



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19030

Proposed No. 2018-0241.4

Sponsors Lambert

1 AN ORDINANCE relating to planning and permitting;
2 amending Ordinance 1888, Article III, Section 5, as
3 amended, and K.C.C. 6.01.150, Ordinance 10870, Section
4 334, as amended, and K.C.C. 21A.08.070, Ordinance
5 10870, 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 548, as
14 amended, and K.C.C. 21A.32.110, Ordinance 10870,
15 Section 549, as amended, and K.C.C. 21A.32.120,
16 Ordinance 17485, Section 43, and K.C.C. 21A.38.260 and
17 Ordinance 13623, Section 37, as amended, and K.C.C.
18 23.32.010, adding new sections to K.C.C. chapter 21A.06,
19 adding a new section to K.C.C. chapter 21A.55, adding a

20 new chapter to K.C.C. Title 6, repealing Ordinance 15974,
21 Section 5, and K.C.C. 21A.06.1427 and prescribing
22 penalties.

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 SECTION 1. Findings:

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

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

37 C. Population growth, combined with the growing popularity of small producers
38 and local sourcing within the adult beverage industry has created a need for: clarification
39 regarding core industry functions versus other types of more intensive on-site special
40 events that may help a developing business thrive and consideration of the planning
41 requirements of the Growth Management Act, including economic growth, rural
42 character and protection for water resources and Agricultural and Industrial zoned areas.

43 Changes in state regulations have also occurred, driving a need to bring adult beverage
44 industry development regulations up to date with state licensing allowances. In particular,
45 a state winery allowance for off-site tasting created confusion for business owners
46 regarding the interplay between state licensing requirements and county land use
47 regulations.

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

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

65 F. King County continues to support and foster agriculture, especially within the

66 five designated Agricultural Production Districts. King County also supports the adult
67 beverage industry and recognizes the synergistic relationship between the agricultural and
68 the adult beverage industries. The ordinance aims to establish a strong foundation for
69 moving both industries into the future. There is a historical and continuing crossover
70 between the agricultural industry and the adult beverage industry, including factors such
71 as agricultural uses providing aesthetic value and raw materials that support the adult
72 beverage industry; and the exposure, opportunity and market demand for agricultural
73 products that the adult beverage industry provides for the agricultural industry. This
74 ordinance recognizes competing and complimentary interests between the two industries,
75 and aims to provide a balance consistent with the Growth Management Act and the
76 Comprehensive Plan.

77 G. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-
78 677b, the adult beverage industry uses allowed by the ordinance support development of
79 new markets for local agricultural products and help ensure that agricultural production
80 districts continue to be economically viable and farmed into the future. By promoting
81 complimentary relationships with the adult beverage industry, these regulations will help
82 to improve access to locally grown agricultural products throughout King County.

83 H. Economic development polices in the Comprehensive Plan, including ED-
84 102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands
85 have a role in economic activity in the county. The ordinance aims to implement these
86 Comprehensive Plan policies and is focused on protecting the economic value of the
87 natural environment through traditional land use controls such as minimum lot size
88 limitations and structural and other impervious surface limitations in Rural Area and

89 Agricultural zones. The ordinance creates space for new kinds of small, limited-scope
90 businesses, such as tasting rooms, and small wineries, breweries and distilleries that are
91 visually compatible with rural character and provide cultural opportunities to enhance the
92 region's quality of life and economic vitality.

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

112 aesthetic which helps both industries grow.

113 J. The Comprehensive Plan addresses the Growth Management Act's requirement
114 to plan for industrial uses. Plan Policy ED-211 encourages the county to "support
115 programs and strategies to preserve and plan for an adequate supply of industrial and
116 commercial land," including through "[p]reventing the encroachment of non-industrial
117 uses on industrially-zoned land and the rezoning of industrial land to other uses." This
118 ordinance recognizes that although King County has a finite amount of industrial land
119 available, at their highest levels of intensity, some adult beverage businesses can grow to
120 a level of mechanization, volume and intensity suited for the Industrial zone, but avoids
121 funneling smaller, less mechanized, community-serving businesses into the county's
122 limited Industrial zoned areas. Those smaller scale adult beverage industry uses are
123 appropriately placed in more aesthetically pleasing areas, where rural community
124 consumers and a healthy population of visitors to the county's many regional recreation
125 and tourism opportunities can support economic success. This ordinance aims to avoid
126 bringing low-impact, low-intensity adult beverage uses into limited Industrial zone
127 spaces that are reserved for more intensive industrial uses.

128 K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
129 support community based and community led efforts to support and retain existing small
130 businesses." Although rapid industry growth has resulted in some adult beverage
131 businesses becoming incompatible with rural character, this ordinance honors the
132 sometimes competing Comprehensive Plan policies to support and retain existing small
133 businesses with equally important policy to protect rural character by setting clear scope
134 and size limits to protect the Agricultural zone and Rural Area zone. In the specific case

135 of the previously untested remote tasting room use, which was recently created within
136 state licensing provisions, the ordinance allows some small businesses to continue within
137 limited rural area demonstration projects but also makes space available for remote
138 tasting rooms in Community Business and Regional Business zones for those businesses
139 that wish to expand their scope.

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

152 M. The Comprehensive Plan describes rural character and notes that King
153 County "recognizes that each of its rural communities has distinct and unique
154 characteristics." For instance, "residents of Vashon-Maury Island, accessible only by
155 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "[i]n the
156 Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a
157 study area during development of this ordinance, has its own distinctively rural character,

158 despite its close proximity to urban incorporated areas and to the city of Woodinville's
159 popular, concentrated winery district. Some of the regulations adopted as part of this
160 ordinance, such as the various allowances for on-site tasting and retail sales associated
161 with winery, brewery, distillery production facilities, vary across the different rural
162 communities in unincorporated King County. Individual rural communities take different
163 positions and have different priorities, and this is reflected in some of the regulations;
164 however, generally a countywide lens was used for analyzing potential regulatory
165 impacts on the wider rural area and natural resource lands.

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

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

178 P. The county is required to balance protecting rural character and agricultural
179 resources in diverse communities, with creating space for rural industries to thrive within
180 those communities. Existing and proposed regulations of the adult beverage industry are

181 designed for a size and scale appropriate for the rural communities they are located in,
182 and add protections for the Agriculture zone and agricultural production district as well
183 as measures that enhance enforceability of the regulations. This ordinance aims to
184 implement Comprehensive Plan Policy R-204, which encourages "the retention of
185 existing and establishment of new rural resource-based uses, with appropriate site
186 management and that protects habitat resources" and Comprehensive Plan Policy R-205
187 which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries,
188 such as the raising of livestock, growing of crops, creating value-added products, and sale
189 of agricultural products; small-scale cottage industries; and recreational and small-scale
190 tourism uses that rely on a rural location" are appropriate in the Rural Area zones.

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

204 R. The King County Code establishes standards for water facilities in K.C.C.
205 Title 13. In part, those standards prioritize connection to Group A water systems, then to
206 Group B water systems, followed by use of private wells, subject to specified criteria. As
207 part of this ordinance, winery, brewery, distillery facility III uses in the A and RA zones
208 are required to connect to a Group A water system. The requirement modifies a
209 previously existing regulation for larger wineries, breweries and distilleries and replaces
210 it with a clear standard that improves enforceability.

211 S. This ordinance protects the Rural Area and Agricultural zones by limiting on-
212 site tasting of products and retail sales for winery, brewery, distillery manufacturing uses,
213 and by allowing on-site tasting of products and retail sales only as accessory to
214 production. This ordinance places a thirty percent maximum on spaces devoted to on-site
215 tasting of products and retail sales, in order to prevent potential traffic and noise
216 sometimes associated with those uses, and to prevent the more intensive impacts that they
217 can have on rural character and the agricultural production districts.

218 T. Other development regulations, including stormwater management,
219 impervious surface, critical areas and landscaping requirements, remain in place and are
220 unchanged by this ordinance.

221 U. Existing special district overlays and property-specific development
222 conditions are in effect and add additional layers of regulation on development within
223 specific areas of the county. One special district overlay ("SDO") that has been the
224 subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120
225 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is
226 "to provide a buffer between agricultural and upslope residential uses." SO-120 requires

227 clustering of residential subdivisions and imposes a minimum seventy-five percent open
228 space requirement on all such developments. That SDO will remain in place and will
229 continue to apply to residential subdivisions. Additionally, this ordinance limits
230 impervious surface maximums for winery, brewery, distillery facilities in the A and RA
231 zones to twenty five percent, or the percentage identified in the zoning code, whichever is
232 less, to be consistent with rural character.

233 V. During the study period preceding adoption of this ordinance, many adult
234 beverage industry uses were found to be unaware of local health and building codes.

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

239 X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to
240 test and evaluate alternative development standards and processes before amending King
241 County policies and regulations." One demonstration project is established by this
242 ordinance. The demonstration project evaluates the presence of remote tasting rooms in
243 Rural Area zoned land in the Sammamish valley. The demonstration project is located in
244 an area where businesses are supported by nearby small-scale agriculture and proximity
245 to consumers, and relies on a pastoral setting and a rural sense of community for
246 economic viability and traditional rural-based activities. The criteria for site selection for
247 the demonstration project is based on existing levels of development on the property, lot
248 size, current zoning, proximity to Agricultural zoned areas and agricultural production
249 districts, proximity to local and rural industry-supportive uses and to areas in need of

250 economic stimulus and availability of arterial access. Those criteria implement
251 Comprehensive Plan policy direction to protect agricultural lands and rural character, and
252 to provide rural economic opportunities. State Route 202 is a designated arterial designed
253 to carry significant traffic loads and is not expected to reflect measurable impacts over
254 loads already generated by existing Rural Area residents and businesses or related to the
255 demonstration project. The selected location is an ideal place to test the demonstration
256 project's ability to support businesses that are primarily nonurban in nature, to evaluate
257 the benefits and to test impact mitigation strategies before adopting potential countywide
258 regulations.

259 Y. Public testimony on this ordinance included discussion of congestion on local
260 roads caused by population growth. With that concern in mind, the ordinance requires
261 the largest winery, brewery, distillery facilities to be sited where there is direct access to
262 an arterial, and that remote tasting rooms be tested where related vehicle trips will be
263 directed to an existing state highway. Comprehensive Plan Policy T-310 states "[s]tate
264 highway facilities and arterial roads are designed to accommodate higher traffic volumes,
265 at higher speeds than local roads," and the county should "encourage such traffic to use
266 highways or arterials whenever possible." This ordinance implements the plan's directive
267 by requiring larger or previously untested uses to utilize arterial roads. Further, the
268 parcels chosen for the remote tasting room demonstration project A in the Sammamish
269 valley are located directly on an arterial.

270 Z. The Comprehensive Plan states that "[t]he purposes of Rural Town
271 designations within the Comprehensive Plan are to recognize existing concentrations of
272 higher density and economic activity in Rural Areas and to allow modest growth of

273 residential and economic uses to keep them economically viable into the future."
274 Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers
275 for the Rural Area and Natural Resource Lands and may be served by a range of utilities
276 and services, and may include several or all of the following land uses, if supported by
277 necessary utilities and other services and if scaled and designed to protect rural character:
278 a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and
279 Natural Resource Lands population...c. Other retail, commercial, and industrial uses,
280 such as resource industries, tourism, commercial recreation, and light industry." Remote
281 tasting rooms are similar to other, more intensive uses contained within the stated
282 categories and may be appropriately located in Rural Towns. Other Community Business
283 and Regional Business zones, outside of Rural Towns, are located within the urban
284 growth area or have access to an arterial.

285 AA. The county is committed to providing fair, accurate and consistent
286 enforcement of the regulations adopted by this ordinance. The executive expects to
287 engage on-call consultants to conduct outreach and provide technical assistance to
288 businesses required to comply with the new regulations. It is anticipated that some
289 businesses may take several months to come into compliance. For businesses
290 progressing toward compliance with the ordinance, the county does not intend to begin
291 enforcement proceedings for a minimum of twelve months after the effective date of this
292 ordinance.

293 SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
294 6.01.150 are hereby amended to read as follows:

295 A. The office of the hearing examiner is designated to hear appeals by parties

296 aggrieved by actions of the director pursuant to any business license ordinance. The
297 examiner may adopt reasonable rules or regulations for conducting its business. Copies of
298 all rules and regulations adopted by the examiner shall be delivered to the director, who
299 shall make them freely accessible to the public. All decisions and findings of the examiner
300 shall be rendered to the appellant in writing, with a copy to the director.

301 B. For-hire transportation appeals under K.C.C. chapter 6.64 and adult beverage
302 businesses appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this
303 ordinance) shall be filed in accordance with K.C.C. 20.22.080 and the hearing process
304 conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this
305 section do not apply to this subsection B.

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

- 309 1. A heading in the words: "Before the Office of the Hearing Examiner";
- 310 2. A caption reading: "Appeal of" giving the names of all appellants
311 participating in the appeal;
- 312 3. A brief statement setting forth the legal interest of each of the appellants in the
313 business or entertainment involved in the notice and order;
- 314 4. A brief statement in concise language of the specific order or action protested,
315 together with any material facts claimed to support the contentions of the appellant;
- 316 5. A brief statement in concise language of the relief sought, and the reasons why
317 it is claimed the protested order or action should be reversed, modified or otherwise set
318 aside;

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

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

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

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

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

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

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

340 SECTION 3. Sections 4 through 11 of this ordinance should constitute a new
341 chapter in K.C.C. Title 6.

342 NEW SECTION. SECTION 4. There is hereby added to the chapter established
343 in section 3 of this ordinance a new section to read as follows:

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

347 NEW SECTION. SECTION 5. There is hereby added to the chapter established
348 in section 3 of this ordinance a new section to read as follows:

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

354 NEW SECTION. SECTION 6. There is hereby added to the chapter established
355 in section 3 of this ordinance a new section to read as follows:

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

361 NEW SECTION. SECTION 7. There is hereby added to the chapter established
362 in section 3 of this ordinance a new section to read as follows:

363 An application for an adult beverage business license or license renewal must be
364 submitted in the name of the person, the persons or the entity proposing to operate the

365 business. The application shall be signed by each person, or a responsible principal or
366 officer of the entity proposing to operate the business, certified as true under penalty of
367 perjury. All applications shall be submitted on a form supplied by the director, and shall
368 include the following:

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

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

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

379 D. For businesses in the A zone, a signed statement that at least sixty percent of
380 the products to be used by the business are grown on-site, as prescribed under K.C.C.
381 21A.08.030 and 21A.08.080; and

382 E. For any adult beverage businesses attempting to demonstrate legal
383 nonconforming use status under section 11.B. of this ordinance, operating under an active
384 Washington state Liquor and Cannabis Board production license issued for their current
385 location before the effective date of this ordinance, and where King County did not object
386 to the location during the Washington state Liquor and Cannabis Board license
387 application process, documentation sufficient to establish that the requirements of K.C.C.

388 Title 21A have been met, and documentation of the county's response to the notice of
389 application, if any.

390 NEW SECTION. SECTION 8. There is hereby added to the chapter established
391 in section 3 of this ordinance a new section to read as follows:

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

395 NEW SECTION. SECTION 9. There is hereby added to the chapter established
396 in section 3 of this ordinance a new section to read as follows:

397 The director shall deny, suspend or revoke a license issued under this chapter if
398 the Washington state Liquor and Cannabis Board does not issue a license to the business,
399 or if the department of local services, permitting division receives notice that the state
400 license issued to the business is suspended or revoked, or was not reissued, or if, after an
401 investigation, the director determines that the proposed business location does not comply
402 with K.C.C. Title 21A. A business owner whose application for a business license has
403 been denied or whose license has been suspended or revoked may appeal the decision to
404 the office of the hearing examiner in accordance with K.C.C. 6.01.150.

405 NEW SECTION. SECTION 10. There is hereby added to the chapter established
406 in section 3 of this ordinance a new section to read as follows:

407 An adult beverage business license expires one year from the date the business
408 license is issued by the department of local services, permitting division. To avoid a lapse
409 in the effectiveness of a license, an application to renew a license must be submitted to
410 the director, on a form provided by the director, at least thirty days before the expiration

411 of the business license. An adult beverage business license renewal expires one year
412 from the previous license's expiration date.

413 NEW SECTION. SECTION 11. There is hereby added to the chapter established
414 in section 3 of this ordinance a new section to read as follows:

415 A. Within thirty days of the director's receipt of a complete adult beverage
416 business license application, the director shall issue or deny the license. Within thirty
417 days of the director's receipt of a complete renewal application, the director shall issue or
418 deny the renewal.

419 B. For any adult beverage businesses operating under an active Washington state
420 Liquor and Cannabis Board production license issued for their current location before the
421 effective date of this ordinance, and where King County did not object to the location
422 during the Washington state Liquor and Cannabis Board license application process, if all
423 other requirements of this chapter are met, the director shall approve the first adult
424 beverage business license. The first business license shall be valid for six months from
425 the date of issuance. The first business license may be extended, at no charge to the
426 applicant, for an additional six months, if the director determines that the business
427 operator has taken substantial steps to document compliance with K.C.C. Title 21A.
428 Subsequent business licenses or renewals for such locations shall only be approved by the
429 director if:

- 430 1. The requirements to establish a legal nonconforming use have been met;
- 431 2. The applicant has otherwise established a vested legal nonconforming use;
- 432 3. The director determines that the business operator has taken substantial steps
433 to document compliance with K.C.C. Title 21A; or

434 4. If the business has come into conformance with the winery, brewery,
435 distillery facility I, II or III or remote tasting room regulations adopted in K.C.C.
436 21A.08.070, 21A.08.080 or section 28 of this ordinance.

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

439 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
440 21A.06 a new section to read as follows:

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

449 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
450 21A.06 a new section to read as follows:

451 Winery, brewery, distillery facility I: A very small-scale production facility
452 licensed by the state of Washington to produce adult beverages such as wine, cider, beer
453 and distilled spirits, and that includes an adult beverage production use such as crushing,
454 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery
455 facility I may include additional production-related uses such as vineyards, orchards,
456 wine cellars or similar product-storage areas as authorized by state law. On-site tasting

457 of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does
458 not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

459 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
460 21A.06 a new section to read as follows:

461 Winery, brewery, distillery facility II: A small-scale production facility licensed
462 by the state of Washington to produce adult beverages such as wine, cider, beer and
463 distilled spirits and that includes an adult beverage production use such as crushing,
464 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery
465 facility II may include additional production-related uses such as vineyards, orchards,
466 wine cellars or similar product-storage areas as authorized by state law, on-site tasting of
467 products and sales as authorized by state law and sales of merchandise related to products
468 available for tasting as authorized by state law. "Winery, brewery, distillery facility II"
469 does not include any retail liquor licenses that would be authorized by chapter 314-02
470 WAC.

471 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter
472 21A.06 a new section to read as follows:

473 Winery, brewery, distillery facility III: A production facility licensed by the state
474 of Washington to produce adult beverages such as wine, cider, beer and distilled spirits
475 and that includes an adult beverage production use such as crushing, fermentation,
476 distilling, barrel or tank aging, and finishing. A winery, brewery, distillery facility III
477 may include additional production-related uses such as vineyards, orchards, wine cellars
478 or similar product-storage areas as authorized by state law, on-site tasting of products and
479 sales as authorized by state law and sales of merchandise related to products available as

480 authorized by state law. "Winery, brewery, distillery facility III" does not include any
 481 retail liquor licenses that would be authorized by chapter 314-02 WAC.

482 SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C.

483 21A.08.070 are hereby amended to read as follows:

484 A. Retail land uses.

P-Permitted Use C- Conditional Use S- Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24

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	Market												
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	<u>Remote Tasting Room</u>				<u>P13</u>					<u>P7</u>	<u>P7</u>		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores	((P13))			((P13))	((P13))			((P13))	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22

*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

485 B. Development conditions.

486 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
 487 thousand square feet, unless located in a building designated as historic resource under
 488 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

489 thousand five hundred square feet may be allowed. Greenhouses used for the display of
490 merchandise other than plants shall be considered part of the covered sales area.

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

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

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

495 d. Outside lighting is permitted if no off-site glare is allowed.

496 2. Only hardware stores.

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

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

499 4. No permanent structures or signs.

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

502 6. Limited to a maximum of five thousand square feet of gross floor area.

503 7. ~~((Repealed))~~ Off-street parking is limited to a maximum of one space per
504 fifty square feet of tasting and retail areas.

505 8. Excluding retail sale of trucks exceeding one-ton capacity.

506 9. Only the sale of new or reconditioned automobile supplies is permitted.

507 10. Excluding SIC Industry No. 5813-Drinking Places.

508 11. No outside storage of fuel trucks and equipment.

509 12. Excluding vehicle and livestock auctions.

510 13. ~~((Only as accessory to a winery or SIC Industry No. 2082 Malt Beverages,~~
511 ~~and limited to sales of products produced on site and incidental items where the majority~~

512 ~~of sales are generated from products produced on-site))~~ Permitted as part of the
513 demonstration project authorized by section 28 of this ordinance.

514 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
515 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
516 21A.12.230; and

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

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

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

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

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

528 17. Repealed.

529 18. Repealed.

530 19. Only as:

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

534 b. an accessory use to a recreation or multiuse park, limited to a total floor area

535 of three thousand five hundred square feet.

536 20. Only as:

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

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

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

542 22. Only as an accessory use to:

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

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

546 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
547 Industry No. 2431-Millwork and;

548 a. limited to lumber milled on site; and

549 b. the covered sales area is limited to two thousand square feet. The covered
550 sales area does not include covered areas used to display only milled lumber.

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

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

555 a. The sales area shall be limited to three hundred square feet and must be
556 removed each evening;

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

558 c. The site must be in an area that is easily accessible to the public, will
559 accommodate multiple shoppers at one time and does not infringe on neighboring
560 properties.

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

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

569 c. Any lot line of a lot having any area devoted to retail marijuana activity
570 must be one thousand feet or more from any lot line of any other lot having any area
571 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
572 retail marijuana activity may not be within one thousand feet of any lot line of any lot
573 having any area devoted to existing retail marijuana activity.

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

578 (1) if a complete conditional use permit application for the proposed retail
579 marijuana use was not submitted, or if more than one conditional use permit application
580 became or was deemed complete on the same date, then the director shall determine

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

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

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

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

600 e. Retail marijuana businesses licensed by the Washington state Liquor and
601 Cannabis Board and operating within one thousand feet of each other as of August 14,
602 2016, and retail marijuana businesses that do not require a permit issued by King County,
603 that received a Washington state Liquor and Cannabis Board license to operate in a

604 location within one thousand feet of another licensed retail marijuana business prior to
605 August 14, 2016, and that King County did not object to within the Washington state
606 Liquor and Cannabis Board marijuana license application process, shall be considered
607 nonconforming and may remain in their current location, subject to the provisions of
608 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

610 and

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

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

615 a. Any lot line of a lot having any area devoted to retail marijuana activity
616 must be one thousand feet or more from any lot line of any other lot having any area
617 devoted to retail marijuana activity; and any lot line of a lot having any area devoted to
618 new retail marijuana activity may not be within one thousand feet of any lot line of any
619 lot having any area devoted to existing retail marijuana activity; and

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

624 (1) if a complete conditional use permit application for the proposed retail
625 marijuana use was not submitted, or if more than one conditional use permit application
626 became or was deemed complete on the same date, then the director shall determine

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

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

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

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

646 c. Retail marijuana businesses licensed by the Washington state Liquor and
647 Cannabis Board and operating within one thousand feet of each other as of August 14,
648 2016, and retail marijuana businesses that do not require a permit issued by King County,
649 that received a Washington state Liquor and Cannabis Board license to operate in a

650 location within one thousand feet of another licensed retail marijuana business prior to
 651 August 14, 2016, and that King County did not object to within the Washington state
 652 Liquor and Cannabis Board marijuana license application process, shall be considered
 653 nonconforming and may remain in their current location, subject to the provisions of
 654 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

656 and

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

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

661 SECTION 18. Ordinance 10870, Section 335, as amended, and K.C.C.
 662 21A.08.080 are hereby amended to read as follows:

P-Permitted Use C- Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/ Brewery/ Distillery Facility I</u>				<u>P32</u>								
*((/2082 /2085))	Winery/ Brewery/	P3 ((C12))			P3 C((12))	((P3))			P17	P17	<u>P29</u>		<u>P31</u>

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	Distillery Facility II				30								
*	Winery/ Brewery/ Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7 C	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												C

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	Refining and Related Industries												
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods									C			P
32	Stone, Clay, Glass and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment									C	C		P
36	Electronic and other Electric Equipment									C			P
374	Railroad Equipment												C
376	Guided												C

	Missile and Space Vehicle Parts												
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments									C	C		P
39	Miscellaneous Light Manufacturing									C			P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading									C			P
781-82	Movie Production/Distribution									P			P

663 B. Development conditions.

664 1. Repealed.

665 2. Except slaughterhouses.

666 3.a. (~~Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
 667 ~~Industry No. 2085 Distilled and Blended Liquors;~~

668 b-)) In the A zone, only allowed on sites where the primary use is SIC Industry

669 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small

670 Animals;

671 ~~((e. In the RA and UR zones;))~~ b. ((e)) Only allowed on lots of at least ~~((four))~~
672 two and one-half acres, except that this requirement shall not apply on Vashon-Maury
673 Island to winery, brewery or distillery business locations in use and licensed to produce
674 by the Washington state Liquor and Cannabis Board before January 1, 2019, and that in
675 the RA zone, for sites that contain a building designated as historic resource under K.C.C.
676 chapter 20.62, only allowed on lots of at least two acres;

677 ~~((d.))~~ c. The aggregated floor area ((devoted to all processing)) of structures
678 and areas for winery, brewery, distillery facility uses shall not exceed three thousand five
679 hundred square feet, unless located in ((a building)) whole or in part in a structure
680 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
681 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
682 not exceed seven thousand square feet in the RA zone and five thousand square feet in
683 the A zone. Decks that are not occupied and not open to the public are excluded from the
684 calculation for maximum aggregated floor area;

685 ~~((e.))~~ d. Structures and parking areas ((used)) for ((processing)) winery,
686 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
687 from interior property lines adjoining rural area and residential zones, unless located in a
688 building designated as historic resource under K.C.C. chapter 20.62, except that on
689 Vashon-Maury Island this setback requirement shall not apply to structures and parking
690 areas in use on the date of adoption of this ordinance by existing winery, brewery or
691 distillery business locations licensed to produce by the Washington state Liquor and
692 Cannabis Board before January 1, 2019;

693 ~~((f.))~~ e. In the A zone, ~~((S))~~sixty percent or more of the products processed
694 must be grown ~~((in the Puget Sound counties))~~ on-site. At the time of the initial
695 application under K.C.C. chapter 6.xx (the new chapter created in section 3 of this
696 ordinance), the applicant shall submit a projection of the source of products to be
697 produced; ~~((and~~

698 ~~g.))~~ f. At least two stages of production of wine, beer, cider or distilled spirits,
699 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized
700 by the Washington state Liquor and Cannabis Board production license, shall occur on-
701 site. At least one of the stages of production occurring on-site shall include crushing,
702 fermenting or distilling;

703 g. In the A zone, structures and areas for non-agricultural winery, brewery,
704 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
705 for agricultural purposes, such as areas within the already developed portion of such
706 agricultural lands that are not available for direct agricultural production, or areas without
707 prime agricultural soils. No more than one acre of agricultural land may be converted to
708 a nonagricultural accessory use;

709 h. Tasting and retail sales of products produced on-site may occur only as
710 accessory to the primary winery, brewery, distillery production use and may be provided
711 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
712 limited to no more than thirty percent of the aggregated floor area and shall be included
713 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
714 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury
715 Island to winery, brewery, or distillery business locations in use and licensed to produce

716 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
717 in the RA zone that contain a building designated as historic resource under K.C.C.
718 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
719 site is allowed subject to the restrictions described in this subsection B.3. Hours of
720 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
721 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
722 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
723 11:00 a.m. through 9:00 p.m.;

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

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

730 k. The business operator shall obtain an adult beverage business license in
731 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
732 ordinance);

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

735 m. The impervious surface associated with the winery, brewery, distillery
736 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
737 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
738 whichever is less.

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

741 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
742 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
743 minimum site area is four and one-half acres.

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

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

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

748 9. Only within enclosed buildings.

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

750 11. For I-zoned sites located outside the urban growth area designated by the
751 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
752 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
753 rural industrial uses as set forth in K.C.C. chapter 21A.12.

754 12.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
755 ~~Industry No. 2085 Distilled and Blended Liquors)) In the A zone, only allowed on sites~~
756 ~~where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or~~
757 ~~No. 02-Raising Livestock and Small Animals;~~

758 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))The~~
759 ~~aggregated~~ floor area of structures ~~and areas~~ for ~~((wineries, breweries and distilleries and~~
760 ~~any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight~~
761 thousand square feet. ~~((The floor area may be increased by up to an additional eight~~

762 ~~thousand square feet of underground storage that is constructed completely below natural~~
763 ~~grade, not including required exits and access points, if the underground storage is at least~~
764 ~~one foot below the surface and is not visible above ground)) Decks that are not occupied
765 and not open to the public are excluded from the calculation for maximum aggregated
766 floor area; ((and~~

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

770 c. Only allowed on lots of at least four and one-half acres. If the aggregated
771 floor area of structures for winery, brewery, distillery uses exceeds six thousand square
772 feet, the minimum site area shall be ten acres;

773 d. Wineries, breweries and distilleries shall comply with Washington state
774 Department of Ecology and King County board of health regulations for water usage and
775 wastewater disposal(~~. Wineries, breweries and distilleries using water from exempt~~
776 ~~wells shall install a water meter;~~

777 ~~d. Off street parking is limited to one hundred and fifty percent of the~~
778 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
779 ~~21A.18.030)), and must connect to an existing Group A water system. The definitions
780 and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
781 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

782 e. Structures and parking areas ((used for processing)) for winery, brewery
783 distillery facility uses shall ((be set back)) maintain a minimum distance of seventy-five
784 feet from interior property lines ((adjacent to)) adjoining rural area and residential zones,

785 unless ~~((the processing is))~~ located in a building designated as historic resource under
786 K.C.C. chapter 20.62;

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

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

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

793 ~~g. The facility shall be limited to processing agricultural products and))~~ In the
794 A zone, sixty percent or more of the products processed must be grown ~~((in the Puget~~
795 ~~Sound counties))~~ on-site. At the time of the initial application under K.C.C. chapter 6.xx
796 (the new chapter created in section 3 of this ordinance), the applicant shall submit a
797 projection of the source of products to be processed; ~~((and))~~

798 g. At least two stages of production of wine, beer, cider or distilled spirits,
799 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized
800 by the Washington state Liquor and Cannabis Board production license, shall occur on-
801 site. At least one of the stages of on-site production shall include crushing, fermenting or
802 distilling;

803 h. In the A zone, structures and areas for non-agricultural winery, brewery,
804 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
805 for agricultural purposes, such as areas within the already developed portion of such
806 agricultural lands that are not available for direct agricultural production, or areas without
807 prime agricultural soils. No more than one acre of agricultural land may be converted to

808 a nonagricultural accessory use;

809 i. Tasting and retail sales of products produced on-site may occur only as
810 accessory to the primary winery, brewery, distillery production use and may be provided
811 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
812 limited to no more than thirty percent of the aggregated floor area and shall be included
813 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

814 Incidental retail sales of merchandise related to the products produced on-site is allowed
815 subject to the restrictions described in this subsection. Hours of operation for on-site
816 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
817 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
818 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
819 through 9:00 p.m.;

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

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

824 l. The business operator shall obtain an adult beverage business license in
825 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
826 ordinance);

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

830 n. The impervious surface associated with the winery, brewery, distillery

831 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
832 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
833 whichever is less.

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

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

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

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

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

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

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

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

852 17.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
853 ~~Industry No. 2085 Distilled and Blended Liquors;~~

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

861 ~~((e.))~~ b. Structures and parking areas ((used for processing)) for winery,
862 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
863 from interior property lines adjoining rural area and residential zones, unless located in a
864 building designated as historic resource under K.C.C. chapter 20.62; ~~((and~~

865 ~~e.))~~ c. Tasting and retail sale of products produced on-site, and merchandise
866 related to the products produced on-site, may be provided in accordance with state law.
867 The area devoted to on-site tasting or retail sales shall be included in the aggregated floor
868 area limitation in subsection B.~~((18.b.))~~17.a. of this section;

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

871 e. The business operator shall obtain an adult beverage business license in
872 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
873 ordinance); and

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

876 18. Limited to:

- 877 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
878 Millwork, as follows:
- 879 (1) If using lumber or timber grown off-site, the minimum site area is four
880 and one-half acres;
- 881 (2) The facility shall be limited to an annual production of no more than one
882 hundred fifty thousand board feet;
- 883 (3) Structures housing equipment used in the operation shall be located at
884 least one-hundred feet from adjacent properties with residential or rural area zoning;
- 885 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
886 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
- 887 (5) In the RA zone, the facility's driveway shall have adequate entering sight
888 distance required by the 2007 King County Road Design and Construction Standards. An
889 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
890 the roadway that the driveway accesses; and
- 891 (6) Outside lighting is limited to avoid off-site glare; and
- 892 b. SIC Industry No. 2411-Logging.
- 893 19. Limited to manufacture of custom made wood furniture or cabinets.
- 894 20.a. Only allowed on lots of at least four and one-half acres;
- 895 b. Only as an accessory use to a Washington state Liquor Control Board
896 licensed marijuana production facility on the same lot;
- 897 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
- 898 d. Only with documentation that the operator has applied for a Puget Sound
899 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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

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

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

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

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

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

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

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

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

923 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
924 d. Only with documentation that the operator has applied for a Puget Sound
925 Clean Air Agency Notice of Construction Permit. All department permits issued to either
926 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
927 Clean Air Agency Notice of Construction Permit be approved before marijuana products
928 are imported onto the site.

929 23.a. Only in the CB and RB zones located inside the urban growth area;

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

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

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

939 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
940 every marijuana-related entity occupying space in addition to the two-thousand-square-
941 foot threshold area on that lot shall obtain a conditional use permit as set forth in
942 subsection B.24. of this section.

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

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

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

946 Clean Air Agency Notice of Construction Permit. All department permits issued to either
947 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
948 Clean Air Agency Notice of Construction Permit be approved before marijuana products
949 are imported onto the site; and

950 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
951 support of, processing marijuana together with any separately authorized production of
952 marijuana shall be limited to a maximum of thirty thousand square feet.

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

954 b. Only with documentation that the operator has applied for a Puget Sound
955 Clean Air Agency Notice of Construction Permit. All department permits issued to either
956 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
957 Clean Air Agency Notice of Construction Permit be approved before marijuana products
958 are imported onto the site; and

959 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
960 gross floor area devoted to, and in support of, the processing of marijuana together with
961 any separately authorized production of marijuana.

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

963 b. Only with documentation that the operator has applied for a Puget Sound
964 Clean Air Agency Notice of Construction Permit. All department permits issued to either
965 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
966 Clean Air Agency Notice of Construction Permit be approved before marijuana products
967 are imported onto the site; and

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

969 of gross floor area devoted to, and in support of, the processing of marijuana together
970 with any separately authorized production of marijuana.

971 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
972 Island, that do not require a conditional use permit issued by King County, that receive a
973 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
974 and that King County did not object to within the Washington state Liquor and Cannabis
975 Board marijuana license application process, shall be considered nonconforming as to
976 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
977 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

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

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

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

1000 c. For winery, brewery, distillery facility uses that do not require a conditional
1001 use permit, off-street parking for the tasting and retail areas shall be limited to a
1002 maximum of one space per fifty square feet of tasting and retail areas. For winery,
1003 brewery, distillery facility uses that do require a conditional use permit, off-street parking
1004 maximums shall be determined through the conditional use permit process, and off-street
1005 parking for the tasting and retail areas should be limited to a maximum of one space per
1006 fifty square feet of tasting and retail areas;

1007 d. The business operator shall obtain an adult beverage business license in
1008 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
1009 ordinance); and

1010 e. Events may be allowed with an approved temporary use permit under
1011 K.C.C. chapter 21A.32.

1012 30.a. Only allowed on lots of at least two and one-half acres;

1013 b. The aggregated floor area of structures and areas for winery, brewery,
1014 distillery facility uses shall not exceed three thousand five hundred square feet, unless

1015 located in whole or in part in a structure designated as historic resource under K.C.C.
1016 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
1017 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
1018 that are not occupied and not open to the public are excluded from the calculation for
1019 maximum aggregated floor area;

1020 c. Structures and parking areas for winery, brewery, distillery facility uses
1021 shall maintain a minimum distance of seventy-five feet from interior property lines
1022 adjoining rural area and residential zones, unless located in a building designated as
1023 historic resource under K.C.C. chapter 20.62;

1024 d. Tasting and retail sales of products produced on-site may only occur as
1025 accessory to the primary winery, brewery, distillery production use and may be provided
1026 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
1027 limited to no more than thirty percent of the aggregated floor area and shall be included
1028 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental
1029 retail sales of merchandise related to the products produced on-site is allowed subject to
1030 the restrictions described in this subsection. Hours of operation for on-site tasting of
1031 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
1032 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
1033 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
1034 p.m.;

1035 e. Access to the site shall be directly to and from a public roadway;

1036 f. Off-street parking is limited to a maximum of one hundred fifty percent of
1037 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1038 g. The business operator shall obtain an adult beverage business license in
1039 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
1040 ordinance);

1041 h. Events may be allowed with an approved temporary use permit under
1042 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

1043 i. At least two stages of production of wine, beer, cider or distilled spirits, such
1044 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
1045 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
1046 least one of the stages of production occurring on-site shall include crushing, fermenting
1047 or distilling; and

1048 j. The impervious surface associated with the winery, brewery, distillery
1049 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1050 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1051 whichever is less.

1052 31.a. Limited to businesses with non-retail brewery and distillery production
1053 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
1054 tasting rooms for wineries shall not be allowed;

1055 b. Tasting and retail sale of products produced on-site and merchandise related
1056 to the products produced on-site may be provided in accordance with state law. The area
1057 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
1058 square feet;

1059 c. Structures and parking areas for brewery and distillery facility uses shall
1060 maintain a minimum distance of seventy-five feet from interior property lines adjoining

1061 rural area and residential zones, unless located in a building designated as historic
1062 resource under K.C.C. chapter 20.62;

1063 d. For brewery and distillery facility uses that do not require a conditional use
1064 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
1065 one space per fifty square feet of tasting and retail areas. For brewery and distillery
1066 facility uses that do require a conditional use permit, off-street parking maximums shall
1067 be determined through the conditional use permit process, and off-street parking for the
1068 tasting and retail areas should be limited to a maximum of one space per fifty square feet
1069 of tasting and retail areas;

1070 e. The business operator shall obtain an adult beverage business license in
1071 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
1072 ordinance); and

1073 f. Events may be allowed with an approved temporary use permit under K.C.C.
1074 chapter 21A.32.

1075 32.a. The aggregated floor area of structures and areas for winery, brewery,
1076 distillery facility uses shall not exceed one thousand five hundred square feet;

1077 b. Structures and parking areas for winery, brewery, distillery facility uses
1078 shall maintain a minimum distance of seventy-five feet from interior property lines
1079 adjoining rural area and residential zones, unless located in a building designated as
1080 historic resource under K.C.C. chapter 20.62;

1081 c. One on-site parking stall shall be allowed for the winery, brewery, distillery
1082 facility I use;

1083 d. The business operator shall obtain an adult beverage business license in

1084 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
 1085 ordinance);

1086 e. At least two stages of production of wine, beer, cider or distilled spirits, such
 1087 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
 1088 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
 1089 least one of the stages of production occurring on-site shall include crushing, fermenting
 1090 or distilling;

1091 f. No product tasting or retail sales shall be allowed on-site;

1092 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

1093 h. The impervious surface associated with the winery, brewery, distillery
 1094 facility use shall not exceed twenty-five percent of the site or the maximum impervious
 1095 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
 1096 whichever is less.

1097 SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C.
 1098 21A.08.090 are hereby amended to read as follows:

1099 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P

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*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	Marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
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:												
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4

*	Farm Worker Housing	P14			P14									
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- 1100 B. Development conditions.
- 1101 1. May be further subject to K.C.C. chapter 21A.25.
- 1102 2. Only forest research conducted within an enclosed building.
- 1103 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 1104 4. Excluding housing for agricultural workers.
- 1105 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1106 with mineral extraction or processing operation.
- 1107 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 1108 7. Only in conjunction with a mineral extraction site plan approved in
- 1109 accordance with K.C.C. chapter 21A.22.
- 1110 8. Only on the same lot or same group of lots under common ownership or
- 1111 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1112 long-term lease or an easement:
- 1113 a. as accessory to a primary mineral extraction use;
- 1114 b. as a continuation of a mineral processing only for that period to complete
- 1115 delivery of products or projects under contract at the end of a mineral extraction; or
- 1116 c. for a public works project under a temporary grading permit issued in
- 1117 accordance with K.C.C. 16.82.152.
- 1118 9. Limited to mineral extraction and processing:
- 1119 a. on a lot or group of lots under common ownership or documented legal control,
- 1120 which includes but is not limited to, fee simple ownership, a long-term lease or an
- 1121 easement;

1122 b. that are located greater than one-quarter mile from an established residence;

1123 and

1124 c. that do not use local access streets that abut lots developed for residential

1125 use.

1126 10. Agriculture training facilities are allowed only as an accessory to existing

1127 agricultural uses and are subject to the following conditions:

1128 a. The impervious surface associated with the agriculture training facilities

1129 shall comprise not more than ten percent of the allowable impervious surface permitted

1130 under K.C.C. 21A.12.040;

1131 b. New or the expansion of existing structures, or other site improvements,

1132 shall not be located on class 1, 2 or 3 soils;

1133 c. The director may require reuse of surplus structures to the maximum extent

1134 practical;

1135 d. The director may require the clustering of new structures with existing

1136 structures;

1137 e. New structures or other site improvements shall be set back a minimum

1138 distance of seventy-five feet from property lines adjoining rural area and residential

1139 zones;

1140 f. Bulk and design of structures shall be compatible with the architectural style

1141 of the surrounding agricultural community;

1142 g. New sewers shall not be extended to the site;

1143 h. Traffic generated shall not impede the safe and efficient movement of

1144 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1145 i. Agriculture training facilities may be used to provide educational services to
1146 the surrounding rural/agricultural community or for community events. Property owners
1147 may be required to obtain a temporary use permit for community events in accordance
1148 with K.C.C. chapter 21A.32;

1149 j. Use of lodging and food service facilities shall be limited only to activities
1150 conducted in conjunction with training and education programs or community events
1151 held on site;

1152 k. Incidental uses, such as office and storage, shall be limited to those that
1153 directly support education and training activities or farm operations; and

1154 l. The King County agriculture commission shall be notified of and have an
1155 opportunity to comment upon all proposed agriculture training facilities during the permit
1156 process in accordance with K.C.C. chapter 21A.40.

1157 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1158 uses after reclamation in accordance with an approved reclamation plan.

1159 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1160 oriented activities. In addition, activities that place minimal stress on the site's
1161 agricultural resources or activities that are compatible with agriculture are permitted.

1162 (1) passive recreation;

1163 (2) training of individuals who will work at the camp;

1164 (3) special events for families of the campers; and

1165 (4) agriculture education for youth.

1166 b. Outside the camp center, as provided for in subsection B.12.e. of this
1167 section, camp activities shall not preclude the use of the site for agriculture and

1168 agricultural related activities, such as the processing of local food to create value-added
1169 products and the refrigeration and storage of local agricultural products. The camp shall
1170 be managed to coexist with agriculture and agricultural activities both onsite and in the
1171 surrounding area.

1172 c. A farm plan shall be required for commercial agricultural production to
1173 ensure adherence to best management practices and soil conservation.

1174 d.(1) The minimum site area shall be five hundred acres. Unless the property
1175 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1176 of this section, a minimum of five hundred acres of the site must be owned by a single
1177 individual, corporation, partnership or other legal entity and must remain under the
1178 ownership of a single individual, corporation, partnership or other legal entity for the
1179 duration of the operation of the camp.

1180 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1181 owner from selling or transferring the development rights for a portion or all of the site to
1182 the King County farmland preservation program or, if the development rights are
1183 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1184 e. The impervious surface associated with the camp shall comprise not more
1185 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1186 f. Structures for living quarters, dining facilities, medical facilities and other
1187 nonagricultural camp activities shall be located in a camp center. The camp center shall
1188 be no more than fifty acres and shall be depicted on a site plan. New structures for
1189 nonagricultural camp activities shall be clustered with existing structures;

1190 g. To the extent practicable, existing structures shall be reused. The applicant

1191 shall demonstrate to the director that a new structure for nonagricultural camp activities
1192 cannot be practicably accommodated within an existing structure on the site, though
1193 cabins for campers shall be permitted only if they do not already exist on site;

1194 h. Camp facilities may be used to provide agricultural educational services to
1195 the surrounding rural and agricultural community or for community events. If required
1196 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1197 community events;

1198 i. Lodging and food service facilities shall only be used for activities related to
1199 the camp or for agricultural education programs or community events held on site;

1200 j. Incidental uses, such as office and storage, shall be limited to those that
1201 directly support camp activities, farm operations or agricultural education programs;

1202 k. New nonagricultural camp structures and site improvements shall maintain a
1203 minimum set-back of seventy-five feet from property lines adjoining rural area and
1204 residential zones;

1205 l. Except for legal nonconforming structures existing as of January 1, 2007,
1206 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1207 a scale to serve overnight camp users;

1208 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1209 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1210 and site improvements located within two hundred feet of an adjacent rural area and
1211 residential zoned property not associated with the camp;

1212 n. New sewers shall not be extended to the site;

1213 o. The total number of persons staying overnight shall not exceed three

1214 hundred;

1215 p. The length of stay for any individual overnight camper, not including camp
1216 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1217 q. Traffic generated by camp activities shall not impede the safe and efficient
1218 movement of agricultural vehicles nor shall it require capacity improvements to rural
1219 roads;

1220 r. If the site is adjacent to an arterial roadway, access to the site shall be
1221 directly onto the arterial unless the county road engineer determines that direct access is
1222 unsafe;

1223 s. If direct access to the site is via local access streets, transportation
1224 management measures shall be used to minimize adverse traffic impacts;

1225 t. Camp recreational activities shall not involve the use of motor vehicles
1226 unless the motor vehicles are part of an agricultural activity or are being used for the
1227 transportation of campers, camp personnel or the families of campers. Camp personnel
1228 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1229 motorized personal mobility devices are allowed; and

1230 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1231 light away from any adjacent property.

1232 13. Limited to digester receiving plant and animal and other organic waste from
1233 agricultural activities, and including electrical generation, as follows:

1234 a. the digester must be included as part of a Washington state Department of
1235 Agriculture approved dairy nutrient plan;

1236 b. the digester must process at least seventy percent livestock manure or other

1237 agricultural organic material from farms in the vicinity, by volume;

1238 c. imported organic waste-derived material, such as food processing waste,
1239 may be processed in the digester for the purpose of increasing methane gas production for
1240 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1241 and

1242 d. the use must be accessory to an operating dairy or livestock operation.

1243 14. Farm worker housing. Either:

1244 a. Temporary farm worker housing subject to the following conditions:

1245 (1) The housing must be licensed by the Washington state Department of
1246 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1247 (2) Water supply and sewage disposal systems must be approved by the
1248 Seattle King County department of health;

1249 (3) To the maximum extent practical, the housing should be located on
1250 nonfarmable areas that are already disturbed and should not be located in the floodplain
1251 or in a critical area or critical area buffer; and

1252 (4) The property owner shall file with the department of executive services,
1253 records and licensing services division, a notice approved by the department identifying
1254 the housing as temporary farm worker housing and that the housing shall be occupied
1255 only by agricultural employees and their families while employed by the owner or
1256 operator or on a nearby farm. The notice shall run with the land; or

1257 b. Housing for agricultural employees who are employed by the owner or
1258 operator of the farm year-round as follows:

1259 (1) Not more than:

1260 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1261 (b) two agricultural employee dwelling units on a site of at least twenty
1262 acres and less than fifty acres;

1263 (c) three agricultural employee dwelling units on a site of at least fifty acres
1264 and less than one-hundred acres; and

1265 (d) four agricultural employee dwelling units on a site of at least one-
1266 hundred acres, and one additional agricultural employee dwelling unit for each additional
1267 one hundred acres thereafter;

1268 (2) If the primary use of the site changes to a nonagricultural use, all
1269 agricultural employee dwelling units shall be removed;

1270 (3) The applicant shall file with the department of executive services, records
1271 and licensing services division, a notice approved by the department that identifies the
1272 agricultural employee dwelling units as accessory and that the dwelling units shall only
1273 be occupied by agricultural employees who are employed by the owner or operator year-
1274 round. The notice shall run with the land. The applicant shall submit to the department
1275 proof that the notice was filed with the department of executive services, records and
1276 licensing services division, before the department approves any permit for the
1277 construction of agricultural employee dwelling units;

1278 (4) An agricultural employee dwelling unit shall not exceed a floor area of
1279 one thousand square feet and may be occupied by no more than eight unrelated
1280 agricultural employees;

1281 (5) To the maximum extent practical, the housing should be located on
1282 nonfarmable areas that are already disturbed;

1283 (6) One off-street parking space shall be provided for each agricultural
1284 employee dwelling unit; and

1285 (7) The agricultural employee dwelling units shall be constructed in
1286 compliance with K.C.C. Title 16.

1287 15. Marijuana production by marijuana producers licensed by the Washington
1288 state Liquor and Cannabis Board is subject to the following standards:

1289 a. Only allowed on lots of at least four and one-half acres;

1290 b. With a lighting plan, only if required by and that complies with K.C.C.
1291 21A.12.220.G.;

1292 c. Only with documentation that the operator has applied for a Puget Sound
1293 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1294 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1295 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1296 are imported onto the site;

1297 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1298 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1299 subject to the size limitations in subsection B.15.e. of this section;

1300 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1301 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1302 aggregated total of two thousand square feet and shall be located within a fenced area or
1303 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1304 may occur in nondwelling unit structures that exist as of October 1, 2013;

1305 f. Outdoor production area fencing as required by the Washington state Liquor

1306 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1307 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
1308 feet; and

1309 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
1310 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
1311 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1312 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1313 B.22. of this section.

1314 16. Marijuana production by marijuana producers licensed by the Washington
1315 state Liquor and Cannabis Board is subject to the following standards:

1316 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
1317 that do not require a conditional use permit issued by King County, that receive a
1318 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
1319 and that King County did not object to within the Washington state Liquor and Cannabis
1320 Board marijuana license application process, shall be considered nonconforming as to
1321 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
1322 through 21A.32.075 for nonconforming uses;

1323 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
1324 21A.12.220.G.;

1325 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1326 Island;

1327 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1328 except on Vashon-Maury Island;

1329 e. Only with documentation that the operator has applied for a Puget Sound
1330 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1331 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1332 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1333 are imported onto the site;

1334 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
1335 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1336 limitations in subsection B.16.g. of this section; and

1337 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1338 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1339 aggregated total of two thousand square feet and shall be located within a fenced area or
1340 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1341 may occur in nondwelling unit structures that exist as of October 1, 2013;

1342 h. Outdoor production area fencing as required by the Washington state Liquor
1343 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
1344 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
1345 of one hundred fifty feet from any existing residence; and

1346 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
1347 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1348 entity occupying space in addition to the two-thousand-square-foot threshold area on that
1349 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1350 17. Marijuana production by marijuana producers licensed by the Washington
1351 state Liquor and Cannabis Board is subject to the following standards:

- 1352 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1353 Island;
- 1354 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1355 except on Vashon-Maury Island;
- 1356 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
1357 21A.12.220.G.;
- 1358 d. Only with documentation that the operator has applied for a Puget Sound
1359 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1360 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1361 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1362 are imported onto the site;
- 1363 e. Production is limited to outdoor and indoor within marijuana greenhouses
1364 subject to the size limitations in subsection B.17.f. of this section;
- 1365 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1366 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1367 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1368 marijuana greenhouse that is no more than ten percent larger than that combined area;
1369 and
- 1370 g. Outdoor production area fencing as required by the Washington state Liquor
1371 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
1372 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
1373 of one hundred fifty feet from any existing residence.
- 1374 18.a. Production is limited to indoor only;

1375 b. With a lighting plan only as required by and that complies with K.C.C.
1376 21A.12.220.G.;

1377 c. Only with documentation that the operator has applied for a Puget Sound
1378 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1379 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1380 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1381 are imported onto the site; and

1382 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1383 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1384 aggregated total of two thousand square feet and shall be located within a building or
1385 tenant space that is no more than ten percent larger than the plant canopy and separately
1386 authorized processing area; and

1387 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1388 every marijuana-related entity occupying space in addition to the two-thousand-square
1389 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1390 subsection B.19. of this section.

1391 19.a. Production is limited to indoor only;

1392 b. With a lighting plan only as required by and that complies with K.C.C.
1393 21A.12.220.G.;

1394 c. Only with documentation that the operator has applied for a Puget Sound
1395 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1396 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1397 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1398 are imported onto the site; and

1399 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1400 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1401 aggregated total of thirty thousand square feet and shall be located within a building or
1402 tenant space that is no more than ten percent larger than the plant canopy and separately
1403 authorized processing area.

1404 20.a. Production is limited to indoor only;

1405 b. With a lighting plan only as required by and that complies with K.C.C.
1406 21A.12.220.G.;

1407 c. Only with documentation that the operator has applied for a Puget Sound
1408 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1409 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1410 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1411 are imported onto the site;

1412 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1413 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1414 aggregated total of two thousand square feet and shall be located within a building or
1415 tenant space that is no more than ten percent larger than the plant canopy and separately
1416 authorized processing area; and

1417 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
1418 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1419 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1420 B.21. of this section.

1421 21.a. Production is limited to indoor only;

1422 b. With a lighting plan only as required by and that complies with K.C.C.

1423 21A.12.220.G.;

1424 c. Only with documentation that the operator has applied for a Puget Sound
1425 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1426 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1427 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1428 are imported onto the site; and

1429 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1430 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1431 aggregated total of thirty thousand square feet and shall be located within a building or
1432 tenant space that is no more than ten percent larger than the plant canopy and separately
1433 authorized processing area.

1434 22. Marijuana production by marijuana producers licensed by the Washington
1435 state Liquor and Cannabis Board is subject to the following standards:

1436 a. With a lighting plan only as required by and that complies with K.C.C.

1437 21A.12.220.G.;

1438 b. Only allowed on lots of at least four and one-half acres;

1439 c. Only with documentation that the operator has applied for a Puget Sound
1440 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1441 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1442 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1443 are imported onto the site;

1444 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1445 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1446 subject to the size limitations in subsection B.22. e. and f. of this section;

1447 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1448 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1449 be limited to a maximum aggregated total of five thousand square feet and shall be
1450 located within a fenced area or marijuana greenhouse that is no more than ten percent
1451 larger than that combined area, or may occur in nondwelling unit structures that exist as
1452 of October 1, 2013;

1453 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1454 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1455 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1456 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
1457 that combined area, or may occur in nondwelling unit structures that exist as of October
1458 1, 2013; and

1459 g. Outdoor production area fencing as required by the Washington state Liquor
1460 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1461 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1462 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1463 residence.

1464 23. The storage and processing of non-manufactured source separated organic
1465 waste that originates from agricultural operations and that does not originate from the
1466 site, if:

- 1467 a. agricultural is the primary use of the site;
- 1468 b. the storage and processing are in accordance with best management
- 1469 practices included in an approved farm plan; and
- 1470 c. except for areas used for manure storage, the areas used for storage and
- 1471 processing do not exceed three acres and ten percent of the site.

1472 24.a. For activities relating to the processing of crops or livestock for

1473 commercial purposes, including associated activities such as warehousing, storage,

1474 including refrigeration, and other similar activities and excluding (~~wineries, SIC Industry~~

1475 ~~No. 2085 – Distilled and Blended Liquors and SIC Industry No. 2082 – Malt Beverages~~))

1476 winery, brewery, distillery facility I, II and III and remote tasting room:

1477 (1) limited to agricultural products and sixty percent or more of the products

1478 processed must be grown in the Puget Sound counties. At the time of initial application,

1479 the applicant shall submit a projection of the source of products to be produced;

1480 (2) in the RA and UR zones, only allowed on sites of at least four and one-

1481 half acres;

1482 (3) (a) as a permitted use, the floor area devoted to all processing shall not

1483 exceed two thousand square feet, unless located in a building designated as an historic

1484 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as

1485 established in K.C.C. 21A.42.300, may review and approve an increase in the processing

1486 floor area as follows: up to three thousand five hundred square feet of floor area may be

1487 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

1488 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in

1489 the A zone; and

1490 (b) as a permitted use, the floor area devoted to all warehousing,
1491 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
1492 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

1493 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
1494 review and approve an increase of up to three thousand five hundred square feet of floor
1495 area devoted to all warehouseing, storage, including refrigeration, or other similar
1496 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
1497 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1498 (4) in the A zone, structures and areas used for processing, warehousing,
1499 refrigeration, storage and other similar activities shall be located on portions of
1500 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1501 the already developed portion of such agricultural lands that are not available for direct
1502 agricultural production, or areas without prime agricultural soils; and

1503 (5) structures and areas used for processing, warehousing, storage, including
1504 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1505 five feet from property lines adjoining rural area and residential zones, unless located in a
1506 building designated as historic resource under K.C.C. chapter 20.62.

1507 b. For activities relating to the retail sale of agricultural products, except
1508 livestock:

1509 (1) sales shall be limited to agricultural products and locally made arts and
1510 crafts;

1511 (2) in the RA and UR zones, only allowed on sites at least four and one-
1512 half acres;

1513 (3) as a permitted use, the covered sales area shall not exceed two thousand
1514 square feet, unless located in a building designated as a historic resource under K.C.C.
1515 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
1516 21A.42.300, may review and approve an increase of up to three thousand five hundred
1517 square feet of covered sales area;

1518 (4) forty percent or more of the gross sales of agricultural product sold
1519 through the store must be sold by the producers of primary agricultural products;

1520 (5) sixty percent or more of the gross sales of agricultural products sold
1521 through the store shall be derived from products grown or produced in the Puget Sound
1522 counties. At the time of the initial application, the applicant shall submit a reasonable
1523 projection of the source of product sales;

1524 (6) tasting of products, in accordance with applicable health regulations, is
1525 allowed;

1526 (7) storage areas for agricultural products may be included in a farm store
1527 structure or in any accessory building; and

1528 (8) outside lighting is permitted if there is no off-site glare.

1529 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1530 d. Farm operations, including equipment repair and related facilities, except
1531 that:

1532 (1) the repair of tools and machinery is limited to those necessary for the
1533 operation of a farm or forest;

1534 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1535 half acres;

1536 (3) the size of the total repair use is limited to one percent of the farm size in
1537 the A zone, and up to one percent of the size in other zones, up to a maximum of five
1538 thousand square feet unless located within an existing farm structure, including but not
1539 limited to barns, existing as of December 31, 2003; and

1540 (4) Equipment repair shall not be permitted in the Forest zone.

1541 e. The agricultural technical review committee, as established in K.C.C.
1542 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1543 residential zones and minimum setbacks from rural and residential zones.

1544 25. The department may review and approve establishment of agricultural
1545 support services in accordance with the code compliance review process in K.C.C.

1546 21A.42.300 only if:

1547 a. project is sited on lands that are unsuitable for direct agricultural production
1548 based on size, soil conditions or other factors and cannot be returned to productivity by
1549 drainage maintenance; and

1550 b. the proposed use is allowed under any Farmland Preservation Program
1551 conservation easement and zoning development standards.

1552 26. The agricultural technical review committee, as established in K.C.C.
1553 21A.42.300, may review and approve establishment of agricultural support services only
1554 if the project site:

1555 a. adjoins or is within six hundred sixty feet of the agricultural production
1556 district;

1557 b. has direct vehicular access to the agricultural production district;

1558 c. except for farmworker housing, does not use local access streets that abut

1559 lots developed for residential use; and

1560 b. has a minimum lot size of four and one-half acres.

1561 27. The agricultural technical review committee, as established in K.C.C.

1562 21A.42.300, may review and approve establishment of agricultural support services only

1563 if the project site:

1564 a. is outside the urban growth area,

1565 b. adjoins or is within six hundred sixty feet of the agricultural production

1566 district,

1567 c. has direct vehicular access to the agricultural production district,

1568 d. except for farmworker housing, does not use local access streets that abut

1569 lots developed for residential use; and

1570 e. has a minimum lot size of four and one-half acres.

1571 28. Only allowed on properties that are outside the urban growth area.

1572 SECTION 20. Ordinance 10870, Section 407, as amended, and K.C.C.

1573 21A.18.030 are hereby amended to read as follows:

1574 A. Except as modified in K.C.C. 21A.18.070. B((-)). through D., off-street

1575 parking areas shall contain at a minimum the number of parking spaces as stipulated in

1576 the following table. Off-street parking ratios expressed as number of spaces per square

1577 feet means the usable or net square footage of floor area, exclusive of non-public areas.

1578 Non-public areas include but are not limited to building maintenance areas, storage areas,

1579 closets or restrooms. If the formula for determining the number of off-street parking

1580 spaces results in a fraction, the number of off-street parking spaces shall be rounded to

1581 the nearest whole number with fractions of 0.50 or greater rounding up and fractions

1582 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 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of

	waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay

Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
<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	0.9 per 1,000 square feet
<u>Winery/Brewery/Distillery Facility II and III</u>	<u>0.9</u> per 1,000 square feet, plus 1 per (50) 300 square feet of <u>tasting 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)

1583 B. An applicant may request a modification of the minimum required number of
 1584 parking spaces by providing that parking demand can be met with a reduced parking
 1585 requirement. In such cases, the director may approve a reduction of up to fifty percent of
 1586 the minimum required number of spaces.

1587 C. When the county has received a shell building permit application, off-street

1588 parking requirements shall be based on the possible tenant improvements or uses
1589 authorized by the zone designation and compatible with the limitations of the shell
1590 permit. When the range of possible uses result in different parking requirements, the
1591 director will establish the amount of parking based on a likely range of uses.

1592 D. Where other provisions of this code stipulate maximum parking allowed or
1593 reduced minimum parking requirements, those provisions shall apply.

1594 E. In any development required to provide six or more parking spaces, bicycle
1595 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
1596 facilities unless otherwise specified.

1597 1. Off-street parking areas shall contain at least one bicycle parking space for
1598 every twelve spaces required for motor vehicles except as follows:

1599 a. The director may reduce bike rack parking facilities for patrons when it is
1600 demonstrated that bicycle activity will not occur at that location.

1601 b. The director may require additional spaces when it is determined that the
1602 use or its location will generate a high volume of bicycle activity. Such a determination
1603 will include but not be limited to the following uses:

1604 (1) Park/playfield,

1605 (2) Marina,

1606 (3) Library/museum/arboretum,

1607 (4) Elementary/secondary school,

1608 (5) Sports club, or

1609 (6) Retail business (when located along a developed bicycle trail or
1610 designated bicycle route).

1611 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1612 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
1613 structure attached to the pavement.

1614 3. All bicycle parking and storage shall be located in safe, visible areas that do
1615 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1616 4. When more than ten people are employed on site, enclosed locker-type
1617 parking facilities for employees shall be provided. The director shall allocate the
1618 required number of parking spaces between bike rack parking and enclosed locker-type
1619 parking facilities.

1620 5. One indoor bicycle storage space shall be provided for every two dwelling
1621 units in townhouse and apartment residential uses, unless individual garages are provided
1622 for every unit. The director may reduce the number of bike rack parking spaces if indoor
1623 storage facilities are available to all residents.

1624 SECTION 21. Ordinance 10870, Section 536, as amended, and K.C.C.

1625 21A.30.080 are hereby amended to read as follows:

1626 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct
1627 one or more home occupations as accessory activities, only if:

1628 A. The total floor area of the dwelling unit devoted to all home occupations shall
1629 not exceed twenty percent of the floor area of the dwelling unit.

1630 B. Areas within garages and storage buildings shall not be considered part of the
1631 dwelling unit and may be used for activities associated with the home occupation;

1632 C. All the activities of the home occupation or occupations shall be conducted
1633 indoors, except for those related to growing or storing of plants used by the home

1634 occupation or occupations;

1635 D. A home occupation or occupations is not limited in the number of employees
1636 that remain off-site. No more than one nonresident employee shall be permitted to work
1637 on-site for the home occupation or occupations;

1638 E. The following uses, by the nature of their operation or investment, tend to
1639 increase beyond the limits permitted for home occupations. Therefore, the following
1640 shall not be permitted as home occupations:

- 1641 1. Automobile, truck and heavy equipment repair;
- 1642 2. ~~((Autobody))~~ Auto body work or painting;
- 1643 3. Parking and storage of heavy equipment;
- 1644 4. Storage of building materials for use on other properties;
- 1645 5. Hotels, motels or organizational lodging;
- 1646 6. Dry cleaning;
- 1647 7. Towing services;
- 1648 8. Trucking, storage or self service, except for parking or storage of one
1649 commercial vehicle used in home occupation; ~~((and))~~
- 1650 9. Veterinary clinic; ~~((and))~~
- 1651 10. Recreational marijuana processor, recreational marijuana producer or
1652 recreational marijuana retailer; and
- 1653 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,
1654 except that home occupation adult beverage businesses operating under an active
1655 Washington state Liquor and Cannabis Board production license issued for their current
1656 location before the effective date of this ordinance, and where King County did not object

1657 to the location during the Washington state Liquor and Cannabis Board license
1658 application process, shall be considered legally nonconforming and allowed to remain in
1659 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in
1660 compliance with this section as of the effective date of this ordinance. Such
1661 nonconforming businesses shall remain subject to all other requirements of this section
1662 and other applicable state and local regulations. The resident operator of a
1663 nonconforming winery, brewery or distillery home occupation shall obtain an adult
1664 beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter
1665 created in section 3 of this ordinance);

1666 F. In addition to required parking for the dwelling unit, on-site parking is
1667 provided as follows:

- 1668 1. One stall for each nonresident employed by the home occupations; and
1669 2. One stall for patrons when services are rendered on-site;

1670 G. Sales are limited to:

- 1671 1. Mail order sales;
1672 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1673 and

- 1674 3. Items accessory to a service provided to patrons who receive services on the
1675 premises;

1676 H. On-site services to patrons are arranged by appointment;

1677 I. The home occupation or occupations use or store a vehicle for pickup of
1678 materials used by the home occupation or occupations or the distribution of products
1679 from the site, only if:

- 1680 1. No more than one such a vehicle is allowed; and
1681 2. The vehicle is not stored within any required setback areas of the lot or on
1682 adjacent streets; and
1683 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
1684 one ton;

1685 J. The home occupation or occupations do not:

- 1686 1. Use electrical or mechanical equipment that results in a change to the
1687 occupancy type of the structure or structures used for the home occupation or
1688 occupations; or
1689 2. Cause visual or audible interference in radio or television receivers, or
1690 electronic equipment located off-premises or fluctuations in line voltage off-premises;

1691 ((and))

1692 K. There shall be no exterior evidence of a home occupation, other than growing
1693 or storing of plants under subsection C. of this section or a permitted sign, that would
1694 cause the premises to differ from its residential character. Exterior evidence includes, but
1695 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
1696 determined by using normal senses from any lot line or on average increase vehicular
1697 traffic by more than four additional vehicles at any given time;

1698 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1699 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

1700 M. Uses not allowed as home occupations may be allowed as a home industry
1701 under K.C.C. 21A.30.090.

1702 SECTION 22. Ordinance 15606, Section 20, as amended, and K.C.C.

1703 21A.30.085 are hereby amended to read as follows:

1704 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
1705 home occupations as accessory activities, under the following provisions:

1706 A. The total floor area of the dwelling unit devoted to all home occupations shall
1707 not exceed twenty percent of the dwelling unit.

1708 B. Areas within garages and storage buildings shall not be considered part of the
1709 dwelling unit and may be used for activities associated with the home occupation;

1710 C. Total outdoor area of all home occupations shall be permitted as follows:

1711 1. For any lot less than one acre: Four hundred forty square feet; and

1712 2. For lots one acre or greater: One percent of the area of the lot, up to a

1713 maximum of five thousand square feet.

1714 D. Outdoor storage areas and parking areas related to home occupations shall be:

1715 1. No less than twenty-five feet from any property line; and

1716 2. Screened along the portions of such areas that can be seen from an adjacent
1717 parcel or roadway by the:

1718 a. planting of Type II landscape buffering; or

1719 b. use of existing vegetation that meets or can be augmented with additional
1720 plantings to meet the intent of Type II landscaping((-));

1721 E. A home occupation or occupations is not limited in the number of employees
1722 that remain off-site. Regardless of the number of home occupations, the number of
1723 nonresident employees is limited to no more than three who work on-site at the same
1724 time and no more than three who report to the site but primarily provide services off-
1725 site((-));

1726 F. In addition to required parking for the dwelling unit, on-site parking is
1727 provided as follows:

- 1728 1. One stall for each nonresident employed on-site; and
- 1729 2. One stall for patrons when services are rendered on-site;

1730 G. Sales are limited to:

- 1731 1. Mail order sales;
- 1732 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 1733 3. Items accessory to a service provided to patrons who receive services on the
1734 premises;

- 1735 4. Items grown, produced or fabricated on-site; and

1736 5. On sites five acres or larger, items that support agriculture, equestrian or
1737 forestry uses except for the following:

- 1738 a. motor vehicles and parts (North American Industrial Classification System
1739 ("NAICS" Code 441);
- 1740 b. electronics and appliances (NAICS Code 443); and
- 1741 c. building material and garden equipments and supplies (NAICS Code 444);

1742 H. The home occupation or occupations do not:

- 1743 1. Use electrical or mechanical equipment that results in a change to the
1744 occupancy type of the structure or structures used for the home occupation or
1745 occupations;
- 1746 2. Cause visual or audible interference in radio or television receivers, or
1747 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 1748 3. Increase average vehicular traffic by more than four additional vehicles at any

1749 given time;

1750 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1751 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1752 J. The following uses, by the nature of their operation or investment, tend to
1753 increase beyond the limits permitted for home occupations. Therefore, the following
1754 shall not be permitted as home occupations:

1755 1. Hotels, motels or organizational lodging;

1756 2. Dry cleaning((:));

1757 3. Automotive towing services, automotive wrecking services and tow-in
1758 parking lots; ((and))

1759 4. Recreational marijuana processor, recreational marijuana producer or
1760 recreational marijuana retailer((-)); and

1761 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,
1762 except that home occupation adult beverage businesses operating under an active
1763 Washington state Liquor and Cannabis Board production license issued for their current
1764 location before the effective date of this ordinance, and where King County did not object
1765 to the location during the Washington state Liquor and Cannabis Board license
1766 application process, shall be considered legally nonconforming and allowed to remain in
1767 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in
1768 compliance with this section as of the effective date of this ordinance. Such
1769 nonconforming businesses shall remain subject to all other requirements of this section
1770 and all applicable state and local regulations. The resident operator of a nonconforming
1771 home occupation winery, brewery or distillery shall obtain an adult beverage business

1772 license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of
1773 this ordinance);

1774 K. Uses not allowed as home occupation may be allowed as a home industry
1775 under K.C.C. chapter 21A.30; and

1776 L. The home occupation or occupations may use or store vehicles, as follows:

1777 1. The total number of vehicles for all home occupations shall be:

1778 a. for any lot five acres or less: two;

1779 b. for lots greater than five acres: three; and

1780 c. for lots greater than ten acres: four;

1781 2. The vehicles are not stored within any required setback areas of the lot or on
1782 adjacent streets; and

1783 3. The parking area for the vehicles shall not be considered part of the outdoor
1784 storage area provided for in subsection C. of this section.

1785 SECTION 23. Ordinance 10870, Section 537, as amended, and K.C.C.
1786 21A.30.090 are hereby amended to read as follows:

1787 A resident may establish a home industry as an accessory activity, as follows:

1788 A. The site area is one acre or greater;

1789 B. The area of the dwelling unit used for the home industry does not exceed fifty
1790 percent of the floor area of the dwelling unit.

1791 C. Areas within attached garages and storage buildings shall not be considered
1792 part of the dwelling unit for purposes of calculating allowable home industry area but
1793 may be used for storage of goods associated with the home industry;

1794 D. No more than six nonresidents who work on-site at the time;

1795 E. In addition to required parking for the dwelling unit, on-site parking is
1796 provided as follows:

- 1797 1. One stall for each nonresident employee of the home industry; and
- 1798 2. One stall for customer parking;

1799 F. Additional customer parking shall be calculated for areas devoted to the home
1800 industry at the rate of one stall per:

- 1801 1. One thousand square feet of building floor area; and
- 1802 2. Two thousand square feet of outdoor work or storage area;

1803 G. Sales are limited to items produced on-site, except for items collected, traded
1804 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1805 H. Ten feet of Type I landscaping are provided around portions of parking and
1806 outside storage areas that are otherwise visible from adjacent properties or public rights-
1807 of-way;

1808 I. The department ensures compatibility of the home industry by:

1809 1. Limiting the type and size of equipment used by the home industry to those
1810 that are compatible with the surrounding neighborhood;

1811 2. Providing for setbacks or screening as needed to protect adjacent residential
1812 properties;

1813 3. Specifying hours of operation;

1814 4. Determining acceptable levels of outdoor lighting; and

1815 5. Requiring sound level tests for activities determined to produce sound levels
1816 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

1817 J. Recreational marijuana processors, recreational marijuana producers and

1818 recreational marijuana retailers shall not be allowed as home industry; and
1819 K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
1820 not be allowed as home industry, except that home industry adult beverage businesses
1821 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
1822 application before the effective date of this ordinance shall be considered legally
1823 nonconforming and allowed to remain in their current location subject to K.C.C.
1824 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all
1825 other requirements of this section and all applicable state and local regulations. The
1826 resident operator of a nonconforming winery, brewery or distillery home industry shall
1827 obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the
1828 new chapter created in section 3 of this ordinance).

1829 SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.
1830 21A.32.100 are hereby amended to read as follows:

1831 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
1832 required for any of the following:

1833 A. A use not otherwise permitted in the zone that can be made compatible for a
1834 period of up to sixty days a year; ((~~or~~))

1835 B. The expansion of an established use that:

- 1836 1. Is otherwise allowed in the zone;
- 1837 2. Is not inconsistent with the original land use approval;
- 1838 3. Exceeds the scope of the original land use approval; and
- 1839 4. Can be made compatible with the zone for a period of up to sixty days a year;

1840 or

1841 C. Events at a winery, brewery, distillery facility or remote tasting room that
1842 include one or more of the following activities:

1843 1. Exceeds the permitted building occupancy;

1844 2. Utilizes portable toilets;

1845 3. Utilizes parking that exceeds the maximum number of spaces allowed by this
1846 title on-site or utilizes off-site parking;

1847 4. Utilizes temporary stages;

1848 5. Utilizes temporary tents or canopies that require a permit;

1849 6. Requires traffic control for public rights-of-way; or

1850 7. Extends beyond allowed hours of operation.

1851 SECTION 25. Ordinance 10870, Section 548, as amended, and K.C.C.

1852 21A.32.110 are hereby amended to read as follows:

1853 A. The following uses shall be exempt from requirements for a temporary use
1854 permit when located in the RB, CB, NB, O(($\frac{1}{5}$)) or I zones for the time period specified
1855 below:

1856 1. Uses not to exceed a total of thirty days each calendar year:

1857 a. Christmas tree lots;

1858 b. Fireworks stands; and

1859 c. Produce stands.

1860 2. Uses not to exceed a total of fourteen days each calendar year:

1861 a. Amusement rides, carnivals(($\frac{1}{5}$)) or circuses;

1862 b. Community festivals; and

1863 c. Parking lot sales.

1864 B. Any use not exceeding a cumulative total of two days each calendar year shall
1865 be exempt from requirements for a temporary use permit.

1866 C. Any community event held in a park and not exceeding a period of seven days
1867 shall be exempt from requirements for a temporary use permit.

1868 D. Christmas tree sales not exceeding a total of 30 days each calendar year when
1869 located on Rural Area (RA) zoned property with legally established non-residential uses
1870 shall be exempt from requirements for a temporary use permit.

1871 E.1. Events at a winery, brewery, distillery facility II or III shall not require a
1872 temporary use permit if:

1873 a. The business is operating under an active Washington state Liquor and
1874 Cannabis Board production license issued for their current location before the effective
1875 date of this ordinance, and where King County did not object to the location during the
1876 Washington state Liquor and Cannabis Board license application process;

1877 b. The parcel is at least eight acres in size;

1878 c. The structures used for the event maintain a setback of at least one hundred
1879 fifty feet from interior property lines;

1880 d. The parcel is located in the RA zone;

1881 e. The parcel has access directly from and to a principal arterial or state
1882 highway;

1883 f. The event does not use amplified sound outdoors before 12:00 p.m. or after
1884 8:00 p.m.

1885 2. Events that meet the provisions in this subsection E. shall not be subject to
1886 the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than

1887 an annual average of eight days per month.

1888 SECTION 26. Ordinance 10870, Section 549, as amended, and K.C.C.

1889 21A.32.120 are hereby amended to read as follows:

1890 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

1891 temporary use permits shall be limited in duration and frequency as follows:

1892 A. The temporary use permit shall be effective for one year from the date of
1893 issuance and may be renewed annually as provided in subsection D. of this section;

1894 B.1. The temporary use shall not exceed a total of sixty days in any three-
1895 hundred(~~and~~)-sixty-five-day period. This (~~requirement~~) subsection B.1. applies only
1896 to the days that the event or events actually take place.

1897 2. For a winery, brewery, distillery facility II and III in the A (~~or RA~~)
1898 zone(s), the temporary use shall not exceed a total of two events per month and all
1899 event parking (~~for the events~~) must be accommodated on-site or managed through a
1900 parking management plan approved by the director. This subsection B.2. applies only to
1901 the days that the event or events actually take place.

1902 3. For a winery, brewery, distillery facility II and III in the RA zone, the
1903 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
1904 five-day period and all event parking must be accommodated on-site or managed through
1905 a parking management plan approved by the director. This subsection B.3. applies only
1906 to the days that the event or events actually take place.

1907 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
1908 to all other relevant facts, the department shall consider building occupancy and parking
1909 limitations during permit review, and shall condition the number of guests allowed for a

1910 temporary use based on those limitations. The department shall not authorize attendance
1911 of more than one hundred fifty guests.

1912 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
1913 to all other relevant facts, the department shall consider building occupancy and parking
1914 limitations during permit review, and shall condition the number of guests allowed for a
1915 temporary use based on those limitations. The department shall not authorize attendance
1916 of more than two hundred fifty guests.

1917 6. Events for any winery, brewery, distillery facility I in the RA zone, any
1918 nonconforming winery, brewery, distillery facility home occupation, or any
1919 nonconforming winery, brewery, distillery facility home industry shall be limited to two
1920 per year, and limited to a maximum of fifty guests. If the event complies with this
1921 subsection B.6., a temporary use permit is not required for a special event for a winery,
1922 brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,
1923 brewery, distillery facility or a nonconforming home industry winery, brewery, distillery
1924 facility.

1925 7. For a winery, brewery, distillery facility II and III in the RA zone, events
1926 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
1927 permit shall not be subject to the provisions of this section;

1928 C. The temporary use permit shall specify a date upon which the use shall be
1929 terminated and removed; and

1930 D. A temporary use permit may be renewed annually for up to a total of five
1931 consecutive years as follows:

1932 1. The applicant shall make a written request and pay the applicable permit

1933 extension fees for renewal of the temporary use permit at least seventy days before the
1934 end of the permit period;

1935 2. The department must determine that the temporary use is being conducted in
1936 compliance with the conditions of the temporary use permit;

1937 3. The department must determine that site conditions have not changed since
1938 the original temporary permit was issued; and

1939 4. At least forty-five days before the end of the permit period, the department
1940 shall notify property owners within five hundred feet of the property boundaries that a
1941 temporary use permit extension has been requested and contact information to request
1942 additional information or to provide comments on the proposed extension.

1943 SECTION 27. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby
1944 amended to read as follows:

1945 A. The purpose of the Fall City business district special district overlay is to allow
1946 commercial development in Fall City to occur with on-site septic systems until such time as
1947 an alternative wastewater system is available. The special district shall only be established
1948 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to
1949 other rural commercial centers.

1950 B. The standards of this title and other county codes shall be applicable to
1951 development within the Fall City business district special district overlay except as follows:

1952 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced
1953 with the following:

1954 a. Residential land uses as set forth in K.C.C. 21A.08.030:

1955 i. As a permitted use:

1956 (A) Multifamily residential units shall only be allowed on the upper floors of
1957 buildings; and

1958 (B) Home occupations under K.C.C. chapter 21A.30;

1959 ii. As a conditional use:

1960 (A) Bed and Breakfast (five rooms maximum); and

1961 (B) Hotel/Motel.

1962 b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

1963 i. As a permitted use:

1964 (A) Library;

1965 (B) Museum; and

1966 (C) Arboretum.

1967 ii. As a conditional use:

1968 (A) Sports Club/Fitness Center;

1969 (B) Amusement/Recreation Services/Arcades (Indoor);

1970 (C) Bowling Center

1971 c. General services land uses as set forth in K.C.C. 21A.08.050:

1972 i. As a permitted use:

1973 (A) General Personal Services, except escort services;

1974 (B) Funeral Home;

1975 (C) Appliance/Equipment Repair;

1976 (D) Medical or Dental Office/Outpatient Clinic;

1977 (E) Medical or Dental Lab;

1978 (F) Day Care I;

- 1979 (G) Day Care II;
- 1980 (H) Veterinary Clinic;
- 1981 (I) Social Services;
- 1982 (J) Animal Specialty Services;
- 1983 (K) Artist Studios;
- 1984 (L) Nursing and Personal Care Facilities;
- 1985 ii. As a conditional use:
- 1986 (A) Theater (Movie or Live Performance);
- 1987 (B) Religious Use;
- 1988 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 1989 i. As a permitted use:
- 1990 (A) General Business Service;
- 1991 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 1992 ii. As a conditional use:
- 1993 (A) Public Agency or Utility Office;
- 1994 (B) Police Substation;
- 1995 (C) Fire Station;
- 1996 (D) Utility Facility;
- 1997 (E) Self Service Storage;
- 1998 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 1999 i. As a permitted use on the ground floor:
- 2000 (A) Food Store;
- 2001 (B) Drug Store/Pharmacy;

2002 (C) Retail Store: includes florist, book store, apparel and accessories store,
2003 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
2004 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
2005 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
2006 only retail);

2007 (D) Eating and Drinking Places, including coffee shops and bakeries;

2008 (E) Remote tasting rooms.

2009 ii. As a conditional use:

2010 (A) Liquor Store or Retail Store Selling Alcohol;

2011 (B) Hardware/Building Supply Store;

2012 (C) Nursery/Garden Center;

2013 (D) Department Store;

2014 (E) Auto Dealers (indoor sales rooms only);

2015 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

2016 g. Resource land uses as set forth in K.C.C. 21A.08.090:

2017 i. As a permitted use:

2018 (A) Solar photovoltaic/solar thermal energy systems;

2019 (B) Private storm water management facilities;

2020 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
2021 gardens, and with organic methods only);

2022 (D) Raising Livestock and Small Animals (per the requirements of Section
2023 21A.30 of the Zoning Code)

2024 ii. As a conditional use: Wind Turbines

2025 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:
2026 Communication Facility.

2027 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except
2028 as follows:

2029 a. Residential density is limited to six dwelling units per acre. For any building
2030 with more than ten dwelling units, at least ten percent of the dwelling units shall be
2031 classified as affordable under 21A.34.040F.1;

2032 b. Buildings are limited to two floors, plus an optional basement;

2033 c. The elevation of the ground floor may be elevated a maximum of six feet
2034 above the average grade of the site along the front facade of the building;

2035 d. If the ground floor is designed to accommodate non-residential uses, the
2036 elevation of the ground floor should be placed near the elevation of the sidewalk to
2037 minimize the need for stairs and ADA ramps;

2038 e. If the ground floor is designed to accommodate non-residential space, the
2039 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

2040 f. Building height shall not exceed forty feet, as measured from the average
2041 grade of the site along the front facade of the building.

2042 SECTION 28. The King County executive shall conduct a demonstration project
2043 to create and evaluate a remote tasting room demonstration project A as provided for in,
2044 and consistent with, section 29 of this ordinance.

2045 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter
2046 21A.55 a new section to read as follows:

2047 A. The purpose of the remote tasting room demonstration project A is to:

2048 1. Support agriculture and synergistic development of mixed use adult beverage
2049 facilities in order to boost agritourism and the area's reputation as food and adult-
2050 beverage destination;

2051 2. Enable the county to evaluate how expanded adult beverage-based uses can
2052 be permitted while maintaining the core functions and purposes of the Rural Area and
2053 Agricultural zones;

2054 3. Determine the benefits and evaluate strategies to mitigate impacts of the adult
2055 beverage industry on Rural Area and Agricultural zoned areas, including the impacts and
2056 benefits of the industry on Agricultural Production Districts, and including those
2057 properties where the demonstration project sites are located and the surrounding areas;

2058 4. Provide an opportunity for additional exposure for locally sourced and
2059 produced agricultural products; and

2060 5. Identify and evaluate potential changes to countywide land use regulations to
2061 support the development of additional areas of unincorporated King County that may
2062 benefit from growth in agritourism.

2063 B. The demonstration project shall only be implemented on the sites identified in
2064 Attachment A to this ordinance.

2065 C. The use that the permitting division may approve under the remote tasting
2066 room demonstration project A shall include only "remote tasting room" as defined in
2067 section 13 of this ordinance.

2068 D.1. An application for a remote tasting room under this section may be
2069 submitted in conjunction with an application for an adult beverage business license or a
2070 building permit.

2071 2. Requests shall be submitted to the permitting division in writing, together
2072 with any supporting documentation and must illustrate how the proposal meets the
2073 criteria in subsection F. of this section.

2074 3. An application for a remote tasting room under this section shall be reviewed
2075 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2076 E. The department of local services, permitting division, shall administer the
2077 demonstration project, and shall approve or deny a remote tasting room application under
2078 this section based upon compliance with subsection F. of this section. Approval or denial
2079 of a remote tasting room application shall not be construed as applying to any other
2080 development application either within the demonstration project area or elsewhere in the
2081 county.

2082 F.1. A remote tasting room under this section may be approved, subject to the
2083 following:

2084 a. One or more winery, brewery, distillery facility I, II or III may operate
2085 within one remote tasting room;

2086 b. The aggregated total space devoted to remote tasting room activities shall be
2087 limited to one thousand square feet of gross floor area, not including areas devoted to
2088 storage, restrooms, and similar nonpublic areas;

2089 c. Notwithstanding subsection F.1.b. of this section, an additional five hundred
2090 square feet of immediately adjacent outdoor space may be used for tasting, subject to
2091 applicable state regulations limiting sale, service and consumption of alcoholic
2092 beverages;

2093 d. Incidental retail sales of products and merchandise related to the products

2094 being tasted is allowed;

2095 e. The hours of operation for the tasting room shall be limited as follows:

2096 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to

2097 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours

2098 shall be limited to 11:00 a.m. through 9:00 p.m.;

2099 f. The applicant and any additional business operators using the remote tasting

2100 room shall obtain an adult beverage business license in accordance with K.C.C. chapter

2101 6.xx (the new chapter created in section 3 of this ordinance);

2102 g. Each remote tasting room business operator using the remote tasting room

2103 shall have proof of Washington state Liquor and Cannabis Board approval;

2104 h. Special events shall not exceed two per year regardless as to the number of

2105 operators using the tasting room, and shall be limited to no more than fifty guests. As

2106 long as the special events comply with this section, a temporary use permit is not

2107 required;

2108 i. Off-street parking shall be provided in accordance with the parking ratios

2109 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a

2110 maximum of one space per fifty square feet of tasting and retail areas; and

2111 j. The use shall be consistent with general health, safety and public welfare

2112 standards, and shall not violate state or federal law.

2113 2. This section supersedes other variance, modification or waiver criteria of

2114 K.C.C. Title 21A.

2115 3. Remote tasting room uses approved in accordance with this section may

2116 continue as long as an underlying business license or renewal is maintained, and subject

2117 to the nonconformance provisions of K.C.C. chapter 21A.32.

2118 G. Demonstration project applications shall be accepted by the permitting
2119 division for three years from the effective date of this ordinance. Complete applications
2120 submitted before the end of the three years shall be reviewed and decided on by the
2121 permitting division.

2122 H. Starting one year after the effective date of this ordinance, and each year for
2123 four years thereafter, the executive shall prepare preliminary evaluations of remote
2124 tasting room demonstration project A. The executive shall post these preliminary
2125 evaluation reports to the department of local services, permitting division, website, and
2126 provide electronic notice of the posting to the clerk of the council, who shall retain the
2127 original email and provide an electronic copy to all councilmembers, the council chief of
2128 staff and the lead staff for the local services, regional roads and bridges committee or its
2129 successor. These preliminary evaluation reports shall include:

2130 1. A list of remote tasting room demonstration project applications submitted,
2131 reviewed and decided, including the date of original submittal, date of complete
2132 application and date and type of final decision whether approved or denied; and

2133 2. A list of code compliance complaints under Title 23, if any, related to the
2134 applications received and approved or the demonstration project that were opened or
2135 initiated in the prior year, and their current status.

2136 I.1. Within ninety days of five years after the effective date of this ordinance, the
2137 permitting division shall prepare a draft final evaluation and proposed permanent code
2138 changes that includes the information compiled under subsection H. of this section, and
2139 an evaluation of whether the purposes under subsection A. of this section have been

2140 fulfilled by the demonstration project.

2141 2. The draft final report required in subsection J. of this section and proposed
2142 permanent code changes shall be done in conjunction with the efficacy evaluation and
2143 proposed code changes required by section 32 of this ordinance.

2144 J. The permitting division shall include a public comment period for the
2145 permitting division's draft final evaluation described in subsection I. of this section. The
2146 public comment period shall last at least forty-five days beginning with the date of
2147 publication in the newspapers of record for the demonstration project areas identified in
2148 Attachment A to this ordinance. As part of the public comment period, the permitting
2149 division shall:

2150 1. Publish notice of the draft final evaluation's availability in each newspaper of
2151 record, including locations where the draft final evaluation is available;

2152 2. Send notice and request for comment to the water districts for the
2153 demonstration project areas identified in Attachment A to this ordinance;

2154 3. Request comments from any developer that has applied for approval under
2155 the demonstration project;

2156 4. Provide a copy at the local libraries for the demonstration project areas
2157 identified in Attachment A to this ordinance;

2158 5. Post an electronic copy on the permitting division's website; and

2159 6. Send electronic notice to the clerk of the council, who shall retain the original
2160 email and provide an electronic copy to all councilmembers, the council chief of staff and
2161 the lead staff for the local services, regional roads and bridges committee, or its
2162 successor.

2163 K. After the public comment period has ended, the permitting division shall
2164 prepare a final evaluation of the remote tasting room demonstration project A,
2165 incorporating or responding to the comments received. Within sixty days of the end of
2166 the public comment period, the executive shall file a final evaluation report, a motion that
2167 should accept the report, and an ordinance that implements any proposed permanent code
2168 changes.

2169 L. The final report and proposed legislation shall be filed in the form of a paper
2170 original and an electronic copy with the clerk of the council, who shall retain the original
2171 and provide an electronic copy to all councilmembers, the council chief of staff and the
2172 lead staff for the local services, regional roads and bridges committee, or its successor.

2173 SECTION 30. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
2174 are hereby amended to read as follows:

2175 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
2176 remedial purposes and shall be assessed for each violation identified in a citation, notice
2177 and order, voluntary compliance agreement or stop work order pursuant to the following
2178 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

<p>(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</p>	<p>\$500</p>
<p>(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</p>	<p>Double the rate of the previous penalty</p>
<p>b. <u>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;</u></p>	
<p><u>(1) with no previous similar code violations within the past twelve months;</u></p>	<p><u>\$500</u></p>
<p><u>(2) with one or more previous similar code violations within the past twelve months;</u></p>	<p><u>\$1,000</u></p>
<p>c. violation of notice and orders and stop work orders:</p>	
<p>(1) stop work order basic penalty</p>	<p>\$500</p>
<p>(2) voluntary compliance agreement and notice and order basic penalty</p>	<p>\$25</p>
<p>(3) additional initial penalties may be added in the following amounts for violations where there is:</p>	
<p>(a) public health risk</p>	<p>\$15</p>
<p>(b) environmental damage risk</p>	<p>\$15</p>
<p>(c) damage to property risk</p>	<p>\$15</p>
<p>(d) one previous similar code violation</p>	<p>\$25</p>
<p>(e) two previous similar code violations</p>	<p>\$50</p>
<p>(f) three or more previous similar code violations</p>	<p>\$75</p>

(g) economic benefit to person responsible for violation \$25

~~((e-))~~ d. cleanup restitution payment: as specified in K.C.C.
23.02.140.

~~((e-))~~ 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

2179 2. For the purposes of this section, previous similar code violations that can
2180 serve as a basis for a higher level of civil penalties include violations of the same chapter
2181 of the King County Code. Any citation, stop work order or notice and order previously
2182 issued by the department shall not constitute a previous code violation for the purposes of
2183 this section if that stop work order or notice and order was appealed and subsequently
2184 reversed.

2185 B. The penalties assessed pursuant to this section for any failure to comply with a
2186 notice and order or voluntary compliance agreement shall be assessed daily, according to
2187 the schedule in subsection A of this section, for the first thirty days following the date the
2188 notice and order or voluntary compliance agreement required the code violations to have
2189 been cured. If after thirty days the person responsible for code compliance has failed to
2190 satisfy the notice and order or voluntary compliance agreement, penalties shall be
2191 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
2192 assessed daily until the person responsible for code compliance has fully complied with
2193 the notice and order.

2194 C. Penalties based on violation of a stop work order shall be assessed, according
2195 to the schedule in subsection A. of this section, for each day the department determines
2196 that work or activity was done in violation of the stop work order.

2197 D. Citations and cleanup restitution payments shall only be subject to a one-time
2198 civil penalty.

2199 E. The director may suspend the imposition of additional civil penalties if the
2200 person responsible for code compliance has entered into a voluntary compliance
2201 agreement. If the person responsible for code compliance enters into a voluntary
2202 compliance agreement and cures the code violations, the director may also waive all or
2203 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
2204 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
2205 necessary permits applied for are denied, canceled or not pursued, or if corrective action
2206 identified in the voluntary compliance agreement is not completed as specified.

2207 F. The civil penalties in this section are in addition to, and not in lieu of, any

2208 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2209 SECTION 31. Map Amendment #2 is hereby adopted, as shown in Attachment B
2210 to this ordinance.

2211 SECTION 32. A. The executive shall transmit a an efficacy evaluation report,
2212 proposed motion and proposed ordinance that evaluates the efficacy of the regulations for
2213 adult beverage businesses, including winery, brewery, distillery facilities, remote tasting
2214 rooms and nonconforming home occupations and home industries, adopted as part of this
2215 ordinance, and any recommended changes to the regulations and the rationale for those
2216 recommended changes. The efficacy evaluation report shall include, at a minimum:

2217 1. A list of all adult beverage businesses with valid business licenses as of five
2218 years from the effective date of this ordinance;

2219 2. A list of adult beverage businesses permit applications submitted, reviewed
2220 and decided in the prior five years, including the date of original submittal, date of
2221 complete application, date and type of final decision whether approved or denied and
2222 categorization of typical conditions were applied;

2223 3. A list of all code enforcement complaints filed against adult beverage
2224 businesses over the prior five years, including the final resolution of resolved cases and
2225 the status of open cases; and

2226 4. An evaluation of and recommendations for changes to the following
2227 development conditions, if any, and the rationale for the proposed change or for
2228 maintaining the development condition as adopted by this ordinance:

2229 a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult
2230 beverage businesses;

2231 b. Parking requirements, including the minimum required and the maximum
2232 allowed;

2233 c. Hours of operation for tasting rooms associated with production facilities
2234 and remote tasting rooms;

2235 d. Temporary use permit criteria related to special events for adult beverage
2236 businesses, including the criteria for and minimum requirements of and obtaining a
2237 temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public
2238 notice requirements; and

2239 e. Product content requirement in the A zone, including the growth on-site
2240 requirements and the agricultural accessory use language adopted by this ordinance.

2241 B. This efficacy evaluation report shall have a public comment period in
2242 conjunction with that required for the final evaluation in section 29 of this ordinance.

2243 C. The efficacy evaluation report and proposed ordinance shall be transmitted to
2244 the council with a motion that should accept the report and a proposed ordinance making
2245 recommended code changes, concurrently with the final evaluations required in section
2246 29 of this ordinance, in the form of a paper original and an electronic copy to the clerk of
2247 the council, who shall retain the original and provide an electronic copy to all
2248 councilmembers, the council chief of staff and the lead staff for the local services,
2249 regional roads and bridges committee, or its successor.

2250 SECTION 33. Severability. If any provision of this ordinance or its application

2251 to any person or circumstance is held invalid, the remainder of the ordinance or the
2252 application of the provision to other persons or circumstances is not affected.
2253

Ordinance 19030 was introduced on 4/30/2018 and hearing held/closed and passed as amended by the Metropolitan King County Council on 12/4/2019, by the following vote:

Yes: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott and Ms. Balducci
No: 4 - Mr. Gossett, Mr. Dembowski, Mr. Upthegrove and Ms. Kohl-Welles



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

RECEIVED
2019 DEC 19 PM 4: 22
CLERK
KING COUNTY COUNCIL

APPROVED this _____ day of _____, 2019.

DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE

DATED: December 19, 2019

Dow Constantine, County Executive

Attachments: A. Map Amendment #1-Remote Tasting Room Demonstration Project A dated September 16, 2019, B. Map Amendment #2- Modifying P-Suffix VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

Map Amendment # 1- Remote Tasting Room Demonstration Project A

Sammamish Valley near the City of Woodinville

AMENDMENT TO THE KING COUNTY ZONING ATLAS

Amend Sections 14 and 23, Township 26, Range 5, as follows:

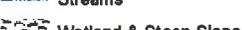
ZONING

Apply the Demonstration Project (-DPA) established in Ordinance XXXXX (Proposed Ordinance 2018-0241), Section 28 and 29, to the following parcels. Make no other changes to the land use designation or zoning:

Parcel	Current Zoning	Area
2481600120	RA-2.5	Sammamish Valley
3404700026	RA-2.5	Sammamish Valley
3404700027	RA-2.5	Sammamish Valley
3404700030	RA-2.5-SO	Sammamish Valley
3404700031	RA-2.5-SO	Sammamish Valley
3404700035	RA-2.5-SO	Sammamish Valley
3404700040	RA-2.5-SO	Sammamish Valley
3404700041	RA-2.5-SO	Sammamish Valley
3404700043	RA-2.5-SO	Sammamish Valley
3404700050	RA-2.5-SO	Sammamish Valley
3404700055	RA-2.5-SO	Sammamish Valley
3404700057	RA-2.5-SO	Sammamish Valley
3407700006	RA-2.5-SO	Sammamish Valley

Effect: Amends the zoning atlas to apply the Remote Tasting Room Demonstration Project A to all or a portion of 13 parcels within the Sammamish Valley near the City of Woodinville.

Demonstration Project Overlay A: Sammamish Valley

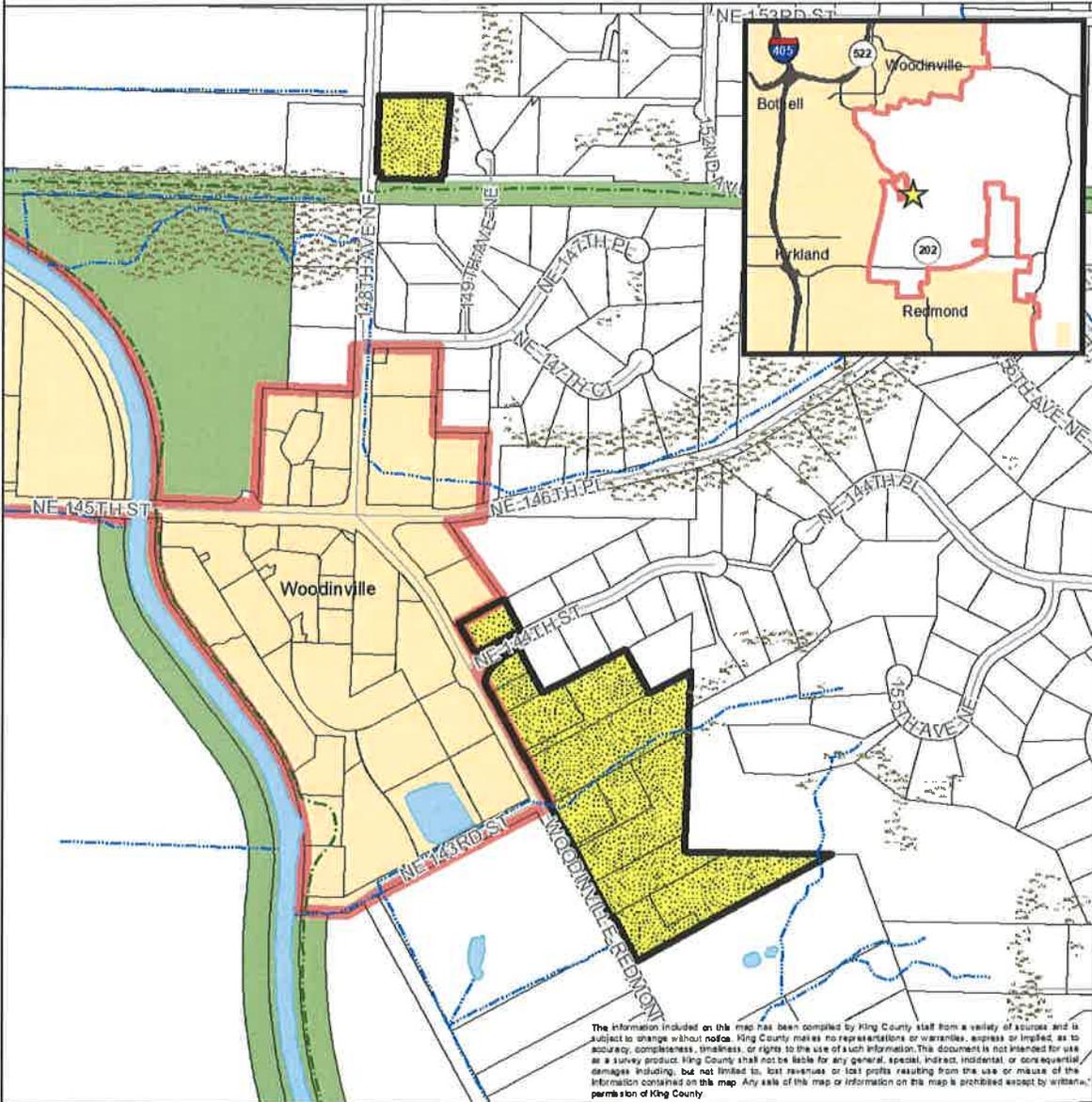
-  Demonstration Overlay A
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



0 200 400
Feet



Date: 3/4/2019



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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Map Amendment # 2 - VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

Vashon Rural Town Community Business Zoning

AMENDMENT TO THE KING COUNTY ZONING ATLAS

Amend Sections 29, 30, 31 and 32, Township 23, Range 3, and Sections 3, 5 and 6, Township 22, Range 3, as follows:

ZONING

Modify Property Specific Development Standard VS-P29 to read:

"Restricted Uses for Community Business-Zoned Properties - P-suffix condition (Source: Vashon Town Plan - Ordinance 12395, August 12, 1996, as amended)

Property with Community Business zoning shall be restricted to the following specific land uses as set forth in Chapter K.C.C. 21A.08.

For any use requiring a Conditional Use Permit that is located on property listed by the Washington State Department of Ecology as a known or suspected contaminated site, the Conditional Use Permit shall be conditioned to ensure that the property owner obtains and submits a No Further Action letter for the subject property or demonstrates that timely progress is being made toward obtaining a No Further Action letter. If the property owner does not demonstrate timely progress towards obtaining a No Further Action letter, the permit conditions shall be enforced, up to a potential revocation of the Conditional Use Permit.

Residential Land Uses

DWELLING UNITS, TYPES: Townhouse; Apartment**.

GROUP RESIDENCES: Community residential facility -I; Community residential facility - II; Senior citizen assisted housing.

ACCESSORY USES: Home occupation.

TEMPORARY LODGING: Hotel/Motel, Bed and breakfast guesthouse.

Recreational/Cultural Land Uses

39 PARK/RECREATION: Park

40 AMUSEMENT/ENTERTAINMENT: Theater, Plays/Theatrical production, Bowling center,
41 Sports club.

42 CULTURAL: Library, Museum, Arboretum, Conference Center

43 General Services Land Uses

44 PERSONAL SERVICES: General Personal Service; Funeral Home/Crematory; Day care I; Day
45 care II; Veterinary Clinic; Automotive repair; Miscellaneous repair; Churches, synagogue,
46 temple; Social Services; Kennel or Cattery.

47 HEALTH SERVICES: Office/Outpatient Clinic; Nursing and personal care facilities; Hospital;
48 Medical/Dental Lab.

49 EDUCATION SERVICES: Secondary or High School; Specialized Instruction School; Interim
50 Recycling Facility.

51 Government/Business Service Land Uses

52 GOVERNMENT SERVICES: Public agency or utility office; Police Facility; Utility Facility;
53 Private Stormwater Management Facility.

54 BUSINESS SERVICES: Individual Transportation and Taxi; Trucking and courier Service;
55 Self-service Storage; Passenger Transportation Service; Telegraph and other Communications
56 (excluding towers); General Business Service; Professional Office; Miscellaneous Equipment
57 Rental; Automotive Parking; Commercial/Industrial Accessory Uses (Administrative. offices,
58 employee exercise & food service facilities, storage of agricultural raw materials or products
59 manufactured on site, owner/caretaker residence, grounds maintenance).

60 RETAIL/WHOLESALE LAND USES:

61 Building, Hardware and Garden Materials; Department and Variety Store; Food Stores; Auto
62 Supply Stores; Apparel and Accessory Stores; Furniture and Home Furnishings Stores; Eating
63 and Drinking Places; Remote Tasting Rooms; Drug Stores; Liquor Stores; Uses Goods:
64 Antiques/Secondhand Shops; Sporting Goods and related Stores; Book, Stationery, Video and
65 Art Supply Stores; Jewelry Stores; Hobby, Toy Game Shops; Photographic and Electronic
66 Shops; Fabric Shops; Florist Shops; Personal Medical Supply Stores; Pet Shops.

67 Recreational marijuana retailer, subject to K.C.C. 21A.08.070 and applicable state law.

68 MANUFACTURING LAND USES:

69 Recreational marijuana processor I, subject to K.C.C. 21A.08.080 and applicable state law.

70 Printing and Publishing.

71 Wineries, Breweries and Distilleries, subject to K.C.C. 21A.08.080

72 RESOURCE LAND USES:

73 Recreational marijuana producer, subject to K.C.C. 21A.08.90 and applicable state law.

74 REGIONAL LAND USES:

75 Wastewater Treatment Facility; Transit Park and Ride Lot.
 76 ****Residential density for mixed use development in Community Business zone shall not exceed**
 77 **eight units per acre."**
 78
 79 P-suffix condition VS-P29 applies to the following parcel numbers. No changes to the
 80 geography of VS-P29 are included in this amendment.
 81

Parcels List
0522039017
0522039123
0522039145
0522039166
0622039016
0622039079
0622039080
0622039082
0622039083
0622039090
0622039094
0622039095
0622039100
0622039110
2846200005
2846200010
2846200025
2846200030
2846200040
2846200050
2846200065
2846200070
2846200075
2846200080
2846200085
2846200086
2846200090
2846200092
2846200100
2846200105
2846200110
2846200115
2923039068

2923039094
2923039106
2923039113
2923039114
2923039121
2923039135
2923039136
2923039147
2923039158
2923039160
2923039161
2923039183
2923039198
2923039291
2923039295
3023039036
3023039039
3023039041
3023039050
3023039051
3023039054
3023039056
3023039061
3023039062
3023039073
3023039090
3023039097
3023039108
3023039111
3023039122
3023039125
3023039160
3023039161
3023039187
3023039204
3123039004
3123039010
3123039011
3123039028
3123039030
3123039033

3123039035
3123039041
3123039053
3123039055
3123039059
3123039061
3123039067
3123039071
3123039072
3123039074
3123039075
3123039086
3123039087
3123039088
3123039107
3123039126
3123039130
3123039131
3123039134
3123039135
3123039166
3223039016
3223039017
3223039018
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3223039020
3223039021
3223039022
3223039023
3223039024
3223039048
3223039076
3223039083
3223039091
3223039092
3223039103
3223039112
3223039113
3223039114
3223039133
3223039195

8883500000
8884400010
8884400020

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For the following parcels, the existing and modified P-suffix condition only apply to the portion of the property zoned CB:

Parcel List
0522039015
0522039018
0522039052
0622039004
0622039148
3023039096
3123039031
3123039128
3123039132

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Effect: Amends Property Specific Development Standard (P-Suffix) VS-P29 to allow remote tasting rooms in the CB zoned property in the Vashon Rural Town. No other changes are made to the P-Suffix, and no modifications are made to the properties this P-Suffix applies to.

Map Amendment #2 – P-Suffix VS-P29

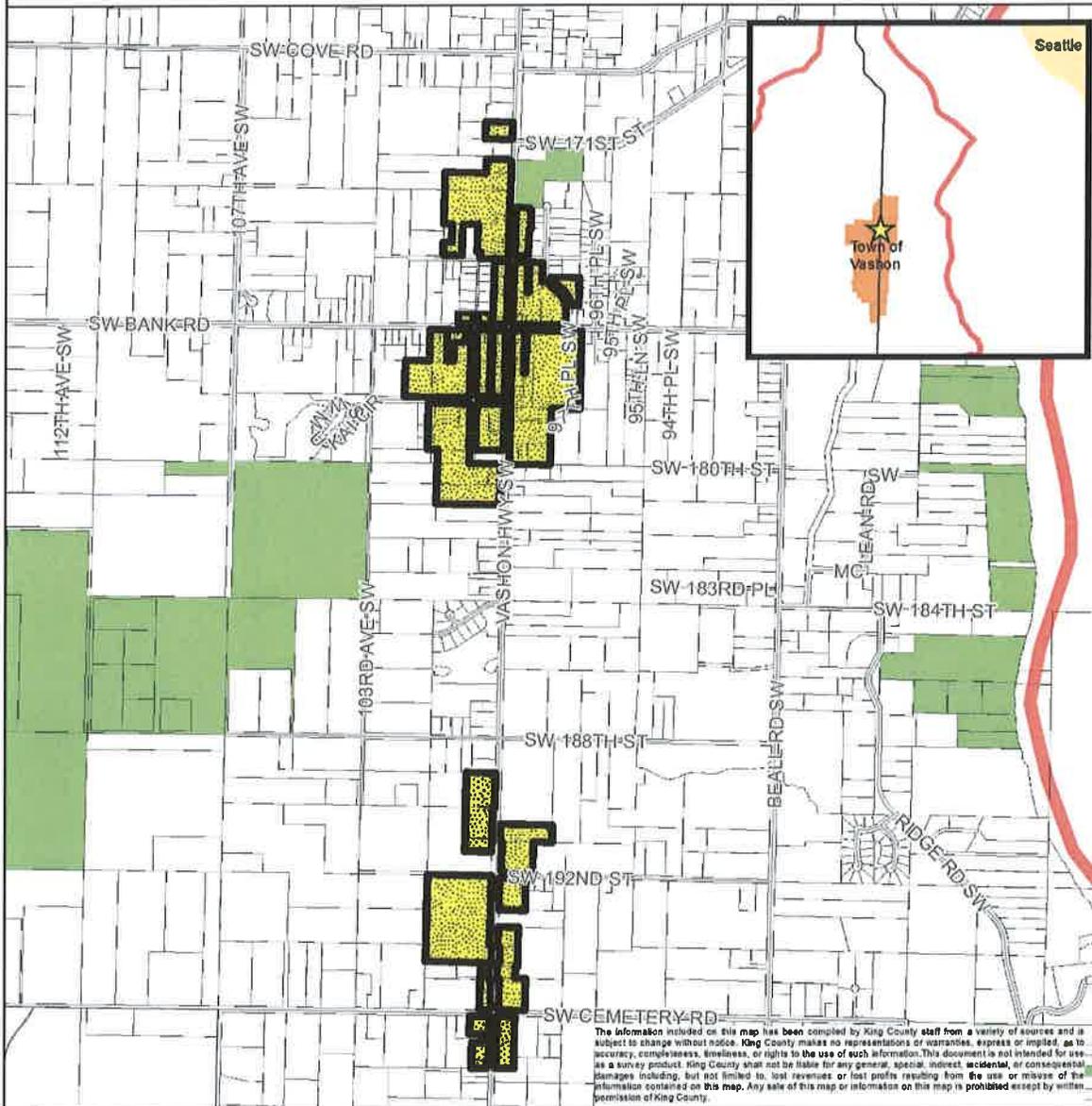
-  VS-P29
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



0 200 400 800 1200
Feet



Date: 9/9/2019



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Allende, Angel

From: Moore, Kendall
Sent: Saturday, December 21, 2019 12:29 PM
To: cherrie.camp@kingcounty.gov; Allende, Angel; Pedroza, Melani
Subject: Fwd: Ordinance 19030

Fyi

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Huston, Jennifer" <Jennifer.Huston@kingcounty.gov>
Date: 12/20/19 2:53 PM (GMT-08:00)
To: "Moore, Kendall" <Kendall.Moore@kingcounty.gov>
Cc: "Braddock, Shannon" <Shannon.Braddock@kingcounty.gov>, "Peterson Horner, Elka" <epetersonhorner@kingcounty.gov>
Subject: Ordinance 19030

Hi Kendall,

Shannon is out of the office today, so asked me to follow up with you.

This email is to confirm that Ordinance 19030 is intended to be enacted without Executive signature.

Thank you.

Best,

Jenny

Jenny Huston
Deputy Director of Government Relations
Office of King County Executive Dow Constantine
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206-693-9264 (Mobile)
jennifer.huston@kingcounty.gov