

**PO 2018-0241.2 – Winery, Brewery, Distillery Code Update  
Amendment Tracker for September 16, 2019 COW**

#	Page / Line	Sponsor	Description
<b>S1</b>	n/a	Balducci	<b>Changes described in Summary of Balducci Striker</b>
<b>1a</b>	34/ 654	McDermott (JM-1a)	<b>For Vashon-Maury Island, in the RA zone, for WBD II:</b> <ul style="list-style-type: none"> <li>• For historic properties, sets the minimum lot area at 2 acres.</li> <li>• For historic properties, allows up to 7,000 square feet of aggregated floor area.</li> <li>• Exempts existing businesses from minimum lot size requirements.</li> <li>• Exempts existing businesses from arterial access requirements.</li> <li>• Exempts existing businesses from the 75-foot setback from rural and residential zones.</li> <li>• Removes 15% square footage limitation on tasting and retail sales for existing businesses and historic properties.</li> </ul>
<b>T1</b>	1/1	Balducci	<b>Conforms changes made in S1</b>

# **Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations** **Summary of Balducci Striker for COW 9/16/19**

## **Substantive Changes**

As Recommended by LSRRB	Balducci striker changes
<p>Prohibit WBDs and remote tasting rooms as <u>home occupations and home industries</u>. Allow grandfathering for legally established home occupations and home industries within one year of effective date of ordinance. Require a business license for existing, nonconforming home occupations and home businesses.</p> <p>In supplemental appropriation (PO 2019-0114), add technical assistance for determining grandfathering, aid with conversion to new WBD facility categories, and enforcement.</p>	<p>Edits to tighten language and avoid unintended consequences.</p> <p>Removes 12-month period for home occupations to come into compliance with the home occupations requirements. Home occupations will have 12-months to document their previous compliance.</p> <p>Removes 12-month compliance period allowance for home industries.</p>
<p>New chapter in Title 6 – <u>business licenses</u></p> <p>Adds a definition for adult beverage business:</p> <p>An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.</p> <p>Adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.</p> <p>The business license fee would be \$100 for initial and renewal of licenses.</p>	<p><u>Compliance Period</u></p> <p>Adds language requiring existing businesses attempting to demonstrate past compliance to submit documentation with first business license application.</p> <p>Allows a single, 6-month, County business license to be issued to existing businesses attempting to demonstrate compliance. This first license could be extended for an additional 6 months if the business demonstrated that they were making substantial steps to prove compliance. Subsequent County business license would not be issued unless that business demonstrates their legal nonconforming use status, the director has determined there have been substantial steps toward compliance, or it complies with the zoning regulations adopted in this ordinance.</p> <p><u>Denial of License</u></p> <p>Adds a provision that allows the Permitting Division to deny a business license if the business does not comply with the Zoning Code. Modifies appeal period for adult beverage business license to provide process consistency with other types of zoning appeals.</p>

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<p>Adds a <u>remote tasting room demonstration project A</u>.</p> <ul style="list-style-type: none"> <li>• Administrative approval by Permitting – as a Type I land use decision</li> <li>• May apply for approval in conjunction with business license application or building permit application</li> <li>• Allowed uses under the demonstration project limited to remote tasting room.</li> <li>• Adds criteria for remote tasting room: <ul style="list-style-type: none"> <li>○ One or more WBD I, II or III may operate</li> <li>○ Total space for tasting and retail is 1,000sf not including storage, restroom, nonpublic uses</li> <li>○ Additional 500sf of outdoor space allowed</li> <li>○ Incidental retail sales of products related to products tasted allowed</li> <li>○ Hours of operation M-Th 11am-7pm, F-S 11am-9pm</li> <li>○ Need a business license</li> <li>○ Need a liquor license</li> <li>○ Events limited to 2 per year, no more than 50 people</li> <li>○ Off-street parking maximum of 1 space per 50 sf of tasting and retail area</li> </ul> </li> <li>• Only allowed in area identified in Attachment A to ordinance, including CB zoning within the Vashon Rural Town, CB zoning within the Fall City Rural Town, and an area in the Sammamish Valley.</li> <li>• Must be consistent with general health, safety and welfare and not violate state or federal law.</li> <li>• Supersedes other variance, modification and waiver criteria in Title 21A.</li> <li>• Projects can apply for approval under Demonstration project A for 3 years from effective date of the ordinance.</li> <li>• Annually for 4 years, Executive prepares preliminary evaluations that includes: applications submitted; comments from neighbors, including code complaints; comments from neighboring cities and community service areas; comments from project applicants; comments from customers; description of known interactions between demonstration</li> </ul>	<ul style="list-style-type: none"> <li>• Adds clarity to purpose statement, business license requirement</li> <li>• Eliminate Vashon Rural Town CB zoning and Fall City Rural Town CB zoning from demonstration projects. Modify the SDO for Fall City CB zoning to allow remote tasting room as a permitted use. Modify P-suffix condition for Vashon rural Town CB Zoning to allow remote tasting rooms as a permitted use</li> <li>• Clarifies that limitation on events (2 per year, max 50 guests, no permit required) is for all proprietors on a single site.</li> </ul> <p>Evaluation</p> <ul style="list-style-type: none"> <li>• Eliminate requirement for annual transmittal to Council. Post to website instead with email to clerk of the Council.</li> <li>• Adds requirements in annual evaluation to include date of submittal, complete application, and decision date and type</li> <li>• Removes requirements in annual evaluation for reporting on comments made by the community, known interactions between demonstration project applicants and nearby agricultural users and land, inventory of available properties, and recommended code changes</li> <li>• For final evaluation, require that the evaluation include whether the purposes of the demonstration project have been fulfilled by the demonstration project, and recommended permanent code changes.</li> </ul>

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<p>projects and nearby agricultural users and lands; inventory of remaining parcels available for use under the demonstration project; and known recommended could changes.</p> <ul style="list-style-type: none"> <li>• Final evaluation starts after 5 years of the demonstration project. Includes a draft and final report and proposed ordinance, public comment period</li> <li>• Final evaluation includes items in preliminary evaluations, and evaluation of: parking requirements; industry standard tasting room hours; outreach to and evaluation of projects approved under the demonstration project; permit review timelines; recommended permanent code changes or further demonstration project requirements.</li> </ul>	
<p>Adds a <u>special events demonstration project B</u>.</p> <ul style="list-style-type: none"> <li>• Only allowed in area identified in Attachment B to ordinance, in an area in the Sammamish Valley.</li> <li>• Overlay B allows consolidated review of CUP for WBD III and the first TUP for that business.</li> <li>• Project applicant pays full cost for CUP, and no extra fees for TUP</li> <li>• Project reviews follow Type II process, including SEPA for the consolidated review</li> <li>• Administrative approval by Permitting</li> <li>• Waives requirements in 21A.32.100 through .140; 21A.44.020 and 21A.08.080.B.12.I</li> <li>• TUP follows code requirements (approved for one year, with 4 possible renewals for a total of 5 years). Must get a new TUP at the end of the 5 year, pay full cost and comply with the code in place at the time of complete TUP application filing.</li> <li>• Conditions for demonstration projects include: maximum number of guests allowed, up to 250 guests; parking; number of events, up to 60 days per year; and notification of events to Permitting and the public.</li> <li>• During the demonstration period properties in overlay B cannot be consolidate to create a winery III.</li> </ul>	<p>Eliminates special events demonstration project B</p>

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<ul style="list-style-type: none"> <li>• Must be consistent with general health, safety and welfare, and not violate state or federal law.</li> <li>• Projects can apply for approval under Demonstration project B for 3 years from effective date of the ordinance.</li> <li>• Annually for 4 years, Executive prepares preliminary evaluations that includes: applications submitted; comments from neighbors, including code complaints; comments from neighboring cities and community service areas; comments from project applicants; comments from customers; description of known interactions between demonstration projects and nearby agricultural users and lands; inventory of remaining parcels available for use under the demonstration project; and known recommended could changes.</li> <li>• Final evaluation starts after 5 years of the demonstration project. Includes a draft and final report and proposed ordinance, public comment period</li> <li>• Final evaluation includes items in preliminary evaluations, and evaluation of: water use; parking requirements; outreach to and evaluation of projects approved under the demonstration project; minimum requirements for a temporary use permit (triggers), industry standard event versus what is not, and what should require a TUP required; permit review timelines; stormwater and surface water impacts; and recommended permanent code changes or further demonstration project requirements.</li> </ul>	

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations

### Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<p>Add an efficacy evaluation – at the end of the 5 years, in conjunction with the studies done for the demonstration projects.</p> <ul style="list-style-type: none"> <li>• Analysis of effectiveness of citation and civil fine structure in 23.32.010.</li> <li>• Analysis of impact urban uses within UGA have on rural character of adjacent rural areas outside the UGA and provide recommendations to reduce impact of those urban uses.</li> <li>• Analysis of product content requirement (60% onsite, Puget Sound Counties, or ag accessory use).</li> <li>• Analysis of effectiveness of TUP triggers in KCC 21A.32.100.</li> <li>• Analysis of WBD I as interim use in A zone.</li> </ul>	<p>Modifications to efficacy evaluation:</p> <ul style="list-style-type: none"> <li>• Include evaluation of regulations on existing businesses – including information on businesses licenses, permit applications, and code enforcement complaints/violations.</li> <li>• Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.</li> </ul> <p>Removes evaluation of the impact of urban uses within UGA have on rural character of adjacent rural areas outside the UGA</p> <p>Removes reference to evaluating WBD I interim use in A zone</p> <p>Specifies that public comment period for the efficacy evaluation occur in conjunction with the public comment period for the remote tasting room demonstration project.</p>

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<p>Modifies the <u>Permitted Land Use tables</u>:</p> <p>Adds WBD I, WBD II, and WBD III to the permitted use table and permits them in multiple zones, either as permitted outright with development conditions or with a conditional use permit with development conditions in several zones.</p> <p>Modifies development conditions for WBD facilities related to minimum lot size, floor area, parking area, setbacks, product content, location of facilities on farmland, tasting hours, site access, business license, events, connection to water supply, growing requirements, and employee maximums.</p> <p>See separate tables on following pages for changes.</p> <p>Removes allowance for WBD I, II, III in UR zone</p> <p>Interim Use Approval:</p> <ul style="list-style-type: none"> <li>• Must be applied for within 5 years of effective date of this ordinance</li> <li>• Good for one year, with up to 4 yearlong renewals (good for a total of 5 years) like for TUP</li> <li>• Use must cease once interim use approval is expired</li> <li>• Subject to same criteria as the TUP</li> <li>• Fee same as TUP</li> <li>• Process as a Type II permit.</li> <li>• Application requirements set by Title 20</li> </ul>	<p>Substantive Changes include:</p> <ul style="list-style-type: none"> <li>• Eliminate WBD I in A zone as interim use.</li> <li>• Eliminates allowance for 8,000sf of underground storage for WBD III in A and RA zones</li> <li>• For all WBD in A and RA zones, limits impervious surface to a maximum of 25% or what the underlying zoning allows, whichever is less</li> <li>• Requires WBD III in A and RA zone to connect to Group A water systems (eliminating option to connect to Group B)</li> <li>• For WBD I in RA zone, prohibits on-site tasting and retail sales</li> <li>• For WBD II and III in A and RA zone, limits on-site tasting and retail sales to 15% of the aggregated floor area</li> <li>• For WBD II and III in A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses</li> <li>• For all WBD in A and RA zones, requires one of the two stages of production to be crushing, fermenting or distilling.</li> <li>• For all WBDs, eliminates option to reduce, with a CUP, the setback from R and RA zones</li> <li>• For WBD I in RA zone, allows one on-site parking stall for the use.</li> <li>• Eliminates grandfathering of existing parking spaces.</li> <li>• For WBD II and III in A and RA zones, parking maximum is 150% of the minimum required.</li> </ul>

# **Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations** **Summary of Balducci Striker for COW 9/16/19**

## **Other Changes**

As Recommended by LSRRB	Balducci striker changes
Findings included	<p>Additional/modified Findings regarding:</p> <ul style="list-style-type: none"> <li>• SO-120, agricultural protection buffer</li> <li>• Water facilities</li> <li>• Retail sales and tasting of products as accessory to production</li> <li>• Remote tasting room demonstration project (removal of Fall City and Vashon Rural Towns)</li> </ul>
Adds a <u>definition for remote tasting room</u>	none
Adds a <u>definition for winery, brewery, distillery facility I</u>	Adds distilling to the definition as a step in the production process.
Adds a <u>definition for winery, brewery, distillery facility I interim use permit</u>	Eliminate definition
Adds a <u>definition for winery, brewery, distillery facility II</u>	Adds distilling to the definition as a step in the production process.
Adds a <u>definition for winery, brewery, distillery facility III</u>	Adds distilling to the definition as a step in the production process.
<p>Modifies <u>parking requirements</u>:</p> <p>Requires for WBD II and III facilities, 0.9 per 1,000 square feet plus 1 per 300 square feet of tasting and retail area</p> <p>Requires for remote tasting rooms, 1 per 300 square feet of tasting and retail areas</p>	None
Modifies <u>temporary use permit</u> requirements:	For WBD I in the RA zone, specify citation for special events to K.C.C. 21A.32.120.B.6 which allows 2 events per year with a maximum of 50 guests.



## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations

### Summary of Balducci Striker for COW 9/16/19

As Recommended by LSRRB	Balducci striker changes
<p>For WBD II and III in A zones, events limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director.</p> <p>For WBD II and III in RA zones, events limited to 24 within a one-year period and all parking must be accommodated on site or through a plan approved by the director.</p> <p>For WBD II in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 150 guests.</p> <p>For WBD III in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 250 guests.</p> <p>For WBD I in RA zone, legal nonconforming home occupations and legal nonconforming home industries, 2 events per year, maximum 50 people, without a TUP is allowed</p> <p>WBD II and III in other zones are allowed 60 days a year</p> <p>No events for WBD I interim use permit in A zone</p> <p>Add language that specifies when a TUP is required. Include events that exceed the building occupancy, that use portable toilets, off-site parking or parking beyond the maximum, temporary stages, temporary tents or canopies that require a permit, traffic control in public rights-of-way, or extends beyond stated hours of operation. (added to K.C.C. 21A.32.100)</p>	<p>Removes reference to WBD I Interim Use</p> <p>For criteria of events that require a temporary use permit, clarify that it is events that require traffic control (rather than utilizes traffic control), and that the event extends beyond the allowed hours of operation (rather than stated hours)</p>
<p>Modifies <u>citation penalty</u>:</p> <p>Adds specific citations for WBD I, II, II and remote tasting rooms: \$500 for first violation, and \$1,000 for subsequent violations.</p>	<p>None</p>

# **Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations** **Summary of Balducci Striker for COW 9/16/19**

## **Manufacturing Table – Agriculture and Rural Area – Production Facilities**

Type of Permit	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	Allow in A zones as a residential accessory use, accessory to a primary ag use, and for an interim use period of up to 5 years (1 year plus 4 renewals)  Must apply within 5 years of ordinance adoption	Not permitted	Permitted – as an accessory to agricultural use  Use is conditional if setbacks to RA and residential zones are reduced to 25 feet	Removes conditional use option to reduce setback to 25'	Conditional Use	
<b>RA zone</b>	Move WBD I to a residential accessory use. Allow in RA and A zones.  Use is conditional if setbacks to RA and residential zones are reduced to 25 feet	Moved to Manufacturing Land Use table  Permitted – removes limitation for nonresident employee  Removes option for conditional use permit to reduce setbacks to 25'	Permitted Conditional Use		Conditional Use	

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Minimum Lot Size	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	None	Not permitted	2.5 acres		4.5 acres  Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres	
<b>RA zone</b>	None		P and C: 2.5 acres		4.5 acres  Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres	

Maximum Building Size	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	1,500 sf	Not permitted	3,500 sf (historic buildings maximum is 5,000 sf)		Maximum floor area 8,000 sf; additional 8,000 sf for underground storage	Eliminates 8,000 sf for underground storage
<b>RA zone</b>		1,500 sf				

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Maximum Impervious Surface	As Adopted by LSRRB  A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	Striker Changes	As Adopted by LSRRB  A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)	Striker Changes	As Adopted by LSRRB  WBD III (DC#12)	Striker Changes
		RA zone: WBD I (DC#32)				
<b>A and RA zone</b>	Not specified	Limited to 25% of the site, or the maximum allowed under the zone, whichever is less	Not specified	Limited to 25% of the site, or the maximum allowed under the zone, whichever is less	Not specified	Limited to 25% of the site, or the maximum allowed under the zone, whichever is less

Water	As Adopted by LSRRB  A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	Striker Changes	As Adopted by LSRRB  A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)	Striker Changes	As Adopted by LSRRB  WBD III (DC#12)	Striker Changes
		RA zone: WBD I (DC#32)				
<b>A zone</b>	Not specified	Not permitted	Not specified		Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	Must connect to an existing Group A water system. Adds a cross-reference to K.C.C. 13.24 for definition and limitations of water systems.
<b>RA zone</b>		Not specified				

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

<b>On-Site Tasting and Retail</b>	<b>As Adopted by LSRRB</b>	<b>Striker Changes</b>	<b>As Adopted by LSRRB</b>	<b>Striker Changes</b>	<b>As Adopted by LSRRB</b>	<b>Striker Changes</b>
	<b>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</b>	<b>RA zone: WBD I (DC#32)</b>	<b>A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)</b>		<b>WBD III (DC#12)</b>	
<b>A zone</b>	No tasting allowed  Allow on-site sales of items produced on-site and incidental items.	Not permitted	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm	Tasting and retail are accessory to production use, and limited to 15% of the floor area	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm	Tasting and retail are accessory to production use, and limited to 15% of the floor area
<b>RA zone</b>	Sammamish Valley: No tastings. Allow on-site sales of items produced on-site and incidental items.  Other areas: Tastings allowed by appointment only. Tastings must occur within these hours: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm  Allow on-site sales of items produced on-site and incidental items.	Not allowed				

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Access	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	Direct access from an arterial	Not permitted	Direct access from an arterial	Requires that the WBD use the arterial access	Direct access from an arterial	Requires that the WBD use the arterial access
<b>RA zone</b>	Not specified		P: Direct access from an arterial  C: Direct access from public roadway.	P: Requires that the WBD use the arterial access  C: Requires that the WBD access a public roadway		

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Production/ Facility Location	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.  Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Not permitted	Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.  Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Limit conversion of agricultural land to less than 1 acre for nonagricultural accessory uses  Requires one (of two) stage of production to include crushing, fermenting or distilling	Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.  Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Limit conversion of agricultural land to less than 1 acre for nonagricultural accessory uses  Requires one (of two) stage of production to include crushing, fermenting or distilling
<b>RA zone</b>	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Requires one (of two) stage of production to include crushing, fermenting or distilling.	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Requires one (of two) stage of production to include crushing, fermenting or distilling	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Requires one (of two) stage of production to include crushing, fermenting or distilling

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Product Content	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	60% of product to be processed must be grown in Puget Sound Counties.	Not permitted	60% of product to be processed must be grown on site.		60% of product to be processed must be grown on site.	
<b>RA zone</b>	None		None		None	

Setbacks	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	75 feet from RA and R zones, except historic buildings. Includes parking areas.	Not permitted	75 feet from RA and R zones, except historic buildings. Includes parking areas.	Eliminates option for CUP to reduce setbacks to 25'	75 feet from RA and R zones, except historic buildings. Includes parking areas.	Eliminates option for CUP to reduce setbacks to 25'
<b>RA zone</b>	Setbacks only apply to interior lot lines.	Eliminates option for CUP to reduce setbacks to 25'	Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'  Setbacks only apply to interior lot lines.		Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'  Setbacks only apply to interior lot lines.	



**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

Parking	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes	As Adopted by LSRRB	Striker Changes
	A zone: WBD I (DC#19) RA zone: WBD I (DC#17)	RA zone: WBD I (DC#32)	A zone: WBD II (DC#3) RA zone: WBD II (DC#3 and DC#30)		WBD III (DC#12)	
<b>A zone</b>	One stall for non-resident employee  Parking for customers: minimum 1, plus 1:1,000sf of area dedicated to WBD facility uses, with a maximum of 150% of the minimum required.  Add provision for grandfathering for existing parking (permits still required)	Not permitted	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area  Limited to 150% of minimum required  Add provision for grandfathering for existing parking (permits still required)	Eliminate nonconforming status for existing parking spaces.	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area  Maximum parking determined through CUP process, tasting and retail areas should be limited to 1:50sf  Add provision for grandfathering for existing parking (permits still required)	Eliminate nonconforming status for existing parking spaces.  Maximum parking determined through CUP process, should be limited to 150% of minimum required
<b>RA zone</b>		Allows one parking stall	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area  Tasting/retail limited to 1 per 50 square feet of tasting area (and 150% max is removed)  Add provision for grandfathering for existing parking (permits still required)	Eliminate nonconforming status for existing parking spaces.  Maximum parking is limited to 150% of minimum required		

## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations Summary of Balducci Striker for COW 9/16/19

### Manufacturing Table – Commercial and Industrial Zones – Production Facilities

Condition	As Adopted by LSRRB		Striker changes
	NB and CB (DC#17 and DC#29)	RB (DC#29) and I (DC#31)	
<b>Type of Permit</b>	WBD I – not permitted WBD II – permitted and conditional use (DC#17) WBD III – conditional use (DC#29)	WBD I – not permitted WBD II – permitted and conditional use WBD III – conditional use  In I zone, limit to breweries and distilleries. No wineries or remote tasting rooms.	
<b>Min. Lot Size</b>	None	None	
<b>Max. Building Size</b>	WBD II – 3,500 sf, except historic buildings are 5,000 sf	None	
<b>Tastings</b>	WBD II and III – Tasting of products produced on-site, and no extra floor area allowed for tasting	Add tasting allowance to II and III for consistency. Prohibit remote tasting rooms in I zone (tasting with production okay) Add a limitation on tasting size in the I zone to 1,500sf.	
<b>Water</b>	None	None	
<b>Access</b>	None	None	
<b>Product Content</b>	None	None	
<b>Production/Facility Location</b>	Not specified	Not specified	
<b>Parking</b>	WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area  Tasting/retail limited to 1 per 50 square feet of tasting and retail area (For WBD III: maximum parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)	WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area  Tasting/retail limited to 1 per 50 square feet of tasting area (When max parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)	
<b>Setbacks</b>	WBD II and III: Require 75', but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'  Setbacks only apply to interior lot lines.	For WBD II and III: Require 75', but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'.  Setbacks only apply to interior lot lines.	Eliminates option for CUP to reduce setbacks to 25'

**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
Summary of Balducci Striker for COW 9/16/19**

**Retail Table – Commercial Zones – Remote Tasting Rooms Countywide**

<b>Issue/Condition</b>		<b>As Adopted by LSRRB CB and RB</b>	<b>Striker changes</b>
<b>Type of Permit</b>	Permitted in CB and RB outright.  Also permitted within the demonstration project areas subject to the requirements in 21A.55.		none
<b>Min. Lot Size</b>	None		
<b>Max. Building Size</b>	None		none
<b>Tastings</b>	Allowed		none
<b>Events</b>	Subject to standard TUP requirements (60 days per/year, maximum guests determined through review process)		none
<b>Water</b>	Not specified		none
<b>Access</b>	Not specified		none
<b>Product Content</b>	None		none
<b>Production/Facility Location</b>	Not required		none
<b>Parking</b>	Add this use to table, require 1 per 300sf of tasting/retail area. Tasting/retail limited to 1 per 50 square feet of tasting area		none
<b>Setbacks</b>	Specified by underlying zoning		none

[Blank Page]

9/16/19

Balducci Striker

ea

Sponsor: Balducci

Proposed No.: 2018-0241.2

**STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION**

**2**

On page 2, beginning on line 20, strike everything through page 127, line 2449, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The Growth Management Act, 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. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. 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 wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.

19 C. Population growth, combined with the growing popularity of small producers  
20 and local sourcing within the adult beverage industry has created a need for: clarification  
21 regarding core industry functions versus other types of more intensive on-site special  
22 events that may help a developing business thrive and consideration of the planning  
23 requirements of the Growth Management Act, including economic growth, rural  
24 character and protection for water resources and Agricultural and Industrial zoned areas.  
25 Changes in state regulations have also occurred, driving a need to bring adult beverage  
26 industry development regulations up to date with state licensing allowances. In particular,  
27 a state winery allowance for off-site tasting created confusion for business owners  
28 regarding the interplay between state licensing requirements and county land use  
29 regulations.

30 D. This ordinance follows a multiyear study of the adult beverage industry,  
31 which included the 2016 King County Sammamish Valley Wine and Beverage Study.  
32 The study period was necessary to evaluate existing zoning regulations for the adult  
33 beverage industry in light of changes in industry practices, state licensing allowances and  
34 the growing popularity of adult beverage industry across King County and the state of  
35 Washington.

36 E. The changes made by this ordinance will help King County to prepare for and  
37 support the future of the adult beverage industry as it evolves in the region, to better  
38 implement and comply with the policies of the King County Comprehensive Plan  
39 ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth  
40 Management Act, and to minimize the ambiguities in existing development regulations  
41 that were identified in the study period. The changes are intended to improve clarity,

administrative efficiencies and enforceability while avoiding confusion for the industry users that may have been caused by lack of consistency with state regulatory systems. The ordinance adds additional protection for the Agricultural zone and provides guidance on enhancing economic activity in the Rural Area zones while also honoring and protecting rural character.

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

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

H. Economic development policies 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 ordinance aims to implement these Comprehensive Plan policies and is 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 and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

I. 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 adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "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." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled



88 beverages, and wine in the county. The ordinance carefully follows this directive, and  
89 was developed over several years as the county considered existing and proposed  
90 regulations, balancing the differing needs and emerging trends of the agricultural and  
91 adult beverage businesses. The ordinance adds flexibility, maintains or reduces existing  
92 size and scale limits on adult beverage industry uses in the Agricultural zone and the rural  
93 area and adds new limits to enhance open and green space values and preserve the natural  
94 aesthetic which helps both industries grow.

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

110 K. Comprehensive Plan Policy ED-212 states "King County shall encourage and

111 support community based and community led efforts to support and retain existing small  
112 businesses." Although rapid industry growth has resulted in some adult beverage  
113 businesses becoming incompatible with rural character, this ordinance honors the  
114 sometimes competing Comprehensive Plan policies to support and retain existing small  
115 businesses with equally important policy to protect rural character by setting clear scope  
116 and size limits to protect the Agricultural zone and Rural Area zone. In the specific case  
117 of the previously untested remote tasting room use, which was recently created within  
118 state licensing provisions, the ordinance allows some small businesses to continue within  
119 limited rural area demonstration projects but also makes space available for remote  
120 tasting rooms in Community Business and Regional Business zones for those businesses  
121 that wish to expand their scope.

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

134 M. The Comprehensive Plan describes rural character and notes that King  
135 County "recognizes that each of its rural communities has distinct and unique  
136 characteristics." For instance, "residents of Vashon-Maury Island, accessible only by  
137 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "[i]n the  
138 Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a  
139 study area during development of this ordinance, has its own distinctively rural character,  
140 despite its close proximity to urban incorporated areas and to the city of Woodinville's  
141 popular, concentrated winery district. Some of the regulations adopted as part of this  
142 ordinance, such as the various allowances for on-site tasting and retail sales associated  
143 with winery, brewery, distillery production facilities, vary across the different rural  
144 communities in unincorporated King County. Individual rural communities take different  
145 positions and have different priorities, and this is reflected in some of the regulations;  
146 however, generally a countywide lens was used for analyzing potential regulatory  
147 impacts on the wider rural area and natural resource lands.

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

155 O. Public testimony on this ordinance was consistent with Comprehensive Plan  
156 policy goals and included discussion of adult beverage industry uses as being community

gathering places, rural residents' desire to take advantage of economic opportunities created by the adult beverage industry and the need for solid customer bases to allow small businesses to thrive.

P. 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. Existing and proposed regulations of the adult beverage industry are designed for a size and scale appropriate for the rural communities they are located in, and add protections for the Agriculture zone and agricultural production district as well as measures that enhance enforceability of the regulations. This ordinance aims 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.

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use appropriate for the Rural Area. These 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."

180 This ordinance implements the plan by creating clear regulations for the adult beverage  
181 industry, requiring uses to be sited, sized and landscaped to complement rural character,  
182 and by creating a business license so adult beverage industry uses can be better evaluated.  
183 Adult beverage uses provide convenient local products for rural residents, support  
184 agricultural resource-based industries, and provide new regional recreational and tourism  
185 opportunities.

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

193 S. This ordinance protects the Rural Area and Agricultural zones by limiting on-  
194 site tasting of products and retail sales for winery, brewery, distillery manufacturing uses,  
195 and by allowing on-site tasting of products and retail sales only as accessory to  
196 production. This ordinance places a fifteen percent maximum on spaces devoted to on-  
197 site tasting of products and retail sales, in order to prevent potential traffic and noise  
198 sometimes associated with those uses, and to prevent the more intensive impacts that they  
199 can have on rural character and the agricultural production districts.

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

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

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

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

221 X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to  
222 test and evaluate alternative development standards and processes before amending King  
223 County policies and regulations." One demonstration project is established by this  
224 ordinance. The demonstration project evaluates the presence of remote tasting rooms in  
225 Rural Area zoned land in the Sammamish valley. The demonstration project is located in

an area where businesses are supported by nearby small-scale agriculture and proximity to consumers, and relies on a pastoral setting and a rural sense of community for economic viability and traditional rural-based activities. The criteria for site selection for the demonstration project is based on existing levels of development on the property, lot size, current zoning, proximity to Agricultural zoned areas and agricultural production districts, proximity to local and rural industry-supportive uses and to areas in need of economic stimulus and availability of arterial access. Those criteria implement Comprehensive Plan policy direction to protect agricultural lands and rural character, and to provide rural economic opportunities. State Route 202 is a designated arterial designed to carry significant traffic loads and is not expected to reflect measurable impacts over loads already generated by existing Rural Area residents and businesses or related to the demonstration project. The selected location is an ideal place to test the demonstration project's ability to support businesses that are primarily nonurban in nature, to evaluate the benefits and to test impact mitigation strategies before adopting potential countywide regulations.

Y. Public testimony on this ordinance included discussion of congestion on local roads caused by population growth. With that concern in mind, the ordinance requires the largest winery, brewery, distillery facilities to be sited where there is direct access to an arterial, and that remote tasting rooms be tested where related vehicle trips will be directed to an existing state highway. 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." This ordinance implements the plan's directive

by requiring larger or previously untested uses to utilize arterial roads. Further, the parcels chosen for the remote tasting room demonstration project A in the Sammamish valley are located directly on an arterial.

Z. 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.

AA. The county is committed to providing fair, accurate and consistent enforcement of the regulations adopted by this ordinance. The executive expects to engage on-call consultants to conduct outreach and provide technical assistance to businesses required to comply with the new regulations. It is anticipated that some businesses may take several months to come into compliance. For businesses



progressing toward compliance with the ordinance, the county does not intend to begin enforcement proceedings for a minimum of twelve months after the effective date of this ordinance.

SECTION 2. 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 appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this ordinance) 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

338 A person or entity shall not operate or maintain an adult beverage business in  
339 unincorporated King County unless the business has obtained a business license issued by

the director as provided by this chapter. A current adult beverage business license issued under this chapter shall be prominently displayed on the licensed premises. The adult beverage business licensee shall comply with all applicable laws.

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

An application for an adult beverage business license or license renewal must 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;

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.

363 21A.08.030 and 21A.08.080; and

364 E. For any adult beverage businesses attempting to demonstrate legal  
365 nonconforming use status under section 11.B. of this ordinance, operating under an active  
366 Washington state Liquor and Cannabis Board production license issued for their current  
367 location before the effective date of this ordinance, and where King County did not object  
368 to the location during the Washington state Liquor and Cannabis Board license  
369 application process, documentation sufficient to establish that the requirements of K.C.C.  
370 Title 21A have been met, and documentation of the county's response to the notice of  
371 application, if any.

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

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

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

379 The director shall deny, suspend or revoke a license issued under this chapter if  
380 the Washington state Liquor and Cannabis Board does not issue a license to the business,  
381 or if the department of local services, permitting division receives notice that the state  
382 license issued to the business is suspended or revoked, or was not reissued, or if, after an  
383 investigation, the director determines that the proposed business location does not comply  
384 with K.C.C. Title 21A. A business owner whose application for a business license has  
385 been denied or whose 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.

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

An adult beverage 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 be submitted to the director, on a form provided by the director, at least thirty days before the expiration of the business license. An adult beverage business license renewal expires one year from the previous license's expiration date.

NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 3 of this ordinance a new section 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. 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 operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, 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

409 operator has taken substantial steps to document compliance with K.C.C. Title 21A.  
410 Subsequent business licenses or renewals for such locations shall only be approved by the  
411 director if:

- 412 1. The requirements to establish a legal nonconforming use have been met;
- 413 2. The applicant has otherwise established a vested legal nonconforming use;
- 414 3. The director determines that the business operator has taken substantial steps  
415 to document compliance with K.C.C. Title 21A; or
- 416 4. If the business has come into conformance with the winery, brewery,  
417 distillery facility I, II or III or remote tasting room regulations adopted in K.C.C.  
418 21A.08.070, 21A.08.080 or section 28 of this ordinance.

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

421 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter  
422 21A.06 a new section to read as follows:

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

431 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter

21A.06 a new section to read as follows:

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. 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 retail liquor licenses that would be authorized by chapter 314-02 WAC.

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

Winery, brewery, distillery facility II: A small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. 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 retail liquor licenses that would be authorized by chapter 314-02 WAC.

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



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

464 SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C.  
 465 21A.08.070 are hereby amended to read as follows:

466 A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest	P3 and	P4		P3 and 4						P		

	Products Sales	4											
*	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 Market	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
* —	<u>Remote Tasting Room</u>				<u>P13</u>					<u>P7</u>	<u>P7</u>		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		

592	Liquor Stores	((P13))			((P13))	((P13))			((P13))	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction										P12		P

	Houses												
*	Livestock Sales (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. ~~((Repealed))~~ Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas.

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

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

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

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

491 12. Excluding vehicle and livestock auctions.

492 13. ~~((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,~~

493 ~~and limited to sales of products produced on site and incidental items where the majority~~

494 ~~of sales are generated from products produced on site))~~ Permitted as part of the

495 demonstration project authorized by section 28 of this ordinance.

496 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to

497 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.

498 21A.12.230; and

499 b. Before filing an application with the department, the applicant shall hold a

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

501 15.a. Not permitted in R-1 and limited to a maximum of five thousand square

502 feet of gross floor area and subject to K.C.C. 21A.12.230; and

503 b. Before filing an application with the department, the applicant shall hold a

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

505 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking

506 Places, and limited to a maximum of five thousand square feet of gross floor area and

507 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

508 b. Before filing an application with the department, the applicant shall hold a

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

510 17. Repealed.

511 18. Repealed.

512 19. Only as:

513 a. an accessory use to a permitted manufacturing or retail land use, limited to

514 espresso stands to include sales of beverages and incidental food items, and not to include

515 drive-through sales; or

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

517 of three thousand five hundred square feet.

518 20. Only as:

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

520 b. an accessory use to a park and limited to a total floor area of one thousand

521 five hundred square feet.

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

523 square feet.

524 22. Only as an accessory use to:

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

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

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

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

529 Industry No. 2431-Millwork and;

530 a. limited to lumber milled on site; and

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

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

533 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

557 requirement shall be determined based on the date a conditional use permit application  
558 submitted to the department of local services, permitting division, became or was deemed  
559 complete, and:

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

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

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

574 (4) if a business license application was not submitted or more than one  
575 business license application was submitted, then the director shall determine compliance  
576 based on the totality of the circumstances, including, but not limited to, the date that a  
577 retail marijuana license application was submitted to the Washington state Liquor and  
578 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease  
579 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

603 requirement shall be determined based on the date a conditional use permit application  
604 submitted to the department of local services, permitting division, became or was deemed  
605 complete, and:

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

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

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

620 (4) if a business license application was not submitted or more than one  
621 business license application was submitted, then the director shall determine compliance  
622 based on the totality of the circumstances, including, but not limited to, the date that a  
623 retail marijuana license application was submitted to the Washington state Liquor and  
624 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease  
625 or purchased the lot at issue for the purpose of retail marijuana use, and any other facts

626 illustrating the timing of substantial investment in establishing a licensed retail marijuana  
627 use at the proposed location; and

628 c. Retail marijuana businesses licensed by the Washington state Liquor and  
629 Cannabis Board and operating within one thousand feet of each other as of August 14,  
630 2016, and retail marijuana businesses that do not require a permit issued by King County,  
631 that received a Washington state Liquor and Cannabis Board license to operate in a  
632 location within one thousand feet of another licensed retail marijuana business prior to  
633 August 14, 2016, and that King County did not object to within the Washington state  
634 Liquor and Cannabis Board marijuana license application process, shall be considered  
635 nonconforming and may remain in their current location, subject to the provisions of  
636 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

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

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

643 SECTION 18. Ordinance 10870, Section 335, as amended, and K.C.C.  
644 21A.08.080 are hereby amended to read as follows:

645 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL		RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12		NB	CB	RB	O	I (11)
							-8	-48						

20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	Winery/Brewery/ Distillery Facility I				P32								
*((208 2 /2085))	Winery/Brewery/ Distillery Facility II	P3 (C42) )			P3 C((42))3 0	((P3) )			P17	P17	P29		P31
*	Winery/Brewery/ Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P1 3 C	P14 C1 5	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P1 8 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P1 9		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C

31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9		P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

B. Development conditions.

1. Repealed.

648 2. Except slaughterhouses.

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

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

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

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

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

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

671 produced; ~~((and~~  
672 ~~g-))~~ f. At least two stages of production of wine, beer, cider or distilled spirits,  
673 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized  
674 by the Washington state Liquor and Cannabis Board production license, shall occur on-  
675 site. At least one of the stages of production occurring on-site shall include crushing,  
676 fermenting or distilling;  
677 g. In the A zone, structures and areas for non-agricultural winery, brewery,  
678 distillery facility uses shall be located on portions of agricultural lands that are unsuitable  
679 for agricultural purposes, such as areas within the already developed portion of such  
680 agricultural lands that are not available for direct agricultural production, or areas without  
681 prime agricultural soils. No more than one acre of agricultural land may be converted to  
682 a nonagricultural accessory use;  
683 h. Tasting and retail sales of products produced on-site may occur only as  
684 accessory to the primary winery, brewery, distillery production use and may be provided  
685 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
686 limited to no more than fifteen percent of the aggregated floor area and shall be included  
687 in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental  
688 retail sales of merchandise related to the products produced on-site is allowed subject to  
689 the restrictions described in this subsection B.3. Hours of operation for on-site tasting of  
690 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
691 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
692 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
693 p.m.;

- 694            i. Access to the site shall be directly to and from an arterial roadway;
- 695            j. Off-street parking is limited to a maximum of one hundred fifty percent of
- 696 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
- 697            k. The business operator shall obtain an adult beverage business license in
- 698 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
- 699 ordinance);
- 700            l. Events may be allowed with an approved temporary use permit under K.C.C.
- 701 chapter 21A.32; and
- 702            m. The impervious surface associated with the winery, brewery, distillery
- 703 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
- 704 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
- 705 whichever is less.
- 706            4. Limited to rough milling and planing of products grown on-site with portable
- 707 equipment.
- 708            5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
- 709 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
- 710 minimum site area is four and one-half acres.
- 711            6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
- 712 No. 2431-Millwork, (excluding planing mills).
- 713            7. Limited to photocopying and printing services offered to the general public.
- 714            8. Only within enclosed buildings, and as an accessory use to retail sales.
- 715            9. Only within enclosed buildings.
- 716            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. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors))~~ 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.~~((1) Except as provided in subsection B.12.b.(2) of this section, 1))~~The aggregated floor area of structures and areas for ((wineries, breweries and distilleries and any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. ((The floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground)) Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area; ((and

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

c. 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;

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

744           ~~d. Off street parking is limited to one hundred and fifty percent of the~~  
745 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~  
746 ~~21A.18.030)), and must connect to an existing Group A water system. The definitions~~  
747 ~~and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of~~  
748 ~~water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

749           e. Structures and parking areas (~~((used for processing))~~) for winery, brewery  
750 distillery facility uses shall (~~((be set back))~~) maintain a minimum distance of seventy-five  
751 feet from interior property lines (~~((adjacent to))~~) adjoining rural area and residential zones,  
752 unless (~~((the processing is))~~) located in a building designated as historic resource under  
753 K.C.C. chapter 20.62;

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

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

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

760           g. ~~The facility shall be limited to processing agricultural products and))~~ In the  
761 A zone, sixty percent or more of the products processed must be grown (~~((in the Puget~~  
762 ~~Sound counties))~~) on-site. At the time of the initial application under K.C.C. chapter 6.xx

(the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be processed; (~~and~~)

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 fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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.

786 through 9:00 p.m.;

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

788 k. Off-street parking maximums shall be determined through the conditional

789 use permit process, and should not be more than one hundred fifty percent of the

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

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

792 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this

793 ordinance);

794 m. Events may be allowed with an approved temporary use permit under

795 K.C.C. chapter 21A.32; and

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

797 facility use shall not exceed twenty-five percent of the site, or the maximum impervious

798 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,

799 whichever is less.

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

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

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

808 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. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors;~~

b.)) The aggregated floor area ((devoted to all processing)) of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in ~~((a building))~~ 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-))~~ b. Structures and parking areas ((used for processing)) 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; ~~((and~~

~~de-))~~ 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.~~((18-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.xx (the new chapter created in section 3 of this ordinance); and

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

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



901 are imported onto the site;

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

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

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

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

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

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

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

920 b. Only with documentation that the operator has applied for a Puget Sound  
921 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
922 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
923 Clean Air Agency Notice of Construction Permit be approved before marijuana products

924 are imported onto the site; and

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

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

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

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

937 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury  
938 Island, that do not require a conditional use permit issued by King County, that receive a  
939 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
940 and that King County did not object to within the Washington state Liquor and Cannabis  
941 Board marijuana license application process, shall be considered nonconforming as to  
942 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through  
943 21A.32.075 for nonconforming uses;

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

945 c. Only with documentation that the operator has applied for a Puget Sound  
946 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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

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

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

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

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

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

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

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

966 c. For winery, brewery, distillery facility uses that do not require a conditional  
967 use permit, off-street parking for the tasting and retail areas shall be limited to a  
968 maximum of one space per fifty square feet of tasting and retail areas. For winery,  
969 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.xx (the new chapter created in section 3 of this ordinance); 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;

c. 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 only occur 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 fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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.xx (the new chapter created in section 3 of this ordinance);

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

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

1016 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
1017 whichever is less.

1018 31.a. Limited to businesses with non-retail brewery and distillery production  
1019 licenses from the Washington state Liquor and Cannabis board. Wineries and remote  
1020 tasting rooms for wineries shall not be allowed;

1021 b. Tasting and retail sale of products produced on-site and merchandise related  
1022 to the products produced on-site may be provided in accordance with state law. The area  
1023 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred  
1024 square feet;

1025 c. Structures and parking areas for brewery and distillery facility uses shall  
1026 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
1027 rural area and residential zones, unless located in a building designated as historic  
1028 resource under K.C.C. chapter 20.62;

1029 d. For brewery and distillery facility uses that do not require a conditional use  
1030 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of  
1031 one space per fifty square feet of tasting and retail areas. For brewery and distillery  
1032 facility uses that do require a conditional use permit, off-street parking maximums shall  
1033 be determined through the conditional use permit process, and off-street parking for the  
1034 tasting and retail areas should be limited to a maximum of one space per fifty square feet  
1035 of tasting and retail areas;

1036 e. The business operator shall obtain an adult beverage business license in  
1037 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
1038 ordinance); and

1039                    f. Events may be allowed with an approved temporary use permit under K.C.C.  
1040   chapter 21A.32.

1041                    32.a. The aggregated floor area of structures and areas for winery, brewery,  
1042   distillery facility uses shall not exceed one thousand five hundred square feet;

1043                    b. Structures and parking areas for winery, brewery, distillery facility uses  
1044   shall maintain a minimum distance of seventy-five feet from interior property lines  
1045   adjoining rural area and residential zones, unless located in a building designated as  
1046   historic resource under K.C.C. chapter 20.62;

1047                    c. One on-site parking stall shall be allowed for the winery, brewery, distillery  
1048   facility I use;

1049                    d. The business operator shall obtain an adult beverage business license in  
1050   accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
1051   ordinance);

1052                    e. At least two stages of production of wine, beer, cider or distilled spirits, such  
1053   as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
1054   Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
1055   least one of the stages of production occurring on-site shall include crushing, fermenting  
1056   or distilling;

1057                    f. No product tasting or retail sales shall be allowed on-site;

1058                    g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

1059                    h. The impervious surface associated with the winery, brewery, distillery  
1060   facility use shall not exceed twenty-five percent of the site or the maximum impervious  
1061   surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,

1062 whichever is less.

1063 SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C.

1064 21A.08.090 are hereby amended to read as follows:

1065 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	<b>AGRICULTURE:</b>												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	Marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE</b>												



	<b>MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

- 1066 B. Development conditions.
- 1067 1. May be further subject to K.C.C. chapter 21A.25.
- 1068 2. Only forest research conducted within an enclosed building.
- 1069 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 1070 4. Excluding housing for agricultural workers.
- 1071 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1072 with mineral extraction or processing operation.
- 1073 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 1074 7. Only in conjunction with a mineral extraction site plan approved in
- 1075 accordance with K.C.C. chapter 21A.22.
- 1076 8. Only on the same lot or same group of lots under common ownership or
- 1077 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1078 long-term lease or an easement:

1079           a. as accessory to a primary mineral extraction use;

1080           b. as a continuation of a mineral processing only for that period to complete

1081 delivery of products or projects under contract at the end of a mineral extraction; or

1082           c. for a public works project under a temporary grading permit issued in

1083 accordance with K.C.C. 16.82.152.

1084           9. Limited to mineral extraction and processing:

1085           a. on a lot or group of lots under common ownership or documented legal control,

1086 which includes but is not limited to, fee simple ownership, a long-term lease or an

1087 easement;

1088           b. that are located greater than one-quarter mile from an established residence;

1089 and

1090           c. that do not use local access streets that abut lots developed for residential

1091 use.

1092           10. Agriculture training facilities are allowed only as an accessory to existing

1093 agricultural uses and are subject to the following conditions:

1094           a. The impervious surface associated with the agriculture training facilities

1095 shall comprise not more than ten percent of the allowable impervious surface permitted

1096 under K.C.C. 21A.12.040;

1097           b. New or the expansion of existing structures, or other site improvements,

1098 shall not be located on class 1, 2 or 3 soils;

1099           c. The director may require reuse of surplus structures to the maximum extent

1100 practical;

1101           d. The director may require the clustering of new structures with existing

1102 structures;

1103 e. New structures or other site improvements shall be set back a minimum

1104 distance of seventy-five feet from property lines adjoining rural area and residential

1105 zones;

1106 f. Bulk and design of structures shall be compatible with the architectural style

1107 of the surrounding agricultural community;

1108 g. New sewers shall not be extended to the site;

1109 h. Traffic generated shall not impede the safe and efficient movement of

1110 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1111 i. Agriculture training facilities may be used to provide educational services to

1112 the surrounding rural/agricultural community or for community events. Property owners

1113 may be required to obtain a temporary use permit for community events in accordance

1114 with K.C.C. chapter 21A.32;

1115 j. Use of lodging and food service facilities shall be limited only to activities

1116 conducted in conjunction with training and education programs or community events

1117 held on site;

1118 k. Incidental uses, such as office and storage, shall be limited to those that

1119 directly support education and training activities or farm operations; and

1120 l. The King County agriculture commission shall be notified of and have an

1121 opportunity to comment upon all proposed agriculture training facilities during the permit

1122 process in accordance with K.C.C. chapter 21A.40.

1123 11. Continuation of mineral processing and asphalt/concrete mixtures and block

1124 uses after reclamation in accordance with an approved reclamation plan.

1125 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1126 oriented activities. In addition, activities that place minimal stress on the site's  
1127 agricultural resources or activities that are compatible with agriculture are permitted.

- 1128 (1) passive recreation;
- 1129 (2) training of individuals who will work at the camp;
- 1130 (3) special events for families of the campers; and
- 1131 (4) agriculture education for youth.

1132 b. Outside the camp center, as provided for in subsection B.12.e. of this  
1133 section, camp activities shall not preclude the use of the site for agriculture and  
1134 agricultural related activities, such as the processing of local food to create value-added  
1135 products and the refrigeration and storage of local agricultural products. The camp shall  
1136 be managed to coexist with agriculture and agricultural activities both onsite and in the  
1137 surrounding area.

1138 c. A farm plan shall be required for commercial agricultural production to  
1139 ensure adherence to best management practices and soil conservation.

1140 d.(1) The minimum site area shall be five hundred acres. Unless the property  
1141 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1142 of this section, a minimum of five hundred acres of the site must be owned by a single  
1143 individual, corporation, partnership or other legal entity and must remain under the  
1144 ownership of a single individual, corporation, partnership or other legal entity for the  
1145 duration of the operation of the camp.

1146 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1147 owner from selling or transferring the development rights for a portion or all of the site to

1148 the King County farmland preservation program or, if the development rights are  
1149 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1150 e. The impervious surface associated with the camp shall comprise not more  
1151 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1152 f. Structures for living quarters, dining facilities, medical facilities and other  
1153 nonagricultural camp activities shall be located in a camp center. The camp center shall  
1154 be no more than fifty acres and shall depicted on a site plan. New structures for  
1155 nonagricultural camp activities shall be clustered with existing structures;

1156 g. To the extent practicable, existing structures shall be reused. The applicant  
1157 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1158 cannot be practicably accommodated within an existing structure on the site, though  
1159 cabins for campers shall be permitted only if they do not already exist on site;

1160 h. Camp facilities may be used to provide agricultural educational services to  
1161 the surrounding rural and agricultural community or for community events. If required  
1162 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1163 community events;

1164 i. Lodging and food service facilities shall only be used for activities related to  
1165 the camp or for agricultural education programs or community events held on site;

1166 j. Incidental uses, such as office and storage, shall be limited to those that  
1167 directly support camp activities, farm operations or agricultural education programs;

1168 k. New nonagricultural camp structures and site improvements shall maintain a  
1169 minimum set-back of seventy-five feet from property lines adjoining rural area and  
1170 residential zones;

1171           l. Except for legal nonconforming structures existing as of January 1, 2007,  
1172 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1173 a scale to serve overnight camp users;

1174           m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1175 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1176 and site improvements located within two hundred feet of an adjacent rural area and  
1177 residential zoned property not associated with the camp;

1178           n. New sewers shall not be extended to the site;

1179           o. The total number of persons staying overnight shall not exceed three  
1180 hundred;

1181           p. The length of stay for any individual overnight camper, not including camp  
1182 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1183           q. Traffic generated by camp activities shall not impede the safe and efficient  
1184 movement of agricultural vehicles nor shall it require capacity improvements to rural  
1185 roads;

1186           r. If the site is adjacent to an arterial roadway, access to the site shall be  
1187 directly onto the arterial unless the county road engineer determines that direct access is  
1188 unsafe;

1189           s. If direct access to the site is via local access streets, transportation  
1190 management measures shall be used to minimize adverse traffic impacts;

1191           t. Camp recreational activities shall not involve the use of motor vehicles  
1192 unless the motor vehicles are part of an agricultural activity or are being used for the  
1193 transportation of campers, camp personnel or the families of campers. Camp personnel

1194 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
1195 motorized personal mobility devices are allowed; and

1196 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
1197 light away from any adjacent property.

1198 13. Limited to digester receiving plant and animal and other organic waste from  
1199 agricultural activities, and including electrical generation, as follows:

1200 a. the digester must be included as part of a Washington state Department of  
1201 Agriculture approved dairy nutrient plan;

1202 b. the digester must process at least seventy percent livestock manure or other  
1203 agricultural organic material from farms in the vicinity, by volume;

1204 c. imported organic waste-derived material, such as food processing waste,  
1205 may be processed in the digester for the purpose of increasing methane gas production for  
1206 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
1207 and

1208 d. the use must be accessory to an operating dairy or livestock operation.

1209 14. Farm worker housing. Either:

1210 a. Temporary farm worker housing subject to the following conditions:

1211 (1) The housing must be licensed by the Washington state Department of  
1212 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1213 (2) Water supply and sewage disposal systems must be approved by the  
1214 Seattle King County department of health;

1215 (3) To the maximum extent practical, the housing should be located on  
1216 nonfarmable areas that are already disturbed and should not be located in the floodplain

1217 or in a critical area or critical area buffer; and

1218 (4) The property owner shall file with the department of executive services,  
1219 records and licensing services division, a notice approved by the department identifying  
1220 the housing as temporary farm worker housing and that the housing shall be occupied  
1221 only by agricultural employees and their families while employed by the owner or  
1222 operator or on a nearby farm. The notice shall run with the land; or

1223 b. Housing for agricultural employees who are employed by the owner or  
1224 operator of the farm year-round as follows:

1225 (1) Not more than:

1226 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1227 (b) two agricultural employee dwelling units on a site of at least twenty  
1228 acres and less than fifty acres;

1229 (c) three agricultural employee dwelling units on a site of at least fifty acres  
1230 and less than one-hundred acres; and

1231 (d) four agricultural employee dwelling units on a site of at least one-  
1232 hundred acres, and one additional agricultural employee dwelling unit for each additional  
1233 one hundred acres thereafter;

1234 (2) If the primary use of the site changes to a nonagricultural use, all  
1235 agricultural employee dwelling units shall be removed;

1236 (3) The applicant shall file with the department of executive services, records  
1237 and licensing services division, a notice approved by the department that identifies the  
1238 agricultural employee dwelling units as accessory and that the dwelling units shall only  
1239 be occupied by agricultural employees who are employed by the owner or operator year-



1240 round. The notice shall run with the land. The applicant shall submit to the department  
1241 proof that the notice was filed with the department of executive services, records and  
1242 licensing services division, before the department approves any permit for the  
1243 construction of agricultural employee dwelling units;

1244 (4) An agricultural employee dwelling unit shall not exceed a floor area of  
1245 one thousand square feet and may be occupied by no more than eight unrelated  
1246 agricultural employees;

1247 (5) To the maximum extent practical, the housing should be located on  
1248 nonfarmable areas that are already disturbed;

1249 (6) One off-street parking space shall be provided for each agricultural  
1250 employee dwelling unit; and

1251 (7) The agricultural employee dwelling units shall be constructed in  
1252 compliance with K.C.C. Title 16.

1253 15. Marijuana production by marijuana producers licensed by the Washington  
1254 state Liquor and Cannabis Board is subject to the following standards:

1255 a. Only allowed on lots of at least four and one-half acres;

1256 b. With a lighting plan, only if required by and that complies with K.C.C.

1257 21A.12.220.G.;

1258 c. Only with documentation that the operator has applied for a Puget Sound

1259 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1260 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1261 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1262 are imported onto the site;

1263 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1264 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1265 subject to the size limitations in subsection B.15.e. of this section;

1266 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1267 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1268 aggregated total of two thousand square feet and shall be located within a fenced area or  
1269 marijuana greenhouse that is no more than ten percent larger than that combined area, or  
1270 may occur in nondwelling unit structures that exist as of October 1, 2013;

1271 f. Outdoor production area fencing as required by the Washington state Liquor  
1272 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1273 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
1274 feet; and

1275 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
1276 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
1277 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1278 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
1279 B.22. of this section.

1280 16. Marijuana production by marijuana producers licensed by the Washington  
1281 state Liquor and Cannabis Board is subject to the following standards:

1282 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
1283 that do not require a conditional use permit issued by King County, that receive a  
1284 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
1285 and that King County did not object to within the Washington state Liquor and Cannabis

1286 Board marijuana license application process, shall be considered nonconforming as to  
1287 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020  
1288 through 21A.32.075 for nonconforming uses;

1289           b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1290 21A.12.220.G.;

1291           c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1292 Island;

1293           d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1294 except on Vashon-Maury Island;

1295           e. Only with documentation that the operator has applied for a Puget Sound  
1296 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1297 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1298 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1299 are imported onto the site;

1300           f. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1301 within nondwelling unit structures that exist as of October 1, 2013, subject to the size  
1302 limitations in subsection B.16.g. of this section; and

1303           g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1304 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1305 aggregated total of two thousand square feet and shall be located within a fenced area or  
1306 marijuana greenhouse, that is no more than ten percent larger than that combined area, or  
1307 may occur in nondwelling unit structures that exist as of October 1, 2013;

1308           h. Outdoor production area fencing as required by the Washington state Liquor

1309 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback  
1310 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback  
1311 of one hundred fifty feet from any existing residence; and

1312 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
1313 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
1314 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
1315 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1316 17. Marijuana production by marijuana producers licensed by the Washington  
1317 state Liquor and Cannabis Board is subject to the following standards:

1318 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1319 Island;

1320 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1321 except on Vashon-Maury Island;

1322 c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1323 21A.12.220.G.;

1324 d. Only with documentation that the operator has applied for a Puget Sound  
1325 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1326 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1327 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1328 are imported onto the site;

1329 e. Production is limited to outdoor and indoor within marijuana greenhouses  
1330 subject to the size limitations in subsection B.17.f. of this section;

1331 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

1332 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1333 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
1334 marijuana greenhouse that is no more than ten percent larger than that combined area;  
1335 and

1336 g. Outdoor production area fencing as required by the Washington state Liquor  
1337 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
1338 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback  
1339 of one hundred fifty feet from any existing residence.

1340 18.a. Production is limited to indoor only;

1341 b. With a lighting plan only as required by and that complies with K.C.C.  
1342 21A.12.220.G.;

1343 c. Only with documentation that the operator has applied for a Puget Sound  
1344 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1345 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1346 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1347 are imported onto the site; and

1348 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1349 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1350 aggregated total of two thousand square feet and shall be located within a building or  
1351 tenant space that is no more than ten percent larger than the plant canopy and separately  
1352 authorized processing area; and

1353 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1354 every marijuana-related entity occupying space in addition to the two-thousand-square

1355 foot threshold area on that parcel shall obtain a conditional use permit as set forth in  
1356 subsection B.19. of this section.

1357           19.a. Production is limited to indoor only;

1358           b. With a lighting plan only as required by and that complies with K.C.C.  
1359 21A.12.220.G.;

1360           c. Only with documentation that the operator has applied for a Puget Sound  
1361 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1362 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1363 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1364 are imported onto the site; and

1365           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1366 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1367 aggregated total of thirty thousand square feet and shall be located within a building or  
1368 tenant space that is no more than ten percent larger than the plant canopy and separately  
1369 authorized processing area.

1370           20.a. Production is limited to indoor only;

1371           b. With a lighting plan only as required by and that complies with K.C.C.  
1372 21A.12.220.G.;

1373           c. Only with documentation that the operator has applied for a Puget Sound  
1374 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1375 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1376 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1377 are imported onto the site;

1378 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1379 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1380 aggregated total of two thousand square feet and shall be located within a building or  
1381 tenant space that is no more than ten percent larger than the plant canopy and separately  
1382 authorized processing area; and

1383 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
1384 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1385 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
1386 B.21. of this section.

1387 21.a. Production is limited to indoor only;

1388 b. With a lighting plan only as required by and that complies with K.C.C.  
1389 21A.12.220.G.;

1390 c. Only with documentation that the operator has applied for a Puget Sound  
1391 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1392 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1393 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1394 are imported onto the site; and

1395 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1396 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1397 aggregated total of thirty thousand square feet and shall be located within a building or  
1398 tenant space that is no more than ten percent larger than the plant canopy and separately  
1399 authorized processing area.

1400 22. Marijuana production by marijuana producers licensed by the Washington

1401 state Liquor and Cannabis Board is subject to the following standards:

1402 a. With a lighting plan only as required by and that complies with K.C.C.

1403 21A.12.220.G.;

1404 b. Only allowed on lots of at least four and one-half acres;

1405 c. Only with documentation that the operator has applied for a Puget Sound

1406 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1407 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1408 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1409 are imported onto the site;

1410 d. Production is limited to outdoor, indoor within marijuana greenhouses, and

1411 within structures that are nondwelling unit structures that exist as of October 1, 2013,

1412 subject to the size limitations in subsection B.22. e. and f. of this section;

1413 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC

1414 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall

1415 be limited to a maximum aggregated total of five thousand square feet and shall be

1416 located within a fenced area or marijuana greenhouse that is no more than ten percent

1417 larger than that combined area, or may occur in nondwelling unit structures that exist as

1418 of October 1, 2013;

1419 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-

1420 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be

1421 limited to a maximum aggregated total of ten thousand square feet, and shall be located

1422 within a fenced area or marijuana greenhouse that is no more than ten percent larger than

1423 that combined area, or may occur in nondwelling unit structures that exist as of October



1424 1, 2013; and

1425 g. Outdoor production area fencing as required by the Washington state Liquor  
1426 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1427 maintain a minimum street setback of fifty feet and a minimum interior setback of one  
1428 hundred feet, and a minimum setback of one hundred fifty feet from any existing  
1429 residence.

1430 23. The storage and processing of non-manufactured source separated organic  
1431 waste that originates from agricultural operations and that does not originate from the  
1432 site, if:

1433 a. agricultural is the primary use of the site;

1434 b. the storage and processing are in accordance with best management  
1435 practices included in an approved farm plan; and

1436 c. except for areas used for manure storage, the areas used for storage and  
1437 processing do not exceed three acres and ten percent of the site.

1438 24.a. For activities relating to the processing of crops or livestock for  
1439 commercial purposes, including associated activities such as warehousing, storage,  
1440 including refrigeration, and other similar activities and excluding ((wineries, SIC Industry  
1441 No. 2085 — Distilled and Blended Liquors and SIC Industry No. 2082 — Malt Beverages))  
1442 winery, brewery, distillery facility I, II and III and remote tasting room:

1443 (1) limited to agricultural products and sixty percent or more of the products  
1444 processed must be grown in the Puget Sound counties. At the time of initial application,  
1445 the applicant shall submit a projection of the source of products to be produced;

1446 (2) in the RA and UR zones, only allowed on sites of at least four and one-

1447 half acres;

1448 (3) (a) as a permitted use, the floor area devoted to all processing shall not  
1449 exceed two thousand square feet, unless located in a building designated as an historic  
1450 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as  
1451 established in K.C.C. 21A.42.300, may review and approve an increase in the processing  
1452 floor area as follows: up to three thousand five hundred square feet of floor area may be  
1453 devoted to all processing in the RA zones or on farms less than thirty-five acres located in  
1454 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in  
1455 the A zone; and

1456 (b) as a permitted use, the floor area devoted to all warehousing,  
1457 refrigeration, storage or other similar activities shall not exceed two thousand square feet,  
1458 unless located in a building designated as historic resource under K.C.C. chapter 20.62.  
1459 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may  
1460 review and approve an increase of up to three thousand five hundred square feet of floor  
1461 area devoted to all warehouseing, storage, including refrigeration, or other similar  
1462 activities in the RA zones or on farms less than thirty-five acres located in the A zones or  
1463 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1464 (4) in the A zone, structures and areas used for processing, warehousing,  
1465 refrigeration, storage and other similar activities shall be located on portions of  
1466 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1467 the already developed portion of such agricultural lands that are not available for direct  
1468 agricultural production, or areas without prime agricultural soils; and

1469 (5) structures and areas used for processing, warehousing, storage, including

1470 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
1471 five feet from property lines adjoining rural area and residential zones, unless located in a  
1472 building designated as historic resource under K.C.C. chapter 20.62.

1473                   b. For activities relating to the retail sale of agricultural products, except  
1474 livestock:

1475                   (1) sales shall be limited to agricultural products and locally made arts and  
1476 crafts;

1477                   (2) in the RA and UR zones, only allowed on sites at least four and one-  
1478 half acres;

1479                   (3) as a permitted use, the covered sales area shall not exceed two thousand  
1480 square feet, unless located in a building designated as a historic resource under K.C.C.  
1481 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
1482 21A.42.300, may review and approve an increase of up to three thousand five hundred  
1483 square feet of covered sales area;

1484                   (4) forty percent or more of the gross sales of agricultural product sold  
1485 through the store must be sold by the producers of primary agricultural products;

1486                   (5) sixty percent or more of the gross sales of agricultural products sold  
1487 through the store shall be derived from products grown or produced in the Puget Sound  
1488 counties. At the time of the initial application, the applicant shall submit a reasonable  
1489 projection of the source of product sales;

1490                   (6) tasting of products, in accordance with applicable health regulations, is  
1491 allowed;

1492                   (7) storage areas for agricultural products may be included in a farm store

1493 structure or in any accessory building; and

1494 (8) outside lighting is permitted if there is no off-site glare.

1495 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1496 d. Farm operations, including equipment repair and related facilities, except

1497 that:

1498 (1) the repair of tools and machinery is limited to those necessary for the

1499 operation of a farm or forest;

1500 (2) in the RA and UR zones, only allowed on sites of at least four and one-

1501 half acres;

1502 (3) the size of the total repair use is limited to one percent of the farm size in

1503 the A zone, and up to one percent of the size in other zones, up to a maximum of five

1504 thousand square feet unless located within an existing farm structure, including but not

1505 limited to barns, existing as of December 31, 2003; and

1506 (4) Equipment repair shall not be permitted in the Forest zone.

1507 e. The agricultural technical review committee, as established in K.C.C.

1508 21A.42.300, may review and approve reductions of minimum site sizes in the rural and

1509 residential zones and minimum setbacks from rural and residential zones.

1510 25. The department may review and approve establishment of agricultural

1511 support services in accordance with the code compliance review process in K.C.C.

1512 21A.42.300 only if:

1513 a. project is sited on lands that are unsuitable for direct agricultural production

1514 based on size, soil conditions or other factors and cannot be returned to productivity by

1515 drainage maintenance; and

1516           b. the proposed use is allowed under any Farmland Preservation Program  
 1517 conservation easement and zoning development standards.

1518           26. The agricultural technical review committee, as established in K.C.C.  
 1519 21A.42.300, may review and approve establishment of agricultural support services only  
 1520 if the project site:

1521           a. adjoins or is within six hundred sixty feet of the agricultural production  
 1522 district;

1523           b. has direct vehicular access to the agricultural production district;

1524           c. except for farmworker housing, does not use local access streets that abut  
 1525 lots developed for residential use; and

1526           b. has a minimum lot size of four and one-half acres.

1527           27. The agricultural technical review committee, as established in K.C.C.  
 1528 21A.42.300, may review and approve establishment of agricultural support services only  
 1529 if the project site:

1530           a. is outside the urban growth area,

1531           b. adjoins or is within six hundred sixty feet of the agricultural production  
 1532 district,

1533           c. has direct vehicular access to the agricultural production district,

1534           d. except for farmworker housing, does not use local access streets that abut  
 1535 lots developed for residential use; and

1536           e. has a minimum lot size of four and one-half acres.

1537           28. Only allowed on properties that are outside the urban growth area.

1538           SECTION 20. Ordinance 10870, Section 407, as amended, and K.C.C.

1539 21A.18.030 are hereby amended to read as follows:

1540 A. Except as modified in K.C.C. 21A.18.070. B((-)). through D., off-street  
1541 parking areas shall contain at a minimum the number of parking spaces as stipulated in  
1542 the following table. Off-street parking ratios expressed as number of spaces per square  
1543 feet means the usable or net square footage of floor area, exclusive of non-public areas.  
1544 Non-public areas include but are not limited to building maintenance areas, storage areas,  
1545 closets or restrooms. If the formula for determining the number of off-street parking  
1546 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
1547 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
1548 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
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
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
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.

<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
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
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
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 <u>0.9</u> per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus <u>0.9</u> per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus <u>0.9</u> per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas

<u>Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas</u>
Wholesale trade uses	<u>0.9</u> per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	<u>0.9</u> per 1,000 square feet
Winery/Brewery/ <u>Distillery Facility II and III</u>	<u>0.9</u> per 1,000 square feet, plus 1 per <del>((50))</del> <u>300</u> square feet of tasting and <u>retail areas</u>
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

1549 B. An applicant may request a modification of the minimum required number of  
1550 parking spaces by providing that parking demand can be met with a reduced parking  
1551 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
1552 the minimum required number of spaces.

1553 C. When the county has received a shell building permit application, off-street  
1554 parking requirements shall be based on the possible tenant improvements or uses  
1555 authorized by the zone designation and compatible with the limitations of the shell

1556 permit. When the range of possible uses result in different parking requirements, the  
1557 director will establish the amount of parking based on a likely range of uses.

1558 D. Where other provisions of this code stipulate maximum parking allowed or  
1559 reduced minimum parking requirements, those provisions shall apply.

1560 E. In any development required to provide six or more parking spaces, bicycle  
1561 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
1562 facilities unless otherwise specified.

1563 1. Off-street parking areas shall contain at least one bicycle parking space for  
1564 every twelve spaces required for motor vehicles except as follows:

1565 a. The director may reduce bike rack parking facilities for patrons when it is  
1566 demonstrated that bicycle activity will not occur at that location.

1567 b. The director may require additional spaces when it is determined that the  
1568 use or its location will generate a high volume of bicycle activity. Such a determination  
1569 will include but not be limited to the following uses:

1570 (1) Park/playfield,

1571 (2) Marina,

1572 (3) Library/museum/arboretum,

1573 (4) Elementary/secondary school,

1574 (5) Sports club, or

1575 (6) Retail business (when located along a developed bicycle trail or  
1576 designated bicycle route).

1577 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
1578 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a

1579 structure attached to the pavement.

1580 3. All bicycle parking and storage shall be located in safe, visible areas that do  
1581 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1582 4. When more than ten people are employed on site, enclosed locker-type  
1583 parking facilities for employees shall be provided. The director shall allocate the  
1584 required number of parking spaces between bike rack parking and enclosed locker-type  
1585 parking facilities.

1586 5. One indoor bicycle storage space shall be provided for every two dwelling  
1587 units in townhouse and apartment residential uses, unless individual garages are provided  
1588 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
1589 storage facilities are available to all residents.

1590 SECTION 21. Ordinance 10870, Section 536, as amended, and K.C.C.

1591 21A.30.080 are hereby amended to read as follows:

1592 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct  
1593 one or more home occupations as accessory activities, only if:

1594 A. The total floor area of the dwelling unit devoted to all home occupations shall  
1595 not exceed twenty percent of the floor area of the dwelling unit.

1596 B. Areas within garages and storage buildings shall not be considered part of the  
1597 dwelling unit and may be used for activities associated with the home occupation;

1598 C. All the activities of the home occupation or occupations shall be conducted  
1599 indoors, except for those related to growing or storing of plants used by the home  
1600 occupation or occupations;

1601 D. A home occupation or occupations is not limited in the number of employees

1602 that remain off-site. No more than one nonresident employee shall be permitted to work  
1603 on-site for the home occupation or occupations;

1604 E. The following uses, by the nature of their operation or investment, tend to  
1605 increase beyond the limits permitted for home occupations. Therefore, the following  
1606 shall not be permitted as home occupations:

- 1607 1. Automobile, truck and heavy equipment repair;
- 1608 2. ~~((Autobody))~~ Auto body work or painting;
- 1609 3. Parking and storage of heavy equipment;
- 1610 4. Storage of building materials for use on other properties;
- 1611 5. Hotels, motels or organizational lodging;
- 1612 6. Dry cleaning;
- 1613 7. Towing services;
- 1614 8. Trucking, storage or self service, except for parking or storage of one  
1615 commercial vehicle used in home occupation; ~~((and))~~
- 1616 9. Veterinary clinic; ~~((and))~~
- 1617 10. Recreational marijuana processor, recreational marijuana producer or  
1618 recreational marijuana retailer; and
- 1619 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,  
1620 except that home occupation adult beverage businesses operating under an active  
1621 Washington state Liquor and Cannabis Board production license issued for their current  
1622 location before the effective date of this ordinance, and where King County did not object  
1623 to the location during the Washington state Liquor and Cannabis Board license  
1624 application process, shall be considered legally nonconforming and allowed to remain in

1625 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in  
1626 compliance with this section as of the effective date of this ordinance. Such  
1627 nonconforming businesses shall remain subject to all other requirements of this section  
1628 and other applicable state and local regulations. The resident operator of a  
1629 nonconforming winery, brewery or distillery home occupation shall obtain an adult  
1630 beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter  
1631 created in section 3 of this ordinance);

1632 F. In addition to required parking for the dwelling unit, on-site parking is  
1633 provided as follows:

- 1634 1. One stall for each nonresident employed by the home occupations; and  
1635 2. One stall for patrons when services are rendered on-site;

1636 G. Sales are limited to:

- 1637 1. Mail order sales;  
1638 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1639 and

- 1640 3. Items accessory to a service provided to patrons who receive services on the  
1641 premises;

1642 H. On-site services to patrons are arranged by appointment;

1643 I. The home occupation or occupations use or store a vehicle for pickup of  
1644 materials used by the home occupation or occupations or the distribution of products  
1645 from the site, only if:

- 1646 1. No more than one such a vehicle is allowed; and  
1647 2. The vehicle is not stored within any required setback areas of the lot or on

1648 adjacent streets; and

1649 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of  
1650 one ton;

1651 J. The home occupation or occupations do not:

1652 1. Use electrical or mechanical equipment that results in a change to the  
1653 occupancy type of the structure or structures used for the home occupation or  
1654 occupations; or

1655 2. Cause visual or audible interference in radio or television receivers, or  
1656 electronic equipment located off-premises or fluctuations in line voltage off-premises;  
1657 ((and))

1658 K. There shall be no exterior evidence of a home occupation, other than growing  
1659 or storing of plants under subsection C. of this section or a permitted sign, that would  
1660 cause the premises to differ from its residential character. Exterior evidence includes, but  
1661 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as  
1662 determined by using normal senses from any lot line or on average increase vehicular  
1663 traffic by more than four additional vehicles at any given time;

1664 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
1665 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

1666 M. Uses not allowed as home occupations may be allowed as a home industry  
1667 under K.C.C. 21A.30.090.

1668 SECTION 22. Ordinance 15606, Section 20, as amended, and K.C.C.

1669 21A.30.085 are hereby amended to read as follows:

1670 In the A, F and RA zones, residents of a dwelling unit may conduct one or more



1671 home occupations as accessory activities, under the following provisions:

1672           A. The total floor area of the dwelling unit devoted to all home occupations shall

1673 not exceed twenty percent of the dwelling unit.

1674           B. Areas within garages and storage buildings shall not be considered part of the

1675 dwelling unit and may be used for activities associated with the home occupation;

1676           C. Total outdoor area of all home occupations shall be permitted as follows:

1677               1. For any lot less than one acre: Four hundred forty square feet; and

1678               2. For lots one acre or greater: One percent of the area of the lot, up to a

1679 maximum of five thousand square feet.

1680           D. Outdoor storage areas and parking areas related to home occupations shall be:

1681               1. No less than twenty-five feet from any property line; and

1682               2. Screened along the portions of such areas that can be seen from an adjacent

1683 parcel or roadway by the:

1684               a. planting of Type II landscape buffering; or

1685               b. use of existing vegetation that meets or can be augmented with additional

1686 plantings to meet the intent of Type II landscaping((-));

1687           E. A home occupation or occupations is not limited in the number of employees

1688 that remain off-site. Regardless of the number of home occupations, the number of

1689 nonresident employees is limited to no more than three who work on-site at the same

1690 time and no more than three who report to the site but primarily provide services off-

1691 site((-));

1692           F. In addition to required parking for the dwelling unit, on-site parking is

1693 provided as follows:

1694 1. One stall for each nonresident employed on-site; and

1695 2. One stall for patrons when services are rendered on-site;

1696 G. Sales are limited to:

1697 1. Mail order sales;

1698 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1699 3. Items accessory to a service provided to patrons who receive services on the

1700 premises;

1701 4. Items grown, produced or fabricated on-site; and

1702 5. On sites five acres or larger, items that support agriculture, equestrian or

1703 forestry uses except for the following:

1704 a. motor vehicles and parts (North American Industrial Classification System

1705 ("NAICS" Code 441);

1706 b. electronics and appliances (NAICS Code 443); and

1707 c. building material and garden equipments and supplies (NAICS Code 444);

1708 H. The home occupation or occupations do not:

1709 1. Use electrical or mechanical equipment that results in a change to the

1710 occupancy type of the structure or structures used for the home occupation or

1711 occupations;

1712 2. Cause visual or audible interference in radio or television receivers, or

1713 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

1714 3. Increase average vehicular traffic by more than four additional vehicles at any

1715 given time;

1716 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

1717 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1718 J. The following uses, by the nature of their operation or investment, tend to  
1719 increase beyond the limits permitted for home occupations. Therefore, the following  
1720 shall not be permitted as home occupations:

1721 1. Hotels, motels or organizational lodging;

1722 2. Dry cleaning((:));

1723 3. Automotive towing services, automotive wrecking services and tow-in  
1724 parking lots; ((and))

1725 4. Recreational marijuana processor, recreational marijuana producer or  
1726 recreational marijuana retailer((:)); and

1727 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,  
1728 except that home occupation adult beverage businesses operating under an active  
1729 Washington state Liquor and Cannabis Board production license issued for their current  
1730 location before the effective date of this ordinance, and where King County did not object  
1731 to the location during the Washington state Liquor and Cannabis Board license  
1732 application process, shall be considered legally nonconforming and allowed to remain in  
1733 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in  
1734 compliance with this section as of the effective date of this ordinance. Such  
1735 nonconforming businesses shall remain subject to all other requirements of this section  
1736 and all applicable state and local regulations. The resident operator of a nonconforming  
1737 home occupation winery, brewery or distillery shall obtain an adult beverage business  
1738 license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of  
1739 this ordinance);

1740 K. Uses not allowed as home occupation may be allowed as a home industry  
1741 under K.C.C. chapter 21A.30; and

1742 L. The home occupation or occupations may use or store vehicles, as follows:

1743 1. The total number of vehicles for all home occupations shall be:

1744 a. for any lot five acres or less: two;

1745 b. for lots greater than five acres: three; and

1746 c. for lots greater than ten acres: four;

1747 2. The vehicles are not stored within any required setback areas of the lot or on  
1748 adjacent streets; and

1749 3. The parking area for the vehicles shall not be considered part of the outdoor  
1750 storage area provided for in subsection C. of this section.

1751 SECTION 23. Ordinance 10870, Section 537, as amended, and K.C.C.  
1752 21A.30.090 are hereby amended to read as follows:

1753 A resident may establish a home industry as an accessory activity, as follows:

1754 A. The site area is one acre or greater;

1755 B. The area of the dwelling unit used for the home industry does not exceed fifty  
1756 percent of the floor area of the dwelling unit.

1757 C. Areas within attached garages and storage buildings shall not be considered  
1758 part of the dwelling unit for purposes of calculating allowable home industry area but  
1759 may be used for storage of goods associated with the home industry;

1760 D. No more than six nonresidents who work on-site at the time;

1761 E. In addition to required parking for the dwelling unit, on-site parking is  
1762 provided as follows:

1763           1. One stall for each nonresident employee of the home industry; and

1764           2. One stall for customer parking;

1765           F. Additional customer parking shall be calculated for areas devoted to the home

1766 industry at the rate of one stall per:

1767           1. One thousand square feet of building floor area; and

1768           2. Two thousand square feet of outdoor work or storage area;

1769           G. Sales are limited to items produced on-site, except for items collected, traded

1770 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1771           H. Ten feet of Type I landscaping are provided around portions of parking and

1772 outside storage areas that are otherwise visible from adjacent properties or public rights-

1773 of-way;

1774           I. The department ensures compatibility of the home industry by:

1775           1. Limiting the type and size of equipment used by the home industry to those

1776 that are compatible with the surrounding neighborhood;

1777           2. Providing for setbacks or screening as needed to protect adjacent residential

1778 properties;

1779           3. Specifying hours of operation;

1780           4. Determining acceptable levels of outdoor lighting; and

1781           5. Requiring sound level tests for activities determined to produce sound levels

1782 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

1783           J. Recreational marijuana processors, recreational marijuana producers and

1784 recreational marijuana retailers shall not be allowed as home industry; and

1785           K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall

1786 not be allowed as home industry, except that home industry adult beverage businesses  
1787 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit  
1788 application before the effective date of this ordinance shall be considered legally  
1789 nonconforming and allowed to remain in their current location subject to K.C.C.  
1790 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all  
1791 other requirements of this section and all applicable state and local regulations. The  
1792 resident operator of a nonconforming winery, brewery or distillery home industry shall  
1793 obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the  
1794 new chapter created in section 3 of this ordinance).

1795 SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.

1796 21A.32.100 are hereby amended to read as follows:

1797 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be  
1798 required for any of the following:

1799 A. A use not otherwise permitted in the zone that can be made compatible for a  
1800 period of up to sixty days a year; ((or))

1801 B. The expansion of an established use that:

1802 1. Is otherwise allowed in the zone;

1803 2. Is not inconsistent with the original land use approval;

1804 3. Exceeds the scope of the original land use approval; and

1805 4. Can be made compatible with the zone for a period of up to sixty days a year;

1806 or

1807 C. Events at a winery, brewery, distillery facility or remote tasting room that

1808 include one or more of the following activities:

- 1809           1. Exceeds the permitted building occupancy;  
1810           2. Utilizes portable toilets;  
1811           3. Utilizes parking that exceeds the maximum number of spaces allowed by this  
1812 title on-site or utilizes off-site parking;  
1813           4. Utilizes temporary stages;  
1814           5. Utilizes temporary tents or canopies that require a permit;  
1815           6. Requires traffic control for public rights-of-way; or  
1816           7. Extends beyond allowed hours of operation.

1817           SECTION 25. Ordinance 10870, Section 549, as amended, and K.C.C.  
1818 21A.32.120 are hereby amended to read as follows:

1819           Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,  
1820 temporary use permits shall be limited in duration and frequency as follows:

1821           A. The temporary use permit shall be effective for one year from the date of  
1822 issuance and may be renewed annually as provided in subsection D. of this section;

1823           B.1. The temporary use shall not exceed a total of sixty days in any three-  
1824 hundred(~~( and )~~)-sixty-five-day period. This (~~((requirement))~~) subsection B.1. applies only  
1825 to the days that the event or events actually take place.

1826           2. For a winery, brewery, distillery facility II and III in the A (~~(or RA)~~)  
1827 zone(s), the temporary use shall not exceed a total of two events per month and all  
1828 event parking ((for the events)) must be accommodated on-site or managed through a  
1829 parking management plan approved by the director. This subsection B.2. applies only to  
1830 the days that the event or events actually take place.

1831           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., 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;

C. The temporary use permit shall specify a date upon which the use shall be



1855 terminated and removed; and

1856 D. A temporary use permit may be renewed annually for up to a total of five  
1857 consecutive years as follows:

1858 1. The applicant shall make a written request and pay the applicable permit  
1859 extension fees for renewal of the temporary use permit at least seventy days before the  
1860 end of the permit period;

1861 2. The department must determine that the temporary use is being conducted in  
1862 compliance with the conditions of the temporary use permit;

1863 3. The department must determine that site conditions have not changed since  
1864 the original temporary permit was issued; and

1865 4. At least forty-five days before the end of the permit period, the department  
1866 shall notify property owners within five hundred feet of the property boundaries that a  
1867 temporary use permit extension has been requested and contact information to request  
1868 additional information or to provide comments on the proposed extension.

1869 SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby  
1870 amended to read as follows:

1871 A. The purpose of the Fall City business district special district overlay is to allow  
1872 commercial development in Fall City to occur with on-site septic systems until such time as  
1873 an alternative wastewater system is available. The special district shall only be established  
1874 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to  
1875 other rural commercial centers.

1876 B. The standards of this title and other county codes shall be applicable to  
1877 development within the Fall City business district special district overlay except as follows:

1878 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
1879 with the following:

1880 a. Residential land uses as set forth in K.C.C. 21A.08.030:

1881 i. As a permitted use:

1882 (A) Multifamily residential units shall only be allowed on the upper floors of  
1883 buildings; and

1884 (B) Home occupations under K.C.C. chapter 21A.30;

1885 ii. As a conditional use:

1886 (A) Bed and Breakfast (five rooms maximum); and

1887 (B) Hotel/Motel.

1888 b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

1889 i. As a permitted use:

1890 (A) Library;

1891 (B) Museum; and

1892 (C) Arboretum.

1893 ii. As a conditional use:

1894 (A) Sports Club/Fitness Center;

1895 (B) Amusement/Recreation Services/Arcades (Indoor);

1896 (C) Bowling Center

1897 c. General services land uses as set forth in K.C.C. 21A.08.050:

1898 i. As a permitted use:

1899 (A) General Personal Services, except escort services;

1900 (B) Funeral Home;

- 1901 (C) Appliance/Equipment Repair;
- 1902 (D) Medical or Dental Office/Outpatient Clinic;
- 1903 (E) Medical or Dental Lab;
- 1904 (F) Day Care I;
- 1905 (G) Day Care II;
- 1906 (H) Veterinary Clinic;
- 1907 (I) Social Services;
- 1908 (J) Animal Specialty Services;
- 1909 (K) Artist Studios;
- 1910 (L) Nursing and Personal Care Facilities;
- 1911 ii. As a conditional use:
- 1912 (A) Theater (Movie or Live Performance);
- 1913 (B) Religious Use;
- 1914 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 1915 i. As a permitted use:
- 1916 (A) General Business Service;
- 1917 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 1918 ii. As a conditional use:
- 1919 (A) Public Agency or Utility Office;
- 1920 (B) Police Substation;
- 1921 (C) Fire Station;
- 1922 (D) Utility Facility;
- 1923 (E) Self Service Storage;

- 1924 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 1925 i. As a permitted use on the ground floor:
- 1926 (A) Food Store;
- 1927 (B) Drug Store/Pharmacy;
- 1928 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 1929 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 1930 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 1931 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 1932 only retail);
- 1933 (D) Eating and Drinking Places, including coffee shops and bakeries;
- 1934 (E) Remote tasting rooms.
- 1935 ii. As a conditional use:
- 1936 (A) Liquor Store or Retail Store Selling Alcohol;
- 1937 (B) Hardware/Building Supply Store;
- 1938 (C) Nursery/Garden Center;
- 1939 (D) Department Store;
- 1940 (E) Auto Dealers (indoor sales rooms only);
- 1941 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
- 1942 g. Resource land uses as set forth in K.C.C. 21A.08.090:
- 1943 i. As a permitted use:
- 1944 (A) Solar photovoltaic/solar thermal energy systems;
- 1945 (B) Private storm water management facilities;

1946 (C) Growing and Harvesting Crops (within rear/internal side yards or roof  
 1947 gardens, and with organic methods only);

1948 (D) Raising Livestock and Small Animals (per the requirements of Section  
 1949 21A.30 of the Zoning Code)

1950 ii. As a conditional use: Wind Turbines

1951 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:  
 1952 Communication Facility.

1953 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except  
 1954 as follows:

1955 a. Residential density is limited to six dwelling units per acre. For any building  
 1956 with more than ten dwelling units, at least ten percent of the dwelling units shall be  
 1957 classified as affordable under 21A.34.040F.1;

1958 b. Buildings are limited to two floors, plus an optional basement;

1959 c. The elevation of the ground floor may be elevated a maximum of six feet  
 1960 above the average grade of the site along the front facade of the building;

1961 d. If the ground floor is designed to accommodate non-residential uses, the  
 1962 elevation of the ground floor should be placed near the elevation of the sidewalk to  
 1963 minimize the need for stairs and ADA ramps;

1964 e. If the ground floor is designed to accommodate non-residential space, the  
 1965 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

1966 f. Building height shall not exceed forty feet, as measured from the average  
 1967 grade of the site along the front facade of the building.

1968 SECTION 27. The King County executive shall conduct a demonstration project

1969 to create and evaluate a remote tasting room demonstration project A as provided for in,  
1970 and consistent with, section 28 of this ordinance.

1971 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter  
1972 21A.55 a new section to read as follows:

1973 A. The purpose of the remote tasting room demonstration project A is to:

1974 1. Support agriculture and synergistic development of mixed use adult beverage  
1975 facilities in order to boost agritourism and the area's reputation as food and adult-  
1976 beverage destination;

1977 2. Enable the county to evaluate how expanded adult beverage-based uses can  
1978 be permitted while maintaining the core functions and purposes of the Rural Area and  
1979 Agricultural zones;

1980 3. Determine the benefits and evaluate strategies to mitigate impacts of the adult  
1981 beverage industry on Rural Area and Agricultural zoned areas, including the impacts and  
1982 benefits of the industry on Agricultural Production Districts, and including those  
1983 properties where the demonstration project sites are located and the surrounding areas;

1984 4. Provide an opportunity for additional exposure for locally sourced and  
1985 produced agricultural products; and

1986 5. Identify and evaluate potential changes to countywide land use regulations to  
1987 support the development of additional areas of unincorporated King County that may  
1988 benefit from growth in agritourism.

1989 B. The demonstration project shall only be implemented on the sites identified in  
1990 Attachment A to this ordinance.

1991 C. The use that the permitting division may approve under the remote tasting

1992 room demonstration project A shall include only "remote tasting room" as defined in  
1993 section 13 of this ordinance.

1994 D.1. An application for a remote tasting room under this section may be  
1995 submitted in conjunction with an application for an adult beverage business license or a  
1996 building permit.

1997 2. Requests shall be submitted to the permitting division in writing, together  
1998 with any supporting documentation and must illustrate how the proposal meets the  
1999 criteria in subsection F. of this section.

2000 3. An application for a remote tasting room under this section shall be reviewed  
2001 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2002 E. The department of local services, permitting division, shall administer the  
2003 demonstration project, and shall approve or deny a remote tasting room application under  
2004 this section based upon compliance with subsection F. of this section. Approval or denial  
2005 of a remote tasting room application shall not be construed as applying to any other  
2006 development application either within the demonstration project area or elsewhere in the  
2007 county.

2008 F.1. A remote tasting room under this section may be approved, subject to the  
2009 following:

2010 a. One or more winery, brewery, distillery facility I, II or III may operate  
2011 within one remote tasting room;

2012 b. The aggregated total space devoted to remote tasting room activities shall be  
2013 limited to one thousand square feet of gross floor area, not including areas devoted to  
2014 storage, restrooms, and similar nonpublic areas;

2015 c. Notwithstanding subsection F.1.b. of this section, an additional five hundred  
2016 square feet of immediately adjacent outdoor space may be used for tasting, subject to  
2017 applicable state regulations limiting sale, service and consumption of alcoholic  
2018 beverages;

2019 d. Incidental retail sales of products and merchandise related to the products  
2020 being tasted is allowed;

2021 e. The hours of operation for the tasting room shall be limited as follows:  
2022 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to  
2023 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours  
2024 shall be limited to 11:00 a.m. through 9:00 p.m.;

2025 f. The applicant and any additional business operators using the remote tasting  
2026 room shall obtain an adult beverage business license in accordance with K.C.C. chapter  
2027 6.xx (the new chapter created in section 3 of this ordinance);

2028 g. Each remote tasting room business operator using the remote tasting room  
2029 shall have proof of Washington state Liquor and Cannabis Board approval;

2030 h. Special events shall not exceed two per year regardless as to the number of  
2031 operators using the tasting room, and shall be limited to no more than fifty guests. As  
2032 long as the special events comply with this section, a temporary use permit is not  
2033 required;

2034 i. Off-street parking shall be provided in accordance with the parking ratios  
2035 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a  
2036 maximum of one space per fifty square feet of tasting and retail areas; and

2037 j. The use shall be consistent with general health, safety and public welfare



2038 standards, and shall not violate state or federal law.

2039           2. This section supersedes other variance, modification or waiver criteria of  
2040 K.C.C. Title 21A.

2041           3. Remote tasting room uses approved in accordance with this section may  
2042 continue as long as an underlying business license or renewal is maintained, and subject  
2043 to the nonconformance provisions of K.C.C. chapter 21A.32.

2044           G. Demonstration project applications shall be accepted by the permitting  
2045 division for three years from the effective date of this ordinance. Complete applications  
2046 submitted before the end of the three years shall be reviewed and decided on by the  
2047 permitting division.

2048           H. Starting one year after the effective date of this ordinance, and each year for  
2049 four years thereafter, the executive shall prepare preliminary evaluations of remote  
2050 tasting room demonstration project A. The executive shall post these preliminary  
2051 evaluation reports to the department of local services, permitting division, website, and  
2052 provide electronic notice of the posting to the clerk of the council, who shall retain the  
2053 original email and provide an electronic copy to all councilmembers, the council chief of  
2054 staff and the lead staff for the local services, regional roads and bridges committee or its  
2055 successor. These preliminary evaluation reports shall include:

2056           1. A list of remote tasting room demonstration project applications submitted,  
2057 reviewed and decided, including the date of original submittal, date of complete  
2058 application and date and type of final decision whether approved or denied; and

2059           2. A list of code compliance complaints under Title 23, if any, related to the  
2060 applications received and approved or the demonstration project that were opened or

initiated in the prior year, and their current status.

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

2. The draft final report required in subsection J. of this section and proposed permanent code changes shall be done in conjunction with the efficacy evaluation and proposed code changes required by section 31 of this ordinance.

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

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

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

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

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

2084 5. Post an electronic copy on the permitting division's website; and  
2085 6. Send electronic notice to the clerk of the council, who shall retain the original  
2086 email and provide an electronic copy to all councilmembers, the council chief of staff and  
2087 the lead staff for the local services, regional roads and bridges committee, or its  
2088 successor.

2089 K. After the public comment period has ended, the permitting division shall  
2090 prepare a final evaluation of the remote tasting room demonstration project A,  
2091 incorporating or responding to the comments received. Within sixty days of the end of  
2092 the public comment period, the executive shall file a final evaluation report, a motion that  
2093 should accept the report, and an ordinance that implements any proposed permanent code  
2094 changes.

2095 L. The final report and proposed legislation shall be filed in the form of a paper  
2096 original and an electronic copy with the clerk of the council, who shall retain the original  
2097 and provide an electronic copy to all councilmembers, the council chief of staff and the  
2098 lead staff for the local services, regional roads and bridges committee, or its successor.

2099 SECTION 29. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010  
2100 are hereby amended to read as follows:

2101 A.1. Civil fines and civil penalties for civil code violations shall be imposed for  
2102 remedial purposes and shall be assessed for each violation identified in a citation, notice  
2103 and order, voluntary compliance agreement or stop work order pursuant to the following  
2104 schedule:

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

II and III and remote tasting room:

(1) with no previous similar code violations	\$100
(2) with no previous code violations of K.C.C. chapter 12.86 within the past twelve months	\$125
(3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months	\$250
(4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months	\$500
(5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months	Double the rate of the previous penalty
b. <u>citations for violations of winery, brewery, distillery facility I, II and III and remote tasting room zoning conditions, including but not limited to unapproved events:</u>	
<u>(1) with no previous similar code violations within the past twelve months;</u>	<u>\$500</u>
<u>(2) with one or more previous similar code violations within the past twelve months;</u>	<u>\$1,000</u>
c. violation of notice and orders and stop work orders:	
(1) stop work order basic penalty	\$500
(2) voluntary compliance agreement and notice and order basic penalty	\$25

(3) additional initial penalties may be added in the following amounts for violations where there is:

- |  |      |
|--|------|
| (a) public health risk                                   | \$15 |
| (b) environmental damage risk                            | \$15 |
| (c) damage to property risk                              | \$15 |
| (d) one previous similar code violation                  | \$25 |
| (e) two previous similar code violations                 | \$50 |
| (f) three or more previous similar code violations       | \$75 |
| (g) economic benefit to person responsible for violation | \$25 |

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

~~((d.))~~ e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:

(1) first reinspection, which shall occur no sooner than \$150 the day following the date compliance is required by the notice and order

(2) second reinspection, which shall occur no sooner than \$300 fourteen days following the first reinspection

(3) third reinspection, which shall occur no sooner than \$450 fourteen days following the second reinspection

(4) reinspection after the third reinspection, which shall \$450 only be conducted immediately preceding an administrative

or court ordered abatement or at the direction of the  
prosecuting attorney for the purpose of presenting evidence in  
the course of litigation or administrative hearing against the  
person responsible for code compliance

2105           2. For the purposes of this section, previous similar code violations that can  
2106 serve as a basis for a higher level of civil penalties include violations of the same chapter  
2107 of the King County Code. Any citation, stop work order or notice and order previously  
2108 issued by the department shall not constitute a previous code violation for the purposes of  
2109 this section if that stop work order or notice and order was appealed and subsequently  
2110 reversed.

2111           B. The penalties assessed pursuant to this section for any failure to comply with a  
2112 notice and order or voluntary compliance agreement shall be assessed daily, according to  
2113 the schedule in subsection A of this section, for the first thirty days following the date the  
2114 notice and order or voluntary compliance agreement required the code violations to have  
2115 been cured. If after thirty days the person responsible for code compliance has failed to  
2116 satisfy the notice and order or voluntary compliance agreement, penalties shall be  
2117 assessed daily at a rate of double the rate for the first thirty days. Penalties may be  
2118 assessed daily until the person responsible for code compliance has fully complied with  
2119 the notice and order.

2120           C. Penalties based on violation of a stop work order shall be assessed, according  
2121 to the schedule in subsection A. of this section, for each day the department determines  
2122 that work or activity was done in violation of the stop work order.

2123           D. Citations and cleanup restitution payments shall only be subject to a one-time

2124 civil penalty.

2125 E. The director may suspend the imposition of additional civil penalties if the  
2126 person responsible for code compliance has entered into a voluntary compliance  
2127 agreement. If the person responsible for code compliance enters into a voluntary  
2128 compliance agreement and cures the code violations, the director may also waive all or  
2129 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall  
2130 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any  
2131 necessary permits applied for are denied, canceled or not pursued, or if corrective action  
2132 identified in the voluntary compliance agreement is not completed as specified.

2133 F. The civil penalties in this section are in addition to, and not in lieu of, any  
2134 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2135 SECTION 30. Map Amendment #2 is hereby adopted, as shown in Attachment B  
2136 to this ordinance.

2137 SECTION 31. A. The executive shall transmit a an efficacy evaluation report,  
2138 proposed motion and proposed ordinance that evaluates the efficacy of the regulations for  
2139 adult beverage businesses, including winery, brewery, distillery facilities, remote tasting  
2140 rooms and nonconforming home occupations and home industries, adopted as part of this  
2141 ordinance, and any recommended changes to the regulations and the rationale for those  
2142 recommended changes. The efficacy evaluation report shall include, at a minimum:

2143 1. A list of all adult beverage businesses with valid business licenses as of five  
2144 years from the effective date of this ordinance;

2145 2. A list of adult beverage businesses permit applications submitted, reviewed  
2146 and decided in the prior five years, including the date of original submittal, date of

2147 complete application, date and type of final decision whether approved or denied and  
2148 categorization of typical conditions were applied;

2149 3. A list of all code enforcement complaints filed against adult beverage  
2150 businesses over the prior five years, including the final resolution of resolved cases and  
2151 the status of open cases; and

2152 4. An evaluation of and recommendations for changes to the following  
2153 development conditions, if any, and the rationale for the proposed change or for  
2154 maintaining the development condition as adopted by this ordinance:

2155 a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult  
2156 beverage businesses;

2157 b. Parking requirements, including the minimum required and the maximum  
2158 allowed;

2159 c. Hours of operation for tasting rooms associated with production facilities  
2160 and remote tasting rooms;

2161 d. Temporary use permit criteria related to special events for adult beverage  
2162 businesses, including the criteria for and minimum requirements of and obtaining a  
2163 temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public  
2164 notice requirements; and

2165 e. Product content requirement in the A zone, including the growth on-site  
2166 requirements and the agricultural accessory use language adopted by this ordinance.

2167 B. This efficacy evaluation report shall have a public comment period in  
2168 conjunction with that required for the final evaluation in section 28 of this ordinance.

2169 C. The efficacy evaluation report and proposed ordinance shall be transmitted to



2170 the council with a motion that should accept the report and a proposed ordinance making  
2171 recommended code changes, concurrently with the final evaluations required in section  
2172 28 of this ordinance, in the form of a paper original and an electronic copy to the clerk of  
2173 the council, who shall retain the original and provide an electronic copy to all  
2174 councilmembers, the council chief of staff and the lead staff for the local services,  
2175 regional roads and bridges committee, or its successor.

2176 SECTION 32. Severability. If any provision of this ordinance or its application  
2177 to any person or circumstance is held invalid, the remainder of the ordinance or the  
2178 application of the provision to other persons or circumstances is not affected."

2179

2180 Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project  
2181 A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting  
2182 Room Demonstration Project A dated September 16, 2019

2183 The clerk of the council is instructed to insert the final enactment number in Attachment  
2184 A where the Proposed Ordinance number is referenced.

2185

2186 Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated  
2187 March 11, 2019, and insert Attachment B, Map Amendment #2- Modifying P-Suffix VS-  
2188 P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

2189

2190 **EFFECT:** This striking amendment makes substantive, clarifying and technical changes,  
2191 including:

2192

2193 Substantive/Policy Changes

2194

- 2195 1. WBD I Interim Use in the A zone is removed from the permitted use tables.  
2196 Associated changes to business license requirements, definitions, special  
2197 events/TUP, and evaluation are also removed.
- 2198 2. Modifies the business license section to:  
2199 a. Allow existing businesses, subject to criteria, to establish their previous  
2200 compliance with the zoning code in order to obtain legal nonconforming  
2201 status. These businesses are required to submit documentation with their  
2202 first business license. The first business license will be good for six  
2203 months, with a six month extension possible if they have made progress in  
2204 demonstrating past compliance.  
2205 b. Give Permitting the authority to deny a business license based on  
2206 noncompliance with the Zoning Code.  
2207 c. Modify the appeal period for business licenses to be consistent with other  
2208 kinds of zoning appeals.
- 2209 3. WBD I in RA zone:  
2210 a. Use is moved from a residential accessory use to a permitted use in the  
2211 Manufacturing Land Use Table.  
2212 b. Reference to "nonresident employee" removed.  
2213 c. Allows one parking stall on-site.  
2214 d. Prohibits on-site sales and tasting.  
2215 e. Provides additional clarification for special events – 2 per year, maximum  
2216 50 guests, no permit required.
- 2217 4. WBD II and III  
2218 a. In A zone, limits conversion of agricultural land to less than 1 acre for  
2219 nonagricultural accessory uses.  
2220 b. In A and RA zones:  
2221 i. Limits on-site tasting and retail sales to 15% of the aggregated  
2222 floor area.  
2223 ii. Requires that access be from an arterial (or public roadway for  
2224 WBD II in RA zone with a CUP).  
2225 iii. Sets maximum parking at 150% of the minimum required.  
2226 iv. Removes language regarding nonconforming status of existing  
2227 parking spaces.  
2228 v. For WBD III, eliminates allowance for 8,000 square feet of  
2229 underground storage.  
2230 vi. For WBD III, removes allowance to connect to a Group B water  
2231 system. Only Group a water system connection would be allowed.
- 2232 5. All WBDs:  
2233 a. Removes option to reduce 75' setback from RA and R zones to 25' with  
2234 screening and a CUP.  
2235 b. In A and RA zones  
2236 i. Requires one of the two stages of production to be crushing,  
2237 fermenting, or distilling.  
2238 ii. Limits impervious surface to a maximum of 25%, or the maximum  
2239 allowed by the underlying zoning, whichever is less.
- 2240 6. Home Occupations and Home Industries:

- 2241 a. Allows the existing business with a liquor license from the state LCB as of  
2242 the effective date of this ordinance (rather than January 1, 2019) to have  
2243 the opportunity to demonstrate nonconformance.  
2244 b. Tightens language to avoid loopholes.  
2245 c. Removes language allowing businesses 1-year to come into conformance  
2246 with home occupation or home industry standards.  
2247 d. Removes language for home industries to obtain legal nonconforming  
2248 status, and recognizes that vested CUP applications should be treated as  
2249 nonconforming (if approved).
- 2250 7. Modifies the Fall City business district overlay to allow remote tasting rooms on  
2251 the ground floor of the CB zoned land in the Fall City Rural Town.
- 2252 8. Remote tasting room demonstration project A:
- 2253 a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from  
2254 demonstration project.  
2255 b. Clarify the purpose section, business license requirements, and special  
2256 event allowance.  
2257 c. Modifies evaluation requirements to  
2258 i. Eliminate requirement for annual transmittal to Council. Post to  
2259 website instead with email to clerk of the Council.  
2260 ii. Adds requirements in annual evaluation to include date of  
2261 submittal, complete application, and decision date and type  
2262 iii. Removes requirements in annual evaluation for reporting on  
2263 comments made by the community, known interactions between  
2264 demonstration project applicants and nearby agricultural users and  
2265 land, inventory of available properties, and recommended code  
2266 changes  
2267 iv. For final evaluation, require that the evaluation include whether the  
2268 purposes of the demonstration project have been fulfilled by the  
2269 demonstration project, and recommended permanent code changes.
- 2270 9. Eliminates special event demonstration project B.
- 2271 10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in  
2272 the Vashon Rural Town.
- 2273 11. Modifications to efficacy evaluation:
- 2274 a. Include evaluation of regulations on existing businesses – including  
2275 information on businesses licenses, permit applications, and code  
2276 enforcement complaints/violations.  
2277 b. Include recommended code changes to development conditions, including  
2278 citation and civil infractions, parking, hours of operation for tasting rooms,  
2279 temporary use permits for special events, and product content  
2280 requirements for the A zone.  
2281 c. Removes evaluation of the impact of urban uses within UGA have on rural  
2282 character of adjacent rural areas outside the UGA  
2283 d. Specifies that public comment period for the efficacy evaluation occur in  
2284 conjunction with the public comment period for the remote tasting room  
2285 demonstration project.  
2286

- 2287 Clarifying  
2288  
2289 12. Modifications to Findings:  
2290 a. Reflect other substantive changes and add additional context.  
2291 b. Adds new Findings regarding water use, retail sales and tasting, and  
2292 special district overlays.  
2293 13. Definitions: modifies definition for WBD I, II and III to add "distilling" as a step  
2294 in the production process.  
2295 14. WBDs in A zone: adds in missing language so that WBD III in A zone are  
2296 allowed as an accessory to a primary agricultural use.  
2297 15. Industrial zone: clarifies that wineries are not allowed.  
2298 16. For criteria of events that require a temporary use permit, clarify that events that  
2299 require traffic control or extend beyond allowed hours of operation will require a  
2300 temporary use permit.  
2301 17. For citations, clarifies the timeframe (1 year) for citing a first time violation,  
2302 rather than subsequent violations.  
2303  
2304 Technical  
2305  
2306 18. Corrects references to King County Comprehensive Plan Policies.  
2307 19. Corrects capitalization, punctuation, and typographical errors.  
2308 20. Makes code reviser edits.

**Map Amendment # 1- Remote Tasting Room Demonstration Project A**

**Sammamish Valley near the City of Woodinville**

**AMENDMENT TO THE KING COUNTY ZONING ATLAS**

---

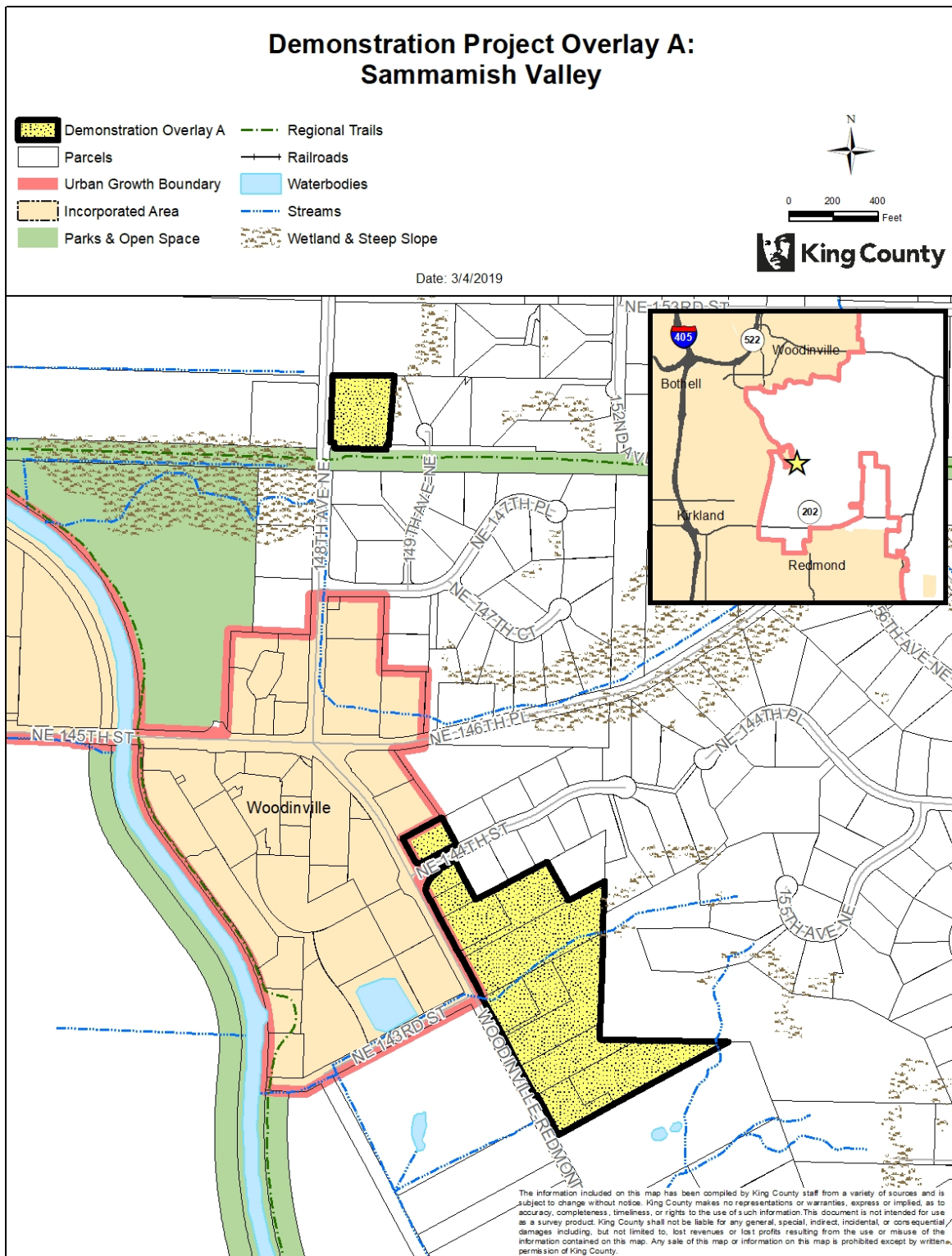
Amend Sections 14 and 23, Township 26, Range 5, as follows:

**ZONING**

Apply the Demonstration Project (-DPA) established in Ordinance XXXXX (Proposed Ordinance 2018-0241), Section 27 and 28, to the following parcels. Make no other changes to the land use designation or zoning:

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

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



27  
28  
29

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

**Vashon Rural Town Community Business Zoning**

**AMENDMENT TO THE KING COUNTY ZONING ATLAS**

---

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

**ZONING**

Modify Property Specific Development Standard VS-P29 to read:

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

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

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

**Residential Land Uses**

DWELLING UNITS, TYPES: Townhouse; Apartment\*\*.

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

ACCESSORY USES: Home occupation.

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

Recreational/Cultural Land Uses

39 PARK/RECREATION: Park

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

42 CULTURAL: Library, Museum, Arboretum, Conference Center

43 General Services Land Uses

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

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

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

51 Government/Business Service Land Uses

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

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

60 RETAIL/WHOLESALE LAND USES:

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

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

68 MANUFACTURING LAND USES:

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

70 Printing and Publishing.

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

72 RESOURCE LAND USES:

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

74 REGIONAL LAND USES:



75 Wastewater Treatment Facility; Transit Park and Ride Lot.

76 \*\*Residential density for mixed use development in Community Business zone shall not exceed

77 eight units per acre."

78

79 P-suffix condition VS-P29 applies to the following parcel numbers. No changes to the

80 geography of VS-P29 are included in this amendment.

81

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

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

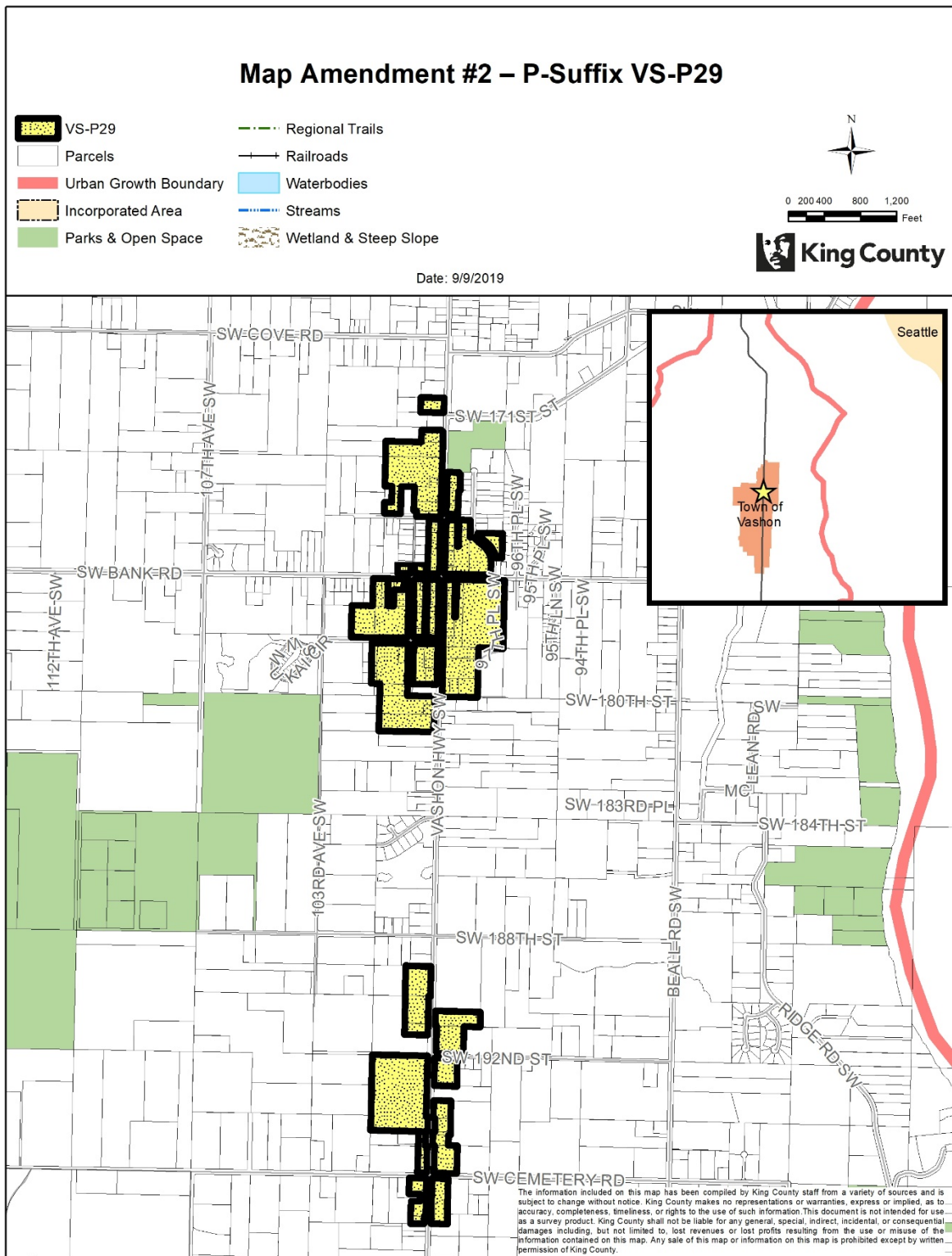
3123039035
3123039041
3123039053
3123039055
3123039059
3123039061
3123039067
3123039071
3123039072
3123039074
3123039075
3123039086
3123039087
3123039088
3123039107
3123039126
3123039130
3123039131
3123039134
3123039135
3123039166
3223039016
3223039017
3223039018
3223039019
3223039020
3223039021
3223039022
3223039023
3223039024
3223039048
3223039076
3223039083
3223039091
3223039092
3223039103
3223039112
3223039113
3223039114
3223039133
3223039195

8883500000
8884400010
8884400020

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

Parcel List
0522039015
0522039018
0522039052
0622039004
0622039148
3023039096
3123039031
3123039128
3123039132

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



[Blank Page]

9/16/19

JM-1a Vashon-Maury Island

Sponsor: McDermott

ea

Proposed No.: 2018-0241.2**AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE****2018-0241, VERSION 2**

On page 34, strike lines 654 through 666, and insert:

"~~((e. In the RA and UR zones,))~~ b. ((e)) Only allowed on lots of at least ~~((four))~~ two and one-half acres, except that on Vashon-Maury Island, 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. 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;

~~((d.))~~ c. The aggregated floor area ((devoted to all processing)) of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet((, unless)). For winery, brewery, distillery facility uses located in ((a building)) whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed seven thousand square feet on Vashon-Maury Island and five thousand square feet in all other areas of the county. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

~~((e-))~~ d. Structures and parking areas ~~((used))~~ for ~~((processing))~~ 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 the date of adoption of this ordinance by existing winery, brewery or distillery business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;"

Beginning on page 35, strike lines 683 through 694 and insert:

"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 fifteen 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 Vashon-Maury Island for sites 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;"

**EFFECT: For Vashon-Maury Island, in the RA zone, for WBD II:**

- **For historic properties, sets the minimum lot area at 2 acres.**
- **For historic properties, allows up to 7,000 square feet of aggregated floor area.**
- **Exempts existing businesses from minimum lot size requirements.**
- **Exempts existing businesses from arterial access requirements.**
- **Exempts existing businesses from the 75-foot setback from rural and residential zones.**
- **Exempts existing businesses and historic properties from the 15% size limitation on retail and tasting on-site.**

[Blank Page]

9/16/19

Title Amendment if S1 passes

ea

Sponsor: Balducci

Proposed No.: 2018-0241.2

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 2**

2 On page 1, strike lines 1 through 19, and insert:

3 "AN ORDINANCE relating to planning and permitting;  
4 amending Ordinance 1888, Article III, Section 5, as  
5 amended, and K.C.C. 6.01.150, Ordinance 10870, Section  
6 334, as amended, and K.C.C. 21A.08.070, Ordinance  
7 10870, Section 335, as amended, and K.C.C. 21A.08.080,  
8 Ordinance 10870, Section 336, as amended, and K.C.C.  
9 21A.08.090, Ordinance 10870, Section 407, as amended,  
10 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as  
11 amended, and K.C.C. 21A.30.080, Ordinance 15606,  
12 Section 20, as amended, and K.C.C. 21A.30.085,  
13 Ordinance 10870, Section 537, as amended, and K.C.C.  
14 21A.30.090, Ordinance 10870, Section 547, as amended,  
15 and K.C.C. 21A.32.100, Ordinance 10870, Section 549, as  
16 amended, and K.C.C. 21A.32.120, Ordinance 17485,  
17 Section 43, and K.C.C. 21A.38.260 and Ordinance 13623,  
18 Section 37, as amended, and K.C.C. 23.32.010, adding new

19 sections to K.C.C. chapter 21A.06, adding a new section to  
20 K.C.C. chapter 21A.55, adding a new chapter to K.C.C.  
21 Title 6, repealing Ordinance 15974, Section 5, and K.C.C.  
22 21A.06.1427 and prescribing penalties."  
23  
24 **EFFECT: *Conforms the title to changes made by Striking Amendment S1.***

**S1**

9/16/19

Balducci Striker

ea

Sponsor: Balducci

Proposed No.: 2018-0241.2

**STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION**

**2**

On page 2, beginning on line 20, strike everything through page 127, line 2449, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The Growth Management Act, 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. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. 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 wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.

19 C. Population growth, combined with the growing popularity of small producers  
20 and local sourcing within the adult beverage industry has created a need for: clarification  
21 regarding core industry functions versus other types of more intensive on-site special  
22 events that may help a developing business thrive and consideration of the planning  
23 requirements of the Growth Management Act, including economic growth, rural  
24 character and protection for water resources and Agricultural and Industrial zoned areas.  
25 Changes in state regulations have also occurred, driving a need to bring adult beverage  
26 industry development regulations up to date with state licensing allowances. In particular,  
27 a state winery allowance for off-site tasting created confusion for business owners  
28 regarding the interplay between state licensing requirements and county land use  
29 regulations.

30 D. This ordinance follows a multiyear study of the adult beverage industry,  
31 which included the 2016 King County Sammamish Valley Wine and Beverage Study.  
32 The study period was necessary to evaluate existing zoning regulations for the adult  
33 beverage industry in light of changes in industry practices, state licensing allowances and  
34 the growing popularity of adult beverage industry across King County and the state of  
35 Washington.

36 E. The changes made by this ordinance will help King County to prepare for and  
37 support the future of the adult beverage industry as it evolves in the region, to better  
38 implement and comply with the policies of the King County Comprehensive Plan  
39 ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth  
40 Management Act, and to minimize the ambiguities in existing development regulations  
41 that were identified in the study period. The changes are intended to improve clarity,

42 administrative efficiencies and enforceability while avoiding confusion for the industry  
43 users that may have been caused by lack of consistency with state regulatory systems.  
44 The ordinance adds additional protection for the Agricultural zone and provides guidance  
45 on enhancing economic activity in the Rural Area zones while also honoring and  
46 protecting rural character.

47 F. King County continues to support and foster agriculture, especially within the  
48 five designated Agricultural Production Districts. King County also supports the adult  
49 beverage industry and recognizes the synergistic relationship between the agricultural and  
50 the adult beverage industries. The ordinance aims to establish a strong foundation for  
51 moving both industries into the future. There is a historical and continuing crossover  
52 between the agricultural industry and the adult beverage industry, including factors such  
53 as agricultural uses providing aesthetic value and raw materials that support the adult  
54 beverage industry; and the exposure, opportunity and market demand for agricultural  
55 products that the adult beverage industry provides for the agricultural industry. This  
56 ordinance recognizes competing and complimentary interests between the two industries,  
57 and aims to provide a balance consistent with the Growth Management Act and the  
58 Comprehensive Plan.

59 G. Consistent with Comprehensive Plan policies R-610, R-615, ~~R-663~~ and R-  
60 677b, the adult beverage industry uses allowed by the ordinance support development of  
61 new markets for local agricultural products and help ensure that agricultural production  
62 districts continue to be economically viable and farmed into the future. By promoting  
63 complimentary relationships with the adult beverage industry, these regulations will help  
64 to improve access to locally grown agricultural products throughout King County.

Commented [AE1]: Correct policy number

H. Economic development policies 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 ordinance aims to implement these Comprehensive Plan policies and is 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 and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

I. 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 adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "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." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled



88 beverages, and wine in the county. The ordinance carefully follows this directive, and  
89 was developed over several years as the county considered existing and proposed  
90 regulations, balancing the differing needs and emerging trends of the agricultural and  
91 adult beverage businesses. The ordinance adds flexibility, maintains **or reduces** existing  
92 size and scale limits on adult beverage industry uses in the Agricultural zone and the rural  
93 area and adds new limits to enhance open and green space values and preserve the natural  
94 aesthetic which helps both industries grow.

**Commented [AE2]:** Reflects changes made regarding  
underground storage and impervious surface limits

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

110 K. 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 industry growth has resulted in some adult beverage businesses becoming incompatible with rural character, this ordinance honors 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 Agricultural zone and Rural Area zone. In the specific case of the previously untested remote tasting room use, which was recently created within state licensing provisions, the ordinance allows some small businesses to continue within limited rural area demonstration projects but also makes space available for remote tasting rooms in Community Business and Regional Business zones for those businesses that wish to expand their scope.

L. The Growth Management Act 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 raw materials and customer base to allow traditional small-scale adult beverage industry uses to thrive. The adult beverage industry relies on all of these elements to succeed. For example, the definition of agriculture in the Growth Management Act 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 things-activities the Comprehensive Plan requires the county to protect.

134 M. The Comprehensive Plan describes rural character and notes that King  
135 County "recognizes that each of its rural communities has distinct and unique  
136 characteristics." For instance, "residents of Vashon-Maury Island, accessible only by  
137 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle" while "[i]n the  
138 Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was  
139 a study area during development of this ordinance, has its own distinctively rural  
140 character, despite its close proximity to urban incorporated areas and to the city of  
141 Woodinville's popular, concentrated winery district. Some of the regulations adopted as  
142 part of this ordinance, such as the various allowances for [on-site tasting](#) and [retail sales](#)  
143 associated with winery, brewery, distillery production facilities, vary across the different  
144 rural communities in unincorporated King County. Individual rural communities take  
145 different positions and have different priorities, and this is reflected in some of the  
146 regulations; ~~while~~ however, generally a county-wide lens was used for analyzing  
147 potential regulatory impacts on the wider rural area and natural resource lands.

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

155 O. Public testimony on this ordinance was consistent with Comprehensive Plan  
156 policy goals and included discussion of adult beverage industry uses as being community

gathering places, rural residents' desire to take advantage of economic opportunities created by the adult beverage industry and the need for solid customer bases to allow small businesses to thrive.

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

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use appropriate for the Rural Area. These 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

180 environment and function with rural services including on-site wastewater disposal."  
181 This ordinance implements the plan by creating clear regulations for the adult beverage  
182 industry, requiring uses to be sited, sized and landscaped to complement rural character,  
183 and by creating a business license so adult beverage industry uses can be better evaluated.  
184 Adult beverage uses provide convenient local products for rural residents, support  
185 agricultural resource-based industries, and provide new regional recreational and tourism  
186 opportunities.

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

**Commented [AE3]:** Finding to address different water connection standards for WBD III

194 S. This ordinance protects the Rural Area and Agricultural zones by limiting on-  
195 site tasting of products and retail sales for winery, brewery, distillery manufacturing uses,  
196 and by allowing on-site tasting of products and retail sales only as accessory to  
197 production. This ordinance places a fifteen percent maximum on spaces devoted to on-  
198 site tasting of products and retail sales, in order to prevent potential traffic and noise  
199 sometimes associated with those uses, and to prevent the more intensive impacts that they  
200 can have on rural character and the agricultural production districts.

**Commented [AE4]:** Eliminates option for Group B for WBD IIIs

**Commented [AE5]:** Additional finding on limiting retail sales and tasting of products.

201 RT. Other development regulations, including stormwater management,  
202 impervious surface, critical areas and landscaping requirements, remain in place and are

unchanged by this ordinance.

U. Existing special district overlays and property-specific development conditions are in effect and add 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 winery, brewery, distillery facilities in the A and RA zones to twenty five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

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

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

UX. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to test and evaluate alternative development standards and processes before prior to amending King County policies and regulations." Two-One demonstration projects are is established by this ordinance. The first demonstration project evaluates the presence of

**Commented [AE6]:** Additional finding on SO-120, and the maximum impervious surface of 25% (or less).

**Commented [AE7]:** Reflects elimination of special event demonstration project B.

remote tasting rooms in Rural Area zoned land in the Sammamish valley, ~~and within the~~  
~~Vashon Rural Town and Fall City Rural Town.~~ The second demonstration evaluates  
~~incorporating rural industry supporting special events through a joint conditional use~~  
~~permit and temporary use permit review process for winery, brewery, distillery facility~~  
~~III, and applies to Rural Area zoned land in the Sammamish valley.~~ Those two ~~The~~  
demonstration ~~projects is~~are located in ~~an~~ areas where businesses are supported by nearby  
small-scale agriculture and proximity to consumers, and ~~rely~~relies on a pastoral setting  
and a rural sense of community for economic viability and traditional rural-based  
activities. The criteria for site selection for the ~~two~~ demonstration projects ~~were~~is based  
on existing levels of development on the property, lot size, current zoning, ~~availability of~~  
~~arterial access,~~ proximity to Agricultural zoned areas and agricultural production districts,  
proximity to local and rural industry-supportive uses and to areas in need of economic  
stimulus and availability of arterial access. ~~Those~~ criteria implement Comprehensive  
Plan policy direction to protect agricultural lands and rural character, and to provide rural  
economic opportunities. State Route 202, ~~state Route 203 and Vashon Highway SW~~  
~~are~~is a designated arterial~~s~~ designed to carry significant traffic loads and ~~are~~is not  
expected to reflect measurable impacts over loads already generated by ~~existing~~ Rural  
Area residents and businesses ~~or related to the demonstration project.~~ These selected  
locations ~~are~~is an ideal places to test the demonstration project's ability to support  
businesses that are primarily nonurban in nature, ~~and~~to evaluate ~~their~~the benefits and to  
~~test impact mitigation strategies~~ before adopting potential countywide regulations.

~~VY.~~ Public testimony on this ordinance included discussion of congestion on  
local roads caused by population growth. With that concern in mind, the ordinance

**Commented [AE8]:** Remove Vashon and Fall City from remote tasting room demonstration project A, replace with permanent zoning for remote tasting rooms.

**Commented [AE9]:** Remove duplication

249 requires the largest winery, brewery, distillery facilities to be sited where there is direct  
250 access to an arterial, and that remote tasting rooms be tested where related vehicle trips  
251 will be directed to an existing state highway. Comprehensive Plan Policy T-310 states  
252 "[s]tate highway facilities and arterial roads are designed to accommodate higher traffic  
253 volumes, at higher speeds than local roads," and the county should "encourage such  
254 traffic to use highways or arterials whenever possible." This ordinance implements the  
255 pPlan's directive by requiring larger ~~and/or~~ previously untested uses to utilize arterial  
256 roads. Further,  
257 ~~W. The parcels chosen for the remote tasting room demonstration project A in~~  
258 ~~the Sammamish valley are located directly on an arterial. Parcels chosen for the remote~~  
259 ~~tasting room demonstration project A on Vashon Maury Island and in Fall City are zoned~~  
260 ~~Community Business, and are inside the boundaries of the designed Rural Town.~~  
261 ~~Z. The parcel selection complies with the policies in the Comprehensive Plan.~~  
262 ~~For instance, The Comprehensive Plan states that "[t]he purposes of Rural Town~~  
263 ~~designations within the Comprehensive Plan are to recognize existing concentrations of~~  
264 ~~higher density and economic activity in Rural Areas and to allow modest growth of~~  
265 ~~residential and economic uses to keep them economically viable into the future."~~  
266 Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers  
267 for the Rural Area and Natural Resource Lands and may be served by a range of utilities  
268 and services, and may include several or all of the following land uses, if supported by  
269 necessary utilities and other services and if scaled and designed to protect rural character:  
270 a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and  
271 Natural Resource Lands population...c. Other retail, commercial, and industrial uses,

**Commented [AE10]:** Remove Vashon and Fall City from remote tasting room demonstration project A, replace with permanent zoning for remote tasting rooms.

**Commented [AE11]:** Reframe this Finding to reflect permanent zoning for Vashon and Fall City Rural Towns (and rural CB zone outside Renton).



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.](#)

~~XAA~~. The county is committed to providing fair, accurate and consistent  
enforcement of the regulations adopted by this ordinance. The executive expects to  
engage on-call consultants to conduct outreach and provide technical assistance to  
businesses required to comply with the new regulations. It is anticipated that some  
businesses may take several months to come into compliance. For businesses  
progressing toward compliance with the ordinance, the county does not intend to begin  
enforcement proceedings for a minimum of ~~six~~ [twelve](#) months after the effective date of  
this ordinance.

SECTION 2. 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 appeals under K.C.C. chapter 6.xx \(the chapter created by section 3 of this](#)

ordinance) 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 32. Sections ~~34~~ through 11 of this ordinance should constitute a new chapter in K.C.C. Title 6.

NEW SECTION. SECTION 43. There is hereby added to the chapter established in section ~~32~~ of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 54. There is hereby added to the chapter established in section ~~32~~ of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 65. There is hereby added to the chapter established in section 32 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 76. There is hereby added to the chapter established in section 32 of this ordinance a new section to read as follows:

An application for an adult beverage business license or license renewal must 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

364 Business Identifier number, the identity of the registered agent and the address of the  
365 principal office, if the applicant is a corporation or limited liability company;

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

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

371 D. For businesses in the A zone, a signed statement that at least sixty percent of  
372 the products to be used by the business are grown on-site, as prescribed under K.C.C.  
373 21A.08.030 and 21A.08.080~~, or for winery, brewery, distillery I businesses in the A zone,~~  
374 ~~that at least sixty percent of the products to be used by the business are grown in Puget~~  
375 ~~Sound counties, as defined in K.C.C. chapter 21A.06;~~ and

376 E. For any adult beverage businesses attempting to demonstrate legal  
377 nonconforming use status under section 11.B. of this ordinance, operating under an active  
378 Washington state Liquor and Cannabis Board production license issued for their current  
379 location before the effective date of this ordinance, and where King County did not object  
380 to the location during the Washington state Liquor and Cannabis Board license  
381 application process, documentation sufficient to establish that the requirements of K.C.C.  
382 Title 21A have been met, and documentation of the county's response to the notice of  
383 application, if any.

384 NEW SECTION. SECTION 87. There is hereby added to the chapter established  
385 in section 32 of this ordinance a new section to read as follows:

386 An applicant for an adult beverage business license or renewal under this chapter

Commented [AE12]: WBD I Interim use in A zone removed.

Commented [AE13]: Allow existing businesses with liquor licenses issued prior to the effective date of this ordinance to have a year to demonstrate previous compliance with the Zoning Code requirements for WBDs and home occupations.

This section require documentation for existing businesses with their County business license application.

387 shall pay an application fee at the time of application submittal. The nonrefundable  
388 application fee for an adult beverage business license or renewal is one hundred dollars.

389 NEW SECTION. SECTION 98. There is hereby added to the chapter established  
390 in section 23 of this ordinance a new section to read as follows:

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

**Commented [AE14]:** Gives Permitting authority to deny business license for noncompliance with the Zoning Code.

399 NEW SECTION. SECTION 109. There is hereby added to the chapter  
400 established in section 32 of this ordinance a new section to read as follows:

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

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

**Commented [AE15]:** Removing WBD I interim use in A zone

409 ~~A business license for a winery, brewery, distillery facility I interim use shall not~~

be issued or renewed for more than five years on any one site.

**NEW SECTION. SECTION 11.** There is hereby added to the chapter established in section 32 of this ordinance a new section 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. 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 operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, 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 business licenses or renewals for such locations shall only be approved by the director if:

1. The requirements to establish a legal nonconforming use have been met;
2. The applicant has otherwise established a vested legal nonconforming use;
3. The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or
4. If the business has come into conformance with the winery, brewery,

**Commented [AE16]:** Allow existing businesses with liquor licenses issued prior to the effective date of this ordinance to have a 1-year to demonstrate previous compliance with the Zoning Code requirements for WBDs and home occupations.

This section allows one 6-month business license to be issued while the business proves previous compliances, with a possible 6-month extension with action towards documenting compliance. Subsequent licenses may not be issued unless the business is in compliance with the Zoning Code either as a legal nonconforming use or under the new regulations, or the director determines that the business has taken substantial steps to document compliance as a legal nonconforming use.

[distillery facility I, II or III or remote tasting room regulations adopted in K.C.C. 21A.08.070, 21A.08.080 or section 28 of this ordinance.](#)

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

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section 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: a 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.

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

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, [distilling](#) barrel or tank aging, and finishing. 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 ~~product~~ tasting [of products](#) or retail sales ~~of merchandise as authorized by state law~~ [is are](#)

**Commented [AE17]:** Adds distilling to the definition as a step in the production process.



~~limited~~not allowed. "Winery, brewery, distillery facility I" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

**Commented [AE18]:** Reflects change made to prohibit on-site tasting and retail sales.

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

**Commented [AE19]:** Removing WBD I interim use in A zone

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

NEW SECTION. SECTION 4615. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

**Commented [AE20]:** Adds distilling to the definition as a step in the production process.

479 tasting [of products](#) and sales as authorized by state law and sales of merchandise related  
 480 to products available for tasting as authorized by state law. "Winery, brewery, distillery  
 481 facility II" does not include any retail liquor licenses that would be authorized by chapter  
 482 314-02 WAC.

483 NEW SECTION. SECTION [4716](#). There is hereby added to K.C.C. chapter  
 484 21A.06 a new section to read as follows:

485 Winery, brewery, distillery facility III: A production facility licensed by the state  
 486 of Washington to produce adult beverages such as wine, cider, beer and distilled spirits  
 487 and that includes an adult beverage production use such as crushing, fermentation,  
 488 [distilling](#), barrel or tank aging, and finishing. A winery, brewery, distillery facility III  
 489 may include additional production-related uses such as vineyards, orchards, wine cellars  
 490 or similar product-storage areas as authorized by state law, on-site [product](#)-tasting [of](#)  
 491 [products](#) and sales as authorized by state law and sales of merchandise related to products  
 492 available as authorized by state law. "Winery, brewery, distillery facility III" does not  
 493 include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

494 ~~SECTION 18. Ordinance 10870, Section 330, as amended, and K.C.C.~~  
 495 ~~21A.08.030 are each hereby amended to read as follows:~~

496 ~~A. [Residential land uses.](#)~~

**Commented [AE21]:** Adds distilling to the definition as a step in the production process.

**Commented [AE22]:** This section is deleted. Substantive changes:

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R-U R-A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	Θ	I
	DWELLING UNITS, TYPES:												
20	Single-Detached	P	P2		P	P	P	P	P15				

WBD I Interim Use in A zone is eliminated as a permitted use  
 WBD I for RA zone is moved to the Manufacturing Land Use table as a permitted use, not accessory to a residence.

		C12			C12	C12	C12	C12					
•	Townhouse				C4	C4	P11	P	P3	P3	P3	P3	
							C12						
•	Apartment				C4	C4	P5	P	P3	P3	P3	P3	
							C5						
•	Mobile Home Park				S13		C8	P					
•	Cottage Housing						P15						
	<b>GROUP RESIDENCES:</b>												
•	Community Residential Facility I				C	C	P14.a	P	P3	P3	P3	P3	
							C						
•	Community Residential Facility II						P14.b	P	P3	P3	P3	P3	
•	Dormitory				C6	C6	C6	P					
•	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	<b>ACCESSORY USES:</b>												
•	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
		P19			P17								
					C17								
•	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
•	Home Industry	C			C	C	C						
	<b>TEMPORARY LODGING:</b>												
7014	Hotel/Motel (1)									P	P	P	
•	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses										P		

**B. Development conditions:**

1. Except bed and breakfast guesthouses.

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

a. Site disturbance associated with development of any new residence shall be

501 ~~limited to three acres. Site disturbance shall mean all land alterations including, but not~~  
502 ~~limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage~~  
503 ~~disposal systems and driveways. Additional site disturbance for agriculture, including~~  
504 ~~raising livestock, up to the smaller of thirty five percent of the lot or seven acres, may be~~  
505 ~~approved only if a farm management plan is prepared in accordance with K.C.C. chapter~~  
506 ~~21A.30. Animal densities shall be based on the area devoted to animal care and not the~~  
507 ~~total area of the lot;~~

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

511 ~~———— c. The forest management plan shall incorporate a fire protection element that~~  
512 ~~includes fire safety best management practices developed by the department.~~

513 ~~———— 3. Only as part of a mixed use development subject to the conditions of K.C.C.~~  
514 ~~chapter 21A.14, except that in the NB zone on properties with a land use designation of~~  
515 ~~commercial outside of center (CO) in the urban areas, stand-alone townhouse~~  
516 ~~developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and~~  
517 ~~21A.14.180.~~

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

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

521 ~~———— (1) At least fifty percent of the site is constrained by unbuildable critical~~  
522 ~~areas. For purposes of this subsection, unbuildable critical areas includes wetlands,~~  
523 ~~aquatic areas and slopes forty percent or steeper and associated buffers; and~~

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

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

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

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

~~7.a. Accessory dwelling units:~~

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

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

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

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

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

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

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

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

~~(5) On a site zoned RA:~~

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

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

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

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

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

~~————— (9) Accessory dwelling units and accessory living quarters are not allowed in the F-zone.~~

~~————— b. One single or twin engine, noncommercial aircraft shall be permitted only~~

on lots that abut, or have a legal access that is not a county right of way, to a waterbody  
or landing field, but only if there are:

- (1) no aircraft sales, service, repair, charter or rental; and
- (2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

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

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

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

- a. Serving meals shall be limited to paying guests; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

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

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

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

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

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

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

~~15. Only in the R4 R8 zones limited to:~~

~~a. developments no larger than one acre;~~

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

~~c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25, or the floor area and footprint limits in K.C.C. 21A.14.025.B; and~~

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

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

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

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

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

~~17. ((Repealed.)) 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 be set back 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. As part of the review of a conditional use permit, the setback may be reduced to twenty five feet if there is sufficient screening between the proposed use and adjacent rural area and residential zones;

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

d. Parking shall be provided as follows:

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

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

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

applicable state and local regulations;

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

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

g. Tasting of products shall be limited as follows:

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

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

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

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

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

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

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

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

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

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

675 ~~(5) If approved, a winery, brewery, distillery facility I interim use permit shall~~  
676 ~~be effective for one year from the date of issuance and may be renewed up to four times~~  
677 ~~annually, subject to the provisions for a temporary use permit provided in K.C.C.~~  
678 ~~21A.32.120.D.;~~

679 ~~(6) No more than one winery, brewery, distillery facility I interim use permit~~  
680 ~~may be issued for any one site, and after the interim use approval has expired, no~~  
681 ~~additional winery, brewery, distillery facility I interim use may be permitted on that site;~~  
682 ~~and~~

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

~~division, whichever is later, either:~~

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

~~(b) cease operations and vacate a site;~~

~~b. 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;~~

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

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

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

~~g. Parking shall be provided as follows:~~

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

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

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

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

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

~~j. 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;~~

~~k. Product tasting shall not be allowed;~~

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

~~m. Special events shall not be allowed; and~~  
~~n. Sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application under K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance), the applicant shall submit a projection of the source of products to be produced.~~

SECTION 197. Ordinance 10870, Section 334, as amended, and K.C.C.

21A.08.070 are ~~each~~ 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 Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6

*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	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
*	<u>Remote Tasting Room</u> <u>(13)</u>				<u>P13</u>					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores	((P43))			((P43))	((P43))			((P43))	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		

Commented [AE23]: Demonstration Project A narrowed to RA zone

*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two



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

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

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

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

750 2. Only hardware stores.

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

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

753 4. No permanent structures or signs.

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

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

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

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

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

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

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

763 12. Excluding vehicle and livestock auctions.

13. (~~Only as accessory to a winery or SIC Industry No. 2082 Malt Beverages,~~  
~~and limited to sales of products produced on site and incidental items where the majority~~  
~~of sales are generated from products produced on site)) Permitted as part of the~~  
demonstration project authorized by section 29-28 of this ordinance.

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

787 drive-through sales; or

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

789 of three thousand five hundred square feet.

790           20. Only as:

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

792           b. an accessory use to a park and limited to a total floor area of one thousand

793 five hundred square feet.

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

795 square feet.

796           22. Only as an accessory use to:

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

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

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

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

801 Industry No. 2431-Millwork and;

802           a. limited to lumber milled on site; and

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

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

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

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

807 vendors.

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

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

810 removed each evening;

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

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

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

814 properties.

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

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

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

818 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana

819 may be increased to up to three thousand square feet if the retail outlet devotes at least

820 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and

821 the operator maintains a current medical marijuana endorsement issued by the

822 Washington state Liquor and Cannabis Board.

823 c. Any lot line of a lot having any area devoted to retail marijuana activity

824 must be one thousand feet or more from any lot line of any other lot having any area

825 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new

826 retail marijuana activity may not be within one thousand feet of any lot line of any lot

827 having any area devoted to existing retail marijuana activity.

828 d. Whether a new retail marijuana activity complies with this locational

829 requirement shall be determined based on the date a conditional use permit application

830 submitted to the department of local services, permitting division, became or was deemed

831 complete, and:

832 (1) if a complete conditional use permit application for the proposed retail

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

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

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

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

854 e. Retail marijuana businesses licensed by the Washington state Liquor and  
855 Cannabis Board and operating within one thousand feet of each other as of August 14,

856 2016, and retail marijuana businesses that do not require a permit issued by King County,  
857 that received a Washington state Liquor and Cannabis Board license to operate in a  
858 location within one thousand feet of another licensed retail marijuana business prior to  
859 August 14, 2016, and that King County did not object to within the Washington state  
860 Liquor and Cannabis Board marijuana license application process, shall be considered  
861 nonconforming and may remain in their current location, subject to the provisions of  
862 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

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

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

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

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

878 (1) if a complete conditional use permit application for the proposed retail

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

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

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

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

900 c. Retail marijuana businesses licensed by the Washington state Liquor and  
901 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.

SECTION 1829. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are ~~each~~ 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 #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<a href="#">Winery/Brewery/ Distillery Facility 1</a>				<a href="#">P32</a>								
*/(208	<a href="#">Winery/Brewery/</a>	P3			P3	((P3)			P17	P17	P29		P31

Commented [AE24]: Move WBD I in RA zone to Manufacturing Land Use table



2 (2085))	Distillery Facility II	((C12)			<del>C3</del>	)			<del>C17</del>	<del>C17</del>	<del>C29</del>		<del>C31</del>
*	Winery/Brewery/ Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P1 3 C	P14 C1 5	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P1 8 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P1 9		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9		P

Commented [AE25]: CUP option to reduce setback from RA and R zones from 75' to 25' removed

33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

3.a. ((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC

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

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

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

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

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

942                ~~((f-))~~ e. In the A zone, ((S))sixty percent or more of the products processed  
943 must be grown ~~((in the Puget Sound counties))~~ on-site. At the time of the initial  
944 application under K.C.C. chapter 6.xx (the new chapter created in section 32 of this  
945 ordinance), the applicant shall submit a projection of the source of products to be

Commented [AE26]: Eliminates option to reduce setbacks for WBD II in A and RA zone.

946 produced; ~~((and~~  
947 ~~g.))~~ f. At least two stages of production of wine, beer, cider or distilled spirits,  
948 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized  
949 by the Washington state Liquor and Cannabis Board production license, shall occur on-  
950 site. At least one of the stages of production occurring on-site shall include crushing,  
951 fermenting or distilling;  
952 g. In the A zone, structures and areas for non-agricultural winery, brewery,  
953 distillery facility uses shall be located on portions of agricultural lands that are unsuitable  
954 for agricultural purposes, such as areas within the already developed portion of such  
955 agricultural lands that are not available for direct agricultural production, or areas without  
956 prime agricultural soils. No more than one acre of agricultural land may be converted to  
957 a nonagricultural accessory use;  
958 h. Tasting and retail sales of products produced on-site may occur only as  
959 accessory to the primary winery, brewery, distillery production use and may be provided  
960 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
961 limited to no more than fifteen percent of the aggregated floor area and shall be included  
962 in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental  
963 retail sales of merchandise related to the products produced on-site is allowed subject to  
964 the restrictions described in this subsection B.3. Hours of operation for on-site tasting of  
965 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
966 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
967 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
968 p.m.;

**Commented [AE27]:** Requires one stage of production to include crushing, fermenting or distilling.

**Commented [AE28]:** Limits conversion of land to maximum 1 acre for nonagricultural accessory use.

**Commented [AE29]:** Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

**Commented [AE30]:** Moved from i. below

969 ~~i. Incidental retail sales of products produced on site and merchandise related~~  
970 ~~to the products produced on site is allowed;~~  
971 ~~ii. Access to the site shall be directly to and from an On a site with direct~~  
972 ~~access to an arterial roadway;~~  
973 ~~kj. Off-street parking is limited to a maximum of one space per 50 square feet~~  
974 ~~of tasting and retail area one hundred fifty percent of the minimum required for winery,~~  
975 ~~brewery, distillery facilities in K.C.C. 21A.18.030, except for winery, brewery, distillery~~  
976 ~~facility II business locations licensed to produce by the Washington state Liquor and~~  
977 ~~Cannabis Board before January 1, 2019, without objection from King County during the~~  
978 ~~license application processes, and that signed a settlement agreement with King County~~  
979 ~~before January 1, 2019, parking spaces exceeding the limits of this section shall be~~  
980 ~~considered nonconforming and may continue, subject to the provisions of K.C.C.~~  
981 ~~21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other~~  
982 ~~applicable state and local regulations;~~  
983 ~~lk. The business operator shall obtain an adult beverage business license in~~  
984 ~~accordance with K.C.C. chapter 6.xx (the new chapter created in section 23 of this~~  
985 ~~ordinance);-and~~  
986 ~~ml. Events may be allowed with an approved temporary use permit under~~  
987 ~~K.C.C. chapter 21A.32; and~~  
988 ~~m. The impervious surface associated with the winery, brewery, distillery~~  
989 ~~facility use shall not exceed twenty-five percent of the site, or the maximum impervious~~  
990 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~  
991 ~~whichever is less.~~

**Commented [AE31]:** Requires access onto an arterial roadway

**Commented [AE32]:** Modifies the maximum parking to 150% of the minimum

**Commented [AE33]:** Eliminate nonconforming status for existing parking spaces.

**Commented [AE34]:** Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

RA-2.5: 25%  
RA-5: 20%  
RA-10: 15%  
  
A-10: 15%  
A-35: 10%

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. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors))~~ 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.~~((t) Except as provided in subsection B.12.b.(2) of this section, t))~~ The aggregated floor area of structures and areas for ((wineries, breweries and distilleries and any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet ~~((t. )) except that ((T)) the floor area may be increased by up to an~~

**Commented [AE35]:** Adds requirement for WBDs to be accessory to a primary agricultural use.

1015 additional eight thousand square feet of underground storage that is constructed  
1016 completely below natural grade, not including required exits and access points, if the  
1017 underground storage is at least one foot below the surface and is not visible above  
1018 ground)). Decks that are not occupied and not open to the public are excluded from the

Commented [AE36]: Eliminate underground storage allowance

1019 calculation for maximum aggregated floor area; ((and

1020 (2) On Vashon Maury Island, the total floor area of structures for wineries,  
1021 breweries and distilleries and any accessory uses may not exceed six thousand square  
1022 feet, including underground storage;))

1023 ((c. )) b. Only allowed on lots of at least four and one-half acres. If the  
1024 aggregated floor area of structures for winery, brewery, distillery uses exceeds six  
1025 thousand square feet, including underground storage, the minimum site area shall be ten  
1026 acres;

1027 ed. Wineries, breweries and distilleries shall comply with Washington state  
1028 Department of Ecology and King County board of health regulations for water usage and  
1029 wastewater disposal((. Wineries, breweries and distilleries using water from exempt  
1030 wells shall install a water meter;

1031 d. Off street parking is limited to one hundred and fifty percent of the  
1032 minimum requirement for wineries, breweries or distilleries specified in K.C.C.  
1033 21A.18.030;)), and must connect to an existing Group A water system or an existing  
1034 Group B water system if a Group A water system is not available. The definitions and  
1035 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of  
1036 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142; ((. Wineries,  
1037 breweries and distilleries using water from exempt wells shall install a water meter;

Commented [AE37]: Requires WBD IIIs in A and RA zone to connect to a Group A water system.

Commented [AE38]: Provides a cross-reference to the definitions of Group A systems and provision of water service

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

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

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

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

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

~~g. The facility shall be limited to processing agricultural products and)) e.~~ In the A zone, sixty percent or more of the products processed must be grown ~~((in the Puget Sound counties))~~ on-site. At the time of the initial application under K.C.C. chapter 6.xx ~~(the new chapter created in section 23 of this ordinance)~~, the applicant shall submit a projection of the source of products to be processed; ~~((and))~~

~~gf.~~ 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

Commented [AE39]: Eliminates option to reduce setbacks for WBD III in A and RA zone.



1061 by the Washington state Liquor and Cannabis Board production license, shall occur on-  
 1062 site. At least one of the stages of on-site production shall include crushing, fermenting or  
 1063 distilling.  
 1064 h.g. In the A zone, structures and areas for non-agricultural winery, brewery,  
 1065 distillery facility uses shall be located on portions of agricultural lands that are unsuitable  
 1066 for agricultural purposes, such as areas within the already developed portion of such  
 1067 agricultural lands that are not available for direct agricultural production, or areas without  
 1068 prime agricultural soils. No more than one acre of agricultural land may be converted to  
 1069 a nonagricultural accessory use.  
 1070 i. Tasting and retail sales of products produced on-site may occur only as  
 1071 accessory to the primary winery, brewery, distillery production use and may be provided  
 1072 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
 1073 limited to no more than fifteen percent of the aggregated floor area and shall be included  
 1074 in the aggregated floor area limitation in subsection B.12.ba. and cb. of this section.  
 1075 Incidental retail sales of merchandise related to the products produced on-site is allowed  
 1076 subject to the restrictions described in this subsection. Hours of operation for on-site  
 1077 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and  
 1078 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and  
 1079 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.  
 1080 through 9:00 p.m.;  
 1081 ~~i. Incidental retail sales of products produced on-site and merchandise related~~  
 1082 ~~to the products produced on-site is allowed;~~  
 1083 j. Access to the site shall be directly to and from an arterial roadway. ~~On a site~~

**Commented [AE40]:** Requires one stage of production to include crushing, fermenting or distilling.

**Formatted:** No underline

**Commented [AE41]:** Limits conversion of land to maximum 1 acre for nonagricultural accessory use

**Commented [AE42]:** Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

**Commented [AE43]:** Moved from i. below

**Commented [AE44]:** Requires access onto an arterial roadway

~~with direct access to an arterial;~~

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

**Commented [AE45]:** Modifies maximum parking for A and RA zones to 150% of the minimum

l. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 32 of this ordinance);-and

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

**Commented [AE46]:** Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

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.

RA-2.5: 25%  
RA-5: 20%  
RA-10: 15%  
  
A-10: 15%  
A-35: 10%

1107 14. Only on the same lot or same group of lots under common ownership or  
1108 documented legal control, which includes, but is not limited to, fee simple ownership, a  
1109 long-term lease or an easement:

1110 a. as accessory to a primary mineral use; or

1111 b. as a continuation of a mineral processing use only for that period to  
1112 complete delivery of products or projects under contract at the end of mineral extraction.

1113 15. Continuation of a materials processing facility after reclamation in  
1114 accordance with an approved reclamation plan.

1115 16. Only a site that is ten acres or greater and that does not use local access  
1116 streets that abut lots developed for residential use.

1117 17.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~  
1118 ~~Industry No. 2085 Distilled and Blended Liquors;~~

1119 ~~b.)) The aggregated floor area ((devoted to all processing)) of structures and~~  
1120 areas for winery, brewery, distillery facility uses shall not exceed three thousand five  
1121 hundred square feet, unless located in ((a building)) whole or in part in a structure  
1122 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated  
1123 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall  
1124 not exceed five thousand square feet. Decks that are not occupied and not open to the  
1125 public are excluded from the calculation for maximum aggregated floor area;

1126 ~~((e-)) b. Structures and parking areas ((used for processing)) for winery,~~  
1127 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet  
1128 from interior property lines adjoining rural area and residential zones, unless located in a  
1129 building designated as historic resource under K.C.C. chapter 20.62 As part of the

review of a conditional use permit, the setback may be reduced to twenty five feet if there is sufficient screening between the proposed use and adjacent rural area and residential zones; ((and

**Commented [AE47]:** Eliminates option to reduce setbacks for WBD in NB and CB zone.

d.)) c. Tasting and retail sale of products produced ~~on-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.~~((18.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.xx (the new chapter created in section 32 of this ordinance); and

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

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;

1153 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to  
1154 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1155 (5) In the RA zone, the facility's driveway shall have adequate entering sight  
1156 distance required by the 2007 King County Road Design and Construction Standards. An  
1157 adequate turn around shall be provided on-site to prevent vehicles from backing out on to  
1158 the roadway that the driveway accesses; and

1159 (6) Outside lighting is limited to avoid off-site glare; and

1160 b. SIC Industry No. 2411-Logging.

1161 19. Limited to manufacture of custom made wood furniture or cabinets.

1162 20.a. Only allowed on lots of at least four and one-half acres;

1163 b. Only as an accessory use to a Washington state Liquor Control Board

1164 licensed marijuana production facility on the same lot;

1165 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1166 d. Only with documentation that the operator has applied for a Puget Sound

1167 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1168 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1169 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1170 are imported onto the site; and

1171 e. Accessory marijuana processing uses allowed under this section are subject

1172 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1173 21.a. Only in the CB and RB zones located outside the urban growth area;

1174 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1175 c. Only with documentation that the operator has applied for a Puget Sound

1176 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1177 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1178 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1179 are imported onto the site;

1180 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
1181 support of, processing marijuana together with any separately authorized production of  
1182 marijuana shall be limited to a maximum of two thousand square feet; and

1183 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1184 every marijuana-related entity occupying space in addition to the two-thousand-square-  
1185 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
1186 subsection B.22. of this section.

1187 22.a. Only in the CB and RB zones located outside the urban growth area;

1188 b. Per lot, the aggregated total gross floor area devoted to the use of, and in  
1189 support of, processing marijuana together with any separately authorized production of  
1190 marijuana shall be limited to a maximum of thirty thousand square feet;

1191 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

1192 d. Only with documentation that the operator has applied for a Puget Sound

1193 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1194 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1195 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1196 are imported onto the site.

1197 23.a. Only in the CB and RB zones located inside the urban growth area;

1198 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1199 c. Only with documentation that the operator has applied for a Puget Sound  
1200 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1201 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1202 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1203 are imported onto the site;

1204 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
1205 support of, processing marijuana together with any separately authorized production of  
1206 marijuana shall be limited to a maximum of two thousand square feet; and

1207 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1208 every marijuana-related entity occupying space in addition to the two-thousand-square-  
1209 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
1210 subsection B.24. of this section.

1211 24.a. Only in the CB and RB zones located inside the urban growth area;

1212 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1213 c. Only with documentation that the operator has applied for a Puget Sound  
1214 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1215 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1216 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1217 are imported onto the site; and

1218 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
1219 support of, processing marijuana together with any separately authorized production of  
1220 marijuana shall be limited to a maximum of thirty thousand square feet.

1221 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1222           b. Only with documentation that the operator has applied for a Puget Sound  
1223 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1224 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1225 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1226 are imported onto the site; and

1227           c. Per lot, limited to a maximum aggregate total of two thousand square feet of  
1228 gross floor area devoted to, and in support of, the processing of marijuana together with  
1229 any separately authorized production of marijuana.

1230           26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1231           b. Only with documentation that the operator has applied for a Puget Sound  
1232 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1233 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1234 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1235 are imported onto the site; and

1236           c. Per lot, limited to a maximum aggregate total of thirty thousand square feet  
1237 of gross floor area devoted to, and in support of, the processing of marijuana together  
1238 with any separately authorized production of marijuana.

1239           27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury  
1240 Island, that do not require a conditional use permit issued by King County, that receive a  
1241 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
1242 and that King County did not object to within the Washington state Liquor and Cannabis  
1243 Board marijuana license application process, shall be considered nonconforming as to  
1244 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through



1245 21A.32.075 for nonconforming uses;

1246 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

1247 c. Only with documentation that the operator has applied for a Puget Sound

1248 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1249 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1250 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1251 are imported onto the site;

1252 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury

1253 Island;

1254 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

1255 except on Vashon-Maury Island;

1256 f. Only as an accessory use to a Washington state Liquor Cannabis Board

1257 licensed marijuana production facility on the same lot; and

1258 g. Accessory marijuana processing uses allowed under this section are subject

1259 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1260 28. If the food and kindred products manufacturing or processing is associated

1261 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1262 29.a. Tasting and retail sales of products produced ~~on~~-on-site, and merchandise

1263 related to the products produced on-site, may be provided in accordance with state law;

1264 b. Structures and parking areas for winery, brewery, distillery facility uses

1265 shall maintain a minimum distance of seventy-five feet from interior property lines

1266 adjoining rural area and residential zones, unless located in a building designated as

1267 historic resource under K.C.C. chapter 20.62. ~~As part of the review of a conditional use~~

permit, the setback may be reduced to twenty five feet if there is sufficient screening  
between the proposed use and adjacent rural area and residential zones;

**Commented [AE48]:** Eliminates option to reduce setbacks for WBD in RB zone.

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 ~~the off-~~  
~~street parking parking ratio~~ 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.xx (the new chapter created in section 2-3 of this  
ordinance); 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;

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

1291 shall maintain a minimum distance of seventy-five feet from interior property lines  
1292 adjoining rural area and residential zones, unless located in a building designated as  
1293 historic resource under K.C.C. chapter 20.62. ~~As part of the review of the conditional use~~  
1294 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~  
1295 ~~between the proposed use and adjacent rural area and residential zones;~~

**Commented [AE49]:** Eliminates option to reduce setbacks for WBD II in RA zone.

1296 d. Tasting and retail sales of products produced on-site may only occur as  
1297 accessory to the primary winery, brewery, distillery production use and may be provided  
1298 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
1299 limited to no more than fifteen percent of the aggregated floor area and shall be included  
1300 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental  
1301 retail sales of merchandise related to the products produced on-site is allowed subject to

**Commented [AE50]:** Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

**Commented [AE51]:** Moved from e. below

1302 the restrictions described in this subsection. Hours of operation for on-site tasting of  
1303 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
1304 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
1305 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
1306 p.m.;

1307 ~~e. Incidental retail sales of products produced on-site and merchandise related~~  
1308 ~~to the products produced on-site is allowed;~~

1309 ~~f. Access to the site shall be directly to and from a public roadway. On a site~~  
1310 ~~with direct access to a public roadway;~~

**Commented [AE52]:** Requires access to a public roadway

1311 ~~g-f. Off-street parking for tasting and retail areas is limited to a maximum of~~  
1312 ~~one hundred fifty percent of the minimum required for winery, brewery, distillery~~  
1313 ~~facilities in K.C.C. 21A.18.030 one space per fifty square feet of tasting and retail areas;~~

**Commented [AE53]:** Modify the maximum parking in the A and RA zones to 150% of the minimum

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

**Commented [AE54]:** Eliminate nonconforming status for existing parking spaces.

hg. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 2-3 of this ordinance);

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

ji. 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

**Commented [AE55]:** Requires one stage of production to include crushing, fermenting or distilling.

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.

**Commented [AE56]:** Limits impervious surface to 25% or the percentage allowed for the zone, 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

RA-2.5: 25%  
RA-5: 20%  
RA-10: 15%  
  
A-10: 15%  
A-35: 10%

1337 tasting rooms for wineries shall not be allowed;

1338 b. Tasting and retail sale of products produced on-site, and merchandise  
1339 related to the products produced on-site, may be provided in accordance with state law.

1340 The area devoted to on-site tasting or retail sales shall not exceed one thousand five  
1341 hundred square feet;

1342 c. Structures and parking areas for winery, brewery and, distillery facility uses  
1343 shall maintain a minimum distance of seventy-five feet from interior property lines  
1344 adjoining rural area and residential zones, unless located in a building designated as  
1345 historic resource under K.C.C. chapter 20.62. As part of the review of a conditional use  
1346 permit, the setback may be reduced to twenty-five feet if there is sufficient screening  
1347 between the proposed use and adjacent rural area and residential zones;

Commented [AE57]: Eliminates option to reduce setbacks for WBD in I zone.

1348 d. For winery, brewery and, distillery facility uses that do not require a  
1349 conditional use permit, off-street parking for the tasting and retail areas shall be limited to  
1350 a maximum of one space per fifty square feet of tasting and retail areas. For winery,  
1351 brewery and, distillery facility uses that do require a conditional use permit, off-street  
1352 parking maximums shall be determined through the conditional use permit process, and  
1353 the parking ratio off-street parking -for the tasting and retail areas should be limited to a  
1354 maximum of one space per fifty square feet of tasting and retail areas;

1355 e. The business operator shall obtain an adult beverage business license in  
1356 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2-3 of this  
1357 ordinance); and

1358 f. Events may be allowed with an approved temporary use permit under K.C.C.  
1359 chapter 21A.32.

1360 32.a. The aggregated floor area of structures and areas for winery, brewery,  
1361 distillery facility uses shall not exceed one thousand five hundred square feet;  
1362 b. Structures and parking areas for winery, brewery, distillery facility uses  
1363 shall ~~be set back~~ maintain a minimum distance of seventy-five feet from interior property  
1364 lines adjoining rural area and residential zones, unless located in a building designated as  
1365 historic resource under K.C.C. chapter 20.62. ~~As part of the review of a conditional use~~  
1366 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~  
1367 ~~between the proposed use and adjacent rural area and residential zones;~~  
1368 ~~c. No more than one nonresident employee shall be permitted to work on site;~~  
1369 ~~dc. Parking shall be provided as follows:~~  
1370 ~~(1) in addition to the required parking for the dwelling, one on-site parking~~  
1371 ~~stall shall be provided~~ allowed for the winery, brewery, distillery facility I use if a  
1372 ~~nonresident is employed to work on site;~~  
1373 ~~(2) a minimum of one on site parking stall shall be provided for customers,~~  
1374 ~~and additional parking shall be calculated at the rate of one stall per one thousand square~~  
1375 ~~feet of floor or outdoor area dedicated to the winery, brewery, distillery facility uses; and~~  
1376 ~~(3) parking shall be limited to one hundred fifty percent of minimum required~~  
1377 ~~for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,~~  
1378 ~~brewery, distillery facility I business locations licensed to produce by the Washington~~  
1379 ~~state Liquor and Cannabis Board before January 1, 2019, without objection from King~~  
1380 ~~County during the license application processes, and that signed a settlement agreement~~  
1381 ~~with King County before January 1, 2019, parking spaces exceeding the limits of this~~  
1382 ~~section shall be considered noneonforming and may continue, subject to the provisions of~~

**Commented [AE58]:** Eliminates option to reduce setbacks for WBD I in RA zone.

**Commented [AE59]:** Removes requirements tying the permitted WBD I use to a residence.

**Commented [AE60]:** Parking changes to allow one on-site space.

Eliminates customer parking, as no on-site retail or tasting is allowed

~~K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other applicable state and local regulations;~~

~~ed. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 2-3 of this ordinance);~~

~~fe. 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;~~

~~gf. No product tasting or retail sales shall be allowed on-site; Tasting of products shall be limited as follows:~~

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

~~———— (2) in all other areas of the county, for products produced on-site, tasting of products may be provided in accordance with state law. The area devoted to tasting shall be included in the aggregated floor area limitation in subsection B.17.a. of this section. Tastings shall be limited to appointment only; and appointments may only occur Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m. and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings shall be indoors;~~

Commented [AE61]: Requires one stage of production to include crushing, fermenting or distilling.

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

ig. Events may be allowed in accordance with K.C.C. chapter 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 ~~24~~19. Ordinance 10870, Section 336, as amended, and K.C.C.

21A.08.090 are ~~each~~ hereby amended to read as follows:

A. Resource land uses.

**Commented [AE62]:** Clarify that events are limited to what is described in 21A.32.120.B.6. which allows 2 per year, maximum 50 guests

**Commented [AE63]:** Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

RA-2.5: 25%  
RA-5: 20%  
RA-10: 15%

A-10: 15%  
A-35: 10%

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	Marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											



*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction

1423 with mineral extraction or processing operation.

1424 6. Allowed in accordance with K.C.C. chapter 21A.30.

1425 7. Only in conjunction with a mineral extraction site plan approved in

1426 accordance with K.C.C. chapter 21A.22.

1427 8. Only on the same lot or same group of lots under common ownership or

1428 documented legal control, which includes, but is not limited to, fee simple ownership, a

1429 long-term lease or an easement:

1430 a. as accessory to a primary mineral extraction use;

1431 b. as a continuation of a mineral processing only for that period to complete

1432 delivery of products or projects under contract at the end of a mineral extraction; or

1433 c. for a public works project under a temporary grading permit issued in

1434 accordance with K.C.C. 16.82.152.

1435 9. Limited to mineral extraction and processing:

1436 a. on a lot or group of lots under common ownership or documented legal control,

1437 which includes but is not limited to, fee simple ownership, a long-term lease or an

1438 easement;

1439 b. that are located greater than one-quarter mile from an established residence;

1440 and

1441 c. that do not use local access streets that abut lots developed for residential

1442 use.

1443 10. Agriculture training facilities are allowed only as an accessory to existing

1444 agricultural uses and are subject to the following conditions:

1445 a. The impervious surface associated with the agriculture training facilities

1446 shall comprise not more than ten percent of the allowable impervious surface permitted  
1447 under K.C.C. 21A.12.040;

1448 b. New or the expansion of existing structures, or other site improvements,  
1449 shall not be located on class 1, 2 or 3 soils;

1450 c. The director may require reuse of surplus structures to the maximum extent  
1451 practical;

1452 d. The director may require the clustering of new structures with existing  
1453 structures;

1454 e. New structures or other site improvements shall be set back a minimum  
1455 distance of seventy-five feet from property lines adjoining rural area and residential  
1456 zones;

1457 f. Bulk and design of structures shall be compatible with the architectural style  
1458 of the surrounding agricultural community;

1459 g. New sewers shall not be extended to the site;

1460 h. Traffic generated shall not impede the safe and efficient movement of  
1461 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1462 i. Agriculture training facilities may be used to provide educational services to  
1463 the surrounding rural/agricultural community or for community events. Property owners  
1464 may be required to obtain a temporary use permit for community events in accordance  
1465 with K.C.C. chapter 21A.32;

1466 j. Use of lodging and food service facilities shall be limited only to activities  
1467 conducted in conjunction with training and education programs or community events  
1468 held on site;

1469 k. Incidental uses, such as office and storage, shall be limited to those that  
1470 directly support education and training activities or farm operations; and

1471 l. The King County agriculture commission shall be notified of and have an  
1472 opportunity to comment upon all proposed agriculture training facilities during the permit  
1473 process in accordance with K.C.C. chapter 21A.40.

1474 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
1475 uses after reclamation in accordance with an approved reclamation plan.

1476 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1477 oriented activities. In addition, activities that place minimal stress on the site's  
1478 agricultural resources or activities that are compatible with agriculture are permitted.

1479 (1) passive recreation;  
1480 (2) training of individuals who will work at the camp;  
1481 (3) special events for families of the campers; and  
1482 (4) agriculture education for youth.

1483 b. Outside the camp center, as provided for in subsection B.12.e. of this  
1484 section, camp activities shall not preclude the use of the site for agriculture and  
1485 agricultural related activities, such as the processing of local food to create value-added  
1486 products and the refrigeration and storage of local agricultural products. The camp shall  
1487 be managed to coexist with agriculture and agricultural activities both onsite and in the  
1488 surrounding area.

1489 c. A farm plan shall be required for commercial agricultural production to  
1490 ensure adherence to best management practices and soil conservation.

1491 d.(1) The minimum site area shall be five hundred acres. Unless the property

1492 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1493 of this section, a minimum of five hundred acres of the site must be owned by a single  
1494 individual, corporation, partnership or other legal entity and must remain under the  
1495 ownership of a single individual, corporation, partnership or other legal entity for the  
1496 duration of the operation of the camp.

1497 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1498 owner from selling or transferring the development rights for a portion or all of the site to  
1499 the King County farmland preservation program or, if the development rights are  
1500 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1501 e. The impervious surface associated with the camp shall comprise not more  
1502 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1503 f. Structures for living quarters, dining facilities, medical facilities and other  
1504 nonagricultural camp activities shall be located in a camp center. The camp center shall  
1505 be no more than fifty acres and shall depicted on a site plan. New structures for  
1506 nonagricultural camp activities shall be clustered with existing structures;

1507 g. To the extent practicable, existing structures shall be reused. The applicant  
1508 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1509 cannot be practicably accommodated within an existing structure on the site, though  
1510 cabins for campers shall be permitted only if they do not already exist on site;

1511 h. Camp facilities may be used to provide agricultural educational services to  
1512 the surrounding rural and agricultural community or for community events. If required  
1513 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1514 community events;

1515 i. Lodging and food service facilities shall only be used for activities related to  
1516 the camp or for agricultural education programs or community events held on site;  
1517 j. Incidental uses, such as office and storage, shall be limited to those that  
1518 directly support camp activities, farm operations or agricultural education programs;  
1519 k. New nonagricultural camp structures and site improvements shall maintain a  
1520 minimum set-back of seventy-five feet from property lines adjoining rural area and  
1521 residential zones;  
1522 l. Except for legal nonconforming structures existing as of January 1, 2007,  
1523 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1524 a scale to serve overnight camp users;  
1525 m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1526 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1527 and site improvements located within two hundred feet of an adjacent rural area and  
1528 residential zoned property not associated with the camp;  
1529 n. New sewers shall not be extended to the site;  
1530 o. The total number of persons staying overnight shall not exceed three  
1531 hundred;  
1532 p. The length of stay for any individual overnight camper, not including camp  
1533 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;  
1534 q. Traffic generated by camp activities shall not impede the safe and efficient  
1535 movement of agricultural vehicles nor shall it require capacity improvements to rural  
1536 roads;  
1537 r. If the site is adjacent to an arterial roadway, access to the site shall be

1538 directly onto the arterial unless the county road engineer determines that direct access is  
1539 unsafe;

1540 s. If direct access to the site is via local access streets, transportation  
1541 management measures shall be used to minimize adverse traffic impacts;

1542 t. Camp recreational activities shall not involve the use of motor vehicles  
1543 unless the motor vehicles are part of an agricultural activity or are being used for the  
1544 transportation of campers, camp personnel or the families of campers. Camp personnel  
1545 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
1546 motorized personal mobility devices are allowed; and

1547 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
1548 light away from any adjacent property.

1549 13. Limited to digester receiving plant and animal and other organic waste from  
1550 agricultural activities, and including electrical generation, as follows:

1551 a. the digester must be included as part of a Washington state Department of  
1552 Agriculture approved dairy nutrient plan;

1553 b. the digester must process at least seventy percent livestock manure or other  
1554 agricultural organic material from farms in the vicinity, by volume;

1555 c. imported organic waste-derived material, such as food processing waste,  
1556 may be processed in the digester for the purpose of increasing methane gas production for  
1557 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
1558 and

1559 d. the use must be accessory to an operating dairy or livestock operation.

1560 14. Farm worker housing. Either:

1561 a. Temporary farm worker housing subject to the following conditions:

1562 (1) The housing must be licensed by the Washington state Department of  
1563 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1564 (2) Water supply and sewage disposal systems must be approved by the  
1565 Seattle King County department of health;

1566 (3) To the maximum extent practical, the housing should be located on  
1567 nonfarmable areas that are already disturbed and should not be located in the floodplain  
1568 or in a critical area or critical area buffer; and

1569 (4) The property owner shall file with the department of executive services,  
1570 records and licensing services division, a notice approved by the department identifying  
1571 the housing as temporary farm worker housing and that the housing shall be occupied  
1572 only by agricultural employees and their families while employed by the owner or  
1573 operator or on a nearby farm. The notice shall run with the land; or

1574 b. Housing for agricultural employees who are employed by the owner or  
1575 operator of the farm year-round as follows:

1576 (1) Not more than:

1577 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1578 (b) two agricultural employee dwelling units on a site of at least twenty  
1579 acres and less than fifty acres;

1580 (c) three agricultural employee dwelling units on a site of at least fifty acres  
1581 and less than one-hundred acres; and

1582 (d) four agricultural employee dwelling units on a site of at least one-  
1583 hundred acres, and one additional agricultural employee dwelling unit for each additional



1584 one hundred acres thereafter;

1585 (2) If the primary use of the site changes to a nonagricultural use, all  
1586 agricultural employee dwelling units shall be removed;

1587 (3) The applicant shall file with the department of executive services, records  
1588 and licensing services division, a notice approved by the department that identifies the  
1589 agricultural employee dwelling units as accessory and that the dwelling units shall only  
1590 be occupied by agricultural employees who are employed by the owner or operator year-  
1591 round. The notice shall run with the land. The applicant shall submit to the department  
1592 proof that the notice was filed with the department of executive services, records and  
1593 licensing services division, before the department approves any permit for the  
1594 construction of agricultural employee dwelling units;

1595 (4) An agricultural employee dwelling unit shall not exceed a floor area of  
1596 one thousand square feet and may be occupied by no more than eight unrelated  
1597 agricultural employees;

1598 (5) To the maximum extent practical, the housing should be located on  
1599 nonfarmable areas that are already disturbed;

1600 (6) One off-street parking space shall be provided for each agricultural  
1601 employee dwelling unit; and

1602 (7) The agricultural employee dwelling units shall be constructed in  
1603 compliance with K.C.C. Title 16.

1604 15. Marijuana production by marijuana producers licensed by the Washington  
1605 state Liquor and Cannabis Board is subject to the following standards:

1606 a. Only allowed on lots of at least four and one-half acres;

1607           b. With a lighting plan, only if required by and that complies with K.C.C.  
1608   21A.12.220.G.;

1609           c. Only with documentation that the operator has applied for a Puget Sound  
1610   Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1611   marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1612   Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1613   are imported onto the site;

1614           d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1615   within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1616   subject to the size limitations in subsection B.15.e. of this section;

1617           e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1618   any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1619   aggregated total of two thousand square feet and shall be located within a fenced area or  
1620   marijuana greenhouse that is no more than ten percent larger than that combined area, or  
1621   may occur in nondwelling unit structures that exist as of October 1, 2013;

1622           f. Outdoor production area fencing as required by the Washington state Liquor  
1623   and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1624   maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
1625   feet; and

1626           g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
1627   with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
1628   marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1629   threshold area on that lot shall obtain a conditional use permit as set forth in subsection

1630 B.22. of this section.

1631 16. Marijuana production by marijuana producers licensed by the Washington  
1632 state Liquor and Cannabis Board is subject to the following standards:

1633 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
1634 that do not require a conditional use permit issued by King County, that receive a  
1635 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
1636 and that King County did not object to within the Washington state Liquor and Cannabis  
1637 Board marijuana license application process, shall be considered nonconforming as to  
1638 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020  
1639 through 21A.32.075 for nonconforming uses;

1640 b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1641 21A.12.220.G.;

1642 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1643 Island;

1644 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1645 except on Vashon-Maury Island;

1646 e. Only with documentation that the operator has applied for a Puget Sound  
1647 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1648 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1649 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1650 are imported onto the site;

1651 f. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1652 within nondwelling unit structures that exist as of October 1, 2013, subject to the size

1653 limitations in subsection B.16.g. of this section; and

1654 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1655 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1656 aggregated total of two thousand square feet and shall be located within a fenced area or  
1657 marijuana greenhouse, that is no more than ten percent larger than that combined area, or  
1658 may occur in nondwelling unit structures that exist as of October 1, 2013;

1659 h. Outdoor production area fencing as required by the Washington state Liquor  
1660 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback  
1661 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback  
1662 of one hundred fifty feet from any existing residence; and

1663 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
1664 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
1665 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
1666 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1667 17. Marijuana production by marijuana producers licensed by the Washington  
1668 state Liquor and Cannabis Board is subject to the following standards:

1669 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1670 Island;

1671 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1672 except on Vashon-Maury Island;

1673 c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1674 21A.12.220.G.;

1675 d. Only with documentation that the operator has applied for a Puget Sound

1676 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1677 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1678 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1679 are imported onto the site;

1680 e. Production is limited to outdoor and indoor within marijuana greenhouses  
1681 subject to the size limitations in subsection B.17.f. of this section;

1682 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1683 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1684 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
1685 marijuana greenhouse that is no more than ten percent larger than that combined area;  
1686 and

1687 g. Outdoor production area fencing as required by the Washington state Liquor  
1688 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
1689 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback  
1690 of one hundred fifty feet from any existing residence.

1691 18.a. Production is limited to indoor only;

1692 b. With a lighting plan only as required by and that complies with K.C.C.  
1693 21A.12.220.G.;

1694 c. Only with documentation that the operator has applied for a Puget Sound  
1695 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1696 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1697 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1698 are imported onto the site; and

1699 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1700 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1701 aggregated total of two thousand square feet and shall be located within a building or  
1702 tenant space that is no more than ten percent larger than the plant canopy and separately  
1703 authorized processing area; and

1704 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1705 every marijuana-related entity occupying space in addition to the two-thousand-square  
1706 foot threshold area on that parcel shall obtain a conditional use permit as set forth in  
1707 subsection B.19. of this section.

1708 19.a. Production is limited to indoor only;

1709 b. With a lighting plan only as required by and that complies with K.C.C.  
1710 21A.12.220.G.;

1711 c. Only with documentation that the operator has applied for a Puget Sound  
1712 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1713 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1714 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1715 are imported onto the site; and

1716 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1717 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1718 aggregated total of thirty thousand square feet and shall be located within a building or  
1719 tenant space that is no more than ten percent larger than the plant canopy and separately  
1720 authorized processing area.

1721 20.a. Production is limited to indoor only;

1722                   b. With a lighting plan only as required by and that complies with K.C.C.  
1723   21A.12.220.G.;

1724                   c. Only with documentation that the operator has applied for a Puget Sound  
1725   Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1726   marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1727   Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1728   are imported onto the site;

1729                   d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1730   any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1731   aggregated total of two thousand square feet and shall be located within a building or  
1732   tenant space that is no more than ten percent larger than the plant canopy and separately  
1733   authorized processing area; and

1734                   e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
1735   marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1736   threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
1737   B.21. of this section.

1738                   21.a. Production is limited to indoor only;

1739                   b. With a lighting plan only as required by and that complies with K.C.C.  
1740   21A.12.220.G.;

1741                   c. Only with documentation that the operator has applied for a Puget Sound  
1742   Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1743   marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1744   Clean Air Agency Notice of Construction Permit be approved before marijuana products

1745 are imported onto the site; and

1746 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1747 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1748 aggregated total of thirty thousand square feet and shall be located within a building or  
1749 tenant space that is no more than ten percent larger than the plant canopy and separately  
1750 authorized processing area.

1751 22. Marijuana production by marijuana producers licensed by the Washington  
1752 state Liquor and Cannabis Board is subject to the following standards:

1753 a. With a lighting plan only as required by and that complies with K.C.C.  
1754 21A.12.220.G.;

1755 b. Only allowed on lots of at least four and one-half acres;

1756 c. Only with documentation that the operator has applied for a Puget Sound  
1757 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1758 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1759 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1760 are imported onto the site;

1761 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1762 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1763 subject to the size limitations in subsection B.22. e. and f. of this section;

1764 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC  
1765 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall  
1766 be limited to a maximum aggregated total of five thousand square feet and shall be  
1767 located within a fenced area or marijuana greenhouse that is no more than ten percent



1768 larger than that combined area, or may occur in nondwelling unit structures that exist as  
1769 of October 1, 2013;

1770 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-  
1771 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
1772 limited to a maximum aggregated total of ten thousand square feet, and shall be located  
1773 within a fenced area or marijuana greenhouse that is no more than ten percent larger than  
1774 that combined area, or may occur in nondwelling unit structures that exist as of October  
1775 1, 2013; and

1776 g. Outdoor production area fencing as required by the Washington state Liquor  
1777 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1778 maintain a minimum street setback of fifty feet and a minimum interior setback of one  
1779 hundred feet, and a minimum setback of one hundred fifty feet from any existing  
1780 residence.

1781 23. The storage and processing of non-manufactured source separated organic  
1782 waste that originates from agricultural operations and that does not originate from the  
1783 site, if:

1784 a. agricultural is the primary use of the site;

1785 b. the storage and processing are in accordance with best management  
1786 practices included in an approved farm plan; and

1787 c. except for areas used for manure storage, the areas used for storage and  
1788 processing do not exceed three acres and ten percent of the site.

1789 24.a. For activities relating to the processing of crops or livestock for  
1790 commercial purposes, including associated activities such as warehousing, storage,

1791 including refrigeration, and other similar activities and excluding ((wineries, SIC Industry  
1792 No. 2085—Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages))  
1793 winery, brewery, distillery facility I, II and III and remote tasting room:

Commented [AE64]: Add remote tasting room for clarity

1794 (1) limited to agricultural products and sixty percent or more of the products  
1795 processed must be grown in the Puget Sound counties. At the time of initial application,  
1796 the applicant shall submit a projection of the source of products to be produced;

1797 (2) in the RA and UR zones, only allowed on sites of at least four and one-  
1798 half acres;

1799 (3) (a) as a permitted use, the floor area devoted to all processing shall not  
1800 exceed two thousand square feet, unless located in a building designated as an historic  
1801 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as  
1802 established in K.C.C. 21A.42.300, may review and approve an increase in the processing  
1803 floor area as follows: up to three thousand five hundred square feet of floor area may be  
1804 devoted to all processing in the RA zones or on farms less than thirty-five acres located in  
1805 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in  
1806 the A zone; and

1807 (b) as a permitted use, the floor area devoted to all warehousing,  
1808 refrigeration, storage or other similar activities shall not exceed two thousand square feet,  
1809 unless located in a building designated as historic resource under K.C.C. chapter 20.62.  
1810 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may  
1811 review and approve an increase of up to three thousand five hundred square feet of floor  
1812 area devoted to all warehouseing, storage, including refrigeration, or other similar  
1813 activities in the RA zones or on farms less than thirty-five acres located in the A zones or

1814 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;  
1815 (4) in the A zone, structures and areas used for processing, warehousing,  
1816 refrigeration, storage and other similar activities shall be located on portions of  
1817 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1818 the already developed portion of such agricultural lands that are not available for direct  
1819 agricultural production, or areas without prime agricultural soils; and  
1820 (5) structures and areas used for processing, warehousing, storage, including  
1821 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
1822 five feet from property lines adjoining rural area and residential zones, unless located in a  
1823 building designated as historic resource under K.C.C. chapter 20.62.  
1824 b. For activities relating to the retail sale of agricultural products, except  
1825 livestock:  
1826 (1) sales shall be limited to agricultural products and locally made arts and  
1827 crafts;  
1828 (2) in the RA and UR zones, only allowed on sites at least four and one-  
1829 half acres;  
1830 (3) as a permitted use, the covered sales area shall not exceed two thousand  
1831 square feet, unless located in a building designated as a historic resource under K.C.C.  
1832 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
1833 21A.42.300, may review and approve an increase of up to three thousand five hundred  
1834 square feet of covered sales area;  
1835 (4) forty percent or more of the gross sales of agricultural product sold  
1836 through the store must be sold by the producers of primary agricultural products;

1837                   (5) sixty percent or more of the gross sales of agricultural products sold  
1838 through the store shall be derived from products grown or produced in the Puget Sound  
1839 counties. At the time of the initial application, the applicant shall submit a reasonable  
1840 projection of the source of product sales;

1841                   (6) tasting of products, in accordance with applicable health regulations, is  
1842 allowed;

1843                   (7) storage areas for agricultural products may be included in a farm store  
1844 structure or in any accessory building; and

1845                   (8) outside lighting is permitted if there is no off-site glare.

1846                   c. Retail sales of livestock is permitted only as accessory to raising livestock.

1847                   d. Farm operations, including equipment repair and related facilities, except  
1848 that:

1849                   (1) the repair of tools and machinery is limited to those necessary for the  
1850 operation of a farm or forest;

1851                   (2) in the RA and UR zones, only allowed on sites of at least four and one-  
1852 half acres;

1853                   (3) the size of the total repair use is limited to one percent of the farm size in  
1854 the A zone, and up to one percent of the size in other zones, up to a maximum of five  
1855 thousand square feet unless located within an existing farm structure, including but not  
1856 limited to barns, existing as of December 31, 2003; and

1857                   (4) Equipment repair shall not be permitted in the Forest zone.

1858                   e. The agricultural technical review committee, as established in K.C.C.  
1859 21A.42.300, may review and approve reductions of minimum site sizes in the rural and

1860 residential zones and minimum setbacks from rural and residential zones.

1861 25. The department may review and approve establishment of agricultural  
1862 support services in accordance with the code compliance review process in K.C.C.

1863 21A.42.300 only if:

1864 a. project is sited on lands that are unsuitable for direct agricultural production  
1865 based on size, soil conditions or other factors and cannot be returned to productivity by  
1866 drainage maintenance; and

1867 b. the proposed use is allowed under any Farmland Preservation Program  
1868 conservation easement and zoning development standards.

1869 26. The agricultural technical review committee, as established in K.C.C.

1870 21A.42.300, may review and approve establishment of agricultural support services only  
1871 if the project site:

1872 a. adjoins or is within six hundred sixty feet of the agricultural production  
1873 district;

1874 b. has direct vehicular access to the agricultural production district;

1875 c. except for farmworker housing, does not use local access streets that abut  
1876 lots developed for residential use; and

1877 b. has a minimum lot size of four and one-half acres.

1878 27. The agricultural technical review committee, as established in K.C.C.

1879 21A.42.300, may review and approve establishment of agricultural support services only  
1880 if the project site:

1881 a. is outside the urban growth area,

1882 b. adjoins or is within six hundred sixty feet of the agricultural production

1883 district,  
1884 c. has direct vehicular access to the agricultural production district,  
1885 d. except for farmworker housing, does not use local access streets that abut  
1886 lots developed for residential use; and  
1887 e. has a minimum lot size of four and one-half acres.

1888 28. Only allowed on properties that are outside the urban growth area.

1889 SECTION 2220. Ordinance 10870, Section 407, as amended, and K.C.C.

1890 21A.18.030 are ~~each~~ hereby amended to read as follows:

1891 A. Except as modified in K.C.C. 21A.18.070. B((-)). through D., off-street  
1892 parking areas shall contain at a minimum the number of parking spaces as stipulated in  
1893 the following table. Off-street parking ratios expressed as number of spaces per square  
1894 feet means the usable or net square footage of floor area, exclusive of non-public areas.  
1895 Non-public areas include but are not limited to building maintenance areas, storage areas,  
1896 closets or restrooms. If the formula for determining the number of off-street parking  
1897 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
1898 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
1899 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
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
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
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.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
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
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus <u>0.9</u> per 1,000 square feet of indoor storage or repair areas
Public agency archives	<u>0.9</u> per 1000 square feet of storage

	area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus <u>0.9</u> per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus <u>0.9</u> per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus <u>0.9</u> per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	

Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
<u>Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas</u>
Wholesale trade uses	<u>0.9</u> per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	<u>0.9</u> per 1,000 square feet
Winery/Brewery/ <u>Distillery Facility II and III</u>	<u>0.9</u> per 1,000 square feet, plus 1 per <del>((50))</del> <u>300</u> square feet of tasting <u>and retail areas</u>
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)

<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

1900 B. An applicant may request a modification of the minimum required number of  
 1901 parking spaces by providing that parking demand can be met with a reduced parking  
 1902 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
 1903 the minimum required number of spaces.

1904 C. When the county has received a shell building permit application, off-street  
 1905 parking requirements shall be based on the possible tenant improvements or uses  
 1906 authorized by the zone designation and compatible with the limitations of the shell  
 1907 permit. When the range of possible uses result in different parking requirements, the  
 1908 director will establish the amount of parking based on a likely range of uses.

1909 D. Where other provisions of this code stipulate maximum parking allowed or  
 1910 reduced minimum parking requirements, those provisions shall apply.

1911 E. In any development required to provide six or more parking spaces, bicycle  
 1912 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
 1913 facilities unless otherwise specified.

1914 1. Off-street parking areas shall contain at least one bicycle parking space for  
 1915 every twelve spaces required for motor vehicles except as follows:

1916 a. The director may reduce bike rack parking facilities for patrons when it is  
 1917 demonstrated that bicycle activity will not occur at that location.

1918 b. The director may require additional spaces when it is determined that the  
 1919 use or its location will generate a high volume of bicycle activity. Such a determination  
 1920 will include but not be limited to the following uses:

1921 (1) Park/playfield,  
 1922 (2) Marina,  
 1923 (3) Library/museum/arboretum,  
 1924 (4) Elementary/secondary school,  
 1925 (5) Sports club, or  
 1926 (6) Retail business (when located along a developed bicycle trail or  
 1927 designated bicycle route).

1928 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
 1929 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
 1930 structure attached to the pavement.

1931 3. All bicycle parking and storage shall be located in safe, visible areas that do  
 1932 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1933 4. When more than ten people are employed on site, enclosed locker-type  
 1934 parking facilities for employees shall be provided. The director shall allocate the  
 1935 required number of parking spaces between bike rack parking and enclosed locker-type  
 1936 parking facilities.

1937 5. One indoor bicycle storage space shall be provided for every two dwelling  
 1938 units in townhouse and apartment residential uses, unless individual garages are provided  
 1939 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
 1940 storage facilities are available to all residents.

1941 SECTION 2321. Ordinance 10870, Section 536, as amended, and K.C.C.  
 1942 21A.30.080 are ~~each~~ hereby amended to read as follows:  
 1943 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct

1944 one or more home occupations as accessory activities, only if:

1945       A. The total floor area of the dwelling unit devoted to all home occupations shall

1946 not exceed twenty percent of the floor area of the dwelling unit.

1947       B. Areas within garages and storage buildings shall not be considered part of the

1948 dwelling unit and may be used for activities associated with the home occupation;

1949       C. All the activities of the home occupation or occupations shall be conducted

1950 indoors, except for those related to growing or storing of plants used by the home

1951 occupation or occupations;

1952       D. A home occupation or occupations is not limited in the number of employees

1953 that remain off-site. No more than one nonresident employee shall be permitted to work

1954 on-site for the home occupation or occupations;

1955       E. The following uses, by the nature of their operation or investment, tend to

1956 increase beyond the limits permitted for home occupations. Therefore, the following

1957 shall not be permitted as home occupations:

1958       1. Automobile, truck and heavy equipment repair;

1959       2. ~~((Autobody))~~ Auto body work or painting;

1960       3. Parking and storage of heavy equipment;

1961       4. Storage of building materials for use on other properties;

1962       5. Hotels, motels or organizational lodging;

1963       6. Dry cleaning;

1964       7. Towing services;

1965       8. Trucking, storage or self service, except for parking or storage of one

1966 commercial vehicle used in home occupation; ~~((and))~~

1967 9. Veterinary clinic; ~~((and))~~

1968 10. Recreational marijuana processor, recreational marijuana producer or

1969 recreational marijuana retailer; and

1970 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room,

1971 except that home occupation adult beverage businesses operating under an active

1972 Washington state Liquor and Cannabis Board production license issued for their current

1973 location before ~~January 1, 2019~~the effective date of this ordinance, and where King

1974 County did not object to the location during the Washington state Liquor and Cannabis

1975 Board license application process, shall be considered legally nonconforming and

1976 allowed to remain in their current location subject to K.C.C. 21A.32.020 through

1977 21A.32.075 if the use is ~~currently in~~ compliance with this section as of the effective

1978 date of this ordinance ~~or is brought into compliance with the home occupation~~

1979 requirements of this section within one year of the effective date of this ordinance. Such

1980 nonconforming businesses shall remain subject to all other requirements of this section

1981 and other applicable state and local regulations. The ~~business~~resident operator ~~for~~of a

1982 nonconforming winery, brewery or distillery home occupation shall obtain an adult

1983 beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter

1984 created in section 23 of this ordinance);

**Commented [AE65]:** Modifies this allowance to allow those that have received a liquor license prior to the effective date of this ordinance to demonstrate their previous compliance within 12 months.

**Commented [AE66]:** Removes option to come into compliance within 1 year.

**Commented [AE67]:** Edits to tighten language and avoid future attempts to avoid home occupation conditions, especially resident operator condition.

1985 F. In addition to required parking for the dwelling unit, on-site parking is

1986 provided as follows:

- 1987 1. One stall for each nonresident employed by the home occupations; and
- 1988 2. One stall for patrons when services are rendered on-site;

1989 G. Sales are limited to:

1990 1. Mail order sales;

1991 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1992 and

1993 3. Items accessory to a service provided to patrons who receive services on the

1994 premises;

1995 H. On-site services to patrons are arranged by appointment;

1996 I. The home occupation or occupations use or store a vehicle for pickup of

1997 materials used by the home occupation or occupations or the distribution of products

1998 from the site, only if:

1999 1. No more than one such a vehicle is allowed; and

2000 2. The vehicle is not stored within any required setback areas of the lot or on

2001 adjacent streets; and

2002 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of

2003 one ton;

2004 J. The home occupation or occupations do not:

2005 1. Use electrical or mechanical equipment that results in a change to the

2006 occupancy type of the structure or structures used for the home occupation or

2007 occupations; or

2008 2. Cause visual or audible interference in radio or television receivers, or

2009 electronic equipment located off-premises or fluctuations in line voltage off-premises;

2010 ((and))

2011 K. There shall be no exterior evidence of a home occupation, other than growing

2012 or storing of plants under subsection C. of this section or a permitted sign, that would



2013 cause the premises to differ from its residential character. Exterior evidence includes, but  
2014 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as  
2015 determined by using normal senses from any lot line or on average increase vehicular  
2016 traffic by more than four additional vehicles at any given time;

2017 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
2018 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

2019 M. Uses not allowed as home occupations may be allowed as a home industry  
2020 under K.C.C. 21A.30.090.

2021 SECTION 2422. Ordinance 15606, Section 20, as amended, and K.C.C.  
2022 21A.30.085 are ~~each~~ hereby amended to read as follows:

2023 In the A, F and RA zones, residents of a dwelling unit may conduct one or more  
2024 home occupations as accessory activities, under the following provisions:

2025 A. The total floor area of the dwelling unit devoted to all home occupations shall  
2026 not exceed twenty percent of the dwelling unit.

2027 B. Areas within garages and storage buildings shall not be considered part of the  
2028 dwelling unit and may be used for activities associated with the home occupation;

2029 C. Total outdoor area of all home occupations shall be permitted as follows:

2030 1. For any lot less than one acre: Four hundred forty square feet; and

2031 2. For lots one acre or greater: One percent of the area of the lot, up to a  
2032 maximum of five thousand square feet.

2033 D. Outdoor storage areas and parking areas related to home occupations shall be:

2034 1. No less than twenty-five feet from any property line; and

2035 2. Screened along the portions of such areas that can be seen from an adjacent

2036 parcel or roadway by the:

2037           a. planting of Type II landscape buffering; or

2038           b. use of existing vegetation that meets or can be augmented with additional

2039 plantings to meet the intent of Type II landscaping((-));

2040           E. A home occupation or occupations is not limited in the number of employees

2041 that remain off-site. Regardless of the number of home occupations, the number of

2042 nonresident employees is limited to no more than three who work on-site at the same

2043 time and no more than three who report to the site but primarily provide services off-

2044 site((-));

2045           F. In addition to required parking for the dwelling unit, on-site parking is

2046 provided as follows:

2047           1. One stall for each nonresident employed on-site; and

2048           2. One stall for patrons when services are rendered on-site;

2049           G. Sales are limited to:

2050           1. Mail order sales;

2051           2. Telephone, Internet or other electronic commerce sales with off-site delivery;

2052           3. Items accessory to a service provided to patrons who receive services on the

2053 premises;

2054           4. Items grown, produced or fabricated on-site; and

2055           5. On sites five acres or larger, items that support agriculture, equestrian or

2056 forestry uses except for the following:

2057           a. motor vehicles and parts (North American Industrial Classification System

2058 ("NAICS" Code 441);

2059           b. electronics and appliances (NAICS Code 443); and

2060           c. building material and garden equipments and supplies (NAICS Code 444);

2061       H. The home occupation or occupations do not:

2062           1. Use electrical or mechanical equipment that results in a change to the

2063 occupancy type of the structure or structures used for the home occupation or

2064 occupations;

2065           2. Cause visual or audible interference in radio or television receivers, or

2066 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

2067           3. Increase average vehicular traffic by more than four additional vehicles at any

2068 given time;

2069       I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

2070 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2071       J. The following uses, by the nature of their operation or investment, tend to

2072 increase beyond the limits permitted for home occupations. Therefore, the following

2073 shall not be permitted as home occupations:

2074           1. Hotels, motels or organizational lodging;

2075           2. Dry cleaning((÷));

2076           3. Automotive towing services, automotive wrecking services and tow-in

2077 parking lots; ((and))

2078           4. Recreational marijuana processor, recreational marijuana producer or

2079 recreational marijuana retailer((÷)); and

2080           5. Winery, brewery, distillery facility I, II, and III, and remote tasting rooms,

2081 except that home occupation adult beverage businesses operating under an active

Commented [AE68]: See comment above

2082 Washington state Liquor and Cannabis Board production license issued for their current  
2083 location before ~~January 1, 2019~~the effective date of this ordinance, and where King  
2084 County did not object to the location during the Washington state Liquor and Cannabis  
2085 Board license application process, shall be considered legally nonconforming and  
2086 allowed to remain in their current location subject to K.C.C. 21A.32.020 through  
2087 21A.32.075 if the use is ~~currently~~ in compliance with this section as of the effective date  
2088 of this ordinance ~~or is brought into compliance with the home occupation requirements of~~  
2089 this section within one year of the effective date of this ordinance. Such nonconforming  
2090 businesses shall remain subject to all other requirements of this section and all applicable  
2091 state and local regulations. The ~~business~~resident operator ~~for~~of a nonconforming home  
2092 occupation ~~winery, brewery or distillery~~ shall obtain an adult beverage business license in  
2093 accordance with K.C.C. chapter 6.xx (the new chapter created in section ~~2-3~~ of this  
2094 ordinance);

2095 K. Uses not allowed as home occupation may be allowed as a home industry  
2096 under K.C.C. chapter 21A.30; and

2097 L. The home occupation or occupations may use or store vehicles, as follows:

2098 1. The total number of vehicles for all home occupations shall be:

2099 a. for any lot five acres or less: two;

2100 b. for lots greater than five acres: three; and

2101 c. for lots greater than ten acres: four;

2102 2. The vehicles are not stored within any required setback areas of the lot or on  
2103 adjacent streets; and

2104 3. The parking area for the vehicles shall not be considered part of the outdoor

Commented [AE69]: See comment above.

Commented [AE70]: Removes option to come into compliance within 1 year.

2105 storage area provided for in subsection C. of this section.

2106 SECTION 2523, Ordinance 10870, Section 537, as amended, and K.C.C.

2107 21A.30.090 are ~~each~~ hereby amended to read as follows:

2108 A resident may establish a home industry as an accessory activity, as follows:

2109 A. The site area is one acre or greater;

2110 B. The area of the dwelling unit used for the home industry does not exceed fifty  
2111 percent of the floor area of the dwelling unit.

2112 C. Areas within attached garages and storage buildings shall not be considered  
2113 part of the dwelling unit for purposes of calculating allowable home industry area but  
2114 may be used for storage of goods associated with the home industry;

2115 D. No more than six nonresidents who work on-site at the time;

2116 E. In addition to required parking for the dwelling unit, on-site parking is  
2117 provided as follows:

2118 1. One stall for each nonresident employee of the home industry; and

2119 2. One stall for customer parking;

2120 F. Additional customer parking shall be calculated for areas devoted to the home  
2121 industry at the rate of one stall per:

2122 1. One thousand square feet of building floor area; and

2123 2. Two thousand square feet of outdoor work or storage area;

2124 G. Sales are limited to items produced on-site, except for items collected, traded  
2125 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

2126 H. Ten feet of Type I landscaping are provided around portions of parking and  
2127 outside storage areas that are otherwise visible from adjacent properties or public rights-

2128 of-way;

2129 I. The department ensures compatibility of the home industry by:

2130 1. Limiting the type and size of equipment used by the home industry to those

2131 that are compatible with the surrounding neighborhood;

2132 2. Providing for setbacks or screening as needed to protect adjacent residential  
2133 properties;

2134 3. Specifying hours of operation;

2135 4. Determining acceptable levels of outdoor lighting; and

2136 5. Requiring sound level tests for activities determined to produce sound levels  
2137 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

2138 J. Recreational marijuana processors, recreational marijuana producers and  
2139 recreational marijuana retailers shall not be allowed as home industry; and

2140 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall

2141 not be allowed as home industry, except that home industry adult beverage businesses

2142 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit

2143 application before the effective date of this ordinance operating under an active

2144 Washington state Liquor and Cannabis Board production license issued for their current

2145 location before January 1, 2019, and where King County did not object to the location

2146 during the Washington state Liquor and Cannabis Board license application process, shall

2147 be considered legally nonconforming and allowed to remain in their current location

2148 subject to K.C.C. 21A.32.020 through 21A.32.075. if the use is currently in compliance

2149 with this section as of the effective date of this ordinance, or is brought into compliance

2150 with the home industry requirements of this section within one year of the effective date

~~of this ordinance.~~ Such ~~nonconforming~~ businesses remain subject to all other requirements of this section and all applicable state and local regulations. The ~~businessresident operator for of a nonconforming winery, brewery or distillery home~~ industry shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section ~~2-3~~ of this ordinance).

SECTION 2624. Ordinance 10870, Section 547, as amended, and K.C.C.

21A.32.100 are ~~each~~ 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; ((~~or~~))

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;

**Commented [AE71]:** Eliminates 12-month period to demonstrate compliance for home industries, and acknowledges that if there is a vested CUP application, they can be considered nonconforming.

2174 4. Utilizes temporary stages;

2175 5. Utilizes temporary tents or canopies that require a permit;

2176 6. ~~Utilizes~~ Requires traffic control for public rights-of-way; or

2177 7. Extends beyond ~~stated~~ allowed hours of operation.

**Commented [AE72]:** Change from "utilizes" to "requires" in order to avoid a disincentive to using needed traffic control.

**Commented [AE73]:** Change from stated to allowed business hours.

2178 SECTION 2725. Ordinance 10870, Section 549, as amended, and K.C.C.

2179 21A.32.120 are ~~each~~ hereby amended to read as follows:

2180 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

2181 temporary use permits shall be limited in duration and frequency as follows:

2182 A. The temporary use permit shall be effective for one year from the date of

2183 issuance and may be renewed annually as provided in subsection D. of this section;

2184 B.1. The temporary use shall not exceed a total of sixty days in any three-

2185 hundred( ~~and~~)-sixty-five-day period. This (~~requirement~~) subsection B.1. applies only

2186 to the days that the event or events actually take place.

2187 2. For a winery, brewery, distillery facility II and III in the A (~~or RA~~)

2188 zone(~~s~~), the temporary use shall not exceed a total of two events per month and all

2189 event parking (~~for the events~~) must be accommodated ~~on~~ on-site or managed through a

2190 parking management plan approved by the director. This subsection B.2. applies only to

2191 the days that the event or events actually take place.

2192 3. For a winery, brewery, distillery facility II and III in the RA zone, the

2193 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-

2194 five-day period and all event parking must be accommodated on-site or managed

2195 through a parking management plan approved by the director. This subsection B.3.

2196 applies only to the days that the event or events actually take place.



2197 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition  
2198 to all other relevant facts, the department shall consider building occupancy and parking  
2199 limitations during permit review, and shall condition the number of guests allowed for a  
2200 temporary use based on those limitations. The department shall not authorize attendance  
2201 of more than one hundred fifty guests.

2202 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition  
2203 to all other relevant facts, the department shall consider building occupancy and parking  
2204 limitations during permit review, and shall condition the number of guests allowed for a  
2205 temporary use based on those limitations. The department shall not authorize attendance  
2206 of more than two hundred fifty guests.

2207 6. Events for any winery, brewery, distillery facility I in the RA zone, any  
2208 nonconforming winery, brewery, distillery facility home occupation, and or any  
2209 nonconforming winery, brewery, distillery facility home industry shall be limited to two  
2210 per year, and limited to a maximum of fifty guests. If the event complies with this  
2211 chapter subsection B.6., a temporary use permit is not required for a special event for a  
2212 winery, brewery, distillery facility I in the RA zone, a nonconforming home occupation  
2213 winery, brewery, distillery facility or a nonconforming home industry winery, brewery,  
2214 distillery facility;

2215 7. Special events shall not be permitted for any winery, brewery, distillery  
2216 facility I in the A zone. The permitting division shall not issue temporary use permits to  
2217 winery, brewery, distillery facility I uses in the A zone.

Commented [AE74]: Remove WBD I interim use in the A zone

2218 C. The temporary use permit shall specify a date upon which the use shall be  
2219 terminated and removed; and

2220 D. A temporary use permit may be renewed annually for up to a total of five  
2221 consecutive years as follows:

2222 1. The applicant shall make a written request and pay the applicable permit  
2223 extension fees for renewal of the temporary use permit at least seventy days before the  
2224 end of the permit period;

2225 2. The department must determine that the temporary use is being conducted in  
2226 compliance with the conditions of the temporary use permit;

2227 3. The department must determine that site conditions have not changed since  
2228 the original temporary permit was issued; and

2229 4. At least forty-five days before the end of the permit period, the department  
2230 shall notify property owners within five hundred feet of the property boundaries that a  
2231 temporary use permit extension has been requested and contact information to request  
2232 additional information or to provide comments on the proposed extension.

2233 SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby  
2234 amended to read as follows:

2235 A. The purpose of the Fall City business district special district overlay is to allow  
2236 commercial development in Fall City to occur with on-site septic systems until such time as  
2237 an alternative wastewater system is available. The special district shall only be established  
2238 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to  
2239 other rural commercial centers.

2240 B. The standards of this title and other county codes shall be applicable to  
2241 development within the Fall City business district special district overlay except as follows:

2242 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
 2243 with the following:

2244 a. Residential land uses as set forth in K.C.C. 21A.08.030:

2245 i. As a permitted use:

2246 (A) Multifamily residential units shall only be allowed on the upper floors of  
 2247 buildings; and

2248 (B) Home occupations under K.C.C. chapter 21A.30;

2249 ii. As a conditional use:

2250 (A) Bed and Breakfast (five rooms maximum); and

2251 (B) Hotel/Motel.

2252 b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

2253 i. As a permitted use:

2254 (A) Library;

2255 (B) Museum; and

2256 (C) Arboretum.

2257 ii. As a conditional use:

2258 (A) Sports Club/Fitness Center;

2259 (B) Amusement/Recreation Services/Arcades (Indoor);

2260 (C) Bowling Center

2261 c. General services land uses as set forth in K.C.C. 21A.08.050:

2262 i. As a permitted use:

2263 (A) General Personal Services, except escort services;

2264 (B) Funeral Home;

2265 (C) Appliance/Equipment Repair;

2266 (D) Medical or Dental Office/Outpatient Clinic;

2267 (E) Medical or Dental Lab;

2268 (F) Day Care I;

2269 (G) Day Care II;

2270 (H) Veterinary Clinic;

2271 (I) Social Services;

2272 (J) Animal Specialty Services;

2273 (K) Artist Studios;

2274 (L) Nursing and Personal Care Facilities;

2275 ii. As a conditional use:

2276 (A) Theater (Movie or Live Performance);

2277 (B) Religious Use;

2278 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

2279 i. As a permitted use:

2280 (A) General Business Service;

2281 (B) Professional Office: Bank, Credit Union, Insurance Office.

2282 ii. As a conditional use:

2283 (A) Public Agency or Utility Office;

2284 (B) Police Substation;

2285 (C) Fire Station;

2286 (D) Utility Facility;

2287 (E) Self Service Storage;

2288 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

2289 i. As a permitted use on the ground floor:

2290 (A) Food Store;

2291 (B) Drug Store/Pharmacy;

2292 (C) Retail Store: includes florist, book store, apparel and accessories store,

2293 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video

2294 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,

2295 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-

2296 only retail);

2297 (D) Eating and Drinking Places, including coffee shops and bakeries;

2298 (E) Remote tasting rooms.

2299 ii. As a conditional use:

2300 (A) Liquor Store or Retail Store Selling Alcohol;

2301 (B) Hardware/Building Supply Store;

2302 (C) Nursery/Garden Center;

2303 (D) Department Store;

2304 (E) Auto Dealers (indoor sales rooms only);

2305 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

2306 g. Resource land uses as set forth in K.C.C. 21A.08.090:

2307 i. As a permitted use:

2308 (A) Solar photovoltaic/solar thermal energy systems;

2309 (B) Private storm water management facilities;

**Commented [AE75]:** Allow remote tasting rooms as permitted use on ground floor in the CB zoning of the Fall City Rural Town.

2310 (C) Growing and Harvesting Crops (within rear/internal side yards or roof  
 2311 gardens, and with organic methods only);

2312 (D) Raising Livestock and Small Animals (per the requirements of Section  
 2313 21A.30 of the Zoning Code)

2314 ii. As a conditional use: Wind Turbines

2315 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:  
 2316 Communication Facility.

2317 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except  
 2318 as follows:

2319 a. Residential density is limited to six dwelling units per acre. For any building  
 2320 with more than ten dwelling units, at least ten percent of the dwelling units shall be  
 2321 classified as affordable under 21A.34.040F.1;

2322 b. Buildings are limited to two floors, plus an optional basement;

2323 c. The elevation of the ground floor may be elevated a maximum of six feet  
 2324 above the average grade of the site along the front facade of the building;

2325 d. If the ground floor is designed to accommodate non-residential uses, the  
 2326 elevation of the ground floor should be placed near the elevation of the sidewalk to  
 2327 minimize the need for stairs and ADA ramps;

2328 e. If the ground floor is designed to accommodate non-residential space, the  
 2329 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

2330 f. Building height shall not exceed forty feet, as measured from the average  
 2331 grade of the site along the front facade of the building.

2332 SECTION 2827. The King County executive shall conduct a demonstration

project to create and evaluate a remote tasting room demonstration project A as provided for in, and consistent with, section ~~29-28~~ of this ordinance.

NEW SECTION. SECTION 29.28. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

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

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

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

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

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

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

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

Commented [AE76]: Added clarity to purpose of the demonstration project.

2356 C. The use that the permitting division may approve under the remote tasting  
2357 room demonstration project A shall include only "remote tasting room" as defined in  
2358 section 13 of this ordinance.

2359 D.1. An application for a remote tasting room under this section may be  
2360 submitted in conjunction with an application for an adult beverage business license or a  
2361 building permit.

2362 2. Requests shall be submitted to the permitting division in writing, together  
2363 with any supporting documentation and must illustrate how the proposal meets the  
2364 criteria in subsection F. of this section.

2365 3. An application for a remote tasting room under this section shall be reviewed  
2366 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2367 E. The department of local services, permitting division, shall administer the  
2368 demonstration project, and shall approve or deny a remote tasting room application under  
2369 this section based upon compliance with subsection F. of this section. Approval or denial  
2370 of a remote tasting room application shall not be construed as applying to any other  
2371 development application either within the demonstration project area or elsewhere in the  
2372 county.

2373 F.1. A remote tasting room under this section may be approved, subject to the  
2374 following:

2375 a. One or more winery, brewery, distillery facility I, II or III may operate  
2376 within one remote tasting room;

2377 b. The aggregated total space devoted to remote tasting room activities shall be  
2378 limited to one thousand square feet of gross floor area, not including areas devoted to



2379 storage, restrooms, and similar nonpublic areas;

2380 c. Notwithstanding subsection F.1.b. of this section, an additional five hundred

2381 square feet of immediately adjacent outdoor space may be used for tasting, subject to

2382 applicable state regulations limiting sale, service and consumption of alcoholic

2383 beverages;

2384 d. Incidental retail sales of products and merchandise related to the products

2385 being tasted is allowed;

2386 e. The hours of operation for the tasting room shall be limited as follows:

2387 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to

2388 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours

2389 shall be limited to 11:00 a.m. through 9:00 p.m.;

2390 f. ~~Each~~The applicant and any additional business operators using the remote

2391 tasting room shall obtain an adult beverage business license in accordance with K.C.C.

2392 chapter 6.xx (the new chapter created in section 32 of this ordinance);

2393 g. Each remote tasting room business operator using the remote tasting room

2394 shall have proof of Washington state Liquor and Cannabis Board approval;

2395 h. Special Events shall ~~be limited to not exceed~~ two per year regardless as to

2396 the number of winery operators using the tasting room, and shall be limited to no more

2397 than fifty guests. As long as the special events complies with this section, a temporary

2398 use permit is not required ~~for a special event~~;

2399 i. Off-street parking shall be provided in accordance with the parking ratios

2400 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a

2401 maximum of one space per fifty square feet of tasting and retail areas; and

Commented [AE77]: Edited for added clarity re intent.

2402 j. The use shall be consistent with general health, safety and public welfare  
2403 standards, and shall not violate state or federal law.

2404 2. This section supersedes other variance, modification or waiver criteria of  
2405 K.C.C. Title 21A.

2406 3. Remote tasting room uses approved in accordance with this section may  
2407 continue as long as an underlying business license or renewal is maintained, and subject  
2408 to the nonconformance provisions of K.C.C. chapter 21A.32.

2409 G. Demonstration project applications shall be accepted by the permitting  
2410 division for three years from the effective date of this ordinance. Complete applications  
2411 submitted before the end of the three years shall be reviewed and decided on by the  
2412 permitting division.

2413 H. Starting one year after the effective date of this ordinance, and each year for  
2414 four years thereafter, the executive shall prepare ~~and transmit to the council~~ preliminary  
2415 evaluations of remote tasting room demonstration project A. ~~The executive shall post~~  
2416 ~~these preliminary evaluation reports to the department of local services, permitting~~  
2417 ~~division, website, and provide electronic notice of the posting to the clerk of the council,~~  
2418 ~~who shall retain the original email and provide an electronic copy to all councilmembers,~~  
2419 ~~the council chief of staff and the lead staff for the local services, regional roads and~~  
2420 ~~bridges committee or its successor.~~ These preliminary evaluation reports shall include:

2421 1. A list of remote tasting room demonstration project applications submitted,  
2422 reviewed and decided, ~~including the date of original submittal, date of complete~~  
2423 ~~application and date and type of final decision whether approved or denied;~~ and

2424 2. ~~A list of code compliance~~ ~~Comments received from neighboring residents,~~

**Commented [AE78]:** Removes requirement to transmit annual preliminary evaluation.

Instead requires an email of the posting to the clerk of the council.

**Commented [AE79]:** Adds a requirement that the list of project applications include the dates of submitted and decision, and whether the application was approved or denied.

2425 ~~including code complaints under Title 23, if any, related to the applications received and~~  
2426 ~~approved or the demonstration project that were opened or initiated in the prior year, and~~  
2427 ~~their current status.;~~

**Commented [AE80]:** Narrows this requirement to report only code complaints opened or initiated.

2428 ~~3. Comments received from neighboring cities and community service areas;~~

2429 ~~4. Comments received from project applicants attempting to utilize the~~  
2430 ~~demonstration project, including the application and review process, and the criteria for~~  
2431 ~~approving remote tasting rooms;~~

2432 ~~5. Comments received from customers of the project applicants' businesses;~~

**Commented [AE81]:** Removes requirement to include comments received on applications

2433 ~~6. A description of known interactions or relationships between projects~~  
2434 ~~approved under the demonstration project and nearby agricultural users and lands, such~~  
2435 ~~as additional exposure for local agricultural products;~~

**Commented [AE82]:** Removes requirement to report on interactions between project applicants and nearby ag uses and lands.

2436 ~~7. An inventory of remaining parcels or properties available for development~~  
2437 ~~under the demonstration project; and~~

**Commented [AE83]:** Removes requirement to inventory remaining parcels available for the demonstration project.

2438 ~~8. Any known recommended code changes that would further the purposes of~~  
2439 ~~the demonstration project.~~

**Commented [AE84]:** Removes requirement for recommended code changes from annual report.

2440 I. 1. Within ninety days of five years after the effective date of this ordinance, the  
2441 permitting division shall prepare a draft final report evaluation and proposed permanent  
2442 code changes that includes the information compiled under subsection H. of this section,  
2443 and include an the following:

2444 ~~1. evaluation of whether the purposes under subsection A. of this section have~~  
2445 ~~been fulfilled by the demonstration project.;~~ ~~and~~

2446 ~~2. The draft final report required in subsection J. of this section and proposed~~  
2447 ~~permanent code changes shall be done in conjunction with the efficacy evaluation and~~

proposed code changes required by section 31 of this ordinance.

Evaluation of the parking requirements, including whether the parking ratios required in K.C.C. chapter 21A.18 for production facilities and for remote tasting rooms provide sufficient, but not excessive, parking;

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

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

- a. when they were approved by the permitting division;
- b. when they opened subsequent to that approval;
- c. whether they are still operating at the time of the final report; and
- d. any recommendations on final regulations;

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

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

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

**Commented [AE85]:** Removes some detail on final demonstration project evaluation, and moves some to the efficacy evaluation.

2471 division shall:

2472 1. Publish notice of the draft final evaluation's availability in each newspaper of  
2473 record, including locations where the draft final evaluation is available;

2474 2. Send notice and request for comment to the water districts for the  
2475 demonstration project areas identified in Attachment A to this ordinance;

2476 3. Request comments from any developer that has applied for approval under  
2477 the demonstration project;

2478 4. Provide a copy at the local libraries for the demonstration project areas  
2479 identified in Attachment A to this ordinance;

2480 5. Post an electronic copy on the permitting division's website; and

2481 6. Send electronic notice to the clerk of the council, who shall retain the original  
2482 email and provide an electronic copy to all councilmembers, the council chief of staff and  
2483 the lead staff for the local services, regional roads and bridges committee, or its  
2484 successor.

2485 K. After the public comment period has ended, the permitting division shall  
2486 prepare a final evaluation of the remote tasting room demonstration project A,  
2487 incorporating or responding to the comments received. Within sixty days of the end of  
2488 the public comment period, the executive shall file a final evaluation report, a motion that  
2489 should accept the report, and an ordinance that implements any proposed permanent code  
2490 changes.

2491 L. ~~For each preliminary evaluation, and t~~The final report and proposed legislation  
2492 ~~, they reports~~ shall be filed in the form of a paper original and an electronic copy with the  
2493 clerk of the council, who shall retain the original and provide an electronic copy to all

2494 councilmembers, the council chief of staff and the lead staff for the local services,  
2495 regional roads and bridges committee, or its successor.

2496 ~~SECTION 30. The King County executive shall conduct a demonstration project~~  
2497 ~~to create and evaluate a special event demonstration project B as provided for in, and~~  
2498 ~~consistent with, section 31 of this ordinance.~~

2499 ~~NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter~~  
2500 ~~21A.55 a new section to read as follows:~~

2501 ~~—— A. The purpose of the special events demonstration project B is to:~~

2502 ~~—— 1. Support agriculture and synergistic development of adult beverage facilities~~  
2503 ~~in order to boost agritourism and the Sammamish valley's reputation as a food and adult~~  
2504 ~~beverage destination;~~

2505 ~~—— 2. Enable the county to determine if the number of special events held at adult~~  
2506 ~~beverage facilities can be increased while maintaining the core functions and purposes of~~  
2507 ~~the Rural Area and Agricultural zones;~~

2508 ~~—— 3. Identify the impacts and benefits of adult beverage industry special events~~  
2509 ~~in Rural Area and Agricultural zoned communities including Agricultural Production~~  
2510 ~~Districts, properties where the demonstration projects are located, and surrounding areas;~~

2511 ~~—— 4. Provide an opportunity for additional exposure for locally sourced and~~  
2512 ~~produced agricultural products; and~~

2513 ~~—— 5. Identify and evaluate potential changes to countywide land use regulations to~~  
2514 ~~support the development of additional areas of unincorporated King County that may~~  
2515 ~~benefit from growth in agritourism.~~

2516 ~~—— B. A special event demonstration project shall only be implemented on a site~~

Commented [AE86]: Eliminates special event demonstration project B

identified in Attachment B to this ordinance.

~~C. As part of the demonstration project B, the permitting division may, for a winery, brewery, distillery facility III, consolidate temporary use review for special events under K.C.C. 21A.32.100 through 21A.32.140, with conditional use review under K.C.C. 21A.44.040, and applicable to those uses under K.C.C. 21A.08.080;~~

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

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

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

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

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

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

~~21A.44.020 and K.C.C. 21A.44.040 shall be met.~~

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

~~E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny the special event demonstration project under this section as part of a joint conditional use permit and temporary use permit based upon compliance with subsections F. and G. of this section. Approval or denial of a special event demonstration project shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county, and shall not render uses authorized under this section "otherwise permitted in the zone" under K.C.C. 21A.32.100.A.~~

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

~~a. K.C.C. 21A.32.100 through 21A.32.140; and~~

~~b. K.C.C. 21A.08.080.B.12.1;~~

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



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

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

~~———— b. parking limits or parking plan;~~

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

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

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

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

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

~~———— I. Beginning one year after the effective date of this ordinance, and each year for~~

~~four years thereafter, the executive shall prepare and transmit to the council preliminary evaluations of special event demonstration project B. These preliminary evaluation reports shall include:~~

- ~~1. A list of demonstration project applications submitted, reviewed and decided;~~
- ~~2. Comments received from neighboring residents, including code complaints, if any, related to the applications received and approved, or the demonstration project;~~
- ~~3. Comments received from neighboring cities and community service areas;~~
- ~~4. Comments received from project applicants attempting to utilize the demonstration project, including the application and review process, and the criteria for approving special event demonstration projects;~~
- ~~5. Comments received from customers of the project applicants' businesses;~~
- ~~6. A description of known interactions or relationships between projects approved under the demonstration project and nearby agricultural users and lands, such as additional exposure for local agricultural products;~~
- ~~7. An inventory of remaining parcels or properties available for development under the demonstration project;~~
- ~~8. A description of the number and size of the events and the parking plans approved through the joint conditional use permit and temporary use permit process; and~~
- ~~9. Any known recommended code changes that would further the purposes of the demonstration project.~~

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

includes the following:

1. Evaluation of water use by winery, brewery, distillery facility III uses, including special event uses, including amount of water used, impacts to watershed basins, if any, impacts to public water systems, if any, and whether the se facilities should be requiredment to connect to a Group A or Group B system should continue;
2. Evaluation of the parking requirements, including whether the parking ratios required in K.C.C. chapter 21A.18 for production facilities, associated tasting rooms, and special events provide sufficient, but not excessive, parking;
3. Outreach to those applicants with projects approved through the demonstration project, with requested information to include, at a minimum:
  - a. when they were approved by the permitting division;
  - b. when they opened subsequent to that approval;
  - c. whether they are still operating at the time of the final report; and
  - d. any recommendations on final regulations;
4. An evaluation of the requirements for temporary use permits for special events for all winery, brewery, distillery facilities, home occupations, home industries, and remote tasting rooms. This shall include, at a minimum:
  - a. an evaluation of the minimum requirements for obtaining a temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and whether they should be modified;
  - b. an evaluation of what is considered an "industry standard event" for a winery, brewery, distillery facility or remote tasting room. As a guideline, an "industry standard event" may mean an event that is essential to the operation of the business and is

~~directly related to the business, such as a release party or dinner for club members. The evaluation shall include recommendations on what types of industry standard events should require a temporary use permit, based on the scale of the event or any other factor the executive deems relevant;~~

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

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

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

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

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

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

~~————— i. an evaluation of the public notice requirements for special events allowed for winery, brewery, and distillery facilities, and whether those requirements should be~~

modified;

~~5. Evaluation of the consolidated permit review process, including permit review timelines for the demonstration project applications compared to review times for similar types of projects that do not use the demonstration project allowance for consolidated review under this section, the cost to the applicant and the cost for the county to administer and review the demonstration project applications;~~

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

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

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

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

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

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

~~4. Provide a copy at the local libraries for the demonstration project areas~~

identified in Attachment B to this ordinance;

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

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

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

M. For each preliminary evaluation, and the final report and proposed legislation, the reports shall be filed in the form of a paper original and an electronic copy 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, regional roads and bridges committee, or its successor.

SECTION 3229. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010 are ~~each~~ hereby amended to read as follows:

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

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

II and III and remote tasting room:

- |  |   |
|--|---|
| (1) with no previous similar code violations   | \$100                                   |
| (2) with no previous code violations of K.C.C. chapter 12.86 within the past twelve months   | \$125                                   |
| (3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months   | \$250                                   |
| (4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months            | \$500                                   |
| (5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months | Double the rate of the previous penalty |

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

- |  |         |
|--|---------|
| (1) with no previous similar code violations <u>within the past twelve months;</u>   | \$500   |
| (2) with one or more previous similar code violations within the past twelve months; | \$1,000 |

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

- |                                   |       |
|-----------------------------------|-------|
| (1) stop work order basic penalty | \$500 |
|-----------------------------------|-------|

Commented [AE87]: Adds timeframe to what citation would be charged

(2) voluntary compliance agreement and notice and order \$25  
basic penalty

(3) additional initial penalties may be added in the  
following amounts for violations where there is:

- |  |      |
|--|------|
| (a) public health risk                                   | \$15 |
| (b) environmental damage risk                            | \$15 |
| (c) damage to property risk                              | \$15 |
| (d) one previous similar code violation                  | \$25 |
| (e) two previous similar code violations                 | \$50 |
| (f) three or more previous similar code violations       | \$75 |
| (g) economic benefit to person responsible for violation | \$25 |

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

~~((f))~~ e. reinspection following the issuance of a notice and  
order, if the violation has not been abated in accordance with  
the notice and order:

(1) first reinspection, which shall occur no sooner than \$150  
the day following the date compliance is required by the  
notice and order

(2) second reinspection, which shall occur no sooner than \$300  
fourteen days following the first reinspection

(3) third reinspection, which shall occur no sooner than \$450  
fourteen days following the second reinspection



(4) reinspection after the third reinspection, which shall \$450  
only be conducted immediately preceding an administrative  
or court ordered abatement or at the direction of the  
prosecuting attorney for the purpose of presenting evidence in  
the course of litigation or administrative hearing against the  
person responsible for code compliance

2701 2. For the purposes of this section, previous similar code violations that can  
2702 serve as a basis for a higher level of civil penalties include violations of the same chapter  
2703 of the King County Code. Any citation, stop work order or notice and order previously  
2704 issued by the department shall not constitute a previous code violation for the purposes of  
2705 this section if that stop work order or notice and order was appealed and subsequently  
2706 reversed.

2707 B. The penalties assessed pursuant to this section for any failure to comply with a  
2708 notice and order or voluntary compliance agreement shall be assessed daily, according to  
2709 the schedule in subsection A of this section, for the first thirty days following the date the  
2710 notice and order or voluntary compliance agreement required the code violations to have  
2711 been cured. If after thirty days the person responsible for code compliance has failed to  
2712 satisfy the notice and order or voluntary compliance agreement, penalties shall be  
2713 assessed daily at a rate of double the rate for the first thirty days. Penalties may be  
2714 assessed daily until the person responsible for code compliance has fully complied with  
2715 the notice and order.

2716 C. Penalties based on violation of a stop work order shall be assessed, according  
2717 to the schedule in subsection A. of this section, for each day the department determines

2718 that work or activity was done in violation of the stop work order.

2719 D. Citations and cleanup restitution payments shall only be subject to a one-time  
2720 civil penalty.

2721 E. The director may suspend the imposition of additional civil penalties if the  
2722 person responsible for code compliance has entered into a voluntary compliance  
2723 agreement. If the person responsible for code compliance enters into a voluntary  
2724 compliance agreement and cures the code violations, the director may also waive all or  
2725 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall  
2726 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any  
2727 necessary permits applied for are denied, canceled or not pursued, or if corrective action  
2728 identified in the voluntary compliance agreement is not completed as specified.

2729 F. The civil penalties in this section are in addition to, and not in lieu of, any  
2730 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2731 SECTION 30. Map Amendment #2 is hereby adopted, as shown in Attachment B  
2732 to this ordinance.

2733 SECTION 313. A. The executive shall transmit a an efficacy evaluation report,  
2734 proposed motion and proposed ordinance that evaluates the efficacy of the regulations for  
2735 adult beverage businesses, including winery, brewery, distillery facilities, ~~and~~ remote  
2736 tasting rooms and nonconforming home occupations and home industries, adopted as part  
2737 of this ordinance, and any recommended changes to the regulations and the rationale for  
2738 those recommended changes. The efficacy evaluation report shall include, at a minimum:

2739 1. A list of all adult beverage businesses with valid business licenses as of five  
2740 years from the effective date of this ordinance;

**Commented [AE88]:** Allows remote tasting rooms as permitted use in CB zoning of Vashon Rural Town

**Commented [AE89]:** Modifies the efficacy evaluation to:

1. Include evaluation of regulations on existing businesses – including information on businesses licenses, permit applications, and code enforcement complaints.
2. Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.

2741 2. A list of adult beverage businesses permit applications submitted, reviewed  
2742 and decided in the prior five years, including the date of original submittal, date of  
2743 complete application, date and type of final decision whether approved or denied and  
2744 categorization of typical conditions were applied;

2745 3. A list of all code enforcement complaints filed against adult beverage  
2746 businesses over the prior five years, including the final resolution of resolved cases and  
2747 the status of open cases; and

2748 4. An evaluation of and recommendations for changes to the following  
2749 development conditions, if any, and the rationale for the proposed change or for  
2750 maintaining the development condition as adopted by this ordinance;

2751 a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult  
2752 beverage businesses;

2753 b. Parking requirements, including the minimum required and the maximum  
2754 allowed;

2755 c. Hours of operation for tasting rooms associated with production facilities  
2756 and remote tasting rooms;

2757 d. Temporary use permit criteria related to special events for adult beverage  
2758 businesses, including the criteria for and minimum requirements of and obtaining a  
2759 temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public  
2760 notice requirements; and

2761 e. Product content requirement in the A zone, including the growth on-site  
2762 requirements and the agricultural accessory use language adopted by this ordinance.

2763 1. An evaluation of the effectiveness of the citation and civil fine structure in

Commented [AE90]: Moved into revised efficacy evaluation.

2764 K.C.C. 23.32.010 adopted for winery, brewery, distillery and remote tasting room uses as  
2765 part of this ordinance, and a recommended citation and civil fine structure, if the  
2766 evaluation finds that the current structure is not effective or could be modified to increase  
2767 effectiveness;

2768 ——— 2. An evaluation of the impacts that urban uses within urban growth area have  
2769 on rural character and adjacent rural areas outside the urban growth area, and  
2770 recommendations for how to reduce impact of those urban uses;

**Commented [AE91]:** Removed evaluation of impacts of urban uses on rural character/areas.

2771 ——— 3. Analysis of product content requirement adopted as part of this ordinance for  
2772 winery, brewery distillery facilities in the Agriculture zone. Include, at a minimum, an  
2773 evaluation of requiring sixty percent of product content to be grown on-site, sixty percent  
2774 of product content to be grown in Puget Sound Counties, or allowing these facilities as  
2775 agricultural accessory uses in accordance with WAC 365-196-815, and a  
2776 recommendation for how these facilities should be regulated in the Agriculture zone to  
2777 comply with the requirements for agricultural production areas under the Growth  
2778 Management Act; and

**Commented [AE92]:** Moved into revised efficacy evaluation

2779 ——— 4. Analysis of winery, brewery, distillery facility I as interim use

**Commented [AE93]:** WBD I interim use removed from the code.

2780 B. This efficacy evaluation report shall have a public comment period in  
2781 conjunction with that required for the final evaluation in section 28 of this ordinance.

**Commented [AE94]:** Allows for public comment on efficacy evaluation to be in conjunction with the public comment period required for the demonstration project.

2782 ——— C. The efficacy evaluation report and proposed ordinance shall be transmitted to  
2783 the council with a motion that should accept the report and a proposed ordinance making  
2784 recommended code changes, concurrently with the final evaluations required in sections  
2785 298 and 31 of this ordinance, in the form of a paper original and an electronic copy to the  
2786 clerk of the council, who shall retain the original and provide an electronic copy to all

2787 councilmembers, the council chief of staff and the lead staff for the local services,  
2788 regional roads and bridges committee, or its successor.

2789 SECTION 324. Severability. If any provision of this ordinance or its application  
2790 to any person or circumstance is held invalid, the remainder of the ordinance or the  
2791 application of the provision to other persons or circumstances is not affected."

2792

2793 Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project

2794 A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting

2795 Room Demonstration Project A dated ~~June 12~~September 16, 2019

2796 The clerk of the council is instructed to insert the final enactment number in Attachment

2797 A where the Proposed Ordinance number is referenced.

2798

2799 Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated

2800 March 11, 2019, and insert Attachment B, Map Amendment #2-~~Special Event~~

2801 ~~Demonstration Project B dated June 12, 2019~~Modifying P-Suffix VS-P29 Vashon Town

2802 Plan – Restricted Uses for CB Zoned Properties

2803

2804 **EFFECT:** This striking amendment makes substantive, clarifying and technical changes,  
2805 including:

2806

2807 Substantive/Policy Changes

2808

2809 1. WBD I Interim Use in the A zone is removed from the permitted use tables.

2810 Associated changes to business license requirements, definitions, special  
2811 events/TUP, and evaluation are also removed.

2812 2. Modifies the business license section to:

2813 a. Allow existing businesses, subject to criteria, to establish their previous  
2814 compliance with the zoning code in order to obtain legal nonconforming  
2815 status. These businesses are required to submit documentation with their

**Commented [AE95]:** New Attachment A, removes Vashon-Maury Island and Fall City from Overlay A

**Commented [AE96]:** Eliminate Overlay B

**Commented [AE97]:** New Attachment B to modify P-suffix for CB zones in Vashon Rural Town

- first business license. The first business license will be good for six months, with a six month extension possible if they have made progress in demonstrating past compliance.
- b. Give Permitting the authority to deny a business license based on noncompliance with the Zoning Code.
  - c. Modify the appeal period for business licenses to be consistent with other kinds of zoning appeals.
3. WBD I in RA zone:
- a. Use is moved from a residential accessory use to a permitted use in the Manufacturing Land Use Table.
  - b. Reference to "nonresident employee" removed.
  - c. Allows one parking stall on-site.
  - d. Prohibits on-site sales and tasting.
  - e. Provides additional clarification for special events – 2 per year, maximum 50 guests, no permit required.
4. WBD II and III
- a. In A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses.
  - b. In A and RA zones:
    - i. Limits on-site tasting and retail sales to 15% of the aggregated floor area.
    - ii. Requires that access be from an arterial (or public roadway for WBD II in RA zone with a CUP).
    - iii. Sets maximum parking at 150% of the minimum required.
    - iv. Removes language regarding nonconforming status of existing parking spaces.
    - v. For WBD III, eliminates allowance for 8,000 square feet of underground storage.
    - vi. For WBD III, removes allowance to connect to a Group B water system. Only Group A water system connection would be allowed.
5. All WBDs:
- a. Removes option to reduce 75' setback from RA and R zones to 25' with screening and a CUP.
  - b. In A and RA zones
    - i. Requires one of the two stages of production to be crushing, fermenting, or distilling.
    - ii. Limits impervious surface to a maximum of 25%, or the maximum allowed by the underlying zoning, whichever is less.
6. Home Occupations and Home Industries:
- a. Allows the existing business with a liquor license from the state LCB as of the effective date of this ordinance (rather than January 1, 2019) to have the opportunity to demonstrate nonconformance.
  - b. Tightens language to avoid loopholes.
  - c. Removes language allowing businesses 1-year to come into conformance with home occupation or home industry standards.

- d. Removes language for home industries to obtain legal nonconforming status, and recognizes that vested CUP applications should be treated as nonconforming (if approved).
- 7. Modifies the Fall City business district overlay to allow remote tasting rooms on the ground floor of the CB zoned land in the Fall City Rural Town.
- 8. Remote tasting room demonstration project A:
  - a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from demonstration project.
  - b. Clarify the purpose section, business license requirements, and special event allowance.
  - c. Modifies evaluation requirements to
    - i. Eliminate requirement for annual transmittal to Council. Post to website instead with email to clerk of the Council.
    - ii. Adds requirements in annual evaluation to include date of submittal, complete application, and decision date and type
    - iii. Removes requirements in annual evaluation for reporting on comments made by the community, known interactions between demonstration project applicants and nearby agricultural users and land, inventory of available properties, and recommended code changes
    - iv. For final evaluation, require that the evaluation include whether the purposes of the demonstration project have been fulfilled by the demonstration project, and recommended permanent code changes.
- 9. Eliminates special event demonstration project B.
- 10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in the Vashon Rural Town.
- 11. Modifications to efficacy evaluation:
  - a. Include evaluation of regulations on existing businesses – including information on businesses licenses, permit applications, and code enforcement complaints/violations.
  - b. Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.
  - c. Removes evaluation of the impact of urban uses within UGA have on rural character of adjacent rural areas outside the UGA
  - d. Specifies that public comment period for the efficacy evaluation occur in conjunction with the public comment period for the remote tasting room demonstration project.

#### Clarifying

- 12. Modifications to Findings:
  - a. Reflect other substantive changes and add additional context.
  - b. Adds new Findings regarding water use, retail sales and tasting, and special district overlays.

- 2907 13. Definitions: modifies definition for WBD I, II and III to add "distilling" as a step  
2908 in the production process.  
2909 14. WBDs in A zone: adds in missing language so that WBD III in A zone are  
2910 allowed as an accessory to a primary agricultural use.  
2911 15. Industrial zone: clarifies that wineries are not allowed.  
2912 16. For criteria of events that require a temporary use permit, clarify that events that  
2913 require traffic control or extend beyond allowed hours of operation will require a  
2914 temporary use permit.  
2915 17. For citations, clarifies the timeframe (1 year) for citing a first time violation,  
2916 rather than subsequent violations.  
2917  
2918 Technical  
2919  
2920 18. Corrects references to King County Comprehensive Plan Policies.  
2921 19. Corrects capitalization, punctuation, and typographical errors.  
2922 20. Makes code reviser edits.