducted within an enclosed building.

1225

3. Farm residences in accordance with K.C.C. 21A.08.030.

1226

4. Excluding housing for agricultural workers.

1227

5. Limited to either maintenance or storage facilities, or both, in conjunction

1228

with mineral extraction or processing operation.

1229

6. Allowed in accordance with K.C.C. chapter 21A.30.

1230

7. Only in conjunction with a mineral extraction site plan approved in

1231

accordance with K.C.C. chapter 21A.22.

1232

8. Only on the same lot or same group of lots under common ownership or

1233

documented legal control, which includes, but is not limited to, fee simple ownership, a

1234 long-term lease or an easement:

1235 a. as accessory to a primary mineral extraction use;

1236 b. as a continuation of a mineral processing only for that period to complete
1237 delivery of products or projects under contract at the end of a mineral extraction; or

1238 c. for a public works project under a temporary grading permit issued in
1239 accordance with K.C.C. 16.82.152.

1240 9. Limited to mineral extraction and processing:

1241 a. on a lot or group of lots under common ownership or documented legal control,
1242 which includes but is not limited to, fee simple ownership, a long-term lease or an
1243 easement;

1244 b. that are located greater than one-quarter mile from an established residence;
1245 and

1246 c. that do not use local access streets that abut lots developed for residential
1247 use.

1248 10. Agriculture training facilities are allowed only as an accessory to existing
1249 agricultural uses and are subject to the following conditions:

1250 a. The impervious surface associated with the agriculture training facilities
1251 shall comprise not more than ten percent of the allowable impervious surface permitted
1252 under K.C.C. 21A.12.040;

1253 b. New or the expansion of existing structures, or other site improvements,
1254 shall not be located on class 1, 2 or 3 soils;

1255 c. The director may require reuse of surplus structures to the maximum extent
1256 practical;

- 1257 d. The director may require the clustering of new structures with existing
1258 structures;
- 1259 e. New structures or other site improvements shall be set back a minimum
1260 distance of seventy-five feet from property lines adjoining rural area and residential
1261 zones;
- 1262 f. Bulk and design of structures shall be compatible with the architectural style
1263 of the surrounding agricultural community;
- 1264 g. New sewers shall not be extended to the site;
- 1265 h. Traffic generated shall not impede the safe and efficient movement of
1266 agricultural vehicles, nor shall it require capacity improvements to rural roads;
- 1267 i. Agriculture training facilities may be used to provide educational services to
1268 the surrounding rural/agricultural community or for community events. Property owners
1269 may be required to obtain a temporary use permit for community events in accordance
1270 with K.C.C. chapter 21A.32;
- 1271 j. Use of lodging and food service facilities shall be limited only to activities
1272 conducted in conjunction with training and education programs or community events
1273 held on site;
- 1274 k. Incidental uses, such as office and storage, shall be limited to those that
1275 directly support education and training activities or farm operations; and
- 1276 l. The King County agriculture commission shall be notified of and have an
1277 opportunity to comment upon all proposed agriculture training facilities during the permit
1278 process in accordance with K.C.C. chapter 21A.40.
- 1279 11. Continuation of mineral processing and asphalt/concrete mixtures and block

1280 uses after reclamation in accordance with an approved reclamation plan.

1281 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1282 oriented activities. In addition, activities that place minimal stress on the site's
1283 agricultural resources or activities that are compatible with agriculture are permitted.

- 1284 (1) passive recreation;
- 1285 (2) training of individuals who will work at the camp;
- 1286 (3) special events for families of the campers; and
- 1287 (4) agriculture education for youth.

1288 b. Outside the camp center, as provided for in subsection B.12.e. of this
1289 section, camp activities shall not preclude the use of the site for agriculture and
1290 agricultural related activities, such as the processing of local food to create value-added
1291 products and the refrigeration and storage of local agricultural products. The camp shall
1292 be managed to coexist with agriculture and agricultural activities both onsite and in the
1293 surrounding area.

1294 c. A farm plan shall be required for commercial agricultural production to
1295 ensure adherence to best management practices and soil conservation.

1296 d.(1) The minimum site area shall be five hundred acres. Unless the property
1297 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1298 of this section, a minimum of five hundred acres of the site must be owned by a single
1299 individual, corporation, partnership or other legal entity and must remain under the
1300 ownership of a single individual, corporation, partnership or other legal entity for the
1301 duration of the operation of the camp.

1302 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property

1303 owner from selling or transferring the development rights for a portion or all of the site to
1304 the King County farmland preservation program or, if the development rights are
1305 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1306 e. The impervious surface associated with the camp shall comprise not more
1307 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1308 f. Structures for living quarters, dining facilities, medical facilities and other
1309 nonagricultural camp activities shall be located in a camp center. The camp center shall
1310 be no more than fifty acres and shall be depicted on a site plan. New structures for
1311 nonagricultural camp activities shall be clustered with existing structures;

1312 g. To the extent practicable, existing structures shall be reused. The applicant
1313 shall demonstrate to the director that a new structure for nonagricultural camp activities
1314 cannot be practicably accommodated within an existing structure on the site, though
1315 cabins for campers shall be permitted only if they do not already exist on site;

1316 h. Camp facilities may be used to provide agricultural educational services to
1317 the surrounding rural and agricultural community or for community events. If required
1318 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1319 community events;

1320 i. Lodging and food service facilities shall only be used for activities related to
1321 the camp or for agricultural education programs or community events held on site;

1322 j. Incidental uses, such as office and storage, shall be limited to those that
1323 directly support camp activities, farm operations or agricultural education programs;

1324 k. New nonagricultural camp structures and site improvements shall maintain a
1325 minimum set-back of seventy-five feet from property lines adjoining rural area and

1326 residential zones;

1327 l. Except for legal nonconforming structures existing as of January 1, 2007,
1328 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1329 a scale to serve overnight camp users;

1330 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1331 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1332 and site improvements located within two hundred feet of an adjacent rural area and
1333 residential zoned property not associated with the camp;

1334 n. New sewers shall not be extended to the site;

1335 o. The total number of persons staying overnight shall not exceed three
1336 hundred;

1337 p. The length of stay for any individual overnight camper, not including camp
1338 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1339 q. Traffic generated by camp activities shall not impede the safe and efficient
1340 movement of agricultural vehicles nor shall it require capacity improvements to rural
1341 roads;

1342 r. If the site is adjacent to an arterial roadway, access to the site shall be
1343 directly onto the arterial unless the county road engineer determines that direct access is
1344 unsafe;

1345 s. If direct access to the site is via local access streets, transportation
1346 management measures shall be used to minimize adverse traffic impacts;

1347 t. Camp recreational activities shall not involve the use of motor vehicles
1348 unless the motor vehicles are part of an agricultural activity or are being used for the

1349 transportation of campers, camp personnel or the families of campers. Camp personnel
1350 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1351 motorized personal mobility devices are allowed; and

1352 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1353 light away from any adjacent property.

1354 13. Limited to digester receiving plant and animal and other organic waste from
1355 agricultural activities, and including electrical generation, as follows:

1356 a. the digester must be included as part of a Washington state Department of
1357 Agriculture approved dairy nutrient plan;

1358 b. the digester must process at least seventy percent livestock manure or other
1359 agricultural organic material from farms in the vicinity, by volume;

1360 c. imported organic waste-derived material, such as food processing waste,
1361 may be processed in the digester for the purpose of increasing methane gas production for
1362 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1363 and

1364 d. the use must be accessory to an operating dairy or livestock operation.

1365 14. Farm worker housing. Either:

1366 a. Temporary farm worker housing subject to the following conditions:

1367 (1) The housing must be licensed by the Washington state Department of
1368 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1369 (2) Water supply and sewage disposal systems must be approved by the
1370 Seattle King County department of health;

1371 (3) To the maximum extent practical, the housing should be located on

1372 nonfarmable areas that are already disturbed and should not be located in the floodplain
1373 or in a critical area or critical area buffer; and

1374 (4) The property owner shall file with the department of executive services,
1375 records and licensing services division, a notice approved by the department identifying
1376 the housing as temporary farm worker housing and that the housing shall be occupied
1377 only by agricultural employees and their families while employed by the owner or
1378 operator or on a nearby farm. The notice shall run with the land; [or]

1379 b. Housing for agricultural employees who are employed by the owner or
1380 operator of the farm year-round as follows:

1381 (1) Not more than:

1382 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1383 (b) two agricultural employee dwelling units on a site of at least twenty
1384 acres and less than fifty acres;

1385 (c) three agricultural employee dwelling units on a site of at least fifty acres
1386 and less than one-hundred acres; and

1387 (d) four agricultural employee dwelling units on a site of at least one-
1388 hundred acres, and one additional agricultural employee dwelling unit for each additional
1389 one hundred acres thereafter;

1390 (2) If the primary use of the site changes to a nonagricultural use, all
1391 agricultural employee dwelling units shall be removed;

1392 (3) The applicant shall file with the department of executive services, records
1393 and licensing services division, a notice approved by the department that identifies the
1394 agricultural employee dwelling units as accessory and that the dwelling units shall only

1395 be occupied by agricultural employees who are employed by the owner or operator year-
1396 round. The notice shall run with the land. The applicant shall submit to the department
1397 proof that the notice was filed with the department of executive services, records and
1398 licensing services division, before the department approves any permit for the
1399 construction of agricultural employee dwelling units;

1400 (4) An agricultural employee dwelling unit shall not exceed a floor area of
1401 one thousand square feet and may be occupied by no more than eight unrelated
1402 agricultural employees;

1403 (5) To the maximum extent practical, the housing should be located on
1404 nonfarmable areas that are already disturbed;

1405 (6) One off-street parking space shall be provided for each agricultural
1406 employee dwelling unit; and

1407 (7) The agricultural employee dwelling units shall be constructed in
1408 compliance with K.C.C. Title 16.

1409 15. Marijuana production by marijuana producers licensed by the Washington
1410 state Liquor and Cannabis Board is subject to the following standards:

1411 a. Only allowed on lots of at least four and one-half acres;

1412 b. With a lighting plan, only if required by and that complies with K.C.C.
1413 21A.12.220.G.;

1414 c. Only with documentation that the operator has applied for a Puget Sound
1415 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1416 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1417 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1418 are imported onto the site;

1419 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1420 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1421 subject to the size limitations in subsection B.15.e. of this section;

1422 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1423 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1424 aggregated total of two thousand square feet and shall be located within a fenced area or
1425 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1426 may occur in nondwelling unit structures that exist as of October 1, 2013;

1427 f. Outdoor production area fencing as required by the Washington state Liquor
1428 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1429 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
1430 feet; and

1431 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
1432 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
1433 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1434 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1435 B.22. of this section.

1436 16. Marijuana production by marijuana producers licensed by the Washington
1437 state Liquor and Cannabis Board is subject to the following standards:

1438 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
1439 that do not require a conditional use permit issued by King County, that receive a
1440 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,

1441 and that King County did not object to within the Washington state Liquor and Cannabis
1442 Board marijuana license application process, shall be considered nonconforming as to
1443 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
1444 through 21A.32.075 for nonconforming uses;

1445 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
1446 21A.12.220.G.;

1447 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1448 Island;

1449 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1450 except on Vashon-Maury Island;

1451 e. Only with documentation that the operator has applied for a Puget Sound
1452 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1453 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1454 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1455 are imported onto the site;

1456 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
1457 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1458 limitations in subsection B.16.g. of this section; and

1459 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1460 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1461 aggregated total of two thousand square feet and shall be located within a fenced area or
1462 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1463 may occur in nondwelling unit structures that exist as of October 1, 2013;

1464 h. Outdoor production area fencing as required by the Washington state Liquor
1465 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
1466 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
1467 of one hundred fifty feet from any existing residence; and

1468 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
1469 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1470 entity occupying space in addition to the two-thousand-square-foot threshold area on that
1471 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1472 17. Marijuana production by marijuana producers licensed by the Washington
1473 state Liquor and Cannabis Board is subject to the following standards:

1474 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1475 Island;

1476 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1477 except on Vashon-Maury Island;

1478 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
1479 21A.12.220.G.;

1480 d. Only with documentation that the operator has applied for a Puget Sound
1481 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1482 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1483 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1484 are imported onto the site;

1485 e. Production is limited to outdoor and indoor within marijuana greenhouses
1486 subject to the size limitations in subsection B.17.f. of this section;

1487 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1488 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1489 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1490 marijuana greenhouse that is no more than ten percent larger than that combined area;
1491 and

1492 g. Outdoor production area fencing as required by the Washington state Liquor
1493 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
1494 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
1495 of one hundred fifty feet from any existing residence.

1496 18.a. Production is limited to indoor only;

1497 b. With a lighting plan only as required by and that complies with K.C.C.
1498 21A.12.220.G.;

1499 c. Only with documentation that the operator has applied for a Puget Sound
1500 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1501 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1502 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1503 are imported onto the site; and

1504 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1505 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1506 aggregated total of two thousand square feet and shall be located within a building or
1507 tenant space that is no more than ten percent larger than the plant canopy and separately
1508 authorized processing area; and

1509 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and

1510 every marijuana-related entity occupying space in addition to the two-thousand-square
1511 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1512 subsection B.19. of this section.

1513 19.a. Production is limited to indoor only;

1514 b. With a lighting plan only as required by and that complies with K.C.C.

1515 21A.12.220.G.;

1516 c. Only with documentation that the operator has applied for a Puget Sound
1517 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1518 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1519 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1520 are imported onto the site; and

1521 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1522 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1523 aggregated total of thirty thousand square feet and shall be located within a building or
1524 tenant space that is no more than ten percent larger than the plant canopy and separately
1525 authorized processing area.

1526 20.a. Production is limited to indoor only;

1527 b. With a lighting plan only as required by and that complies with K.C.C.

1528 21A.12.220.G.;

1529 c. Only with documentation that the operator has applied for a Puget Sound
1530 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1531 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1532 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1533 are imported onto the site;

1534 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1535 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1536 aggregated total of two thousand square feet and shall be located within a building or
1537 tenant space that is no more than ten percent larger than the plant canopy and separately
1538 authorized processing area; and

1539 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
1540 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1541 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1542 B.21. of this section.

1543 21.a. Production is limited to indoor only;

1544 b. With a lighting plan only as required by and that complies with K.C.C.
1545 21A.12.220.G.;

1546 c. Only with documentation that the operator has applied for a Puget Sound
1547 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1548 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1549 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1550 are imported onto the site; and

1551 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1552 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1553 aggregated total of thirty thousand square feet and shall be located within a building or
1554 tenant space that is no more than ten percent larger than the plant canopy and separately
1555 authorized processing area.

- 1556 22. Marijuana production by marijuana producers licensed by the Washington
1557 state Liquor and Cannabis Board is subject to the following standards:
- 1558 a. With a lighting plan only as required by and that complies with K.C.C.
1559 21A.12.220.G.;
- 1560 b. Only allowed on lots of at least four and one-half acres;
- 1561 c. Only with documentation that the operator has applied for a Puget Sound
1562 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1563 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1564 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1565 are imported onto the site;
- 1566 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1567 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1568 subject to the size limitations in subsection B.22. e. and f. of this section;
- 1569 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1570 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1571 be limited to a maximum aggregated total of five thousand square feet and shall be
1572 located within a fenced area or marijuana greenhouse that is no more than ten percent
1573 larger than that combined area, or may occur in nondwelling unit structures that exist as
1574 of October 1, 2013;
- 1575 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1576 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1577 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1578 within a fenced area or marijuana greenhouse that is no more than ten percent larger than

1579 that combined area, or may occur in nondwelling unit structures that exist as of October
1580 1, 2013; and

1581 g. Outdoor production area fencing as required by the Washington state Liquor
1582 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1583 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1584 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1585 residence.

1586 23. The storage and processing of non-manufactured source separated organic
1587 waste that originates from agricultural operations and that does not originate from the
1588 site, if:

1589 a. agricultural is the primary use of the site;

1590 b. the storage and processing are in accordance with best management
1591 practices included in an approved farm plan; and

1592 c. except for areas used for manure storage, the areas used for storage and
1593 processing do not exceed three acres and ten percent of the site.

1594 24.a. For activities relating to the processing of crops or livestock for
1595 commercial purposes, including associated activities such as warehousing, storage,
1596 including refrigeration, and other similar activities and excluding (~~wineries, SIC Industry~~
1597 ~~No. 2085—Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages~~))
1598 winery, brewery, distillery facility I, II and III:

1599 (1) limited to agricultural products and sixty percent or more of the products
1600 processed must be grown in the Puget Sound counties. At the time of initial application,
1601 the applicant shall submit a projection of the source of products to be produced;

1602 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1603 half acres;

1604 (3) (a) as a permitted use, the floor area devoted to all processing shall not
1605 exceed two thousand square feet, unless located in a building designated as an historic
1606 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1607 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1608 floor area as follows: up to three thousand five hundred square feet of floor area may be
1609 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
1610 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
1611 the A zone; and

1612 (b) as a permitted use, the floor area devoted to all warehousing,
1613 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
1614 unless located in a building designated as historic resource under K.C.C. chapter 20.62.
1615 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
1616 review and approve an increase of up to three thousand five hundred square feet of floor
1617 area devoted to all warehouseing, storage, including refrigeration, or other similar
1618 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
1619 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1620 (4) in the A zone, structures and areas used for processing, warehousing,
1621 refrigeration, storage and other similar activities shall be located on portions of
1622 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1623 the already developed portion of such agricultural lands that are not available for direct
1624 agricultural production, or areas without prime agricultural soils; and

1625 (5) structures and areas used for processing, warehousing, storage, including
1626 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1627 five feet from property lines adjoining rural area and residential zones, unless located in a
1628 building designated as historic resource under K.C.C. chapter 20.62.

1629 b. For activities relating to the retail sale of agricultural products, except
1630 livestock:

1631 (1) sales shall be limited to agricultural products and locally made arts and
1632 crafts;

1633 (2) in the RA and UR zones, only allowed on sites at least four and one-
1634 half acres;

1635 (3) as a permitted use, the covered sales area shall not exceed two thousand
1636 square feet, unless located in a building designated as a historic resource under K.C.C.
1637 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
1638 21A.42.300, may review and approve an increase of up to three thousand five hundred
1639 square feet of covered sales area;

1640 (4) forty percent or more of the gross sales of agricultural product sold
1641 through the store must be sold by the producers of primary agricultural products;

1642 (5) sixty percent or more of the gross sales of agricultural products sold
1643 through the store shall be derived from products grown or produced in the Puget Sound
1644 counties. At the time of the initial application, the applicant shall submit a reasonable
1645 projection of the source of product sales;

1646 (6) tasting of products, in accordance with applicable health regulations, is
1647 allowed;

1648 (7) storage areas for agricultural products may be included in a farm store
1649 structure or in any accessory building; and

1650 (8) outside lighting is permitted if there is no off-site glare.

1651 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1652 d. Farm operations, including quipment repair and related facilities, except

1653 that:

1654 (1) the repair of tools and machinery is limited to those necessary for the
1655 operation of a farm or forest;

1656 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1657 half acres;

1658 (3) the size of the total repair use is limited to one percent of the farm size in
1659 the A zone, and up to one percent of the size in other zones, up to a maximum of five
1660 thousand square feet unless located within an existing farm structure, including but not
1661 limited to barns, existing as of December 31, 2003; and

1662 (4) Equipment repair shall not be permitted in the Forest zone.

1663 e. The agricultural technical review committee, as established in K.C.C.

1664 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1665 residential zones and minimum setbacks from rural and residential zones.

1666 25. The department may review and approve establishment of agricultural
1667 support services in accordance with the code compliance review process in K.C.C.

1668 21A.42.300 only if:

1669 a. project is sited on lands that are unsuitable for direct agricultural production
1670 based on size, soil conditions or other factors and cannot be returned to productivity by

1671 drainage maintenance; and

1672 b. the proposed use is allowed under any Farmland Preservation Program

1673 conservation easement and zoning development standards.

1674 26. The agricultural technical review committee, as established in K.C.C.

1675 21A.42.300, may review and approve establishment of agricultural support services only

1676 if the project site:

1677 a. adjoins or is within six hundred sixty feet of the agricultural production

1678 district;

1679 b. has direct vehicular access to the agricultural production district;

1680 c. except for farmworker housing, does not use local access streets that abut

1681 lots developed for residential use; and

1682 b. has a minimum lot size of four and one-half acres.

1683 27. The agricultural technical review committee, as established in K.C.C.

1684 21A.42.300, may review and approve establishment of agricultural support services only

1685 if the project site:

1686 a. is outside the urban growth area,

1687 b. adjoins or is within six hundred sixty feet of the agricultural production

1688 district,

1689 c. has direct vehicular access to the agricultural production district,

1690 d. except for farmworker housing, does not use local access streets that abut

1691 lots developed for residential use; and

1692 e. has a minimum lot size of four and one-half acres.

1693 28. Only allowed on properties that are outside the urban growth area.

1694 SECTION 22. Ordinance 10870, Section 407, as amended, and K.C.C.

1695 21A.18.030 are each hereby amended to read as follows:

1696 A. Except as modified in K.C.C. 21A.18.070. B((-)). through D., off-street
 1697 parking areas shall contain at a minimum the number of parking spaces as stipulated in
 1698 the following table. Off-street parking ratios expressed as number of spaces per square
 1699 feet means the usable or net square footage of floor area, exclusive of non-public areas.
 1700 Non-public areas include but are not limited to building maintenance areas, storage areas,
 1701 closets or restrooms. If the formula for determining the number of off-street parking
 1702 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 1703 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 1704 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
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 <u>0.9</u> per 1,000 square feet of indoor storage or repair areas
Public agency archives	<u>0.9</u> 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 <u>0.9</u> 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 <u>0.9</u> per 1,000 square feet of storage area

Heavy equipment repair	1 per 300 square feet of office, plus <u>0.9</u> 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
<u>Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas</u>
Wholesale trade uses	<u>0.9</u> 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	<u>0.9</u> per 1,000 square feet
Winery/Brewery/ <u>Distillery Facility II and III</u>	<u>0.9</u> per 1,000 square feet, plus 1 per ((50))

	<u>300</u> square feet of tasting <u>and retail</u> areas
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

1705 B. An applicant may request a modification of the minimum required number of
 1706 parking spaces by providing that parking demand can be met with a reduced parking
 1707 requirement. In such cases, the director may approve a reduction of up to fifty percent of
 1708 the minimum required number of spaces.

1709 C. When the county has received a shell building permit application, off-street
 1710 parking requirements shall be based on the possible tenant improvements or uses
 1711 authorized by the zone designation and compatible with the limitations of the shell
 1712 permit. When the range of possible uses result in different parking requirements, the
 1713 director will establish the amount of parking based on a likely range of uses.

1714 D. Where other provisions of this code stipulate maximum parking allowed or
 1715 reduced minimum parking requirements, those provisions shall apply.

1716 E. In any development required to provide six or more parking spaces, bicycle
 1717 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
 1718 facilities unless otherwise specified.

1719 1. Off-street parking areas shall contain at least one bicycle parking space for
 1720 every twelve spaces required for motor vehicles except as follows:

1721 a. The director may reduce bike rack parking facilities for patrons when it is

1722 demonstrated that bicycle activity will not occur at that location.

1723 b. The director may require additional spaces when it is determined that the
1724 use or its location will generate a high volume of bicycle activity. Such a determination
1725 will include but not be limited to the following uses:

1726 (1) Park/playfield,

1727 (2) Marina,

1728 (3) Library/museum/arboretum,

1729 (4) Elementary/secondary school,

1730 (5) Sports club, or

1731 (6) Retail business (when located along a developed bicycle trail or
1732 designated bicycle route).

1733 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1734 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
1735 structure attached to the pavement.

1736 3. All bicycle parking and storage shall be located in safe, visible areas that do
1737 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1738 4. When more than ten people are employed on site, enclosed locker-type
1739 parking facilities for employees shall be provided. The director shall allocate the
1740 required number of parking spaces between bike rack parking and enclosed locker-type
1741 parking facilities.

1742 5. One indoor bicycle storage space shall be provided for every two dwelling
1743 units in townhouse and apartment residential uses, unless individual garages are provided
1744 for every unit. The director may reduce the number of bike rack parking spaces if indoor

1745 storage facilities are available to all residents.

1746 SECTION 23. Ordinance 10870, Section 536, as amended, and K.C.C.

1747 21A.30.080 are each hereby amended to read as follows:

1748 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct
1749 one or more home occupations as accessory activities, only if:

1750 A. The total floor area of the dwelling unit devoted to all home occupations shall
1751 not exceed twenty percent of the floor area of the dwelling unit.

1752 B. Areas within garages and storage buildings shall not be considered part of the
1753 dwelling unit and may be used for activities associated with the home occupation;

1754 C. All the activities of the home occupation or occupations shall be conducted
1755 indoors, except for those related to growing or storing of plants used by the home
1756 occupation or occupations;

1757 D. A home occupation or occupations is not limited in the number of employees
1758 that remain off-site. No more than one nonresident employee shall be permitted to work
1759 on-site for the home occupation or occupations;

1760 E. The following uses, by the nature of their operation or investment, tend to
1761 increase beyond the limits permitted for home occupations. Therefore, the following
1762 shall not be permitted as home occupations:

- 1763 1. Automobile, truck and heavy equipment repair;
- 1764 2. ~~((Autobody))~~ Auto body work or painting;
- 1765 3. Parking and storage of heavy equipment;
- 1766 4. Storage of building materials for use on other properties;
- 1767 5. Hotels, motels or organizational lodging;

- 1768 6. Dry cleaning;
- 1769 7. Towing services;
- 1770 8. Trucking, storage or self service, except for parking or storage of one
- 1771 commercial vehicle used in home occupation; ~~((and))~~
- 1772 9. Veterinary clinic; ~~((and))~~
- 1773 10. Recreational marijuana processor, recreational marijuana producer or
- 1774 recreational marijuana retailer; and
- 1775 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room,
- 1776 except that home occupation adult beverage businesses operating under an active
- 1777 Washington state Liquor and Cannabis Board production license issued for their current
- 1778 location before January 1, 2019, and where King County did not object to the location
- 1779 during the Washington state Liquor and Cannabis Board license application process, shall
- 1780 be considered legally nonconforming and allowed to remain in their current location
- 1781 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is currently in compliance
- 1782 with or is brought into compliance with the home occupation requirements of this section
- 1783 within one year of the effective date of this ordinance. Such businesses remain subject to
- 1784 all other applicable state and local regulations. The business operator for a
- 1785 nonconforming home occupation shall obtain an adult beverage business license in
- 1786 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
- 1787 ordinance).
- 1788 F. In addition to required parking for the dwelling unit, on-site parking is
- 1789 provided as follows:
- 1790 1. One stall for each nonresident employed by the home occupations; and

1791 2. One stall for patrons when services are rendered on-site;

1792 G. Sales are limited to:

1793 1. Mail order sales;

1794 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1795 and

1796 3. Items accessory to a service provided to patrons who receive services on the
1797 premises;

1798 H. On-site services to patrons are arranged by appointment;

1799 I. The home occupation or occupations use or store a vehicle for pickup of
1800 materials used by the home occupation or occupations or the distribution of products
1801 from the site, only if:

1802 1. No more than one such a vehicle is allowed; and

1803 2. The vehicle is not stored within any required setback areas of the lot or on
1804 adjacent streets; and

1805 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
1806 one ton;

1807 J. The home occupation or occupations do not:

1808 1. Use electrical or mechanical equipment that results in a change to the
1809 occupancy type of the structure or structures used for the home occupation or
1810 occupations; or

1811 2. Cause visual or audible interference in radio or television receivers, or
1812 electronic equipment located off-premises or fluctuations in line voltage off-premises;

1813 (~~and~~)

1814 K. There shall be no exterior evidence of a home occupation, other than growing
1815 or storing of plants under subsection C. of this section or a permitted sign, that would
1816 cause the premises to differ from its residential character. Exterior evidence includes, but
1817 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
1818 determined by using normal senses from any lot line or on average increase vehicular
1819 traffic by more than four additional vehicles at any given time;

1820 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1821 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

1822 M. Uses not allowed as home occupations may be allowed as a home industry
1823 under K.C.C. 21A.30.090.

1824 SECTION 24. Ordinance 15606, Section 20, as amended, and K.C.C.
1825 21A.30.085 are each hereby amended to read as follows:

1826 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
1827 home occupations as accessory activities, under the following provisions:

1828 A. The total floor area of the dwelling unit devoted to all home occupations shall
1829 not exceed twenty percent of the dwelling unit.

1830 B. Areas within garages and storage buildings shall not be considered part of the
1831 dwelling unit and may be used for activities associated with the home occupation;

1832 C. Total outdoor area of all home occupations shall be permitted as follows:

1833 1. For any lot less than one acre: Four hundred forty square feet; and

1834 2. For lots one acre or greater: One percent of the area of the lot, up to a
1835 maximum of five thousand square feet.

1836 D. Outdoor storage areas and parking areas related to home occupations shall be:

- 1837 1. No less than twenty-five feet from any property line; and
- 1838 2. Screened along the portions of such areas that can be seen from an adjacent
- 1839 parcel or roadway by the:
- 1840 a. planting of Type II landscape buffering; or
- 1841 b. use of existing vegetation that meets or can be augmented with additional
- 1842 plantings to meet the intent of Type II landscaping((-));
- 1843 E. A home occupation or occupations is not limited in the number of employees
- 1844 that remain off-site. Regardless of the number of home occupations, the number of
- 1845 nonresident employees is limited to no more than three who work on-site at the same
- 1846 time and no more than three who report to the site but primarily provide services off-
- 1847 site((-));
- 1848 F. In addition to required parking for the dwelling unit, on-site parking is
- 1849 provided as follows:
- 1850 1. One stall for each nonresident employed on-site; and
- 1851 2. One stall for patrons when services are rendered on-site;
- 1852 G. Sales are limited to:
- 1853 1. Mail order sales;
- 1854 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 1855 3. Items accessory to a service provided to patrons who receive services on the
- 1856 premises;
- 1857 4. Items grown, produced or fabricated on-site; and
- 1858 5. On sites five acres or larger, items that support agriculture, equestrian or
- 1859 forestry uses except for the following:

1860 a. motor vehicles and parts (North American Industrial Classification System
1861 ("NAICS" Code 441);

1862 b. electronics and appliances (NAICS Code 443); and

1863 c. building material and garden equipments and supplies (NAICS Code 444);

1864 H. The home occupation or occupations do not:

1865 1. Use electrical or mechanical equipment that results in a change to the
1866 occupancy type of the structure or structures used for the home occupation or
1867 occupations;

1868 2. Cause visual or audible interference in radio or television receivers, or
1869 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

1870 3. Increase average vehicular traffic by more than four additional vehicles at any
1871 given time;

1872 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1873 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1874 J. The following uses, by the nature of their operation or investment, tend to
1875 increase beyond the limits permitted for home occupations. Therefore, the following
1876 shall not be permitted as home occupations:

1877 1. Hotels, motels or organizational lodging;

1878 2. Dry cleaning((:));

1879 3. Automotive towing services, automotive wrecking services and tow-in
1880 parking lots; ((and))

1881 4. Recreational marijuana processor, recreational marijuana producer or
1882 recreational marijuana retailer((-)); and

1883 5. Winery, brewery, distillery facility I, II, and III, and remote tasting room,
1884 except that home occupation adult beverage businesses operating under an active
1885 Washington state Liquor and Cannabis Board production license issued for their current
1886 location before January 1, 2019, and where King County did not object to the location
1887 during the Washington state Liquor and Cannabis Board license application process, shall
1888 be considered legally nonconforming and allowed to remain in their current location
1889 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is currently in compliance
1890 with or is brought into compliance with the home occupation requirements of this section
1891 within one year of the effective date of this ordinance. Such businesses remain subject to
1892 all other applicable state and local regulations. The business operator for a
1893 nonconforming home occupation shall obtain an adult beverage business license in
1894 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1895 ordinance);

1896 K. Uses not allowed as home occupation may be allowed as a home industry
1897 under K.C.C. chapter 21A.30; and

1898 L. The home occupation or occupations may use or store vehicles, as follows:

1899 1. The total number of vehicles for all home occupations shall be:

1900 a. for any lot five acres or less: two;

1901 b. for lots greater than five acres: three; and

1902 c. for lots greater than ten acres: four;

1903 2. The vehicles are not stored within any required setback areas of the lot or on
1904 adjacent streets; and

1905 3. The parking area for the vehicles shall not be considered part of the outdoor

1906 storage area provided for in subsection C. of this section.

1907 SECTION 25. Ordinance 10870, Section 537, as amended, and K.C.C.

1908 21A.30.090 are each hereby amended to read as follows:

1909 A resident may establish a home industry as an accessory activity, as follows:

1910 A. The site area is one acre or greater;

1911 B. The area of the dwelling unit used for the home industry does not exceed fifty
1912 percent of the floor area of the dwelling unit.

1913 C. Areas within attached garages and storage buildings shall not be considered
1914 part of the dwelling unit for purposes of calculating allowable home industry area but
1915 may be used for storage of goods associated with the home industry;

1916 D. No more than six nonresidents who work on-site at the time;

1917 E. In addition to required parking for the dwelling unit, on-site parking is
1918 provided as follows:

1919 1. One stall for each nonresident employee of the home industry; and

1920 2. One stall for customer parking;

1921 F. Additional customer parking shall be calculated for areas devoted to the home
1922 industry at the rate of one stall per:

1923 1. One thousand square feet of building floor area; and

1924 2. Two thousand square feet of outdoor work or storage area;

1925 G. Sales are limited to items produced on-site, except for items collected, traded
1926 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1927 H. Ten feet of Type I landscaping are provided around portions of parking and
1928 outside storage areas that are otherwise visible from adjacent properties or public rights-

1929 of-way;

1930 I. The department ensures compatibility of the home industry by:

1931 1. Limiting the type and size of equipment used by the home industry to those
1932 that are compatible with the surrounding neighborhood;

1933 2. Providing for setbacks or screening as needed to protect adjacent residential
1934 properties;

1935 3. Specifying hours of operation;

1936 4. Determining acceptable levels of outdoor lighting; and

1937 5. Requiring sound level tests for activities determined to produce sound levels
1938 that may be in excess of those in K.C.C. chapter 12.88; (~~and~~)

1939 J. Recreational marijuana processors, recreational marijuana producers and
1940 recreational marijuana retailers shall not be allowed as home industry; and

1941 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall
1942 not be allowed as home industry, except that home industry adult beverage businesses
1943 operating under an active Washington state Liquor and Cannabis Board production
1944 license issued for their current location before January 1, 2019, and where King County
1945 did not object to the location during the Washington state Liquor and Cannabis Board
1946 license application process, shall be considered legally nonconforming and allowed to
1947 remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the
1948 use is currently in compliance with or is brought into compliance with the home industry
1949 requirements of this section within one year of the effective date of this ordinance. Such
1950 businesses remain subject to all other applicable state and local regulations. The business
1951 operator for a nonconforming home industry shall obtain an adult beverage business

1952 license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of
1953 this ordinance).

1954 SECTION 26. Ordinance 10870, Section 547, as amended, and K.C.C.
1955 21A.32.100 are each hereby amended to read as follows:

1956 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
1957 required for any of the following:

1958 A. A use not otherwise permitted in the zone that can be made compatible for a
1959 period of up to sixty days a year; ~~((or))~~

1960 B. The expansion of an established use that:

- 1961 1. Is otherwise allowed in the zone;
- 1962 2. Is not inconsistent with the original land use approval;
- 1963 3. Exceeds the scope of the original land use approval; and
- 1964 4. Can be made compatible with the zone for a period of up to sixty days a year;

1965 or

1966 C. Events at a winery, brewery, distillery facility or remote tasting room that
1967 include one or more of the following activities:

- 1968 1. Exceeds the permitted building occupancy;
- 1969 2. Utilizes portable toilets;
- 1970 3. Utilizes parking that exceeds the maximum number of spaces allowed by this

1971 Title on-site or utilizes off-site parking;

- 1972 4. Utilizes temporary stages;
- 1973 5. Utilizes temporary tents or canopies that require a permit;
- 1974 6. Utilizes traffic control for public rights-of-way; or

1975 7. Extends beyond stated hours of operation.

1976 SECTION 27. Ordinance 10870, Section 549, as amended, and K.C.C.

1977 21A.32.120 are each hereby amended to read as follows:

1978 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
1979 temporary use permits shall be limited in duration and frequency as follows:

1980 A. The temporary use permit shall be effective for one year from the date of
1981 issuance and may be renewed annually as provided in subsection D. of this section;

1982 B.1. The temporary use shall not exceed a total of sixty days in any three-
1983 hundred(~~and~~)-sixty-five-day period. This (~~requirement~~) subsection B.1. applies only
1984 to the days that the event or events actually take place.

1985 2. For a winery, brewery, distillery facility II and III in the A (~~or RA~~)
1986 zone(~~s~~), the temporary use shall not exceed a total of two events per month and all
1987 event parking (~~for the events~~) must be accommodated on site or managed through a
1988 parking management plan approved by the director. This subsection B.2. applies only to
1989 the days that the event or events actually take place;

1990 3. For a winery, brewery, distillery facility II and III in the RA zone, the
1991 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
1992 five-day period and all event parking must be accommodated on site or managed through
1993 a parking management plan approved by the director. This subsection B.3. applies only
1994 to the days that the event or events actually take place;

1995 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
1996 to all other relevant facts, the department shall consider building occupancy and parking
1997 limitations during permit review, and shall condition the number of guests allowed for a

1998 temporary use based on those limitations. The department shall not authorize attendance
1999 of more than one hundred fifty guests.

2000 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
2001 to all other relevant facts, the department shall consider building occupancy and parking
2002 limitations during permit review, and shall condition the number of guests allowed for a
2003 temporary use based on those limitations. The department shall not authorize attendance
2004 of more than two hundred fifty guests.

2005 6. Events for any winery, brewery, distillery facility I in the RA zone, any
2006 nonconforming winery, brewery, distillery facility home occupation, and any
2007 nonconforming winery, brewery, distillery facility home industry shall be limited to two
2008 per year, and limited to a maximum of fifty guests. If the event complies with this
2009 chapter, a temporary use permit is not required for a special event for a winery, brewery,
2010 distillery facility I in the RA zone, a nonconforming home occupation winery, brewery,
2011 distillery facility or a nonconforming home industry winery, brewery, distillery facility.

2012 7. Special events shall not be permitted for any winery, brewery, distillery
2013 facility I in the A zone. The permitting division shall not issue temporary use permits to
2014 winery, brewery, distillery facility I uses in the A zone.

2015 C. The temporary use permit shall specify a date upon which the use shall be
2016 terminated and removed; and

2017 D. A temporary use permit may be renewed annually for up to a total of five
2018 consecutive years as follows:

2019 1. The applicant shall make a written request and pay the applicable permit
2020 extension fees for renewal of the temporary use permit at least seventy days before the

2021 end of the permit period;

2022 2. The department must determine that the temporary use is being conducted in
2023 compliance with the conditions of the temporary use permit;

2024 3. The department must determine that site conditions have not changed since
2025 the original temporary permit was issued; and

2026 4. At least forty-five days before the end of the permit period, the department
2027 shall notify property owners within five hundred feet of the property boundaries that a
2028 temporary use permit extension has been requested and contact information to request
2029 additional information or to provide comments on the proposed extension.

2030 SECTION 28. The King County executive shall conduct a demonstration project
2031 to create and evaluate a remote tasting room demonstration project A as provided for in,
2032 and consistent with, section 29 of this ordinance.

2033 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter
2034 21A.55 a new section to read as follows:

2035 A. The purpose of the remote tasting room demonstration project A is to:

2036 1. Support agriculture and synergistic development of mixed use adult beverage
2037 facilities in order to boost agritourism and the areas' reputations as food and adult-
2038 beverage destinations;

2039 2. Enable the county to determine if expanded adult beverage-based uses can be
2040 permitted while maintaining the core functions and purposes of the Rural Area and
2041 Agricultural zones;

2042 3. Determine the impacts and benefits of the adult beverage industry on Rural
2043 Area and Agricultural zoned areas, including the impacts and benefits of the industry on

2044 Agricultural Production Districts, and including those properties where the demonstration
2045 project sites are located and the surrounding areas;

2046 4. Provide an opportunity for additional exposure for locally sourced and
2047 produced agricultural products; and

2048 5. Identify and evaluate potential changes to countywide land use regulations to
2049 support the development of additional areas of unincorporated King County that may
2050 benefit from growth in agritourism.

2051 B. The demonstration project shall only be implemented on a site identified in
2052 Attachment A to this ordinance.

2053 C. The use that the permitting division may approve under the remote tasting
2054 room demonstration project A shall include only "remote tasting room" as defined in
2055 section 13 of this ordinance.

2056 D.1. An application for a remote tasting room under this section may be submitted
2057 in conjunction with an application for an adult beverage business license or a building
2058 permit.

2059 2. Requests shall be submitted to the permitting division in writing, together
2060 with any supporting documentation and must illustrate how the proposal meets the
2061 criteria in subsection F. of this section.

2062 3. An application for a remote tasting room under this section shall be reviewed
2063 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2064 E. The department of local services, permitting division, shall administer the
2065 demonstration project, and shall approve or deny a remote tasting room application under
2066 this section based upon compliance with subsection F. of this section. Approval or denial

2067 of a remote tasting room application shall not be construed as applying to any other
2068 development application either within the demonstration project area or elsewhere in the
2069 county.

2070 F.1. A remote tasting room under this section may be approved, subject to the
2071 following:

2072 a. One or more winery, brewery, distillery facility I, II or III may operate
2073 within one remote tasting room;

2074 b. The aggregated total space devoted to remote tasting room activities shall be
2075 limited to one thousand square feet of gross floor area, not including areas devoted to
2076 storage, restrooms, and similar nonpublic areas;

2077 c. Notwithstanding subsection F.1.b. of this section, an additional five hundred
2078 square feet of immediately adjacent outdoor space may be used for tasting, subject to
2079 applicable state regulations limiting sale, service and consumption of alcoholic
2080 beverages;

2081 d. Incidental retail sales of products and merchandise related to the products
2082 being tasted is allowed;

2083 e. The hours of operation for the tasting room shall be limited as follows:
2084 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to
2085 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
2086 shall be limited to 11:00 a.m. through 9:00 p.m.;

2087 f. Each business operator shall obtain an adult beverage business license in
2088 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
2089 ordinance);

2090 g. Each remote tasting room business operator shall have proof of Washington
2091 state Liquor and Cannabis Board approval;

2092 h. Events shall be limited to two per year, and limited to no more than fifty
2093 guests. As long as the event complies with this section, a temporary use permit is not
2094 required for a special event;

2095 i. Off-street parking shall be provided in accordance with the parking ratios
2096 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a
2097 maximum of one space per fifty square feet of tasting and retail areas; and

2098 j. The use shall be consistent with general health, safety and public welfare standards,
2099 and shall not violate state or federal law.

2100 2. This section supersedes other variance, modification or waiver criteria of
2101 K.C.C. Title 21A.

2102 3. Remote tasting room uses approved in accordance with this section may
2103 continue as long as an underlying business license or renewal is maintained, and subject
2104 to the nonconformance provisions of K.C.C. chapter 21A.32.

2105 G. Demonstration project applications shall be accepted by the permitting
2106 division for three years from the effective date of this ordinance. Complete applications
2107 submitted before the end of the three years shall be reviewed and decided on by the
2108 permitting division.

2109 H. Starting one year after the effective date of this ordinance, and each year for
2110 four years thereafter, the executive shall prepare and transmit to the council preliminary
2111 evaluations of remote tasting room demonstration project A. These preliminary
2112 evaluation reports shall include:

- 2113 1. A list of remote tasting room demonstration project applications submitted,
2114 reviewed and decided;
- 2115 2. Comments received from neighboring residents, including code complaints, if
2116 any, related to the applications received and approved or the demonstration project;
- 2117 3. Comments received from neighboring cities and community service areas;
- 2118 4. Comments received from project applicants attempting to utilize the
2119 demonstration project, including the application and review process, and the criteria for
2120 approving remote tasting rooms;
- 2121 5. Comments received from customers of the project applicants' businesses;
- 2122 6. A description of known interactions or relationships between projects
2123 approved under the demonstration project and nearby agricultural users and lands, such
2124 as additional exposure for local agricultural products;
- 2125 7. An inventory of remaining parcels or properties available for development
2126 under the demonstration project; and
- 2127 8. Any known recommended code changes that would further the purposes of
2128 the demonstration project.
- 2129 I. Within ninety days of five years after the effective date of this ordinance, the
2130 permitting division shall prepare a draft final report and proposed permanent code
2131 changes that includes the information compiled under subsection H. of this section, and
2132 include the following:
- 2133 1. Evaluation of the parking requirements, including whether the parking ratios
2134 required in K.C.C. chapter 21A.18 for production facilities and for remote tasting rooms
2135 provide sufficient, but not excessive, parking;

2136 2. Description of the industry standards for tasting room hours for wineries,
2137 breweries and distilleries; evaluation of the tasting room hours allowed under the
2138 demonstration project, and the benefits or negative impacts of these hours relative to the
2139 purposes of the demonstration project;

2140 3. Outreach to those projects approved through the demonstration project, with
2141 requested information to include, at a minimum:

2142 a. when they were approved by the permitting division;

2143 b. when they opened subsequent to that approval;

2144 c. whether they are still operating at the time of the final report; and

2145 d. any recommendations on final regulations;

2146 4. Evaluation of the permit review timelines for the demonstration project
2147 applications; and

2148 5. A recommendation on permanent code changes, or further demonstration
2149 project requirements, regarding remote tasting rooms.

2150 J. The permitting division shall include a public comment period for the
2151 permitting division's draft evaluation described in subsection I. of this section. The
2152 public comment period shall last at least forty-five days beginning with the date of
2153 publication in the newspapers of record for the demonstration project areas identified in
2154 Attachment A to this ordinance. As part of the public comment period, the permitting
2155 division shall:

2156 1. Publish notice of the draft evaluation's availability in each newspaper of
2157 record, including locations where the draft evaluation is available;

2158 2. Send notice and request for comment to the water districts for the

2159 demonstration project areas identified in Attachment A to this ordinance;

2160 3. Request comments from any developer that has applied for approval under
2161 the demonstration project;

2162 4. Provide a copy at the local libraries for the demonstration project areas
2163 identified in Attachment A to this ordinance;

2164 5. Post an electronic copy on the permitting division's website; and

2165 6. Send electronic notice to the clerk of the council, who shall retain the original
2166 email and provide an electronic copy to all councilmembers, the council chief of staff and
2167 the lead staff for the local services, regional roads and bridges committee, or its
2168 successor.

2169 K. After the public comment period has ended, the permitting division shall
2170 prepare a final evaluation of the remote tasting room demonstration project A,
2171 incorporating or responding to the comments received. Within sixty days of the end of
2172 the public comment period, the executive shall file a final evaluation report, a motion that
2173 should accept the report, and an ordinance that implements any proposed permanent code
2174 changes.

2175 L. For each preliminary evaluation, and the final report and proposed legislation,
2176 the reports shall be filed in the form of a paper original and an electronic copy with the
2177 clerk of the council, who shall retain the original and provide an electronic copy to all
2178 councilmembers, the council chief of staff and the lead staff for the local services,
2179 regional roads and bridges committee, or its successor.

2180 SECTION 30. The King County executive shall conduct a demonstration project
2181 to create and evaluate a special event demonstration project B as provided for in, and

2182 consistent with, section 31 of this ordinance.

2183 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter

2184 21A.55 a new section to read as follows:

2185 A. The purpose of the special events demonstration project B is to:

2186 1. Support agriculture and synergistic development of adult beverage facilities
2187 in order to boost agritourism and the Sammamish valley's reputation as a food and adult
2188 beverage destination;

2189 2. Enable the county to determine if the number of special events held at adult
2190 beverage-facilities can be increased while maintaining the core functions and purposes of
2191 the Rural Area and Agricultural zones;

2192 3. Identify the impacts and benefits of adult beverage industry special events on
2193 Rural Area and Agricultural zoned communities including Agricultural Production
2194 Districts, properties where the demonstration projects are located, and surrounding areas;

2195 4. Provide an opportunity for additional exposure for locally sourced and
2196 produced agricultural products; and

2197 5. Identify and evaluate potential changes to countywide land use regulations to
2198 support the development of additional areas of unincorporated King County that may
2199 benefit from growth in agritourism.

2200 B. A special event demonstration project shall only be implemented on a site
2201 identified in Attachment B to this ordinance.

2202 C. As part of the demonstration project B, the permitting division may, for a
2203 winery, brewery, distillery facility III, consolidate temporary use review for special
2204 events under K.C.C. 21A.32.100 through 21A.32.140, with conditional use review under

2205 K.C.C. 21A.44.040, and applicable to those uses under K.C.C. 21A.08.080;

2206 D.1. Demonstration project B applications shall include review of:

2207 a. a conditional use permit, or conditional use permit modification or
2208 expansion, for a winery, brewery, distillery facility III; and

2209 b. a temporary use permit for special events associated with the winery,
2210 brewery, distillery facility III.

2211 2. The joint conditional use permit and temporary use permit application shall
2212 include a request in writing to apply for the special event demonstration project, together
2213 with supporting documentation and must illustrate how the proposal meets the criteria in
2214 subsection F. and G. of this section and the criteria in K.C.C. 21A.44.020 and
2215 21A.44.040.

2216 3. As part of the joint conditional use and temporary use permit review process,
2217 the applicant shall be required to pay all required fees for a conditional use permit. The
2218 temporary use permit fees in K.C.C. 27.10.170.D. shall be waived for the joint permit
2219 review process.

2220 4. An application for a special event demonstration project under this section
2221 shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. As
2222 part of the joint conditional use and temporary use permit review, the review procedures
2223 in K.C.C. chapters 20.20, 20.44 and 21A.42 shall be applied, and compliance with K.C.C.
2224 21A.44.020 and K.C.C. 21A.44.040 shall be met.

2225 5. Any deadline in this subsection shall be adjusted to include the time for
2226 appeal of all or any portion of the project approval.

2227 E. The department of local services, permitting division, shall administer the

2228 demonstration project, and shall approve or deny the special event demonstration project
2229 under this section as part of a joint conditional use permit and temporary use permit
2230 based upon compliance with subsections F. and G. of this section. Approval or denial of
2231 a special event demonstration project shall not be construed as applying to any other
2232 development application either within the demonstration project area or elsewhere in the
2233 county, and shall not render uses authorized under this section "otherwise permitted in
2234 the zone" under K.C.C. 21A.32.100.A.

2235 F.1. A special event demonstration project shall be subject to all King County
2236 Code provisions except that permitting division may waive the following development
2237 regulations during the joint conditional use permit and temporary use permit review:

- 2238 a. K.C.C. 21A.32.100 through 21A.32.140; and
- 2239 b. K.C.C. 21A.08.080.B.12.1.;

2240 2. A temporary use permit approved under this demonstration project may be
2241 renewed up to four times annually in accordance with K.C.C. 21A.32.120.D. After a
2242 special event demonstration project temporary use permit expires, the permitting division
2243 shall review any subsequent temporary use permit application for the demonstration
2244 project site in accordance with all applicable temporary use review processes and any
2245 future events shall be subject to all regulations in place at the time a complete application
2246 is submitted.

2247 G. Approval of a special event demonstration project authorized by this section
2248 shall impose conditions regarding:

- 2249 a. the number of guests allowed for a temporary use, which shall be subject to
2250 building occupancy limits, but in no case more than two hundred fifty guests;

2251 b. parking limits or parking plan;

2252 c. the number of events allowed per year, which shall occur on no more than
2253 sixty days per year; and

2254 d. reasonable measures to provide notification to the permitting division and
2255 the public on the time, date, duration and size of special events authorized under the
2256 demonstration project, which could include, but is not limited to, posting the information
2257 on the operator's website or on-site.

2258 2. During the duration of the special event demonstration project, and only for
2259 the purposes of the special event demonstration project, parcels within the special event
2260 demonstration project area identified in Attachment B to this ordinance may not be
2261 consolidated to meet the minimum lot size required for a winery, brewery, distillery
2262 facility III.

2263 3. Special event demonstration projects shall be consistent with general health,
2264 safety and public welfare standards, and shall not violate state or federal law.

2265 H. Special event demonstration project applications shall be accepted by the
2266 permitting division for three years from the effective date of this ordinance. Complete
2267 applications submitted before the end of the three years shall be reviewed and decided on
2268 by the permitting division.

2269 I. Beginning one year after the effective date of this ordinance, and each year for
2270 four years thereafter, the executive shall prepare and transmit to the council preliminary
2271 evaluations of special event demonstration project B. These preliminary evaluation
2272 reports shall include:

2273 1. A list of demonstration project applications submitted, reviewed and decided;

2274 2. Comments received from neighboring residents, including code complaints, if
2275 any, related to the applications received and approved, or the demonstration project;

2276 3. Comments received from neighboring cities and community service areas;

2277 4. Comments received from project applicants attempting to utilize the
2278 demonstration project, including the application and review process, and the criteria for
2279 approving special event demonstration projects;

2280 5. Comments received from customers of the project applicants' businesses;

2281 6. A description of known interactions or relationships between projects
2282 approved under the demonstration project and nearby agricultural users and lands, such
2283 as additional exposure for local agricultural products;

2284 7. An inventory of remaining parcels or properties available for development
2285 under the demonstration project;

2286 8. A description of the number and size of the events and the parking plans
2287 approved through the joint conditional use permit and temporary use permit process; and

2288 9. Any known recommended code changes that would further the purposes of
2289 the demonstration project.

2290 J. Within ninety days of five years after the effective date of this ordinance, the
2291 permitting division shall prepare a draft final report and proposed permanent code
2292 changes, that includes the information compiled under subsection I. of this section, and
2293 includes the following:

2294 1. Evaluation of water use by winery, brewery, distillery facility III uses,
2295 including amount of water used, impacts to watershed basins, impacts to public water
2296 systems, and whether these facilities should be required to connect to a Group A or

2297 Group B system;

2298 2. Evaluation of the parking requirements, including whether the parking ratios
2299 required in K.C.C. chapter 21A.18 for production facilities, associated tasting rooms, and
2300 special events provide sufficient, but not excessive, parking;

2301 3. Outreach to those applicants with projects approved through the
2302 demonstration project, with requested information to include, at a minimum:

2303 a. when they were approved by the permitting division;

2304 b. when they opened subsequent to that approval;

2305 c. whether they are still operating at the time of the final report; and

2306 d. any recommendations on final regulations;

2307 4. An evaluation of the requirements for temporary use permits for special
2308 events for all winery, brewery, distillery facilities, home occupations, home industries,
2309 and remote tasting rooms. This shall include, at a minimum:

2310 a. an evaluation of the minimum requirements for obtaining a temporary use
2311 permit established in K.C.C. 21A.32.100 and 21A.32.120, and whether they should be
2312 modified;

2313 b. an evaluation of what is considered an "industry standard event" for a
2314 winery, brewery, distillery facility or remote tasting room. As a guideline, an "industry
2315 standard event" may mean an event that is essential to the operation of the business and is
2316 directly related to the business, such as a release party or dinner for club members. The
2317 evaluation shall include recommendations on what types of industry standard events
2318 should require a temporary use permit, based on the scale of the event or any other factor
2319 the executive deems relevant;

2320 c. an evaluation of what is not an "industry standard event," such as renting out
2321 space for an event that is unrelated to the business. Those types of events typically
2322 require a temporary use permit;

2323 d. a recommended set of specific temporary use permit triggers related to
2324 special events for winery, brewery, distillery facilities, nonconforming home occupations
2325 and home industries and remote tasting rooms;

2326 e. a recommendation of the maximum number of special events that should be
2327 allowed for winery, brewery, distillery facilities, nonconforming home occupations and
2328 home industries and remote tasting rooms;

2329 f. a description of the current temporary use permit review process, and an
2330 evaluation of and recommendations for simplification of the temporary use permit review
2331 process, including, but not limited to, code requirements, internal process and procedures,
2332 and fees;

2333 g. an evaluation of the current two per year limit on events that may be held
2334 without a permit, and whether that limitation should be modified;

2335 h. an evaluation of the limits on the number of guests in K.C.C. 21A.32.120,
2336 and whether those limitations should be modified; and

2337 i. an evaluation of the public notice requirements for special events allowed for
2338 winery, brewery, and distillery facilities, and whether those requirements should be
2339 modified;

2340 5. Evaluation of the consolidated permit review process, including permit
2341 review timelines for the demonstration project applications compared to review times for
2342 similar types of projects that do not use the demonstration project allowance for

2343 consolidated review under this section, the cost to the applicant and the cost for the
2344 county to administer and review the demonstration project applications;

2345 6. Evaluation of stormwater and surface water issues within Overlay B, impacts
2346 on downstream properties and agricultural land, and potential remedies for identified
2347 stormwater and surface water issues; and

2348 7. A recommendation on permanent code changes, or further demonstration
2349 project requirements, regarding special events.

2350 K. The permitting division shall include a public comment period for the draft
2351 evaluation described in subsection J. of this section. The public comment period shall be
2352 at least forty-five days beginning with the date of publication in the newspapers of record
2353 for the demonstration project areas identified in Attachment B to this ordinance. As part
2354 of the public comment period, the permitting division shall:

2355 1. Publish notice of the draft evaluation's availability in each newspaper of
2356 record, including locations where the draft evaluation is available;

2357 2. Send notice and request for comment to the water districts for the
2358 demonstration project areas identified in Attachment B to this ordinance;

2359 3. Request comments from any developer that has applied for approval under
2360 the demonstration project;

2361 4. Provide a copy at the local libraries for the demonstration project areas
2362 identified in Attachment B to this ordinance;

2363 5. Post an electronic copy on the permitting division's website; and

2364 6. Send electronic notice to the clerk of the council, who shall retain the original
2365 email and provide an electronic copy to all councilmembers, the council chief of staff and

2366 the lead staff for the local services, regional roads and bridges committee, or its
2367 successor.

2368 L. After the public comment period has ended, the permitting division shall
2369 prepare a final evaluation of the special event demonstration project B, incorporating or
2370 responding to the comments received. Within sixty days of the end of the end of the
2371 public comment period, the executive shall file a final evaluation report, a motion that
2372 should accept the report, and an ordinance that implements any proposed permanent code
2373 changes.

2374 M. For each preliminary evaluation, and the final report and proposed legislation,
2375 the reports shall be filed in the form of a paper original and an electronic copy with the
2376 clerk of the council, who shall retain the original and provide an electronic copy to all
2377 councilmembers, the council chief of staff and the lead staff for the local services,
2378 regional roads and bridges committee, or its successor.

2379 SECTION 32. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
2380 are each hereby amended to read as follows:

2381 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
2382 remedial purposes and shall be assessed for each violation identified in a citation, notice
2383 and order, voluntary compliance agreement or stop work order pursuant to the following
2384 schedule:

a. citations, except for winery, brewery, distillery facility I, II

and III and remote tasting room:

- | | |
|--|-------|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter 12.86 | \$125 |

within the past twelve months

(3) with one previous code violation of K.C.C. chapter 12.86 \$250

within the past twelve months

(4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months \$500

(5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months Double the rate of the previous penalty

b. citations for violations of winery, brewery, distillery facility I, II and III and remote tasting room zoning conditions, including but not limited to unapproved events;

(1) with no previous similar code violations \$500

(2) with one or more previous similar code violations within \$1,000

the past twelve months;

c. violation of notice and orders and stop work orders:

(1) stop work order basic penalty \$500

(2) voluntary compliance agreement and notice and order basic \$25

penalty

(3) additional initial penalties may be added in the following amounts for violations where there is:

(a) public health risk \$15

(b) environmental damage risk \$15

(c) damage to property risk \$15

(d) one previous similar code violation \$25

(e) two previous similar code violations \$50

(f) three or more previous similar code violations \$75

(g) economic benefit to person responsible for violation \$25

~~((e-))~~ d. cleanup restitution payment: as specified in K.C.C.

23.02.140.

~~((d-))~~ e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:

(1) first reinspection, which shall occur no sooner than the day \$150 following the date compliance is required by the notice and order

(2) second reinspection, which shall occur no sooner than \$300 fourteen days following the first reinspection

(3) third reinspection, which shall occur no sooner than \$450 fourteen days following the second reinspection

(4) reinspection after the third reinspection, which shall only be \$450 conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting attorney for the purpose of presenting evidence in the course of litigation or administrative hearing against the person responsible for code compliance

2385 2. For the purposes of this section, previous similar code violations that can
2386 serve as a basis for a higher level of civil penalties include violations of the same chapter
2387 of the King County Code. Any citation, stop work order or notice and order previously
2388 issued by the department shall not constitute a previous code violation for the purposes of
2389 this section if that stop work order or notice and order was appealed and subsequently

2390 reversed.

2391 B. The penalties assessed pursuant to this section for any failure to comply with a
2392 notice and order or voluntary compliance agreement shall be assessed daily, according to
2393 the schedule in subsection A of this section, for the first thirty days following the date the
2394 notice and order or voluntary compliance agreement required the code violations to have
2395 been cured. If after thirty days the person responsible for code compliance has failed to
2396 satisfy the notice and order or voluntary compliance agreement, penalties shall be
2397 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
2398 assessed daily until the person responsible for code compliance has fully complied with
2399 the notice and order.

2400 C. Penalties based on violation of a stop work order shall be assessed, according
2401 to the schedule in subsection A. of this section, for each day the department determines
2402 that work or activity was done in violation of the stop work order.

2403 D. Citations and cleanup restitution payments shall only be subject to a one-time
2404 civil penalty.

2405 E. The director may suspend the imposition of additional civil penalties if the
2406 person responsible for code compliance has entered into a voluntary compliance
2407 agreement. If the person responsible for code compliance enters into a voluntary
2408 compliance agreement and cures the code violations, the director may also waive all or
2409 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
2410 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
2411 necessary permits applied for are denied, canceled or not pursued, or if corrective action
2412 identified in the voluntary compliance agreement is not completed as specified.

2413 F. The civil penalties in this section are in addition to, and not in lieu of, any
2414 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2415 SECTION 33. A. The executive shall transmit a report and proposed ordinance
2416 that evaluates the efficacy of the regulations for winery, brewery, distillery facilities and
2417 remote tasting rooms adopted as part of this ordinance. The report shall include, at a
2418 minimum:

2419 1. An evaluation of the effectiveness of the citation and civil fine structure in
2420 K.C.C. 23.32.010 adopted for winery, brewery, distillery and remote tasting room uses as
2421 part of this ordinance, and a recommended citation and civil fine structure, if the
2422 evaluation finds that the current structure is not effective or could be modified to increase
2423 effectiveness;

2424 2. An evaluation of the impacts that urban uses within urban growth area have
2425 on rural character and adjacent rural areas outside the urban growth area, and
2426 recommendations for how to reduce impact of those urban uses;

2427 3. Analysis of product content requirement adopted as part of this ordinance for
2428 winery, brewery distillery facilities in the Agriculture zone. Include, at a minimum, an
2429 evaluation of requiring sixty percent of product content to be grown on-site, sixty percent
2430 of product content to be grown in Puget Sound Counties, or allowing these facilities as
2431 agricultural accessory uses in accordance with WAC 365-196-815, and a
2432 recommendation for how these facilities should be regulated in the Agriculture zone to
2433 comply with the requirements for agricultural production areas under the Growth
2434 Management Act; and

2435 4. Analysis of winery, brewery, distillery facility I as interim use in the

2436 Agriculture zone, and evaluation of the effectiveness of the regulations adopted by this
2437 ordinance, the impacts to the agricultural production districts, and any recommended
2438 changes to the regulations regarding winery, brewery, distillery facility and remote
2439 tasting rooms, adopted by this ordinance.

2440 B. The report and proposed ordinance shall be transmitted to the council with a
2441 motion that should accept the report and a proposed ordinance making recommended
2442 code changes, concurrently with the final evaluations required in sections 29 and 31 of
2443 this ordinance, in the form of a paper original and an electronic copy to the clerk of the
2444 council, who shall retain the original and provide an electronic copy to all
2445 councilmembers, the council chief of staff and the lead staff for the local services,
2446 regional roads and bridges committee, or its successor.

2447 SECTION 34. Severability. If any provision of this ordinance or its application

2448 to any person or circumstance is held invalid, the remainder of the ordinance or the
2449 application of the provision to other persons or circumstances is not affected.
2450

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Map Amendment #1-Remote Tasting Room Demonstration Project A dated March 11, 2019, B. Map Amendment #2-Special Event Demonstration Project B dated March 11, 2019