



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 26, 2016

Ordinance 18326

Proposed No. 2016-0254.3

Sponsors Balducci

1 AN ORDINANCE related to zoning; amending Ordinance
2 17710, Section 4, and K.C.C. 21A.06.7344, Ordinance
3 17710, Section 5, and K.C.C. 21A.06.7346, Ordinance
4 17710, Section 6, and K.C.C. 21A.06.7348, Ordinance
5 10870, Section 334, as amended, and K.C.C. 21A.08.070,
6 Ordinance 10870, Section 335, as amended, and K.C.C.
7 21A.08.080, and Ordinance 10870, Section 336, as
8 amended, and K.C.C. 21A.08.090, adding a new chapter to
9 K.C.C. Title 6, adding a new section to K.C.C. chapter
10 27.10 and repealing Ordinance 18269, Section 2, and
11 Ordinance 18269, Section 3.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Findings: For the purposes of effective land use planning and
14 regulation, the King County council makes the following legislative findings:

15 A. King County adopted zoning regulations for marijuana retail, processing and
16 production activities in Ordinances 17710, 17725 and 17841 to address the land uses
17 allowed under Washington state Initiative 502.

18 B. In 2015, the Washington state legislature adopted changes to the marijuana
19 regulatory system as part of Chapter 70, Laws of Washington 2015 and Chapter 4, Laws
20 of Washington 2015 2nd Special Session.

21 C. In response to the 2015 laws, the Washington state Liquor and Cannabis
22 Board has accepted a large number of applications for additional producer and processor
23 licenses and additional retail license applications.

24 D. King County has received notice that many additional license applications
25 have been submitted to the Washington state Liquor and Cannabis Board for marijuana
26 producers and processors seeking to become established in rural and agriculturally zoned
27 areas of unincorporated King County, leading to increased concerns that King County's
28 adopted zoning regulations neither adequately comply with the King County
29 Comprehensive Plan policies to preserve rural character, nor sufficiently address the
30 impacts and proliferation of these businesses in unincorporated King County.

31 E. King County has also received notice that many additional license applications
32 have been submitted to the Washington state Liquor and Cannabis Board for marijuana
33 retailers seeking to locate in urban areas of unincorporated King County, leading to
34 increased concerns that King County's adopted zoning regulations neither sufficiently
35 address the impact of retailer density in close proximity to low income residential areas
36 nor assure patients access to medical marijuana.

37 F. In order to preserve King County's regulatory authority and the validity of its
38 legislative process, and to allow sufficient time for policy discussion on the issues raised,
39 the King County council enacted a temporary, four-month moratorium on new marijuana
40 producers, processors and retailers with Ordinance 18269 on April 25, 2016.

41 G. King County has completed the policy discussion on the marijuana zoning
42 regulations, and now proposes modifications to those zoning regulations, in order to
43 address the impacts in unincorporated King County of marijuana businesses, to allow for
44 orderly development of marijuana businesses, and to maintain consistency with King
45 County Comprehensive Plan policies.

46 H. King County acknowledges that state licensed marijuana businesses have
47 impacts that are subject to the jurisdiction of multiple state and local regulatory agencies,
48 including, but not limited to, the Puget Sound Clean Air Agency, which has adopted its
49 own regulations and enforcement system applicable to marijuana odor emissions.

50 I. Healthy, vibrant business districts should offer multiple types of retail,
51 banking, office and other businesses used by residents.

52 J. Access to cannabis for medical patients with valid medical marijuana
53 authorization cards is of concern to the county and is proposed to be addressed through
54 appropriate zoning, preserving patient access to cannabis for legal medical purposes.

55 K. The changes to zoning contained in this ordinance bear a substantial
56 relationship to, and are necessary for, the public health, safety and general welfare of
57 King County and its residents.

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

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

62 It is the purpose of this chapter to establish business licensing standards for
63 marijuana retail activities and businesses licensed by the Washington state Liquor and

Cannabis Board and located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents.

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

A person or entity shall not operate or maintain a retail marijuana business in unincorporated King County unless the business has obtained a business license issued by the director as provided by this chapter. A current marijuana retail business license issued under this chapter shall be prominently displayed on the licensed premises.

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

An application for a retail marijuana business license or license renewal must be submitted in the name of the person or persons or the entity proposing to operate the business. The application shall be signed by each person, or a responsible principle or officer of any entity, proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

A. The full name, birthdate, current residential, email and mailing address of each person, including all partners if the applicant is a partnership, and all officers or principles if the applicant is a corporation or limited liability company, with a financial interest in the business; and the Universal Business Identifier number, the identity of the registered agent and the address of the principle office, if the applicant is a corporation or limited liability company;

86 B. The name, street address and telephone number of the retail marijuana
87 business;

88 C. A copy of the Washington state Liquor and Cannabis Board retail marijuana
89 license associated with the business address or, if a state license has not been issued, a
90 complete copy of a retail marijuana license application submitted to and accepted by the
91 Washington state Liquor and Cannabis Board; and

92 D. A copy of a medical marijuana endorsement approval letter issued by the
93 Washington state Liquor and Cannabis Board, if applicable.

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

96 An applicant for a retail marijuana business license or renewal under this chapter
97 shall pay an application fee at the time of application submittal. The nonrefundable
98 application fee for a retail marijuana business license or renewal is set under section 16 of
99 this ordinance. The nonrefundable application fee for a retail marijuana business license
100 or renewal shall be reduced by fifty percent if at the time of application, the applicant
101 shows proof of a current medical marijuana endorsement issued by the Washington state
102 Liquor and Cannabis Board.

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

105 The director shall deny, suspend or revoke a license issued under this chapter if
106 the Washington state Liquor and Cannabis Board does not issue a license to the business,
107 or if the department of permitting and environmental review receives notice that the state
108 license issued to the business is suspended or revoked, or was not reissued. A business

owner whose application for a business license has been denied or whose license has been suspended or revoked may appeal the decision to the office of the hearing examiner in accordance with K.C.C. 6.01.150.

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

A retail marijuana business license expires one year from the date the business license is issued by the department of permitting and environmental review. To avoid a lapse in the effectiveness of a license, an application to renew a license must be submitted to the director, on a form provided by the director, at least thirty days before the expiration of the business license. A retail marijuana business license renewal expires one year from the previous license's expiration date.

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

Within thirty days of the director's receipt of a complete retail marijuana business license application, the director shall issue or deny the license. Within thirty days of the director's receipt of a complete renewal application, the director shall issue or deny the renewal.

SECTION 10. Ordinance 17710, Section 4, and K.C.C. 21A.06.7344 are hereby amended as follows:

Marijuana processor(~~(, recreational)~~): a facility licensed by the Washington state Liquor ~~((Control))~~ and Cannabis Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused

products at wholesale to marijuana retailers. ~~((Recreational-m))~~ Marijuana processors are classified as follows:

A. ~~((Recreational-m))~~ Marijuana processor I -- processing ~~((which))~~ that is limited to:

1. Drying, curing~~((;))~~ and trimming; and
2. Packaging.

B. ~~((Recreational-m))~~ Marijuana processor II -- all elements of processing including:

1. All ~~((recreational))~~ marijuana processor I activities;
2. Extracting concentrates and infusing products;
3. Mechanical and chemical processing; and
4. Packaging.

SECTION 11. Ordinance 17710, Section 5, and K.C.C. 21A.06.7346 shall be amended as follows:

Marijuana producer~~((,-recreational))~~: a facility licensed by the Washington state Liquor ~~((Control))~~ and Cannabis Board for the production and sale at wholesale of marijuana to marijuana processors and other marijuana producers.

SECTION 12. Ordinance 17710, Section 6, and K.C.C. 21A.06.7348 shall be amended as follows:

Marijuana retailer~~((,-recreational))~~: a facility licensed by the Washington state Liquor ~~((Control))~~ and Cannabis Board where useable marijuana and marijuana-infused products may be sold at retail.

154 SECTION 13. Ordinance 10870, Section 334, as amended, and K.C.C.

155 21A.08.070 shall be amended as follows:

156 A. Retail land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	A	F	M	R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S-Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		I	E	E	A	A E	A	I	G I	M I	I I	I	U
		N	C	S	R	N R	N	D	H N	U N	O N	C	S
		U	T	A		V		E	B E	N E	N E	E	T
		L		L	A	E		N	O S	I S	A S		R
		T			R			T	R S	T S	L S		I
		U			E			I	H	Y			A
		R			A			A	O				L
		E						L	O				
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		

*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Drug Stores						C15	P15	P	P	P	C	
*	((Recreational m)) Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores	P13			P13	P13			P13	P	P		
593	Used Goods: Antiques/									P	P		

	Secondhand Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18						P
GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C.													

REFERENCES:	chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.
--------------------	--

157 B. Development conditions.

158 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
159 thousand square feet, unless located in a building designated as historic resource under
160 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
161 thousand five hundred square feet may be allowed. Greenhouses used for the display of
162 merchandise other than plants shall be considered part of the covered sales area.

163 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
164 considered part of the covered sales area;

165 b. The site area shall be at least four and one-half acres;

166 c. Sales may include locally made arts and crafts; and

167 d. Outside lighting is permitted if no off-site glare is allowed.

168 2. Only hardware stores.

169 3.a. Limited to products grown on site.

170 b. Covered sales areas shall not exceed a total area of five hundred square feet.

171 4. No permanent structures or signs.

172 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
173 maximum of two thousand square feet of gross floor area.

174 6. Limited to a maximum of five thousand square feet of gross floor area.

175 7.a. As a permitted use, the covered sales area shall not exceed two thousand
176 square feet, unless located in a building designated as a historic resource under K.C.C.

chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;

b. The site area shall be at least four and one-half acres;

c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;

d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties.

At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

e. Sales shall be limited to agricultural products and locally made arts and crafts;

f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and

g. Outside lighting is permitted if no off-site glare is allowed.

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

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

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

11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.

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

201 21A.12.230; and

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

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

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

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

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

213 17. Retail sale of livestock is permitted only as accessory to raising livestock.

214 18. Limited to the R-1 zone.

215 19. Only as:

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

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

221 20. Only as:

- 222 a. an accessory use to a recreation or multiuse park; or
223 b. an accessory use to a park and limited to a total floor area of one thousand
224 five hundred square feet.

225 21. Accessory to a park, limited to a total floor area of seven hundred fifty
226 square feet.

227 22. Only as an accessory use to:

- 228 a. a large active recreation and multiuse park in the urban growth area; or
229 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
230 total floor area of seven hundred and fifty square feet.

231 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
232 Industry No. 2431-Millwork and;

- 233 a. limited to lumber milled on site; and
234 b. the covered sales area is limited to two thousand square feet. The covered
235 sales area does not include covered areas used to display only milled lumber.

236 24. Requires at least five farmers selling their own products at each market and
237 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
238 vendors.

239 25. Limited to sites located within the urban growth area and:

- 240 a. The sales area shall be limited to three hundred square feet and must be
241 removed each evening;
242 b. There must be legal parking that is easily available for customers; and

243 c. The site must be in an area that is easily accessible to the public, will
244 accommodate multiple shoppers at one time and does not infringe on neighboring
245 properties.

246 26.a. Per ~~((parcel))~~ lot, limited to a maximum aggregated total of two thousand
247 square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

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

254 c. Any lot line of a lot having any area devoted to retail marijuana activity
255 must be one thousand feet or more from any lot line of any other lot having any area
256 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
257 retail marijuana activity may not be within one thousand feet of any lot line of any lot
258 having any area devoted to existing retail marijuana activity.

259 d. Whether a new retail marijuana activity complies with this locational
260 requirement shall be determined based on the date a conditional use permit application
261 submitted to the department of permitting and environmental review became or was
262 deemed complete, and:

263 (1) if a complete conditional use permit application for the proposed retail
264 marijuana use was not submitted, or if more than one conditional use permit application
265 became or was deemed complete on the same date, then the director shall determine

266 compliance based on the date the Washington state Liquor and Cannabis Board issues a
267 Notice of Marijuana Application to King County;

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

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

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

285 e. Retail marijuana businesses licensed by the Washington state Liquor and
286 Cannabis Board and operating within one thousand feet of each other as of the effective
287 date of this ordinance, and retail marijuana businesses that do not require a permit issued
288 by King County, that received a Washington state Liquor and Cannabis Board license to

289 operate in a location within one thousand feet of another licensed retail marijuana
290 business prior to the effective date of this ordinance, and that King County did not object
291 to within the Washington state Liquor and Cannabis Board marijuana license application
292 process, shall be considered nonconforming and may remain in their current location,
293 subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming
294 uses, except:

295 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
296 and
297 (2) the gross floor area of a nonconforming retail outlet may be increased up
298 to the limitations in subsection B.26.a. and B.26.b. of this section .

299 27. Per ~~((parcel))~~ lot, limited to a maximum aggregated total of five thousand
300 square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and:

301 a. Any lot line of a lot having any area devoted to retail marijuana activity
302 must be one thousand feet or more from any lot line of any other lot having any area
303 devoted to retail marijuana activity; and any lot line of a lot having any area devoted to
304 new retail marijuana activity may not be within one thousand feet of any lot line of any
305 lot having any area devoted to existing retail marijuana activity; and

306 b. Whether a new retail marijuana activity complies with this locational
307 requirement shall be determined based on the date a conditional use permit application
308 submitted to the department of permitting and environmental review became or was
309 deemed complete, and:

310 (1) if a complete conditional use permit application for the proposed retail
311 marijuana use was not submitted, or if more than one conditional use permit application

312 became or was deemed complete on the same date, then the director shall determine
313 compliance based on the date the Washington state Liquor and Cannabis Board issues a
314 Notice of Marijuana Application to King County;

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

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

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

332 c. Retail marijuana businesses licensed by the Washington state Liquor and
333 Cannabis Board and operating within one thousand feet of each other as of the effective
334 date of this ordinance, and retail marijuana businesses that do not require a permit issued

by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to the effective date of this ordinance, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

and

(2) the gross floor area of a nonconforming retail outlet may be increased up

to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

SECTION 14. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 shall be amended as follows:

A. Manufacturing land uses.

KEY	Z O N E
-----	--

									D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C		P2 C
*/2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P17	P17	P		P
*	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
*	((Recreational-m)) Marijuana Processor I	P20			((P20)) P27					P21 C22	P21 C22		
*	((Recreational-m)) 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
GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C.													
REFERENCES: chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06													

- 350 1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;
- 351 b. In the A zone, only allowed on sites where the primary use is SIC industry
- 352 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small
- 353 Animals;
- 354 c. In the RA and UR zones, only allowed on lots of at least four and one-half
- 355 acres and only when accessory to an agricultural use;
- 356 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
- 357 the floor area devoted to all processing shall not exceed three thousand five hundred
- 358 square feet, unless located in a building designated as historic resource under K.C.C.
- 359 chapter 20.62;
- 360 (2) With a conditional use permit, up to five thousand square feet of floor
- 361 area may be devoted to all processing; and
- 362 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
- 363 all processing shall not exceed seven thousand square feet, unless located in a building
- 364 designated as historic resource under K.C.C. chapter 20.62;
- 365 e. Structures and areas used for processing shall maintain a minimum distance
- 366 of seventy-five feet from property lines adjoining rural area and residential zones, unless
- 367 located in a building designated as historic resource under K.C.C. chapter 20.62;
- 368 f. Processing is limited to agricultural products and sixty percent or more of
- 369 the products processed must be grown in the Puget Sound counties. At the time of initial
- 370 application, the applicant shall submit a projection of the source of products to be
- 371 produced;

g. In the A zone, structures used for processing shall be located on portions of agricultural lands that are unsuitable for other 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; and

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.1.d. of this section.

2. Except slaughterhouses.

3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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 and UR zones, only allowed on lots of at least four and one-half acres;

d. The floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

e. Structures and areas used for processing 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;

393 f. Sixty percent or more of the products processed must be grown in the Puget
394 Sound counties. At the time of the initial application, the applicant shall submit a
395 projection of the source of products to be produced; and

396 g. Tasting of products produced on site may be provided in accordance with
397 state law. The area devoted to tasting shall be included in the floor area limitation in
398 subsection B.3.c. of this section.

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

401 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
402 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
403 minimum site area is four and one-half acres.

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

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

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

408 9. Only within enclosed buildings.

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

410 11. For I-zoned sites located outside the urban growth area designated by the
411 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
412 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
413 rural industrial uses as set forth in K.C.C. chapter 21A.12.

414 12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
415 Industry No. 2085-Distilled and Blended Liquors;

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

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

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

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

443 g. The facility shall be limited to processing agricultural products and sixty
444 percent or more of the products processed must be grown in the Puget Sound counties.
445 At the time of the initial application, the applicant shall submit a projection of the source
446 of products to be processed; and

447 h. Tasting of products produced on site may be provided in accordance with
448 state law. The area devoted to tasting shall be included in the floor area limitation in
449 subsection B.12.b. of this section.

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

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

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

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

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

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

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

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

468 17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
469 Industry No. 2085-Distilled and Blended Liquors;

470 b. The floor area devoted to all processing shall not exceed three thousand five
471 hundred square feet, unless located in a building designated as historic resource under
472 K.C.C. chapter 20.62;

473 c. Structures and areas used for processing shall maintain a minimum distance
474 of seventy-five feet from property lines adjoining rural area and residential zones, unless
475 located in a building designated as historic resource under K.C.C. chapter 20.62; and

476 d. Tasting of products produced on site may be provided in accordance with
477 state law. The area devoted to tasting shall be included in the floor area limitation in
478 subsection B.18.b. of this section.

479 18. Limited to:

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

481 Millwork, as follows:

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

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

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

488 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
489 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

494 (7) Outside lighting is limited to avoid off-site glare; and

495 b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

508 21.a. Only in the CB and RB zones located outside the urban growth area;
509 ~~((and))~~

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

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

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

519 ~~((e-))~~ e. If the two_thousand_square_foot_per ~~((parcel))~~ lot threshold is
520 exceeded, each and every marijuana-related entity occupying space in addition to the
521 two_thousand_square_foot threshold area on that ~~((parcel))~~ lot shall obtain a conditional
522 use permit as set forth in subsection ~~((B.23-))~~ B.22. of this section.

523 22.a. Only in the CB and RB zones located outside the urban growth area;
524 ~~((and))~~

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

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

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

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

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

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

d. Per ~~((parcel))~~ 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-))~~ e. If the two-thousand-square-foot-per ~~((parcel))~~ lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that ~~((parcel))~~ lot shall obtain a conditional use permit as set forth in subsection ~~((B.25))~~ B.24. of this section.

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

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

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

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

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

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

554 are imported onto the site; and

555 d. Per ((~~parcel~~)) lot, the aggregated total gross floor area devoted to the use of,

556 and in support of, processing marijuana together with any separately authorized

557 production of marijuana shall be limited to a maximum of thirty thousand square feet.

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

559 b. Only with documentation that the operator has applied for a Puget Sound

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

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

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

563 are imported onto the site; and

564 c. Per ((~~parcel~~)) lot, limited to a maximum aggregate total of two thousand

565 square feet of gross floor area devoted to, and in support of, the processing of marijuana

566 together with any separately authorized production of marijuana.

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

568 b. Only with documentation that the operator has applied for a Puget Sound

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

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

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

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

576 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
577 Island, that do not require a conditional use permit issued by King County, that receive a
578 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
579 and that King County did not object to within the Washington state Liquor and Cannabis
580 Board marijuana license application process, shall be considered nonconforming as to
581 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
582 21A.32.075 for nonconforming uses;

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

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

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

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

- 593 f. Only as an accessory use to a Washington state Liquor Cannabis Board
- 594 licensed marijuana production facility on the same lot; and
- 595 g. Accessory marijuana processing uses allowed under this section are subject
- 596 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
- 597 SECTION 15. Ordinance 10870, Section 336, as amended, and K.C.C
- 598 21A.08.090 are hereby amended as follows:
- 599 A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	A	F	M	R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S-Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		I	E	E	A	A E	A	I	G I	M I	I I	I	U
		C	S	R	L	N R	N	D	H N	U N	O N	C	S
		U	T	A		V		E	B E	N E	N E	E	T
		L		L	A	E		N	O S	I S	A S		R
		T			R			T	R S	T S	L S		I
		U			E			I	H	Y			A
		R			A			A	O				L
		E						L	O				
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	((Recreational m))	P15			P16					P18	P18		P20

	Marijuana producer	C22			C17					C19	C19		C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Temporary Farm Worker Housing	P14	P14		P14								
GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see REFERENCES: K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;													

(*)Definition of this specific land use, see K.C.C. chapter 21A.06.

600 B. Development conditions.

601 1. May be further subject to K.C.C. chapter 21A.25.

602 2. Only forest research conducted within an enclosed building.

603 3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

604 4. Excluding housing for agricultural workers.

605 5. Limited to either maintenance or storage facilities, or both, in conjunction
606 with mineral extraction or processing operation.

607 6. Allowed in accordance with K.C.C. chapter 21A.30.

608 7. Only in conjunction with a mineral extraction site plan approved in
609 accordance with K.C.C. chapter 21A.22.

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

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

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

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

618 9. Limited to mineral extraction and processing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) passive recreation;

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

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

(4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and

668 agricultural related activities, such as the processing of local food to create value-added
669 products and the refrigeration and storage of local agricultural products. The camp shall
670 be managed to coexist with agriculture and agricultural activities both onsite and in the
671 surrounding area.

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

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

680 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
681 owner from selling or transferring the development rights for a portion or all of the site to
682 the King County farmland preservation program or, if the development rights are
683 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

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

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

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

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

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

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

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

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

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

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

- 713 o. The total number of persons staying overnight shall not exceed three
714 hundred;
- 715 p. The length of stay for any individual overnight camper, not including camp
716 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
- 717 q. Traffic generated by camp activities shall not impede the safe and efficient
718 movement of agricultural vehicles nor shall it require capacity improvements to rural
719 roads;
- 720 r. If the site is adjacent to an arterial roadway, access to the site shall be
721 directly onto the arterial unless the county road engineer determines that direct access is
722 unsafe;
- 723 s. If direct access to the site is via local access streets, transportation
724 management measures shall be used to minimize adverse traffic impacts;
- 725 t. Camp recreational activities shall not involve the use of motor vehicles
726 unless the motor vehicles are part of an agricultural activity or are being used for the
727 transportation of campers, camp personnel or the families of campers. Camp personnel
728 may use motor vehicles for the operation and maintenance of the facility. Client-specific
729 motorized personal mobility devices are allowed; and
- 730 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
731 light away from any adjacent property.
- 732 13. Limited to digester receiving plant and animal and other organic waste from
733 agricultural activities, as follows:
- 734 a. the digester must be included as part of a Washington state Department of
735 Agriculture approved dairy nutrient plan;

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

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

and

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

14. Temporary farm worker housing subject to the following conditions:

a. The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;

b. Water supply and sewage disposal systems must be approved by the Seattle King County department of health;

c. To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain or in a critical area or critical area buffer; and

d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

15. Marijuana production by marijuana producers licensed by the Washington state Liquor ~~((Control))~~ and Cannabis Board is subject to the following standards:

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

b. With a lighting plan, only if required by and 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. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection ((B.15.b.)) B.15.e. of this section;

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

~~e.))~~ f. Outdoor production area fencing as required by the Washington state Liquor ((Control)) and Cannabis Board ((and)), marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and

g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot

threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

16. Marijuana production by marijuana producers licensed by the Washington state Liquor ~~((Control))~~ and Cannabis Board is subject to the following standards:

a. Marijuana producers 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.16.d. and g. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

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

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

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

e. 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;

804 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
805 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
806 limitations in subsection ~~((B.16.b.))~~ B.16.f. of this section;

807 ~~((b.))~~ g. Per ~~((parcel))~~ lot, the plant canopy, as defined in WAC 314-55-010,
808 combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to
809 a maximum aggregated total of two thousand square feet and shall be located within a
810 fenced area or marijuana greenhouse, that is no more than ten percent larger than that
811 combined area, or may occur in nondwelling unit structures that exist as of October 1,
812 2013;

813 ~~((c. Only allowed on lots of at least four and one-half acres; and~~
814 ~~d.))~~ h. Outdoor production area fencing as required by the Washington state
815 Liquor ~~((Control))~~ and Cannabis Board and marijuana greenhouses shall maintain a
816 minimum street setback of fifty feet and a minimum interior setback of ~~((thirty))~~ one
817 hundred feet; and a minimum setback of one hundred fifty feet from any existing
818 residence; and

819 ~~((e.))~~ i. If the two-thousand-square-foot-per ~~((parcel))~~ lot threshold of plant
820 canopy within fenced areas or marijuana greenhouses is exceeded, each and every
821 marijuana-related entity occupying space in addition to the two-thousand-square-foot
822 threshold area on that ~~((parcel))~~ lot shall obtain a conditional use permit as set forth in
823 subsection B.17. of this section.

824 17. Marijuana production by marijuana producers licensed by the Washington
825 state Liquor ~~((Control))~~ and Cannabis Board is subject to the following standards:

- 826 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
827 Island;
- 828 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
829 except on Vashon-Maury Island;
- 830 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
831 21A.12.220.G.;
- 832 d. Only with documentation that the operator has applied for a Puget Sound
833 Clean Air Agency Notice of Construction Permit. All department permits issued to either
834 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
835 Clean Air Agency Notice of Construction Permit be approved before marijuana products
836 are imported onto the site;
- 837 e. Production is limited to outdoor and indoor within marijuana greenhouses
838 subject to the size limitations in subsection ~~((B.17.b.))~~ B.17.e. of this section;
- 839 ~~((b.))~~ f. Per ~~((parcel))~~ lot, the plant canopy, as defined in WAC 314-55-010,
840 combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to
841 a maximum aggregated total of thirty thousand square feet and shall be located within a
842 fenced area or marijuana greenhouse that is no more than ten percent larger than that
843 combined area; and
- 844 ~~((e. Only allowed on lots of at least four and one-half acres))~~ g. Outdoor
845 production area fencing as required by the Washington state Liquor and Cannabis Board,
846 and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a
847 minimum interior setback of one hundred feet, and a minimum setback of one hundred
848 fifty feet from any existing residence.
-

18.a. Production is limited to indoor only; ~~((and))~~

b. With a lighting plan only as required by and 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. Per ~~((parcel))~~ lot, the plant canopy, as defined in WAC 314-55-010,

combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to

a maximum aggregated total of two thousand square feet and shall be located within a

building or tenant space that is no more than ten percent larger than the plant canopy and

separately authorized processing area; and

~~((e-))~~ e. If the two_thousand_square_foot_per ~~((parcel))~~ lot threshold is

exceeded, each and every marijuana-related entity occupying space in addition to the

two_thousand_square_foot threshold area on that ~~((parcel))~~ lot shall obtain a conditional

use permit as set forth in subsection B.19. of this section.

19.a. Production is limited to indoor only;

b. With a lighting plan only as required by and 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

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

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

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

880 b. With a lighting plan only as required by and that complies with K.C.C.
881 21A.12.220.G.;

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

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

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

894 foot threshold area on that lot shall obtain a conditional use permit as set forth in
895 subsection B.21. of this section.

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

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

898 21A.12.220.G.;

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

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

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

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

903 are imported onto the site; and

904 d. Per ((~~parcel~~)) lot, the plant canopy, as defined in WAC 314-55-010,

905 combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to

906 a maximum aggregated total of thirty thousand square feet and shall be located within a

907 building or tenant space that is no more than ten percent larger than the plant canopy and

908 separately authorized processing area.

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

910 state Liquor ((~~Control~~)) and Cannabis Board is subject to the following standards:

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

912 21A.12.220.G.;

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

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

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

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

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

919 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
920 within structures that are nondwelling unit structures that exist as of October 1, 2013,
921 subject to the size limitations in subsection ((B.15.b.)) B.22. e and f. of this section;

922 ((b.)) e. On lots less than ten acres, ((P))per ((parcel)) lot, the plant canopy, as
923 defined in WAC 314-55-010, combined with any area used for processing under K.C.C.
924 21A.08.080 shall be limited to a maximum aggregated total of ((ten)) five thousand
925 square feet, and shall be located within a fenced area or marijuana greenhouse that is no
926 more than ten percent larger than that combined area, or may occur in nondwelling unit
927 structures that exist as of October 1, 2013;

928 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
929 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
930 limited to a maximum aggregated total of ten thousand square feet, and shall be located
931 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
932 that combined area, or may occur in nondwelling unit structures that exist as of October
933 1, 2013; and

934 ((e.)) g. Outdoor production area fencing as required by the Washington state
935 Liquor ((Control)) and Cannabis Board, ((and)) marijuana greenhouses and nondwelling
936 unit structures shall maintain a minimum street setback of fifty feet and a minimum
937 interior setback of ((thirty)) one hundred feet, and a minimum setback of one hundred
938 fifty feet from any existing residence.

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

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

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

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

947 SECTION 16. There is hereby added to K.C.C. chapter 27.10 a new section to
948 read as follows:

949 The nonrefundable application fee for a retail marijuana business license or
950 renewal imposed under section 6 of this ordinance is one thousand dollars. The
951 nonrefundable application fee for a retail marijuana business license or renewal shall be
952 reduced by fifty percent in accordance with section 6 of this ordinance.

953 SECTION 17. Before transmitting the 2017/2018 biennial budget, the executive
954 shall review the permit fees for conditional use permits related to marijuana businesses to
955 ensure those fees are achieving the full cost recovery contemplated by K.C.C. Title 27.
956 As part of the transmittal, the executive shall propose any necessary fee adjustment
957 including, if necessary, a fee specific to marijuana-related conditional use permits, to
958 ensure such permit fees achieve full cost recovery, and shall provide written
959 documentation to the council that the department expects the proposed fee to provide full
960 cost recovery for these types of land use applications.

961 SECTION 18. A. It is the intent of the council to find additional appropriate
962 locations for marijuana retail stores, especially to serve medical marijuana patients. As
963 such, the executive shall transmit a report that analyzes the potential for allowing
964 marijuana uses in Neighborhood Business (NB) as follows:

- 965 1. Identify each NB zoned area. For each NB zoned area:
- 966 a. provide parcel information including, but not limited to: parcel acreage,
967 current and significant historical uses, development conditions and area mapping shall
968 include, but is not limited to any and all map designations and adjacent area zoning;
- 969 b. determine the approximate acreage for marijuana retail uses in each NB
970 zoned area considering state buffer requirements;
- 971 c. recommend whether to allow marijuana retailers in the NB zone, and if so,
972 what development conditions should apply; and
- 973 d. discuss regulatory options for marijuana retail uses in NB zones, including
974 development conditions and any property or area specific conditions that could be used to
975 assist with compatibility of marijuana retailer uses;

976 B. The report and a proposed ordinance allowing marijuana retail uses in ten
977 existing NB-zoned areas, along with appropriate development conditions shall be
978 transmitted to the council by December 31, 2016. The proposed ordinance shall allow
979 marijuana retail uses in no more than two NB-zoned areas per council district. The report
980 and the proposed ordinance shall be transmitted to the council by December 31, 2016, in
981 the form of a paper original and an electronic copy to the clerk of the council, who shall
982 retain the original and provide an electronic copy to all councilmembers, the council chief

of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 19. A. The executive shall transmit a report that analyzes the potential for allowing marijuana uses in Urban Reserve (UR) and Rural Area-10 (RA-10) zones in unincorporated King County as follows:

1. Identify each UR zoned area. For each UR zoned area, provide:

- a. acreage, potential annexation area descriptions including but not limited to any adjacent jurisdictions' potential zoning and recent or current annexation processes, and area mapping including, but not limited to any and all map designations, comprehensive plan mapping layers and adjacent area zoning;
- b. parcel information including, but not limited to, parcel acreage, current and significant historical uses and area mapping including, but not limited to, any and all map designations, and adjacent area zoning;
- c. determine the approximate acreage for marijuana production, processing and retail uses in each UR zoned area considering state buffer requirements; and
- d. recommend whether to allow marijuana producers, processors and retailers in the UR zone and, if so, what development conditions should apply; and

2. Identify each RA-10 zoned area. For each RA-10 zoned area provide:

- a. parcel information including, but not limited to, parcel acreage, current and significant historical uses and area mapping including, but not limited to, any and all map designations, and adjacent area zoning;
- b. determine the approximate acreage for marijuana production and processing uses in the RA-10 zoned area considering existing uses, and state buffer requirements;

1006 c. recommend whether to allow marijuana producers and processors in the RA-
1007 10 zone generally; and

1008 d. discuss regulatory options for marijuana producers and processors in RA
1009 zones, recommended development conditions that could be used to assist with limiting
1010 the impact of marijuana retailer uses.

1011 B. The report and a proposed motion accepting the report shall be transmitted to
1012 the council by April 28, 2017, in the form of a paper original and an electronic copy to
1013 the clerk of the council, who shall retain the original and provide an electronic copy to all
1014 councilmembers, the council chief of staff, the policy staff director, and the lead staff for
1015 the transportation, economy and environment committee, or its successor.

1016 SECTION 20. A. The executive shall transmit a report describing the marijuana
1017 industry in King County and the impacts of retail stores and marijuana processors on the
1018 residents of unincorporated King County as detailed in subsection B. of this section.

1019 B. The report should include:

1020 1. An analysis of the land available under the county's land use code to
1021 determine if there is sufficient capacity to absorb the number of licenses the state has
1022 allocated to King County;

1023 2. A map of the known retail and producer and processor locations and any
1024 potential locations;

1025 3. An analysis of the impacts of legal marijuana retail and processing on
1026 unincorporated residents for the period 2014-2018, including the number, location and
1027 nature of complaints made to the department of permitting and environmental review;
1028 crimes attributable to marijuana businesses; an assessment of how regulations governing

light and odor are being implemented; and a summary of public comment made during five conditional use permit reviews;

4. An assessment of the equity and social justice impacts of how the marijuana industry is developing in unincorporated King County;

5. Recommendations for ways to meet the county's obligations under the new regulated state framework and adopt development regulations that are fair and predictable to the industry and that minimize the impact of marijuana retail stores and processing facilities on residents;

6. Recommendations for ways to use development regulations to incentivize the location of medical retrieval establishments in King County;

7. An overview of the state of the marijuana industry in the state and county based on what is learned in this report, as well as information available through state, federal and privately funded studies; and

8. A table showing the land use rules for all jurisdictions in Washington where such information is readily available.

C. The report shall be transmitted to the council by December 31, 2018, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 21. Ordinance 18269, Section 2, and Ordinance 18269, Section 3, are each hereby repealed.

1051 **SECTION 22. Severability.** If any provision of this ordinance or its application
1052 to any person or circumstances is held invalid, the remainder of the ordinance or
1053 application of the provision to other persons or circumstances is not affected.
1054

Ordinance 18326 was introduced on 5/16/2016 and passed as amended by the
Metropolitan King County Council on 7/25/2016, by the following vote:

Yes: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.
Upthegrove and Ms. Balducci
No: 3 - Mr. Gossett, Mr. McDermott and Mr. Dembowski
Excused: 1 - Ms. Kohl-Welles

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, 2016.

Dow Constantine, County Executive

Attachments: None