



Legislation Details (With Text)

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On agenda: **Final action:** 2/1/2024

Enactment date: **Enactment #:**

Title: AN ORDINANCE relating to winery, brewery and distillery uses; amending Ordinance 19030, Section 4, and K.C.C. 6.74.010, Ordinance 19030, Section 5, and K.C.C. 6.74.020, Ordinance 19030, Section 6, and K.C.C. 6.74.030, Ordinance 19030, Section 7, and K.C.C. 6.74.040, Ordinance 19030, Section 8, and K.C.C. 6.74.050, Ordinance 19030, Section 9, and K.C.C. 6.74.060, Ordinance 19030, Section 10, and K.C.C. 6.74.070, Ordinance 19030, Section 11, and K.C.C. 6.74.080, Ordinance 1888, Article III, Section 3, as amended, and K.C.C. 6.01.130, Ordinance 1888, Article III, Section 5, as amended, and K.C.C. 6.01.150, Ordinance 19030, Section 13, and K.C.C. 21A.06.996, Ordinance 19030, Section 14, and K.C.C. 21A.06.1427, Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B, Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 547, as amended, and K.C.C. 21A.32.100, Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, adding a new chapter to K.C.C. Title 21A and repealing Ordinance 19030, Section 28, Ordinance 19030, Section 29, and K.C.C. 21A.55.110 and Ordinance 19030, Section 32; and establishing a contingent effective date.

Sponsors: Sarah Perry

Indexes:

Code sections: 21A -, 21A.06.1427 - ., 21A.06.1427B - ., 21A.06.1427C - ., 21A.06.996 - ., 21A.08.070 -, 21A.08.080 -, 21A.30.080 -, 21A.30.085 - ., 21A.30.090 -, 21A.32.110 - ., 21A.32.120 -, 21A.55.110 - ., 6.74.010 - ., 6.74.020 - ., 6.74.030 - ., 6.74.040 - ., 6.74.050 - ., 6.74.060 - ., 6.74.070 - ., 6.74.080 - .

Attachments: 1. A. Map Amendment #1-Remote Tasting Room Demonstration Project A Repeal, 2. Acknowledge-Letter-2022-S-3772, 3. 2022-0147 --Advertising BEFORE Committee Action signed.doc, 4. 2022-0147-0148_SR_dated_05112022_WBDUpdates, 5. 2022-0147-0148_Att3_DraftStrikingAmendmentOrd1, 6. 2022-0147-0148_Att5_WBDCompareSummary042822, 7. 2022-0147-0148_ATT6_StepsinProduction, 8. 2022-0147-0148_Att7_RCWWACforProductionLicenses, 9. 2022-0147-0148_Att8_ParcelAnalysis, 10. 2022-0147-0148_Att9_Schedule050422, 11. 2022-0147-0148_Att10_Ord1Hearing Notice051222, 12. 2022-0147-0148_SR_dated_05242022_WBDUpdates_052422, 13. 2022-0147-0148_Att8_FINALParcelAnalysisMay2022, 14. 2022-0147_S1_clean, 15. 2. 2022-0147_Amd1toS1, 16. 3. 2022-0147_T1_clean, 17. 2022-0147-0148_RevisedSR_WBDUpdates, 18. 2022-0147 Invoice & Affidavit.pdf, 19. WBD SEPA TD follow up memo 06092022_, 20. WBD Draft Striker Ordinances Letter FINAL 5.12.22_, 21. 2022-0147 Invoice & Affidavit - \$532.97 --05-12-22 Order 29317 KC Council - Angel Allende 1545

Date	Ver.	Action By	Action	Result
1/24/2023	2	Metropolitan King County Council	Reintroduced	
6/28/2022	2	Metropolitan King County Council	Re-referred	
6/21/2022	2	Metropolitan King County Council	Deferred	
6/14/2022	2	Metropolitan King County Council	Deferred	

5/24/2022	1	Local Services and Land Use Committee	Recommended Do Pass Substitute	Pass
5/11/2022	1	Local Services and Land Use Committee	Deferred	
3/22/2022	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to winery, brewery and distillery uses; amending Ordinance 19030, Section 4, and K.C.C. 6.74.010, Ordinance 19030, Section 5, and K.C.C. 6.74.020, Ordinance 19030, Section 6, and K.C.C. 6.74.030, Ordinance 19030, Section 7, and K.C.C. 6.74.040, Ordinance 19030, Section 8, and K.C.C. 6.74.050, Ordinance 19030, Section 9, and K.C.C. 6.74.060, Ordinance 19030, Section 10, and K.C.C. 6.74.070, Ordinance 19030, Section 11, and K.C.C. 6.74.080, Ordinance 1888, Article III, Section 3, as amended, and K.C.C. 6.01.130, Ordinance 1888, Article III, Section 5, as amended, and K.C.C. 6.01.150, Ordinance 19030, Section 13, and K.C.C. 21A.06.996, Ordinance 19030, Section 14, and K.C.C. 21A.06.1427, Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B, Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 547, as amended, and K.C.C. 21A.32.100, Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, adding a new chapter to K.C.C. Title 21A and repealing Ordinance 19030, Section 28, Ordinance 19030, Section 29, and K.C.C. 21A.55.110 and Ordinance 19030, Section 32; and establishing a contingent effective date.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

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

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

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

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

H. The superior court reversed the board's May 2020 order on April 16, 2021, by an Order Granting King County's Appeal from an Order of the Central Puget Sound Region Growth Management Hearings Board,

and remanded the matter back to the board for a full hearing on the merits.

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

J. The board held a hearing on the merits of the appeal of Ordinance 19030 on November 17, 2021.

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

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

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

N. Population growth, combined with the growing popularity of small WBD producers has created a need for clarification regarding core WBD functions compared to other types of more impactful on-site special

events that may help support marketing for developing businesses and consideration of GMA planning requirements, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas. Changes in state regulations have also occurred, driving a need to bring the county's WBD development regulations up to date with state licensing allowances.

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

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

Q. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts, including Snoqualmie Valley, Sammamish Valley, Lower Green River Valley, Upper Green River Valley, and Enumclaw Plateau. King County also supports WBD uses and recognizes the relationship between agricultural and WBD uses. There is a historical and continuing crossover between agricultural and WBD uses, including factors such as: agricultural uses providing aesthetic value and the

opportunity for WBD uses to promote local agricultural products. The changes to WBD zoning regulations recognize competing and complimentary interests between agriculture and WBD uses and aim to provide a balance, consistent with the GMA and the Comprehensive Plan.

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

S. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for WBD uses, the changes to WBD zoning regulations protect rural character while encouraging new economic and employment opportunities for rural residents. Comprehensive Plan Policy ED-602, in part, "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." The changes to WBD zoning regulations take advantage of the existing, organically developing WBD uses to implement this policy in a variety of ways. The Comprehensive Plan, in ED-602, directs the county to explore opportunities to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled beverages, and wine in the county. The changes carefully follow this directive, and were developed over several years as the county considered existing and proposed regulations, balancing the differing needs and emerging trends of agricultural and WBD uses. Size and scale limits on WBD uses in the rural area are maintained and new limits to enhance

open and green space values and preserve the natural aesthetic are added, which helps protect the rural area character and local food production while allowing WBD uses at a size and scale appropriate for the rural area.

T. Comprehensive Plan Policy ED-212 states "King County shall encourage and support community based and community led efforts to support and retain existing small businesses." Although rapid growth has resulted in some WBD businesses becoming incompatible with rural character, the changes to WBD zoning regulations honor the sometimes-competing Comprehensive Plan policies to support and retain existing small businesses with equally important policy to protect rural character by setting clear scope and size limits to protect the Rural Area zone.

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

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

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

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

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

Y. The county is required to balance protecting rural character and agricultural resources in diverse communities, with creating space for rural industries to thrive within those communities. The changes to WBD zoning regulations allow for WBDs at a size and scale appropriate for the rural communities they are located in and add measures that enhance enforceability of the regulations. The changes to WBD zoning regulations aim to implement Comprehensive Plan Policy R-204, which encourages "the retention of existing and establishment of new rural resource-based uses, with appropriate site management and that protects habitat resources" and Comprehensive Plan Policy R-205 which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location" are appropriate in the Rural Area zones. The County continues to encourage and support the

growing and harvesting of produce and crops in the rural area where on-site conditions can support successful farming activities, such as growing hops, berries or apples, and the changes made by this ordinance do not impact current allowances to grow and harvest.

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

AA. K.C.C. Title 13 establishes standards for water facilities. In part, those standards prioritize connection to Group A water systems, then to Group B water systems, followed by use of private wells, subject to specified criteria. WBD III uses in the RA zones are required to connect to a Group A water system, and WBD II uses are required to connect to a Group A or Group B water system. This ordinance adopts a clear standard that improves enforceability.

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

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

DD. Existing special district overlays and property-specific development conditions are in effect and provide additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits impervious surface maximums for WBD facilities in the RA zones to twenty five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

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

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

GG. Chapter 3 of the Comprehensive Plan states that "[t]he purposes of Rural Town designations within the Comprehensive Plan are to recognize existing concentrations of higher density and economic activity in Rural Areas and to allow modest growth of residential and economic uses to keep them economically viable into the future." Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers for the Rural Area and Natural Resource Lands and may be served by a range of utilities and services, and may include several or all of the following land uses, if supported by necessary utilities and other services and if scaled and designed to protect rural character: a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and Natural Resource Lands population ... c. Other retail, commercial, and industrial uses, such as resource industries, tourism, commercial recreation, and light industry." Remote tasting rooms are similar to other, more intensive uses contained within the stated categories and may be appropriately located in Rural Towns. Other Community Business and Regional Business zones, outside of Rural Towns, are located within the urban growth area or have access to an arterial.

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

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

JJ. This ordinance reorganizes the regulations, so that all requirements for WBD production facilities are located in the same chapter of code. This reorganization is shown with the substantive provisions for WBDs placed at the beginning of the ordinance, and followed by other changes, including changes to the

winery, brewery, distillery land use business license, definitions, retail land use table, manufacturing land use table, home occupation and home industry, temporary use permits, and then repeal of certain provisions of Ordinance 19030.

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

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

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

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

LL. This ordinance responds to the board's January 2022 order to protect and enhance rural character by making the following changes in the RA zone development conditions. These changes are carefully considered and balanced to reflect both the requirements in Policy R-201 with other Comprehensive Plan policies, cited in subsections A. through KK. of this section, that call for the RA zone to be a mixed-use zone that encourages small-scale economic development and business activity:

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

2. Strengthening on-site production requirements for WBD IIs and IIIs, by requiring that a minimum of three stages of production occur on-site, and a minimum of two be active stages;
3. Reducing the percentage of floor area that can be dedicated to on-site tasting and sales for WBD IIs and IIIs, and limiting the amount of area and percentage of sales that can be dedicated to incidental sales;
4. Limiting on-site tasting and sales to those products produced on-site, with exceptions for cited state liquor license allowances and for incidental retail items for WBD IIs and IIIs;
5. Limiting on-site tasting and sales hours of operation for WBD IIs and IIIs;
6. Adding a specific requirement for compliance with the county's surface water management regulations in K.C.C. Title 9 and the King County Surface Water Design Manual, during construction and operation of WBD IIs and IIIs. Many of these requirements already apply to WBDs and this specific cross-reference for the RA zone is intended to ensure that surface water management requirements are met throughout development and operation of the WBD, including but not limited to, requirements such as prohibition of illicit discharges during crushing of products;
7. To address water use and water quality impacts, prohibiting distillery IIs in basins closed to new wells due to the more intensive water use by distilleries; and requiring all WBD IIs to be hooked up to a Group A or Group B water system;
8. Restricting issuance of the winery, brewery, distillery land use business license for new WBDs until after a building permit or change of occupancy permit has been issued, in order to ensure compliance with water and wastewater requirements, and requiring existing WBDs to obtain any required building permit or change of occupancy permit before the business receives full business license approval; and
9. Reducing the number of events for WBDs to one per month, with lower maximum guest sizes, and prohibiting events that would require permanent or temporary stages, or traffic control. The exemption from temporary use permit requirements, adopted in Ordinance 19030, for certain WBDs in the RA zone is also removed by this ordinance.

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

NN. This ordinance modifies the county's licensing program for WBDs in order to assist in enforcement of the county's WBD land use regulations, consistent with the state liquor licensing law requirements. This ordinance also removes the allowance in Ordinance 19030 for nonconforming WBDs to obtain an initial county license while continuing to document or demonstrate a nonconforming status, and modifies the language regarding nonconforming status to clarify what is necessary to demonstrate a nonconforming status.

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

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

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

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

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

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

1. The business operator shall obtain a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;
2. Events may be allowed only with an approved temporary use permit under K.C.C. chapter 21A.32 and in conformance with section 6 of this ordinance;
3. Winery, brewery, distillery facility I, II or IIIs, excluding those on Vashon-Maury Island, shall meet the standards in section 4 of this ordinance; and
4. Winery, brewery, distillery facility I, II or IIIs on Vashon-Maury Island shall meet the standards in section 5 of this ordinance.

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

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

A. In the RA zones:

1. For winery, brewery, distillery facility I:
 - a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;
 - b. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

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

winery, brewery, distillery facility uses;

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

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

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

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

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

e. Product tasting or retail sales shall not be allowed on-site;

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

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

2. For winery, brewery, distillery facility II:

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

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

winery, brewery, distillery facility uses shall not exceed seven thousand square feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

j.(1) Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and shall connect to a Group A or Group B water system. The definitions and limits of Group A and Group B water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142.

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

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

3. For winery, brewery, distillery facility III:

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

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

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

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

K.C.C. chapter 20.62. As part of the review for a winery, brewery, distillery facility use approved through a conditional use permit, the director may reduce this setback for existing structures, considering the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:

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

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

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

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

2. For winery, brewery, distillery facility III:

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery

facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining agricultural, rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and

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

D. In the I zone:

1. For winery, brewery, distillery facility III:

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

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

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

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

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

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

A. In the RA zones:

1. For winery, brewery, distillery facility I:

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

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

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

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

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

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

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

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

e. Product tasting or retail sales shall not be allowed on-site; and

f. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site or the maximum impervious surface for the zone in accordance with K.C.C.

21A.12.040.A., whichever is less.

2. For winery, brewery, distillery facility II:

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

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

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

d.(1) For winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, in addition to an approved Washington state Liquor and Cannabis Board production license, at least two stages of production of wine, beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling.

(2) For all other winery, brewery, or distillery business locations, in addition to an approved Washington state Liquor and Cannabis Board production license, at least three stages of production of wine,

beer or distilled spirits, such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of on-site production shall include crushing or milling, pressing, fermenting or distilling. At the time of the initial or renewal of the winery, brewery, distillery land use business license application under K.C.C. chapter 6.74, the applicant shall submit documentation that demonstrates that the equipment on-site is sufficient to produce the quantity of products sold on-site as required by this subsection A.2.d. and the on-site tasting and retail sales requirements in subsection A.2.e. are met;

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

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

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

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

(5) The limitation on area devoted to tasting and retail sales of products produced on-site, the

limitation on area devoted to incidental retail sales, and the limitation on gross sales for incidental retail sales items, shall not apply to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites that contain a building designated as historic resource under K.C.C. chapter 20.62.

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

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

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

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

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

3. For winery, brewery, distillery facility III:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required

for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

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

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

B. In the NB and CB zones:

1. For winery, brewery, distillery facility II:

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

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

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

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

2. For winery, brewery, distillery facility III:

a. Structures, parking areas and impervious surfaces associated with winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining

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

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

C. In the RB zone:

1. For winery, brewery, distillery facility III:

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

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

D. In the I zone:

1. For winery, brewery, distillery facility III:

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

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

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

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

fifty square feet of tasting and retail areas.

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

A. Uses regulated under this chapter shall be allowed to conduct on-site functions that are accessory to the principal winery, brewery, or distillery facility use, limited to those that are directly related to the on-site production of the winery, brewery, distillery facility use, including, but not limited to, tours of the facility, private tastings, product releases, or dinners with the alcohol producers. If an on-site activity includes any of the elements listed in subsection C. of this section, the on-site activity shall be subject to the temporary use permit requirements under K.C.C. chapter 21A.32.

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

1. Utilizing temporary or permanent stages;
2. Requiring traffic control for public rights-of-way; or
3. Except as allowed in subsection C.2. of this section, utilizing on-site parking that exceeds the

maximum number of spaces allowed by this title.

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

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

D. Temporary use permits shall be limited as follows:

1. The temporary use permit for events shall be effective for one year from the date of issuance and

may be renewed annually as provided in K.C.C. 21A.32.120;

2. For a winery, brewery, distillery facility II and III in the RA zone, the temporary use shall not exceed one day per month, except that for winery, brewery, distillery facility use II locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, the temporary use shall not exceed twenty four days per year. All event parking shall be accommodated on-site or managed through a parking management plan approved by the director. This subsection D.2. applies only to the days that the event or events actually take place;

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

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

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

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

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

8. Permitting shall set the maximum number of portable toilets for events based on compliance with

applicable laws, with no more than two portable toilets allowed for any event.

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

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

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

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

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

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

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

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

It is the purpose of this chapter to establish winery, brewery, distillery land use business licensing standards for ~~((adult beverage businesses))~~ wineries, breweries and distilleries located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents, and to assist with enforcement of land use related portions of the King County Code, including, but not limited to, the development conditions found in K.C.C. chapter 21A.xx (the new chapter created in section 2 of this ordinance), critical areas requirements found in K.C.C. chapter 21A.24, and health code requirements

found in K.C.C. Title 13.

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

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

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

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

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

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

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

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

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

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

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

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

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

Cannabis Board license notice of application, if any. If King County objected to the current location during the Washington state Liquor and Cannabis Board license application process, the Department may presume that the associated use was not legally established and a license application under this subsection D. shall be denied, unless the applicant can clearly establish that the objection was based on an erroneous interpretation of K.C.C. Title 21A; and

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

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

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

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

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

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

follows:

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

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

- A. ~~((Within thirty days of the director's receipt of a complete adult beverage business license application, the director shall issue or deny the license.))~~ 1.a. The director shall not issue the initial winery, brewery, distillery land use business license until the director has either issued all county required building or change of occupancy permits for the winery, brewery, distillery in conformance with the requirements of this chapter, K.C.C. chapters 21A.xx (the new chapter created in section 2 of this ordinance), 16.02 and 16.04 or determined in writing that a building or change of occupancy permit is not required for basic operations to establish the use. A license application may be denied if the applicant has not obtained all required permits within a reasonable time, except as provided in subsection A.1.b. of this section;
- b. For any winery, brewery, distillery business operating under an active Washington state Liquor and Cannabis Board production license issued for the current location before June 21, 2021, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process:
- (1) if all other requirements of this chapter and life safety requirements are met, the director shall issue the first business license regardless of whether a building permit or change of occupancy permit has been issued;

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

(3) additional extensions or renewals shall not be approved or issued beyond the first license if the business operator has not taken substantial steps to obtain a building permit or change of occupancy permit.

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

B. For any ~~((adult beverage businesses))~~winery, brewery, distillery facility operating under an active Washington state Liquor and Cannabis Board production license issued for ~~((their))~~ the current location, ~~((before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A. Subsequent))~~ winery, brewery, distillery land use business licenses or renewals for such locations shall only be approved by the director if:

1. The applicant has established that requirements ((to establish a)) for legal nonconforming uses set forth in K.C.C. Title 21A have been met;

2. The applicant has otherwise established a vested or legal nonconforming use; or

3. ~~((The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or~~

4.)) ~~((If t))~~The business ((has come into conformance)) conforms with the winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted in K.C.C. 21A.08.070~~((;))~~ or 21A.08.080 ~~((or K.C.C. 21A.55.110))~~ and K.C.C. chapter 21A.xx (the new chapter created by section 2 of this ordinance).

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

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

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

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

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

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

5. Statements advising that:

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

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

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

determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the person either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested to the person at the person's address as it appears on the license, registration or permit.

Service by certified mail in the manner provided in this section shall be effective on the date of mailing.

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

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

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

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

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

1. A heading in the words: "Before the Office of the Hearing Examiner";
2. A caption reading: "Appeal of" giving the names of all appellants participating in the appeal;

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

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

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

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

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

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

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

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

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

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

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

follows:

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

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

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the ~~((state of))~~ Washington state Liquor and Cannabis Board to produce ~~((adult beverages such as))~~ alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits, ~~((and that includes an adult beverage production use such as))~~ through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ~~((and))~~ finishing, and bottling or packaging. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas ~~((as authorized by state law))~~. On-site tasting of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does not include any additional privileges or uses that would require a retail liquor license~~((s))~~ that would be authorized by chapter 314-02 WAC.

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

Winery, brewery, distillery facility II: A small-scale production facility licensed by the ~~((state of))~~ Washington state Liquor and Cannabis Board to produce ~~((adult beverages such as))~~ alcoholic beverages including, but not limited to, wine, cider, beer and distilled spirits ~~((and that includes an adult beverage~~

~~production use such as~~) through stages of production including, but not limited to, crushing or milling, pressing, fermentation, distilling, filtration, barrel or tank aging, ((and)) finishing, and bottling or packaging. A winery, brewery, distillery facility II may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas ~~((as authorized by state law, on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law))~~. "Winery, brewery, distillery facility II" does not include any additional privileges or uses that would require a retail liquor license((s)) that would be authorized by chapter 314-02 WAC.

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

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

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

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 Nurseries, Garden Centers 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 Markets	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				((P13))					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, 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 Sup Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Hou										P12		P
*	Livestock Sa (28)												P

B. Development conditions.

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

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

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

7.a. Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and

- b. The business operator shall obtain a winery, brewery, distillery land use business license in

accordance with K.C.C. chapter 6.74.

8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
10. Excluding SIC Industry No. 5813-Drinking Places.
11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. (~~Permitted as part of the demonstration project authorized by K.C.C. 21A.55.110~~) Repealed.
- 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and
 - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and
 - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
 - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
17. Repealed.
18. Repealed.
19. Only as:
 - a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to

include sales of beverages and incidental food items, and not to include drive-through sales; or

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

20. Only as:

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

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

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

22. Only as an accessory use to:

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

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

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

a. limited to lumber milled on site; and

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

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

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

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

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

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

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

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

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

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

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

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

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall

determine compliance based on the date a complete business license application was submitted; and

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

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

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

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

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

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

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

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

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

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

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

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

August 14, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

- (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
- (2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

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

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

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

A. Manufacturing land uses.

P-Permitted Use C- Conditional Use S-Special Use	SIC #	SPECIFICA	RESOURCE			RURAL			RESIDENTIAL			COMMERCIAL/INDUSTRIAL			
			F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)		
	20	Food and Products									P2	P2	P2 C		P2 C
*		Winery/Bry Facility			P((32)) 3 C3										
*		Winery/Bry Facility	((P3))		P3 C((30)) 3					P((17))	P((17))	((P29))		((P34))	
		Winery/Bry Facility	((E12))		C((42)) 3					C((29))	C((29))	((E29)) P3		((E34)) P3	
*		Materials Facility		P13 C	P14 C15										P

~~3.(a. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;~~

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

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

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

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

~~f. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and~~

~~Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;~~

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

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

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

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

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

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

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

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

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

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

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

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

9. Only within enclosed buildings.

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

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

~~12.((a. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;~~

~~b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;~~

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

~~d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

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

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

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

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

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

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

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

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

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

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

13. Only on the same lot or same group of lots under common ownership or documented legal control,

which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

~~17.(a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;~~

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

~~c. Tasting and retail sale of products produced on-site, and merchandise related to the products~~

~~produced on-site, may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.17.a. of this section;~~

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

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

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

Repealed.

18. Limited to:

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

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

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

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

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

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

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

b. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of

thirty thousand square feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming as to subsection B.27.e. of this section, subject to the provisions of

K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

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

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

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

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

~~parking for the tasting and retail areas should be limited to a maximum of one space per fifty square feet of tasting and retail areas;~~

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

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

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

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

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

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

~~be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;~~

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

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

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

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

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

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

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

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

~~c. Structures and parking areas for brewery and distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless~~

~~located in a building designated as historic resource under K.C.C. chapter 20.62;~~

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

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

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

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

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

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

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

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

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

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

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

SECTION 23. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

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

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	

Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet

Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility ((H and III))	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A):	

Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

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

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

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

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

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

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

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

- (1) Park/playfield,
- (2) Marina,
- (3) Library/museum/arboretum,
- (4) Elementary/secondary school,

(5) Sports club, or

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

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

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

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

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

SECTION 24. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are hereby amended to read as follows:

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

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

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

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

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

occupations;

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

1. Automobile, truck and heavy equipment repair;
2. Auto body work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services;
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in

home occupation;

9. Veterinary clinic;
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana

retailer; and

11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation ~~((adult beverage))~~ winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for ((their)) the current location before December 31, 2019, ((and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,)) shall be ~~((considered legally nonconforming and))~~ allowed to remain in ~~((their))~~ the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 ((if the use is in compliance with this section as of December 31, 2019)). Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The

resident operator of a nonconforming winery, brewery, ~~((or))~~ distillery or remote tasting room home occupation shall obtain ~~((an adult beverage business))~~ a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;

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

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

G. Sales are limited to:

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

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

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

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

J. The home occupation or occupations do not:

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

K. There shall be no exterior evidence of a home occupation, other than growing or storing of plants under subsection C. of this section or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of

noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;

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

M. Uses not allowed as home occupations may be allowed as a home industry under K.C.C.

21A.30.090.

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

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

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

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

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

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

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

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

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

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

the:

a. planting of Type II landscape buffering; or

b. use of existing vegetation that meets or can be augmented with additional plantings to meet the

intent of Type II landscaping;

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

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

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

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the

following:

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

H. The home occupation or occupations do not:

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

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

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

1. Hotels, motels or organizational lodging;
2. Dry cleaning;
3. Automotive towing services, automotive wrecking services and tow-in parking lots;
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms, except that home occupation ~~((adult beverage))~~ winery, brewery, distillery or remote tasting room businesses in compliance with this section as of December 31, 2019 and operating under an active Washington state Liquor and Cannabis Board production license issued for ~~((their))~~ the current location before December 31, 2019, ~~((and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process,))~~ shall be ~~((considered legally nonconforming and))~~ allowed to remain in ~~((their))~~ the current location subject to compliance with the requirements under K.C.C. 21A.32.020 through 21A.32.075 ~~((if the use is in compliance with this section as of December 31, 2019))~~. Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery, ~~((or))~~ distillery or remote tasting room shall obtain ~~((an adult beverage business))~~ a winery, brewery, distillery land use business license in accordance with K.C.C. chapter 6.74;

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

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

1. The total number of vehicles for all home occupations shall be:
 - a. for any lot five acres or less: two;
 - b. for lots greater than five acres: three; and
 - c. for lots greater than ten acres: four;
2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and
3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided

for in subsection C. of this section.

SECTION 26. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

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

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

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

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

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

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

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

1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88;

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

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

SECTION 27. Ordinance 10870, Section 547, as amended, and K.C.C. 21A.32.100 are hereby

amended to read as follows:

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

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

B. The expansion of an established use that :

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

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

- ~~1. Exceeds the permitted building occupancy;~~
- ~~2. Utilizes portable toilets;~~
- ~~3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;~~
- ~~4. Utilizes temporary stages;~~
- ~~5. Utilizes temporary tents or canopies that require a permit;~~
- ~~6. Requires traffic control for public rights-of-way; or~~
- ~~7. Extends beyond allowed hours of operation)) under section 6 of this ordinance.~~

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

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

1. Uses not to exceed a total of thirty days each calendar year:
 - a. Christmas tree lots; and
 - b. Produce stands.
2. Uses not to exceed a total of fourteen days each calendar year:
 - a. Amusement rides, carnivals or circuses;
 - b. Community festivals; and
 - c. Parking lot sales.

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

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

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

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

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

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

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

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

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

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

~~2. Events that meet the provisions in this subsection E. shall not be subject to the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than an annual average of eight days per month.))~~

SECTION 29. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby amended to read as follows:

Except as otherwise provided in this chapter, or in K.C.C. chapter 21A.45 or section 6 of this ordinance, temporary use permits shall be limited in duration and frequency as follows:

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

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

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

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

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

~~5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall~~

~~condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.~~

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

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

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

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

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

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

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

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

extension.

SECTION 30. The following are hereby repealed:

- A. Ordinance 19030, Section 28;
- B. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and
- C. Ordinance 19030, Section 32.

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

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

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

1. Interior lot line setback requirements for winery, brewery, distillery facilities, including evaluation of other similar uses allowed in the RA zone and the setbacks required for them, evaluation of the setbacks adopted by this ordinance, evaluation of the setback necessary to implement the policies of the Comprehensive Plan regarding preservation of rural character, protection of farmland and support of rural economic development, and the environmental impacts of various proposed setbacks; and
2. Functions and events for winery, brewery, distillery facilities, including the criteria for obtaining a temporary use permit and the requirements for functions and events that are established in this ordinance, and the environmental impact of these requirements and any proposed changes; and
3. Winery, brewery, distillery use environmental impacts on riparian and shoreline habitats, water quality, water quantity including volumes and velocities, vegetation communities and habitat structures and the county's obligations to protect threatened and endangered salmonid species, and recommended changes to winery, brewery, distillery use regulations.

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

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

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