



Signature Report

Ordinance

Proposed No. 2018-0241.1

Sponsors Lambert

1 AN ORDINANCE responding to the King County
2 Sammamish Valley Wine and Beverage Study; amending
3 Ordinance 10870, Section 335, as amended, and K.C.C.
4 21A.08.080, Ordinance 10870, Section 407, as amended,
5 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as
6 amended, and K.C.C. 21A.30.080, Ordinance 15606,
7 Section 20, as amended, and K.C.C. 21A.30.085,
8 Ordinance 10870, Section 537, as amended, and K.C.C.
9 21A.30.090, Ordinance 10870, Section 549, as amended,
10 and K.C.C. 21A.32.120 and Ordinance 13623, Section 37,
11 as amended, and K.C.C. 23.32.010, adding new sections to
12 K.C.C. chapter 21A.06, adding new sections to K.C.C.
13 chapter 21A.55, adding a new chapter to K.C.C. Title 6 and
14 repealing Ordinance 15974, Section 5, and K.C.C.
15 21A.06.1427.

16 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

17 **SECTION 1. Findings:**

18 A. These regulatory changes are a response to the King County Sammamish
19 Valley Wine and Beverage Study that was released in September 2016. Those changes

20 will help King County prepare for and support the future of the wine and adult beverage
21 industry as it evolves in the region, while adhering to the framework of the state Growth
22 Management Act.

23 B. King County continues to support and foster agriculture, especially within the
24 five designated Agricultural Production Districts. King County also supports the wine
25 and adult beverage industry and recognizes the need to establish a strong foundation for
26 moving the industry into the future.

27 C. A business license is established for the adult beverage industry in King
28 County to provide greater certainty about where adult beverage producers and tasting
29 rooms are located and to verify that they are in compliance with county rules and laws.

30 D. Two demonstration projects are established in the rural area of the
31 Sammamish Valley, with one of the two also applicable to the Vashon Island Town
32 Center Special District Overlay. One demonstration is in two limited areas and evaluates
33 the presence of remote tasting rooms in the rural community. The second demonstration
34 is in one very limited area and evaluates incorporating industry-supporting events within
35 the conditional use permit rather than through the annual temporary use permit process.

36 SECTION 2. Sections 3 through 9 of this ordinance should constitute a new
37 chapter in K.C.C. Title 6.

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

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

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

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

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

52 An application for an adult beverage business license or license renewal must be
53 submitted in the name of the business owner or the entity proposing to operate the
54 business. The application shall be signed by the owner or primary responsible officer of
55 any entity proposing to operate the business, certified as true under penalty of perjury.

56 All applications shall be submitted on a form supplied by the director, and shall include
57 the following:

58 A. The full name, current residential, email and mailing address of the owner or
59 primary responsible officer;

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

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

65 D. For businesses in the A zone, a signed statement that at least sixty percent of

66 the products to be used by the business are grown on-site, as prescribed under K.C.C.
67 21A.08.080.B.3.f.

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

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

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

75 The director shall deny, suspend or revoke a license issued under this chapter if
76 the Washington state Liquor and Cannabis Board does not issue a license to the business,
77 or if the department of permitting and environmental review receives notice that the state
78 license issued to the business is suspended or revoked, or was not reissued. A business
79 owner whose application for a business license has been denied or whose license has
80 been suspended or revoked may appeal the decision to the office of the hearing examiner
81 in accordance with K.C.C. 6.01.150.

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

84 An adult beverage business license expires one year from the date the business
85 license is issued by the department of permitting and environmental review. To avoid a
86 lapse in the effectiveness of a license, an application to renew a license must be submitted
87 to the director, on a form provided by the director, at least thirty days before the
88 expiration of the business license. An adult beverage business license renewal expires

89 one year from the previous license's expiration date.

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

92 Within thirty days of the director's receipt of a complete adult beverage business
93 license application, the director shall issue or deny the license. Within thirty days of the
94 director's receipt of a complete renewal application, the director shall issue or deny the
95 renewal.

96 SECTION 10. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are hereby
97 repealed.

98 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter
99 21A.06 a new section to read as follows:

100 Adult beverage business: An adult beverage business means a winery, brewery,
101 distillery or cidery, and remote tasting rooms for any of those businesses.

102 NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter
103 21A.06 a new section to read as follows:

104 Remote tasting room: A small facility approved by the Washington state Liquor
105 and Cannabis Board as a remote tasting room for a licensed winery, brewery or distillery
106 that is operating at a location other than the licensed winery, brewery or distillery
107 production facility, for the purpose of the retail sale and sampling of the licensed product.

108 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
109 21A.06 a new section to read as follows:

110 Winery, brewery, distillery facility I: A very small establishment licensed by the
111 state of Washington to produce adult beverages such as wine, cider, beer and distilled

112 spirits and where on-site product tasting or retail sale of merchandise does not occur.

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

114 21A.06 a new section to read as follows:

115 Winery, brewery, distillery facility II: A small scale production facility licensed
116 by the state of Washington to produce adult beverages such as wine, cider, beer and
117 distilled spirits and that includes an adult beverage production use such as crushing,
118 fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II
119 may include additional product-related uses such as vineyards, orchards, wine cellars or
120 similar product-storage areas as authorized by state law, on-site product tasting and sales as
121 authorized by state law, and sales of merchandise related to products available for tasting as
122 authorized by state law.

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

124 21A.06 a new section to read as follows:

125 Winery, brewery, distillery facility III: An establishment licensed by the state of
126 Washington to produce adult beverages such as wine, cider, beer and distilled spirits and
127 that includes an adult beverage production use such as crushing, fermentation, barrel or
128 tank aging, and finishing. A winery, brewery, distillery facility III may include additional
129 product-related uses such as vineyards, orchards, wine cellars or similar product-storage
130 areas as authorized by state law, on-site product tasting as authorized by state law, and
131 sales of merchandise related to products available as authorized by state law.

132 SECTION 16. Ordinance 10870, Section 335, as amended, and K.C.C.

133 21A.08.080 are hereby amended to read as follows:

134 A. Manufacturing land uses.

Ordinance

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/Distillery Facility I</u>				<u>P30</u>	<u>P30</u>							
*((/2082 /2085))	<u>Winery/Brewery /Distillery Facility II</u>	P3 <u>((C12))</u>			P3 <u>C((42))31</u>	P3			P17	P17	<u>P29</u>		<u>P29</u>
*	<u>Winery/Brewery/Distillery Facility III</u>	<u>C12</u>			<u>C12</u>	<u>C12</u>			<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C29</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	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

135 B. Development conditions.

136 1. Repealed.

137 2. Except slaughterhouses.

138 3.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
139 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
140 uses;

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

144 c. In the RA, A and UR zones, only allowed on lots of at least four and one-
145 half acres;

146 d. The aggregated floor area (~~(devoted to all processing)~~) of structures and
147 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
148 hundred square feet, unless located in (~~(a building)~~) whole or in part in a structure
149 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
150 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
151 not exceed five thousand square feet;

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

156 f. In the A zones, (~~(S)~~)sixty percent or more of the products processed must be
157 grown (~~(in the Puget Sound counties)~~) on-site. At the time of the initial application for
158 the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created
159 in section 2 of this ordinance), the applicant shall submit a projection of the source of
160 products to be produced; (~~(and)~~)

161 g. In the A zone, structures and areas for non-agricultural winery, brewery,
162 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
163 for agricultural purposes, such as areas within the already developed portion of such
164 agricultural lands that are not available for direct agricultural production, or areas without
165 prime agricultural soils;

166 h. Tasting of products produced on site may be provided in accordance with
167 state law. The area devoted to tasting shall be included in the floor area limitation in
168 subsection B.3.~~((e-))~~d. of this section. Hours of operation for on-site tasting of products
169 shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting
170 room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and
171 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

172 i. On a site with direct access to an arterial;

173 j. Off-street parking is limited to one hundred and fifty percent of the
174 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
175 21A.18.030;

176 k. The business operator shall obtain an adult beverage business license in
177 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
178 chapter created in section 2 of this ordinance); and

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

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

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

184 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
185 minimum site area is four and one-half acres.

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

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

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

190 9. Only within enclosed buildings.

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

192 11. For I-zoned sites located outside the urban growth area designated by the
193 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
194 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
195 rural industrial uses as set forth in K.C.C. chapter 21A.12.

196 12.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
197 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility III
198 uses;

199 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))~~The
200 aggregated floor area of structures and areas for (~~wineries, breweries and distilleries and~~
201 ~~any accessory~~) winery, brewery, distillery facility uses shall not exceed a total of eight
202 thousand square feet~~((:)), except that ((F))~~the floor area may be increased by up to an
203 additional eight thousand square feet of underground storage that is constructed
204 completely below natural grade, not including required exits and access points, if the
205 underground storage is at least one foot below the surface and is not visible above
206 ground; (~~and~~

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

210 c. The minimum site area is four and one-half acres. If the aggregated floor
211 area of structures for winery, brewery, distillery uses exceeds six thousand square feet,
212 including underground storage, the minimum site area shall be ten acres;

213 d. Wineries, breweries and distilleries shall comply with Washington state
214 Department of Ecology and King County board of health regulations for water usage and
215 wastewater disposal, and must connect to an existing Group A water system or an
216 existing Group B water system if a Group A water system is not available. ~~((Wineries,~~
217 ~~breweries and distilleries using water from exempt wells shall install a water meter;~~

218 ~~d. Off-street parking is limited to one hundred and fifty percent of the~~
219 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
220 ~~21A.18.030;))~~

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

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

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

229 ~~(2) a minimum of two and one-half acres of the site shall be used for the~~

230 ~~growing of agricultural products;~~

231 ~~g. The facility shall be limited to processing agricultural products and))~~ In the
232 A zone, sixty percent or more of the products processed must be grown ~~((in the Puget~~
233 ~~Sound counties))~~ on-site. At the time of the initial application for the adult beverage
234 licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this
235 ordinance), the applicant shall submit a projection of the source of products to be
236 processed; ~~((and))~~

237 g. In the A zone, structures and areas for non-agricultural winery, brewery,
238 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
239 for agricultural purposes, such as areas within the already developed portion of such
240 agricultural lands that are not available for direct agricultural production, or areas without
241 prime agricultural soils;

242 h. Tasting of products produced on site may be provided in accordance with
243 state law. The area devoted to tasting shall be included in the aggregated floor area
244 limitation in subsection B.12.b. and c. of this section. Hours of operation for on-site
245 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
246 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and
247 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
248 through 9:00 p.m.;

249 i. On a site with direct access to an arterial;

250 j. Off-street parking is limited to one hundred and fifty percent of the
251 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
252 21A.18.030;

253 k. The business operator shall obtain an adult beverage business license in
254 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
255 chapter created in section 2 of this ordinance); and

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

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

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

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

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

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

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

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

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

276 17.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
277 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
278 uses;

279 b. The aggregated floor area (~~devoted to all processing~~) of structures and
280 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
281 hundred square feet, unless located in (~~a building~~) whole or in part in a structure
282 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
283 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
284 not exceed five thousand square feet;

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

289 d. Tasting of products produced on site may be provided in accordance with
290 state law. The area devoted to tasting shall be included in aggregated the floor area
291 limitation in subsection B.~~(18-))~~17.b. of this section; and

292 e. The business operator shall obtain an adult beverage business license
293 pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new
294 chapter created in section 2 of this ordinance).

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

297 18. Limited to:

298 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

299 Millwork, as follows:

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

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

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

306 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
307 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

313 b. SIC Industry No. 2411-Logging.

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

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

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

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

319 d. Only with documentation that the operator has applied for a Puget Sound

320 Clean Air Agency Notice of Construction Permit. All department permits issued to either
321 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

322 Clean Air Agency Notice of Construction Permit be approved before marijuana products
323 are imported onto the site; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

391 any separately authorized production of marijuana.

392 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
393 Island, that do not require a conditional use permit issued by King County, that receive a
394 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
395 and that King County did not object to within the Washington state Liquor and Cannabis
396 Board marijuana license application process, shall be considered nonconforming as to
397 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
398 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

413 28. If the food and kindred products manufacturing or processing is associated

414 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

415 29.a. The business operator shall obtain an adult beverage business license
416 pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter
417 created in section 2 of this ordinance).

418 b. Events may be allowed with an approved Temporary Use Permit under
419 K.C.C. chapter 21A.32.

420 30. a. Limited to winery, brewery, distillery facility I uses;

421 b. The aggregated floor area of structures and areas for the winery, brewery,
422 distillery use shall not exceed one thousand five hundred square feet;

423 c. Structures and parking areas for winery, brewery, distillery uses shall be set
424 back a minimum distance of seventy-five feet from property lines adjacent to rural area
425 and residential zones, unless located in a building designated as historic resource under
426 K.C.C. chapter 20.62;

427 d. No more than one nonresident employee shall be permitted to work on-site;

428 e. One on-site parking place shall be provided if a nonresident is employed to
429 work on-site;

430 f. The business operator shall obtain an adult beverage business license in
431 accordance with the adult beverage licensing provision of K.C. C. chapter 6.xx (the new
432 chapter created in section 2 of this ordinance); and

433 g. No product tasting, retail sale or events requiring a Temporary Use Permit
434 under K.C.C. chapter 21A.32 shall be allowed.

435 31.a. Limited to winery, brewery, distillery facility II uses;

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

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

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

446 e. Tasting of products produced on site may be provided in accordance with
447 state law. The area devoted to tasting shall be included in the floor area limitation in
448 subsection B.3.c. of this section. Hours of operation for on-site tasting of products shall
449 be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room
450 hours shall be limited to 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and
451 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

452 f. On a site with direct access to a public roadway;

453 g. Off-street parking is limited to one hundred and fifty percent of the
454 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
455 21A.18.030;

456 h. The business operator shall obtain an adult beverage business license in
457 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
458 chapter created in section 2 of this ordinance); and

459 i. Events may be allowed with an approved temporary use permit under K.C.C.

460 chapter 21A.32.

461 SECTION 17. Ordinance 10870, Section 407, as amended, and K.C.C.

462 21A.18.030 are hereby amended to read as follows:

463 A. Except as modified in K.C.C. 21A.18.070.B((-)). through D., off-street
464 parking areas shall contain at a minimum the number of parking spaces as stipulated in
465 the following table. Off-street parking ratios expressed as number of spaces per square
466 feet means the usable or net square footage of floor area, exclusive of non-public areas.
467 Non-public areas include but are not limited to building maintenance areas, storage areas,
468 closets or restrooms. If the formula for determining the number of off-street parking
469 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
470 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
471 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:	
e	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	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
E	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 <u>0.9</u> 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
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</u>	<u>0.9</u> per 1,000 square feet, plus 1 per ((50)) <u>300</u> square feet of tasting area

RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

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

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

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

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

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

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

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

- 493 (1) Park/playfield,
- 494 (2) Marina,
- 495 (3) Library/museum/arboretum,
- 496 (4) Elementary/secondary school,
- 497 (5) Sports club, or
- 498 (6) Retail business (when located along a developed bicycle trail or
499 designated bicycle route).

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

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

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

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

513 SECTION 18. Ordinance 10870, Section 536, as amended, and K.C.C.

514 21A.30.080 are hereby amended to read as follows:

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

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

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

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

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

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

- 530 1. Automobile, truck and heavy equipment repair;
- 531 2. ~~((Autobody))~~ Auto body work or painting;
- 532 3. Parking and storage of heavy equipment;
- 533 4. Storage of building materials for use on other properties;
- 534 5. Hotels, motels or organizational lodging;
- 535 6. Dry cleaning;

536 7. Towing services;

537 8. Trucking, storage or self service, except for parking or storage of one

538 commercial vehicle used in home occupation; ~~((and))~~

539 9. Veterinary clinic; ~~((and))~~

540 10. Recreational marijuana processor, recreational marijuana producer or

541 recreational marijuana retailer; and

542 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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

544 as follows:

545 1. One stall for each nonresident employed by the home occupations; and

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

547 G. Sales are limited to:

548 1. Mail order sales;

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

550 and

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

552 premises;

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

554 I. The home occupation or occupations use or store a vehicle for pickup of

555 materials used by the home occupation or occupations or the distribution of products from

556 the site, only if:

557 1. No more than one such a vehicle is allowed; and

558 2. The vehicle is not stored within any required setback areas of the lot or on

559 adjacent streets; and

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

562 J. The home occupation or occupations do not:

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

566 2. Cause visual or audible interference in radio or television receivers, or
567 electronic equipment located off-premises or fluctuations in line voltage off-premises;
568 ~~((and))~~

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

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

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

579 SECTION 19. Ordinance 15606, Section 20, as amended, and K.C.C.
580 21A.30.085 are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

595 a. planting of Type II landscape buffering; or

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

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

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

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

- 605 2. One stall for patrons when services are rendered on-site;
- 606 G. Sales are limited to:
- 607 1. Mail order sales;
- 608 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 609 3. Items accessory to a service provided to patrons who receive services on the
- 610 premises;
- 611 4. Items grown, produced or fabricated on-site; and
- 612 5. On sites five acres or larger, items that support agriculture, equestrian or
- 613 forestry uses except for the following:
- 614 a. motor vehicles and parts (North American Industrial Classification System
- 615 ("NAICS" Code 441);
- 616 b. electronics and appliances (NAICS Code 443); and
- 617 c. building material and garden equipment and supplies (NAICS Code 444);
- 618 H. The home occupation or occupations do not:
- 619 1. Use electrical or mechanical equipment that results in a change to the
- 620 occupancy type of the structure or structures used for the home occupation or occupations;
- 621 2. Cause visual or audible interference in radio or television receivers, or
- 622 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 623 3. Increase average vehicular traffic by more than four additional vehicles at any
- 624 given time;
- 625 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 626 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
- 627 J. The following uses, by the nature of their operation or investment, tend to

628 increase beyond the limits permitted for home occupations. Therefore, the following shall
629 not be permitted as home occupations:

- 630 1. Hotels, motels or organizational lodging;
631 2. Dry cleaning((=:));
632 3. Automotive towing services, automotive wrecking services and tow-in parking
633 lots; ((and))

- 634 4. Recreational marijuana processor, recreational marijuana producer or
635 recreational marijuana retailer((=:)); and

- 636 5. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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

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

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

- 641 a. for any lot five acres or less: two;
642 b. for lots greater than five acres: three; and
643 c. for lots greater than ten acres: four;

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

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

648 SECTION 20. Ordinance 10870, Section 537, as amended, and K.C.C.

649 21A.30.090 are hereby amended to read as follows:

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

- 651 A. The site area is one acre or greater;
- 652 B. The area of the dwelling unit used for the home industry does not exceed fifty
653 percent of the floor area of the dwelling unit.
- 654 C. Areas within attached garages and storage buildings shall not be considered part
655 of the dwelling unit for purposes of calculating allowable home industry area but may be
656 used for storage of goods associated with the home industry;
- 657 D. No more than six nonresidents who work on-site at the time;
- 658 E. In addition to required parking for the dwelling unit, on-site parking is provided
659 as follows:
- 660 1. One stall for each nonresident employee of the home industry; and
661 2. One stall for customer parking;
- 662 F. Additional customer parking shall be calculated for areas devoted to the home
663 industry at the rate of one stall per:
- 664 1. One thousand square feet of building floor area; and
665 2. Two thousand square feet of outdoor work or storage area;
- 666 G. Sales are limited to items produced on-site, except for items collected, traded
667 and occasionally sold by hobbyists, such as coins, stamps, and antiques;
- 668 H. Ten feet of Type I landscaping are provided around portions of parking and
669 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
670 way;
- 671 I. The department ensures compatibility of the home industry by:
- 672 1. Limiting the type and size of equipment used by the home industry to those that
673 are compatible with the surrounding neighborhood;

674 2. Providing for setbacks or screening as needed to protect adjacent residential
675 properties;

676 3. Specifying hours of operation;

677 4. Determining acceptable levels of outdoor lighting; and

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

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

682 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall
683 not be allowed as home industry.

684 SECTION 21. Ordinance 10870, Section 549, as amended, and K.C.C.
685 21A.32.120 are hereby amended to read as follows:

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

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

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

693 2. For a winery, brewery, distillery facility II and III in the A ~~((or RA))~~ zones,
694 the temporary use shall not exceed a total of two events per month and all event parking
695 ~~((for the events))~~ must be accommodated on site or managed through a parking
696 management plan approved by the director.

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

702 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
703 to all other relevant facts, the department shall consider building occupancy limits and
704 parking limitations during permit review. The department shall condition the number of
705 guests allowed for a temporary use. No permit shall authorize attendance of more than
706 one hundred twenty-five guests.

707 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
708 to all other relevant facts, the department shall consider building occupancy limits and
709 parking limitations during permit review. The department shall condition the number of
710 guests allowed for a temporary use. No permit shall authorize attendance of more than
711 two hundred fifty guests.

712 6. Events that require a temporary use permit are prohibited for any winery,
713 brewery, distillery facility I, any nonconforming winery, brewery, distillery facility home
714 occupation, and any nonconforming winery, brewery, distillery facility home industry.
715 No temporary use permit shall be issued to the operator or a winery, brewery, distillery
716 facility I, a nonconforming home occupation winery, brewery, distillery facility or a
717 nonconforming home industry winery, brewery, distillery facility.

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

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

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

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

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

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

733 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter
734 21A.55 a new section to read as follows:

735 A.1. There is hereby created the Sammamish Valley and Vashon Town Center
736 wine and adult beverage remote tasting room demonstration project A. The purpose of
737 demonstration project A is to support agriculture and synergistic development of mixed
738 use wine and adult beverage facilities in order to boost agritourism and both areas'
739 reputations as food and adult-beverage destinations.

740 2. The demonstration project will enable the county to determine if expanded
741 wine and adult beverage-based uses can be permitted while maintaining the core
742 functions and purposes of the Rural Area and Agricultural Production District zones. The

743 expected benefits from the demonstration projects include: developing a clear picture of
744 wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural
745 Production District zoned communities, opportunity for additional exposure for locally
746 sourced agricultural products; and the opportunity to identify and evaluate potential
747 substantive changes to countywide land use regulations to support the development of
748 additional areas of unincorporated King County that may benefit from growth in wine
749 and adult beverage industry agritourism.

750 B. An application for a demonstration project remote tasting room under this
751 section shall be approved or denied administratively by the department of permitting and
752 environmental review based upon compliance with the criteria in subsections D. and E. of
753 this section. Approval or denial of a remote tasting room application shall not be
754 construed as applying to any other development application either within the
755 demonstration project area or elsewhere in the county.

756 C. The use that the department may approve pursuant to this Sammamish Valley
757 and Vashon Town Center wine and beverage tourism demonstration project A shall
758 include only the following: Remote tasting room as defined in K.C.C. chapter 21A.06.

759 D.1. This section allows establishment and operation of a remote tasting room
760 use.

761 2. A demonstration project remote tasting room use may be approved, subject to
762 the following:

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

765 b. The aggregated total space devoted to tasting and retail activity shall be

766 limited to one thousand square feet of gross floor area, not including areas devoted to
767 storage, restrooms, and similar back-of-the-house uses;

768 c. Notwithstanding subsection D.2.b. of this section, an additional five hundred
769 square feet of immediately adjacent outdoor space may be used for tasting, subject to
770 applicable state regulations limiting sale, service and consumption of alcoholic
771 beverages;

772 d. The site must have direct access to an arterial;

773 e. The remote tasting room site shall not be used as a winery, brewery,
774 distillery facility I, II or III production facility;

775 f. Incidental retail sales of products and merchandise related to the products
776 being tasted is allowed;

777 g. The hours of operation for the tasting room shall be limited as follows:
778 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to
779 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
780 shall be limited to 11:00 a.m. through 9:00 p.m.;

781 h. An adult beverage business license is required, in accordance with K.C.C.
782 Title 6;

783 i. A remote tasting room may not operate without proof of Washington state
784 Liquor and Cannabis Board approval;

785 j. Events that require a temporary use permit shall be prohibited at remote
786 tasting rooms; and

787 k. Parking shall be limited to one hundred fifty percent of minimum required
788 for retail trade uses in accordance with K.C.C. 21A.18.030.

789 E.1. To be eligible to use the provisions of this section, a remote tasting room
790 must be located on a demonstration project site identified in Attachment A to this
791 ordinance.

792 2. Projects proposed in accordance with this section must be consistent with
793 general health, safety and public welfare standards, and must not violate state or federal
794 law.

795 3. The criteria in this subsection supersede other variance, modification or
796 waiver criteria and provisions of K.C.C. Title 21A.

797 F.1. Projects proposed in accordance with this section may be submitted in
798 conjunction with an application for an adult beverage business license or a building
799 permit.

800 2. Requests shall be submitted to the department in writing, together with any
801 supporting documentation and must illustrate how the proposal meets the criteria in
802 subsections D. and E. of this section.

803 3. A director's decision regarding a remote tasting room application shall be
804 treated as a Type I land use decision in accordance with K.C.C. 20.20.020.

805 G. Applications in accordance with this section may be accepted by the
806 department of permitting and environmental review only within three years of the
807 effective date of this ordinance. Remote tasting room uses approved in accordance with
808 this section may continue as long as an underlying business license or renewal is
809 maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

810 H. One year after the effective date of this ordinance, and on an annual basis for
811 three years thereafter, the director shall compile a list of demonstration project

812 applications submitted and related code complaints, if any.

813 I. After considering the information compiled under subsection H. of this section,
814 the executive may submit additional proposed legislation extending or otherwise
815 amending this ordinance within three years of the effective date of this ordinance.

816 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter
817 21A.55 a new section to read as follows:

818 A.1. The purpose of the Sammamish valley wine and adult beverage tourism
819 district events demonstration project B is to support agriculture and synergistic
820 development of mixed use wine and adult beverage facilities in order to boost agritourism
821 and the area's reputation as a food and adult beverage destination.

822 2. The demonstration project will enable the county to determine if expanded
823 wine and adult beverage-based uses can be permitted while maintaining the core
824 functions and purposes of the Rural Area and Agricultural Production District zones. The
825 expected benefits from the demonstration projects include: developing a clear picture of
826 wine and adult beverage industry impacts on and benefits to surrounding Rural Area and
827 Agricultural Production District zoned communities; the opportunity for additional
828 exposure for locally sourced agricultural products; and the opportunity to identify and
829 evaluate potential substantive changes to countywide land use regulations to support the
830 development of additional areas of unincorporated King County that may benefit from
831 growth in wine and adult beverage industry agritourism.

832 B. A wine and beverage tourism demonstration project district B application to
833 modify development standards for on-site winery, brewery, distillery facility III wedding
834 and events shall be administratively approved by the department of permitting and

835 environmental review, and upon such an approval K.C.C. chapter 21A.42 review
836 procedures shall be applied. Demonstration project uses may be approved and
837 conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040.
838 Approval of the proposed demonstration project shall not be construed as applying to any
839 other development application either within the demonstration project area or elsewhere
840 in the county, and shall not render uses authorized under this section "otherwise
841 permitted in the zone" under K.C.C. 21A.32.100.A.

842 C. The development regulations that shall be waived upon application include the
843 following:

- 844 1. K.C.C. 21A.32.100 through 21A.32.140;
- 845 2. K.C.C. 21A.44.020; and
- 846 3. K.C.C. 21A.08.080.B.12.1

847 D.1. A demonstration project authorized by this section allows a winery,
848 brewery, distillery facility III operator to obtain authorization for on-site weddings and
849 similar uses pursuant to conditional use review mechanisms in K.C.C. 21A.44.040, and
850 applicable to those uses under K.C.C. 21A.08.080.A and B;

851 2. Demonstration project conditional use permits are subject to all King County
852 Code provisions except those specifically excluded by subsection C. of this section,
853 including but not limited to, K.C.C. chapters 21A.42 and 20.20.

854 E.1. Demonstration project applications made in accordance with this section
855 may only be submitted in relation to an application for a winery, brewery, distillery
856 facility III conditional use permit or winery, brewery, distillery facility conditional use
857 permit modification or expansion.

858 2. Demonstration project applications shall be submitted to the department in
859 writing before or in conjunction with an application for a winery, brewery, distillery
860 facility III conditional use permit or an application for a winery, brewery, distillery
861 facility III conditional use permit modification or expansion. The supporting
862 documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

863 3. A demonstration project conditional use permit, conditional use modification
864 or conditional use expansion decision shall be treated as a Type II land use decision in
865 accordance with K.C.C. 20.20.020.

866 F.1. To be eligible to use the provisions of this section, a demonstration project
867 must be located on a demonstration project site identified in Attachment B to this
868 ordinance.

869 2. Demonstration project applications must be consistent with general health,
870 safety and public welfare standards, and must not violate state or federal law.

871 G. Demonstration project applications authorized by this section shall be filed
872 with the department of permitting and environmental review within three years of the
873 effective date of this ordinance. Conditional uses permitted under this section are subject
874 to the nonconformance provisions of K.C.C. Title 21A.32. Any deadline in this
875 subsection shall be adjusted to include the time for appeal of all or any portion of the
876 project approval.

877 H. One year after the effective date of this ordinance, and on an annual basis for
878 three years thereafter, the director shall compile a list of demonstration project
879 applications, an evaluation of the impacts of wedding and similar uses authorized
880 pursuant to demonstration project conditional use permits, and related code complaints, if

881 any.

882 I. The executive may submit additional proposed legislation reflecting
883 information compiled under subsection H of this section within three years of the
884 effective date of this ordinance.

885 SECTION 24. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
886 are hereby amended to read as follows:

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

a. citations, except for winery, brewery, distillery facility I, II
and II and remote tasting room:

- | | |
|--|---|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter 12.86
within the past twelve months | \$125 |
| (3) with one previous code violation of K.C.C. chapter 12.86
within the past twelve months | \$250 |
| (4) with one or more previous similar code violations, or with
two previous code violations of K.C.C. chapter 12.86 within the
past twelve months | \$500 |
| (5) with two or more previous violations of K.C.C. Title 10, or
three or more previous code violations of K.C.C. chapter 12.86
within the past twelve months | Double the rate
of the previous
penalty |

b. citations for violations of winery, brewery, distillery facility I,

II, and III and remote tasting room zoning conditions, including but not limited to unapproved events;

- (1) with no previous similar code violations \$500
- (2) with one or more previous similar code violations within \$1,000

the past twelve months;

c. violation of notice and orders and stop work orders:

- (1) stop work order basic penalty \$500
- (2) voluntary compliance agreement and notice and order basic \$25

penalty

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

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

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

~~((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 the day \$150 following the date compliance is required by the notice and order

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

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

(4) reinspection after the third reinspection, which shall only be \$450
conducted immediately preceding an administrative or court
ordered abatement or at the direction of the prosecuting attorney for
the purpose of presenting evidence in the course of litigation or
administrative hearing against the person responsible for code
compliance

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

897 B. The penalties assessed pursuant to this section for any failure to comply with a
898 notice and order or voluntary compliance agreement shall be assessed daily, according to
899 the schedule in subsection A of this section, for the first thirty days following the date the
900 notice and order or voluntary compliance agreement required the code violations to have
901 been cured. If after thirty days the person responsible for code compliance has failed to
902 satisfy the notice and order or voluntary compliance agreement, penalties shall be
903 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
904 assessed daily until the person responsible for code compliance has fully complied with

905 the notice and order.

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

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

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

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

921 **SECTION 25. Severability.** If any provision of this ordinance or its application
922 to any person or circumstance is held invalid, the remainder of the ordinance or the
923 application of the provision to other persons or circumstances is not affected.

924

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Demonstration Project Overlay A - Remote Tasting Rooms Exhibits 1 & 2, B. Demonstration Project Overlay B - Winery, Brewery, Distillery III Events