



Legislation Text

File #: 2022-0148, Version: 2

AN ORDINANCE relating to winery, brewery and distillery uses; and amending Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 4, and K.C.C. 21A.xx.xxx, Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 5, and K.C.C. 21A.xx.xxx, Ordinance 19030, Section 7, and K.C.C. 6.74.040 and Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080.

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. The board held a hearing on the merits of the petitioner's appeal to Ordinance 19030 on November 17, 2021.

E. 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.

F. Ordinance XXXXX (Proposed Ordinance 2022-0147) responds to the board's January 2022 order with several substantive changes, including changes to improve the protection of agricultural lands and agricultural production districts, protection and enhancement of rural character, and strengthening the licensing program, among other changes.

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

H. This ordinance builds on Ordinance XXXXX (Proposed Ordinance 2022-0147) in several ways:

1. Allows WBD I, II and IIIs within the UR zone, consistent with the development regulations in the RA zone;
2. Adds a separation requirement for WBD IIs and IIIs in the RA and UR zones, to avoid impacts of clustering these uses;
3. Allows wineries in the Industrial zone; and
4. Limits the tasting and retail hours of operation for WBD IIs and IIIs in the RA and UR zones..

SECTION 2. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 4, and K.C.C. 21A.xx.xxx are hereby amended 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))~~ 6:00 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; and

1. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection A.2.1. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (1), or if more than one permit application for a proposed winery, brewery, distillery use 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 Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of Application is issued to King County on the same date, then the director shall determine compliance based on the date a current complete winery, brewery, distillery land use business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was not submitted or more than one current winery, brewery, distillery land use 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 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 a

winery, brewery, distillery facility use and any other facts illustrating the timing of substantial investment in establishing a licensed winery, brewery, distillery facility use at the proposed location.

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 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.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))~~ 6:00 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; and

l. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection A.3.l. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (l), or if more than one permit application for a proposed winery, brewery, distillery use 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 Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of Application is issued to King County on the same date, then the director shall determine compliance based on the date a current complete winery, brewery, distillery land use business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was not submitted or more than one current winery, brewery, distillery land use 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 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 a winery, brewery, distillery facility use and any other facts illustrating the timing of substantial investment in establishing a licensed winery, brewery, distillery facility use at the proposed location.

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;

~~((e-))~~ b. 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-))~~ c. 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. In the UR zone:

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 E.2.d. and that the on-site tasting and retail sales requirements in subsection E.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 E.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 E.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 E.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 6:00 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. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection E.2.k. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (k), or if more than one permit application for a proposed winery, brewery, distillery use 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 Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of Application is issued to King County on the same date, then the director shall determine compliance based on the date a current complete winery, brewery, distillery land use business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was not submitted or more than one current winery, brewery, distillery land use 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 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 a winery, brewery, distillery facility use and any other facts illustrating the timing of substantial investment in

establishing a licensed winery, brewery, distillery facility use at the proposed location. 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 minimum distance for existing structures under this subsection E.3.d., 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 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 E.3.e. and the on-site tasting and retail sales requirements in subsection E.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 E.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 E.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 E.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 6:00 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. Any lot line of a site having any area devoted to a winery, brewery, distillery facility use shall be one thousand feet or more from any lot line of any other site having any area devoted to a winery, brewery, distillery facility use in the RA or UR zone. Whether a new winery, brewery, distillery facility use complies with the locational requirement in this subsection E.3.k. shall be determined based on the date a building, grading, or conditional use permit application submitted to the department of local services, permitting division, specifically identifying a winery, brewery or distillery as the intended use became or was deemed complete, and:

(1) if permit applications were submitted for more than one proposed winery, brewery, distillery facility use on the same date, as described in subsection (k), or if more than one permit application for a proposed winery, brewery, distillery use 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 Application to King County;

(2) if more than one Washington State Liquor Cannabis Board Notice of Application is issued to

King County on the same date, then the director shall determine compliance based on the date a current complete winery, brewery, distillery land use business license application was submitted; and

(3) if a winery, brewery distillery land use business license application was not submitted or more than one current winery, brewery, distillery land use 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 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 a winery, brewery, distillery facility use and any other facts illustrating the timing of substantial investment in establishing a licensed winery, brewery, distillery facility use at the proposed location.

SECTION 3. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 5, and K.C.C. 21A.xx.xxx are hereby amended 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)(a) 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, hours of operation for on-site tasting and retail sales of 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.

(b) For all other winery, brewery, or distillery business locations, ((H))hours of operation for on-site tasting and retail sales of products shall be limited to 11:00 a.m. through ~~((8:00))~~ 6:00 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. 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.

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

~~((e-))~~ b. 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-))~~ c. 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.

SECTION 4. Ordinance 19030, Section 7, and K.C.C. 6.74.040 are hereby amended to read as follows:

An application for a winery, brewery, distillery land use business license or license renewal 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 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 RA and UR zones:

1. A projection that demonstrates compliance with the incidental retail sales limitation in chapter 21A.xx (the chapter created in Ordinance XXXX (Proposed Ordinance 2022-0147), ((s))Section 2 ((of this ordinance))), and for renewals, documentation regarding on-site tasting and 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 Ordinance XXXX (Proposed Ordinance 2022-0147), ((s))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 Ordinance

XXXX (Proposed Ordinance 2022-0147), ((s))Section 2 ((of this ordinance));

E. For any business attempting to demonstrate legal nonconforming use status under 6.74.080.B. and operating under an active Washington state Liquor and Cannabis Board production license issued for the current location, the applicant shall submit documentation sufficient to establish that the requirements of K.C.C. 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 5. 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	RESOURCE				RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	SIC #	SPECIAL	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Product								P2	P2	P2 C		P2 C
*	Winery/ry Facility				P3 C3	<u>P3</u> <u>C3</u>							
*	Winery/ry Facility				P3 C3	<u>P3</u> <u>C3</u>			P3	P3			
	Winery/ry Facility				C3	<u>C3</u>			C3	C3	P3		P3
*	Material Facility		P13 C	P14 C15	P16 C								P
22	Textile												C

23	Apparel Products										C		P
24	Wood Furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture		P19		P19						C		P
26	Paper and Products												C
27	Printing								P7	P7	P7C	P7C	P
*	Marijuana	P20			P27					P21 C22	P21 C22		
*	Marijuana									P23 C24	P23 C24		P25 C26
28	Chemical Products												C
2911	Petroleum Related												C
30	Rubber Plastics												C
31	Leather Goods										C		P
32	Stone, Concrete									P6	P9		P
33	Primary												C
34	Fabricated Products												P
35	Industrial Commerce												P
351-55	Heavy Machinery Equipm												C
357	Computer Equipm										C	C	P
36	Electronic Electric										C		P
374	Railroad												C
376	Guided Space Vehicle												C
379	Miscellaneous Transport												C
38	Measuring Control										C	C	P
39	Miscellaneous Manufacture										C		P
*	Motor Vehicle Bicycle												C
*	Aircraft Building												P10 C
7534	Tire Retail										C		P

781-82	Movie Product											P		P
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B. Development conditions.

1. Repealed.
2. Except slaughterhouses.
3. 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 Ordinance XXXX (Proposed Ordinance 2022-0147), ((s))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. 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. 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.

SECTION 6. Ordinance XXXXX (Proposed Ordinance 2022-0147), Sections 2 through 31, take effect upon adoption of this ordinance.

SECTION 7. 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.