

9/16/19
Draft Balducci Striker



ea

Sponsor: Balducci

Proposed No.: 2018-0241.2

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

2 **2**

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

5 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

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

10 B. The existing regulations for wineries and breweries were last substantively
11 amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with
12 the same development conditions as wineries and breweries, with Ordinance 17539 in
13 2013. No other substantive regulatory changes for wineries, breweries and distilleries
14 (collectively "the adult beverage industry") have occurred since 2003. Since that time
15 King County has encountered unprecedented economic and population growth, resulting
16 in major changes to the adult beverage industry and causing concerns about land
17 speculation in some areas of the county, while leaving others in need of economic
18 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-6633 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

65 H. Economic development polices in the Comprehensive Plan, including ED-
66 102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands
67 have a role in economic activity in the county. The ordinance aims to implement these
68 Comprehensive Plan pPolicies and is focused on protecting the economic value of the
69 natural environment through traditional land use controls such as minimum lot size
70 limitations and structural and other impervious surface limitations in Rural Area and
71 Agricultural zones. The ordinance creates space for new kinds of small, limited-scope
72 businesses, such as tasting rooms, and small wineries, breweries and distilleries that are
73 visually compatible with rural character and provide cultural opportunities to enhance the
74 region's quality of life and economic vitality.

75 I. Comprehensive Plan policies ED-601 through ED-606, which are part of the
76 rural economic strategies plan, call for a "sustainable and vibrant rural economy that
77 allows rural residents to live and work throughout the Rural Area and Natural Resource
78 Lands." By creating clear direction regarding scope and intensity limits for adult
79 beverage industry uses, this ordinance protects rural character while encouraging new
80 economic and employment opportunities for rural residents. The Comprehensive Plan
81 "recognizes the value of home-based business, recreation and tourism, and commercial
82 and industrial clusters for their ability to provide job opportunities in the Rural Area and
83 Natural Resource Lands, and help sustain the rural economic base." This ordinance takes
84 advantage of the existing, organically developing adult beverage industry to implement
85 this policy in a variety of ways. The plan directs the county to explore opportunities to
86 support agricultural tourism and to encourage value-added programs related to the
87 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

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 things-activities the Comprehensive Plan requires the county to protect.

134 M. The Comprehensive Plan⁷ 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~~---~~"², 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 tasting associated with winery,
143 brewery, distillery production facilities, vary across the different rural communities in
144 unincorporated King County. Individual rural communities take different positions and
145 have different priorities, and this is reflected in some of the regulations~~;~~ while however,
146 generally a county-wide lens was used for analyzing potential regulatory impacts on the
147 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

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

160 P. The county is required to balance protecting rural character and agricultural
161 resources ~~over in~~ diverse communities, with creating space for rural industries to thrive
162 within those communities. Existing and proposed regulations ~~on~~ the adult beverage
163 industry are designed for a size and scale appropriate for the rural communities they are
164 located in, and add protections for the Agriculture zone and agricultural production
165 district as well as measures that enhance enforceability of the regulations. This ordinance
166 aims to implement Comprehensive Plan Policy R-204, which encourages ~~---~~ the
167 retention of existing and establishment of new rural resource-based uses, with appropriate
168 site management and that protects habitat resources~~---~~" and Comprehensive Plan Policy
169 R-205 which states that uses ~~that~~ ~~---include those~~ relating to agriculture, forestry,
170 mineral extraction, and fisheries, such as the raising of livestock, growing of crops,
171 creating value-added products, and sale of agricultural products; small-scale cottage
172 industries; and recreational and small-scale tourism uses that rely on a rural location~~---~~"
173 are appropriate in the Rural Area zones.

174 Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use
175 appropriate for the Rural Area. These include uses that "[p]rovide convenient local
176 products and services for nearby residents," "[r]equire location in a Rural Area,"
177 "[s]upport natural resource-based industries" or "[p]rovide recreational and tourism
178 opportunities that are compatible with the surrounding Rural Area," as long as the use is
179 "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. King County Code establishes standards for water facilities in Title 13. In
188 part, these standards prioritize connection to Group A water systems, then to Group B
189 water systems, followed by use of private wells, subject to specified criteria. As part of
190 this ordinance, winery, brewery, distillery facility III uses in the A and RA zones are
191 required to connect to a Group A water system. This requirement modifies a previously
192 existing regulation for larger wineries, breweries and distilleries and replaces it with a
193 clear standard that improves enforceability.

194 S. The ordinance places restrictions on retail sales and tasting of products for
195 winery, brewery, distillery facility uses in the A and RA zones, by limiting retail sales
196 and tasting of products and allowing them only as accessory uses to production. The
197 ordinance sets maximum sizes for such areas, in order to prevent more intense traffic and
198 noise impacts that can sometimes be associated with retail operations. These restrictions
199 are intended to avoid the more intensive impacts that retail sales and tasting of products
200 can have on rural character and the agricultural production districts.

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

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

Commented [AE4]: Eliminates option for Group B for WBD III

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

203 unchanged by this ordinance.

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

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

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

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

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

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

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

247 Y. Public testimony on this ordinance included discussion of congestion on
248 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, t~~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).

272 such as resource industries, tourism, commercial recreation, and light industry." Remote
273 ~~f~~asting rooms are similar to other, more intensive uses contained within the stated
274 categories and may be appropriately located in Rural Towns. Other Community Business
275 and Regional Business zones, outside of Rural Towns, are located within the urban
276 growth area or have access to an arterial.

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

285 SECTION 2. Sections 3 through ~~14~~0 of this ordinance should constitute a new
286 chapter in K.C.C. Title 6.

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

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

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

294 For the purpose of this chapter, unless the context clearly requires otherwise,

295 "adult beverage business" means a winery, brewery, distillery or cidery, and remote
296 tasting rooms for any of those businesses. A nonconforming home occupation and a
297 nonconforming home industry is an "adult beverage business" for the purposes of this
298 section.

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

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

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

308 An application for an adult beverage business license or license renewal must be
309 submitted in the name of the person, the persons or the entity proposing to operate the
310 business. The application shall be signed by each person, or a responsible principal or
311 officer of the entity proposing to operate the business, certified as true under penalty of
312 perjury. All applications shall be submitted on a form supplied by the director, and shall
313 include the following:

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

318 principal office, if the applicant is a corporation or limited liability company;
319 B. The name, street address and telephone number of the adult beverage
320 business;
321 C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor
322 license or non-retail liquor license with retail endorsement associated with the business
323 address; and

324 D. For businesses in the A zone, a signed statement that at least sixty percent of
325 the products to be used by the business are grown on-site, as prescribed under K.C.C.
326 21A.08.030 and 21A.08.080, ~~or for winery, brewery, distillery I businesses in the A zone,~~
327 ~~that at least sixty percent of the products to be used by the business are grown in Puget~~
328 ~~Sound counties, as defined in K.C.C. chapter 21A.06; and~~

329 ~~E. For any adult beverage businesses attempting to demonstrate legal~~
330 ~~nonconforming use status under K.C.C. 6.xx.xxx.B. (the section created by Section 10 of~~
331 ~~this ordinance), operating under an active Washington state Liquor and Cannabis Board~~
332 ~~production license issued for their current location before the effective date of this~~
333 ~~ordinance, and where King County did not object to the location during the Washington~~
334 ~~state Liquor and Cannabis Board license application process, documentation sufficient to~~
335 ~~establish that the requirements of K.C.C. Title 21A have been met, and documentation of~~
336 ~~the County's response to the notice of application, if any.~~

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

339 An applicant for an adult beverage business license or renewal under this chapter
340 shall pay an application fee at the time of application submittal. The nonrefundable

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.

341 application fee for an adult beverage business license or renewal is one hundred dollars.

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

344 The director shall deny, suspend or revoke a license issued under this chapter if
345 the Washington state Liquor and Cannabis Board does not issue a license to the business,
346 or if the department of local services, permitting division receives notice that the state

347 license issued to the business is suspended or revoked, or was not reissued, or if, after an
348 investigation, the director determines that the proposed business location does not comply
349 with K.C.C. Title 21A. A business owner whose application for a business license has

350 been denied or whose license has been suspended or revoked may appeal the decision to
351 the office of the hearing examiner in accordance with K.C.C. 6.01.150.

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

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

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

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

Commented [AE14]: Gives Permitting authority to deny business license for noncompliance with the Zoning Code.

Commented [AE15]: Removing WBD I interim use in A zone

364 NEW SECTION. SECTION 4+10. There is hereby added to the chapter
365 established in section 2 of this ordinance a new section to read as follows:

366 A. Within thirty days of the director's receipt of a complete adult beverage
367 business license application, the director shall issue or deny the license. Within thirty
368 days of the director's receipt of a complete renewal application, the director shall issue or
369 deny the renewal.

370 B. For any adult beverage businesses operating under an active Washington state
371 Liquor and Cannabis Board production license issued for their current location before the
372 effective date of this ordinance, and where King County did not object to the location
373 during the Washington state Liquor and Cannabis Board license application process, if all
374 other requirements of this chapter are met, the director shall approve the first adult
375 beverage business license. The first business license shall be valid for six months from
376 the date of issuance. The first business license may be extended, at no charge to the
377 applicant, for an additional six months, if the director determines that the business
378 operator has taken substantial steps to document compliance with K.C.C. Title 21A.
379 Subsequent business licenses or renewals for such locations shall only be approved by the
380 director if the requirements to establish a legal nonconforming use have been met, the
381 applicant has otherwise established a vested legal nonconforming use, the director
382 determines that the business operator has taken substantial steps to document compliance
383 with K.C.C. Title 21A, or if the business has come into conformance with the winery,
384 brewery, distillery facility I, II or III or remote tasting room regulations adopted as part of
385 this ordinance.

386 SECTION 121. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are ~~each~~

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.

387 hereby repealed.

388 NEW SECTION. SECTION ~~4312~~. There is hereby added to K.C.C. chapter
389 21A.06 a new section to read as follows:

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

398 NEW SECTION. SECTION ~~4413~~. There is hereby added to K.C.C. chapter
399 21A.06 a new section to read as follows:

400 Winery, brewery, distillery facility I: A very small-scale production facility
401 licensed by the state of Washington to produce adult beverages such as wine, cider, beer
402 and distilled spirits, and that includes an adult beverage production use such as crushing,
403 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery
404 facility I may include additional production-related uses such as vineyards, orchards,
405 wine cellars or similar product-storage areas as authorized by state law. On-site product
406 tasting or retail sale of merchandise as authorized by state law is limited. "Winery,
407 brewery, distillery facility I" does not include any retail liquor licenses that would be
408 authorized by chapter 314-02 WAC.

409 ~~NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter~~

Commented [AE17]: Adds distilling to the definition as a step in the production process.

Commented [AE18]: Removing WBD I interim use in A zone

410 ~~21A.06 a new section to read as follows:~~

411 ~~—— Winery, brewery, distillery facility I interim use permit: A term limited permit~~
412 ~~for a winery, brewery, distillery facility I in the Agriculture zone. A winery, brewery,~~
413 ~~distillery facility I interim use permit is a one time approval, effective for one year, with~~
414 ~~four annual renewals possible for up to five years. After the interim use permit or any~~
415 ~~renewals have expired, a winery, brewery, distillery facility I interim use is required to~~
416 ~~either comply with zoning conditions for a winery, brewery, distillery facility II or III~~
417 ~~use, and meet the requirements of one of those uses, or cease operations and vacate the~~
418 ~~site. Applications for a winery, brewery, distillery facility I interim use permit may only~~
419 ~~be accepted by the permitting division within five years of the effective date of this~~
420 ~~ordinance. The time limitations on a winery, brewery, distillery facility I interim use~~
421 ~~permit do not apply to agricultural uses such as vineyards and orchards.~~

422 NEW SECTION. SECTION 4614. There is hereby added to K.C.C. chapter
423 21A.06 a new section to read as follows:

424 Winery, brewery, distillery facility II: A small-scale production facility licensed
425 by the state of Washington to produce adult beverages such as wine, cider, beer and
426 distilled spirits and that includes an adult beverage production use such as crushing,
427 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery
428 facility II may include additional production-related uses such as vineyards, orchards,
429 wine cellars or similar product-storage areas as authorized by state law, on-site product
430 tasting and sales as authorized by state law and sales of merchandise related to products
431 available for tasting as authorized by state law. "Winery, brewery, distillery facility II"
432 does not include any retail liquor licenses that would be authorized by chapter 314-02

Commented [AE19]: Adds distilling to the definition as a step in the production process.

433 WAC.

434 NEW SECTION. SECTION 4715. There is hereby added to K.C.C. chapter
 435 21A.06 a new section to read as follows:

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

445 ~~SECTION 18. Ordinance 10870, Section 330, as amended, and K.C.C.~~
 446 ~~21A.08.030 are each hereby amended to read as follows:~~

447 ~~A. Residential land uses:~~

Commented [AE20]: Adds distilling to the definition as a step in the production process.

Commented [AE21]: This section is deleted. Substantive changes:
 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.

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
	DWELLING UNITS, TYPES:												
⌘	Single-Detached	P C12	P2		P C12	P C12	P C12	P C12	P15				
⌘	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
⌘	Apartment				C4	C4	P5	P	P3	P3	P3	P3	

						C5							
⌘	Mobile Home Park			S13		C8	P						
⌘	Cottage Housing					P15							
	GROUP RESIDENCES:												
⌘	Community Residential Facility-I			C	E	P14.a	P	P3	P3	P3	P3		
⌘	Community Residential Facility-II					P14.b	P	P3	P3	P3	P3		
⌘	Dormitory			C6	C6	C6	P						
⌘	Senior-Citizen Assisted Housing				P4	P4	P	P3	P3	P3	P3		
	ACCESSORY USES:												
⌘	Residential-Accessory-Uses	P7 <u>P19</u>	P7	P7 <u>P17</u> C17	P7	P7	P7	P7	P7	P7	P7		
⌘	Home-Occupation	P18	P18	P18	P18	P18	P18	P18	P18	P18	P18		
⌘	Home-Industry	C		C	C	C							
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)								P	P	P		
⌘	Bed-and-Breakfast Guesthouse	P9		P9	P9	P9	P9	P9	P10	P10			
7041	Organization Hotel/Lodging Houses									P			

448 ~~—— B. Development conditions.~~

449 ~~—— 1. Except bed and breakfast guesthouses.~~

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

451 ~~—— a. Site disturbance associated with development of any new residence shall be~~
452 ~~limited to three acres. Site disturbance shall mean all land alterations including, but not~~
453 ~~limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage~~
454 ~~disposal systems and driveways. Additional site disturbance for agriculture, including~~

455 ~~raising livestock, up to the smaller of thirty five percent of the lot or seven acres, may be~~
456 ~~approved only if a farm management plan is prepared in accordance with K.C.C. chapter~~
457 ~~21A.30. Animal densities shall be based on the area devoted to animal care and not the~~
458 ~~total area of the lot;~~
459 ~~———— b. A forest management plan shall be required for any new residence in the~~
460 ~~forest production district, that shall be reviewed and approved by the King County~~
461 ~~department of natural resources and parks before building permit issuance; and~~
462 ~~———— c. The forest management plan shall incorporate a fire protection element that~~
463 ~~includes fire safety best management practices developed by the department.~~
464 ~~———— 3. Only as part of a mixed use development subject to the conditions of K.C.C.~~
465 ~~chapter 21A.14, except that in the NB zone on properties with a land use designation of~~
466 ~~commercial outside of center (CO) in the urban areas, stand alone townhouse~~
467 ~~developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and~~
468 ~~21A.14.180.~~
469 ~~———— 4. Only in a building listed on the National Register as an historic site or~~
470 ~~designated as a King County landmark subject to K.C.C. chapter 21A.32.~~
471 ~~———— 5.a. In the R-1 zone, apartment units are permitted, if:~~
472 ~~———— (1) At least fifty percent of the site is constrained by unbuildable critical~~
473 ~~areas. For purposes of this subsection, unbuildable critical areas includes wetlands,~~
474 ~~aquatic areas and slopes forty percent or steeper and associated buffers; and~~
475 ~~———— (2) The density does not exceed a density of eighteen units per acre of net~~
476 ~~buildable area.~~
477 ~~———— b. In the R-4 through R-8 zones, apartment units are permitted if the density~~

478 ~~does not exceed a density of eighteen units per acre of net buildable area.~~
479 ~~———— c. If the proposal will exceed base density for the zone in which it is proposed,~~
480 ~~a conditional use permit is required.~~
481 ~~———— 6. Only as accessory to a school, college, university or church.~~
482 ~~———— 7.a. Accessory dwelling units:~~
483 ~~———— (1) Only one accessory dwelling per primary single detached dwelling unit;~~
484 ~~———— (2) Only in the same building as the primary dwelling unit on:~~
485 ~~———— (a) an urban lot that is less than five thousand square feet in area;~~
486 ~~———— (b) except as otherwise provided in subsection B.7.a.(5) of this section, a~~
487 ~~rural lot that is less than the minimum lot size; or~~
488 ~~———— c. a lot containing more than one primary dwelling;~~
489 ~~———— (3) The primary dwelling unit or the accessory dwelling unit shall be owner~~
490 ~~occupied;~~
491 ~~———— (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,~~
492 ~~one of the dwelling units shall not exceed one thousand square feet of heated floor area~~
493 ~~except when one of the dwelling units is wholly contained within a basement or attic; and~~
494 ~~———— (b) When the primary and accessory dwelling units are located in the same~~
495 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
496 ~~entrance may be located on each street;~~
497 ~~———— (5) On a site zoned RA:~~
498 ~~———— (a) If one transferable development right is purchased from the Rural Area~~
499 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, the smaller of the dwelling~~
500 ~~units is permitted a maximum floor area up to one thousand five hundred square feet; and~~

501 ~~————— (b) If one transferable development right is purchased from the Rural Area~~
502 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~
503 ~~unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than~~
504 ~~three and three-quarters acres;~~
505 ~~————— (6) One additional off-street parking space shall be provided;~~
506 ~~————— (7) The accessory dwelling unit shall be converted to another permitted use or~~
507 ~~shall be removed if one of the dwelling units ceases to be owner-occupied; and~~
508 ~~————— (8) An applicant seeking to build an accessory dwelling unit shall file a notice~~
509 ~~approved by the department of executive services, records and licensing services~~
510 ~~division, that identifies the dwelling unit as accessory. The notice shall run with the land.~~
511 ~~The applicant shall submit proof that the notice was filed before the department shall~~
512 ~~approve any permit for the construction of the accessory dwelling unit. The required~~
513 ~~contents and form of the notice shall be set forth in administrative rules. If an accessory~~
514 ~~dwelling unit in a detached building in the rural zone is subsequently converted to a~~
515 ~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~
516 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~
517 ~~minimum lot area required in the zone; and~~
518 ~~————— (9) Accessory dwelling units and accessory living quarters are not allowed in~~
519 ~~the F zone.~~
520 ~~————— b. One single or twin engine, noncommercial aircraft shall be permitted only~~
521 ~~on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody~~
522 ~~or landing field, but only if there are:~~
523 ~~————— (1) no aircraft sales, service, repair, charter or rental; and~~

524 ~~———— (2) no storage of aviation fuel except that contained in the tank or tanks of the~~
525 ~~aircraft.~~

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

529 ~~———— 8. Mobile home parks shall not be permitted in the R-1 zones.~~

530 ~~———— 9. Only as accessory to the permanent residence of the operator, and:~~

531 ~~———— a. Serving meals shall be limited to paying guests; and~~

532 ~~———— b. The number of persons accommodated per night shall not exceed five,~~
533 ~~except that a structure that satisfies the standards of the International Building Code as~~
534 ~~adopted by King County for R-1 occupancies may accommodate up to ten persons per~~
535 ~~night.~~

536 ~~———— 10. Only if part of a mixed-use development, and subject to the conditions of~~
537 ~~subsection B.9. of this section.~~

538 ~~———— 11. Townhouses are permitted, but shall be subject to a conditional use permit if~~
539 ~~exceeding base density.~~

540 ~~———— 12. Required before approving more than one dwelling on individual lots,~~
541 ~~except on lots in subdivisions, short subdivisions or binding site plans approved for~~
542 ~~multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.~~
543 ~~of this section.~~

544 ~~———— 13. No new mobile home parks are allowed in a rural zone.~~

545 ~~———— 14.a. Limited to domestic violence shelter facilities.~~

546 ~~———— b. Limited to domestic violence shelter facilities with no more than eighteen~~

547 ~~residents or staff.~~

548 ~~15. Only in the R4 R8 zones limited to:~~

549 ~~a. developments no larger than one acre;~~

550 ~~b. not adjacent to another cottage housing development such that the total~~

551 ~~combined land area of the cottage housing developments exceeds one acre;~~

552 ~~c. All units must be cottage housing units with no less than three units and no~~

553 ~~more than sixteen units, provided that if the site contains an existing home that is not~~

554 ~~being demolished, the existing house is not required to comply with the height limitation~~

555 ~~in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.~~

556 ~~21A.14.025.B; and~~

557 ~~d. Before filing an application with the department, the applicant shall hold a~~

558 ~~community meeting in accordance with K.C.C. 20.20.035.~~

559 ~~16. The development for a detached single family residence shall be consistent~~

560 ~~with the following:~~

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

562 ~~b. The lot has a Comprehensive Plan land use designation of Rural~~

563 ~~Neighborhood Commercial Center or Rural Area; and~~

564 ~~c. The standards of this title for the RA 5 zone shall apply.~~

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

566 ~~winery, brewery, distillery facility uses shall not exceed one thousand five hundred~~

567 ~~square feet;~~

568 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~

569 ~~shall be set back a minimum distance of seventy five feet from interior property lines~~

570 ~~adjoining rural area and residential zones, unless located in a building designated as~~
571 ~~historic resource under K.C.C. chapter 20.62. As part of the review of a conditional use~~
572 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~
573 ~~between the proposed use and adjacent rural area and residential zones;~~
574 ~~———— c. No more than one nonresident employee shall be permitted to work on site;~~
575 ~~———— d. Parking shall be provided as follows:~~
576 ~~———— (1) in addition to the required parking for the dwelling, one on site parking~~
577 ~~stall shall be provided if a nonresident is employed to work on site;~~
578 ~~———— (2) a minimum of one on site parking stall shall be provided for customers,~~
579 ~~and additional parking shall be calculated at the rate of one stall per one thousand square~~
580 ~~feet of floor or non agricultural outdoor area dedicated to the winery, brewery, distillery~~
581 ~~facility uses; and~~
582 ~~———— (3) parking shall be limited to one hundred fifty percent of minimum required~~
583 ~~for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,~~
584 ~~brewery, distillery facility I business locations licensed to produce by the Washington~~
585 ~~state Liquor and Cannabis Board before January 1, 2019, without objection from King~~
586 ~~County during the license application processes, and that signed a settlement agreement~~
587 ~~with King County before January 1, 2019, parking spaces exceeding the limits of this~~
588 ~~section shall be considered nonconforming and may continue, subject to the provisions of~~
589 ~~K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other~~
590 ~~applicable state and local regulations;~~
591 ~~———— e. The business operator shall obtain an adult beverage business license in~~
592 ~~accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this~~

593 ~~ordinance);~~

594 ~~—— f. At least two stages of production of wine, beer, cider or distilled spirits, such~~

595 ~~as crushing, fermenting, barrel or tank aging, or finishing, as authorized by the~~

596 ~~Washington state Liquor and Cannabis Board production license, shall occur on site;~~

597 ~~—— g. Tasting of products shall be limited as follows:~~

598 ~~—— (1) within the area bounded by the urban growth area boundaries of~~

599 ~~Woodinville and Kirkland on the west, NE 124th Street on the South, Avondale Road NE~~

600 ~~on the east and Woodinville Duvall Road NE on the north, product tasting shall not be~~

601 ~~allowed; and~~

602 ~~—— (2) in all other areas of the county, for products produced on site, tasting of~~

603 ~~products may be provided in accordance with state law. The area devoted to tasting shall~~

604 ~~be included in the aggregated floor area limitation in subsection B.17.b. of this section.~~

605 ~~Tastings shall be limited to appointment only; and appointments may only occur~~

606 ~~Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m.~~

607 ~~and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings~~

608 ~~shall be indoors;~~

609 ~~—— h. Incidental retail sales of products produced on site and merchandise related~~

610 ~~to the products produced on site is allowed; and~~

611 ~~—— i. Events may be allowed in accordance with K.C.C. chapter 21A.32.~~

612 ~~—— 18. Allowed if consistent with K.C.C. chapter 21A.30.~~

613 ~~—— 19.a.(1) The permitting division shall accept applications for a winery, brewery,~~

614 ~~distillery facility I interim use permit only within five years of the effective date of this~~

615 ~~ordinance;~~

616 ~~————— (2) A winery, brewery, distillery facility I interim use permit shall be~~
617 ~~reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. All~~
618 ~~application, notice, review and appeal processes in K.C.C. chapter 20.20 shall apply to~~
619 ~~the review of the winery, brewery, distillery facility I interim use permit. If not exempt~~
620 ~~under K.C.C. 20.44.040, State Environmental Policy Act review shall be required;~~
621 ~~————— (3) The applicant shall be required to pay a review fee equivalent to the fee~~
622 ~~applicable to a temporary use permit upon application;~~
623 ~~————— (4) The permitting division shall apply the review criteria for temporary use~~
624 ~~permits in K.C.C. 21A.44.020 to winery, brewery, distillery facility I interim use permit~~
625 ~~applications;~~
626 ~~————— (5) If approved, a winery, brewery, distillery facility I interim use permit shall~~
627 ~~be effective for one year from the date of issuance and may be renewed up to four times~~
628 ~~annually, subject to the provisions for a temporary use permit provided in K.C.C.~~
629 ~~21A.32.120.D.;~~
630 ~~————— (6) No more than one winery, brewery, distillery facility I interim use permit~~
631 ~~may be issued for any one site, and after the interim use approval has expired, no~~
632 ~~additional winery, brewery, distillery facility I interim use may be permitted on that site;~~
633 ~~and~~
634 ~~————— (7) A winery, brewery, distillery facility I interim use permit shall, no later~~
635 ~~than the expiration of the original approval or any extension granted by the permitting~~
636 ~~division, whichever is later, either:~~
637 ~~————— (a) convert to a winery, brewery, distillery facility II or III and comply with~~
638 ~~the requirements in K.C.C. 21A.08.080; or~~

639 ~~———— (b) cease operations and vacate a site;~~
640 ~~———— b. Only allowed on sites where the primary use is SIC Industry Group No. 01-~~
641 ~~Growing and Harvesting Crops or No. 02 Raising Livestock and Small Animals;~~
642 ~~———— c. The aggregated floor area of structures and areas for winery, brewery,~~
643 ~~distillery facility uses shall not exceed one thousand five hundred square feet. Decks that~~
644 ~~are not occupied and not open to the public are excluded from the calculation for~~
645 ~~maximum aggregated floor area;~~
646 ~~———— d. Structures and parking areas for winery, brewery, distillery facility uses~~
647 ~~shall be set back a minimum distance of seventy five feet from interior property lines~~
648 ~~adjoining rural area and residential zones, unless located in a building designated as~~
649 ~~historic resource under K.C.C. chapter 20.62;~~
650 ~~———— e. No more than one nonresident employee shall be permitted to work on site;~~
651 ~~———— f. On a site with direct access to an arterial;~~
652 ~~———— g. Parking shall be provided as follows:~~
653 ~~———— (1) in addition to the required parking for the dwelling, one on site parking~~
654 ~~stall shall be provided if a nonresident is employed to work on site;~~
655 ~~———— (2) a minimum of one on site parking stall shall be provided for customers,~~
656 ~~and additional parking shall be calculated at the rate of one stall per one thousand square~~
657 ~~feet of floor or non agricultural outdoor area dedicated to the winery, brewery, distillery~~
658 ~~facility uses; and~~
659 ~~———— (3) parking shall be limited to one hundred fifty percent of minimum required~~
660 ~~for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,~~
661 ~~brewery, distillery facility I business locations licensed to produce by the Washington~~

662 ~~state Liquor and Cannabis Board before January 1, 2019, without objection from King~~
663 ~~County during the license application processes, and that signed a settlement agreement~~
664 ~~with King County before January 1, 2019, parking spaces exceeding the limits of this~~
665 ~~section shall be considered nonconforming and may continue, subject to the provisions of~~
666 ~~K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other~~
667 ~~applicable state and local regulations;~~

668 ~~_____ h. The business operator shall obtain an adult beverage business license in~~
669 ~~accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this~~
670 ~~ordinance);~~

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

674 ~~_____ j. Structures and areas for non agricultural winery, brewery, distillery facility~~
675 ~~uses shall be located on portions of agricultural lands that are unsuitable for agricultural~~
676 ~~purposes, such as areas within the already developed portion of such agricultural lands~~
677 ~~that are not available for direct agricultural production, or areas without prime~~
678 ~~agricultural soils;~~

679 ~~_____ k. Product tasting shall not be allowed;~~

680 ~~_____ l. Incidental retail sales of products produced on site and merchandise related~~
681 ~~to the products produced on site is allowed;~~

682 ~~_____ m. Special events shall not be allowed; and~~

683 ~~_____ n. Sixty percent or more of the products processed must be grown in the Puget~~
684 ~~Sound counties. At the time of the initial application under K.C.C. chapter 6.xx (the new~~

685 ~~chapter created in section 2 of this ordinance), the applicant shall submit a projection of~~
 686 ~~the source of products to be produced.~~

687 SECTION 196. Ordinance 10870, Section 334, as amended, and K.C.C.

688 21A.08.070 are ~~each~~ hereby amended to read as follows:

689 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	P20	P10	P	P	P	P
							C16	P16					
*	Remote Tasting Room (13)				P13					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26	P26		
										C27	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,						C15a	P15	P	P	P		

Commented [AE22]: Demonstration Project A narrowed to RA zone

	Stationery, Video and Art Supply Stores												
*	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

690 B. Development conditions.

691 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
692 thousand square feet, unless located in a building designated as historic resource under
693 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
694 thousand five hundred square feet may be allowed. Greenhouses used for the display of

695 merchandise other than plants shall be considered part of the covered sales area.
696 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
697 considered part of the covered sales area;

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

- 701 2. Only hardware stores.
- 702 3.a. Limited to products grown on site.
- 703 b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 704 4. No permanent structures or signs.
- 705 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
706 maximum of two thousand square feet of gross floor area.
- 707 6. Limited to a maximum of five thousand square feet of gross floor area.
- 708 7. ~~((Repealed))~~ Off-street parking is limited to a maximum of one space per
709 fifty square feet of tasting and retail areas.
- 710 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 711 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 712 10. Excluding SIC Industry No. 5813-Drinking Places.
- 713 11. No outside storage of fuel trucks and equipment.
- 714 12. Excluding vehicle and livestock auctions.
- 715 13. ~~((Only as accessory to a winery or SIC Industry No. 2082 Malt Beverages,~~
716 ~~and limited to sales of products produced on site and incidental items where the majority~~
717 ~~of sales are generated from products produced on site))~~ Permitted as part of the

718 demonstration project authorized by section ~~29-27~~ of this ordinance.

719 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
720 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.

721 21A.12.230; and

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

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

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

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

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

733 17. Repealed.

734 18. Repealed.

735 19. Only as:

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

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

- 741 20. Only as:
- 742 a. an accessory use to a recreation or multiuse park; or
- 743 b. an accessory use to a park and limited to a total floor area of one thousand
- 744 five hundred square feet.
- 745 21. Accessory to a park, limited to a total floor area of seven hundred fifty
- 746 square feet.
- 747 22. Only as an accessory use to:
- 748 a. a large active recreation and multiuse park in the urban growth area; or
- 749 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
- 750 total floor area of seven hundred and fifty square feet.
- 751 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
- 752 Industry No. 2431-Millwork and;
- 753 a. limited to lumber milled on site; and
- 754 b. the covered sales area is limited to two thousand square feet. The covered
- 755 sales area does not include covered areas used to display only milled lumber.
- 756 24. Requires at least five farmers selling their own products at each market and
- 757 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
- 758 vendors.
- 759 25. Limited to sites located within the urban growth area and:
- 760 a. The sales area shall be limited to three hundred square feet and must be
- 761 removed each evening;
- 762 b. There must be legal parking that is easily available for customers; and
- 763 c. The site must be in an area that is easily accessible to the public, will

764 accommodate multiple shoppers at one time and does not infringe on neighboring
765 properties.

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

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

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

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

783 (1) if a complete conditional use permit application for the proposed retail
784 marijuana use was not submitted, or if more than one conditional use permit application
785 became or was deemed complete on the same date, then the director shall determine
786 compliance based on the date the Washington state Liquor and Cannabis Board issues a

787 Notice of Marijuana Application to King County;

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

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

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

805 e. Retail marijuana businesses licensed by the Washington state Liquor and
806 Cannabis Board and operating within one thousand feet of each other as of August 14,
807 2016, and retail marijuana businesses that do not require a permit issued by King County,
808 that received a Washington state Liquor and Cannabis Board license to operate in a
809 location within one thousand feet of another licensed retail marijuana business prior to

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

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

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

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

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

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

829 (1) if a complete conditional use permit application for the proposed retail
830 marijuana use was not submitted, or if more than one conditional use permit application
831 became or was deemed complete on the same date, then the director shall determine
832 compliance based on the date the Washington state Liquor and Cannabis Board issues a

833 Notice of Marijuana Application to King County;

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

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

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

851 c. Retail marijuana businesses licensed by the Washington state Liquor and
852 Cannabis Board and operating within one thousand feet of each other as of August 14,
853 2016, and retail marijuana businesses that do not require a permit issued by King County,
854 that received a Washington state Liquor and Cannabis Board license to operate in a
855 location within one thousand feet of another licensed retail marijuana business prior to

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

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

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

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

866 SECTION 1720, Ordinance 10870, Section 335, as amended, and K.C.C.
 867 21A.08.080 are ~~each~~ hereby amended to read as follows:

868 A. Manufacturing land uses.

P-Permitted Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use													
S-Special Use													
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/ Distillery Facility I</u>				<u>P32</u>								
2 (2085)	<u>Winery/Brewery/ Distillery Facility II</u>	P3 ((C12))			P3 C C((+2)) 0	((P3))			P17 C17	P17 C17	P29 C29		P31 C31
*	<u>Winery/Brewery/ Distillery Facility III</u>	<u>C12</u>			<u>C12</u>				<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C31</u>

Commented [AE23]: Move WBD I in RA zone to Manufacturing Land Use table

Commented [AE24]: CUP option to reduce setback from RA and R zones from 75' to 25' removed

*	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

869 B. Development conditions.

870 1. Repealed.

871 2. Except slaughterhouses.

872 3.a. (~~Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

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

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

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

876 Animals;

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

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

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

893 ~~((f.))~~ e. In the A zone, ~~((S))~~ sixty percent or more of the products processed
894 must be grown ~~((in the Puget Sound counties))~~ on-site. At the time of the initial
895 application under K.C.C. chapter 6.xx (the new chapter created in section 2 of this
896 ordinance), the applicant shall submit a projection of the source of products to be
897 produced; ((and

898 ~~g.))~~ f. At least two stages of production of wine, beer, cider or distilled spirits,
899 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized

Commented [AE25]: Eliminates option to reduce setbacks for WBD II in A and RA zone.

900 by the Washington state Liquor and Cannabis Board production license, shall occur on-
901 site. At least one of the stages of production occurring on-site shall include crushing,
902 fermenting or distilling;

Commented [AE26]: Requires one stage of production to include crushing, fermenting or distilling.

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

Commented [AE27]: Limits conversion of land to maximum 1 acre for nonagricultural accessory use.

909 h. Tasting and retail sales of products produced on-site may occur only as
910 accessory to the primary winery, brewery, distillery production use and may be provided
911 in accordance with state law. The area devoted to tasting or retail sales shall be limited to
912 no more than fifteen percent of the aggregated floor area and shall be included in the
913 aggregated floor area limitation in subsection B.3.c. of this section. Incidental retail sales
914 of merchandise related to the products produced on-site is allowed subject to the
915 restrictions described in this subsection. Hours of operation for on-site tasting of
916 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
917 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
918 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
919 p.m.;

Commented [AE28]: Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

Commented [AE29]: Moved from i. below

920 ~~i. Incidental retail sales of products produced on-site and merchandise related~~
921 ~~to the products produced on-site is allowed;~~

922 ji. Access to the site shall be directly from an On a site with direct access to an

923 arterial roadway;

924 kj. Off-street parking is limited to a maximum of one space per 50 square feet

925 of tasting and retail area one hundred fifty percent of the minimum required for winery,

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

927 facility II business locations licensed to produce by the Washington state Liquor and

928 Cannabis Board before January 1, 2019, without objection from King County during the

929 license application processes, and that signed a settlement agreement with King County

930 before January 1, 2019, parking spaces exceeding the limits of this section shall be

931 considered nonconforming and may continue, subject to the provisions of K.C.C.

932 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other

933 applicable state and local regulations;

Commented [AE30]: Requires access onto an arterial roadway

Commented [AE31]: Modifies the maximum parking to 150% of the minimum

934 hk. The business operator shall obtain an adult beverage business license in

935 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this

936 ordinance); and

Commented [AE32]: Eliminate nonconforming status for existing parking spaces.

937 ml. Events may be allowed with an approved temporary use permit under

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

939 m. The impervious surface associated with the winery, brewery, distillery

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

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

942 whichever is less.

Commented [AE33]: Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

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

944 equipment.

945 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.

RA-2.5: 25%
RA-5: 20%
RA-10: 15%

A-10: 15%
A-35: 10%

946 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
947 minimum site area is four and one-half acres.

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

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

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

952 9. Only within enclosed buildings.

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

954 11. For I-zoned sites located outside the urban growth area designated by the
955 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
956 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
957 rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

962 ~~b.(1) Except as provided in subsection B.12.b.(2) of this section, t))~~The
963 aggregated floor area of structures and areas for (~~wineries, breweries and distilleries and~~
964 ~~any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight
965 thousand square feet (~~(. . .), except that ((T))~~the floor area may be increased by up to an
966 additional eight thousand square feet of underground storage that is constructed
967 completely below natural grade, not including required exits and access points, if the
968 underground storage is at least one foot below the surface and is not visible above~~

Commented [AE34]: Adds requirement for WBDs to be accessory to a primary agricultural use.

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969 ~~ground~~); Decks that are not occupied and not open to the public are excluded from the
970 calculation for maximum aggregated floor area; ~~(and~~

Commented [AE35]: Eliminate underground storage allowance

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

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

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978 ~~ed.~~ Wineries, breweries and distilleries shall comply with Washington state
979 Department of Ecology and King County board of health regulations for water usage and
980 wastewater disposal, ~~and must connect to an existing Group A water system or an~~
981 ~~existing Group B water system if a Group A water system is not available.~~ The
982 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and
983 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142; ~~((~~

Commented [AE36]: Requires WBD IIIs in A and RA zone to connect to a Group A water system.

984 ~~Wineries, breweries and distilleries using water from exempt wells shall install a water~~
985 ~~meter;~~

Commented [AE37]: Provides a cross-reference to the definitions of Group A systems and provision of water service

986 d. Off street parking is limited to one hundred and fifty percent of the
987 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
988 21A.18.030;))

989 e. ~~)) d.~~ Structures and parking areas ~~((used for processing))~~ for winery,
990 brewery distillery facility uses shall ~~((be set back))~~ maintain a minimum distance of
991 seventy-five feet from interior property lines ~~((adjacent to))~~ adjoining rural area and

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992 residential zones, unless ~~((the processing is))~~ located in a building designated as historic
993 resource under K.C.C. chapter 20.62. ~~As part of the review of the conditional use permit,~~
994 ~~the setback may be reduced to twenty five feet if there is sufficient screening between the~~
995 ~~proposed use and adjacent rural area and residential zones;~~

Commented [AE38]: Eliminates option to reduce setbacks for WBD III in A and RA zone.

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

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

1000 ~~(2) a minimum of two and one half acres of the site shall be used for the~~
1001 ~~growing of agricultural products;~~

1002 ~~g. The facility shall be limited to processing agricultural products and) fe. In~~
1003 ~~the A zone, sixty percent or more of the products processed must be grown ((in the Puget~~
1004 ~~Sound counties)) on-site. At the time of the initial application under K.C.C. chapter 6.xx~~
1005 ~~(the new chapter created in section 2 of this ordinance), the applicant shall submit a~~
1006 ~~projection of the source of products to be processed; ((and))~~

1007 ~~gf. At least two stages of production of wine, beer, cider or distilled spirits,~~
1008 ~~such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized~~
1009 ~~by the Washington state Liquor and Cannabis Board production license, shall occur on-~~
1010 ~~site. At least one of the stages of on-site production shall include crushing, fermenting or~~
1011 ~~distilling;~~

Commented [AE39]: Requires one stage of production to include crushing, fermenting or distilling.

1012 ~~hg. In the A zone, structures and areas for non-agricultural winery, brewery,~~
1013 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
1014 ~~for agricultural purposes, such as areas within the already developed portion of such~~

1015 agricultural lands that are not available for direct agricultural production, or areas without
1016 prime agricultural soils. ~~No more than one acre of agricultural land may be converted to a~~
1017 ~~nonagricultural accessory use;~~

Commented [AE40]: Limits conversion of land to maximum 1 acre for nonagricultural accessory use

1018 ~~((h.))~~ i. Tasting ~~and retail sales~~ of products produced on-site ~~may occur only as~~
1019 ~~accessory to the primary winery, brewery, distillery production use and~~ may be provided
1020 in accordance with state law. The area devoted to tasting ~~or retail sales~~ shall be ~~limited to~~
1021 ~~no more than fifteen percent~~ of the aggregated floor area and shall be included in the
1022 ~~aggregated~~ floor area limitation in subsection B.12.~~((b-))~~~~ba.~~ and ~~cb.~~ of this section.

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Commented [AE41]: Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

1023 ~~Incidental retail sales of merchandise related to the products produced on-site is allowed~~
1024 ~~subject to the restrictions described in this subsection. Hours of operation for on-site~~
1025 ~~tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and~~
1026 ~~Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and~~
1027 ~~Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.~~
1028 ~~through 9:00 p.m.;~~

Commented [AE42]: Moved from i. below

1029 ~~——— i. Incidental retail sales of products produced on site and merchandise related~~
1030 ~~to the products produced on site is allowed;~~

1031 ~~ii. Access to the site shall be directly from an arterial roadway; On a site with~~
1032 ~~direct access to an arterial;~~

Commented [AE43]: Requires access onto an arterial roadway

1033 ~~kk. Off-street parking maximums shall be determined through the conditional~~
1034 ~~use permit process, and should not be more than one hundred fifty percent of the~~
1035 ~~minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030~~
1036 ~~the parking ratio for the tasting and retail areas should be limited to a maximum of one space~~
1037 ~~per fifty square feet of tasting and retail areas;~~

Commented [AE44]: Modifies maximum parking for A and RA zones to 150% of the minimum

1038 h. The business operator shall obtain an adult beverage business license in
1039 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1040 ordinance);-and

1041 mm. Events may be allowed with an approved temporary use permit under
1042 K.C.C. chapter 21A.32; and

1043 n. ~~The impervious surface associated with the winery, brewery, distillery~~
1044 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1045 surface for the zone in accordance with K.C.C. 21A.12.030.A. or K.C.C. 21A.12.040.A.,
1046 whichever is less.;

1047 13. Only on the same lot or same group of lots under common ownership or
1048 documented legal control, which includes, but is not limited to, fee simple ownership, a
1049 long-term lease or an easement:

1050 a. as accessory to a primary forestry use and at a scale appropriate to process
1051 the organic waste generated on the site; or

1052 b. as a continuation of a sawmill or lumber manufacturing use only for that
1053 period to complete delivery of products or projects under contract at the end of the
1054 sawmill or lumber manufacturing activity.

1055 14. Only on the same lot or same group of lots under common ownership or
1056 documented legal control, which includes, but is not limited to, fee simple ownership, a
1057 long-term lease or an easement:

1058 a. as accessory to a primary mineral use; or

1059 b. as a continuation of a mineral processing use only for that period to
1060 complete delivery of products or projects under contract at the end of mineral extraction.

Commented [AE45]: 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%

1061 15. Continuation of a materials processing facility after reclamation in
1062 accordance with an approved reclamation plan.

1063 16. Only a site that is ten acres or greater and that does not use local access
1064 streets that abut lots developed for residential use.

1065 17.a. ~~((Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC
1066 Industry No. 2085 Distilled and Blended Liquors;~~

1067 ~~b.)) The aggregated floor area ~~((devoted to all processing))~~ of structures and
1068 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
1069 hundred square feet, unless located in ~~((a building))~~ whole or in part in a structure
1070 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
1071 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
1072 not exceed five thousand square feet. Decks that are not occupied and not open to the
1073 public are excluded from the calculation for maximum aggregated floor area;~~

1074 ~~((e.))~~ b. Structures and parking areas ~~((used for processing))~~ for winery,
1075 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
1076 from interior property lines adjoining rural area and residential zones, unless located in a
1077 building designated as historic resource under K.C.C. chapter 20.62. ~~As part of the~~
1078 ~~review of a conditional use permit, the setback may be reduced to twenty five feet if there~~
1079 ~~is sufficient screening between the proposed use and adjacent rural area and residential~~
1080 ~~zones;~~ ~~((and~~

1081 ~~d.))~~ c. Tasting and retail sale of products produced on-site, and merchandise
1082 related to the products produced on-site, may be provided in accordance with state law.

1083 The area devoted to tasting shall be included in the aggregated floor area limitation in

Commented [AE46]: Eliminates option to reduce setbacks for WBD in NB and CB zone.

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1084 subsection B.~~((48.b.))~~17.a. of this section;

1085 d. Off-street parking for the tasting and retail areas shall be limited to a
1086 maximum of one space per fifty square feet of tasting and retail areas;

1087 e. The business operator shall obtain an adult beverage business license in
1088 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1089 ordinance); and

1090 f. Events may be allowed with an approved temporary use permit under K.C.C.
1091 chapter 21A.32.

1092 18. Limited to:

1093 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
1094 Millwork, as follows:

1095 (1) If using lumber or timber grown off-site, the minimum site area is four
1096 and one-half acres;

1097 (2) The facility shall be limited to an annual production of no more than one
1098 hundred fifty thousand board feet;

1099 (3) Structures housing equipment used in the operation shall be located at
1100 least one-hundred feet from adjacent properties with residential or rural area zoning;

1101 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1102 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1103 (5) In the RA zone, the facility's driveway shall have adequate entering sight
1104 distance required by the 2007 King County Road Design and Construction Standards. An
1105 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1106 the roadway that the driveway accesses; and

1107 (6) Outside lighting is limited to avoid off-site glare; and
1108 b. SIC Industry No. 2411-Logging.
1109 19. Limited to manufacture of custom made wood furniture or cabinets.
1110 20.a. Only allowed on lots of at least four and one-half acres;
1111 b. Only as an accessory use to a Washington state Liquor Control Board
1112 licensed marijuana production facility on the same lot;
1113 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;;
1114 d. Only with documentation that the operator has applied for a Puget Sound
1115 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1116 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1117 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1118 are imported onto the site; and
1119 e. Accessory marijuana processing uses allowed under this section are subject
1120 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
1121 21.a. Only in the CB and RB zones located outside the urban growth area;
1122 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;;
1123 c. Only with documentation that the operator has applied for a Puget Sound
1124 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1125 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1126 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1127 are imported onto the site;
1128 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1129 support of, processing marijuana together with any separately authorized production of

1130 marijuana shall be limited to a maximum of two thousand square feet; and
1131 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1132 every marijuana-related entity occupying space in addition to the two-thousand-square-
1133 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1134 subsection B.22. of this section.

1135 22.a. Only in the CB and RB zones located outside the urban growth area;
1136 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
1137 support of, processing marijuana together with any separately authorized production of
1138 marijuana shall be limited to a maximum of thirty thousand square feet;
1139 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
1140 d. Only with documentation that the operator has applied for a Puget Sound
1141 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1142 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1143 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1144 are imported onto the site.

1145 23.a. Only in the CB and RB zones located inside the urban growth area;
1146 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
1147 c. Only with documentation that the operator has applied for a Puget Sound
1148 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1149 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1150 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1151 are imported onto the site;
1152 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

1153 support of, processing marijuana together with any separately authorized production of
1154 marijuana shall be limited to a maximum of two thousand square feet; and

1155 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1156 every marijuana-related entity occupying space in addition to the two-thousand-square-
1157 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1158 subsection B.24. of this section.

1159 24.a. Only in the CB and RB zones located inside the urban growth area;

1160 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1161 c. Only with documentation that the operator has applied for a Puget Sound
1162 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1163 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1164 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1165 are imported onto the site; and

1166 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1167 support of, processing marijuana together with any separately authorized production of
1168 marijuana shall be limited to a maximum of thirty thousand square feet.

1169 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1170 b. Only with documentation that the operator has applied for a Puget Sound
1171 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1172 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1173 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1174 are imported onto the site; and

1175 c. Per lot, limited to a maximum aggregate total of two thousand square feet of

1176 gross floor area devoted to, and in support of, the processing of marijuana together with
1177 any separately authorized production of marijuana.

1178 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1179 b. Only with documentation that the operator has applied for a Puget Sound
1180 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1181 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1182 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1183 are imported onto the site; and

1184 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet
1185 of gross floor area devoted to, and in support of, the processing of marijuana together
1186 with any separately authorized production of marijuana.

1187 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
1188 Island, that do not require a conditional use permit issued by King County, that receive a
1189 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
1190 and that King County did not object to within the Washington state Liquor and Cannabis
1191 Board marijuana license application process, shall be considered nonconforming as to
1192 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
1193 21A.32.075 for nonconforming uses;

1194 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

1195 c. Only with documentation that the operator has applied for a Puget Sound
1196 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1197 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1198 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1199 are imported onto the site;

1200 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
1201 Island;

1202 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1203 except on Vashon-Maury Island;

1204 f. Only as an accessory use to a Washington state Liquor Cannabis Board
1205 licensed marijuana production facility on the same lot; and

1206 g. Accessory marijuana processing uses allowed under this section are subject
1207 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1208 28. If the food and kindred products manufacturing or processing is associated
1209 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1210 29.a. Tasting and retail sales of products produced ~~on-on-site~~, and merchandise
1211 related to the products produced on-site, may be provided in accordance with state law;

1212 b. Structures and parking areas for winery, brewery, distillery facility uses shall
1213 maintain a minimum distance of seventy-five feet from interior property lines adjoining
1214 rural area and residential zones, unless located in a building designated as historic
1215 resource under K.C.C. chapter 20.62. ~~As part of the review of a conditional use permit,~~
1216 ~~the setback may be reduced to twenty five feet if there is sufficient screening between the~~
1217 ~~proposed use and adjacent rural area and residential zones;~~

1218 c. For winery, brewery, distillery facility uses that do not require a conditional
1219 use permit, off-street parking for the tasting and retail areas shall be limited to a
1220 maximum of one space per fifty square feet of tasting and retail areas. For winery,
1221 brewery, distillery facility uses that do require a conditional use permit, off-street parking

Commented [AE47]: Eliminates option to reduce setbacks for WBD in RB zone.

1222 maximums shall be determined through the conditional use permit process, and the
1223 parking ratio for the tasting and retail areas should be limited to a maximum of one space
1224 per fifty square feet of tasting and retail areas;

1225 d. The business operator shall obtain an adult beverage business license in
1226 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1227 ordinance); and

1228 e. Events may be allowed with an approved temporary use permit under
1229 K.C.C. chapter 21A.32.

1230 30.a. Only allowed on lots of at least two and one-half acres;

1231 b. The aggregated floor area of structures and areas for winery, brewery,
1232 distillery facility uses shall not exceed three thousand five hundred square feet, unless
1233 located in whole or in part in a structure designated as historic resource under K.C.C.
1234 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
1235 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
1236 that are not occupied and not open to the public are excluded from the calculation for
1237 maximum aggregated floor area;

1238 c. Structures and parking areas for winery, brewery, distillery facility uses
1239 shall maintain a minimum distance of seventy-five feet from interior property lines
1240 adjoining rural area and residential zones, unless located in a building designated as
1241 historic resource under K.C.C. chapter 20.62. ~~As part of the review of the conditional use~~
1242 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~
1243 ~~between the proposed use and adjacent rural area and residential zones;~~

1244 d. Tasting and retail sales of products produced on-site may only occur as

Commented [AE48]: Eliminates option to reduce setbacks for WBD II in RA zone.

1245 accessory to the primary winery, brewery, distillery production use and may be provided
1246 in accordance with state law. The area devoted to tasting or retail sales shall be limited to
1247 no more than fifteen percent of the aggregated floor area and shall be included in the
1248 aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail
1249 sales of merchandise related to the products produced on-site is allowed subject to the
1250 restrictions described in this subsection. Hours of operation for on-site tasting of products
1251 shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting
1252 room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and
1253 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

Commented [AE49]: Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

Commented [AE50]: Moved from e. below

1254 ~~———— e. Incidental retail sales of products produced on-site and merchandise related~~
1255 ~~to the products produced on-site is allowed;~~

1256 ~~fe. Access to the site shall be directly from a public roadway~~
1257 ~~On a site with direct access to a public roadway;~~

Commented [AE51]: Requires access to a public roadway

1258 ~~g-f. Off-street parking for tasting and retail areas is limited to a maximum of~~
1259 ~~one hundred fifty percent of the minimum required for winery, brewery, distillery~~
1260 ~~facilities in K.C.C. 21A.18.030~~
1261 ~~one space per fifty square feet of tasting and retail areas;~~
1262 ~~except for winery, brewery, distillery facility II business locations licensed to produce by~~
1263 ~~the Washington state Liquor and Cannabis Board before January 1, 2019, without~~
1264 ~~objection from King County during the license application processes, and that signed a~~
1265 ~~settlement agreement with King County before January 1, 2019, parking spaces~~
1266 ~~exceeding the limits of this section shall be considered nonconforming and may continue,~~
1267 ~~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 [AE52]: Modify the maximum parking in the A and RA zones to 150% of the minimum

Commented [AE53]: Eliminate nonconforming status for existing parking spaces.

1268 hg. The business operator shall obtain an adult beverage business license in
1269 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1270 ordinance);

1271 ih. Events may be allowed with an approved temporary use permit under
1272 K.C.C. chapter 21A.32; and

1273 ji. At least two stages of production of wine, beer, cider or distilled spirits, such
1274 as crushing, fermenting, ~~distilling~~, barrel or tank aging, or finishing, as authorized by the
1275 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
1276 least one of the stages of production occurring on-site shall include crushing, fermenting
1277 or distilling; and

1278 j. ~~The impervious surface associated with the winery, brewery, distillery~~
1279 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1280 surface for the zone in accordance with K.C.C. 21A.12.030.A. or K.C.C. 21A.12.040.A.,
1281 whichever is less.

1282 31.a. Limited to businesses with non-retail brewery and distillery production
1283 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
1284 tasting rooms for wineries shall not be allowed;

1285 b. Tasting and retail sale of products produced on ~~site~~, and merchandise related
1286 to the products produced on ~~site~~, may be provided in accordance with state law. The area
1287 devoted to tasting shall not exceed one thousand five hundred square feet;

1288 c. Structures and parking areas for ~~winery~~, brewery ~~and~~, distillery facility uses
1289 shall maintain a minimum distance of seventy-five feet from interior property lines
1290 adjoining rural area and residential zones, unless located in a building designated as

Commented [AE54]: Requires one stage of production to include crushing, fermenting or distilling.

Commented [AE55]: 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%

1291 historic resource under K.C.C. chapter 20.62. ~~As part of the review of a conditional use~~
1292 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~
1293 ~~between the proposed use and adjacent rural area and residential zones;~~

Commented [AE56]: Eliminates option to reduce setbacks for WBD in I zone.

1294 d. For ~~winery~~; brewery ~~and~~; distillery facility uses that do not require a
1295 conditional use permit, off-street parking for the tasting and retail areas shall be limited to
1296 a maximum of one space per fifty square feet of tasting and retail areas. For ~~winery~~;
1297 brewery ~~and~~; distillery facility uses that do require a conditional use permit, off-street
1298 parking maximums shall be determined through the conditional use permit process, and
1299 the parking ratio for the tasting and retail areas should be limited to a maximum of one
1300 space per fifty square feet of tasting and retail areas;

1301 e. The business operator shall obtain an adult beverage business license in
1302 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
1303 ordinance); and

1304 f. Events may be allowed with an approved temporary use permit under K.C.C.
1305 chapter 21A.32.

1306 ~~32.a.~~ The aggregated floor area of structures and areas for winery, brewery,
1307 distillery facility uses shall not exceed one thousand five hundred square feet;

1308 b. Structures and parking areas for winery, brewery, distillery facility uses
1309 shall ~~be set back~~ maintain a minimum distance of seventy-five feet from interior property
1310 lines adjoining rural area and residential zones, unless located in a building designated as

1311 historic resource under K.C.C. chapter 20.62. ~~As part of the review of a conditional use~~
1312 ~~permit, the setback may be reduced to twenty five feet if there is sufficient screening~~
1313 ~~between the proposed use and adjacent rural area and residential zones;~~

Commented [AE57]: Eliminates option to reduce setbacks for WBD I in RA zone.

1314 ~~e. No more than one nonresident employee shall be permitted to work on site;~~

1315 ~~dc. Parking shall be provided as follows:~~

1316 ~~(1) in addition to the required parking for the dwelling, oOne on-site parking~~

1317 ~~stall shall be provided~~allowed for the winery, brewery, distillery facility I use ~~if a~~

1318 ~~nonresident is employed to work on site;~~

1319 ~~(2) a minimum of one on-site parking stall shall be provided for customers;~~

1320 ~~and additional parking shall be calculated at the rate of one stall per one thousand square~~

1321 ~~feet of floor or outdoor area dedicated to the winery, brewery, distillery facility uses; and~~

1322 ~~(3) parking shall be limited to one hundred fifty percent of minimum required~~

1323 ~~for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,~~

1324 ~~brewery, distillery facility I business locations licensed to produce by the Washington~~

1325 ~~state Liquor and Cannabis Board before January 1, 2019, without objection from King~~

1326 ~~County during the license application processes, and that signed a settlement agreement~~

1327 ~~with King County before January 1, 2019, parking spaces exceeding the limits of this~~

1328 ~~section shall be considered nonconforming and may continue, subject to the provisions of~~

1329 ~~K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other~~

1330 ~~applicable state and local regulations;~~

1331 ~~ed. The business operator shall obtain an adult beverage business license in~~

1332 ~~accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this~~

1333 ~~ordinance);~~

1334 ~~fe. At least two stages of production of wine, beer, cider or distilled spirits,~~

1335 ~~such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized~~

1336 ~~by the Washington state Liquor and Cannabis Board production license, shall occur on-~~

Commented [AE58]: Removes requirements tying the permitted WBD I use to a residence.

Commented [AE59]: Parking changes to allow one on-site space.

Eliminates customer parking, as no on-site retail or tasting is allowed

1337 site. At least one of the stages of production occurring on-site shall include crushing,
1338 fermenting or distilling;
1339 ef. No product tasting or retail sales shall be allowed on-site. Tasting of
1340 products shall be limited as follows:
1341 ———— (1) within the area bounded by the urban growth area boundaries of
1342 Woodinville and Kirkland on the west, NE 124th Street on the South, Avondale Road NE
1343 on the east and Woodinville Duvall Road NE on the north, product tasting shall not be
1344 allowed; and
1345 ———— (2) in all other areas of the county, for products produced on site, tasting of
1346 products may be provided in accordance with state law. The area devoted to tasting shall
1347 be included in the aggregated floor area limitation in subsection B.17.a. of this section.
1348 Tastings shall be limited to appointment only; and appointments may only occur
1349 Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m.
1350 and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings
1351 shall be indoors;
1352 ———— h. Incidental retail sales of products produced on site and merchandise related
1353 to the products produced on site is allowed; and
1354 ig. Events may be allowed in accordance with K.C.C. chapter
1355 21A.32.120.B.6.; and
1356 ———— h. The impervious surface associated with the winery, brewery, distillery
1357 facility use shall not exceed twenty-five percent of the site; or the maximum impervious
1358 surface for the zone in accordance with K.C.C. 21A.12.030.A. or K.C.C. 21A.12.040.A.,
1359 whichever is less.

Commented [AE60]: Requires one stage of production to include crushing, fermenting or distilling.

Commented [AE61]: Clarify that events are limited to what is described in 21A.32.120.B.6. which allows 2 per year, maximum 50 guests

Commented [AE62]: 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%

1360 SECTION 2118. Ordinance 10870, Section 336, as amended, and K.C.C.

1361 21A.08.090 are ~~each~~ hereby amended to read as follows:

1362 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
	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											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve	P	P		P	P	C						P

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

1363 B. Development conditions.

- 1364 1. May be further subject to K.C.C. chapter 21A.25.
- 1365 2. Only forest research conducted within an enclosed building.
- 1366 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 1367 4. Excluding housing for agricultural workers.
- 1368 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1369 with mineral extraction or processing operation.
- 1370 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 1371 7. Only in conjunction with a mineral extraction site plan approved in
- 1372 accordance with K.C.C. chapter 21A.22.
- 1373 8. Only on the same lot or same group of lots under common ownership or
- 1374 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1375 long-term lease or an easement:
- 1376 a. as accessory to a primary mineral extraction use;

1377 b. as a continuation of a mineral processing only for that period to complete
1378 delivery of products or projects under contract at the end of a mineral extraction; or

1379 c. for a public works project under a temporary grading permit issued in
1380 accordance with K.C.C. 16.82.152.

1381 9. Limited to mineral extraction and processing:

1382 a. on a lot or group of lots under common ownership or documented legal control,
1383 which includes but is not limited to, fee simple ownership, a long-term lease or an
1384 easement;

1385 b. that are located greater than one-quarter mile from an established residence;

1386 and

1387 c. that do not use local access streets that abut lots developed for residential
1388 use.

1389 10. Agriculture training facilities are allowed only as an accessory to existing
1390 agricultural uses and are subject to the following conditions:

1391 a. The impervious surface associated with the agriculture training facilities
1392 shall comprise not more than ten percent of the allowable impervious surface permitted
1393 under K.C.C. 21A.12.040;

1394 b. New or the expansion of existing structures, or other site improvements,
1395 shall not be located on class 1, 2 or 3 soils;

1396 c. The director may require reuse of surplus structures to the maximum extent
1397 practical;

1398 d. The director may require the clustering of new structures with existing
1399 structures;

1400 e. New structures or other site improvements shall be set back a minimum
1401 distance of seventy-five feet from property lines adjoining rural area and residential
1402 zones;

1403 f. Bulk and design of structures shall be compatible with the architectural style
1404 of the surrounding agricultural community;

1405 g. New sewers shall not be extended to the site;

1406 h. Traffic generated shall not impede the safe and efficient movement of
1407 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1408 i. Agriculture training facilities may be used to provide educational services to
1409 the surrounding rural/agricultural community or for community events. Property owners
1410 may be required to obtain a temporary use permit for community events in accordance
1411 with K.C.C. chapter 21A.32;

1412 j. Use of lodging and food service facilities shall be limited only to activities
1413 conducted in conjunction with training and education programs or community events
1414 held on site;

1415 k. Incidental uses, such as office and storage, shall be limited to those that
1416 directly support education and training activities or farm operations; and

1417 l. The King County agriculture commission shall be notified of and have an
1418 opportunity to comment upon all proposed agriculture training facilities during the permit
1419 process in accordance with K.C.C. chapter 21A.40.

1420 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1421 uses after reclamation in accordance with an approved reclamation plan.

1422 12.a. Activities at the camp shall be limited to agriculture and agriculture-

1423 oriented activities. In addition, activities that place minimal stress on the site's
1424 agricultural resources or activities that are compatible with agriculture are permitted.

1425 (1) passive recreation;

1426 (2) training of individuals who will work at the camp;

1427 (3) special events for families of the campers; and

1428 (4) agriculture education for youth.

1429 b. Outside the camp center, as provided for in subsection B.12.e. of this

1430 section, camp activities shall not preclude the use of the site for agriculture and

1431 agricultural related activities, such as the processing of local food to create value-added

1432 products and the refrigeration and storage of local agricultural products. The camp shall

1433 be managed to coexist with agriculture and agricultural activities both onsite and in the

1434 surrounding area.

1435 c. A farm plan shall be required for commercial agricultural production to

1436 ensure adherence to best management practices and soil conservation.

1437 d.(1) The minimum site area shall be five hundred acres. Unless the property

1438 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)

1439 of this section, a minimum of five hundred acres of the site must be owned by a single

1440 individual, corporation, partnership or other legal entity and must remain under the

1441 ownership of a single individual, corporation, partnership or other legal entity for the

1442 duration of the operation of the camp.

1443 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property

1444 owner from selling or transferring the development rights for a portion or all of the site to

1445 the King County farmland preservation program or, if the development rights are

1446 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1447 e. The impervious surface associated with the camp shall comprise not more
1448 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1449 f. Structures for living quarters, dining facilities, medical facilities and other
1450 nonagricultural camp activities shall be located in a camp center. The camp center shall
1451 be no more than fifty acres and shall depicted on a site plan. New structures for
1452 nonagricultural camp activities shall be clustered with existing structures;

1453 g. To the extent practicable, existing structures shall be reused. The applicant
1454 shall demonstrate to the director that a new structure for nonagricultural camp activities
1455 cannot be practicably accommodated within an existing structure on the site, though
1456 cabins for campers shall be permitted only if they do not already exist on site;

1457 h. Camp facilities may be used to provide agricultural educational services to
1458 the surrounding rural and agricultural community or for community events. If required
1459 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1460 community events;

1461 i. Lodging and food service facilities shall only be used for activities related to
1462 the camp or for agricultural education programs or community events held on site;

1463 j. Incidental uses, such as office and storage, shall be limited to those that
1464 directly support camp activities, farm operations or agricultural education programs;

1465 k. New nonagricultural camp structures and site improvements shall maintain a
1466 minimum set-back of seventy-five feet from property lines adjoining rural area and
1467 residential zones;

1468 l. Except for legal nonconforming structures existing as of January 1, 2007,

1469 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1470 a scale to serve overnight camp users;

1471 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1472 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1473 and site improvements located within two hundred feet of an adjacent rural area and
1474 residential zoned property not associated with the camp;

1475 n. New sewers shall not be extended to the site;

1476 o. The total number of persons staying overnight shall not exceed three
1477 hundred;

1478 p. The length of stay for any individual overnight camper, not including camp
1479 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1480 q. Traffic generated by camp activities shall not impede the safe and efficient
1481 movement of agricultural vehicles nor shall it require capacity improvements to rural
1482 roads;

1483 r. If the site is adjacent to an arterial roadway, access to the site shall be
1484 directly onto the arterial unless the county road engineer determines that direct access is
1485 unsafe;

1486 s. If direct access to the site is via local access streets, transportation
1487 management measures shall be used to minimize adverse traffic impacts;

1488 t. Camp recreational activities shall not involve the use of motor vehicles
1489 unless the motor vehicles are part of an agricultural activity or are being used for the
1490 transportation of campers, camp personnel or the families of campers. Camp personnel
1491 may use motor vehicles for the operation and maintenance of the facility. Client-specific

1492 motorized personal mobility devices are allowed; and

1493 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1494 light away from any adjacent property.

1495 13. Limited to digester receiving plant and animal and other organic waste from
1496 agricultural activities, and including electrical generation, as follows:

1497 a. the digester must be included as part of a Washington state Department of
1498 Agriculture approved dairy nutrient plan;

1499 b. the digester must process at least seventy percent livestock manure or other
1500 agricultural organic material from farms in the vicinity, by volume;

1501 c. imported organic waste-derived material, such as food processing waste,
1502 may be processed in the digester for the purpose of increasing methane gas production for
1503 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1504 and

1505 d. the use must be accessory to an operating dairy or livestock operation.

1506 14. Farm worker housing. Either:

1507 a. Temporary farm worker housing subject to the following conditions:

1508 (1) The housing must be licensed by the Washington state Department of
1509 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1510 (2) Water supply and sewage disposal systems must be approved by the
1511 Seattle King County department of health;

1512 (3) To the maximum extent practical, the housing should be located on
1513 nonfarmable areas that are already disturbed and should not be located in the floodplain
1514 or in a critical area or critical area buffer; and

1515 (4) The property owner shall file with the department of executive services,
1516 records and licensing services division, a notice approved by the department identifying
1517 the housing as temporary farm worker housing and that the housing shall be occupied
1518 only by agricultural employees and their families while employed by the owner or
1519 operator or on a nearby farm. The notice shall run with the land; or

1520 b. Housing for agricultural employees who are employed by the owner or
1521 operator of the farm year-round as follows:

1522 (1) Not more than:

1523 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1524 (b) two agricultural employee dwelling units on a site of at least twenty
1525 acres and less than fifty acres;

1526 (c) three agricultural employee dwelling units on a site of at least fifty acres
1527 and less than one-hundred acres; and

1528 (d) four agricultural employee dwelling units on a site of at least one-
1529 hundred acres, and one additional agricultural employee dwelling unit for each additional
1530 one hundred acres thereafter;

1531 (2) If the primary use of the site changes to a nonagricultural use, all
1532 agricultural employee dwelling units shall be removed;

1533 (3) The applicant shall file with the department of executive services, records
1534 and licensing services division, a notice approved by the department that identifies the
1535 agricultural employee dwelling units as accessory and that the dwelling units shall only
1536 be occupied by agricultural employees who are employed by the owner or operator year-
1537 round. The notice shall run with the land. The applicant shall submit to the department

1538 proof that the notice was filed with the department of executive services, records and
1539 licensing services division, before the department approves any permit for the
1540 construction of agricultural employee dwelling units;

1541 (4) An agricultural employee dwelling unit shall not exceed a floor area of
1542 one thousand square feet and may be occupied by no more than eight unrelated
1543 agricultural employees;

1544 (5) To the maximum extent practical, the housing should be located on
1545 nonfarmable areas that are already disturbed;

1546 (6) One off-street parking space shall be provided for each agricultural
1547 employee dwelling unit; and

1548 (7) The agricultural employee dwelling units shall be constructed in
1549 compliance with K.C.C. Title 16.

1550 15. Marijuana production by marijuana producers licensed by the Washington
1551 state Liquor and Cannabis Board is subject to the following standards:

1552 a. Only allowed on lots of at least four and one-half acres;

1553 b. With a lighting plan, only if required by and that complies with K.C.C.
1554 21A.12.220.G.;

1555 c. Only with documentation that the operator has applied for a Puget Sound
1556 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1557 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1558 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1559 are imported onto the site;

1560 d. Production is limited to outdoor, indoor within marijuana greenhouses, and

1561 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1562 subject to the size limitations in subsection B.15.e. of this section;

1563 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1564 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1565 aggregated total of two thousand square feet and shall be located within a fenced area or
1566 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1567 may occur in nondwelling unit structures that exist as of October 1, 2013;

1568 f. Outdoor production area fencing as required by the Washington state Liquor
1569 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1570 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
1571 feet; and

1572 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
1573 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
1574 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1575 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1576 B.22. of this section.

1577 16. Marijuana production by marijuana producers licensed by the Washington
1578 state Liquor and Cannabis Board is subject to the following standards:

1579 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
1580 that do not require a conditional use permit issued by King County, that receive a
1581 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
1582 and that King County did not object to within the Washington state Liquor and Cannabis
1583 Board marijuana license application process, shall be considered nonconforming as to

1584 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
1585 through 21A.32.075 for nonconforming uses;

1586 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
1587 21A.12.220.G.;

1588 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1589 Island;

1590 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1591 except on Vashon-Maury Island;

1592 e. Only with documentation that the operator has applied for a Puget Sound
1593 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1594 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1595 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1596 are imported onto the site;

1597 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
1598 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1599 limitations in subsection B.16.g. of this section; and

1600 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1601 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1602 aggregated total of two thousand square feet and shall be located within a fenced area or
1603 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1604 may occur in nondwelling unit structures that exist as of October 1, 2013;

1605 h. Outdoor production area fencing as required by the Washington state Liquor
1606 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback

1607 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
1608 of one hundred fifty feet from any existing residence; and

1609 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
1610 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1611 entity occupying space in addition to the two-thousand-square-foot threshold area on that
1612 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1613 17. Marijuana production by marijuana producers licensed by the Washington
1614 state Liquor and Cannabis Board is subject to the following standards:

1615 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1616 Island;

1617 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1618 except on Vashon-Maury Island;

1619 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
1620 21A.12.220.G.;

1621 d. Only with documentation that the operator has applied for a Puget Sound
1622 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1623 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1624 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1625 are imported onto the site;

1626 e. Production is limited to outdoor and indoor within marijuana greenhouses
1627 subject to the size limitations in subsection B.17.f. of this section;

1628 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1629 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

1630 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1631 marijuana greenhouse that is no more than ten percent larger than that combined area;

1632 and

1633 g. Outdoor production area fencing as required by the Washington state Liquor
1634 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
1635 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
1636 of one hundred fifty feet from any existing residence.

1637 18.a. Production is limited to indoor only;

1638 b. With a lighting plan only as required by and that complies with K.C.C.

1639 21A.12.220.G.;

1640 c. Only with documentation that the operator has applied for a Puget Sound
1641 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1642 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1643 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1644 are imported onto the site; and

1645 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1646 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1647 aggregated total of two thousand square feet and shall be located within a building or
1648 tenant space that is no more than ten percent larger than the plant canopy and separately
1649 authorized processing area; and

1650 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1651 every marijuana-related entity occupying space in addition to the two-thousand-square
1652 foot threshold area on that parcel shall obtain a conditional use permit as set forth in

1653 subsection B.19. of this section.

1654 19.a. Production is limited to indoor only;

1655 b. With a lighting plan only as required by and that complies with K.C.C.

1656 21A.12.220.G.;

1657 c. Only with documentation that the operator has applied for a Puget Sound
1658 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1659 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1660 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1661 are imported onto the site; and

1662 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1663 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1664 aggregated total of thirty thousand square feet and shall be located within a building or
1665 tenant space that is no more than ten percent larger than the plant canopy and separately
1666 authorized processing area.

1667 20.a. Production is limited to indoor only;

1668 b. With a lighting plan only as required by and that complies with K.C.C.

1669 21A.12.220.G.;

1670 c. Only with documentation that the operator has applied for a Puget Sound
1671 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1672 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1673 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1674 are imported onto the site;

1675 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

1676 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1677 aggregated total of two thousand square feet and shall be located within a building or
1678 tenant space that is no more than ten percent larger than the plant canopy and separately
1679 authorized processing area; and

1680 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
1681 marijuana-related entity occupying space in addition to the two-thousand-square-foot
1682 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1683 B.21. of this section.

1684 21.a. Production is limited to indoor only;

1685 b. With a lighting plan only as required by and that complies with K.C.C.
1686 21A.12.220.G.;

1687 c. Only with documentation that the operator has applied for a Puget Sound
1688 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1689 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1690 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1691 are imported onto the site; and

1692 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1693 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1694 aggregated total of thirty thousand square feet and shall be located within a building or
1695 tenant space that is no more than ten percent larger than the plant canopy and separately
1696 authorized processing area.

1697 22. Marijuana production by marijuana producers licensed by the Washington
1698 state Liquor and Cannabis Board is subject to the following standards:

1699 a. With a lighting plan only as required by and that complies with K.C.C.
1700 21A.12.220.G.;

1701 b. Only allowed on lots of at least four and one-half acres;

1702 c. Only with documentation that the operator has applied for a Puget Sound
1703 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1704 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1705 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1706 are imported onto the site;

1707 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1708 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1709 subject to the size limitations in subsection B.22. e. and f. of this section;

1710 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1711 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1712 be limited to a maximum aggregated total of five thousand square feet and shall be
1713 located within a fenced area or marijuana greenhouse that is no more than ten percent
1714 larger than that combined area, or may occur in nondwelling unit structures that exist as
1715 of October 1, 2013;

1716 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1717 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1718 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1719 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
1720 that combined area, or may occur in nondwelling unit structures that exist as of October
1721 1, 2013; and

1722 g. Outdoor production area fencing as required by the Washington state Liquor
1723 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1724 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1725 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1726 residence.

1727 23. The storage and processing of non-manufactured source separated organic
1728 waste that originates from agricultural operations and that does not originate from the
1729 site, if:

1730 a. agricultural is the primary use of the site;

1731 b. the storage and processing are in accordance with best management
1732 practices included in an approved farm plan; and

1733 c. except for areas used for manure storage, the areas used for storage and
1734 processing do not exceed three acres and ten percent of the site.

1735 24.a. For activities relating to the processing of crops or livestock for
1736 commercial purposes, including associated activities such as warehousing, storage,
1737 including refrigeration, and other similar activities and excluding (~~wineries, SIC Industry~~
1738 ~~No. 2085 — Distilled and Blended Liquors and SIC Industry No. 2082 — Malt Beverages~~)
1739 winery, brewery, distillery facility I, II and III and remote tasting room;

1740 (1) limited to agricultural products and sixty percent or more of the products
1741 processed must be grown in the Puget Sound counties. At the time of initial application,
1742 the applicant shall submit a projection of the source of products to be produced;

1743 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1744 half acres;

Commented [AE63]: Add remote tasting room for clarity

1745 (3) (a) as a permitted use, the floor area devoted to all processing shall not
1746 exceed two thousand square feet, unless located in a building designated as an historic
1747 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1748 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1749 floor area as follows: up to three thousand five hundred square feet of floor area may be
1750 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
1751 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
1752 the A zone; and

1753 (b) as a permitted use, the floor area devoted to all warehousing,
1754 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
1755 unless located in a building designated as historic resource under K.C.C. chapter 20.62.
1756 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
1757 review and approve an increase of up to three thousand five hundred square feet of floor
1758 area devoted to all warehousing, storage, including refrigeration, or other similar
1759 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
1760 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1761 (4) in the A zone, structures and areas used for processing, warehousing,
1762 refrigeration, storage and other similar activities shall be located on portions of
1763 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1764 the already developed portion of such agricultural lands that are not available for direct
1765 agricultural production, or areas without prime agricultural soils; and

1766 (5) structures and areas used for processing, warehousing, storage, including
1767 refrigeration, and other similar activities shall maintain a minimum distance of seventy-

1768 five feet from property lines adjoining rural area and residential zones, unless located in a
1769 building designated as historic resource under K.C.C. chapter 20.62.

1770 b. For activities relating to the retail sale of agricultural products, except
1771 livestock:

1772 (1) sales shall be limited to agricultural products and locally made arts and
1773 crafts;

1774 (2) in the RA and UR zones, only allowed on sites at least four and one-
1775 half acres;

1776 (3) as a permitted use, the covered sales area shall not exceed two thousand
1777 square feet, unless located in a building designated as a historic resource under K.C.C.
1778 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
1779 21A.42.300, may review and approve an increase of up to three thousand five hundred
1780 square feet of covered sales area;

1781 (4) forty percent or more of the gross sales of agricultural product sold
1782 through the store must be sold by the producers of primary agricultural products;

1783 (5) sixty percent or more of the gross sales of agricultural products sold
1784 through the store shall be derived from products grown or produced in the Puget Sound
1785 counties. At the time of the initial application, the applicant shall submit a reasonable
1786 projection of the source of product sales;

1787 (6) tasting of products, in accordance with applicable health regulations, is
1788 allowed;

1789 (7) storage areas for agricultural products may be included in a farm store
1790 structure or in any accessory building; and

1791 (8) outside lighting is permitted if there is no off-site glare.

1792 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1793 d. Farm operations, including equipment repair and related facilities, except
1794 that:

1795 (1) the repair of tools and machinery is limited to those necessary for the
1796 operation of a farm or forest;

1797 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1798 half acres;

1799 (3) the size of the total repair use is limited to one percent of the farm size in
1800 the A zone, and up to one percent of the size in other zones, up to a maximum of five
1801 thousand square feet unless located within an existing farm structure, including but not
1802 limited to barns, existing as of December 31, 2003; and

1803 (4) Equipment repair shall not be permitted in the Forest zone.

1804 e. The agricultural technical review committee, as established in K.C.C.
1805 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1806 residential zones and minimum setbacks from rural and residential zones.

1807 25. The department may review and approve establishment of agricultural
1808 support services in accordance with the code compliance review process in K.C.C.
1809 21A.42.300 only if:

1810 a. project is sited on lands that are unsuitable for direct agricultural production
1811 based on size, soil conditions or other factors and cannot be returned to productivity by
1812 drainage maintenance; and

1813 b. the proposed use is allowed under any Farmland Preservation Program

1814 conservation easement and zoning development standards.

1815 26. The agricultural technical review committee, as established in K.C.C.

1816 21A.42.300, may review and approve establishment of agricultural support services only

1817 if the project site:

1818 a. adjoins or is within six hundred sixty feet of the agricultural production

1819 district;

1820 b. has direct vehicular access to the agricultural production district;

1821 c. except for farmworker housing, does not use local access streets that abut

1822 lots developed for residential use; and

1823 b. has a minimum lot size of four and one-half acres.

1824 27. The agricultural technical review committee, as established in K.C.C.

1825 21A.42.300, may review and approve establishment of agricultural support services only

1826 if the project site:

1827 a. is outside the urban growth area,

1828 b. adjoins or is within six hundred sixty feet of the agricultural production

1829 district,

1830 c. has direct vehicular access to the agricultural production district,

1831 d. except for farmworker housing, does not use local access streets that abut

1832 lots developed for residential use; and

1833 e. has a minimum lot size of four and one-half acres.

1834 28. Only allowed on properties that are outside the urban growth area.

1835 SECTION 2219. Ordinance 10870, Section 407, as amended, and K.C.C.

1836 21A.18.030 are ~~each~~ hereby amended to read as follows:

1837 A. Except as modified in K.C.C. 21A.18.070. B((-)), through D., off-street
 1838 parking areas shall contain at a minimum the number of parking spaces as stipulated in
 1839 the following table. Off-street parking ratios expressed as number of spaces per square
 1840 feet means the usable or net square footage of floor area, exclusive of non-public areas.
 1841 Non-public areas include but are not limited to building maintenance areas, storage areas,
 1842 closets or restrooms. If the formula for determining the number of off-street parking
 1843 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 1844 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 1845 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms

Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES

	REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium

Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus <u>0.9</u> per 1,000 square feet of indoor storage or repair areas
Public agency archives	<u>0.9</u> per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area

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

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

1846 B. An applicant may request a modification of the minimum required number of
1847 parking spaces by providing that parking demand can be met with a reduced parking
1848 requirement. In such cases, the director may approve a reduction of up to fifty percent of
1849 the minimum required number of spaces.

1850 C. When the county has received a shell building permit application, off-street
1851 parking requirements shall be based on the possible tenant improvements or uses
1852 authorized by the zone designation and compatible with the limitations of the shell

1853 permit. When the range of possible uses result in different parking requirements, the
1854 director will establish the amount of parking based on a likely range of uses.

1855 D. Where other provisions of this code stipulate maximum parking allowed or
1856 reduced minimum parking requirements, those provisions shall apply.

1857 E. In any development required to provide six or more parking spaces, bicycle
1858 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
1859 facilities unless otherwise specified.

1860 1. Off-street parking areas shall contain at least one bicycle parking space for
1861 every twelve spaces required for motor vehicles except as follows:

1862 a. The director may reduce bike rack parking facilities for patrons when it is
1863 demonstrated that bicycle activity will not occur at that location.

1864 b. The director may require additional spaces when it is determined that the
1865 use or its location will generate a high volume of bicycle activity. Such a determination
1866 will include but not be limited to the following uses:

1867 (1) Park/playfield,

1868 (2) Marina,

1869 (3) Library/museum/arboretum,

1870 (4) Elementary/secondary school,

1871 (5) Sports club, or

1872 (6) Retail business (when located along a developed bicycle trail or

1873 designated bicycle route).

1874 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1875 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a

1876 structure attached to the pavement.

1877 3. All bicycle parking and storage shall be located in safe, visible areas that do
1878 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1879 4. When more than ten people are employed on site, enclosed locker-type
1880 parking facilities for employees shall be provided. The director shall allocate the
1881 required number of parking spaces between bike rack parking and enclosed locker-type
1882 parking facilities.

1883 5. One indoor bicycle storage space shall be provided for every two dwelling
1884 units in townhouse and apartment residential uses, unless individual garages are provided
1885 for every unit. The director may reduce the number of bike rack parking spaces if indoor
1886 storage facilities are available to all residents.

1887 SECTION 2320. Ordinance 10870, Section 536, as amended, and K.C.C.

1888 21A.30.080 are ~~each~~ hereby amended to read as follows:

1889 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct
1890 one or more home occupations as accessory activities, only if:

1891 A. The total floor area of the dwelling unit devoted to all home occupations shall
1892 not exceed twenty percent of the floor area of the dwelling unit.

1893 B. Areas within garages and storage buildings shall not be considered part of the
1894 dwelling unit and may be used for activities associated with the home occupation;

1895 C. All the activities of the home occupation or occupations shall be conducted
1896 indoors, except for those related to growing or storing of plants used by the home
1897 occupation or occupations;

1898 D. A home occupation or occupations is not limited in the number of employees

1899 that remain off-site. No more than one nonresident employee shall be permitted to work
1900 on-site for the home occupation or occupations;

1901 E. The following uses, by the nature of their operation or investment, tend to
1902 increase beyond the limits permitted for home occupations. Therefore, the following
1903 shall not be permitted as home occupations:

- 1904 1. Automobile, truck and heavy equipment repair;
- 1905 2. ~~((Autobody))~~ Auto body work or painting;
- 1906 3. Parking and storage of heavy equipment;
- 1907 4. Storage of building materials for use on other properties;
- 1908 5. Hotels, motels or organizational lodging;
- 1909 6. Dry cleaning;
- 1910 7. Towing services;
- 1911 8. Trucking, storage or self service, except for parking or storage of one
1912 commercial vehicle used in home occupation; ~~((and))~~
- 1913 9. Veterinary clinic; ~~((and))~~
- 1914 10. Recreational marijuana processor, recreational marijuana producer or
1915 recreational marijuana retailer; and
- 1916 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room,
1917 except that home occupation adult beverage businesses operating under an active
1918 Washington state Liquor and Cannabis Board production license issued for their current
1919 location before ~~January 1, 2019~~ the effective date of this ordinance, and where King
1920 County did not object to the location during the Washington state Liquor and Cannabis
1921 Board license application process, shall be considered legally nonconforming and

Commented [AE64]: 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.

1922 allowed to remain in their current location subject to K.C.C. 21A.32.020 through
1923 21A.32.075 if the use is ~~currently in~~ compliance with this section as of the effective
1924 date of this ordinance ~~or is brought into compliance with the home occupation~~
1925 ~~requirements of this section within one year of the effective date of this ordinance.~~ Such
1926 nonconforming businesses shall remain subject to all other requirements of this section
1927 and other applicable state and local regulations. The ~~businessresident~~ operator ~~for~~of a
1928 nonconforming winery, brewery or distillery home occupation shall obtain an adult
1929 beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter
1930 created in section 2 of this ordinance).

Commented [AE65]: Removes option to come into compliance within 1 year.

Commented [AE66]: Edits to tighten language and avoid future attempts to avoid home occupation conditions, especially resident operator condition.

1931 F. In addition to required parking for the dwelling unit, on-site parking is
1932 provided as follows:

- 1933 1. One stall for each nonresident employed by the home occupations; and
- 1934 2. One stall for patrons when services are rendered on-site;

1935 G. Sales are limited to:

- 1936 1. Mail order sales;
- 1937 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1938 and

- 1939 3. Items accessory to a service provided to patrons who receive services on the
1940 premises;

1941 H. On-site services to patrons are arranged by appointment;

1942 I. The home occupation or occupations use or store a vehicle for pickup of
1943 materials used by the home occupation or occupations or the distribution of products
1944 from the site, only if:

- 1945 1. No more than one such a vehicle is allowed; and
- 1946 2. The vehicle is not stored within any required setback areas of the lot or on
- 1947 adjacent streets; and
- 1948 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
- 1949 one ton;
- 1950 J. The home occupation or occupations do not:
- 1951 1. Use electrical or mechanical equipment that results in a change to the
- 1952 occupancy type of the structure or structures used for the home occupation or
- 1953 occupations; or
- 1954 2. Cause visual or audible interference in radio or television receivers, or
- 1955 electronic equipment located off-premises or fluctuations in line voltage off-premises;
- 1956 ~~((and))~~
- 1957 K. There shall be no exterior evidence of a home occupation, other than growing
- 1958 or storing of plants under subsection C. of this section or a permitted sign, that would
- 1959 cause the premises to differ from its residential character. Exterior evidence includes, but
- 1960 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
- 1961 determined by using normal senses from any lot line or on average increase vehicular
- 1962 traffic by more than four additional vehicles at any given time;
- 1963 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1964 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
- 1965 M. Uses not allowed as home occupations may be allowed as a home industry
- 1966 under K.C.C. 21A.30.090.

1967 SECTION 2421. Ordinance 15606, Section 20, as amended, and K.C.C.

1968 21A.30.085 are ~~each~~ hereby amended to read as follows:

1969 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
1970 home occupations as accessory activities, under the following provisions:

1971 A. The total floor area of the dwelling unit devoted to all home occupations shall
1972 not exceed twenty percent of the dwelling unit.

1973 B. Areas within garages and storage buildings shall not be considered part of the
1974 dwelling unit and may be used for activities associated with the home occupation;

1975 C. Total outdoor area of all home occupations shall be permitted as follows:

1976 1. For any lot less than one acre: Four hundred forty square feet; and

1977 2. For lots one acre or greater: One percent of the area of the lot, up to a
1978 maximum of five thousand square feet.

1979 D. Outdoor storage areas and parking areas related to home occupations shall be:

1980 1. No less than twenty-five feet from any property line; and

1981 2. Screened along the portions of such areas that can be seen from an adjacent
1982 parcel or roadway by the:

1983 a. planting of Type II landscape buffering; or

1984 b. use of existing vegetation that meets or can be augmented with additional
1985 plantings to meet the intent of Type II landscaping((-);

1986 E. A home occupation or occupations is not limited in the number of employees
1987 that remain off-site. Regardless of the number of home occupations, the number of
1988 nonresident employees is limited to no more than three who work on-site at the same
1989 time and no more than three who report to the site but primarily provide services off-
1990 site((-);

1991 F. In addition to required parking for the dwelling unit, on-site parking is
1992 provided as follows:

- 1993 1. One stall for each nonresident employed on-site; and
- 1994 2. One stall for patrons when services are rendered on-site;

1995 G. Sales are limited to:

- 1996 1. Mail order sales;
- 1997 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 1998 3. Items accessory to a service provided to patrons who receive services on the
1999 premises;
- 2000 4. Items grown, produced or fabricated on-site; and
- 2001 5. On sites five acres or larger, items that support agriculture, equestrian or
2002 forestry uses except for the following:
 - 2003 a. motor vehicles and parts (North American Industrial Classification System
2004 ("NAICS" Code 441);
 - 2005 b. electronics and appliances (NAICS Code 443); and
 - 2006 c. building material and garden equipments and supplies (NAICS Code 444);

2007 H. The home occupation or occupations do not:

- 2008 1. Use electrical or mechanical equipment that results in a change to the
2009 occupancy type of the structure or structures used for the home occupation or
2010 occupations;
- 2011 2. Cause visual or audible interference in radio or television receivers, or
2012 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 2013 3. Increase average vehicular traffic by more than four additional vehicles at any

2014 given time;

2015 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
2016 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2017 J. The following uses, by the nature of their operation or investment, tend to
2018 increase beyond the limits permitted for home occupations. Therefore, the following
2019 shall not be permitted as home occupations:

2020 1. Hotels, motels or organizational lodging;

2021 2. Dry cleaning((+));

2022 3. Automotive towing services, automotive wrecking services and tow-in
2023 parking lots; ((and))

2024 4. Recreational marijuana processor, recreational marijuana producer or
2025 recreational marijuana retailer((-)); and

2026 5. Winery, brewery, distillery facility I, II, and III, and remote tasting rooms,
2027 except that home occupation adult beverage businesses operating under an active
2028 Washington state Liquor and Cannabis Board production license issued for their current

2029 location before ~~January 1, 2019~~the effective date of this ordinance, and where King
2030 County did not object to the location during the Washington state Liquor and Cannabis

2031 Board license application process, shall be considered legally nonconforming and
2032 allowed to remain in their current location subject to K.C.C. 21A.32.020 through

2033 21A.32.075 if the use is ~~currently~~ in compliance with this section as of the effective date
2034 of this ordinance or is brought into compliance with the home occupation requirements of
2035 this section within one year of the effective date of this ordinance. Such nonconforming

2036 businesses shall remain subject to all other requirements of this section and all applicable

Commented [AE67]: See comment above

Commented [AE68]: See comment above.

Commented [AE69]: Removes option to come into compliance within 1 year.

2037 state and local regulations. The ~~businessresident~~ operator ~~for~~of a nonconforming home
2038 occupation ~~winery, brewery or distillery~~ shall obtain an adult beverage business license in
2039 accordance with K.C.C. chapter 6.xx (the new chapter created in section 2 of this
2040 ordinance);

2041 K. Uses not allowed as home occupation may be allowed as a home industry
2042 under K.C.C. chapter 21A.30; and

2043 L. The home occupation or occupations may use or store vehicles, as follows:

2044 1. The total number of vehicles for all home occupations shall be:

2045 a. for any lot five acres or less: two;

2046 b. for lots greater than five acres: three; and

2047 c. for lots greater than ten acres: four;

2048 2. The vehicles are not stored within any required setback areas of the lot or on
2049 adjacent streets; and

2050 3. The parking area for the vehicles shall not be considered part of the outdoor
2051 storage area provided for in subsection C. of this section.

2052 SECTION ~~2522~~. Ordinance 10870, Section 537, as amended, and K.C.C.

2053 21A.30.090 are ~~each~~ hereby amended to read as follows:

2054 A resident may establish a home industry as an accessory activity, as follows:

2055 A. The site area is one acre or greater;

2056 B. The area of the dwelling unit used for the home industry does not exceed fifty
2057 percent of the floor area of the dwelling unit.

2058 C. Areas within attached garages and storage buildings shall not be considered
2059 part of the dwelling unit for purposes of calculating allowable home industry area but

2060 may be used for storage of goods associated with the home industry;

2061 D. No more than six nonresidents who work on-site at the time;

2062 E. In addition to required parking for the dwelling unit, on-site parking is

2063 provided as follows:

2064 1. One stall for each nonresident employee of the home industry; and

2065 2. One stall for customer parking;

2066 F. Additional customer parking shall be calculated for areas devoted to the home

2067 industry at the rate of one stall per:

2068 1. One thousand square feet of building floor area; and

2069 2. Two thousand square feet of outdoor work or storage area;

2070 G. Sales are limited to items produced on-site, except for items collected, traded

2071 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

2072 H. Ten feet of Type I landscaping are provided around portions of parking and

2073 outside storage areas that are otherwise visible from adjacent properties or public rights-

2074 of-way;

2075 I. The department ensures compatibility of the home industry by:

2076 1. Limiting the type and size of equipment used by the home industry to those

2077 that are compatible with the surrounding neighborhood;

2078 2. Providing for setbacks or screening as needed to protect adjacent residential

2079 properties;

2080 3. Specifying hours of operation;

2081 4. Determining acceptable levels of outdoor lighting; and

2082 5. Requiring sound level tests for activities determined to produce sound levels

2083 that may be in excess of those in K.C.C. chapter 12.88; (~~and~~)

2084 J. Recreational marijuana processors, recreational marijuana producers and
2085 recreational marijuana retailers shall not be allowed as home industry; and

2086 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall
2087 not be allowed as home industry, except that home industry adult beverage businesses
2088 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
2089 application before the effective date of this ordinance operating under an active
2090 Washington state Liquor and Cannabis Board production license issued for their current
2091 location before January 1, 2019, and where King County did not object to the location
2092 during the Washington state Liquor and Cannabis Board license application process, shall
2093 be considered legally nonconforming and allowed to remain in their current location
2094 subject to K.C.C. 21A.32.020 through 21A.32.075. ~~if the use is currently in compliance~~
2095 with this section as of the effective date of this ordinance, or is brought into compliance
2096 with the home industry requirements of this section within one year of the effective date
2097 of this ordinance. Such nonconforming businesses remain subject to all other
2098 requirements of this section and all applicable state and local regulations. The
2099 businessresident operator ~~for~~ of a nonconforming winery, brewery or distillery home
2100 industry shall obtain an adult beverage business license in accordance with K.C.C.
2101 chapter 6.xx (the new chapter created in section 2 of this ordinance).

2102 SECTION ~~2623~~. Ordinance 10870, Section 547, as amended, and K.C.C.

2103 21A.32.100 are ~~each~~ hereby amended to read as follows:

2104 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
2105 required for any of the following:

Commented [AE70]: 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.

2106 A. A use not otherwise permitted in the zone that can be made compatible for a
 2107 period of up to sixty days a year; ((~~or~~))

2108 B. The expansion of an established use that:

2109 1. Is otherwise allowed in the zone;

2110 2. Is not inconsistent with the original land use approval;

2111 3. Exceeds the scope of the original land use approval; and

2112 4. Can be made compatible with the zone for a period of up to sixty days a year;

2113 or

2114 C. Events at a winery, brewery, distillery facility or remote tasting room that
 2115 include one or more of the following activities:

2116 1. Exceeds the permitted building occupancy;

2117 2. Utilizes portable toilets;

2118 3. Utilizes parking that exceeds the maximum number of spaces allowed by this
 2119 title on-site or utilizes off-site parking;

2120 4. Utilizes temporary stages;

2121 5. Utilizes temporary tents or canopies that require a permit;

2122 6. ~~Utilizes~~ **Requires** traffic control for public rights-of-way; or

2123 7. Extends beyond ~~stated~~ **allowed** hours of operation.

2124 SECTION 2724. Ordinance 10870, Section 549, as amended, and K.C.C.

2125 21A.32.120 are ~~each~~ hereby amended to read as follows:

2126 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

2127 temporary use permits shall be limited in duration and frequency as follows:

2128 A. The temporary use permit shall be effective for one year from the date of

Commented [AE71]: Change from "utilizes" to "requires" in order to avoid a disincentive to using needed traffic control.

Commented [AE72]: Change from stated to allowed business hours.

2129 issuance and may be renewed annually as provided in subsection D. of this section;

2130 B.1. The temporary use shall not exceed a total of sixty days in any three-
2131 hundred(~~and~~)-sixty-five-day period. This (~~requirement~~) subsection B.1. applies only
2132 to the days that the event or events actually take place.

2133 2. For a winery, brewery, distillery facility II and III in the A (~~or RA~~)
2134 zone(~~s~~), the temporary use shall not exceed a total of two events per month and all
2135 event parking (~~for the events~~) must be accommodated ~~on~~-on-site or managed through a
2136 parking management plan approved by the director. This subsection B.2. applies only to
2137 the days that the event or events actually take place;

2138 3. For a winery, brewery, distillery facility II and III in the RA zone, the
2139 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
2140 five-day period and all event parking must be accommodated ~~on~~-site or managed
2141 through a parking management plan approved by the director. This subsection B.3.
2142 applies only to the days that the event or events actually take place;

2143 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
2144 to all other relevant facts, the department shall consider building occupancy and parking
2145 limitations during permit review, and shall condition the number of guests allowed for a
2146 temporary use based on those limitations. The department shall not authorize attendance
2147 of more than one hundred fifty guests.

2148 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
2149 to all other relevant facts, the department shall consider building occupancy and parking
2150 limitations during permit review, and shall condition the number of guests allowed for a
2151 temporary use based on those limitations. The department shall not authorize attendance

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2152 of more than two hundred fifty guests.

2153 6. Events for any winery, brewery, distillery facility I in the RA zone, any
2154 nonconforming winery, brewery, distillery facility home occupation, and-or any
2155 nonconforming winery, brewery, distillery facility home industry shall be limited to two
2156 per year, and limited to a maximum of fifty guests. If the event complies with this
2157 chapter subsection B.6., a temporary use permit is not required for a special event for a
2158 winery, brewery, distillery facility I in the RA zone, a nonconforming home occupation
2159 winery, brewery, distillery facility or a nonconforming home industry winery, brewery,
2160 distillery facility.

2161 ~~———— 7. Special events shall not be permitted for any winery, brewery, distillery~~
2162 ~~facility I in the A zone. The permitting division shall not issue temporary use permits to~~
2163 ~~winery, brewery, distillery facility I uses in the A zone.~~

Commented [AE73]: Remove WBD I interim use in the A zone

2164 C. The temporary use permit shall specify a date upon which the use shall be
2165 terminated and removed; and

2166 D. A temporary use permit may be renewed annually for up to a total of five
2167 consecutive years as follows:

2168 1. The applicant shall make a written request and pay the applicable permit
2169 extension fees for renewal of the temporary use permit at least seventy days before the
2170 end of the permit period;

2171 2. The department must determine that the temporary use is being conducted in
2172 compliance with the conditions of the temporary use permit;

2173 3. The department must determine that site conditions have not changed since
2174 the original temporary permit was issued; and

2175 4. At least forty-five days before the end of the permit period, the department
2176 shall notify property owners within five hundred feet of the property boundaries that a
2177 temporary use permit extension has been requested and contact information to request
2178 additional information or to provide comments on the proposed extension.

2179 SECTION 25. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are each
2180 hereby amended to read as follows:

2181 A. The purpose of the Fall City business district special district overlay is to allow
2182 commercial development in Fall City to occur with on-site septic systems until such time as
2183 an alternative wastewater system is available. The special district shall only be established
2184 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other
2185 rural commercial centers.

2186 B. The standards of this title and other county codes shall be applicable to
2187 development within the Fall City business district special district overlay except as follows:

2188 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with
2189 the following:

2190 a. Residential land uses as set forth in K.C.C. 21A.08.030:

2191 i. As a permitted use:

2192 (A) Multifamily residential units shall only be allowed on the upper floors of
2193 buildings; and

2194 (B) Home occupations under K.C.C. chapter 21A.30;

2195 ii. As a conditional use:

2196 (A) Bed and Breakfast (five rooms maximum); and

2197 (B) Hotel/Motel.

- 2198 b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:
- 2199 i. As a permitted use:
- 2200 (A) Library;
- 2201 (B) Museum; and
- 2202 (C) Arboretum.
- 2203 ii. As a conditional use:
- 2204 (A) Sports Club/Fitness Center;
- 2205 (B) Amusement/Recreation Services/Arcades (Indoor);
- 2206 (C) Bowling Center
- 2207 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 2208 i. As a permitted use:
- 2209 (A) General Personal Services, except escort services;
- 2210 (B) Funeral Home;
- 2211 (C) Appliance/Equipment Repair;
- 2212 (D) Medical or Dental Office/Outpatient Clinic;
- 2213 (E) Medical or Dental Lab;
- 2214 (F) Day Care I;
- 2215 (G) Day Care II;
- 2216 (H) Veterinary Clinic;
- 2217 (I) Social Services;
- 2218 (J) Animal Specialty Services;
- 2219 (K) Artist Studios;
- 2220 (L) Nursing and Personal Care Facilities;

2221 ii. As a conditional use:
2222 (A) Theater (Movie or Live Performance);
2223 (B) Religious Use;
2224 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
2225 i. As a permitted use:
2226 (A) General Business Service;
2227 (B) Professional Office: Bank, Credit Union, Insurance Office.
2228 ii. As a conditional use:
2229 (A) Public Agency or Utility Office;
2230 (B) Police Substation;
2231 (C) Fire Station;
2232 (D) Utility Facility;
2233 (E) Self Service Storage;
2234 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
2235 i. As a permitted use on the ground floor:
2236 (A) Food Store;
2237 (B) Drug Store/Pharmacy;
2238 (C) Retail Store: includes florist, book store, apparel and accessories store,
2239 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
2240 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
2241 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
2242 only retail);
2243 (D) Eating and Drinking Places, including coffee shops and bakeries;

2244 (E) Remote tasting rooms.
2245 ii. As a conditional use:
2246 (A) Liquor Store or Retail Store Selling Alcohol;
2247 (B) Hardware/Building Supply Store;
2248 (C) Nursery/Garden Center;
2249 (D) Department Store;
2250 (E) Auto Dealers (indoor sales rooms only);
2251 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
2252 g. Resource land uses as set forth in K.C.C. 21A.08.090:
2253 i. As a permitted use:
2254 (A) Solar photovoltaic/solar thermal energy systems;
2255 (B) Private storm water management facilities;
2256 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
2257 gardens, and with organic methods only);
2258 (D) Raising Livestock and Small Animals (per the requirements of Section
2259 21A.30 of the Zoning Code)
2260 ii. As a conditional use: Wind Turbines
2261 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:
2262 Communication Facility.
2263 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except
2264 as follows:

Commented [AE74]: Allow remote tasting rooms as permitted use on ground floor in the CB zoning of the Fall City Rural Town.

2265 a. Residential density is limited to six dwelling units per acre. For any building
2266 with more than ten dwelling units, at least ten percent of the dwelling units shall be classified
2267 as affordable under 21A.34.040F.1;

2268 b. Buildings are limited to two floors, plus an optional basement;

2269 c. The elevation of the ground floor may be elevated a maximum of six feet above
2270 the average grade of the site along the front facade of the building;

2271 d. If the ground floor is designed to accommodate non-residential uses, the
2272 elevation of the ground floor should be placed near the elevation of the sidewalk to minimize
2273 the need for stairs and ADA ramps;

2274 e. If the ground floor is designed to accommodate non-residential space, the height
2275 of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

2276 f. Building height shall not exceed forty feet, as measured from the average grade
2277 of the site along the front facade of the building.

2278 SECTION 2826. The King County executive shall conduct a demonstration
2279 project to create and evaluate a remote tasting room demonstration project A as provided
2280 for in, and consistent with, section ~~29-27~~ of this ordinance.

2281 NEW SECTION. SECTION 2927. There is hereby added to K.C.C. chapter
2282 21A.55 a new section to read as follows:

2283 A. The purpose of the remote tasting room demonstration project A is to:

2284 1. Support agriculture and synergistic development of mixed use adult beverage
2285 facilities in order to boost agritourism and the area's¹ reputations as food and adult-
2286 beverage destinations;

2287 2. Enable the county to ~~determine if~~evaluate how expanded adult beverage-

2288 based uses can be permitted while maintaining the core functions and purposes of the
2289 Rural Area and Agricultural zones;

2290 3. Determine the ~~impacts and benefits~~ and evaluate strategies to mitigate
2291 ~~impacts-~~ of the adult beverage industry on Rural Area and Agricultural zoned areas,
2292 including the impacts and benefits of the industry on Agricultural Production Districts,
2293 and including those properties where the demonstration project sites are located and the
2294 surrounding areas;

2295 4. Provide an opportunity for additional exposure for locally sourced and
2296 produced agricultural products; and

2297 5. Identify and evaluate potential changes to countywide land use regulations to
2298 support the development of additional areas of unincorporated King County that may
2299 benefit from growth in agritourism.

2300 B. The demonstration project shall only be implemented on ~~the~~ sites identified
2301 in Attachment A to this ordinance.

2302 C. The use that the permitting division may approve under the remote tasting
2303 room demonstration project A shall include only "remote tasting room" as defined in
2304 section ~~13-12~~ of this ordinance.

2305 D.1. An application for a remote tasting room under this section may be submitted
2306 in conjunction with an application for an adult beverage business license or a building
2307 permit.

2308 2. Requests shall be submitted to the permitting division in writing, together
2309 with any supporting documentation and must illustrate how the proposal meets the
2310 criteria in subsection F. of this section.

Commented [AE75]: Added clarity to purpose of the demonstration project.

2311 3. An application for a remote tasting room under this section shall be reviewed
2312 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2313 E. The department of local services, permitting division, shall administer the
2314 demonstration project, and shall approve or deny a remote tasting room application under
2315 this section based upon compliance with subsection F. of this section. Approval or denial
2316 of a remote tasting room application shall not be construed as applying to any other
2317 development application either within the demonstration project area or elsewhere in the
2318 county.

2319 F.1. A remote tasting room under this section may be approved, subject to the
2320 following:

2321 a. One or more winery, brewery, distillery facility I, II or III may operate
2322 within one remote tasting room;

2323 b. The aggregated total space devoted to remote tasting room activities shall be
2324 limited to one thousand square feet of gross floor area, not including areas devoted to
2325 storage, restrooms, and similar nonpublic areas;

2326 c. Notwithstanding subsection F.1.b. of this section, an additional five hundred
2327 square feet of immediately adjacent outdoor space may be used for tasting, subject to
2328 applicable state regulations limiting sale, service and consumption of alcoholic
2329 beverages;

2330 d. Incidental retail sales of products and merchandise related to the products
2331 being tasted is allowed;

2332 e. The hours of operation for the tasting room shall be limited as follows:
2333 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to

2334 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
2335 shall be limited to 11:00 a.m. through 9:00 p.m.;

2336 f. ~~Each~~The applicant and any additional business operators using the remote
2337 tasting room shall obtain an adult beverage business license in accordance with K.C.C.
2338 chapter 6.xx (the new chapter created in section 2 of this ordinance);

2339 g. Each remote tasting room business operator using the remote tasting room
2340 shall have proof of Washington state Liquor and Cannabis Board approval;

2341 h. ~~Special E~~vents shall ~~be limited to~~not exceed two per year regardless as to
2342 the number of winery operators using the tasting room, and shall be limited to no more
2343 than fifty guests. As long as the special events complies with this section, a temporary
2344 use permit is not required ~~for a special event~~;

2345 i. Off-street parking shall be provided in accordance with the parking ratios
2346 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a
2347 maximum of one space per fifty square feet of tasting and retail areas; and

2348 j. The use shall be consistent with general health, safety and public welfare standards,
2349 and shall not violate state or federal law.

2350 2. This section supersedes other variance, modification or waiver criteria of
2351 K.C.C. Title 21A.

2352 3. Remote tasting room uses approved in accordance with this section may
2353 continue as long as an underlying business license or renewal is maintained, and subject
2354 to the nonconformance provisions of K.C.C. chapter 21A.32.

2355 G. Demonstration project applications shall be accepted by the permitting
2356 division for three years from the effective date of this ordinance. Complete applications

Commented [AE76]: Edited for added clarity re intent.

2357 submitted before the end of the three years shall be reviewed and decided on by the
2358 permitting division.

2359 H. Starting one year after the effective date of this ordinance, and each year for
2360 four years thereafter, the executive shall prepare ~~and transmit to the council~~ preliminary
2361 evaluations of remote tasting room demonstration project A. ~~The executive shall post~~
2362 ~~these preliminary evaluation reports to the department of local services, permitting~~
2363 ~~division, website, and provide electronic notice of the posting to the clerk of the council,~~
2364 ~~who shall retain the original email and provide an electronic copy to all councilmembers,~~
2365 ~~the council chief of staff and the lead staff for the local services, regional roads and~~
2366 ~~bridges committee or its successor.~~ These preliminary evaluation reports shall include:

2367 1. A list of remote tasting room demonstration project applications submitted,
2368 reviewed and decided, ~~including the date of original submittal, date of complete~~
2369 ~~application and date and type of final decision whether approved or denied; and~~

2370 2. ~~A list of code Comments received from neighboring residents, including code~~
2371 complaints, if any, related to the applications received and approved or the demonstration
2372 project ~~that were opened or initiated in the prior year, and their current status;~~

2373 ~~3. Comments received from neighboring cities and community service areas;~~
2374 ~~4. Comments received from project applicants attempting to utilize the~~
2375 ~~demonstration project, including the application and review process, and the criteria for~~
2376 ~~approving remote tasting rooms;~~

2377 ~~5. Comments received from customers of the project applicants' businesses;~~

2378 ~~6. A description of known interactions or relationships between projects~~
2379 ~~approved under the demonstration project and nearby agricultural users and lands, such~~

Commented [AE77]: Removes requirement to transmit annual preliminary evaluation.

Instead requires an email of the posting to the clerk of the council.

Commented [AE78]: Adds a requirement that the list of project applications include the dates of submitted and decision, and whether the application was approved or denied.

Commented [AE79]: Narrows this requirement to report only code complaints opened or initiated.

Commented [AE80]: Removes requirement to include comments received on applications

2380 ~~as additional exposure for local agricultural products;~~

Commented [AE81]: Removes requirement to report on interactions between project applicants and nearby ag uses and lands.

2381 ~~7. An inventory of remaining parcels or properties available for development~~

2382 ~~under the demonstration project; and~~

Commented [AE82]: Removes requirement to inventory remaining parcels available for the demonstration project.

2383 ~~8. Any known recommended code changes that would further the purposes of~~

2384 ~~the demonstration project.~~

Commented [AE83]: Removes requirement for recommended code changes from annual report.

2385 I. 1. Within ninety days of five years after the effective date of this ordinance,
2386 the permitting division shall prepare a draft final report and proposed permanent code
2387 changes that includes the information compiled under subsection H. of this section, and
2388 ~~include an the following:~~

2389 ~~1. evaluation of whether the purposes under subsection A. of this section have~~
2390 ~~been fulfilled by the demonstration project; and~~

2391 ~~2. The draft final report required in subsection J. of this section and proposed~~
2392 ~~permanent code changes shall be done in conjunction with the efficacy evaluation and~~
2393 ~~proposed code changes required by Section 30 of this ordinance.~~

2394 ~~Evaluation of the parking requirements, including whether the parking ratios required in~~
2395 ~~K.C.C. chapter 21A.18 for production facilities and for remote tasting rooms provide~~
2396 ~~sufficient, but not excessive, parking;~~

2397 ~~2. Description of the industry standards for tasting room hours for wineries,~~
2398 ~~breweries and distilleries; evaluation of the tasting room hours allowed under the~~
2399 ~~demonstration project, and the benefits or negative impacts of these hours relative to the~~
2400 ~~purposes of the demonstration project;~~

2401 ~~3. Outreach to those projects approved through the demonstration project, with~~
2402 ~~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.~~

Commented [AE84]: Removes some detail on final demonstration project evaluation, and moves some to the efficacy evaluation.

J. The permitting division shall include a public comment period for the permitting division's draft 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 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 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;
5. Post an electronic copy on the permitting division's website; and

2426 6. Send electronic notice to the clerk of the council, who shall retain the original
2427 email and provide an electronic copy to all councilmembers, the council chief of staff and
2428 the lead staff for the local services, regional roads and bridges committee, or its
2429 successor.

2430 K. After the public comment period has ended, the permitting division shall
2431 prepare a final evaluation of the remote tasting room demonstration project A,
2432 incorporating or responding to the comments received. Within sixty days of the end of
2433 the public comment period, the executive shall file a final evaluation report, a motion that
2434 should accept the report, and an ordinance that implements any proposed permanent code
2435 changes.

2436 L. ~~For each preliminary evaluation, and t~~The final report and proposed legislation
2437 ~~, they reports~~ shall be filed in the form of a paper original and an electronic copy with the
2438 clerk of the council, who shall retain the original and provide an electronic copy to all
2439 councilmembers, the council chief of staff and the lead staff for the local services,
2440 regional roads and bridges committee, or its successor.

2441 ~~SECTION 30. The King County executive shall conduct a demonstration project~~
2442 ~~to create and evaluate a special event demonstration project B as provided for in, and~~
2443 ~~consistent with, section 31 of this ordinance.~~

2444 ~~NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter~~
2445 ~~21A.55 a new section to read as follows:~~

2446 ~~A. The purpose of the special events demonstration project B is to:~~
2447 ~~1. Support agriculture and synergistic development of adult beverage facilities~~
2448 ~~in order to boost agritourism and the Sammamish valley's reputation as a food and adult~~

Commented [AE85]: Eliminates special event demonstration project B

2449 ~~beverage destination;~~

2450 ~~———— 2. Enable the county to determine if the number of special events held at adult~~

2451 ~~beverage facilities can be increased while maintaining the core functions and purposes of~~

2452 ~~the Rural Area and Agricultural zones;~~

2453 ~~———— 3. Identify the impacts and benefits of adult beverage industry special events~~

2454 ~~in Rural Area and Agricultural zoned communities including Agricultural Production~~

2455 ~~Districts, properties where the demonstration projects are located, and surrounding areas;~~

2456 ~~———— 4. Provide an opportunity for additional exposure for locally sourced and~~

2457 ~~produced agricultural products; and~~

2458 ~~———— 5. Identify and evaluate potential changes to countywide land use regulations to~~

2459 ~~support the development of additional areas of unincorporated King County that may~~

2460 ~~benefit from growth in agritourism.~~

2461 ~~———— B. A special event demonstration project shall only be implemented on a site~~

2462 ~~identified in Attachment B to this ordinance.~~

2463 ~~———— C. As part of the demonstration project B, the permitting division may, for a~~

2464 ~~winery, brewery, distillery facility III, consolidate temporary use review for special~~

2465 ~~events under K.C.C. 21A.32.100 through 21A.32.140, with conditional use review under~~

2466 ~~K.C.C. 21A.44.040, and applicable to those uses under K.C.C. 21A.08.080;~~

2467 ~~———— D.1. Demonstration project B applications shall include review of:~~

2468 ~~———— a. a conditional use permit, or conditional use permit modification or~~

2469 ~~expansion, for a winery, brewery, distillery facility III; and~~

2470 ~~———— b. a temporary use permit for special events associated with the winery,~~

2471 ~~brewery, distillery facility III.~~

2472 ~~———— 2. The joint conditional use permit and temporary use permit application shall~~
2473 ~~include a request in writing to apply for the special event demonstration project, together~~
2474 ~~with supporting documentation and must illustrate how the proposal meets the criteria in~~
2475 ~~subsection F. and G. of this section and the criteria in K.C.C. 21A.44.020 and~~
2476 ~~21A.44.040.~~

2477 ~~———— 3. As part of the joint conditional use and temporary use permit review process,~~
2478 ~~the applicant shall be required to pay all required fees for a conditional use permit. The~~
2479 ~~temporary use permit fees in K.C.C. 27.10.170.D. shall be waived for the joint permit~~
2480 ~~review process.~~

2481 ~~———— 4. An application for a special event demonstration project under this section~~
2482 ~~shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. As~~
2483 ~~part of the joint conditional use and temporary use permit review, the review procedures~~
2484 ~~in K.C.C. chapters 20.20, 20.44 and 21A.42 shall be applied, and compliance with K.C.C.~~
2485 ~~21A.44.020 and K.C.C. 21A.44.040 shall be met.~~

2486 ~~———— 5. Any deadline in this subsection shall be adjusted to include the time for~~
2487 ~~appeal of all or any portion of the project approval.~~

2488 ~~———— E. The department of local services, permitting division, shall administer the~~
2489 ~~demonstration project, and shall approve or deny the special event demonstration project~~
2490 ~~under this section as part of a joint conditional use permit and temporary use permit~~
2491 ~~based upon compliance with subsections F. and G. of this section. Approval or denial of~~
2492 ~~a special event demonstration project shall not be construed as applying to any other~~
2493 ~~development application either within the demonstration project area or elsewhere in the~~
2494 ~~county, and shall not render uses authorized under this section "otherwise permitted in~~

2495 ~~the zone" under K.C.C. 21A.32.100.A.~~

2496 ~~—— F.1. A special event demonstration project shall be subject to all King County~~

2497 ~~Code provisions except that permitting division may waive the following development~~

2498 ~~regulations during the joint conditional use permit and temporary use permit review:~~

2499 ~~—— a. K.C.C. 21A.32.100 through 21A.32.140; and~~

2500 ~~—— b. K.C.C. 21A.08.080.B.12.1.;~~

2501 ~~—— 2. A temporary use permit approved under this demonstration project may be~~

2502 ~~renewed to four times annually in accordance with K.C.C. 21A.32.120.D. After a special~~

2503 ~~event demonstration project temporary use permit expires, the permitting division shall~~

2504 ~~review any subsequent temporary use permit application for the demonstration project~~

2505 ~~site in accordance with all applicable temporary use review processes and any future~~

2506 ~~events shall be subject to all regulations in place at the time a complete application is~~

2507 ~~submitted.~~

2508 ~~—— G. Approval of a special event demonstration project authorized by this section~~

2509 ~~shall impose conditions regarding:~~

2510 ~~—— a. the number of guests allowed for a temporary use, which shall be subject to~~

2511 ~~building occupancy limits, but in no case more than two hundred fifty guests;~~

2512 ~~—— b. parking limits or parking plan;~~

2513 ~~—— c. the number of events allowed per year, which shall occur on no more than~~

2514 ~~sixty days per year; and~~

2515 ~~—— d. reasonable measures to provide notification to the permitting division and~~

2516 ~~the public on the time, date, duration and size of special events authorized under the~~

2517 ~~demonstration project, which could include, but is not limited to, posting the information~~

2518 ~~on the operator's website or on site.~~

2519 ~~———— 2. During the duration of the special event demonstration project, and only for~~
2520 ~~the purposes of the special event demonstration project, parcels within the special event~~
2521 ~~demonstration project area identified in Attachment B to this ordinance may not be~~
2522 ~~consolidated to meet the minimum lot size required for a winery, brewery, distillery~~
2523 ~~facility III.~~

2524 ~~———— 3. Special event demonstration projects shall be consistent with general health,~~
2525 ~~safety and public welfare standards, and shall not violate state or federal law.~~

2526 ~~———— H. Special event demonstration project applications shall be accepted by the~~
2527 ~~permitting division for three years from the effective date of this ordinance. Complete~~
2528 ~~applications submitted before the end of the three years shall be reviewed and decided on~~
2529 ~~by the permitting division.~~

2530 ~~———— I. Beginning one year after the effective date of this ordinance, and each year for~~
2531 ~~four years thereafter, the executive shall prepare and transmit to the council preliminary~~
2532 ~~evaluations of special event demonstration project B. These preliminary evaluation~~
2533 ~~reports shall include:~~

2534 ~~———— 1. A list of demonstration project applications submitted, reviewed and decided;~~

2535 ~~———— 2. Comments received from neighboring residents, including code complaints, if~~
2536 ~~any, related to the applications received and approved, or the demonstration project;~~

2537 ~~———— 3. Comments received from neighboring cities and community service areas;~~

2538 ~~———— 4. Comments received from project applicants attempting to utilize the~~
2539 ~~demonstration project, including the application and review process, and the criteria for~~
2540 ~~approving special event demonstration projects;~~

2541 ~~———— 5. Comments received from customers of the project applicants' businesses;~~
2542 ~~———— 6. A description of known interactions or relationships between projects~~
2543 ~~approved under the demonstration project and nearby agricultural users and lands, such~~
2544 ~~as additional exposure for local agricultural products;~~
2545 ~~———— 7. An inventory of remaining parcels or properties available for development~~
2546 ~~under the demonstration project;~~
2547 ~~———— 8. A description of the number and size of the events and the parking plans~~
2548 ~~approved through the joint conditional use permit and temporary use permit process; and~~
2549 ~~———— 9. Any known recommended code changes that would further the purposes of~~
2550 ~~the demonstration project.~~
2551 ~~———— J. Within ninety days of five years after the effective date of this ordinance, the~~
2552 ~~permitting division shall prepare a draft final report and proposed permanent code~~
2553 ~~changes, that includes the information compiled under subsection I. of this section, and~~
2554 ~~includes the following:~~
2555 ~~———— 1. Evaluation of water use by winery, brewery, distillery facility III uses,~~
2556 ~~including special event uses, including amount of water used, impacts to watershed~~
2557 ~~basins, if any, impacts to public water systems, if any, and whether the se facilities should~~
2558 ~~be requiredment to connect to a Group A or Group B system should continue;~~
2559 ~~———— 2. Evaluation of the parking requirements, including whether the parking ratios~~
2560 ~~required in K.C.C. chapter 21A.18 for production facilities, associated tasting rooms, and~~
2561 ~~special events provide sufficient, but not excessive, parking;~~
2562 ~~———— 3. Outreach to those applicants with projects approved through the~~
2563 ~~demonstration project, with requested information to include, at a minimum:~~

2564 ~~_____ a. when they were approved by the permitting division;~~
2565 ~~_____ b. when they opened subsequent to that approval;~~
2566 ~~_____ c. whether they are still operating at the time of the final report; and~~
2567 ~~_____ d. any recommendations on final regulations;~~
2568 ~~_____ 4. An evaluation of the requirements for temporary use permits for special~~
2569 ~~events for all winery, brewery, distillery facilities, home occupations, home industries,~~
2570 ~~and remote tasting rooms. This shall include, at a minimum:~~
2571 ~~_____ a. an evaluation of the minimum requirements for obtaining a temporary use~~
2572 ~~permit established in K.C.C. 21A.32.100 and 21A.32.120, and whether they should be~~
2573 ~~modified;~~
2574 ~~_____ b. an evaluation of what is considered an "industry standard event" for a~~
2575 ~~winery, brewery, distillery facility or remote tasting room. As a guideline, an "industry~~
2576 ~~standard event" may mean an event that is essential to the operation of the business and is~~
2577 ~~directly related to the business, such as a release party or dinner for club members. The~~
2578 ~~evaluation shall include recommendations on what types of industry standard events~~
2579 ~~should require a temporary use permit, based on the scale of the event or any other factor~~
2580 ~~the executive deems relevant;~~
2581 ~~_____ c. an evaluation of what is not an "industry standard event," such as renting out~~
2582 ~~space for an event that is unrelated to the business. Those types of events typically~~
2583 ~~require a temporary use permit;~~
2584 ~~_____ d. a recommended set of specific temporary use permit triggers related to~~
2585 ~~special events for winery, brewery, distillery facilities, nonconforming home occupations~~
2586 ~~and home industries and remote tasting rooms;~~

2587 ~~———— e. a recommendation of the maximum number of special events that should be~~
2588 ~~allowed for winery, brewery, distillery facilities, nonconforming home occupations and~~
2589 ~~home industries and remote tasting rooms;~~
2590 ~~———— f. a description of the current temporary use permit review process, and an~~
2591 ~~evaluation of and recommendations for simplification of the temporary use permit review~~
2592 ~~process, including, but not limited to, code requirements, internal process and procedures,~~
2593 ~~and fees;~~
2594 ~~———— g. an evaluation of the current two per year limit on events that may be held~~
2595 ~~without a permit, and whether that limitation should be modified;~~
2596 ~~———— h. an evaluation of the limits on the number of guests in K.C.C. 21A.32.120,~~
2597 ~~and whether those limitations should be modified; and~~
2598 ~~———— i. an evaluation of the public notice requirements for special events allowed for~~
2599 ~~winery, brewery, and distillery facilities, and whether those requirements should be~~
2600 ~~modified;~~
2601 ~~———— 5. Evaluation of the consolidated permit review process, including permit~~
2602 ~~review timelines for the demonstration project applications compared to review times for~~
2603 ~~similar types of projects that do not use the demonstration project allowance for~~
2604 ~~consolidated review under this section, the cost to the applicant and the cost for the~~
2605 ~~county to administer and review the demonstration project applications;~~
2606 ~~———— 6. Evaluation of stormwater and surface water issues within Overlay B, impacts~~
2607 ~~on downstream properties and agricultural land, and potential remedies for identified~~
2608 ~~stormwater and surface water issues; and~~
2609 ~~———— 7. A recommendation on permanent code changes, or further demonstration~~

2610 ~~project requirements, regarding special events.~~

2611 ~~—— K. The permitting division shall include a public comment period for the draft~~

2612 ~~evaluation described in subsection J. of this section. The public comment period shall be~~

2613 ~~at least forty five days beginning with the date of publication in the newspapers of record~~

2614 ~~for the demonstration project areas identified in Attachment B to this ordinance. As part~~

2615 ~~of the public comment period, the permitting division shall:~~

2616 ~~—— 1. Publish notice of the draft evaluation's availability in each newspaper of~~

2617 ~~record, including locations where the draft evaluation is available;~~

2618 ~~—— 2. Send notice and request for comment to the water districts for the~~

2619 ~~demonstration project areas identified in Attachment B to this ordinance;~~

2620 ~~—— 3. Request comments from any developer that has applied for approval under~~

2621 ~~the demonstration project;~~

2622 ~~—— 4. Provide a copy at the local libraries for the demonstration project areas~~

2623 ~~identified in Attachment B to this ordinance;~~

2624 ~~—— 5. Post an electronic copy on the permitting division's website; and~~

2625 ~~—— 6. Send electronic notice to the clerk of the council, who shall retain the original~~

2626 ~~email and provide an electronic copy to all councilmembers, the council chief of staff and~~

2627 ~~the lead staff for the local services, regional roads and bridges committee, or its~~

2628 ~~successor.~~

2629 ~~—— L. After the public comment period has ended, the permitting division shall~~

2630 ~~prepare a final evaluation of the special event demonstration project B, incorporating or~~

2631 ~~responding to the comments received. Within sixty days of the end of the end of the~~

2632 ~~public comment period, the executive shall file a final evaluation report, a motion that~~

2633 ~~should accept the report, and an ordinance that implements any proposed permanent code~~
2634 ~~changes.~~

2635 ~~—— M. For each preliminary evaluation, and the final report and proposed legislation,~~
2636 ~~the reports shall be filed in the form of a paper original and an electronic copy with the~~
2637 ~~clerk of the council, who shall retain the original and provide an electronic copy to all~~
2638 ~~councilmembers, the council chief of staff and the lead staff for the local services,~~
2639 ~~regional roads and bridges committee, or its successor.~~

2640 SECTION 3228. Ordinance 13623, Section 37, as amended, and K.C.C.

2641 23.32.010 are ~~each~~ hereby amended to read as follows:

2642 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
2643 remedial purposes and shall be assessed for each violation identified in a citation, notice
2644 and order, voluntary compliance agreement or stop work order pursuant to the following
2645 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

12.86 within the past twelve months

(3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months \$250

12.86 within the past twelve months

(4) with one or more previous similar code violations, or \$500

with two previous code violations of K.C.C. chapter 12.86

within the past twelve months

(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 within the past twelve months: \$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

(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

Commented [AE86]: Adds timeframe to what citation would be charged

(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

2646 2. For the purposes of this section, previous similar code violations that can
2647 serve as a basis for a higher level of civil penalties include violations of the same chapter
2648 of the King County Code. Any citation, stop work order or notice and order previously
2649 issued by the department shall not constitute a previous code violation for the purposes of

2650 this section if that stop work order or notice and order was appealed and subsequently
2651 reversed.

2652 B. The penalties assessed pursuant to this section for any failure to comply with a
2653 notice and order or voluntary compliance agreement shall be assessed daily, according to
2654 the schedule in subsection A of this section, for the first thirty days following the date the
2655 notice and order or voluntary compliance agreement required the code violations to have
2656 been cured. If after thirty days the person responsible for code compliance has failed to
2657 satisfy the notice and order or voluntary compliance agreement, penalties shall be
2658 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
2659 assessed daily until the person responsible for code compliance has fully complied with
2660 the notice and order.

2661 C. Penalties based on violation of a stop work order shall be assessed, according
2662 to the schedule in subsection A. of this section, for each day the department determines
2663 that work or activity was done in violation of the stop work order.

2664 D. Citations and cleanup restitution payments shall only be subject to a one-time
2665 civil penalty.

2666 E. The director may suspend the imposition of additional civil penalties if the
2667 person responsible for code compliance has entered into a voluntary compliance
2668 agreement. If the person responsible for code compliance enters into a voluntary
2669 compliance agreement and cures the code violations, the director may also waive all or
2670 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
2671 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
2672 necessary permits applied for are denied, canceled or not pursued, or if corrective action

2673 identified in the voluntary compliance agreement is not completed as specified.

2674 F. The civil penalties in this section are in addition to, and not in lieu of, any
2675 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2676 SECTION 29. Map Amendment #2 is hereby adopted, as shown in Attachment B
2677 to this ordinance.

2678 SECTION 303. A. The executive shall transmit a report, proposed motion and
2679 proposed ordinance that evaluates the efficacy of the regulations for adult beverage
2680 businesses, including winery, brewery, distillery facilities, ~~and~~ remote tasting rooms and
2681 nonconforming home occupations and home industries, adopted as part of this ordinance,
2682 and any recommended changes to the regulations and the rationale for those
2683 recommended changes. The report shall include, at a minimum:

2684 1. A list of all adult beverage businesses with valid business licenses as of five
2685 years from the effective date of this ordinance;

2686 2. A list of adult beverage businesses permit applications submitted, reviewed
2687 and decided in the prior five years, including the date of original submittal, date of
2688 complete application, date and type of final decision whether approved or denied and
2689 categorization of typical conditions were applied;

2690 3. A list of all code enforcement complaints filed against adult beverage
2691 businesses over the prior five years, including the final resolution of resolved cases and
2692 the status of open cases; and

2693 4. An evaluation of and recommendations for changes to the following
2694 development conditions, if any, and the rationale for the proposed change or for
2695 maintaining the development condition as adopted by this ordinance;

Commented [AE87]: Allows remote tasting rooms as permitted use in CB zoning of Vashon Rural Town

Commented [AE88]: 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.

2696 a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult
2697 beverage businesses;
2698 b. Parking requirements, including the minimum required and the maximum
2699 allowed;
2700 c. Hours of operation for tasting rooms associated with production facilities
2701 and remote tasting rooms;
2702 d. Temporary use permit criteria related to special events for adult beverage
2703 businesses, including the criteria for and minimum requirements of and obtaining a
2704 temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public
2705 notice requirements;
2706 e. Product content requirement in the A zone, including the growth on-site
2707 requirements and the agricultural accessory use language adopted by this ordinance
2708 ~~1. An evaluation of the effectiveness of the citation and civil fine structure in~~
2709 ~~K.C.C. 23.32.010 adopted for winery, brewery, distillery and remote tasting room uses as~~
2710 ~~part of this ordinance, and a recommended citation and civil fine structure, if the~~
2711 ~~evaluation finds that the current structure is not effective or could be modified to increase~~
2712 ~~effectiveness;~~
2713 ~~2. An evaluation of the impacts that urban uses within urban growth area have~~
2714 ~~on rural character and adjacent rural areas outside the urban growth area, and~~
2715 ~~recommendations for how to reduce impact of those urban uses;~~
2716 ~~3. Analysis of product content requirement adopted as part of this ordinance for~~
2717 ~~winery, brewery distillery facilities in the Agriculture zone. Include, at a minimum, an~~
2718 ~~evaluation of requiring sixty percent of product content to be grown on site, sixty percent~~

Commented [AE89]: Moved into revised efficacy evaluation.

Commented [AE90]: Removed evaluation of impacts of urban uses on rural character/areas.

Commented [AE91]: Moved into revised efficacy evaluation

2719 ~~of product content to be grown in Puget Sound Counties, or allowing these facilities as~~
2720 ~~agricultural accessory uses in accordance with WAC 365-196-815, and a~~
2721 ~~recommendation for how these facilities should be regulated in the Agriculture zone to~~
2722 ~~comply with the requirements for agricultural production areas under the Growth~~
2723 ~~Management Act; and~~

2724 ~~4. Analysis of winery, brewery, distillery facility I as interim use~~

2725 B. This efficacy evaluation shall have a public comment period in conjunction
2726 with that required in section 27 of this ordinance.

2727 C. The report and proposed ordinance shall be transmitted to the council with a
2728 motion that should accept the report and a proposed ordinance making recommended
2729 code changes, concurrently with the final evaluations required in sections ~~297 and 31~~ of
2730 this ordinance, in the form of a paper original and an electronic copy to the clerk of the
2731 council, who shall retain the original and provide an electronic copy to all
2732 councilmembers, the council chief of staff and the lead staff for the local services,
2733 regional roads and bridges committee, or its successor.

2734 SECTION 314. Severability. If any provision of this ordinance or its application
2735 to any person or circumstance is held invalid, the remainder of the ordinance or the
2736 application of the provision to other persons or circumstances is not affected."

2737
2738 Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project
2739 A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting
2740 Room Demonstration Project A dated June 12, 2019

2741

Commented [AE92]: WBD I interim use removed from the code.

Commented [AE93]: Allows for public comment on efficacy evaluation to be in conjunction with the public comment period required for the demonstration project.

Commented [AE94]: New Attachment A, removes Vashon-Maury Island and Fall City from Overlay A

2742 Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated

2743 March 11, 2019, and insert Attachment B, Map Amendment #2-~~Special Event~~

2744 ~~Demonstration Project B dated June 12, 2019~~ Modifying P-Suffix VS-P29 Vashon Town

2745 Plan – Restricted Uses for CB Zoned Properties

2746

2747

2748 **EFFECT: XXXXXXXXXXXXXXXXXXXXXXX**

Commented [AE95]: Eliminate Overlay B

Commented [AE96]: New Attachment B to modify P-suffix for CB zones in Vashon Rural Town