Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

   November 28, 2018 meeting minutes

**Discussion and Possible Action**

4. **Proposed Ordinance No. 2018-0559 pp. 7-24**

   AN ORDINANCE relating to permitting and zoning and amending the county zoning code; amending Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100; and adding a new section to K.C.C. chapter 21A.06.

   **Sponsors:** Ms. Lambert

   **First Reading and Referral to the Planning, Rural Service and Environment Committee**

   Jenny Ngo, Council Staff
5. **Proposed Ordinance No. 2018-0241 pp. 25-250**

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

**Sponsors:** Ms. Lambert

*Erin Auzins, Council Staff*

**Briefing**

6. **Briefing No. 2018-B0156 p.251**

Four-to-One Program Update

*Ivan Miller, Comprehensive Planning Manager, King County Executive’s Office*

7. **Public Comment**

**Other Business**

**Adjournment**
1:30 PM Wednesday, November 28, 2018 Room 1001

DRAFT MINUTES
SPECIAL MEETING

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

   Chair Lambert called the meeting to order at 1:42 PM.

2. **Roll Call**

   **Present:** 4 - Mr. Gossett, Ms. Lambert, Mr. McDermott and Mr. Upthegrove

   **Excused:** 1 - Mr. von Reichbauer

3. **Approval of Minutes**

   Councilmember Gossett moved approval of the September 12, 2018 meeting minutes.

   Seeing no objections the minutes were approved.
Discussion and Possible Action

4. Proposed Ordinance No. 2018-0191

AN ORDINANCE creating the Poverty Bay shellfish protection district; establishing the district's boundaries; establishing a shellfish protection program; and adding a new chapter to K.C.C. Title 2.

Jenny Ngo, Council Staff, briefed the Committee and answered questions from the members.

Councilmember Upthegrove moved approval of Striking Amendment. Chair Lambert offered an oral amendment to change the date on line 92 from September 04, 2018 to November 28, 2018 and on line 96 from September 2018 to November 2018. Councilmember Upthegrove accepted the oral amendment as friendly and moved approval of Title Amendment (T1). All passed unanimously.

This item was expedited to the Council agenda on December 03, 2018.

A motion was made that this Ordinance be Recommended Do Pass Substitute Consent. The motion carried by the following vote:

Yes: 4 - Mr. Gossett, Ms. Lambert, Mr. McDermott and Mr. Upthegrove

Excused: 1 - Mr. von Reichbauer

5. Proposed Ordinance No. 2018-0560

AN ORDINANCE certifying the existence of an emergency, requiring repair to the Stossel Bridge Right Bank Revetment, and certifying the cost incurred related to the repair work.

Erin Auzins, Council Staff, briefed the Committee.

This item was expedited to the Council agenda on December 03, 2018.

A motion was made that this Ordinance be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Gossett, Ms. Lambert, Mr. McDermott and Mr. Upthegrove

Excused: 1 - Mr. von Reichbauer
Discussion

6. Proposed Ordinance No. 2018-0241

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

Erin Auzins, Council Staff, briefed the Committee and answered questions from the members. Cristy Craig, Deputy Prosecuting Attorney, King County Prosecuting Attorney’s Office, answered questions from the members. Shannon Braddock, Deputy Chief of Staff and Cali Knight, Executive Program Assistant, King County Executive’s Office, answered questions from the members.

This matter was Deferred
7. **Public Comment**

There were several people available to provide public comment.
Jon Shaughnessy
Jeff Jensen
Andrew Ely
Jolene Alexander
Brenda Vanderloop
Dane Scarimbolo
Dominique Torgerson
Justin Torgerson
Melissa Earl
Barbara Lau
Barbara Kelson
Paula Waters
John Glover
Aslang Hialdrsdottir
Marshall Leroy
Suzie Ramey
Mary Vermeuullen
Susan Wilkins
Serena Glover
Shawn Miller
Diane Otis
Cliff Otis
Deloa Dalby
Leann Krainick
Attica Kovacs-Szabo
Kassech
Bryce Yadon
Tom Quigley

**Adjournment**

The meeting was adjourned at 4:06 PM.

Approved this ___________ day of ______________

__________________________
Clerk's Signature
SUBJECT

Proposed Ordinance 2018-0559 would modify the zoning code to create a definition for transit comfort facilities and add the use to the permitted use table.

SUMMARY

The Proposed Ordinance would create a land use designation for transit comfort facilities and permit these facilities in the Rural Area, R-1 through R-48, Neighborhood Business, Community Business, Regional Business, Office and Industrial zones subject to three development conditions. The code change is intended to support Metro Transit’s identified need for new transit comfort facilities along existing and future transit routes. This zoning code change was requested by Metro Transit.

There is a technical amendment in the packet.

BACKGROUND

Transit comfort stations are restroom facilities located along transit routes for the exclusive use of Metro employees, most commonly for bus operators. Transit comfort stations may be located in a standalone building or through an agreement in an existing public or private business. King County Metro Transit relies on a network of 260 transit comfort stations for transit operators throughout the county.

These facilities are required to meet worker protection required by the Occupational Safety and Health Administration (OSHA). Inadequately located facilities can result in worker health problems as well as unsafe driving conditions. In 2014, Metro Transit was cited by the Washington State Department of Labor and Industries for inadequate transit comfort facilities available within the transit system. As a result, Metro Transit developed a transit comfort station work plan and is in the process of making improvements to its network of facilities.

A majority of existing transit comfort stations are located in incorporated areas and subject to the regulations of the specific jurisdiction. Metro has identified a potential need for
transit comfort facilities within unincorporated King County on existing and future routes that terminate outside cities and towns.

**ANALYSIS**

Currently, transit comfort facilities have not been contemplated previously as a land use within the zoning code and are not allowed within the unincorporated King County. Metro Transit identified a need to allow transit comfort facilities for transit operators starting or ending routes in unincorporated King County and outside of the urban growth boundary.

Proposed Ordinance 2018-0559 would add transit comfort facilities as a land use in K.C.C. Chapter 21.08. As defined within Proposed Ordinance 2018-0559, transit comfort facilities are limited to "a restroom for public transit employees." These facilities would generally be standalone facilities and would not include restrooms within a private or public organization, which are covered by the property's primary land use.

Transit comfort facilities would be included in the land use tables as a permitted use in the Rural Area, R-1 through R-48, Neighborhood Business, Community Business, Regional Business, Office and Industrial zones subject to three development conditions:

- Facilities may only be located outside of the urban growth area boundary
- Facilities are exempt from street setback requirements; and
- Facilities may be no more than 200 square feet in size.

The proposed ordinance appears to be consistent with Metro Transit's facility standards. The April 2018 Transit Facility Guidelines provide standards for comfort stations. These facilities must be available for layover stops, with preference at the beginning or end of a route.

**AMENDMENTS**

Amendment 1 standardizes the terminology of “transit comfort facility” across proposed code.

**ATTACHMENTS**

1. Proposed Motion 2018-0559
2. Amendment 1
3. Transmittal Letter
4. Fiscal Note

**INVITED**

1. Jim Chan, Interim Director, DPER
AN ORDINANCE relating to permitting and zoning and
amending the county zoning code; amending Ordinance
10870, Section 337, as amended, and K.C.C. 21A.08.100;
and adding a new section to K.C.C. chapter 21A.06.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Transit comfort facility: a restroom for public transit employees.

SECTION 2. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

A. Regional land uses.

<table>
<thead>
<tr>
<th>SIC#</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>P</th>
<th>F</th>
<th>M</th>
<th>RA</th>
<th>U R</th>
<th>R1-8</th>
<th>R12-48</th>
<th>NB</th>
<th>CB</th>
<th>RB</th>
<th>O</th>
<th>I (15)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1*</td>
<td>Jail Farm/Camp</td>
<td></td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Work Release Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>S19</td>
<td>S19</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1*</td>
<td>Public Agency Animal Control Facility</td>
<td></td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Agency</td>
<td></td>
<td>S</td>
<td></td>
<td>S3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C4</td>
<td></td>
</tr>
<tr>
<td>Facility Type</td>
<td>C14</td>
<td>C14</td>
<td>C14</td>
<td>C14</td>
<td>C14</td>
<td>C14</td>
<td>C12</td>
<td>C12</td>
<td>C12</td>
<td>C12</td>
<td>C12</td>
<td>P12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Training Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Hydroelectric Generation Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Non-hydroelectric Generation Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Communication Facility (17)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Earth Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Oil and Gas Extraction</td>
<td>S</td>
<td>C</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Energy Resource Recovery Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soil Recycling Facility</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Landfill</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Transfer Station</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Wastewater Treatment Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Municipal Water Production</td>
<td>S</td>
<td>P13 S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Airport/Heliport</td>
<td>S7</td>
<td>S7</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Regional Transit Authority Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Rural Public Infrastructure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Maintenance Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Transit Bus Base</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Transit Comfort Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* School Bus Base</td>
<td>C5</td>
<td>C5</td>
<td>S20</td>
<td>C5</td>
<td>C5</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7948 Racetrack</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S8</td>
<td>S24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Regional Motor Sports Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PRE Meeting Materials 10 December 04, 2018
B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.


3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.

5. Only in conjunction with an existing or proposed school.

6.a. Limited to no more than three satellite dish antennae.

b. Limited to one satellite dish antenna.

c. Limited to tower consolidations.

7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.

8. Except racing of motorized vehicles.

9. Limited to wildlife exhibit.

10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

12. Limited to cogeneration facilities for on-site use only.


14. Limited to facilities that comply with the following:
   a. Any new diversion structure shall not:
      (1) exceed a height of eight feet as measured from the streambed; or
      (2) impound more than three surface acres of water at the normal maximum surface level;
   b. There shall be no active storage;
   c. The maximum water surface area at any existing dam or diversion shall not be increased;
   d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
   e. Any transmission line shall be limited to a:
      (1) right-of-way of five miles or less; and
      (2) capacity of two hundred thirty KV or less;
   f. Any new, permanent access road shall be limited to five miles or less; and
   g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
prohibited. All other uses, including waste water treatment facilities, shall be subject to
the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of
natural resources and parks or its successor organization that the facility meets or exceeds
the standards of the Animal and Plant Health Inspection Service of the United States
Department of Agriculture and the accreditation guidelines of the American Zoo and
Aquarium Association.

17. The following provisions of the table apply only to major communication
facilities. Minor communication facilities shall be reviewed in accordance with the
processes and standard outlined in K.C.C. chapter 21A.27.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based
activities.

20. Limited to projects which do not require or result in an expansion of sewer
service outside the urban growth area, unless a finding is made that no cost-effective
alternative technologies are feasible, in which case a tightline sewer sized only to meet
the needs of the school bus base and serving only the school bus base may be used.

Renovation, expansion, modernization or reconstruction of a school bus base is permitted
but shall not require or result in an expansion of sewer service outside the urban growth
area, unless a finding is made that no cost-effective alternative technologies are feasible,
in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Only in conformance with the King County Site Development Plan Report,
through modifications to the plan of up to ten percent are allowed for the following:
a. building square footage;

b. landscaping;

c. parking;

d. building height; or

e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21. of this section.

23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:

a. The minimum site area shall be ten acres, unless:

(1) the facility is a reuse of a public agency yard; or

(2) the site is separated from a county park by a street or utility right-of-way;

b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;

c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;

d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;

e. Structural setbacks from property lines shall be as follows:

(1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:
(a) one hundred feet from any residential zoned properties, except that the setback may be reduced to fifty feet when the grade where the building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;

(b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;

(c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

(2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

a. motocross;

b. autocross;
119  c. skidpad;
120  d. garage;
121  e. driving school; and
122  f. fire station.
123  25. Regional transit authority facilities shall be exempt from setback and height
124  requirements.
125  26. Transit comfort stations shall:
126  a. only be located outside of the urban growth area boundary;
b. be exempt from street setback requirements; and

c. be no more than 200 square feet in size.
11/20/2018
Chair’s Amendment

Sponsor: Lambert

Proposed No.: 2018-0559

1 AMENDMENT TO PROPOSED ORDINANCE 2018-0559, VERSION 1
2 On page 2, after line 11, after "Transit Comfort" strike "Facilities" and insert "Facility"
3 On page 8, line 125, after "Transit comfort" strike "stations" and insert "facility"
4
5 EFFECT: This amendment establishes consistent terminology in the ordinance.
November 5, 2018

The Honorable Joe McDermott  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember McDermott

This letter transmits an ordinance that will enable King County to provide improved access to restrooms for Metro Transit bus operators.

The proposed ordinance would amend K.C.C. Title 21A to allow restrooms for public transit employees to be a permitted use in the Rural Area and in Rural Towns. This will allow for improved access to restrooms for public transit operators and associated employees and for addressing gaps in King County Metro Transit’s comfort station network.

King County Metro is improving restroom access for transit operators to comply with Washington State Department of Labor & Industries (L&I) regulations mandating that toilet facilities be provided in the workplace. Metro provides restroom facilities that are located along bus routes. It is possible that more than one transit operator restroom will be required in the future in unincorporated King County to support growth and public transit service for the growing population in the area. As a result, we are proposing a code revision to allow transit operator restrooms in street setbacks. King County employees such as transit operators are required to have access to basic work support facilities such as a restroom.

Providing operators safe places to use the restroom that are close to layover spaces is a top priority for King County Metro and imperative for expansion of bus service. Drivers have noted health problems that can result from a lack of adequate bathroom facilities, including kidney problems. Lack of access to a restroom on the job can also cause distracted driving, a major safety issue. Metro is committed to addressing these issues for our drivers and the safety of its customers.

The proposed ordinance aligns with King County’s Strategic Plan’s goals and objectives for mobility by preserving and optimizing the mobility system, by ensuring the safety and security for customers and employees using the mobility network, and by providing more equitable mobility access and reducing historic gaps. The proposed ordinance also aligns with King County’s Equity and Social Justice Strategic Plan by ultimately helping expand
access to transportation and affordable housing that connects people to job centers and employment opportunities.

In accordance with K.C.C. 20.18.110, the proposed ordinance must be advertised in a newspaper of general circulation at least thirty days before the Council's public hearing. Under K.C.C. 20.18.150 and RCW 36.70A.106, within ten days of adoption, the Council must transmit the ordinance to the state and provide published notice in the official county newspaper.

If you have any questions, please feel free to contact Jim Chan, Interim Director, Department of Permitting and Environmental Review, at 206-477-0385.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
    ATTN: Carolyn Busch, Chief of Staff
          Jeff Muhm, Director of Council Initiatives
          Melani Pedroza, Clerk of the Council
          Dwight Dively, Director, Office of Performance, Strategy and Budget
          Jim Chan, Interim Director, Department of Permitting and Environmental Review
Description of request:

This legislation amends K.C.C. Title 21A to allow restrooms for public transit employees to be a permitte and in Rural Towns, subject to conditions.

Revenue to:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Fund Code</th>
<th>Revenue Source</th>
<th>2019-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Expenditures from:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Fund Code</th>
<th>Department</th>
<th>2019-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Expenditures by Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>2019-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPER Salaries and Benefits</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
</tr>
</tbody>
</table>
This legislation amends K.C.C. Title 21A to allow restrooms for public transit employees to be a permitted use in the Rural Area and in Rural Towns, subject to conditions.
SUBJECT

Proposed Ordinance 2018-0241 would update King County's development regulations for wineries, breweries and distilleries.

SUMMARY

Following a years-long process, the Executive transmitted a Proposed Ordinance and associated Action Plan that would modify the development regulations for wineries, breweries and distilleries. The Proposed Ordinance would add a new business license requirement for these uses; create a new “remote tasting room” use; add new development conditions and permit requirements for wineries, breweries and distilleries; establish two demonstration projects, one for remote tasting rooms and one for tourism district events; and increase citation penalties for violations by these types of businesses.

The Executive’s Action Plan also calls for improved signage for the agricultural production district, for community van and bike share projects, and for improved east-west trail connections in the Sammamish Valley.

The Committee was briefed on the legislation on June 19, July 17, and November 28, 2018. At those briefings, Council staff provided a summary of the Executive’s proposal, a high level overview of the policy questions for Council to consider; a technical-only striking amendment, and a chair’s conceptual striker. At today’s briefing, the Committee is anticipated to vote the legislation out to full Council.

BACKGROUND

Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code.¹ The development conditions that apply today were largely adopted in 2003,² and standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted. Distilleries were first

¹ Ordinance 10870
² Ordinance 14781
recognized as a land use in 2013. Wineries, breweries and distilleries are considered the same land use category under the code, and for each zone in which they are allowed (either outright as a Permitted use, or with a Conditional Use Permit), they have the same development conditions.

In 2010, the City of Woodinville submitted a docket request that would have expanded the Urban Growth Boundary and established new commercial zoning. In 2011, a private resident submitted a similar docket request. In each case, the County Executive did not support the proposal, and any changes would have been required to be taken up during a major Comprehensive Plan update. As part of the next such update, in 2012, the Council adopted a work plan item to work with the City of Woodinville on joint recommendations for wine and agriculture industries:

P.1. The executive shall work collaboratively with the city of Woodinville to develop joint recommendations for promoting the wine and agriculture industries.

2. In developing these recommendations, the county shall work with the city to analyze and consider the following:
   a. Identification of existing and needed transportation infrastructure including traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and way finding;
   b. The finite nature and value of agricultural soil resources and the agricultural potential of the APD;
   c. The character of the surrounding rural area;
   d. Vacant, buildable, and redevelopable land within the existing urban growth area;
   e. The adopted Countywide Planning Policies and King County Comprehensive Plan;
   f. Input from the public and interested stakeholders, including local businesses and surrounding city and unincorporated area communities;
   g. Failing septic systems and pollution in the valley, in conjunction with the report set forth in subsection I of this section; and
   h. Nonconforming uses on the unincorporated lands in King County and on the agricultural lands.

Between 2012 and 2015, Public Health Seattle-King County instituted a pilot program that allowed wine and distillery tasting rooms to apply for an exemption from the annual operating permit. The pilot project was intended as an alternative to a required food permit for these businesses, and was tested to see if the businesses would still comply with food safety practices. Public Health discovered during the pilot program that only about 50% of the businesses complied and we decided to end the program. For beverage-related businesses that qualified for the pilot program, extensive outreach was conducted via a series of meetings and communications with stakeholders, an

---

3 Ordinance 17539
4 Ordinance 17485
evening meeting at the Columbia Winery, and information including FAQs\(^5\) posted to the Food Program website.

When the Public Health decided to end the pilot program, extensive outreach to all known beverage related associations and businesses, such as wineries, tap rooms, and distilleries was conducted in the summer of 2015 to notify them of the change. This included two public meetings, emails, notices via social media, and updates posted to the FAQs on the website.

Following the 2012 Comprehensive Plan work program and the end of the food permit pilot program in 2015, and as part of the mid-biennial budget supplemental in 2016,\(^6\) the Executive requested, and the Council approved, an appropriation of $75,000 for the Office of Performance, Strategy and Budget to hire a consultant to conduct a “[s]tudy to develop recommendations to improve the interface of the burgeoning wine industry with the surrounding communities. The funding will be used to secure consultant assistance to support the outreach, research and recommendation process. The study will focus on economic development, transportation, land use and agriculture in the Sammamish Valley area, and may also make recommendations for other parts of unincorporated King County as appropriate.”

Around the same time, neighbors of wineries within the Sammamish Valley filed a number of code enforcement complaints for operating in violation of the zoning code and construction without required permits. The Department of Permitting and Environmental Review (DPER), knowing that the Executive would be beginning a study to look at policy recommendations, signed settlement agreements with 20 of the wineries. These settlement agreements acknowledged that aspects of the winery uses were not permitted, that the business owner would not increase non-compliance, and that any life-safety issues would be corrected. In return, DPER would not move forward with any code enforcement process while the Executive’s study was being complete and before any legislative changes were considered and adopted by the Council.

Following approval of the budget supplemental request, the Executive formed a stakeholder group of Sammamish Valley wineries, agricultural interests, and the Cities of Woodinville and Redmond. The consultant performed stakeholder interviews, and held five meetings with the stakeholders to review the goals and priorities, wine industry needs and issues, the issues with the existing development regulations, transportation issues, and potential policy changes and infrastructure improvements. The consultant also held an open public meeting and used an online public comment tool. The stakeholder group and consultant provided a series of policy recommendations in their final report, issued in September 2016.\(^7\)

Since that time, the Executive has been working through a series of proposed policy changes, as well as on improvements within the Sammamish Valley (shuttle van, trail connections, signage). A public review draft of the proposed regulations was issued in

---


\(^6\) Ordinance 18239

June 2017, outlining an initial proposal for public comment. After reviewing and considering the feedback on the public review draft, the Executive transmitted a final report (Attachment 4) and Proposed Ordinance 2018-0241 to the Council in April 2018.

ANALYSIS

Summary of Changes in Proposed Ordinance

Proposed Ordinance 2018-0241 would make a number of changes to the development regulations for wineries, breweries and distilleries.

Business license requirement

The Proposed Ordinance would add a new business license requirement for “adult beverage businesses”, which includes “winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.” The annual fee for this business license would be $100.

New Definitions

The Proposed Ordinance would establish new definitions for “remote tasting room”, and three types of “winery, brewery, distillery facilities.” The three facility definitions are different based on size, with a Facility I being “very small”, Facility II being “small”, and Facility III not having a size qualifier. In addition, a Facility I would not allow on-site sales or tasting.

Permitted Use Table

The Proposed Ordinance makes modifications to the Manufacturing permitted uses table, where wineries, breweries, and distilleries are regulated today. Within the Manufacturing permitted uses table, the Proposed Ordinance would:

- Add Winery/Brewer/Distillery Facility I to the table, and permit it with development conditions in the RA and UR zones.
- Add Winery/Brewer/Distillery Facility II to the table, and permit it with varying development conditions in the A, RA, UR, NB, CB, RB and I zones. This use would also be allowed with a Conditional Use Permit (and development conditions) in the RA zone.
- Add Winery/Brewer/Distillery Facility III to the table, and permit it as a Conditional Use Permit and with varying development conditions, in the A, RA, UR, NB, CB, RB and I zones.
The development conditions for each of the facility sizes, and in different zones, vary considerably. There is a summary of the changes by zone with a comparison to the existing code in Attachment 5. In general, the development conditions address:

- Minimum lot sizes
- Maximum building sizes
- Allowances for tasting and hours of operation
- Water use
- Product content
- Production requirements
- Facility locations for agricultural lands
- Parking maximums
- Setbacks from Rural Area and Residential zones

**Parking Requirements**

The parking requirements are proposed to be modified by the Proposed Ordinance. The existing parking requirements for wineries, breweries and distilleries are 0.9 spaces per 1,000 square feet of manufacturing area, plus 1 per 50 square feet of tasting area.

Under the Proposed Ordinance, the parking ratio for the tasting area would be changed to 1 per 300 square feet.

**Home Occupation and Home Industry**

Home occupations and home industries are regulated based on zoning district, in three sections of Code. The Proposed Ordinance would add wineries, breweries and distilleries, and remote tasting rooms, to the list of specifically prohibited uses in home occupations and home industries.

**Special Events/Temporary Use Permit**

The Proposed Ordinance includes the following changes for special events and temporary use permits (TUP):

- For Facility II and III in A zones, events are limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director.
- For Facility II and III in RA zones, events are limited to 24 within a one-year period and all parking must be accommodated on site or through a plan approved by the director.
- For Facility II in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 125 guests.
- For Facility III in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 250 guests.
- No events or temporary use permits for facility I, legally nonconforming home occupations, or home industries.
- Facility II and III in all other zones events may be allowed under a TUP for up to 60 days a year.

**Demonstration Project A**

The first demonstration project proposed by the Executive would allow “remote tasting rooms” within an identified area in the Sammamish Valley near the city limits of Woodinville, and within the Vashon Rural Town. The demonstration project would allow remote tasting rooms with the following regulations:

- One or more remote tasting rooms could operate in a single location
- The approval of the remote tasting rooms would be a Type 1 land use decision.\(^8\)
- Total space for tasting and retail is 1,000 square feet plus storage, restroom, back-of-the-house uses
- Additional 500 square feet of outdoor space allowed
- Direct access to an arterial required
- No production allowed on-site
- Incidental retail sales of products related to products tasted allowed
- Hours of operation are limited to Monday - Thursday 11am-5pm, Friday - Sunday 11am-9pm
- Required to obtain a liquor license from the state
- No events or temporary use permits allowed
- Parking limited to 150 percent of minimum required

Demonstration project A would be in effect for 3 years from effective date of the ordinance, after which DPER would stop accepting applications and the existing remote tasting rooms would become legally nonconforming uses. Annually, DPER would compile a list of applications approved and related code complaints. Based on this data, the Executive may submit additional proposed legislation extending or amending the regulation within the 3 year demonstration project.

**Demonstration Project B**

The second demonstration project proposed by the Executive would allow “tourism district events” such as weddings and similar uses to be reviewed and conditioned as part of Facility III conditional use permit review within an identified area in the Sammamish Valley, south of city limits and east of State Route 202. The demonstration project would waive the TUP requirement for CUP approved Facility III events. Event uses would be reviewed and approved only as part of a CUP application; CUPs are a Type 2 land use permit.\(^9\) This demonstration project may allow more than 24 events per year, depending on the site-specific review of each application.

---

\(^8\) Type 1 land use decisions are made by the DPER Director, or their designee (usually a product line manager). These decisions do not have public notice and have no administrative appeal to the Hearing Examiner.

\(^9\) Type 2 land use decisions are made by the DPER Director, or their designee. These decisions do have public notice and have an administrative appeal to the Hearing Examiner.
Demonstration project B would be in effect for 3 years from effective date of the ordinance, after which DPER would stop accepting applications, and the existing CUPs with the special event allowance would become legally nonconforming. Annually, DPER would compile a list of applications approved and related code complaints. Based on this data, the Executive may submit additional proposed legislation extending or amending the regulations within the 3 year demonstration project.

**Citation Penalties**

The Proposed Ordinance would modify the citation penalties for wineries, breweries, and distilleries and remote tasting rooms. Under existing code, most code violations are subject to a $100 penalty for the first violation, and $500 for subsequent violations. The Proposed Ordinance would increase the citation penalty for these uses to $500 for the first violation and $1,000 for subsequent violations.

**Policy Considerations**

**Applicability of Countywide Regulations**

As described in the background section, the transmitted Proposed Ordinance was the result of a years long process to address the proliferation of wineries within the Sammamish Valley. However, except for the demonstration projects, the Proposed Ordinance would apply countywide, and would apply to breweries and distilleries.

The Council may want to consider whether sufficient input from other industries, including breweries and distilleries, has been taken, and whether further input is necessary before code changes are adopted.

Additionally, the Council may want to consider whether the impacts of the proposed changes in other parts of the County have been fully analyzed. For example, a Facility III is required to connect to a Group A or Group B water system. This is a practical requirement for the Sammamish Valley where water is available, but may be more burdensome in other parts of the County that have water supply issues – and/or may not be a necessary requirement for other parts of the County.

**Impact on Existing Businesses**

Executive staff are aware of 54 wineries, breweries, and distilleries in unincorporated King County. Of those, only 4 are legally permitted today and all 4 would become legally nonconforming under the Proposed Ordinance as transmitted. The other 50 are operating without permits or in violation of the County’s development regulations.

Executive staff estimate that 8 businesses will not be able to comply with the new regulations at their current locations – they all appear to be within Agriculture zoned areas. Of note, lands that have Farmland Preservation Program (FPP) status would not be permitted by the associated covenants to operate a winery, brewery or distillery facility or a remote tasting room on-site. For the businesses that are expected to not be

---

10 See the discussion below on a recent ruling from the Hearing Examiner.
able to comply, DPER states that they will start the enforcement process upon the ordinance becoming effective. DPER staff state that the plan would be to allow the businesses the same 6 month compliance period that other businesses will receive, but these businesses would not receive technical support through the consultant.

Additionally, another 16 businesses do not have direct access to an arterial, which would limit them to the Facility I category (8 of these businesses may be able to apply for a Facility II with a conditional use permit, which is intended to give the director discretion to modify the access requirement). These businesses may need to downsize their operations to comply with the new rules (e.g., size of the facility, hours of operation, tasting area, or number and scale of events).

Enforcement

There are a couple of different ways that enforcement could be an issue with the new ordinance. First, although a statement signed by business owner is required for demonstrating compliance with the product content requirement through the business license, no further evidence is required. This could create a future compliance issue: if a business license is issued based on a signed statement, and then DPER finds later that the business does not meet the product content requirements, DPER would have to start code enforcement proceedings and/or deny a renewal of the license.

Second, the Council approved a $50,000 request in the 2019-2020 biennial budget ordinance. This $50,000 would fund a consultant to perform outreach and provide technical assistance for businesses within the County over a six-month period after the zoning changes are adopted. After this six-month period, enforcement of the provisions would follow DPERs established code enforcement process. The Council may want to take into consideration enforcement of the provisions over the longer term, especially considering the task force recommendations and report initially focused on the Sammamish Valley and the industry and proposed development regulations encompasses the entire County. The County has limited code enforcement resources, in terms of: 1) number of code enforcement officers, 2) ability to obtain voluntary compliance quickly under the code, and 3) ability to get resolution on cases through the judicial system. Further, enforcement of the noise code provisions, is reliant on King County Sheriff's deputies, which are also limited in resources for unincorporated King County. The proviso for implementation of the ordinance that is included in the 2019-2020 biennial budget ordinance may address this concern.

Third, some of the requirements in the Proposed Ordinance may pose a challenge for enforcement. It is clear how DPER will enforce requirements for minimum lot size and maximum building size through the normal permit and approval process. For other requirements it may be less clear the method for how DPER will ultimately enforce the provision. For example, the legislation proposes hours of operation for tasting rooms. These hours of operation can be listed on an issued permit as a condition, but it may be difficult to enforce this provision, as the County does not have staff available in the evenings and on the weekends to visit these businesses to ensure compliance or respond to complaints in the moment. Depending on the circumstances and staffing

---

11 Ordinance 18835
resources, code enforcement may be able to issue a citation based on witness statements at a later date.

Remote Tasting Rooms

In the Public Review Draft (PRD), remote tasting rooms were shown being added as a use in the retail table. In the transmitted legislation, this use does not appear in any land use table and is only mentioned in the demonstration project section. In past demonstration projects, the use itself appears in the table, and the development conditions say it is only allowed as part of a demonstration project.

The Council may also want consider whether remote tasting rooms could be allowed in other zones, such as the Commercial zones, as part of this Ordinance. This could be done as a permitted or conditional use, and with or without development conditions.

Special Events and Temporary Use Permits

The Council may want to consider further clarification of the definition of a “special event”. In practice, Executive staff report that it will need to be based on criteria that a DPER inspector could easily see if they visit the site. This could include: events that require tents, portable toilets, or stages on-site; and/or a need for additional parking over the permitted number of maximum spaces. Executive staff indicate that closing during allowed tasting hours for a private event would not trigger a TUP unless it meets the criteria above; however, this criteria is not stated in the Proposed Ordinance. The Council may want to consider whether the criteria should be clear in the Code for what is included within normal business operations, and what is outside of the normal operations that needs a special event TUP.

Demonstration Projects

For demonstration project A, a remote tasting room would be allowed within the Rural Town boundary. When and if the Council makes permanent changes to remote tasting rooms, by allowing them or wineries, breweries and distilleries generally, an amendment to the Vashon-Maury Island Subarea Plan and P-suffix conditions would also be necessary. As a precedent, Council may want to consider whether changes meet their policy goals to allow uses through a demonstration project that would otherwise not be allowed by a P-suffix or Special District Overlay.

Additionally, demonstration project A would allow remote tasting rooms on parcels where the underlying zoning would not allow wineries, breweries and distilleries in any form (Residential zones) elsewhere in the County. The Council may want to consider whether the Vashon-Maury Island portion of the demonstration project should include the entire Rural Town boundary or should be limited to existing nonresidential areas/zones.

The purpose of a demonstration project is to “test and evaluate alternative development standards and processes prior to amending King County policies and regulations.” The Council may want to consider whether the reporting requirements for the demonstration
projects, as transmitted by the Executive, provide sufficient evaluation for the Council to make an informed decision on future permanent code changes.

Finally, the Proposed Ordinance states that DPER cannot accept applications after three years from the effective date of the ordinance for the demonstration projects. However, this will still be a codified section of Code after that date, as it doesn’t have an official expiration date. The Council may want to consider making this expiration date more clear, or whether it should expire without further action by the Council.

**Summary of Other Recommendations in Executive’s Action Report**

The Executive’s Action Report called for improvements within the Sammamish Valley, to complement the regulatory changes proposed by the transmitted Proposed Ordinance.

The first are wayfinding Agricultural Production District (APD) signs. DNRP states that they worked with the Roads Services Division (RSD) to come up with some initial designs. DNRP will be taking the designs for the signs to the Agriculture Commission in September 2018 after their summer break ends. The goal would be to finalize design in the fall, have the RSD sign shop fabricate, and deploy the signs in 2019. DNRP expects the budget impact to be minimal, as RSD had planned on replacing the signs that are in the APDs currently.

The second project is a Community Van project and bike share. Transit states that the Bothell-Woodinville Community Van has been in operation since the fall of 2017. The County’s annual cost is approximately $41,000 which covers vehicle operations costs (fuel, insurance, etc.), promotion and marketing, and salary for a half-time Community Transportation Coordinator employed by UW-Bothell. The bike share concept did not move forward into planning and implementation.

The third is an east-west trail connection(s) in the Sammamish Valley. DNRP states that King County Parks is managing a study to develop a strategy for a safe crossing of the Eastside Rail Corridor (ERC) at NE 145th Street and a connection to the Sammamish River Trail along the north side of NE 145th Street. The study is jointly funded by King County Parks and the City of Woodinville, and includes participation by the City and the Woodinville Chamber. The primary stakeholder outreach will include the owners adjacent to/nearby the crossing, including Chateau Ste. Michelle, Columbia Winery, owners of the Red Hook site (which will be the home of Teatro Zinzanni and a proposed brewpub), and the Willows Lodge/Herbfarm. In addition to serving the future ERC trail, the crossing would provide a safe pedestrian route for visitors of the different food and beverage destinations along NE 145th Street. The preliminary study will be complete in the fall of 2018, and will provide direction for the next steps in implementation.

The Eastside Rail Corridor (ERC) funding commission also includes City of Woodinville representation and is intended to identify specific opportunities for the trail to benefit from and support nearby business.
Executive staff report that currently, there are no plans to look at similar recommendations/improvements for other areas of the County, but that the demonstration projects could lead to future plans.

Update on Recent Hearing Examiner Ruling

On October 3, 2018, the King County Hearing Examiner issued a ruling in response to an appeal filed by a brewery. The Hearing Examiner ruled against DPERs position that home occupations do not permit tasting rooms in conjunction with a production facility (W/B/D). This may mean that more of the existing wineries/breweries/distilleries could be permitted under current code as home occupations, with tasting, limited to the restrictions in the home occupation code, which for the RA zone, are:

1. No more than 20% of the dwelling unit can be devoted to home occupations (including production, storage and tasting)
2. Garage and storage buildings may be used for home occupation, with no explicit square footage limitation.*
3. Total outdoor areas for home occupation is 440 sf for lots less than 1 acre, and 1% of the lot, up to 5,000 sf for lots one acre or greater.
4. Outdoor storage and parking areas setback 25 feet from property line and screened with landscaping.
5. On-site nonresident employees limited to 3 at the same time.
6. Parking is limited to 1 stall for each nonresident employed on-site, plus 1 stall for customers.
7. Sales are limited to mail order, internet order, accessory items to services provided on-site, and items grown, produced or fabricated on-site. For sites 5 acres or greater, items that support agriculture, equestrian or forestry uses (with some limitations).
8. Use cannot require a change to occupancy type of the structure (usually due to equipment needs).**
9. Use cannot increase vehicular traffic by more than 4 vehicles at any given time.
10. Customer visits and deliveries limited to 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends
11. Vehicle storage used by the home occupation is allowed, with limitations – 2-4 vehicles depending on lot size, not allowed in the setback, not part of the outdoor storage area above.

*The Hearing Examiner’s ruling is that the brewery and associated tasting have to be limited-scale service or fabrication activity….subordinate and incidental to the primary use of the site as a residence. This requires limits on the size of the tasting room – as does the various requirements above (no more than 4 vehicles, max 4 parking spaces, maximum outdoor and dwelling unit square feet).

**This may limit distilleries, if the equipment triggers an occupancy change.

The Executive’s proposal would prohibit production facilities and remote tasting rooms as home occupations and home industries. The Council may want to consider whether this is consistent with the Council’s policy goals and the Hearing Examiner’s read of the existing code.
The ruling is included in Attachment 6.

**AMENDMENT**

Council staff continues to work with Councilmembers and Executive staff on possible amendments to the legislation. An updated chair’s conceptual striker is in the packet in Attachment 7.

At the July 17, 2018 meeting, the Committee voted on a technical only striking amendment and title amendment. Subsequently, the Council’s legal counsel identified that the Committee should redo this action before voting the legislation out of committee. These documents are included in the packet as Attachments 8 and 9.

**ATTACHMENTS**

1. Proposed Ordinance 2018-0241 with attachments
2. Transmittal Letter
3. Fiscal Note
4. King County Action Report: Sammamish Valley Winery and Beverage Study
5. Council staff summary matrix of substantive changes
6. Hearing Examiner Decision on Four Horsemen Brewery Appeal
7. Chair’s Conceptual Striker dated November 28, 2018
8. Technical Only Striking Amendment dated July 17, 2018
9. Technical Only Title Amendment dated July 17, 2018

**INVITED**

1. Jim Chan, Interim Director, DPER
2. Karen Wolf, Senior Policy Advisory, PSB
3. Calli Knight, External Relations Specialist, Executive’s Office
AN ORDINANCE responding to the King County Sammamish Valley Wine and Beverage Study; amending Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 and Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.55, adding a new chapter to K.C.C. Title 6 and repealing Ordinance 15974, Section 5, and K.C.C. 21A.06.1427.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

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

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

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

It is the purpose of this chapter to establish business licensing standards for adult
beverage businesses located in unincorporated King County, in order to promote and
protect the health, safety and general welfare of unincorporated King County's residents.
NEW SECTION. SECTION 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 an adult beverage business in unincorporated King County unless the business has obtained a business license issued by the director as provided by this chapter. A current adult beverage business license issued under this chapter shall be prominently displayed on the licensed premises. The adult beverage business licensee shall comply with all applicable laws.

NEW SECTION. SECTION 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 an adult beverage business license or license renewal must be submitted in the name of the business owner or the entity proposing to operate the business. The application shall be signed by the owner or primary responsible 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, current residential, email and mailing address of the owner or primary responsible officer;

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

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

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

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

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

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

The director shall deny, suspend or revoke a license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of permitting and environmental review receives notice that the state 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:

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

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

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

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

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

Remote tasting room: A small facility approved by the Washington state Liquor 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.
<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
</tr>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
<td></td>
<td></td>
<td></td>
<td>P2</td>
</tr>
<tr>
<td>*(</td>
<td>Winery/Brewery/ Distillery Facility I</td>
<td></td>
<td></td>
<td></td>
<td>P30</td>
</tr>
<tr>
<td>*(</td>
<td>Winery/Brewery/ Distillery Facility II</td>
<td>P3 C(()12)</td>
<td></td>
<td></td>
<td>P3</td>
</tr>
<tr>
<td>*(</td>
<td>Winery/Brewery/ Distillery Facility III</td>
<td>C12</td>
<td></td>
<td></td>
<td>C12</td>
</tr>
<tr>
<td>22</td>
<td>Textile Mill Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>23</td>
<td>Apparel and other Textile Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>24</td>
<td>Wood Products, except furniture</td>
<td>P4 P18 C5</td>
<td>P4 P18 C5</td>
<td>P4 P18 C5</td>
<td>P4</td>
</tr>
<tr>
<td>26</td>
<td>Paper and Allied Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>27</td>
<td>Printing and Publishing</td>
<td>P7 P7 C7</td>
<td>P7 P7 C7</td>
<td>P7 P7 C7</td>
<td>P7</td>
</tr>
<tr>
<td>*(</td>
<td>Marijuana Processor I</td>
<td>P20</td>
<td>P27</td>
<td>P21 C22</td>
<td>P21 C22</td>
</tr>
<tr>
<td>28</td>
<td>Chemicals and Allied Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>2911</td>
<td>Petroleum Refining and Related Industries</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
</tbody>
</table>
### Ordinance

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

**B. Development conditions.**

1. Repealed.

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 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.((c))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.


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.


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. (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 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

PRE Meeting Materials 47 December 04, 2018
(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;

211 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;

215 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
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.((48.))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

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

b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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;

c. Structures and parking areas 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 located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

f. 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

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

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

b. Only allowed on lots of at least four and one-half acres;
c. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet;

d. Structures and parking areas for 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;

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

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

**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

Recreation/culture uses: 1 per 300 square feet

**Exceptions:**

- Bowling center: 5 per lane
- Golf course: 3 per hole, plus 1 per 300 square feet of club house facilities
- Tennis Club: 4 per tennis court plus 1 per 300 square feet of clubhouse facility
- Golf driving range: 1 per tee
- Park/playfield/paintball: (director)
- Theater: 1 per 3 fixed seats
- Conference center: 1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MINIMUM PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL SERVICES (K.C.C. 21A.08.050.A):</td>
<td></td>
</tr>
<tr>
<td>General services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>e</td>
<td>1 per 50 square feet of chapel area</td>
</tr>
<tr>
<td>Daycare I</td>
<td>2 per facility</td>
</tr>
<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
</tr>
<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</td>
</tr>
<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Secondary schools</td>
<td></td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td>Vocational schools</td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>Specialized instruction Schools</td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td>Use</td>
<td>Density</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Artist Studios</td>
<td>0.9 per 1,000 square feet of area used for studios</td>
</tr>
<tr>
<td><strong>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</strong></td>
<td></td>
</tr>
<tr>
<td>Government/business services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td>E</td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td>Police facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Fire facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Construction and trade</td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Warehousing and storage</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Self-service storage</td>
<td>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</td>
</tr>
<tr>
<td>Outdoor advertising services</td>
<td>1 per 300 square feet of office, plus 0.9</td>
</tr>
<tr>
<td>Land Use</td>
<td>Minimum Parking Spaces Required</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td><strong>Retail/Wholesale (K.C.C. 21A.08.070.A):</strong></td>
<td></td>
</tr>
<tr>
<td>Retail trade uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**Manufacturing (K.C.C. 21A.08.080.A):**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery Facility II</td>
<td>0.9 per 1,000 square feet, plus 1 per (300) square feet of tasting area</td>
</tr>
</tbody>
</table>

Heavy equipment repair:
- 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
- 1 per 300 square feet of office

Office:
- 1 per 300 square feet
B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

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

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

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

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

   a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

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

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a 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. ((Auto body)) 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;

G. Sales are limited to:

1. Mail order sales;

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

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

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

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

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

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

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

J. The home occupation or occupations do not:

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

or

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

((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:
   1. No less than twenty-five feet from any property line; and
   2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:
      a. planting of Type II landscape buffering; or
      b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping

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

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
   1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

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

H. The home occupation or occupations do not:
   1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
   2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
   3. Increase average vehicular traffic by more than four additional vehicles at any given time;

I. 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;

J. 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. Hotels, motels or organizational lodging;
2. Dry cleaning(\(\frac{1}{2}\));
3. Automotive towing services, automotive wrecking services and tow-in parking lots; \((\text{and})\)
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer(\(\frac{1}{2}\)); \text{and}
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:

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

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

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

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

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

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

   1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

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

J. Recreational marijuana processors, recreational marijuana producers and 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 guests allowed for a temporary use. No permit shall authorize attendance of more than one hundred twenty-five guests.

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

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

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
D. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

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

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

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

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

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

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

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 Rural Area and Agricultural Production District zoned communities, 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. 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.

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

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

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

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

E.1. Demonstration project applications made in accordance with this section may only be submitted in relation to an application for a winery, brewery, distillery facility III conditional use permit or winery, brewery, distillery facility conditional use permit modification or expansion.
2. Demonstration project applications shall be submitted to the department in writing before or in conjunction with an application for a winery, brewery, distillery facility III conditional use permit or an application for a winery, brewery, distillery facility III conditional use permit modification or expansion. The supporting documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

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

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

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

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

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, an evaluation of the impacts of wedding and similar uses authorized pursuant to demonstration project conditional use permits, and related code complaints, if
any.

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

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

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

a. citations, except for winery, brewery, distillery facility I, II and 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 $125
   within the past twelve months
   (3) with one previous code violation of K.C.C. chapter 12.86 $250
   within the past twelve months
   (4) with one or more previous similar code violations, or with $500
two previous code violations of K.C.C. chapter 12.86 within the past twelve months
   (5) with two or more previous violations of K.C.C. Title 10, or Double the rate
   three or more previous code violations of K.C.C. chapter 12.86 of the previous
   within the past twelve months

   b. citations for violations of winery, brewery, distillery facility I,
II, and III and remote tasting room zoning conditions, including but not limited to unapproved events:

- (1) with no previous similar code violations $500
- (2) with one or more previous similar code violations within the past twelve months $1,000

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

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

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

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

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

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

- (1) first reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order $150
(2) second reinspection, which shall occur no sooner than $300
fourteen days following the first reinspection

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

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

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

B. The penalties assessed pursuant to this section for any failure to comply with a
notice and order or voluntary compliance agreement shall be assessed daily, according to
the schedule in subsection A of this section, for the first thirty days following the date the
notice and order or voluntary compliance agreement required the code violations to have
been cured. If after thirty days the person responsible for code compliance has failed to
satisfy the notice and order or voluntary compliance agreement, penalties shall be
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.
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

________________________________________
J. Joseph McDermott, Chair

ATTEST:

________________________________________
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of ______________, ______.

________________________________________
Dow Constantine, County Executive

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

- Demonstration Overlay A
- Agricultural Production District
- Regional Trails
- Streams
- Railroads
- Urban Growth Boundary

Date: 3/7/18

Parcels
Incorporated Area
Wetland & Steep Slope
Parks & OS
Waterbodies

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, expressed or implied, as to accuracy, completeness, usefulness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages, including, but not limited to, lost revenues or lost profits resulting from the use or misuse of this information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

PRE Meeting Materials 87 December 04, 2018
Demonstration Project Overlay B: Winery, Brewery, Distillery III Events

Affected Parcels 4.5 acres or larger

Demonstration Overlay B

Agricultural Production District

Regional Trails

Streams

Railroads

Urban Growth Boundary

Parcels

Incorporated Area

Wetland & Steep Slope

Parks & OS

Waterbodies

Date: 1/31/18

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.
April 26, 2018

The Honorable Joe McDermott  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember McDermott:

This letter transmits an ordinance and a report that will enable King County to prepare for and support the future of the wine and adult beverage industry as it grows and evolves in King County while respecting our rural and agricultural areas. We refer to the “wine industry” generally, but our response addresses all adult beverage industry uses including wineries, breweries, distilleries, and cideries.

The ordinance and report are in response to the King County Sammamish Valley Wine and Beverage Study, which was released in September 2016 following a six-month review process with a stakeholder committee and the general public. While the initial motivation for the report was the rapidly growing wine industry in and around the Sammamish Valley, this response addresses the wine industry throughout the rural and agricultural areas of King County.

In Washington, the wine and beverage industry is a fast growing and quickly evolving industry. These businesses support local economic development through the production and sale of wine, beer, and distilled beverages, as well as through tourism. With growth comes concern about enforcement of current land use regulations and the overall impact of the wine and beverage industry on the quality of life and the sense of place not only in the Sammamish Valley, but throughout rural King County. The attached ordinance updates the regulatory structure for wineries, breweries, and distilleries, establishes a business license for these industries, and proposes two short-term demonstration projects in limited areas to test the suitability of tasting rooms and an alternative way to regulate events at the larger wineries.

This proposal integrates the requirements of the state Growth Management Act and the county’s Comprehensive Plan as they relate to urban growth areas, farmland preservation, and rural areas using a framework that is based on accommodating the wine and adult beverage industries at a size and scale appropriate for the rural and agricultural areas in King County. The attached report outlines a series of possible actions including an adult beverage
toolkit, updated signage, and trail connections in the Sammamish Valley. This report advances the Healthy Environment and Economic Vitality goals of the King County Strategic Plan.

Robust stakeholder and community engagement guided our work at each step in the process. Public involvement included: five stakeholder meetings, one large public meeting, an online comment portal, issuance of the public review draft for broad public comment, and 213 emails received over the course of developing the proposal.

We retained a consultant to assist staff in supporting the stakeholder committee, conducting public outreach, and preparing the King County Sammamish Valley Wine and Beverage Study. The consultant contract was $75,000. In addition, King County staff from several departments contributed to the report over the course of two years. The estimated cost of the staff time spent on preparing the report is $150,000 for an estimated total cost of $225,000.

Thank you for your consideration of this ordinance. This important legislation will allow King County to establish a strong foundation for moving the wine and adult beverage industry into the future, while honoring and protecting the rural and agricultural lands in the Sammamish Valley and throughout King County.

If you have any questions, please feel free to contact Rachel Smith, Chief of Staff to the King County Executive, at 206-263-9628.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
    ATTN: Carolyn Busch, Chief of Staff
         Melani Pedroza, Clerk of the Council
         Dwight Dively, Director, Office of Performance, Strategy and Budget
         Rachel Smith, Chief of Staff to the King County Executive
Description of request:
This ordinance implements the recommendations of the Sammamish Valley area wine and beverage industry study by implementing a new annual license for affected businesses and making changes to the regulation of wineries and other alcoholic beverage businesses.

Revenue to:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>DPER - Permit Administration</td>
<td>1340</td>
<td>Winery licenses</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

Expenditures from:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>DPER</td>
<td>1340</td>
<td>Permit Admin.</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Expenditures by Categories

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Does this legislation require a budget supplemental? No.

Notes and Assumptions:
- Revenue estimate assumes 30 annual licenses per year at a cost of $100 each.
- Permitting and code enforcement requirements of this ordinance will be done within DPER's existing appropriation.
Table of Contents

INTRODUCTION

   Introduction and Background                                   1
   Next Steps                                                    2
   MAP – Study Area Map                                          Insert

1 DEFINING AND IMPLEMENTING                                    5

   Code Enforcement                                              5
   Wine and Beverage Industry Toolkit                            6
   Business License                                              6

2 WINE, BEVERAGE, AND TOURISM                                   7

3 TRANSPORTATION                                                8

   Alternative Means of Access                                  8
   Park and Trails                                               10
       MAP – Trail Connections                                    13
   Road Improvements                                            14

4 AGRICULTURE                                                   15

   Agriculture Production District (APD)                        15
       MAP – APD Ag Uses                                         Insert
       MAP – APD Protected Land                                 Insert
   Land Conservation in the APD                                17
   Signage                                                     18

5 RURAL ZONED AREAS – THE REGULATIONS                           20

6 ZONING CODE REGULATIONS MATRIX                                Last Page
King County Action Report: Sammamish Valley Wine and Beverage Study Responses

Introduction
This report is a proposed response to the King County Sammamish Valley Wine and Beverage Study that was released in September, 2016. King County supports the wine and adult beverage industry and recognizes the need to establish a strong foundation for moving the industry into the future while respecting our rural and resource communities. The goal is to add more clarity to the current regulations, which were adopted when King County’s wine industry was in its infancy. The overarching goal is that the proposed strategies and actions adhere to the framework of the state Growth Management Act and ensure continued protection for Agricultural Production Districts (APD) and support for rural communities.

Background
The Sammamish Valley, located primarily in unincorporated King County is adjacent to the cities of Redmond and Kirkland and contains portions of the City of Woodinville, one of the state’s major wine tourism destinations. The valley also contains one of the county’s five designated APD’s, which are intended to protect and support the continuing presence of agriculture in the county.

The agricultural activity adds to the distinctive character in the area, particularly for visitors to the more than 100 wineries and tasting rooms in Woodinville and the nearby unincorporated areas. This area attracts hundreds of thousands of wine tourists annually. Nearly all of the Woodinville area wineries use grapes grown in Eastern Washington.

The wine industry is a fast growing, and quickly evolving sector in Washington, supporting broad-based economic activity. Wineries support local economic development through the production and sale of wine, as well as through tourism, the latter drawing visitors from outside the region. With growth has come concerns about enforcement of current land use regulations and the overall impact of the wine and beverage industry on the quality of life and the sense of place in the Sammamish Valley.

In the spring of 2016, King County engaged Community Attributes, Inc. (CAI) to assist in the facilitation of a stakeholder group and the development of a report to address the burgeoning wine industry in King County.
The primary objectives of the study were to develop policy and code recommendations for King County to consider in addressing the wine industry as it has evolved in the county based on the following guiding principles:

- Nurture the burgeoning wine and beverage industry in King County;
- Improve the interface of wine-related businesses with the surrounding communities; and
- Honor the requirements of the state Growth Management Act and the policies of the county’s Comprehensive Plan as they relate to urban growth areas, farmland preservation, and to rural areas.

The policy recommendations incorporate feedback and ideas from the stakeholder working group, public comments received during the workshop and through the online project portal, and analysis of existing conditions.

The King County Action Report
This report is King County’s response to the policy recommendations outlined in the report, as described above. The response focuses on those recommendations that received strong or mixed support from the stakeholders. The organization of the action report follows the structure of the policy recommendations in the study report, which are included and use the same numbering system.

The action report addresses issues both specific to the Sammamish Valley and the original study area, and to the county in its entirety. For example, the proposed trail connections outlined in the report are located in the Sammamish Valley while the updated winery regulations will apply countywide.
1 Defining and Implementing

Study Recommendation: Code Enforcement

1.1.1 Review current methods and commit to a more consistent land use enforcement program in the Sammamish Valley.

King County Response:

Once the new regulations are in place, King County will ensure that businesses comply with them. The proposed approach to achieving compliance is to dedicate specific resources using existing staff augmented with a contract resource and implementing a tailored approach for addressing code enforcement for those adult beverage businesses that are out of compliance.

The Department of Permitting and Environmental Review (DPER) proposes to contract with a firm that is experienced in the Washington wine industry. The firm would start the enforcement process with personal visits to adult beverage businesses that are out of compliance to explain the process the County has recently used to update its zoning requirements, why this was necessary, talk about their own non-conformance, and encourage compliance as a way not only to be legal but also as a way to be a good representative of the industry. The aim of this approach is to achieve compliance results faster than the standard code enforcement process, because many such businesses would willingly comply with the new regulations. This process is estimated to last six months.

At the same time, there will be some businesses that are less willing to comply. If DPER finds that to be the case after initial contacts, the cases will be transferred to the County’s direct code enforcement staff to take over those files. Also, if there is any legal documentation that is required or interpretation of code—even for willing compliers—direct code enforcement staff will handle those tasks, too.

The proposed approach to code enforcement for adult beverage businesses would not begin until new zoning regulations are adopted by the King County Council. If after six months, this process is not achieving voluntary compliance, cases will be moved through the normal code enforcement process.

Adult beverage businesses compliant with King County regulations prior to the adoption of new regulations would be permissible in the future as a non-conforming use if not compliant with the new regulations. However, an adult beverage business that was not permissible prior to the study must comply with the new regulations, which may result in such a business needing to close, relocate, or change its use.
Study Recommendation: Wine and Beverage Industry Toolkit

1.1.2 Create a wine and beverage industry tool kit and/or bulletin for prospective businesses in unincorporated King County to improve awareness of adopted rules and regulations.

King County Response:

DPER has a number of customer bulletins that provide permit requirements and helpful tips for preparing an application for submittal. DPER would create a new bulletin for the adult beverage business. By way of illustration, a link is provided to the existing bulletin for tenant improvements. A new bulletin for the adult beverage business will be created based on this format once new zoning regulations are adopted by the Council.

The establishment of a mandatory business license (see below) for adult beverage businesses will enable DPER to create a list of all operating businesses and then contact them with information on the new regulations and procedures.


Study Recommendation: Business License

1.1.3 Establish a business license for wine and beverage production establishments in unincorporated King County to assist in regulating monitoring growth in the industry.

King County Response:

If approved by the Council, King County will establish a business license requirement for all adult beverage producers in unincorporated King County. Under the proposal, all remote tasting rooms, and wineries, breweries, and distilleries would need to obtain an annual, renewable business license from the DPER. The purpose of the license would be to have greater certainty about where adult beverage producers and tasting rooms are in the County and verify that they are in compliance with the County rules and laws that apply to them. Only adult beverage businesses that are required to obtain a license from the Washington State Liquor and Cannabis Board would be required to obtain a County license, meaning that hobby wineries, breweries, and distilleries that are not selling their products nor making their products available to the general public for sampling would not be required to obtain a County business license. The proposed application process is simple, and has an annual fee of $100.
2 Wine, Beverage, and Tourism

Study Recommendation:

2.1.1 Support development of mixed use wine and beverage facilities in Woodinville that support and boost the tourism industry and the area’s reputation as a food destination.

2.1.2 Engage the Port of Seattle in supporting the wine industry in the Sammamish Valley and Woodinville through, for example, partnerships with the cruise ship industry.

2.1.5 Support agriculture in the Sammamish Valley as a synergistic component of the tourism and wine and beverage industries.

King County Response:

Staff from King County met with the City of Woodinville and Port of Seattle representatives in September 2016 to discuss opportunities for cooperative actions that would assist in support of the wine and beverage industry within the Sammamish Valley and the City of Woodinville. At that time, the Port of Seattle was offering a new grant program to cities (Economic Development Partnership Program) for economic development purposes. The City of Woodinville determined their next step would be to seek a grant from the Port to conduct a study to identify issues and barriers facing businesses and visitors. The grant was funded and a community survey was initiated Feb. 1, 2017, with in May 2017. Results of the survey provided the City of Woodinville potential actions to support the tourism industry (Woodinville Tourism Study, May 2017).

King County will continue to engage with the City, as they identify actions from the study, and with representatives from the wine and beverage industry, to determine how the County can support activities that will boost the tourism industry throughout the entire area. Several areas of recommendation in the Woodinville Tourism Study that align with King County priorities relate to supporting local food. The Woodinville study identifies a local food hub, a permanent farmers market facility, food and beverage tours and trails as potential tools to support existing businesses and working farmlands.

King County will continue to support and work with the Sammamish Valley Alliance through the Community Service Area program, Farm King County, the Local Food Initiative and other programs. One simple way to spotlight the area is to identify when visitors are entering the Agricultural Production district by installing distinctive signs around the district. King County has developed prototype signs and will work with the Agriculture Commission and community representatives to refine design and identify the best locations for sign placement in the Agriculture Production District, with the goal of installing the new signs by the end of 2017/early 2018. See a more detailed description of two approaches to signage under the Agriculture section of this report.
3 Transportation

Study Recommendation: Alternative Means of Access

3.1.1 Study the feasibility of instituting a weekend shuttle service from Downtown Woodinville, Marymoor Park or other park & ride lots through a partnership between King County and the City of Woodinville.

3.1.2 Explore the feasibility of a bicycle rental program through partnerships with local companies and/or non-profits and improve biking access from trails to local businesses.

King County Response:

The Metro Community Connections program currently has a project underway in Bothell and Woodinville. This project includes a number of mobility solutions that will serve people traveling to, from, and within these communities. Two of these solutions could address needs identified in the strategies above.

Metro Community Connections: Bothell – Woodinville Project

In the first quarter of 2016, Metro Community Connections (formerly Alternative Services) conducted a community engagement process to understand mobility needs in and around Bothell and Woodinville. During this process community members identified an important transit gap in the Woodinville Tourist District. Many survey respondents and stakeholder group members said the area has no fixed-route service and that they would go to the Woodinville tourism district more often and without driving alone if an alternative service were developed to serve that area. However, these trips are different from the rest of the transportation needs identified through the outreach process. Tourists want to access the area from hotels in Bothell for one-off trips on weekends and evenings. Employees want to reach the area during their work hours, but these work hours may be irregular and fall outside the peak.

Community Van

One of the solutions that Metro will be implementing as part of the Bothell-Woodinville Community Connections project could be well suited to providing group trips to and from the Winery District – A Community Van. This new transportation pilot program offers prearranged, recurring, or one-time group trips that meet locally identified transportation needs. Metro owns the vans and provides fuel, maintenance, and vehicle insurance. Metro also vets the volunteer drivers and provides funding for a part-time Community Transportation Coordinator. An Advisory Group comprised of representatives from Metro, UW Bothell/Cascadia College Commuter Services and the cities of Bothell and Woodinville to provide program direction and oversight to the Community Transportation Coordinator. Launch planning and roll-out for the Bothell-Woodinville Community Van is pending hiring of the Community Transportation Coordinator.
Bike Share
The Sammamish Valley is currently served by the Sammamish River Trail and in the future will also have the Eastside Rail Corridor system connecting it to the west, south and north. The trail system and connected parks and destinations offer an opportunity to encourage and promote biking as a way to experience the agricultural and beverage industry within the Valley, to downtown Woodinville and the industrial area where the other concentration of wineries are found. As trails and connections are improved, the ability to move around by bike will also improve.

Pairing and promoting bicycling and winery/beverage tours is being done in many areas across the country. For example, Napa has a Napa Valley Vine Trail, and in the Yakima River Valley, there is the Rattlesnake Hills Wine Trail.

The recommendation to explore a bike share program from the winery stakeholder group could provide an added option for visitors to park remotely and ride to the concentrated areas of wineries and tasting rooms in the Sammamish Valley area. It could also serve as a recreational attraction for hotel guests to visit the wineries without having to rely on a car.

A bike share concept that mirrors this recommendation from the winery study stakeholder group is also under consideration as a potential service solution from Metro’s Community Connection program. As a next step, Metro staff will be working with staff from the City of Woodinville to discuss development of a framework for a daytime bike sharing concept in order to assess its viability as a solution.
Study Recommendation: Parks and Trails

3.1.4 Develop long term east-west connections--explore Eastside Rail Corridor concepts to develop a shared use path along 145th connecting to the Sammamish River Trail

King County Response:

King County Parks has developed two options for creating an east-west connection between the Eastside Rail Corridor (ERC), Sammamish River Trail and extending into the Hollywood District. The County and the City of Woodinville have begun discussing these plans and will proceed on further feasibility studies and alternatives development. The goal for either option would be to improve trail connectivity between the County’s regional trails and directly into wine tourism areas, in particular the Hollywood District from the ERC Trail and Sammamish River Trail. Please refer to the Trails Connection map (located at the end of this section).

The first option would be a connection between the ERC trail spur line and Sammamish River Trail along NE 145th Street, which has been studied during ERC master planning and is another way to integrate trails with the wine and tourism areas. In addition to developing east-west connectivity between the ERC and the Sammamish River Trail, this option would include a trail extension along the NE 145th Street alignment further east from the Sammamish River Trail directly to the Hollywood District. There would be different alternative alignments to achieve these connections that would need to be further studied in coordination with the City of Woodinville, area stakeholders and the community.

Key considerations for an east-west connection along NE 145th Street include whether to place it on the south or north side of the roadway. On the north side there is an existing pathway that would need to be improved. Appropriate improvements to the existing path could include widening, vegetation/tree clearing to avoid further root damage to the trail and limb overhang, and resurfacing. The existing path traverses Red Hook Brewery and Willows Lodge properties, and improvements would require approval from these property owners.

To extend this path into the Hollywood District, a bike path would need to be built between the Sammamish River Trail and 148th Ave. NE along the north side of NE 145th Street, which could impact the parking area to the Northshore Athletic Fields, and could require use of portions of City of Woodinville ROW to extend to 148th Ave. NE.

One benefit to this alignment is that a trail bridge already exists across the Sammamish River and this east-west path already has a direct connection to the Sammamish River Trail. This option would also require the installation of a trail crossing of NE 145th Street along the ERC Spur. The City of Woodinville has expressed a preference to build this as a grade-separated crossing, or bridge, over the roadway. The need for this crossing would exist independently of the east-west connector trail but would otherwise not be developed until the ERC Spur is going to be developed further to the north of NE 145th Street.
If the east-west connection were to be developed on the south side of NE 145th there would be additional technical and environmental challenges that would need further study to determine feasibility. The current understanding of this scenario includes the following factors:

- Topography south of the road drops away quickly so that a trail with adequate separation from the eastbound travel lane would likely require substantial fill.

- The low-lying areas south of the road are within the 100-year floodplain so compensatory storage would likely be required for the substantial fill.

- The low-lying area south of the road has a fish-bearing stream connected to the Sammamish River.

- There are above-ground power poles along the south side of the road that may have to be relocated to accommodate trail.

- The available right of way on the south side of the road may not be wide enough to cover the trail, potential stream relocation, and potential power pole relocations. Any property acquisition will involve agricultural land.

- A new pedestrian/bicycle bridge would be required to cross the Sammamish River.

- The connecting loop to the Sammamish River Trail may require property acquisition to achieve accessible grades.

- A bike path would need to be built between the Sammamish River Trail and 148th Ave. NE along the south side of NE 145th, either reconfiguring a portion of the sidewalk in the City of Woodinville ROW, or acquiring an easement for the path on the northern edge of a privately owned parcel or parcels.

The second option would be to develop an improved, or paved, connection between the Sammamish River Trail and 148th Ave. NE along the existing gravel Tolt Pipeline Trail alignment. The Tolt Pipeline Trail is a gravel and dirt path located in a utility right of way owned by Seattle Public Utilities (SPU). The County’s use and actions related to the trail are governed by a Trails Agreement between the parties. The Trails Agreement allows for the trail surface to be improved, but only with prior written consent from the SPU Director, and conditioned by SPU approval of all plans and specifications at 30%, 60% and 90% design. The County’s use of the Tolt Pipeline right of way is also subject to all terms and conditions of an easement held by Puget Sound Energy. King County Roads is installing a signalized roadway crossing on 148th Ave. NE at the location where the Tolt Pipeline Trail crosses.
This trail connection would be independent of any improvements to the ERC Trail and would not create connections between the ERC and the Sammamish River Trail or between the ERC and the wine tourism area.

For this option to serve as a feasible and appropriate route for winery tourism, there would need to be bike lanes or a separate bike path constructed along 148th Ave. to connect the Tolt Pipeline Trail improvement to the Hollywood Wine District. The approximately 600 foot segment of 148th Ave NE south of the Tolt Pipeline Trail to the city limits of Woodinville is significantly constrained by an adjacent Class 2 salmon-bearing stream, wetlands, and a steep embankment. The feasibility of widening the road to construct a bike lane or pathway is questionable. If it were to be determined feasible after additional technical analysis, there would be significant stream alterations and mitigation needed and cost of the project would likely be more than $1 million.

King County will continue to explore these trail development options with the City of Woodinville and with involvement from area stakeholders and community members.
Study Recommendation: **Road Improvements**

3.1.6 *Conduct an interjurisdictional transportation study to fully vet traffic growth, concurrency, impacts and potential mass transit solutions.*

3.1.8 *Improve the pedestrian environment and overall pedestrian safety in the Sammamish Valley, especially those areas connecting major tourism draws and winery concentrations.*

King County Response:

The Road Services Division reviewed the potential for nonmotorized and capacity improvements along the 148th Avenue NE/140th Place NE Corridor. The physical and environmental conditions along the corridor were found to pose several significant challenges.

**Right-of-Way:** The available right-of-way (approximately 18 feet on each side) is not sufficient to accommodate widening the road from two to four lanes, based on county standards. The right-of-way appears sufficient to accommodate a nonmotorized pathway on one side of the roadway or potentially a turn lane in some locations.

**Transportation concurrency:** The corridor is currently meeting the county’s adopted concurrency level of service standard of “B” for rural areas.

**Environmental Issues:** The corridor contains numerous wetlands and streams, as well as seismic, steep slope, and landslide hazard areas and buffers. Portions of the corridor are also within a Shoreline Management Act rural shoreline, Critical Aquifer Recharge Area, and Farmland Preservation area. All of these features have stringent regulatory requirements. Construction of a nonmotorized or capacity improvement project would involve impacts to the wetlands, streams, buffers, and other environmentally sensitive features along the corridor. Environmental mitigation and other regulatory compliance efforts would be required. These may include wetland and stream mitigation or payment for mitigation banking, fish passable culvert installation, additional stormwater treatment infrastructure, etc.

The existing open drainage ditches along the roadway would need to be relocated or put into a new piped drainage system to address environmental regulations.

Expanding the roadway for nonmotorized or capacity improvements would require removal or relocation of numerous trees, power poles, fences, landscaping, mailboxes and other public or private features along the roadside.

**Cost Estimates:** The planning level cost estimate to construct a nonmotorized pathway on one side of the road and meet the associated drainage and environmental regulatory requirements is approximately $5 million. Capacity improvements could cost upwards of $20 million. Further study would be necessary to evaluate more specific improvement concepts such as nonmotorized improvements or turn lanes.
4 Agriculture

**Study Recommendation:** Agriculture Production District (APD)

4.1.1 *Continue to support retail sales of locally grown products on agricultural zoned lands*

4.1.2 *Limit changes to the current agricultural production zone rules and regulations*

**King County Response:**

King County recommends that no changes be made to the boundaries and or primary regulatory structure of the APD. The proposal does change the product content requirement for production to be at least 60% grown on site.

**APD History:**

Agricultural land in King County had declined by approximately 60% between 1950 and 1969 and was projected to occupy less than 3% of the 1964 coverage by 2000. As a result of the documented loss of significant farmland acreage, King County Council passed Ordinance 1096 in 1972 to recognize and protect agricultural lands as “Open Space Elements” in the revised Comprehensive Plan, which was originally adopted in 1964. Specifically, Ordinance 1096 stated:

> Farmlands must be included in the open space system because they provide products for consumption; serve as buffers between urbanizing areas; and provide beautiful and natural scenery. These land areas will be lost to industrial development, subdivision, and to highway development unless they are included in the system.”

The following year, that directive was strengthened by Council Ordinance 1839, which stated:

> “The Council of King County declares it to be in the public interest to retain prime agricultural lands and certain farmlands within a system of open space. This open space system is recognized as having scenic and aesthetic values that contributes natural buffers within existing and potential urban areas. Furthermore, the retention of agricultural and certain farmlands provide both unique and supplemental food stuffs and contribute to and diversify the economic base.”

The 1975 Supplement to the King County Comprehensive Plan called out the Lower Green-Duwamish Valley and Sammamish Valley as being especially threatened from continued urban expansion because “of the valley’s proximity to a highly urban area, but because of transportation lines and flood control improvements that make these areas also highly suited for industrial and
commercial development.” The Supplement combined Ordinance 1839 and others that, together, provided justification for establishing agricultural zones that protected “prime agricultural lands.”

The Supplement provided one overarching goal for agricultural land preservation: “To preserve prime agricultural lands and significant other farmlands in the open space system.” A suite of criteria were provided to help identify priority agricultural lands, including soil type, size, cropping history, flood risk, public opinion, and lack of water and sewer services. Agricultural zoning (A Zone) was to be applied “wherever appropriate to protect good, agricultural land from incompatible use and development.”

In 1977, Council Ordinance 3064 amended the Comprehensive Plan and created eight “King County Agricultural Districts,” which were the Snoqualmie Valley/Patterson Creek Agricultural District, the North Creek Agricultural District, the Upper Snoqualmie Agricultural District, the Sammamish Valley/Bear Creek Agricultural District, the Lower Green River Valley Agricultural District, the Upper Green River Valley Agricultural District, the Enumclaw Plateau Agricultural District, and the Vashon Island Agricultural District. The County was directed to use rezoning options, permit reviews and other options to “ensure that to the fullest extent possible the agricultural potential of the District will not be adversely affected.”

Ordinance 3064 provided maps of the eight Agricultural Districts as well as the “Agricultural Lands of County Significance,” which were the highest priority agricultural lands within those districts. The district boundaries were many times larger than the areas delineated as priority agricultural lands. For example, the Sammamish Valley/Bear Creek Agricultural District included the entire Sammamish River and Bear Creek floodplain, as well as the major tributaries, and stretched from Lake Sammamish to the Snohomish County line. The identified priority agricultural lands comprised less than 20 percent of the delineated district.

The Technical Appendix for the Executive Proposed General Development Guide was released in 1984 to provide further guidance for resource land conservation and use in rural and urban areas. The Guide proposed revised Agricultural Districts, which were based upon a review of the existing Agricultural Districts established by Ordinance 3064. The districts established in Ordinance 3064 included many lands not suited to agriculture and the new districts excluded non-productive lands and land uses differed based upon whether a parcel was within or adjacent to a district. Major changes from the Ordinance 3064 districts included elimination of the Vashon and Bear Creek districts and refining the Sammamish Agricultural District to eliminate the Bear Creek watershed and constricting the remaining boundaries to include the most productive agricultural lands near Woodinville.

The 1989 King County Resource Lands (Area Zoning) document, which further modified the boundaries of the Sammamish and Green River Valley Agricultural Districts, was adopted by King County Council via Ordinance 8848. Ordinance 8848 further recognized the importance of the agricultural districts and established “Agricultural Production Districts” within those agricultural
districts via enhanced agricultural zoning. The current boundaries of the Sammamish APD are very similar to the boundaries outlined in the Area Zoning document.

King County Council passed Ordinance 4341 in June 1979 to provide for the issuance of general obligation bonds to purchase property interest in priority agricultural regions in King County with the Sammamish and Green River valleys specifically identified as first priorities. Proposition 3 on the November 1979 General Election Ballot, which proposed the issuance of up to $50 million in general obligation bonds for the purpose of “acquiring and preserving voluntarily offered farm and open space lands in the county,” was passed by King County voters.

1979 bond money provided the initial capital to support establishment of King County’s Farmland Protection Program (FPP), which subsequently has benefited from additional infusion of funding from other sources, most significantly funds generated through the Transfer of Development Rights and grants through the Conservation Futures Tax program.

Summary of Sammamish APD conservation activities:

- Total acres in APD: 1,082
- Acres in the APD protected via FPP easements: 779
- Acres in food production within the APD: 305
- Acres in equestrian, sod, nursery or tree farm: 500
- Acres currently “not farmable”: 230

**Study Recommendation: Land Conservation in the Agriculture Production District (APD)**

4.1.4 Explore and facilitate additional development right purchases for agricultural zoned properties in the Sammamish Valley

**King County Response:**

**Protecting Remaining Unprotected Acreage in the APD:** While King County has been successful in protecting three quarters of the acreage in the Sammamish APD, there are still several parcels that do not have Farmland Preservation Program (FPP) easements protecting them from future development. These parcels, particularly those that are on the boundary between the APD and the City of Woodinville are a high priority for protection by the County.

King County’s Farmland Preservation Program will continue to conduct outreach to the owners of these high priority parcels to engage them in a discussion about removing the development rights from their parcel, and preserving it as agricultural land in perpetuity. Preservation of these lands will be a top priority for the County.
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any use of this map or information on this map is prohibited except by written permission of King County.
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County is not responsible for any representation of or error contained in the information presented on this map, and makes no representation or warranty, either express or implied, to the accuracy, completeness, currency, or correctness of any information contained herein. Information is provided on an "as is" basis without guarantee of any kind and is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information presented on this map or in any other form. Any sale of this map or information on this map is prohibited except by written permission of King County.
Study Recommendation: Signage

2.1.5 Support agriculture in the Sammamish Valley as a synergistic component of the tourism and wine and beverage industries

King County Response:

Public Signage for the Agricultural Production District (APD) and Farmland Preservation Program (FPP) Parcels

APD Signage. King County has erected signs identifying some, but not all of the Agricultural Production Districts. Given that these areas are critical to protecting valuable agricultural soils and form the foundation of the King County’s agricultural economy they should be clearly signed, with the intent of alerting the public that they are entering an area of natural resource and economic significance. In evaluating a program for placing signage in all of the APDs, the County has developed the following principle to guide development and placement of the signs:

- Signs should be distinctive and readily identifiable as an indication of the boundary for an agricultural zone.
- Signs should be placed in multiple areas of high-visibility.
- Should help avoid incompatible land use decisions that arise out of ignorance of the existence of the APD.
- Signs should have the same basic design, but could be customized for each APD.
- Signs should be readable and aesthetically pleasing.
- King County has developed a “Farm King County” brand to promote the County Executive’s Local Food Initiative – we may want to consider expanding use of the brand in the APD signs.
- We want to integrate an emphasis on driving safety with an increased awareness of APDs.

The current timeline is to develop several sign options, and present them to the King County Agriculture Commission and solicit input on design and level of community outreach needed to engage the broader agricultural community. Based on feedback from the Commission we will develop final designs and an engagement process.

FPP Signage. King County’s Farmland Preservation Program has been successful in protecting almost 15,000 acres of farmland from development. While we have approximately 300 farms across the County enrolled in the program, we have never asked property owners to take any action to acknowledge or celebrate that parcels are permanently protected. King County
agriculture program staff has been exploring the option of developing signage for all parcels enrolled in the FPP program. Following are principles the staff drafted to guide development of such a program:

- Placement of signs would be contingent on agreement by the landowner. FPP is a voluntary program, and we want to recognize landowner commitment to farmland preservation and sustainable land management.
- Signs would be standardized for FPP program, but we would try to have an option of customizing for individual farms.
- Signs need to be clear that they do not indicate public access – FPP parcels remain private property.

The goal would be to develop this program in consultation with the King County Agriculture Commission and a stakeholder group of FPP program participants. We would need to work through issues of design, placement, and how to allocate the cost of the program. This effort would be implemented on a separate timeline from the effort to provide signage in and around the APDs.
5 Rural and Agriculture Zoning – The Regulations

Study Recommendation:

Defining and Implementing

1.2.1 Production Facilities-- define based on the size and scale of the facilities and use this definition to scale regulations

1.2.2 Limit impacts of tasting rooms through regulation of number of events, size of events, and hours of operation

1.2.3 Develop new definitions for tasting rooms, special events, winery production facilities, and other associated uses

Wine, Beverage, and Tourism Industries

3.1.7 Limit the operating hours or size of tasting rooms/event spaces to be outside of the PM peak hour of traffic

Transportation

4.1.5 Direct wine and beverage industry facilities looking to locate in unincorporated portions of the Sammamish Valley to properties located along arterial roads (see 5.2.5)

Agriculture

4.1.6 Explore potential impacts of expanding the locally grown requirement for product sales in agriculture zones (currently at 60% originating from the Puget Sound) to include Washington State

Rural Zoned Areas

5.1.1 Differentiate between tasting room only facilities and winery production facilities in terms of land use regulations in unincorporated King County

5.1.3 Consider smaller lot size requirements in the study area for smaller production facilities (not applicable to subdivisions of land)
5.1.4 Develop regulations that limit hours of operation, special events, and overall traffic to facilities where appropriate and tailor regulations for distinct neighborhoods within the RA Zone

5.2.3 Allow for wine and beverage industry uses through the home occupation regulations and be clear about when tasting rooms/production facilities can exist outside of a home occupation

5.2.5 Direct wine and beverage industry facilities looking to locate in unincorporated portions of the Sammamish Valley to properties located along arterial roads (see 4.1.5)

King County Response:

Please refer to the proposed ordinance for specific details on the regulatory structure for Winery, Brewery, Distillery Facilities.

Approach:
Recognize the changing nature of the wine industry in King County. Allow less intensive winery, brewery, distillery uses on smaller lots in the Rural Area and more intensive uses on larger lots with direct access to an arterial. Allow for remote tasting rooms in a very limited area as a pilot project. Prohibit wineries and tasting rooms as home occupations or home industries. In the Rural Area, allow agricultural products being processed to be grown without restriction to location. Limited changes to the current regulations in the Agriculture Production District. (Reference to Strategy Number in parenthesis)

Definitions and Allowed Uses:
Remote Tasting Room: (Permitted Use) A 1,000 maximum square foot facility indoor with additional 500 square foot of outdoor space that is remote from the production facility of the winery. Limited to serving wine and minimal food items and sales of merchandise related to products available for tasting. Events are prohibited. Hours are limited as follows: Monday, Tuesdays, Wednesdays, and Thursdays, tasting rooms can be open from 11:00 AM through 5:00 PM. On Fridays, Saturdays, and Sundays tasting rooms can be open from 11:00 AM through 9:00 PM. To be allowed in a very limited area as a pilot program in two areas defined as Demonstration Overlay A, Exhibits 1 and 2. (1.2.3, 3.1.7, 5.1.1, 5.2.3)

Winery, Brewery, Distillery Facility I: (Permitted Use) A very small production establishment limited to 1,500 square feet. No on-site product tasting, events, or sales of merchandise would be allowed. The intent is to authorize a small-scale production facility to replace the allowance for a home occupation but with more conditions of operations to limit impacts to neighboring properties. (1.2.1, 5.1.1, 5.1.3, 5.2.3)
Winery, Brewery, Distillery Facility II: (Permitted Use) A small-scale production facility located on at least 2.5 acres and limited to 3,500 square feet. Product tasting and sales of related merchandise would be allowed. Events subject to a Temporary Use Permit. No growing requirement in the RA and UR zones. In the A zones, 60% of products produced required to be grown on-site. (1.2.1, 1.2.3, 4.1.5, 4.1.6, 5.1.3, 5.2.3, 5.2.5)

Winery, Brewery, Distillery Facility III: (Conditional Use) A larger-scale production facility located on at least 4.5 acres and limited to 6,000 square feet, or up to 8,000 square feet on properties of at least 10 acres. Product tasting and sales of related merchandise would be allowed. Remove square footage limitation for Vashon Island so same as rest of the Rural Area. No growing requirement in the RA and UR zones. In the A zones, 60% of products required to be grown on-site. Events subject to a Temporary Use Permit. In a very limited area, as a pilot program in the area defined as Demonstration Overlay B, events will be allowed as a condition of acquiring the Conditional Use Permit. (1.2.1, 1.2.3, 4.1.5, 4.1.6, 5.1.3, 5.2.3, 5.2.5)

Demonstration Overlays: King County is proposing two Demonstration Overlays as pilot projects for new concepts regarding wine and beverage facilities that will be evaluated annually and then expire after three years. DPER will compile a list of demonstration project applications submitted and any related code complaints. At the end of the three-year period, the concepts will be evaluated for expansion to other areas of King County.

- **Demonstration Overlay A**: Two distinct areas in unincorporated King County. One is a very small area directly east of the Woodinville city boundaries ranging from one property north of NE 144th street south for approximately .25 miles. In this area, remote tasting rooms will be allowed. The second area is within the boundaries of the Vashon Town Center. (1.2.2)

- **Demonstration Overlay B**: A defined area directly east of the Sammamish Valley Agriculture Production District as it extends south from Woodinville city limits along SR 202 to the Redmond city limits. In this area, a facility with a Conditional Use Permit to operate as a Winery, Brewery, Distillery III can hold events without being subject to a Temporary Use Permit. (5.1.4)

Special Events: Temporary Use Permit (TUP) required for events beyond regular promotion and sales of the product being produced and tasted. In the RA zones, the number of events for Winery, Brewery, Distillery Facility II & III will be limited to 24 events per year. In the A zones, the number of events will remain as currently defined at two per month. All events will be limited in size: 125 guests for a Winery, Brewery, Distillery Facility II and 250 guests for a Winery, Brewery, Distillery Facility III. For Winery, Brewery, Distillery III in the area defined as Demonstration Overlay B, east of the Sammamish Valley Agricultural Production District, events allowed as integral to the Conditional Use Permit, as a pilot program.
### Summary of Proposed Regulations for Winery/Brewery/Distillery Uses in the Rural Area and the Agriculture Zones

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Rural Area</th>
<th>Agriculture Zones</th>
<th>Demonstration Projects – Rural Area</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Permit</td>
<td>Winery I</td>
<td>Winery II</td>
<td>Winery III</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>Permitted</td>
<td>Permitted 1</td>
<td>Conditional Use</td>
<td></td>
</tr>
<tr>
<td>Max. Building Size</td>
<td>1,500 sf</td>
<td>3,500 sf</td>
<td>6,000 sf</td>
<td>6,000 sf + 8,000 sf²</td>
</tr>
<tr>
<td>Tastings</td>
<td>Not allowed</td>
<td>Allowed with ltd. hrs:</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Home Occupations</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td>Events</td>
<td>Not allowed</td>
<td>Up to 24/year with TUP – max. size = 125 guests; parking accommodated on-site or managed through parking plan</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>Adhere to Public Health standards</td>
<td>Adhere to Public Health standards</td>
<td>Adhere to Public Health standards</td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
<td>Direct access from an arterial</td>
<td></td>
</tr>
<tr>
<td>Production</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Parking</td>
<td>Not allowed</td>
<td>Limited to 150% of minimum required (e.g. 8-9 spaces)</td>
<td>Determined through CUP</td>
<td>New requirement – changing code requirement to be consistent with ratio for other retail uses</td>
</tr>
<tr>
<td>Setbacks</td>
<td>75'</td>
<td>75'</td>
<td>75'</td>
<td>75'</td>
</tr>
<tr>
<td>KC Bus. License</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Not specified</td>
</tr>
<tr>
<td>Fines &amp; Penalties</td>
<td>$500/$1,000</td>
<td>$500/$1,000</td>
<td>$500/$1,000</td>
<td>$500/$1,000</td>
</tr>
<tr>
<td>Demonstration Project Review</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
</tbody>
</table>

### Vacancies

- **Winery I** in Overlay A
- **Winery II** in Overlay A
- **Winery III** in Overlay B

**Exhibit:** [Vashon Town Center](#)  
**Exhibit:** [Sammamish Valley](#)

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Min. Lot Size</th>
<th>Max. Building Size</th>
<th>Tastings</th>
<th>Home Occupations</th>
<th>Events</th>
<th>Water</th>
<th>Access</th>
<th>Production</th>
<th>Parking</th>
<th>Setbacks</th>
<th>KC Bus. License</th>
<th>Fines &amp; Penalties</th>
<th>Demonstration Project Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted</td>
<td>n/a</td>
<td>75'</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Up to 24/year with TUP – max. size = 125 guests; parking accommodated on-site or managed through parking plan</td>
<td>Adhere to Public Health standards</td>
<td>Not specified</td>
<td>Required</td>
<td>Not allowed</td>
<td>Required</td>
<td>$500/$1,000</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
<tr>
<td>Permitted 1 Conditional Use</td>
<td>2.5 acres</td>
<td>4.5 acres**</td>
<td>Allowed with ltd. hrs:</td>
<td>Not allowed</td>
<td>Up to 24/year with TUP – max. size = 250 guests; parking accommodated on-site or managed through parking plan</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
<td>Direct access from an arterial</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>$500/$1,000</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
<tr>
<td>Conditional Use</td>
<td>4.5 acres**</td>
<td>10 acres**</td>
<td>Not allowed</td>
<td>Allowed with ltd. hrs:</td>
<td>Up to 2/month with TUP – max. size = 250 guests; parking accommodated on-site or managed through parking plan</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
<td>Direct access from an arterial</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>$500/$1,000</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
<tr>
<td>Permitted</td>
<td>n/a</td>
<td>Not specified</td>
<td>Allowed with ltd. hrs:</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Direct access from an arterial</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>$500/$1,000</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
<tr>
<td>Conditional Use</td>
<td>2.5 acres</td>
<td>4.5 acres**</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Direct access from an arterial</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>$500/$1,000</td>
<td>n/a</td>
<td>3 years with annual review</td>
</tr>
</tbody>
</table>
### Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

#### Agriculture Zones

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Existing Code</th>
<th>Proposed Ordinance 2018-0241</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted – as an accessory to agricultural use</td>
<td>Permitted – only as an accessory to agricultural use</td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>None</td>
<td>4.5 acres when floor area is less than 6,000 sf. Excep...</td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>3,500 sf, except historic buildings</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for und...</td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting. Hours for on-site tasting: Monday-Thursday: 11am – 5pm, Friday-Sunday: 11am – 9pm</td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site. For breweries and distilleries: 60 days in a one-year period</td>
<td>Up to 2 events/month with TUP. Max. size = 125 guests; parking accommodated on-site or managed through parking plan</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Not specified</td>
<td>Meet requirements for water and wastewater; water meters required for use of wells</td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td>Limited to processing of agricultural products and 60 percent of the products must be from Puget Sound counties</td>
</tr>
<tr>
<td><strong>Production/ Facility Location</strong></td>
<td>Not specified</td>
<td>Required</td>
</tr>
<tr>
<td><strong>Purchasing/ Location</strong></td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area. Parking maximum 150% of minimum requirement</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
</tr>
<tr>
<td><strong>KC Bus. License</strong></td>
<td>None</td>
<td>Required</td>
</tr>
<tr>
<td>Issue/Condition</td>
<td>Existing Code</td>
<td>Rural Area Zones</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted</td>
<td>Winery I (DC#30)</td>
</tr>
<tr>
<td></td>
<td>Conditional Use</td>
<td>Permitted – only one nonresident employee allowed</td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>4.5 acres</td>
<td>4.5 acres</td>
</tr>
<tr>
<td></td>
<td>Except if floor area is over 6,000 sf, the minimum lot size is 10 acres and a minimum 2.5 acres must be used to grow products</td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>3,500 sf, except historic buildings</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
</tr>
<tr>
<td></td>
<td>For breweries and distilleries: 60 days in a one-year period</td>
<td>For breweries and distilleries: 60 days in a one-year period</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Not specified</td>
<td>Meet requirements for water and wastewater; water meters required for use of wells</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td>Limited to processing of agricultural products and 60% percent of the products must be from Puget Sound counties</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Production/Facility Location</strong></td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td></td>
<td>Parking</td>
<td>Setbacks</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from</td>
</tr>
<tr>
<td></td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>all other zones.</td>
</tr>
<tr>
<td></td>
<td>Parking maximum 150% of minimum requirement</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from</td>
</tr>
<tr>
<td></td>
<td>One parking stall allowed for nonresident employee</td>
<td>all other zones.</td>
</tr>
<tr>
<td></td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from</td>
</tr>
<tr>
<td></td>
<td>P: Limited to 150% of minimum required</td>
<td>all other zones.</td>
</tr>
<tr>
<td></td>
<td>C: Limited to 150% of minimum required</td>
<td>Includes parking areas.</td>
</tr>
<tr>
<td></td>
<td>Determined through CUP (NOTE: transmitted ordinance has an error and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>says limited to 150% of minimum required</td>
<td></td>
</tr>
</tbody>
</table>

**Parking**

- .9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
- Parking maximum 150% of minimum requirement
- One parking stall allowed for nonresident employee
- 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area
- P: Limited to 150% of minimum required
- C: Limited to 150% of minimum required

**Setbacks**

- 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.
- 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.
- P and C: 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.
- 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.

**KC Bus. License**

- None
- Required
- P and C: Required
- Required
<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Existing Code</th>
<th>Urban Reserve Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban Reserve Zone</td>
<td>Proposed Ordinance 2018-0241</td>
</tr>
<tr>
<td></td>
<td>Winery I (DC#30)</td>
<td>Winery II (DC#3)</td>
</tr>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted</td>
<td>Conditional Use – No separate authorization for a CUP in UR zone</td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>4.5 acres</td>
<td>None</td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>3,500 sf, except historic buildings</td>
<td>1,500 sf</td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Not allowed</td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>60 days in a one-year period</td>
<td>Not allowed</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td>None</td>
</tr>
<tr>
<td><strong>Production/Facility Location</strong></td>
<td>Not specified</td>
<td>Required</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>One parking stall allowed for nonresident employee</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
</tr>
<tr>
<td><strong>KC Bus. License</strong></td>
<td>None</td>
<td>Required</td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

### Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>Existing Code</th>
<th>Proposed Ordinance 2018-0241</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NB and CB</td>
<td>RB and I</td>
</tr>
<tr>
<td>Type of Permit</td>
<td>Permitted</td>
<td>WBD I – not permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II – permitted (DC#17)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III – conditional use (DCK29)</td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II – 3,500 sf, except historic buildings are 5,000 sf</td>
</tr>
<tr>
<td>Max. Building Size</td>
<td>3,500 sf, except historic buildings</td>
<td>WBD II – 3,500 sf, except historic buildings are 5,000 sf</td>
</tr>
<tr>
<td>Tastings</td>
<td>Not specified</td>
<td>WBD II – Tasting of products produced on-site, and no extra</td>
</tr>
<tr>
<td></td>
<td></td>
<td>floor area allowed for tasting</td>
</tr>
<tr>
<td>Events</td>
<td>60 days in a one-year period</td>
<td>WBD II and III – 60 days in a one-year period</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. size = no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking not specified</td>
</tr>
<tr>
<td>Water</td>
<td>None</td>
<td>WBD II and III – 60 days in a one-year period</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. size = no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking not specified</td>
</tr>
<tr>
<td>Access</td>
<td>None</td>
<td>WBD II and III – 60 days in a one-year period</td>
</tr>
<tr>
<td>Product Content</td>
<td>None</td>
<td>Max. size = no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking not specified</td>
</tr>
<tr>
<td>Production/Facility Location</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Parking</td>
<td>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
</tr>
<tr>
<td></td>
<td>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
</tr>
<tr>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.</td>
<td>WBD II – 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
</tr>
<tr>
<td></td>
<td>5 or 10 feet</td>
<td>WBD III – 5 or 10 feet</td>
</tr>
<tr>
<td>KC Bus. License</td>
<td>None</td>
<td>WBD II and III– Required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II and III– Required</td>
</tr>
</tbody>
</table>

PRE Meeting Materials December 04, 2018
OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Permitting and Environmental Review file no. PREA170313

FOUR HORSEMEN BREWERY
Preliminary Determination Appeal

Location: 30221 148th Avenue SE, Kent

Appellants: Donna Hinds-Scarimbolo, Dane Scarimbolo, and Dominique and Justin Torgerson
30221 148th Avenue SE
Kent, WA 98042
Telephone: (253) 332-2829
Email: dane_ scarimbolo@hotmail.com

King County: Department of Permitting and Environmental Review
represented by Jake Tracy
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 263-0875
Email: jtracy@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation: Deny appeal
Department's Final Recommendation: Deny appeal
Examiner's Decision: Grant appeal in part; deny appeal in part

EXAMINER PROCEEDINGS:

Hearing Opened: September 6, 2018
Hearing Closed: September 19, 2018
Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

After hearing the witnesses’ testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties’ arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

FINDINGS AND CONCLUSIONS:

Overview

1. The operators of the Four Horsemen Brewery (Appellants) challenge a preliminary determination by the Department of Permitting and Environmental Review (DPER) that no tasting areas—no matter how limited in scope—are allowed in connection with a home occupation brewery. Although DPER is correct that the tasting area Appellants sought to operate exceeded the limited-scale uses allowed for a home occupation, DPER is incorrect that current law categorically prohibits all such home occupation tasting areas. Accordingly we grant, in part, Appellants’ petition.

Background

2. Appellants, the four brewery operators, live in the residence on the subject property. They installed a brewery and tasting areas without the necessary permits. Code Enforcement received a complaint and began administrative proceedings. In response, Appellants began the permitting process. DPER informed them that while their brewery operations were likely legalizable through the permit process, on-site home occupation tasting areas were prohibited, county-wide.

3. When, at or after a pre-application conference, DPER issues a preliminary determination that a proposed development is not permissible, an applicant has the option to appeal that determination to us. KCC 20.20.030.D. Appellants filed a timely challenge, and we went to hearing on September 6. We announced at the close of that hearing that we would hold the record open until September 19, to allow the parties to submit additional argument. With the record now closed, we turn to our analysis.

Analysis

4. The distinction between the way courts treat “facial” challenges versus “as-applied” challenges provides a useful framework for our analysis. Because DPER has adopted a blanket (facial) position “that it is not possible to condition a tasting room to be a limited use, subordinate and incidental to a residence,” Ex. A16 at 002, we must reject DPER’s position “unless there exists no set of circumstances in which” a tasting area can meet the home occupation standards. Cf. Tunstall ex rel. Tunstall v. Bergeson, 141 Wn.2d 201, 221, 5 P.3d 691 (2000). This also means that we devote less space to making detailed factual findings than we would if, for example, DPER had determined that while tasting areas were generally amenable to home occupation status, specific attributes of Appellants’ operations went too far.
5. The current zoning code allows commercial breweries—along with any state-allowed
tasting area for products produced on site—on Rural Area (RA) zoned properties. KCC
21A.08.080.B.3.g. However, such activities are only allowed on parcels of at least 4.5
acres. Id. at c. Appellants’ property is approximately half the required size.

6. Home occupations and home industries do offer a “catch all” avenue for legalization.
Certain uses, prohibited as the primary use of a residential property, may nonetheless be
conducted by a resident(s) if certain criteria are met. DPER agrees that a brewery itself, if
sufficiently limited, is amenable to home occupation treatment. Our question is whether
DPER is correct that no tasting areas, no matter how limited, can be allowed as part of a
home occupation brewery.

7. We render our decision in the shadow of pending code changes that would overhaul the
standards for adult beverage businesses (including both breweries and tasting areas) and
would exclude breweries and tasting areas from being eligible for home occupation
status. Prop. Ord. 2018-0241. Yet a proposal is not a law, we decide cases based on the
actual law, not on the law as it may become.

8. We start with the low-hanging fruit, before turning to the more involved analysis.

9. Appellants make multiple references to the comprehensive plan (Comp Plan). A county’s
comprehensive plan is a “guide” and “blueprint”; it is typically not appropriate for
making specific land use decisions. Citizens for Mount Vernon v. City of Mount Vernon, 133
Wn.2d 861, 873–74, 947 P.2d 1208 (1997). The Comp Plan would be relevant in our
consideration of a home industry, because a home industry here would require a
conditional use permit, and the code controlling the conditional use analysis explicitly
requires inquiry into whether a proposed use conflicts with the Comp Plan. KCC
21A.44.040.G. But today’s case is about whether a tasting room is permissible as a home
occupation under the current wording of KCC 21A.30.085, which does not incorporate any
Comp Plan component. The Comp Plan may provide fodder for how Appellants’ lobby
Council to shape the proposed ordinance, but it does not impact our decision.¹

10. Appellants next assert that they should be allowed a tasting room because the
Washington State Liquor and Cannabis Board (Board) permits this without requiring an
additional tasting room or retail license (on top of a brewery license), and so Appellants
should be allowed to exercise these state-granted “privileges.” WAC 314-20-015(1) (“A
licensed brewer may sell: (a) Beer of its own production at retail on the brewery
premises”); Ex. A16-002. That the Board may authorize something as a matter of state
licensing law does not mean that the County allows (or has to allow) it as a matter of local
zoning law.

¹ Even if the Comp Plan were relevant, Appellants’ citation to ED-602.g would be unavailing. That subsection states that
the County will “explore opportunities to support agricultural tourism and value-added program(s) related to the
production of … specialty beverages (including beer, distilled beverages, and wine) in the county.” The pending
ordinance is the result of that exploration, via a King County Sammamish Valley Wine and Beverage Study released in
September 2016. Prop. Ord. 208-0241. If Appellants do not like that result, they can lobby for an amendment to the
legislation. But ED-602.g did not promise any specific result, only an exploration.
11. In the words of our most recent appellate decision interpreting the analogous question of whether a county must sanction marijuana businesses the Board accepts, "the fact that an activity can be licensed under state law does not mean that the activity must be allowed under local law." *Emerald Enterprises, LLC v. Clark County*, 2 Wn. App. 2d 794, 805, 413 P.3d 92 (2018). The Board’s powers are “distinct from the County’s zoning authority,” and a Board license is “an additional requirement for opening a new business.” *Id.* at 817, 806. We assume, for purposes of our discussion, that the Board would license any of the alternatives in today’s discussion. Our question is what KCC Title 21A allows.

12. DPER argues that, if we decide that a tasting area can be allowed, DPER should have the discretion to decide whether that proposal should fit under the home occupation or home industry rubric. Ex. A16 at 004. DPER can *suggest* an appropriate avenue for legalizing something, and often DPER helpfully does just that. But where a party applies for X, DPER (and we) must analyze X. A home industry might be a viable alternative, if we decide that tasting cannot occur—in any form—in conjunction with a home occupation brewery. But DPER (and we) have to analyze the question actually asked. And here that involves a proposal for a brewery/tasting area as a home occupation, not as a home industry.

13. Our final preliminary point recognizes that DPER has been consistent in interpreting the code as barring tasting areas as a component of a home occupation brewery; its position here is not one crafted for an adversarial proceeding. Ex. D5. That would be important if we were determining whether (and how much) to grant DPER deference, given that courts accord more weight to agency interpretations that are consistent with that agency’s prior administrative practice. *Skamania County v. Columbia River Gorge Com’n*, 144 Wn.2d 30, 43, 26 P.3d 241 (2001). But it is the examiner, not the agency, who gets any deference in today’s case. *Durland v. San Juan County*, 174 Wn. App. 1, 11, 298 P.3d 757 (2012). Our rules reflect this: barring some special directive to the contrary, the examiner does not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.

14. Turning to the crux of the matter, DPER initially argues that—in addition to the specific, occupational requirements of KCC 21A.30.085—a would-be home occupier also has to meet the limitations coming directly from KCC chapter 21A.06’s definitions, including “a limited-scale service or fabrication activity...subordinate to the primary use of the site as a residence” and being “[c]ustomarily associated with a principal use” and “[s]ubordinate and incidental to the principal use.” KCC 21A.06.610, .013.

15. However, then DPER essentially reverses course and asserts that these definitional limits are actually no limits at all, and that if we allow any type of tasting area, all hell would break loose. *E.g.*, Ex. D1 at 005 (asserting that nothing would “prevent four fifteen-person conversion vans from arriving on site each hour, on the hour...and would not prevent the owners from using shuttle buses to ferry large groups of customers to the site”). Appellants unwittingly support DPER’s argument, alleging that without a precise definition DPER is barred from establishing guidelines for what can be considered subordinate or limited-scale. Ex. A16 at 001. This adds fuel to DPER’s claim that if we overturn its blanket interpretation that a tasting area is never allowed as a home...
occupation, DPER can set no limits, Exhibit A16-001, and the sky (truly) would be falling.

16. The answer is that DPER’s first point is correct, rendering the second point moot.

17. We were initially skeptical that a general definition would add any limitations on top of those specifically enumerated in the operative section, KCC 21A.30.085. That is, as long as one meets KCC 21A.30.085’s checklist, anything that does not violate one of those specific restrictions is legal. Yet after more contemplation, we agree with DPER that KCC chapter 21A.06 adds operative restrictions. Because KCC 21A.30.085 starts off (underscore added) by noting that residents “may conduct one or more home occupations as accessory activities, under the following provisions,” the limitations included in the definitions of “home occupation” and “accessory activity” are explicitly incorporated into .085.

18. The statutory interpretation principle that a “general statutory provision normally yields to a more specific statutory provision,” Western Plaza, LLC v. Tison, 184 Wn.2d 702, 712, 364 P.3d 76 (2015), still applies. So, for example, in answering the question of how many employees could work in the business or how long operating hours can be, and still qualify as “limited-scale” and “accessory” to a residential use, we would look solely to KCC 21A.30.085’s detailed answers, and not to KCC 21A.06.013’s and .610’s general principles. But the definitions remain functional.

19. Turning to those definitions, DPER argues that Appellants’ tasting area would be a “sales-based” business and thus not allowed, given KCC 21A.06.610’s definition of home occupations as limited-scale service or fabrication activities. Ex. D1 at 004. DPER’s argument is accurate for home occupations in the Urban Residential (R) and Urban Reserve (UR) zones, where sales are limited to mail order, electronic, and sales to patrons who receive services onsite. KCC 21A.30.080.G. However the code applicable to Rural Area (RA) home occupations explicitly adds to this list sales of “[i]tems grown, produced or fabricated on-site.” KCC 21A.30.080.K. That specific allowance trumps the general prohibition. Appellants produce their beer on their RA-zoned site, and provided they sell only what they produce on site, this particular component creates no prohibition.

20. Whether Appellants’ specific activities actually qualify as “limited-scale” is discussed below. But DPER argues that that there are certain activities that simply cannot be considered “limited-scale,” even if an applicant could demonstrate compliance with all the requirements of KCC 21A.30.085. That is correct, insofar as subsection J lists several uses the Council has determined “by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations” and therefore “shall not be permitted as home occupations.” On that list are lodgings, dry cleaning, and certain automotive services, automotive wrecking services and tow-in parking lots. Most recently, the Council added marijuana-related businesses to the list. Ord. 17710 at § 11 (2013). The Council appears poised to do this again for breweries/tasting rooms in the proposed ordinance 2018-0241.
21. DPER offers sound arguments for why, by the nature of its operations, a tasting room tends to increase beyond the limits permitted for home occupations and therefore should be prohibited from being part of a home occupation. Given the current legislation, Council might go there. But neither DPER nor we have the authority to constructively amend KCC 21A.30.085J and insert alcohol-related businesses after marijuana-related businesses on the list of prohibited home occupations. We do not get to “add words where the legislature has chosen not to include them.” Nelson v. Department of Labor & Industries, 198 Wn. App. 101, 110, 392 P.3d 1138 (2017).

22. In addition to the massive-scale crowds DPER claims could follow our unfavorable decision, DPER argues that while commercial breweries are limited to a combined brewery/tasting area of 3,500 square feet, nothing would prevent Appellants from constructing over 3,500 square feet of brewery/tasting in connection to a home occupation business. Ex. D1 at 006. However, a square footage that exceeded (or even approached) the maximum square footage of a full-scale (as the primary use of a property) would not qualify as a “limited-scale” endeavor (as an accessory use of a residential property).

23. As discussed above, either the KCC 21A.06.013 and .610 definitions act as an actual check, or they do not. If they do not, then Appellants can do whatever they want so long as they meet all the enumerated parts of KCC 21A.30.085. Because we conclude that these definitions are operative, they are checks on the extreme examples DPER presents. And to the extent DPER has experience that such checks are insufficient for keeping particular subcategories of home occupations from expanding inappropriately or creating undue neighborhood controversy, it should (as it is done here) propose adding these to KCC 21A.30.085.J’s and .080.E’s lists of uses ineligible for home occupation treatment.

24. In addition to the “limited-scale” check from KCC 21A.06.610 discussed above, .013.C requires that an accessory use be “subordinate and incidental to the principal use.” A large-scale tasting area would not be subordinate (having a lower or less important position) and incidental (accompanying but not a major part of) to the principal use of the property as a residence. In general, the examples DPER presents for how large Appellants’ business could grow sound less like a commercial use subordinate and incidental to a residential use, and more like a primary commercial use with some subordinate and incidental on-site housing for employees. That the latter would be disallowed does not mean that no tasting area could be permissible.  

25. DPER argues that because fully-outdoor tasting operations would not necessarily require a permit from DPER, DPER would not necessarily have any mechanism to ensure that businesses are subordinate and incidental to the primary residential use. Ex. A16 at 004. The same could be said for a whole host of home occupations, beyond adult beverages,

---

2 DPER points to KCC 21A.06.013.A’s requirement that an accessory use be “[c]ustomarily associated with a principal use.” DPER is correct that allowing customers to purchase and consume beverages on site is not customarily associated with a residence. But neither is brewing beer for sale on site, a use DPER agrees can (if property limited) qualify as a legal home occupation. We can think of a host of other home occupation businesses that are not “customarily associated” with a residential use. This general requirement would, if broadly interpreted, completely swamp KCC 21A.30.080 and .085.
that are not on KCC 21A.30.080.F’s and 085.J’s prohibited lists. More importantly, the Code Enforcement program is DPER’s existing mechanism for ensuring that, even where a permit is not required, a use does not violate the code’s limits. In fact, DPER actually has an open (but stayed) enforcement case on the subject property.

26. That does not mean that the already over-stretched Code Enforcement program provides an ideal review mechanism going forward. Proposed ordinance 2018-0241 provides regulatory and licensing for small-scale and very small-scale production facilities—including extensive provisions regarding tasting areas. Without offering any commentary on those specific provisions, it makes sense to handle small/limited-scale adult beverage operations via some system of reviewable permits and licenses, instead of relying on a catch-all provision for limited-scale uses often reviewable only after neighborhood tensions boil over to the point a complaint is lodged. Yet that does not give us the leeway to interpret the current code to have already accomplished this. Instead, our role is to interpret the codes “as they are written, and not as we would like them to be written.” Brown v. State, 155 Wn.2d 254, 268, 119 P.3d 341 (2005) (citations omitted).

27. DPER is correct that Appellants’ initial tasting room plans went far beyond a limited-scale service activity subordinate to the primary use of the site as a residence, and also violated some specific prohibitions, such as KCC 21A.30.085.J’s hours of operations. Appellants advertised that their location would be “great for big gatherings” and “could fit over 80 vehicles.” Ex. D7. That is way beyond a limited-scale home occupation. Viewing the aerial map with significant outdoor seating, DPER analogizing Appellants’ past operational capacity to a “beer garden” seems accurate. Ex. D4. Even under Appellants’ somewhat scaled-back scenario, they testified that they still have seating for 28 patrons at any given time. This would far exceed the number of customers one would expect from the four allowable, additional vehicles referenced in KCC 21A.30.085.H.3. Appellants did not challenge DPER’s assertion that the square footage Appellants devoted to tasting and customer parking combined are larger than the house itself.4

28. But that is not our basic question. Instead, we are reviewing DPER’s determination that tasting rooms adjacent to a home occupation brewery are simply not allowed as home occupations, period, essentially adding tasting areas to KCC 21A.30.085.J’s list of uses prohibited from achieving home occupation status. As noted above, we must reject DPER’s position unless there are no set of circumstances in which a tasting area can meet the home occupation standards. We can certainly envisions such circumstances—a home occupation brewery with capacity for only a few carloads of customers to come, purchase and consume samples, and then purchase growlers to take off-site—that could meet this. To this extent, we grant Appellants’ challenge.

---

3 Even assuming that vehicles bringing customers to the site would have more than the American average of 1.2 to 1.3 people-per-vehicle, http://overflow.solutions/demographic-data/how-many-people-are-there-per-automobile-in-the-us/, accommodations for 28 customers anticipates far more than four additional vehicles on site at any one time.

4 Although there was no testimony on how much total outdoor area was devoted to the business, a quick eyeball of the maps appears to show this in excess of the 998 square feet allowed for a property of the subject parcel’s size. KCC 21A.30.085.C.2.
29. We deny Appellants’ challenge in that they will need to significantly scale back. Looking forward, DPER raises some good points, such as how Appellants—situated in proximity to Pacific Raceways—can structure operations so that they do not increase the average vehicular traffic by more than four additional vehicles at any given time. KCC 21A.30.085.H.3. But those are “as-applied” issues specific to Appellants’ actual operations, reviewable through either the building permit or Code Enforcement review processes, and ultimately via an appeal to the Examiner. They do not create a “facial” bar to every home occupation tasting area in King County.

30. Finally, a word about vested rights. DPER states that because its interpretation of the code (as creating a blanket bar to tasting areas as home occupations) was in place prior to Appellants’ operations starting up, Appellants are not vested. Ex. A16 at 001. Vesting relates to the right to have a proposal processed under “regulations” in effect at the time an application is submitted. See Snohomish County v. Pollution Control Hearings Board, 187 Wn. 2d 346, 358, 386 P.3d 1064 (2016). While our code is more generous (to developers) than state law in terms of what applications are covered by the doctrine, our local vesting statute still pegs the analysis to the “land use control ordinances.” KCC 20.20.070.A. An agency interpretation of an ordinance, even if correct, is not an actual ordinance. In any event, DPER’s interpretation (that KCC 21A.30.085 bars every on-site tasting area for products brewed on site) is incorrect.

31. In our prehearing order, we referenced the pending code change that would make a brewery/tasting room like Appellants’ illegal. We observed that it would waste everyone’s time for Appellants to rush submit a second application for DPER to review and (given its consistent legal position) deny, for Appellants to file a second appeal, and for us to start processing a second appeal, solely to protect against the scenario that in between then and the time we issued today’s decision, the code would change. We noted that we would consider Appellants’ tasting room “vested” to today’s code, if we require them to re-apply.

32. The code still has not changed, so there is no need to look backwards. Quite apart from whether a tasting area is allowed, we were slightly surprised to see that the plans did not seem to include any reference to a tasting area, such as where on the site map such tasting would occur. That could be problematic for Appellants. Vesting does not apply to “potential, but unexpressed, use[s] the owner desires.” Alliance Inv. Group of Ellensburg, LLC v. City of Ellensburg, 189 Wn. App. 763, 772, 358 P.3d 1227 (2015) (interpreting Noble Manor Co. v. Pierce County, 133 Wn.2d 269, 943 P.2d 1378 (1997)). To be protected, Appellants should lay out a specific tasting area(s) in their next submittal.

33. As to that next submittal, both DPER’s and Appellants’ post-hearing briefs discuss what type of occupancy (B versus F) applies. DPER acknowledged an earlier mistake. Ex. A16-003. Appellants seem to treat DPER’s initial categorization as binding. Ex. A16-003. That would likely be true if DPER had issued an actual permit and later (after the appeal window closed) tried to rescind that permit. Cf. Chelan County v. Nykreim, 146 Wn.2d 904,

5 We understood Appellants’ contention that their state license entitled them to have a tasting room as part of brewery operations, but we did not understand that tasting areas would not even be shown on a site map (the same way, for example, that something like a driveway would).
34. DPER’s argument that it reviews a tasting area (where the public gathers) under different standards than a manufacturing area makes some logical sense, but we do not decide the correct coding. DPER should process the application correctly, consistent with today’s decision. And if DPER initially mis-categorized the project, and if it performed work it would not have under the proper categorization, then those hours should be credited to Appellants’ account. But a mistake in DPER’s initial analysis does not entitle Appellants to have their application continue to be processed incorrectly.

35. If—either during DPER’s processing of Appellants’ revised application or thereafter—the code changes to outlaw the type of activities Appellants want to conduct, that change would not make Appellants’ use illegal, only a legal nonconforming use. On the negative side, legal nonconforming use status comes with some restrictions, such as allowable modifications and expansions. KCC 21A.32.020-.085. On the positive side, Appellants would enjoy decreased competition, as no similarly situated, would-be rival business could subsequently open up. Regardless, a code change would not retroactively outlaw Appellants’ operations, so long as Appellants’ have resubmitted something showing a limited-scale brewery/tasting area subordinate and incidental to the principal use of the property as a residence and meeting the other requirements of KCC 21A.30.085, prior to the code change becoming effective.

DECISION:

1. Appellants’ appeal is DENIED, in the sense that Appellants’ tasting room activities exceed that allowed under the home occupancy requirements.

2. Appellants’ appeal is GRANTED, in that DPER’s interpretation that the current code bars tasting areas for home occupancy breweries, across the board, is incorrect.

ORDERED October 3, 2018.

David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County’s final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.
MINUTES OF THE SEPTEMBER 6, 2018, HEARING IN THE APPEAL OF FOUR HORSEMEN BREWERY, DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW FILE NO. PREA170313

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Dane Scarimbolo, Jake Tracy, Dominique Torgerson, and Justin Torgerson.

The following exhibits were offered and entered into the record:

**Department-offered exhibits:**
- Exhibit no. D1: Department of Permitting and Environmental Review staff report to the Hearing Examiner for file no. PREA170313
- Exhibit no. D2: Pre-application preliminary determination, dated June 1, 2018
- Exhibit no. D3: Notice and statement of appeal, received July 2, 2018
- Exhibit no. D4: Aerial map of subject property
- Exhibit no. D5: Excerpts of Washington State Liquor and Cannabis Board notice of liquor license applications
- Exhibit no. D6: “Four Horsemens Brewery Opens This Weekend” article from Washington Beer Blog, dated August 5, 2016
- Exhibit no. D7: Four Horsemens website
- Exhibit no. D8: DPER file no. PREA170313
- Exhibit no. D10: Email from Howard Esping to Sara Smith, dated June 11, 2018

**Appellant-offered exhibits:**
- Exhibit no. A2: Letter from Washington State Liquor and Cannabis Board, dated November 6, 2017; and Internal DPER emails, dated November 7, 2017
- Exhibit no. A3: Email correspondence between Dominique Torgerson and DPER
- Exhibit no. A4: King County Codes
- Exhibit no. A5: Revised Codes of Washington
- Exhibit no. A6: Traffic counts from 2013 through 2017
- Exhibit no. A7: “100% Made in Washington” article by Larry Clark in Washington State Magazine, dated Fall 2017
- Exhibit no. A8: King County Comprehensive Plan 2017; Occupational Safety and Health Administrative 5813
- Exhibit no. A9: Code enforcement case no. ENFR170930 record details
- Exhibit no. A10: Schedule of standard building construction values, dated February 6, 2018
- Exhibit no. A11: Permit no. ADDC180462 summary of charges, dated June 29, 2018
- Exhibit no. A12: KCC 27.10.020 and KCC 27.10.320
- Exhibit no. A13: Discussion of King County Comprehensive Plan
- Exhibit no. A14: WAC 314-02-035; RCW 66.40.010, RCW 66.40.020, RCW 66.40.030, RCW 66.40.040, RCW 66.40.100, RCW 66.08.200
- Exhibit no. A15: Appellants' rebuttal to DPER staff report
The following exhibit was offered and entered into the record on September 13, 2018:

**Department-offered exhibit:**
Exhibit no. D11  DPER’s response to Appellant’s rebuttal

The following exhibit was offered and entered into the record on September 17, 2018:

**Appellant-offered exhibit:**
Exhibit no. A16  Appellants’ reply to DPER’s response

DS/ld
OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Permitting and Environmental Review file no. PREA170313

FOUR HORSEMAN BREWERY
Preliminary Determination Appeal

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the REPORT AND DECISION to those listed on the attached page as follows:

☒ EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

☒ placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED October 3, 2018.

Vonetta Mangaoang
Senior Administrator
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair's Direction</th>
</tr>
</thead>
</table>
| 1      | Sections 3 through 9 add a new chapter in Title 6 – business licenses  

This adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.  
The business license fee would be $100 for initial and renewal of licenses.                                                                 | 7/11 – ok with Executive’s proposal. |
| 2      | Section 10: Repeals existing definition of winery:  

An establishment primarily engaged in one or more of the following:  
A. Growing grapes or fruit and manufacturing wine, cider or brandies;  
B. Manufacturing wine, cider, or brandies from grapes and other fruits grown elsewhere; and  
C. Blending wines, cider or brandies.                                                                 | 6/28 – ok with Executive’s proposal. |
| 3      | Section 11: Adds a definition for adult beverage business:  

An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.                                                                 | 6/28 – ok with Executive’s proposal. |
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Section 12: Adds a definition for remote tasting room: A small facility approved by the Washington state Liquor 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.</td>
<td>6/28 – revise the language so that breweries and distilleries can participate in the demonstration project. Be clear that additional endorsements, and other retail liquor licenses (bars and restaurants) would not be allowed</td>
</tr>
<tr>
<td>5</td>
<td>Section 13: Adds a definition for 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.</td>
<td>11/9 – add language that retail liquor licenses are not allowed. Adds allowances for on-site tasting and related retail sales. Make technical edits for consistency.</td>
</tr>
<tr>
<td>6</td>
<td>Section 14: Adds a definition for 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-</td>
<td>11/9 – add language that retail liquor licenses are not allowed. Make technical edits for consistency.</td>
</tr>
<tr>
<td>Issue #</td>
<td>Proposed Change</td>
<td>Chair's Direction</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>11/9 – add language that retail liquor licenses are not allowed. Make technical edits for consistency.</td>
</tr>
</tbody>
</table>
|         | **Section 15: Adds a definition for 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. |                                                                                                          |
| 8       | **Section 20: Modifies parking requirements:**

Requires for WBD II facilities, 0.9 per 1,000 square feet plus 1 per 300 square feet of tasting area (existing code is 1 per 50 square feet of tasting area).

Does not specify parking requirements for other WBD facilities.                                                                                                           | 6/28 – keep existing parking ratio of 1:50sf for tasting and retail areas. |
|         |                                                                                                                                                    | 11/9 –
1. Apply the WBD parking ratios to facilities II and III
2. Add a parking ratio for remote tasting room of 1:50sf of tasting and retail areas                                                                                 |
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Section 18: Modifies home occupation requirements (R, UR, NB, CB and RB zones):</td>
<td>11/9 – remove this from the ordinance and maintain existing code. Add a study requirement instead, which includes evaluation of the impacts of the current code and implementation of the code for WBDs, and recommended code changes for home occupations and home industries – due June 30, 2019.</td>
</tr>
<tr>
<td></td>
<td>Prohibits all WBD facilities and remote tasting rooms.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Section 19: Modifies home occupation requirements (A, F and RA zones):</td>
<td>11/9 – remove this from the ordinance and maintain existing code. Add a study requirement instead, which includes evaluation of the impacts of the current code and implementation of the code for WBDs, and recommended code changes for home occupations and home industries – due June 30, 2019.</td>
</tr>
<tr>
<td></td>
<td>Prohibits all WBD facilities and remote tasting rooms.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Section 20: Modifies home industry requirements:</td>
<td>11/9 – remove this from the ordinance and maintain existing code. Add a study requirement instead, which includes evaluation of the impacts of the current code and implementation of the code for WBDs, and recommended code changes for home occupations and home industries – due June 30, 2019.</td>
</tr>
<tr>
<td></td>
<td>Prohibits all WBD facilities and remote tasting rooms.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Section 21 and 22: Modifies temporary use permit requirements:</td>
<td>6/28 –</td>
</tr>
</tbody>
</table>
### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
</table>
|         | accommodated on site or through a plan approved by the director.  
For WBD II in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 125 guests.  
For WBD III in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 250 guests.  
No events or temporary use permits for WBD I, nonconforming home occupations, home industries.  
WBD II and III in other zones are allowed 60 days a year | • For WBD I, home occupations and home industries, 2 events per year, maximum 50 people, without a TUP is allowed. |
| 13     | Section 23: Adds a Sammamish Valley and Vashon Rural Town wine and adult beverage remote tasting room demonstration project A.  
• Administrative approval by DPER – as a Type I land use decision  
• May apply for approval simultaneously as business license application | 6/28 –  
• Add CB zoning in Fall City Rural Town, as third area.  
• Add language to the demonstration projects to evaluate parking needs/impacts.  
• Add more robust evaluation language. Include the nearby Cities, CSA groups, and customers views of the overlays. Include evaluation of the businesses to survive/profit with the regulations. |
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allowed uses under the demonstration project limited to remote tasting room.</td>
<td>Require an ordinance to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years.</td>
</tr>
<tr>
<td></td>
<td>Adds criteria for remote tasting room:</td>
<td>6/29 – Executive staff suggest that the allowance be narrowed to either the Town Core, or the CB zoned land within the Rural Town.</td>
</tr>
<tr>
<td></td>
<td>o One or more WBD I, II or III may operate</td>
<td>7/11 – will reduce the scope of the Vashon overlay to either the Town Core or CB zoning in the Rural Town.</td>
</tr>
<tr>
<td></td>
<td>o Total space for tasting and retail is 1,000sf plus storage, restroom, back-of-the-house uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Additional 500sf of outdoor space allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Direct access to an arterial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o No production allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Incidental retail sales of products related to products tasted allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Hours of operation M-Th 11am-5pm, F-S 11am-9pm</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Need a liquor license</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o No events or temporary use permits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Parking maximum of 150 percent of minimum required</td>
<td>Extend the demonstration project to 5 years</td>
</tr>
<tr>
<td></td>
<td>Only allowed in area identified in Attachment A to ordinance.</td>
<td>Add evaluation of tasting hours and special event parameters</td>
</tr>
<tr>
<td></td>
<td>Must be consistent with general health, safety and welfare.</td>
<td>Add evaluation of permit review timelines for decision of demonstration project applications.</td>
</tr>
<tr>
<td></td>
<td>Supersedes other variance, modification and waiver criteria in Title 21A.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Demonstration project A is in effect for 3 years from effective date of the ordinance, after which the remote tasting rooms would become nonconforming.</td>
<td></td>
</tr>
</tbody>
</table>
Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
</table>
| • Annually, DPER compiles a list of applications submitted and related code complaints.  
  • The Executive may submit additional proposed legislation extending or amending this ordinance within the 3 year demonstration project. |
| 14 | Section 24: Adds a Sammamish Valley wine and adult beverage tourist district events demonstration project B.  
• Administrative approval by DPER, using review procedures in 21A.42 and decision criteria in 21A.44.040 (for CUPs)  
• Allowed for WBD III  
• Waives requirements in 21A.32.100 through .140; 21A.44.020 and 21A.08.080.B.12.1  
• Allowed to obtain authorization for on-site weddings and similar uses under the CUP  
• No waiver from other requirements (including review procedures)  
• Only allowed with an application for a new or modified CUP for WBD III, either in conjunction with that application or before. Must demonstrate compliance with 21A.44.040.  
• CUPs are a Type II land use decision  
• Only allowed in area identified in Attachment B to ordinance.  
• Must be consistent with general health, safety and welfare. | 6/28 –  
• During the 5-year demonstration period properties in overlay B cannot be consolidate to create a winery.  
• Evaluate water use and compliance with Hirst. During the course of the counties work to comply with Hirst Legislation we will also evaluate the impact of various types of businesses on water evaluation.  
• Add more robust evaluation language. Include the nearby Cities, CSA groups, and customers opinions of the overlays. Include evaluation of the businesses to survive/profit with the regulations.  
• Require an ordinance to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years. |
| 11/9 –  
• Extend the demonstration project to 5 years  
• Add language to the demonstration projects to evaluate parking needs/impacts.  
• Add evaluation of permit review timelines for decision of demonstration project applications, and TUP permit review timelines comparison with WBD III’s that don’t use the demonstration project. |
## Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
</tr>
</thead>
</table>
| • Demonstration project B is in effect for 3 years from effective date of the ordinance (plus any time for appeal timelines), after which the CUPs would become nonconforming.  
• Annually, DPER compiles a list of applications submitted, evaluation of impacts of events authorized by the demonstration project, and related code complaints.  
• The Executive may submit additional proposed legislation within the 3 year demonstration project. | • Add evaluation of surface water issues, and impacts on downstream properties and agricultural land, and recommended ways to address those issues/impacts  
• Add evaluation of special event parameters | PUBLIC NOTICE FOR TUPS |
| 15 | Section 25: Modifies citation penalty:  
Add specific citations for WBD I, II, II and remote tasting rooms: $500 for first violation, and $1,000 for subsequent violations  
(existing code is $100 for first violation, $500 for subsequent violations) | 6/28 –  
• Modify the citation penalties:  
  1\textsuperscript{st} violation – written warning plus fine of $100  
  2\textsuperscript{nd} violation - written warning plus fine of $200  
  3\textsuperscript{rd} violation - written warning plus fine of $500  
  4\textsuperscript{th} violation - $750  
  5\textsuperscript{th} violation - $1,000  
  Subsequent: Double the previous penalty and consider Notice and Order if one has not been issued |
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair's Direction</th>
</tr>
</thead>
</table>
| 16      | Section 18: Modifies the Manufacturing land use table:  
Add WBD I, WBD II, and WBD III to the permitted use table and permits them in multiple zones, either as permitted outright with development conditions or with a conditional use permit with development conditions in several zones.  
Modifies development conditions for WBD facilities related to minimum lot size, floor area, parking area, setbacks, product content, location of facilities on farmland, tasting hours, site access, business license, events, connection to water supply, growing requirements, and employee maximums. | See separate tables on following pages for changes to this table. |
### Manufacturing Table - Agriculture Zones – Production Facilities

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Type of Permit</td>
<td>Permitted (WBD II)</td>
<td>Conditional Use (WBD III)</td>
<td>Permitted (DC#3)</td>
<td>Conditional Use (DC#12)</td>
</tr>
<tr>
<td>18</td>
<td>Min. Lot Size</td>
<td>2.5 acres</td>
<td>4.5 acres</td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Max. Building Size</td>
<td>3,500 sf (historic buildings maximum is 5,000 sf)</td>
<td>Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td>Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.</td>
</tr>
<tr>
<td>20</td>
<td>Tastings</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting. Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting. Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
</tr>
<tr>
<td>22</td>
<td>Water</td>
<td>Not specified</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
<td>Maintain existing code: Meet requirements for water and wastewater; water meters required for use of wells</td>
<td></td>
</tr>
<tr>
<td>Issue #</td>
<td>Condition</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>-----------------------------</td>
<td>------------------</td>
<td>-----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td>WBD II permitted (DC#3) conditional use (DC#1)</td>
<td>WBD III (DC#12)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Access</td>
<td>Direct access from an arterial</td>
<td>Access may not use local streets that abut residential uses. With a CUP, access to a public street required.</td>
<td>Direct access from an arterial</td>
<td>Access may not use local streets that abut residential uses.</td>
</tr>
<tr>
<td>24</td>
<td>Product Content</td>
<td>60% of product to be processed must be grown on site.</td>
<td>In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.</td>
<td>60% of product to be processed must be grown on site.</td>
<td>In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.</td>
</tr>
<tr>
<td>25</td>
<td>Production/Facility Location</td>
<td>Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.</td>
<td>Required Non-agricultural facility uses must be on portion of the property least suitable for agricultural production purposes.</td>
<td>Required Non-agricultural facility uses must be on portion of the property least suitable for agricultural production purposes.</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Parking</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area Limited to 150% of minimum required Tasting ratio is 1 per 50 square feet</td>
<td>Not specified</td>
<td>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas. Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25' Setbacks only apply to interior lot lines.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25' Setbacks only apply to interior lot lines.</td>
<td></td>
</tr>
</tbody>
</table>
### Manufacturing Table – Rural Area Zones – Production Facilities

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>WBD I</td>
<td>WBD I (DC#17 in Residential table)</td>
<td>WBD II (DC#3 and DC#30)</td>
<td>WBD III (DC#12)</td>
<td>WBD II (DC#3 and DC#30)</td>
<td>WBD III (DC#12)</td>
</tr>
<tr>
<td>29</td>
<td>Type of Permit</td>
<td>Permitted – only one nonresident employee allowed</td>
<td>Move WBD I to a residential accessory use. Allow in RA and A zones.</td>
<td>Permitted Conditional Use</td>
<td>Conditional Use</td>
<td>Conditional Use</td>
<td>Conditional Use</td>
</tr>
<tr>
<td>30</td>
<td>Min. Lot Size</td>
<td>None</td>
<td>P and C: 2.5 acres</td>
<td>4.5 acres</td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
<td>4.5 acres</td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
</tr>
</tbody>
</table>
| 31      | Max. Building Size | 1,500 sf | P and C: 3,500 sf (historic buildings maximum is 5,000 sf) | Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area. | Maximum floor area 8,000 sf, additional 8,000 sf for underground storage | Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area. | Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.
### Issue/Condition

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>Tastings</td>
<td>Not allowed</td>
<td>Tastings allowed by appointment only.</td>
<td>P and C: Tasting of products produced on-site, and no extra floor area allowed for tasting.</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Water</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available.</td>
<td>Maintain existing code: Meet requirements for water and wastewater; water meters required for use of wells.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Access</td>
<td>Not specified</td>
<td>P: Direct access from an arterial. C: Direct access from public roadway.</td>
<td>P: Access may not use local streets that abut residential uses.</td>
<td>Direct access from an arterial. Access may not use local streets that abut residential uses.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Product Content</td>
<td>None</td>
<td>In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
### Issue 

#### Issue/Condition

<table>
<thead>
<tr>
<th>#</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Production/Facility Location</td>
<td>WBD I</td>
<td>Required</td>
<td>WBD I (DC#17 in Residential table)</td>
<td>Required</td>
<td>WBD II (DC#3 and DC#30)</td>
<td>Required</td>
</tr>
<tr>
<td>38</td>
<td>Parking</td>
<td>One parking stall allowed for nonresident employee</td>
<td>Add parking for customers: minimum 1, plus 1:1,000sf of area dedicated to WBD facility uses, with a maximum of 150% of the minimum required.</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>Tasting ratio is 1 per 50 square feet</td>
<td>Not specified</td>
<td>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
</tr>
<tr>
<td>39</td>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’ Setbacks only apply to interior lot lines.</td>
<td>P and C: 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’ Setbacks only apply to interior lot lines.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’ Setbacks only apply to interior lot lines.</td>
</tr>
</tbody>
</table>
# Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

## Manufacturing Table – Urban Reserve Zone – Production Facilities

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>Type of Permit</td>
<td>WBD I (DC#30) Permitted – only one nonresident employee allowed</td>
<td>WBD II (DC#3) Permitted</td>
</tr>
<tr>
<td></td>
<td>Min. Lot Size</td>
<td>None</td>
<td>2.5 acres</td>
</tr>
<tr>
<td></td>
<td>Max. Building Size</td>
<td>1,500 sf</td>
<td>3,500 sf (historic buildings maximum is 5,000 sf)</td>
</tr>
<tr>
<td></td>
<td>Tastings</td>
<td>Not allowed</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
</tr>
<tr>
<td></td>
<td>Events</td>
<td>Not allowed</td>
<td>60 days in a one-year period Max. size = no limit Parking not specified</td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations

### Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td></td>
<td>WBD I (DC#30)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water</td>
<td>Not specified</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
</tr>
<tr>
<td></td>
<td>Access</td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
</tr>
<tr>
<td></td>
<td>Product Content</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Production/</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>Facility Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking</td>
<td>One parking stall allowed for nonresident employee</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area Limited to 150% of minimum required</td>
</tr>
<tr>
<td></td>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
</tr>
</tbody>
</table>
### Manufacturing Table – Commercial and Industrial Zones – Production Facilities

*Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to*

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>Type of Permit</td>
<td>WBD I – not permitted</td>
<td></td>
<td>WBD I – not permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II – permitted and</td>
<td></td>
<td>WBD II – permitted and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>conditional use (DC#17)</td>
<td></td>
<td>conditional use</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III – conditional use</td>
<td></td>
<td>WBD III – conditional use</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(DC#29)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Max. Building Size</td>
<td>WBD II – 3,500 sf, except</td>
<td>Decks that are</td>
<td>WBD II and III – with a</td>
<td>Add tasting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>historic buildings are 5,000</td>
<td>not occupied and</td>
<td>TUP, 60 days in a one-year</td>
<td>allowance to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sf</td>
<td>not open to the</td>
<td>period</td>
<td>II and III for</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>public are</td>
<td>Max. size = no limit</td>
<td>consistency.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>excluded from</td>
<td>Parking not specified</td>
<td>Prohibit remote</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the calculation</td>
<td></td>
<td>tasting rooms in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>for aggregated</td>
<td></td>
<td>I zone (tasting</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>floor area.</td>
<td></td>
<td>with production</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>okay) Add a</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>limitation on</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>tasting size in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>the I zone to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,500sf.</td>
</tr>
<tr>
<td>45</td>
<td>Tastings</td>
<td>WBD II – Tasting of</td>
<td>Add tasting</td>
<td>WBD II and III – with a</td>
<td>Add tasting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>products produced on-site,</td>
<td>allowance to</td>
<td>TUP, 60 days in a one-year</td>
<td>allowance to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and no extra floor area</td>
<td>WBD III for</td>
<td>period</td>
<td>II and III for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>allowed for tasting</td>
<td>consistency.</td>
<td>Max. size = no limit</td>
<td>consistency.</td>
</tr>
<tr>
<td>46</td>
<td>Events</td>
<td>WBD II and III – with a</td>
<td></td>
<td>WBD II and III – with a</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>TUP, 60 days in a one-year</td>
<td></td>
<td>TUP, 60 days in a one-year</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>period</td>
<td></td>
<td>period</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. size = no limit</td>
<td></td>
<td>Max. size = no limit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking not specified</td>
<td></td>
<td>Parking not specified</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Water</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>48</td>
<td>Access</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>49</td>
<td>Product Content</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>50</td>
<td>Production/Facility Location</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td>Issue #</td>
<td>Issue/Condition</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>------------------</td>
<td>-----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NB and CB</td>
<td>WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>Tasting ratio is 1 per 50 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tasting ratio is 1 per 50 square feet</td>
<td>Parking ratio applies to all facilities</td>
<td>Parking ratio applies to all facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WBD III – not specified</td>
<td>WBD III – not specified</td>
<td>WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
</tr>
<tr>
<td>51</td>
<td>Parking</td>
<td></td>
<td>Tasting ratio is 1 per 50 square feet</td>
<td>Parking ratio applies to all facilities</td>
<td>Tasting ratio is 1 per 50 square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parking ratio applies to all facilities</td>
<td>Parking ratio applies to all facilities</td>
<td>Parking ratio applies to all facilities</td>
</tr>
<tr>
<td>52</td>
<td>Setbacks</td>
<td>WBD II – 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas. WBD III – 5 or 10 feet</td>
<td>Require 75’, but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’. Add 75’/25’ with CUP for WBD III Setbacks only apply to interior lot lines.</td>
<td>5 or 10 feet</td>
<td>For WBD II and III: Require 75’, but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’. Add 75’/25’ with CUP for WBD III Setbacks only apply to interior lot lines.</td>
</tr>
</tbody>
</table>
## Retail Table – Commercial Zones – Remote Tasting Rooms Countywide

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair's Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CB and RB</td>
<td>CB and RB</td>
</tr>
<tr>
<td>54</td>
<td>Type of Permit</td>
<td>Not proposed by Executive’s transmittal</td>
<td>Permitted in CB and RB outright. Also permitted within the demonstration project areas subject to the requirements in 21A.55.</td>
</tr>
<tr>
<td>55</td>
<td>Min. Lot Size</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Max. Building Size</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Tastings</td>
<td>Allowed</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Events</td>
<td>Subject to standard TUP requirements (60 days per/year, maximum guests determined through review process)</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Water</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Access</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Product Content</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Production/Facility Location</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Parking</td>
<td>Add this use to table, require 1 per 50sf of tasting and retail area</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Setbacks</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
</tbody>
</table>
## Demonstration Projects – Remote Tasting Room Overlay A and Special Events Overlay B

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Remote Tasting Room Overlay A</th>
<th>Chair’s Direction</th>
<th>Special Events Overlay B</th>
<th>Chair’s Direction</th>
</tr>
</thead>
</table>
| 82      | Use                           | Allows a remote tasting room  
One or more WBD I, II, III allowed to operate | | On-site weddings and similar uses with a WBD III | Special events normally permitted through the Temporary Use Permit process, with a WBD III Conditional Use Permit |
| 83      | Type of Permit                | Permitted – Type 1 land use permit | | Conditional Use | |
| 84      | Areas allowed                 | Sammamish Valley area  
Vashon Rural Town (map provided) | Extend Sammamish Valley north from Woodinville City limits (up to just north of Tolt Pipeline)  
Vashon Town Center or CB zoning, not entire Rural Town  
Add CB zoning in Fall City Rural Town | Sammamish Valley area |
| 85      | Min. Lot Size                 | Specified by underlying zoning | Specified by underlying zoning |
| 86      | Max. Building Size            | 1,000 sf for tasting and retail only  
500 sf outdoors | Specified by underlying zoning |
| 87      | Tastings                      | Tasting hours:  
Mon-Th: 11am – 7pm  
F-Sun: 11am – 9 pm  
Tasting hours Sun-Th: 11am – 9pm  
F-Sat: 11am – 11pm  
(but no outdoors tasting past 10pm) | Specified by underlying zoning |
<p>| 88      | Sales                         | Incidental retail sales of products related to tasting allowed | Specified by underlying zoning |</p>
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Remote Tasting Room Overlay A</th>
<th>Chair’s Direction</th>
<th>Special Events Overlay B</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>Events</td>
<td>Not allowed</td>
<td>2/year. Max 50 people. No TUP required.</td>
<td>No specific limit – conditions set with CUP w/ annual monitoring of impacts</td>
</tr>
<tr>
<td>90</td>
<td>Water</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>91</td>
<td>Access</td>
<td>Direct access from an arterial</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>92</td>
<td>Product Content</td>
<td>None</td>
<td>Specified by underlying zoning</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>93</td>
<td>Production</td>
<td>Not allowed</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>94</td>
<td>Parking</td>
<td>1 space per 300 square feet of public tasting and retail area Limited to 150% of minimum required</td>
<td>1 per 50sf of tasting/retail area</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>95</td>
<td>Setbacks</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>97</td>
<td>Demonstration Project Review</td>
<td>3 years with annual review. Code amendments within 3 years of this ordinance.</td>
<td>5 years with annual review. Code amendments within 5 years of this ordinance.</td>
<td>3 years with annual review. Code amendments within 3 years of this ordinance.</td>
</tr>
</tbody>
</table>
Home occupation and Home Industry – Existing standards

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition</strong></td>
<td>a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence</td>
<td>a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence</td>
<td>a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence</td>
</tr>
<tr>
<td><strong>Number of businesses</strong></td>
<td>One or more</td>
<td>One or more</td>
<td>One</td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
<td></td>
<td>1 acre</td>
<td></td>
</tr>
<tr>
<td><strong>Total floor area</strong></td>
<td>20% of dwelling unit floor area, plus garages and storage buildings</td>
<td>20% of dwelling unit floor area, plus garages and storage buildings</td>
<td>50% of dwelling unit floor area, plus garages and storage buildings</td>
</tr>
<tr>
<td><strong>Indoor/Outdoor Requirements</strong></td>
<td>Indoors, except growing or storing plants used for the business</td>
<td>Outdoor areas allowed: 440 square feet on lots less than 1 acres, 1% of the lot, up to 5,000 sf on lots 1 acre or greater</td>
<td>Setbacks and screening determined by permit review to protect adjacent residences.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Outdoor storage and parking: setback from 25’ from all property lines, screened from adjacent parcels or roadways</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Outdoor storage and parking: screened from adjacent properties or public ROW</td>
</tr>
<tr>
<td><strong>Employees</strong></td>
<td>Off-site – unlimited</td>
<td>Off-site – unlimited</td>
<td>On-site – Maximum 6 nonresident employee</td>
</tr>
<tr>
<td></td>
<td>On-site – Maximum 1 nonresident employee</td>
<td>On-site – Maximum 3 nonresident employees who work on-site at the same time and no more than 3 who report to the site but primarily provide services off-site</td>
<td></td>
</tr>
</tbody>
</table>
## Standards

|-----------|---------------------------------------------|----------------------------------|-------------------------------------|
| **Prohibited uses** | - Automobile, truck and heavy equipment repair  
  - Auto body work or painting  
  - Parking and storage of heavy equipment  
  - Storage of building materials for use on other properties  
  - Hotels, motels or organizational lodging  
  - Dry cleaning  
  - Towing services  
  - Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation  
  - Veterinary clinic  
  - Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer | - Hotels, motels or organizational lodging  
  - Dry cleaning  
  - Automotive towing services, automotive wrecking services and tow-in parking lots  
  - Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer | - Recreational marijuana processors, recreational marijuana producers and recreational marijuana retailers |

| Parking | 1 stall for each nonresident employee  
1 stall for patrons for on-site services | 1 stall for each nonresident employee  
1 stall for patrons for on-site services | 1 stall for each nonresident employee  
1 stall for customers, plus 1 stall per 1,000 sf of floor area plus 1 stall per 2,000 sf of outdoor area |

---

PRE Meeting Materials 161 December 04, 2018
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales</td>
<td>Limited to: mail orders, telephone or electronic sales with off-site delivery, or accessory items for services provided on-site</td>
<td>Limited to: mail orders, telephone or electronic sales with off-site delivery, or accessory items for services provided on-site</td>
<td>On-site sales limited to items produced on-site, except collectors (coins, stamps, antiques)</td>
</tr>
<tr>
<td></td>
<td>Items grown, produced or fabricated on-site;</td>
<td>Items grown, produced or fabricated on-site;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>On sites 5 acres or larger, items that support agriculture, equestrian or forestry uses (except motor vehicles and parts, electronics and appliances, and building material and garden equipment and supplies)</td>
<td>On sites 5 acres or larger, items that support agriculture, equestrian or forestry uses (except motor vehicles and parts, electronics and appliances, and building material and garden equipment and supplies)</td>
<td></td>
</tr>
<tr>
<td>On-site Services</td>
<td>By appointment</td>
<td>Lots five acres or less: 2 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot between five and ten acres: 3 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lots greater than ten acres: 4 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cannot be stored in required setbacks or on the street, not considered part of the outdoor storage area</td>
<td></td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td>1 vehicle for distribution of products from the site allowed, cannot be stored in required setbacks or on the street, maximum 1 ton</td>
<td>Lots five acres or less: 2 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot between five and ten acres: 3 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lots greater than ten acres: 4 vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cannot be stored in required setbacks or on the street, not considered part of the outdoor storage area</td>
<td></td>
</tr>
<tr>
<td>Electrical/equipment restrictions</td>
<td>No equipment that changes the occupancy types of the structure</td>
<td>No equipment that changes the occupancy types of the structure</td>
<td>Equipment must be compatible with surrounding neighborhood.</td>
</tr>
<tr>
<td></td>
<td>No interference with radio or television receivers, or equipment located off-site, or fluctuations in line voltage off-site</td>
<td>No interference with radio or television receivers, or equipment located off-site, or fluctuations in line voltage off-site</td>
<td></td>
</tr>
</tbody>
</table>
### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations

Chair’s Conceptual Striking Amendment – UPDATED 11-30-18

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior evidence</td>
<td>No lighting, noise, fumes, vibrations from the lot line</td>
<td></td>
<td>Appropriate levels of lighting, sound levels/tests determined in permit review.</td>
</tr>
<tr>
<td>Traffic impacts</td>
<td>May not increase of traffic by more than 4 vehicles at any time</td>
<td>May not increase of traffic by more than 4 vehicles at any time</td>
<td></td>
</tr>
<tr>
<td>Visits to site</td>
<td>Customers and deliveries limited to 8am-7pm on weekdays, and 9am-5pm on weekends</td>
<td>Customers and deliveries limited to 8am-7pm on weekdays, and 9am-5pm on weekends</td>
<td>Hours of operation determined in permit review.</td>
</tr>
</tbody>
</table>
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1

On page 1, beginning on line 16, strike everything through page 49, line 923, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

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

SECTION 2. Sections 3 through 10 of this ordinance should constitute a new chapter in K.C.C. Title 6.

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

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

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

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

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:

A person or entity shall not operate or maintain an adult beverage business in unincorporated King County unless the business has obtained a business license issued by the director as provided by this chapter. A current adult beverage business license issued under this chapter shall be prominently displayed on the licensed premises. The adult beverage business licensee shall comply with all applicable laws.
NEW SECTION.  SECTION 6. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

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

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

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

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

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

NEW SECTION.  SECTION 7. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:
An applicant for an adult beverage business license or renewal under this chapter shall pay an application fee at the time of application submittal. The nonrefundable application fee for an adult beverage business license or renewal is one hundred dollars.

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:

The director shall deny, suspend or revoke a license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of permitting and environmental review receives notice that the state 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 9. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

An adult beverage business license expires one year from the date the business license is issued by the department of 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. An adult beverage business license renewal expires one year from the previous license's expiration date.

NEW SECTION. SECTION 10. 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 adult beverage business
license application, the director shall issue or deny the license. Within thirty days of the
director's receipt of a complete renewal application, the director shall issue or deny the
renewal.

SECTION 11. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each
hereby repealed.

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

Remote tasting room: A small facility approved by the Washington state Liquor
and Cannabis Board as a Tasting Room - Additional Location 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. "Remote tasting room" does not include any additional privileges
allowed by the liquor and cannabis board for a Tasting Room – Additional Location.

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-scale production facility
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 production-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: A 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 III may include additional
production-related uses such as vineyards, orchards, wine cellars or similar product-
storage areas as authorized by state law, on-site product tasting as authorized by state
law, and sales of merchandise related to products available as authorized by state law.

SECTION 16. Ordinance 10870, Section 334, as amended, and K.C.C.
21A.08.070 are each hereby amended to read as follows:
A. Retail land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-Conditional Use</td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
</tr>
<tr>
<td>S-Special Use</td>
<td>Building</td>
<td>P23</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Building: P23 P P P

PRE Meeting Materials 170 December 04, 2018
<table>
<thead>
<tr>
<th>Category</th>
<th>P1</th>
<th>P1</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Materials and Hardware Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Retail Nursery, Garden Center and Farm Supply Stores</td>
<td>P1 C1</td>
<td>P1 C1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Forest Products Sales</td>
<td>P3 and 4</td>
<td>P4</td>
<td>P3 and 4</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>* Department and Variety Stores</td>
<td></td>
<td>C14a</td>
<td>P14</td>
<td>P5</td>
<td>P</td>
</tr>
<tr>
<td>54 Food Stores</td>
<td></td>
<td>C15a</td>
<td>P15</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>* Agricultural Product Sales (28)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Farmers Market</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
</tr>
<tr>
<td>* Motor Vehicle and Boat Dealers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>553 Auto Supply Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>554 Gasoline Service Stations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56 Apparel and Accessory Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Furniture and Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

PRE Meeting Materials 171 December 04, 2018
<table>
<thead>
<tr>
<th><strong>Furnishings Stores</strong></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>58 Eating and Drinking Places</td>
<td>P21</td>
<td>P20</td>
<td>P20</td>
<td>P10</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>C19</td>
<td>C16</td>
<td>C16</td>
<td>P16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Drug Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C15</td>
<td>P15</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>* Marijuana retailer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>592 Liquor Stores</td>
<td>((P13))</td>
<td>((P13))</td>
<td>((P13))</td>
<td>((P13))</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>593 Used Goods: Antiques/ Secondhand Shops</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Sporting Goods and Related Stores</td>
<td>P22</td>
<td>P22</td>
<td>P22</td>
<td>P22</td>
<td>P22</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Book, Stationery, Video and Art Supply Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C15a</td>
<td>P15</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>* Jewelry Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Monuments, Tombstones, and Gravestones</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Hobby, Toy, Game Shops</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Photographic and Electronic Shops</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Fabric Shops</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>598</td>
<td>Fuel Dealers</td>
<td>C11</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Florist Shops</td>
<td>C15a</td>
<td>P15</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Personal Medical Supply Stores</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Pet Shops</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Bulk Retail</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Auction Houses</td>
<td></td>
<td></td>
<td></td>
<td>P12</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Livestock Sales (28)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Development conditions.

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

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

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

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

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

2. Only hardware stores.

3. a. Limited to products grown on site.

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

4. No permanent structures or signs.
5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

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

7. Repealed.

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

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


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)) Repealed.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

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

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

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and 
b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Repealed.

18. Repealed.

19. Only as:
   a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or
   b. an accessory use to a recreation or multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:
   a. an accessory use to a recreation or multiuse park; or
   b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

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

22. Only as an accessory use to:
   a. a large active recreation and multiuse park in the urban growth area; or
   b. a park, or a recreation or multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.
23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork and;
   a. limited to lumber milled on site; and
   b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

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

25. Limited to sites located within the urban growth area and:
   a. The sales area shall be limited to three hundred square feet and must be removed each evening;
   b. There must be legal parking that is easily available for customers; and
   c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.
   b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.
c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.

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

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

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

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and
(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

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

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

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

27. Per lot, limited to a maximum aggregated total of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and;
a. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and any lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity; and

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

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

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

3. if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and
(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

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

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

and

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

28. If the agricultural product sales or livestock sales is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.
SECTION 17. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-Conditional Use</td>
<td>S-Special Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIC #</td>
<td>SPECIFIC LAND USE</td>
<td>A</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Winery/Brewery/Distillery Facility I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Winery/Brewery/Distillery Facility II</td>
<td>P3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*(2082/2085)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/Distillery Facility III</td>
<td>C12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Materials Processing Facility</td>
<td>P13</td>
<td>P14</td>
<td>P16</td>
</tr>
<tr>
<td>22</td>
<td>Textile Mill Products</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Apparel and other Textile Products</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Wood Products, except furniture</td>
<td>P4</td>
<td>P18</td>
<td>P4</td>
</tr>
<tr>
<td>25</td>
<td>Furniture and Fixtures</td>
<td>P19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Paper and Allied Products</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Printing and Publishing</td>
<td>P7</td>
<td>P7</td>
<td>P7C</td>
</tr>
<tr>
<td>*</td>
<td>Marijuana Processor I</td>
<td>P20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Marijuana Processor II</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Chemicals and Allied Products</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PRE Meeting Materials 181 December 04, 2018
<table>
<thead>
<tr>
<th>2911</th>
<th>Petroleum Refining and Related Industries</th>
<th></th>
<th></th>
<th></th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>31</td>
<td>Leather and Leather Goods</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>32</td>
<td>Stone, Clay, Glass and Concrete Products</td>
<td>P6</td>
<td>P9</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Primary Metal Industries</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>34</td>
<td>Fabricated Metal Products</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>35</td>
<td>Industrial and Commercial Machinery</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>357</td>
<td>Computer and Office Equipment</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Electronic and other Electric Equipment</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>374</td>
<td>Railroad Equipment</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>376</td>
<td>Guided Missile and Space Vehicle Parts</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>379</td>
<td>Miscellaneous Transportation Vehicles</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Measuring and Controlling Instruments</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Miscellaneous Light Manufacturing</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Motor Vehicle and Bicycle Manufacturing</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>*</td>
<td>Aircraft, Ship and Boat Building</td>
<td></td>
<td></td>
<td></td>
<td>P10C</td>
</tr>
<tr>
<td>7534</td>
<td>Tire Retreading</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>781-82</td>
<td>Movie Production/Distribution</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 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) two 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, (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.(c)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 7:00 p.m.; and Fridays, Saturdays and
Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

i. 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
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.


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.


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. (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 (1))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 7:00 p.m.; and

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

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

j. 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

k. 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 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

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

b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

21.a. Only in the CB and RB zones located outside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in
support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
every marijuana-related entity occupying space in addition to the two-thousand-square-
foot threshold area on that lot shall obtain a conditional use permit as set forth in
subsection B.22. of this section.

22.a. Only in the CB and RB zones located outside the urban growth area;
b. Per lot, the aggregated total gross floor area devoted to the use of, and in
support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of thirty thousand square feet;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

PRE Meeting Materials 191 December 04, 2018
Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site.

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

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

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


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;

c. Structures and parking areas 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 located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

f. 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

g. No product tasting, retail sale or events requiring a temporary use permit under K.C.C. chapter 21A.32 shall be allowed.

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

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

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

d. Structures and parking areas for 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;

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

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.
A. Resource land uses.

<table>
<thead>
<tr>
<th>SIC#</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>01</td>
<td>Growing and Harvesting Crops</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>02</td>
<td>Raising Livestock and Small Animals (6)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Agricultural Activities</td>
<td>P24C</td>
<td>P24C</td>
<td>P24C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P15C22</td>
<td>P16C17</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>C10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>P12</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>P13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>Growing &amp; Harvesting Forest Production</td>
<td>P</td>
<td>P</td>
<td>P7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AGRICULTURE:**

**FORESTRY:**

**FISH AND WILDLIFE**
### Management:

<table>
<thead>
<tr>
<th>Code</th>
<th>Use Description</th>
<th>P1</th>
<th>P2</th>
<th>P3</th>
<th>P4</th>
<th>P5</th>
<th>P6</th>
<th>P7</th>
<th>P8</th>
</tr>
</thead>
<tbody>
<tr>
<td>0921</td>
<td>Hatchery/Fish Preserve (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>0273</td>
<td>Aquaculture (1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>*</td>
<td>Wildlife Shelters</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Mineral:

<table>
<thead>
<tr>
<th>Code</th>
<th>Use Description</th>
<th>P9</th>
<th>P10</th>
<th>P11</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,12,14</td>
<td>Mineral Extraction and Processing</td>
<td>P9</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>2951,3271,3273</td>
<td>Asphalt/Concrete Mixtures and Block</td>
<td>P8</td>
<td>P11</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

### Accessory Uses:

<table>
<thead>
<tr>
<th>*</th>
<th>Resource Accessory Uses</th>
<th>P3</th>
<th>P4</th>
<th>P5</th>
<th>P6</th>
<th>P7</th>
<th>P8</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Farm Worker Housing</td>
<td>P14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. 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 extraction use;
   b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.

9. Limited to mineral extraction and processing:
a. on a lot or 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;
   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
1. 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 agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property
owner from selling or transferring the development rights for a portion or all of the site to
the King County farmland preservation program or, if the development rights are
extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;
e. The impervious surface associated with the camp shall comprise not more
than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
f. Structures for living quarters, dining facilities, medical facilities and other
nonagricultural camp activities shall be located in a camp center. The camp center shall
be no more than fifty acres and shall depicted on a site plan. New structures for
nonagricultural camp activities shall be clustered with existing structures;
g. To the extent practicable, existing structures shall be reused. The applicant
shall demonstrate to the director that a new structure for nonagricultural camp activities
cannot be practically accommodated within an existing structure on the site, though
cabins for campers shall be permitted only if they do not already exist on site;
h. Camp facilities may be used to provide agricultural educational services to
the surrounding rural and agricultural community or for community events. If required
by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
community events;
i. Lodging and food service facilities shall only be used for activities related to
the camp or for agricultural education programs or community events held on site;
j. Incidental uses, such as office and storage, shall be limited to those that directly support camp activities, farm operations or agricultural education programs;

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

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

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

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

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

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

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

r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;
755  s. If direct access to the site is via local access streets, transportation
756  management measures shall be used to minimize adverse traffic impacts;
757  t. Camp recreational activities shall not involve the use of motor vehicles
758  unless the motor vehicles are part of an agricultural activity or are being used for the
759  transportation of campers, camp personnel or the families of campers. Camp personnel
760  may use motor vehicles for the operation and maintenance of the facility. Client-specific
761  motorized personal mobility devices are allowed; and
762  u. Lights to illuminate the camp or its structures shall be arranged to reflect the
763  light away from any adjacent property.
764  13. Limited to digester receiving plant and animal and other organic waste from
765  agricultural activities, and including electrical generation, as follows:
766     a. the digester must be included as part of a Washington state Department of
767     Agriculture approved dairy nutrient plan;
768     b. the digester must process at least seventy percent livestock manure or other
769     agricultural organic material from farms in the vicinity, by volume;
770     c. imported organic waste-derived material, such as food processing waste,
771     may be processed in the digester for the purpose of increasing methane gas production for
772     beneficial use, but not shall exceed thirty percent of volume processed by the digester;
773     and
774     d. the use must be accessory to an operating dairy or livestock operation.
775  14. Farm worker housing. Either:
776     a. Temporary farm worker housing subject to the following conditions:
(1) The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;

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

(3) 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

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

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

(1) Not more than:

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

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

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

(d) four agricultural employee dwelling units on a site of at least one-hundred acres, and one additional agricultural employee dwelling unit for each additional one hundred acres thereafter;
(2) If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;

(3) The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;

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

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

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

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

15. Marijuana production by marijuana producers licensed by the Washington state Liquor 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.e. of this section;

e. Per 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;

f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, 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 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 h. 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;
f. Production is limited to outdoor, indoor within marijuana greenhouses, and 
within nondwelling unit structures that exist as of October 1, 2013, subject to the size 
limitations in subsection B.16.g. of this section; and 
g. Per 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;
h. Outdoor production area fencing as required by the Washington state Liquor 
and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback 
of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback 
of one hundred fifty feet from any existing residence; and 
i. If the two-thousand-square-foot-per-lot threshold of plant canopy within 
fenced areas or marijuana greenhouses 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.17. of this section.
17. Marijuana production by marijuana producers licensed by the Washington 
state Liquor and Cannabis Board is subject to the following standards:
a. Only allowed on lots of at least four and one-half acres on Vashon-Maury 
Island;
b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres, 
except on Vashon-Maury Island;
c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

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

f. Per 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 thirty 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;

and

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

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

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

d. Per 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 thirty 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.

20.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
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site;

d. Per 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. 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.21. of this section.

21.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 Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
d. Per 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 thirty 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.

22. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:
a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;
b. Only allowed on lots of at least four and one-half acres;
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.22. e. and f. of this section;
e. On lots less than ten acres, per 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 five 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;

f. On lots ten acres or more, per 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 ten 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

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

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

a. agricultural is the primary use of the site;

b. the storage and processing are in accordance with best management practices included in an approved farm plan; and
c. except for areas used for manure storage, the areas used for storage and processing do not exceed three acres and ten percent of the site.

24.a. For activities relating to the processing of crops or livestock for commercial purposes, including associated activities such as warehousing, storage, including refrigeration, and other similar activities and excluding ((wineries, SIC Industry No. 2085—Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages))

brewer distillery facility I, II and III:

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

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

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

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

(4) in the A zone, structures and areas used for processing, warehousing, refrigeration, storage and other similar activities 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

(5) structures and areas used for processing, warehousing, storage, including refrigeration, and other similar activities 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.

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

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

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

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

(4) 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;

(5) 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;

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

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

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

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

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

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

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

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

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

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

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C.

21A.42.300 only if:

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

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

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

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

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

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

b. has a minimum lot size of four and one-half acres.
27. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

a. is outside the urban growth area,

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

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

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

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

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

SECTION 19. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are each 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 spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MINIMUM PARKING SPACES</th>
</tr>
</thead>
</table>

PRE Meeting Materials 219 December 04, 2018
<table>
<thead>
<tr>
<th>REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL (K.C.C. 21A.08.030.A):</strong></td>
</tr>
<tr>
<td>Single detached/Townhouse</td>
</tr>
<tr>
<td>Apartment:</td>
</tr>
<tr>
<td>Studio units</td>
</tr>
<tr>
<td>One bedroom units</td>
</tr>
<tr>
<td>Two bedroom units</td>
</tr>
<tr>
<td>Three bedroom units or larger</td>
</tr>
<tr>
<td>Mobile home park</td>
</tr>
<tr>
<td>Senior citizen assisted</td>
</tr>
<tr>
<td>Community residential facilities</td>
</tr>
<tr>
<td>Dormitory, including religious</td>
</tr>
<tr>
<td>Hotel/Motel including organizational hotel/lodging</td>
</tr>
<tr>
<td>Bed and breakfast guesthouse</td>
</tr>
</tbody>
</table>

**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

<p>| Recreation/culture uses:                     | 1 per 300 square feet |
| Exceptions:                                  |</p>
<table>
<thead>
<tr>
<th>Activity</th>
<th>Minimum Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling center</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Golf course</td>
<td>3 per hole, plus 1 per 300 square feet of club house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
</tr>
<tr>
<td>Conference center</td>
<td>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.</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES REQUIRED**

**GENERAL SERVICES (K.C.C. 21A.08.050.A):**

<table>
<thead>
<tr>
<th>General services uses:</th>
<th>1 per 300 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Funeral home/Crematory</td>
<td>1 per 50 square feet of chapel area</td>
</tr>
<tr>
<td>Daycare I</td>
<td>2 per facility</td>
</tr>
<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
</tr>
<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50</td>
</tr>
<tr>
<td>Use Type</td>
<td>Space Requirements</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Secondary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td>Vocational schools</td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>Specialized instruction Schools</td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td>Artist Studios</td>
<td>0.9 per 1,000 square feet of area used for studios</td>
</tr>
</tbody>
</table>

**GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government/business services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Public agency yard</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 300 square feet of offices, plus</td>
<td></td>
</tr>
<tr>
<td>0.9 per 1,000 square feet of indoor</td>
<td></td>
</tr>
<tr>
<td>storage or repair areas</td>
<td></td>
</tr>
<tr>
<td><strong>Public agency archives</strong></td>
<td></td>
</tr>
<tr>
<td>0.9 per 1000 square feet of storage area, plus</td>
<td></td>
</tr>
<tr>
<td>1 per 50 square feet of waiting/reviewing areas</td>
<td></td>
</tr>
<tr>
<td><strong>Courts</strong></td>
<td></td>
</tr>
<tr>
<td>3 per courtroom, plus 1 per 50 square feet of</td>
<td></td>
</tr>
<tr>
<td>fixed seat or assembly areas</td>
<td></td>
</tr>
<tr>
<td><strong>Police facility</strong></td>
<td></td>
</tr>
<tr>
<td>(director)</td>
<td></td>
</tr>
<tr>
<td><strong>Fire facility</strong></td>
<td></td>
</tr>
<tr>
<td>(director)</td>
<td></td>
</tr>
<tr>
<td><strong>Construction and trade</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 300 square feet of office, plus</td>
<td></td>
</tr>
<tr>
<td>1 per 3,000 square feet of storage area</td>
<td></td>
</tr>
<tr>
<td><strong>Warehousing and storage</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 300 square feet of office, plus</td>
<td></td>
</tr>
<tr>
<td>0.9 per 1,000 square feet of storage area</td>
<td></td>
</tr>
<tr>
<td><strong>Self-service storage</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 3,500 square feet of storage area, plus</td>
<td></td>
</tr>
<tr>
<td>2 for any resident director's unit</td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor advertising services</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 300 square feet of office, plus</td>
<td></td>
</tr>
<tr>
<td>0.9 per 1,000 square feet of storage area</td>
<td></td>
</tr>
<tr>
<td><strong>Heavy equipment repair</strong></td>
<td></td>
</tr>
<tr>
<td>1 per 300 square feet of office, plus</td>
<td></td>
</tr>
<tr>
<td>0.9 per 1,000 square feet of indoor</td>
<td></td>
</tr>
<tr>
<td>LAND USE</td>
<td>MINIMUM PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td><strong>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</strong></td>
<td></td>
</tr>
<tr>
<td>Retail trade uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td><strong>MANUFACTURING (K.C.C. 21A.08.080.A):</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacturing uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery Facility II</td>
<td>0.9 per 1,000 square feet, plus 1 per ((50)) 300 square feet of tasting area</td>
</tr>
<tr>
<td><strong>RESOURCES (K.C.C. 21A.08.090.A):</strong></td>
<td></td>
</tr>
</tbody>
</table>
B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

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

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

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

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

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

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

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

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a 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 20. Ordinance 10870, Section 536, as amended, and K.C.C.
21A.30.080 are each 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. 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;

G. Sales are limited to:

1. Mail order sales;

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

and

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

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

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

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

2. The vehicle is not stored within any required setback areas of the lot or on adjacent streets; and
3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

J. The home occupation or occupations do not:

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

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

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 21. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are each 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:
   1. No less than twenty-five feet from any property line; and
   2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:
      a. planting of Type II landscape buffering; or
      b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping;

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

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
   1. One stall for each nonresident employed on-site; and
   2. One stall for patrons when services are rendered on-site;
G. Sales are limited to:
   1. Mail order sales;
   2. Telephone, Internet or other electronic commerce sales with off-site delivery;
   3. Items accessory to a service provided to patrons who receive services on the premises;
   4. Items grown, produced or fabricated on-site; and
   5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:
      a. motor vehicles and parts (North American Industrial Classification System "NAICS" Code 441);
      b. electronics and appliances (NAICS Code 443); and
      c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:
   1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
   2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
   3. Increase average vehicular traffic by more than four additional vehicles at any given time;

I. 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;

J. 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. Hotels, motels or organizational lodging;

2. Dry cleaning;

3. Automotive towing services, automotive wrecking services and tow-in parking lots; and

4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and

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 22. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are each 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:

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

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

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

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

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

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

1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88; ((and))

J. Recreational marijuana processors, recreational marijuana producers and 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 23. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each 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 and parking limitations during permit review, and condition the number of guests allowed for a temporary use based on these limitations. Under no circumstance shall the department authorize attendance of more than one hundred twenty-five guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and condition the number of guests allowed for a temporary use based on these limitations. Under no circumstance shall the department authorize attendance of more than two hundred fifty guests.

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

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

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

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

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

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

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

NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

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

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 Rural Area and Agricultural Production District zoned communities, 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. 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 section 12 of this ordinance.

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 nonpublic areas;

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

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

A.1. There is hereby created the Sammamish Valley wine and adult beverage tourism district demonstration project B. The purpose of 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 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.

C. The director shall waive the following development regulations as part of the conditional use permit review under demonstration project B.:

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

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

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

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

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

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

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

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

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

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, an evaluation of the impacts of wedding and similar uses authorized
pursuant to demonstration project conditional use permits, and related code complaints, if any.

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

SECTION 26. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010 are each hereby amended to read as follows:

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

   a. citations, except for winery, brewery, distillery facility I, II and 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. Double the rate of the
chapter 12.86 within the past twelve months

b. citations for violations of winery, brewery, distillery facility I, II and III and remote tasting room zoning conditions, including but not limited to unapproved events:

(1) with no previous similar code violations $500
(2) with one or more previous similar code violations $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

((e-)) d. cleanup restitution payment: as specified in K.C.C. 23.02.140.
((d:)) e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:

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

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

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

(4) reinspection after the third reinspection, which shall 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 $450

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

B. The penalties assessed pursuant to this section for any failure to comply with a
notice and order or voluntary compliance agreement shall be assessed daily, according to the schedule in subsection A of this section, for the first thirty days following the date the notice and order or voluntary compliance agreement required the code violations to have been cured. If after thirty days the person responsible for code compliance has failed to satisfy the notice and order or voluntary compliance agreement, penalties shall be 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 27. **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."

**EFFECT:** This technical striker makes clarifying edits, and corrects drafting errors so that the Proposed Ordinance matches the Executive’s intent.
7/17/18
Title – TECHNICAL ONLY

Sponsor: Lambert

Proposed No.: 2018-0241

TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1

On page 1, strike lines 1 through 15, and insert:

"AN ORDINANCE responding to the King County Sammamish Valley Wine and Beverage Study; amending Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 and Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.55, adding a new chapter to K.C.C. Title 6, repealing Ordinance 15974,"
Section 5, and K.C.C. 21A.06.1427 and prescribing penalties."

**EFFECT:** *Title Amendment T1 conforms the Title to the changes made by Striking Amendment S1.*
Planning, Rural Service & Environment Committee

December 04, 2018

Agenda Item No. 6
Briefing No. 2018-B0156

Four-to-One Program Update

Materials for this item will be available at the meeting.