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Sponsors:	
Attachments:	Attachment A, Exhibit 1 – Demonstration Overlay A: Remote Tasting Rooms Attachment A, Exhibit 2 – Demonstration Overlay B: Winery, Brewery, Distillery III Events Attachment B – Demonstration Project Overlay B: Winery, Brewery, Distillery III Events

1 ..Title

2 AN ORDINANCE responding to the King County  
3 Sammamish Valley Wine and Beverage Study; amending  
4 Ordinance 10870, Section 335, as amended, and K.C.C.  
5 21A.08.080, Ordinance 10870, Section 407, as amended,  
6 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as  
7 amended, and K.C.C. 21A.30.080, Ordinance 15606,  
8 Section 20, as amended, and K.C.C. 21A.30.085,  
9 Ordinance 10870, Section 537, as amended, and K.C.C.  
10 21A.30.090, Ordinance 10870, Section 549, as amended,  
11 and K.C.C. 21A.32.120 and Ordinance 13623, Section 37,  
12 as amended, and K.C.C. 23.32.010, adding new sections to  
13 K.C.C. chapter 21A.06, adding new sections to K.C.C.  
14 chapter 21A.55, adding a new chapter to K.C.C. Title 6 and  
15 repealing Ordinance 15974, Section 5, and K.C.C.  
16 21A.06.1427.

17 ..Body

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Findings:

20           A. These regulatory changes are a response to the King County Sammamish  
21 Valley Wine and Beverage Study that was released in September 2016. Those changes  
22 will help King County prepare for and support the future of the wine and adult beverage  
23 industry as it evolves in the region, while adhering to the framework of the state Growth  
24 Management Act.

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

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

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

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

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

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

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

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

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

54 An application for an adult beverage business license or license renewal must be  
55 submitted in the name of the business owner or the entity proposing to operate the  
56 business. The application shall be signed by the owner or primary responsible officer of  
57 any entity proposing to operate the business, certified as true under penalty of perjury.  
58 All applications shall be submitted on a form supplied by the director, and shall include  
59 the following:

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

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

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

67 D. For businesses in the A zone, a signed statement that at least sixty percent of  
68 the products to be used by the business are grown on-site, as prescribed under K.C.C.  
69 21A.08.080.B.3.f.

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

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

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

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

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

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

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

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

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

100 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter  
101 21A.06 a new section to read as follows:

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

104 NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter  
105 21A.06 a new section to read as follows:

106 Remote tasting room: A small facility approved by the Washington state Liquor  
107 and Cannabis Board as a remote tasting room for a licensed winery, brewery or distillery

that is operating at a location other than the licensed winery, brewery or distillery production facility, for the purpose of the retail sale and sampling of the licensed product.

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

Winery, brewery, distillery facility I: A very small establishment licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and where on-site product tasting or retail sale of merchandise does not occur.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

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

Winery, brewery, distillery facility III: An establishment licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility III may include additional

product-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting as authorized by state law, and sales of merchandise related to products available as authorized by state law.

SECTION 16. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	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))	Winery/Brewery /Distillery <u>Facility II</u>	P3 (C12))			P3 C((42))31	P3			P17	P17	P29		P29
*	<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

[illegible]



*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

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

~~Industry No. 2085 Distilled and Blended Liquors~~)) winery, brewery, distillery facility II  
uses;

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

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

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

e. Structures and parking areas (~~((used))~~) for (~~((processing))~~) winery, brewery,  
distillery facility uses shall maintain a minimum distance of seventy-five feet from

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Only within enclosed buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the aggregated floor area

limitation in subsection B.12.b. and c. of this section. Hours of operation for on-site  
tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and  
Thursdays, tasting room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and  
Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.  
through 9:00 p.m.;

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

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

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

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

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

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

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

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

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

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

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

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

18. Limited to:

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

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

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

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

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

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



314 (6) Outside lighting is limited to avoid off-site glare; and  
315 b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

354 c. Only with documentation that the operator has applied for a Puget Sound  
355 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
356 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 17. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070.B((-)). through D., off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking

471 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
 472 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
 473 below 0.50 rounding down.

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



<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
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
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
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 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 18. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are hereby amended to read as follows:

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

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

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

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

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

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

1. Automobile, truck and heavy equipment repair;
2. ~~((Autobody))~~ Auto body work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services;
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation; ~~((and))~~
9. Veterinary clinic; ~~((and))~~
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
11. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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

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



549 G. Sales are limited to:

550 1. Mail order sales;

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

552 and

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

554 premises;

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

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

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

558 the site, only if:

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

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

561 adjacent streets; and

562 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one

563 ton;

564 J. The home occupation or occupations do not:

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

566 occupancy type of the structure or structures used for the home occupation or occupations;

567 or

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

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

570 ((and))

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

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

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

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

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

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

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

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

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

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

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

594           1. No less than twenty-five feet from any property line; and  
595           2. Screened along the portions of such areas that can be seen from an adjacent  
596 parcel or roadway by the:  
597           a. planting of Type II landscape buffering; or  
598           b. use of existing vegetation that meets or can be augmented with additional  
599 plantings to meet the intent of Type II landscaping((-));  
600           E. A home occupation or occupations is not limited in the number of employees  
601 that remain off-site. Regardless of the number of home occupations, the number of  
602 nonresident employees is limited to no more than three who work on-site at the same time  
603 and no more than three who report to the site but primarily provide services off-site((-));  
604           F. In addition to required parking for the dwelling unit, on-site parking is provided  
605 as follows:  
606           1. One stall for each nonresident employed on-site; and  
607           2. One stall for patrons when services are rendered on-site;  
608           G. Sales are limited to:  
609           1. Mail order sales;  
610           2. Telephone, Internet or other electronic commerce sales with off-site delivery;  
611           3. Items accessory to a service provided to patrons who receive services on the  
612 premises;  
613           4. Items grown, produced or fabricated on-site; and  
614           5. On sites five acres or larger, items that support agriculture, equestrian or  
615 forestry uses except for the following:

616 a. motor vehicles and parts (North American Industrial Classification System  
617 ("NAICS" Code 441);

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

619 c. building material and garden equipment and supplies (NAICS Code 444);

620 H. The home occupation or occupations do not:

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

623 2. Cause visual or audible interference in radio or television receivers, or  
624 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

625 3. Increase average vehicular traffic by more than four additional vehicles at any  
626 given time;

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

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

632 1. Hotels, motels or organizational lodging;

633 2. Dry cleaning((:));

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

636 4. Recreational marijuana processor, recreational marijuana producer or  
637 recreational marijuana retailer((:)); and

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

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

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

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

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

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

c. for lots greater than ten acres: four;

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

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

SECTION 20. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

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

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

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

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

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

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

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

674           1. Limiting the type and size of equipment used by the home industry to those that  
675 are compatible with the surrounding neighborhood;

676           2. Providing for setbacks or screening as needed to protect adjacent residential  
677 properties;

678           3. Specifying hours of operation;

679           4. Determining acceptable levels of outdoor lighting; and  
680           5. Requiring sound level tests for activities determined to produce sound levels  
681 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

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

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

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

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

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

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

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

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

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy limits and parking limitations during permit review. The department shall condition the number of

707 guests allowed for a temporary use. No permit shall authorize attendance of more than  
708 one hundred twenty-five guests.

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

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

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

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

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

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



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

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

735           NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter  
736 21A.55 a new section to read as follows:

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

742           2. The demonstration project will enable the county to determine if expanded  
743 wine and adult beverage-based uses can be permitted while maintaining the core  
744 functions and purposes of the Rural Area and Agricultural Production District zones. The  
745 expected benefits from the demonstration projects include: developing a clear picture of  
746 wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural  
747 Production District zoned communities, opportunity for additional exposure for locally  
748 sourced agricultural products; and the opportunity to identify and evaluate potential  
749 substantive changes to countywide land use regulations to support the development of  
750 additional areas of unincorporated King County that may benefit from growth in wine  
751 and adult beverage industry agritourism.

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

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

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

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

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

b. The aggregated total space devoted to tasting and retail activity shall be limited to one thousand square feet of gross floor area, not including areas devoted to storage, restrooms, and similar back-of-the-house uses;

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

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

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

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

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

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

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

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

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

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

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

3. The criteria in this subsection supersede other variance, modification or

waiver criteria and provisions of K.C.C. Title 21A.

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

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

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

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

H. One year after the effective date of this ordinance, and on an annual basis for three years thereafter, the director shall compile a list of demonstration project applications submitted and related code complaints, if any.

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

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

A.1. The purpose of the Sammamish valley wine and adult beverage tourism

district events demonstration project B is to support agriculture and synergistic development of mixed use wine and adult beverage facilities in order to boost agritourism and the area's reputation as a food and adult beverage destination.

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

B. A wine and beverage tourism demonstration project district B application to modify development standards for on-site winery, brewery, distillery facility III wedding and events shall be administratively approved by the department of permitting and environmental review, and upon such an approval K.C.C. chapter 21A.42 review procedures shall be applied. Demonstration project uses may be approved and conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040. Approval of the proposed demonstration project shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county, and shall not render uses authorized under this section "otherwise permitted in the zone" under K.C.C. 21A.32.100.A.

844 C. The development regulations that shall be waived upon application include the  
845 following:

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

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

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

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

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

865 3. A demonstration project conditional use permit, conditional use modification  
866 or conditional use expansion decision shall be treated as a Type II land use decision in

867 accordance with K.C.C. 20.20.020.

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

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

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

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

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

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

889           A.1. Civil fines and civil penalties for civil code violations shall be imposed for  
890 remedial purposes and shall be assessed for each violation identified in a citation, notice  
891 and order, voluntary compliance agreement or stop work order pursuant to the following  
892 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;

- |   |              |
|---|--------------|
| <u>(1) with no previous similar code violations</u> | <u>\$500</u> |
|---|--------------|



(2) with one or more previous similar code violations \$1,000  
within 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 penalty \$25

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

(a) public health risk \$15

(b) environmental damage risk \$15

(c) damage to property risk \$15

(d) one previous similar code violation \$25

(e) two previous similar code violations \$50

(f) three or more previous similar code violations \$75

(g) economic benefit to person responsible for violation \$25

~~((c.))~~ 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 \$150  
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

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

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

assessed daily until the person responsible for code compliance has fully complied with the notice and order.

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

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

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

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

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