### PO 2018-0241.2 – Winery, Brewery, Distillery Code Update

#### Amendment Tracker for September 16, 2019 COW

<table>
<thead>
<tr>
<th>#</th>
<th>Page / Line</th>
<th>Sponsor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>n/a</td>
<td>Balducci</td>
<td>Changes described in Summary of Balducci Striker</td>
</tr>
<tr>
<td>1a</td>
<td>34/654</td>
<td>McDermott (JM-1a)</td>
<td>For Vashon-Maury Island, in the RA zone, for WBD II:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• For historic properties, sets the minimum lot area at 2 acres.</td>
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<tr>
<td></td>
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<td>• For historic properties, allows up to 7,000 square feet of aggregated floor area.</td>
</tr>
<tr>
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<td>• Exempts existing businesses from minimum lot size requirements.</td>
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<td>• Exempts existing businesses from arterial access requirements.</td>
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<td></td>
<td>• Exempts existing businesses from the 75-foot setback from rural and residential zones.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>• Removes 15% square footage limitation on tasting and retail sales for existing businesses and historic properties.</td>
</tr>
<tr>
<td>T1</td>
<td>1/1</td>
<td>Balducci</td>
<td>Conforms changes made in S1</td>
</tr>
</tbody>
</table>
### Substantive Changes

<table>
<thead>
<tr>
<th>As Recommended by LSRRB</th>
<th>Balducci striker changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibit WBDs and remote tasting rooms as home occupations and home industries. Allow grandfathering for legally established home occupations and home industries within one year of effective date of ordinance. Require a business license for existing, nonconforming home occupations and home businesses.</td>
<td>Edits to tighten language and avoid unintended consequences.</td>
</tr>
<tr>
<td>In supplemental appropriation (PO 2019-0114), add technical assistance for determining grandfathering, aid with conversion to new WBD facility categories, and enforcement.</td>
<td>Removes 12-month period for home occupations to come into compliance with the home occupations requirements. Home occupations will have 12-months to document their previous compliance.</td>
</tr>
<tr>
<td>Removes 12-month compliance period allowance for home industries.</td>
<td>Removes 12-month compliance period allowance for home industries.</td>
</tr>
<tr>
<td>New chapter in Title 6 – business licenses</td>
<td>Compliance Period</td>
</tr>
<tr>
<td>Adds a definition for adult beverage business:</td>
<td>Adds language requiring existing businesses attempting to demonstrate past compliance to submit documentation with first business license application.</td>
</tr>
<tr>
<td>An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.</td>
<td>Allows a single, 6-month, County business license to be issued to existing businesses attempting to demonstrate compliance. This first license could be extended for an additional 6 months if the business demonstrated that they were making substantial steps to prove compliance. Subsequent County business license would not be issued unless that business demonstrates their legal nonconforming use status, the director has determined there have been substantial steps toward compliance, or it complies with the zoning regulations adopted in this ordinance.</td>
</tr>
<tr>
<td>Adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.</td>
<td>Denial of License</td>
</tr>
<tr>
<td>The business license fee would be $100 for initial and renewal of licenses.</td>
<td>Adds a provision that allows the Permitting Division to deny a business license if the business does not comply with the Zoning Code. Modifies appeal period for adult beverage business license to provide process consistency with other types of zoning appeals.</td>
</tr>
</tbody>
</table>
**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations**  
**Summary of Balducci Striker for COW 9/16/19**

<table>
<thead>
<tr>
<th>As Recommended by LSRRB</th>
<th>Balducci striker changes</th>
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<tbody>
<tr>
<td>Adds a remote tasting room demonstration project A.</td>
<td>• Adds clarity to purpose statement, business license requirement</td>
</tr>
<tr>
<td>• Administrative approval by Permitting – as a Type I land use decision</td>
<td>• Eliminate Vashon Rural Town CB zoning and Fall City Rural Town CB zoning from demonstration projects.  Modify the SDO for Fall City CB zoning to allow remote tasting room as a permitted use. Modify P-suffix condition for Vashon rural Town CB Zoning to allow remote tasting rooms as a permitted use</td>
</tr>
<tr>
<td>• May apply for approval in conjunction with business license application or building permit application</td>
<td>• Clarifies that limitation on events (2 per year, max 50 guests, no permit required) is for all proprietors on a single site.</td>
</tr>
<tr>
<td>• Allowed uses under the demonstration project limited to remote tasting room.</td>
<td></td>
</tr>
<tr>
<td>• Adds criteria for remote tasting room:</td>
<td></td>
</tr>
<tr>
<td>o One or more WBD I, II or III may operate</td>
<td></td>
</tr>
<tr>
<td>o Total space for tasting and retail is 1,000sf not including storage, restroom, nonpublic uses</td>
<td></td>
</tr>
<tr>
<td>o Additional 500sf of outdoor space allowed</td>
<td></td>
</tr>
<tr>
<td>o Incidental retail sales of products related to products tasted allowed</td>
<td></td>
</tr>
<tr>
<td>o Hours of operation M-Th 11am-7pm, F-S 11am-9pm</td>
<td></td>
</tr>
<tr>
<td>o Need a business license</td>
<td></td>
</tr>
<tr>
<td>o Need a liquor license</td>
<td></td>
</tr>
<tr>
<td>o Events limited to 2 per year, no more than 50 people</td>
<td></td>
</tr>
<tr>
<td>o Off-street parking maximum of 1 space per 50 sf of tasting and retail area</td>
<td></td>
</tr>
<tr>
<td>• Only allowed in area identified in Attachment A to ordinance, including CB zoning within the Vashon Rural Town, CB zoning within the Fall City Rural Town, and an area in the Sammamish Valley.</td>
<td></td>
</tr>
<tr>
<td>• Must be consistent with general health, safety and welfare and not violate state or federal law.</td>
<td></td>
</tr>
<tr>
<td>• Supersedes other variance, modification and waiver criteria in Title 21A.</td>
<td></td>
</tr>
<tr>
<td>• Projects can apply for approval under Demonstration project A for 3 years from effective date of the ordinance.</td>
<td></td>
</tr>
<tr>
<td>• Annually for 4 years, Executive prepares preliminary evaluations that includes: applications submitted; comments from neighbors, including code complaints; comments from neighboring cities and community service areas; comments from project applicants; comments from customers; description of known interactions between demonstration project applicants and nearby agricultural users and land, inventory of available properties, and recommended code changes.</td>
<td></td>
</tr>
</tbody>
</table>

**Evaluation**

- Eliminate requirement for annual transmittal to Council. Post to website instead with email to clerk of the Council.
- Adds requirements in annual evaluation to include date of submittal, complete application, and decision date and type
- Removes requirements in annual evaluation for reporting on comments made by the community, known interactions between demonstration project applicants and nearby agricultural users and land, inventory of available properties, and recommended code changes
- For final evaluation, require that the evaluation include whether the purposes of the demonstration project have been fulfilled by the demonstration project, and recommended permanent code changes.
**Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations**  
**Summary of Balducci Striker for COW 9/16/19**

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<tbody>
<tr>
<td>projects and nearby agricultural users and lands; inventory of remaining parcels available for use under the demonstration project; and known recommended could changes.</td>
<td></td>
</tr>
<tr>
<td>Final evaluation starts after 5 years of the demonstration project. Includes a draft and final report and proposed ordinance, public comment period</td>
<td></td>
</tr>
<tr>
<td>Final evaluation includes items in preliminary evaluations, and evaluation of: parking requirements; industry standard tasting room hours; outreach to and evaluation of projects approved under the demonstration project; permit review timelines; recommended permanent code changes or further demonstration project requirements.</td>
<td></td>
</tr>
<tr>
<td>Adds a special events demonstration project B.</td>
<td>Eliminates special events demonstration project B</td>
</tr>
<tr>
<td>Only allowed in area identified in Attachment B to ordinance, in an area in the Sammamish Valley.</td>
<td></td>
</tr>
<tr>
<td>Overlay B allows consolidated review of CUP for WBD III and the first TUP for that business.</td>
<td></td>
</tr>
<tr>
<td>Project applicant pays full cost for CUP, and no extra fees for TUP</td>
<td></td>
</tr>
<tr>
<td>Project reviews follow Type II process, including SEPA for the consolidated review</td>
<td></td>
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<tr>
<td>Administrative approval by Permitting</td>
<td></td>
</tr>
<tr>
<td>Waives requirements in 21A.32.100 through .140; 21A.44.020 and 21A.08.080.B.12.l</td>
<td></td>
</tr>
<tr>
<td>TUP follows code requirements (approved for one year, with 4 possible renewals for a total of 5 years). Must get a new TUP at the end of the 5 year, pay full cost and comply with the code in place at the time of complete TUP application filing.</td>
<td></td>
</tr>
<tr>
<td>Conditions for demonstration projects include: maximum number of guests allowed, up to 250 guests; parking; number of events, up to 60 days per year; and notification of events to Permitting and the public.</td>
<td></td>
</tr>
<tr>
<td>During the demonstration period properties in overlay B cannot be consolidate to create a winery III.</td>
<td></td>
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</tbody>
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Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations  
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<tr>
<td>• Projects can apply for approval under Demonstration project B for 3 years from effective date of the ordinance.</td>
<td></td>
</tr>
<tr>
<td>• Annually for 4 years, Executive prepares preliminary evaluations that includes: applications submitted; comments from neighbors, including code complaints; comments from neighboring cities and community service areas; comments from project applicants; comments from customers; description of known interactions between demonstration projects and nearby agricultural users and lands; inventory of remaining parcels available for use under the demonstration project; and known recommended could changes.</td>
<td></td>
</tr>
<tr>
<td>• Final evaluation starts after 5 years of the demonstration project. Includes a draft and final report and proposed ordinance, public comment period</td>
<td></td>
</tr>
<tr>
<td>• Final evaluation includes items in preliminary evaluations, and evaluation of: water use; parking requirements; outreach to and evaluation of projects approved under the demonstration project; minimum requirements for a temporary use permit (triggers), industry standard event versus what is not, and what should require a TUP required; permit review timelines; stormwater and surface water impacts; and recommended permanent code changes or further demonstration project requirements.</td>
<td></td>
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</tbody>
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### Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
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<tr>
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<tbody>
<tr>
<td>Add an efficacy evaluation – at the end of the 5 years, in conjunction with the studies done for the demonstration projects.</td>
<td>Modifications to efficacy evaluation:</td>
</tr>
<tr>
<td>• Analysis of effectiveness of citation and civil fine structure in 23.32.010.</td>
<td>• Include evaluation of regulations on existing businesses – including information on businesses licenses, permit applications, and code enforcement complaints/violations.</td>
</tr>
<tr>
<td>• Analysis of impact urban uses within UGA have on rural character of adjacent rural areas outside the UGA and provide recommendations to reduce impact of those urban uses.</td>
<td>• Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.</td>
</tr>
<tr>
<td>• Analysis of product content requirement (60% onsite, Puget Sound Counties, or ag accessory use).</td>
<td>Removes evaluation of the impact of urban uses within UGA have on rural character of adjacent rural areas outside the UGA</td>
</tr>
<tr>
<td>• Analysis of effectiveness of TUP triggers in KCC 21A.32.100.</td>
<td>Removes reference to evaluating WBD I interim use in A zone</td>
</tr>
<tr>
<td>• Analysis of WBD I as interim use in A zone.</td>
<td>Specifies that public comment period for the efficacy evaluation occur in conjunction with the public comment period for the remote tasting room demonstration project.</td>
</tr>
</tbody>
</table>
Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
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<th>As Recommended by LSRRB</th>
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<tbody>
<tr>
<td>Modifies the Permitted Land Use tables:</td>
<td>Substantive Changes include:</td>
</tr>
<tr>
<td>Adds 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.</td>
<td>• Eliminate WBD I in A zone as interim use.</td>
</tr>
<tr>
<td>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.</td>
<td>• Eliminates allowance for 8,000sf of underground storage for WBD III in A and RA zones</td>
</tr>
<tr>
<td>See separate tables on following pages for changes.</td>
<td>• For all WBD in A and RA zones, limits impervious surface to a maximum of 25% or what the underlying zoning allows, whichever is less</td>
</tr>
<tr>
<td>Removes allowance for WBD I, II, III in UR zone</td>
<td>• Requires WBD III in A and RA zone to connect to Group A water systems (eliminating option to connect to Group B)</td>
</tr>
<tr>
<td>Interim Use Approval:</td>
<td>• For WBD I in RA zone, prohibits on-site tasting and retail sales</td>
</tr>
<tr>
<td>• Must be applied for within 5 years of effective date of this ordinance</td>
<td>• For WBD II and III in A and RA zone, limits on-site tasting and retail sales to 15% of the aggregated floor area</td>
</tr>
<tr>
<td>• Good for one year, with up to 4 yearlong renewals (good for a total of 5 years) like for TUP</td>
<td>• For WBD II and III in A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses</td>
</tr>
<tr>
<td>• Use must cease once interim use approval is expired</td>
<td>• For all WBD in A and RA zones, requires one of the two stages of production to be crushing, fermenting or distilling.</td>
</tr>
<tr>
<td>• Subject to same criteria as the TUP</td>
<td>• For all WBDs, eliminates option to reduce, with a CUP, the setback from R and RA zones</td>
</tr>
<tr>
<td>• Fee same as TUP</td>
<td>• For WBD I in RA zone, allows one on-site parking stall for the use.</td>
</tr>
<tr>
<td>• Process as a Type II permit.</td>
<td>• Eliminates grandfathering of existing parking spaces.</td>
</tr>
<tr>
<td>• Application requirements set by Title 20</td>
<td>• For WBD II and III in A and RA zones, parking maximum is 150% of the minimum required.</td>
</tr>
</tbody>
</table>
### Other Changes

<table>
<thead>
<tr>
<th>As Recommended by LSRRB</th>
<th>Balducci striker changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings included</td>
<td>Additional/modified Findings regarding:</td>
</tr>
<tr>
<td></td>
<td>• SO-120, agricultural protection buffer</td>
</tr>
<tr>
<td></td>
<td>• Water facilities</td>
</tr>
<tr>
<td></td>
<td>• Retail sales and tasting of products as accessory to production</td>
</tr>
<tr>
<td></td>
<td>• Remote tasting room demonstration project (removal of Fall City and Vashon Rural Towns)</td>
</tr>
<tr>
<td>Adds a definition for remote tasting room</td>
<td>none</td>
</tr>
<tr>
<td>Adds a definition for winery, brewery, distillery facility I</td>
<td>Adds distilling to the definition as a step in the production process.</td>
</tr>
<tr>
<td>Adds a definition for winery, brewery, distillery facility I interim use permit</td>
<td>Eliminate definition</td>
</tr>
<tr>
<td>Adds a definition for winery, brewery, distillery facility II</td>
<td>Adds distilling to the definition as a step in the production process.</td>
</tr>
<tr>
<td>Adds a definition for winery, brewery, distillery facility III</td>
<td>Adds distilling to the definition as a step in the production process.</td>
</tr>
<tr>
<td>Modifies parking requirements:</td>
<td>None</td>
</tr>
<tr>
<td>Requires for WBD II and III facilities, 0.9 per 1,000 square feet plus 1 per 300 square feet of tasting and retail area</td>
<td></td>
</tr>
<tr>
<td>Requires for remote tasting rooms, 1 per 300 square feet of tasting and retail areas</td>
<td></td>
</tr>
<tr>
<td>Modifies temporary use permit requirements:</td>
<td>For WBD I in the RA zone, specify citation for special events to K.C.C. 21A.32.120.B.6 which allows 2 events per year with a maximum of 50 guests.</td>
</tr>
</tbody>
</table>
# Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
## Summary of Balducci Striker for COW 9/16/19

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<thead>
<tr>
<th>As Recommended by LSRRB</th>
<th>Balducci striker changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>For WBD II and III in A zones, events limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director.</td>
<td>Removes reference to WBD I Interim Use</td>
</tr>
<tr>
<td>For WBD II and III in RA zones, events limited to 24 within a one-year period and all parking must be accommodated on site or through a plan approved by the director.</td>
<td>For criteria of events that require a temporary use permit, clarify that it is events that require traffic control (rather than utilizes traffic control), and that the event extends beyond the allowed hours of operation (rather than stated hours)</td>
</tr>
<tr>
<td>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 150 guests.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>For WBD I in RA zone, legal nonconforming home occupations and legal nonconforming home industries, 2 events per year, maximum 50 people, without a TUP is allowed</td>
<td></td>
</tr>
<tr>
<td>WBD II and III in other zones are allowed 60 days a year</td>
<td></td>
</tr>
<tr>
<td>No events for WBD I interim use permit in A zone</td>
<td></td>
</tr>
<tr>
<td>Add language that specifies when a TUP is required. Include events that exceed the building occupancy, that use portable toilets, off-site parking or parking beyond the maximum, temporary stages, temporary tents or canopies that require a permit, traffic control in public rights-of-way, or extends beyond stated hours of operation. (added to K.C.C. 21A.32.100)</td>
<td></td>
</tr>
<tr>
<td>Modifies citation penalty: Adds specific citations for WBD I, II, II and remote tasting rooms: $500 for first violation, and $1,000 for subsequent violations.</td>
<td>None</td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
### Summary of Balducci Striker for COW 9/16/19

### Manufacturing Table – Agriculture and Rural Area – Production Facilities

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
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<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td>Allow in A zones as a residential accessory use, accessory to a primary ag use, and for an interim use period of up to 5 years (1 year plus 4 renewals) Must apply within 5 years of ordinance adoption</td>
<td>Not permitted</td>
<td>Permitted – as an accessory to agricultural use Use is conditional if setbacks to RA and residential zones are reduced to 25 feet</td>
<td>Removes conditional use option to reduce setback to 25’</td>
<td>Conditional Use</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>RA zone: WBD I (DC#32)</td>
<td>Move WBD I to a residential accessory use. Allow in RA and A zones. Use is conditional if setbacks to RA and residential zones are reduced to 25 feet</td>
<td>Moved to Manufacturing Land Use table Permitted – removes limitation for nonresident employee Removes option for conditional use permit to reduce setbacks to 25’</td>
<td>Permitted Conditional Use</td>
<td>Conditional Use</td>
<td></td>
</tr>
</tbody>
</table>

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### Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
Summary of Balducci Striker for COW 9/16/19

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<thead>
<tr>
<th>Minimum Lot Size</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
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<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>None</td>
<td>Not permitted</td>
<td>2.5 acres</td>
<td></td>
<td>4.5 acres</td>
<td></td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>None</td>
<td></td>
<td>P and C: 2.5 acres</td>
<td></td>
<td>4.5 acres</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Building Size</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td>1,500 sf</td>
<td>Not permitted</td>
<td>3,500 sf (historic buildings maximum is 5,000 sf)</td>
<td></td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td>Eliminates 8,000 sf for underground storage</td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>1,500 sf</td>
<td></td>
<td></td>
<td></td>
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# Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
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<table>
<thead>
<tr>
<th>Maximum Impervious Surface</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
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<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zone: WBD I (DC#19)</td>
<td>Not specified</td>
<td>Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
<td>Not specified</td>
<td>Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
<td>Not specified</td>
<td>Limited to 25% of the site, or the maximum allowed under the zone, whichever is less</td>
</tr>
<tr>
<td>RA zone: WBD I (DC#17)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>RA zone: WBD I (DC#32)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone: WBD II (DC#3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone: WBD II (DC#3 and DC#30)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone: WBD III (DC#12)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Water</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zone</td>
<td>Not specified</td>
<td>Not permitted</td>
<td>Not specified</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>RA zone</td>
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<tr>
<td>RA zone</td>
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</tr>
</tbody>
</table>

- A zone:
  - Not specified
  - Not permitted
  - Not specified

- RA zone:
  - Not specified

- WBD III (DC#12)
- Must connect to existing Group A water system, or existing Group B water system if Group A water system not available
- Must connect to an existing Group A water system. Adds a cross-reference to K.C.C. 13.24 for definition and limitations of water systems.
### Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
**Summary of Balducci Striker for COW 9/16/19**

<table>
<thead>
<tr>
<th>On-Site Tasting and Retail</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A zone</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No tasting allowed</td>
<td></td>
<td>Not permitted</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Allow on-site sales of items produced on-site and incidental items.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tasting and retail are accessory to production use, and limited to 15% of the floor area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tasting and retail are accessory to production use, and limited to 15% of the floor area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RA zone</strong></td>
<td>Sammamish Valley: No tastings. Allow on-site sales of items produced on-site and incidental items.</td>
<td></td>
<td>Not allowed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other areas: Tastings allowed by appointment only. Tastings must occur within these hours: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Allow on-site sales of items produced on-site and incidental items.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>As Adopted by LSRRB</td>
<td>Striker Changes</td>
<td>As Adopted by LSRRB</td>
<td>Striker Changes</td>
<td>As Adopted by LSRRB</td>
<td>Striker Changes</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>A zone</td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td>Not permitted</td>
<td>RA zone: WBD I (DC#32)</td>
<td>Direct access from an arterial</td>
<td>Requires that the WBD use the arterial access</td>
<td>Requires that the WBD use the arterial access</td>
</tr>
<tr>
<td>RA zone</td>
<td>Not specified</td>
<td>P: Direct access from an arterial</td>
<td>RA zone: WBD II (DC#3 and DC#30)</td>
<td>C: Direct access from public roadway.</td>
<td>P: Requires that the WBD use the arterial access</td>
<td>C: Requires that the WBD access a public roadway</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations

### Summary of Balducci Striker for COW 9/16/19

<table>
<thead>
<tr>
<th>Production/Facility Location</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zone</td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td>Not permitted</td>
<td>Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing</td>
<td>Limit conversion of agricultural land to less than 1 acre for nonagricultural accessory uses Requires one (of two) stage of production to include crushing, fermenting or distilling</td>
<td>Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing</td>
<td>Limit conversion of agricultural land to less than 1 acre for nonagricultural accessory uses Requires one (of two) stage of production to include crushing, fermenting or distilling</td>
</tr>
<tr>
<td>RA zone</td>
<td>RA zone: WBD I (DC#32)</td>
<td>Requires one (of two) stage of production to include crushing, fermenting or distilling.</td>
<td>Requires one (of two) stage of production to include crushing, fermenting or distilling.</td>
<td>Requires one (of two) stage of production to include crushing, fermenting or distilling.</td>
<td>Requires one (of two) stage of production to include crushing, fermenting or distilling.</td>
<td>Requires one (of two) stage of production to include crushing, fermenting or distilling</td>
</tr>
</tbody>
</table>

### Production/Facility Location

- **A zone**: Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing.

- **RA zone**: Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing.
## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations
### Summary of Balducci Striker for COW 9/16/19

<table>
<thead>
<tr>
<th>Product Content</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td></td>
<td>RA zone: WBD I (DC#32)</td>
<td></td>
<td>RA zone: WBD II (DC#3 and DC#30)</td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>60% of product to be processed must be grown in Puget Sound Counties.</td>
<td>Not permitted</td>
<td>60% of product to be processed must be grown on site.</td>
<td></td>
<td>60% of product to be processed must be grown on site.</td>
<td></td>
</tr>
<tr>
<td>RA zone</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td></td>
<td>RA zone: WBD I (DC#32)</td>
<td></td>
<td>RA zone: WBD II (DC#3 and DC#30)</td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>75 feet from RA and R zones, except historic buildings. Includes parking areas. Setbacks only apply to interior lot lines.</td>
<td>Not permitted</td>
<td>75 feet from RA and R zones, except historic buildings. Includes parking areas. Allow the setback to be modified through a CUP.</td>
<td>Require screening and other mitigation to reduce it to 25' Setbacks only apply to interior lot lines.</td>
<td>Eliminates option for CUP to reduce setbacks to 25'</td>
<td></td>
</tr>
<tr>
<td>RA zone</td>
<td>Eliminates option for CUP to reduce setbacks to 25'</td>
<td></td>
<td></td>
<td></td>
<td>Eliminates option for CUP to reduce setbacks to 25'</td>
<td></td>
</tr>
</tbody>
</table>

**Proposed ordinance summary:**
- **WBD I** (DC#19): A zone letters with RA zones.
- **WBD II** (DC#3): A zone letters with RA zones.
- **WBD III** (DC#12): A zone letters with RA zones.

**Setbacks Summary:**
- A zone: 75 feet from RA and R zones, except historic buildings. Includes parking areas. Setbacks only apply to interior lot lines.
- RA zone: Eliminates option for CUP to reduce setbacks to 25'.
## Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations

Summary of Balducci Striker for COW 9/16/19

<table>
<thead>
<tr>
<th>Parking</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
<th>As Adopted by LSRRB</th>
<th>Striker Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A zone: WBD I (DC#19) RA zone: WBD I (DC#17)</td>
<td></td>
<td>RA zone: WBD I (DC#32)</td>
<td></td>
<td>RA zone: WBD I (DC#32)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>One stall for non-resident employee</td>
<td>Not permitted</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area</td>
<td>Limited to 150% of minimum required</td>
<td>Add provision for grandfathering for existing parking (permits still required)</td>
<td>Eliminate nonconforming status for existing parking spaces.</td>
</tr>
<tr>
<td></td>
<td>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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Add provision for grandfathering for existing parking (permits still required)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allows one parking stall</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area</td>
<td>Tasting/retail limited to 1 per 50 square feet of tasting area (and 150% max is removed)</td>
<td>Add provision for grandfathering for existing parking (permits still required)</td>
<td>Eliminate nonconforming status for existing parking spaces.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

COW Meeting Packet - Additional Materials
# Proposed Ordinance 2018-0241.2 – Winery/Brewery/Distillery Regulations

## Summary of Balducci Striker for COW 9/16/19

### Manufacturing Table – Commercial and Industrial Zones – Production Facilities

<table>
<thead>
<tr>
<th>Condition</th>
<th>As Adopted by LSRRB NB and CB (DC#17 and DC#29)</th>
<th>As Adopted by LSRRB RB (DC#29) and I (DC#31)</th>
<th>Striker changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Permit</strong></td>
<td>WBD I – not permitted</td>
<td>WBD I – not permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBD II – permitted and conditional use (DC#17)</td>
<td>WBD II – permitted and conditional use</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBD III – conditional use (DC#29)</td>
<td>WBD III – conditional use</td>
<td></td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>WBD II – 3,500 sf, except historic buildings are 5,000 sf</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>WBD II and III – Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Add tasting allowance to II and III for consistency. Prohibit remote tasting rooms in I zone (tasting with production okay) Add a limitation on tasting size in the I zone to 1,500sf.</td>
<td></td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Production/Facility Location</strong></td>
<td>Not specified</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting and retail area (For WBD III: maximum parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)</td>
<td>WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting area (When max parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)</td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>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’ Setbacks only apply to interior lot lines.</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’. Setbacks only apply to interior lot lines.</td>
<td>Eliminates option for CUP to reduce setbacks to 25’</td>
</tr>
</tbody>
</table>
## Retail Table – Commercial Zones – Remote Tasting Rooms Countywide

<table>
<thead>
<tr>
<th>Issue/Condition</th>
<th>As Adopted by LSRRB</th>
<th>Striker changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted in CB and RB outright.</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>Also permitted within the demonstration project areas subject to the requirements in 21A.55.</td>
<td>none</td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>None</td>
<td>none</td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>None</td>
<td>none</td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Allowed</td>
<td>none</td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>Subject to standard TUP requirements (60 days per/year, maximum guests determined through review process)</td>
<td>none</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Not specified</td>
<td>none</td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Not specified</td>
<td>none</td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>None</td>
<td>none</td>
</tr>
<tr>
<td><strong>Production/Facility Location</strong></td>
<td>Not required</td>
<td>none</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>Add this use to table, require 1 per 300sf of tasting/retail area.</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>Tasting/retail limited to 1 per 50 square feet of tasting area</td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>Specified by underlying zoning</td>
<td>none</td>
</tr>
</tbody>
</table>
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1

2

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

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.
C. Population growth, combined with the growing popularity of small producers and local sourcing within the adult beverage industry has created a need for: clarification regarding core industry functions versus other types of more intensive on-site special events that may help a developing business thrive and consideration of the planning requirements of the Growth Management Act, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas.

Changes in state regulations have also occurred, driving a need to bring adult beverage industry development regulations up to date with state licensing allowances. In particular, a state winery allowance for off-site tasting created confusion for business owners regarding the interplay between state licensing requirements and county land use regulations.

D. This ordinance follows a multiyear study of the adult beverage industry, which included the 2016 King County Sammamish Valley Wine and Beverage Study. The study period was necessary to evaluate existing zoning regulations for the adult beverage industry in light of changes in industry practices, state licensing allowances and the growing popularity of adult beverage industry across King County and the state of Washington.

E. The changes made by this ordinance will help King County to prepare for and support the future of the adult beverage industry as it evolves in the region, to better implement and comply with the policies of the King County Comprehensive Plan ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth Management Act, and to minimize the ambiguities in existing development regulations that were identified in the study period. The changes are intended to improve clarity,
administrative efficiencies and enforceability while avoiding confusion for the industry users that may have been caused by lack of consistency with state regulatory systems. The ordinance adds additional protection for the Agricultural zone and provides guidance on enhancing economic activity in the Rural Area zones while also honoring and protecting rural character.

F. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts. King County also supports the adult beverage industry and recognizes the synergistic relationship between the agricultural and the adult beverage industries. The ordinance aims to establish a strong foundation for moving both industries into the future. There is a historical and continuing crossover between the agricultural industry and the adult beverage industry, including factors such as agricultural uses providing aesthetic value and raw materials that support the adult beverage industry; and the exposure, opportunity and market demand for agricultural products that the adult beverage industry provides for the agricultural industry. This ordinance recognizes competing and complimentary interests between the two industries, and aims to provide a balance consistent with the Growth Management Act and the Comprehensive Plan.

G. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-677b, the adult beverage industry uses allowed by the ordinance support development of new markets for local agricultural products and help ensure that agricultural production districts continue to be economically viable and farmed into the future. By promoting complimentary relationships with the adult beverage industry, these regulations will help to improve access to locally grown agricultural products throughout King County.
H. Economic development policies in the Comprehensive Plan, including ED-102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. The ordinance aims to implement these Comprehensive Plan policies and is focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

I. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled
beverages, and wine in the county. The ordinance carefully follows this directive, and was developed over several years as the county considered existing and proposed regulations, balancing the differing needs and emerging trends of the agricultural and adult beverage businesses. The ordinance adds flexibility, maintains or reduces existing size and scale limits on adult beverage industry uses in the Agricultural zone and the rural area and adds new limits to enhance open and green space values and preserve the natural aesthetic which helps both industries grow.

J. The Comprehensive Plan addresses the Growth Management Act's requirement to plan for industrial uses. Plan Policy ED-211 encourages the county to "support programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," including through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." This ordinance recognizes that although King County has a finite amount of industrial land available, at their highest levels of intensity, some adult beverage businesses can grow to a level of mechanization, volume and intensity suited for the Industrial zone, but avoids funneling smaller, less mechanized, community-serving businesses into the county's limited Industrial zoned areas. Those smaller scale adult beverage industry uses are appropriately placed in more aesthetically pleasing areas, where rural community consumers and a healthy population of visitors to the county's many regional recreation and tourism opportunities can support economic success. This ordinance aims to avoid bringing low-impact, low-intensity adult beverage uses into limited Industrial zone spaces that are reserved for more intensive industrial uses.

K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small businesses." Although rapid industry growth has resulted in some adult beverage businesses becoming incompatible with rural character, this ordinance honors the sometimes competing Comprehensive Plan policies to support and retain existing small businesses with equally important policy to protect rural character by setting clear scope and size limits to protect the Agricultural zone and Rural Area zone. In the specific case of the previously untested remote tasting room use, which was recently created within state licensing provisions, the ordinance allows some small businesses to continue within limited rural area demonstration projects but also makes space available for remote tasting rooms in Community Business and Regional Business zones for those businesses that wish to expand their scope.

L. The Growth Management Act requires that rural development be contained and controlled to ensure the protection of rural character, assure the visual compatibility of rural development with the surrounding Rural Area and Natural Resource Lands, protect environmentally critical areas and habitat, and protect against conflicts with natural resource uses, such as farming, forestry and mining. Proximity to existing agricultural uses and rural area recreational destinations provide the raw materials and customer base to allow traditional small-scale adult beverage industry uses to thrive. The adult beverage industry relies on all of these elements to succeed. For example, the definition of agriculture in the Growth Management Act includes viticulture, an essential component of a winery use. Viticulture, and agricultural practices related to brewery and distillery uses and their associated processing and sales activities, are all examples of activities the Comprehensive Plan requires the county to protect.
M. The Comprehensive Plan describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics." For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "[i]n the Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character, despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated winery district. Some of the regulations adopted as part of this ordinance, such as the various allowances for on-site tasting and retail sales associated with winery, brewery, distillery production facilities, vary across the different rural communities in unincorporated King County. Individual rural communities take different positions and have different priorities, and this is reflected in some of the regulations; however, generally a countywide lens was used for analyzing potential regulatory impacts on the wider rural area and natural resource lands.

N. Comprehensive Plan Policy R-201 defines the characteristics of rural character and the rural area. Four of these characteristics are particularly relevant to the changes made in this ordinance: "b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries," "d. Community small-town atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses of a size and scale that blend with historic rural development," and "i. Rural uses that do not include primarily urban-serving facilities."

O. Public testimony on this ordinance was consistent with Comprehensive Plan policy goals and included discussion of adult beverage industry uses as being community
gathering places, rural residents' desire to take advantage of economic opportunities
created by the adult beverage industry and the need for solid customer bases to allow
small businesses to thrive.

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

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use
appropriate for the Rural Area. These include uses that "[p]rovide convenient local
products and services for nearby residents," "[r]equire location in a Rural Area,
"[s]upport natural resource-based industries" or "[p]rovide recreational and tourism
opportunities that are compatible with the surrounding Rural Area," as long as the use is
"sited, sized and landscaped to complement rural character" and "prevent impacts to the
environment and function with rural services including on-site wastewater disposal."
This ordinance implements the plan by creating clear regulations for the adult beverage industry, requiring uses to be sited, sized and landscaped to complement rural character, and by creating a business license so adult beverage industry uses can be better evaluated. Adult beverage uses provide convenient local products for rural residents, support agricultural resource-based industries, and provide new regional recreational and tourism opportunities.

R. The King County Code establishes standards for water facilities in K.C.C. Title 13. In part, those standards prioritize connection to Group A water systems, then to Group B water systems, followed by use of private wells, subject to specified criteria. As part of this ordinance, winery, brewery, distillery facility III uses in the A and RA zones are required to connect to a Group A water system. The requirement modifies a previously existing regulation for larger wineries, breweries and distilleries and replaces it with a clear standard that improves enforceability.

S. This ordinance protects the Rural Area and Agricultural zones by limiting on-site tasting of products and retail sales for winery, brewery, distillery manufacturing uses, and by allowing on-site tasting of products and retail sales only as accessory to production. This ordinance places a fifteen percent maximum on spaces devoted to on-site tasting of products and retail sales, in order to prevent potential traffic and noise sometimes associated with those uses, and to prevent the more intensive impacts that they can have on rural character and the agricultural production districts.

T. Other development regulations, including stormwater management, impervious surface, critical areas and landscaping requirements, remain in place and are unchanged by this ordinance.
U. Existing special district overlays and property-specific development conditions are in effect and add additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits impervious surface maximums for winery, brewery, distillery facilities in the A and RA zones to twenty-five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

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

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

X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations." One demonstration project is established by this ordinance. The demonstration project evaluates the presence of remote tasting rooms in Rural Area zoned land in the Sammamish valley. The demonstration project is located in
an area where businesses are supported by nearby small-scale agriculture and proximity to consumers, and relies on a pastoral setting and a rural sense of community for economic viability and traditional rural-based activities. The criteria for site selection for the demonstration project is based on existing levels of development on the property, lot size, current zoning, proximity to Agricultural zoned areas and agricultural production districts, proximity to local and rural industry-supportive uses and to areas in need of economic stimulus and availability of arterial access. Those criteria implement Comprehensive Plan policy direction to protect agricultural lands and rural character, and to provide rural economic opportunities. State Route 202 is a designated arterial designed to carry significant traffic loads and is not expected to reflect measurable impacts over loads already generated by existing Rural Area residents and businesses or related to the demonstration project. The selected location is an ideal place to test the demonstration project's ability to support businesses that are primarily nonurban in nature, to evaluate the benefits and to test impact mitigation strategies before adopting potential countywide regulations.

Y. Public testimony on this ordinance included discussion of congestion on local roads caused by population growth. With that concern in mind, the ordinance requires the largest winery, brewery, distillery facilities to be sited where there is direct access to an arterial, and that remote tasting rooms be tested where related vehicle trips will be directed to an existing state highway. Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are designed to accommodate higher traffic volumes, at higher speeds than local roads," and the county should "encourage such traffic to use highways or arterials whenever possible." This ordinance implements the plan's directive
by requiring larger or previously untested uses to utilize arterial roads. Further, the
parcels chosen for the remote tasting room demonstration project A in the Sammamish
valley are located directly on an arterial.

Z. The Comprehensive Plan states that "[t]he purposes of Rural Town
designations within the Comprehensive Plan are to recognize existing concentrations of
higher density and economic activity in Rural Areas and to allow modest growth of
residential and economic uses to keep them economically viable into the future."
Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers
for the Rural Area and Natural Resource Lands and may be served by a range of utilities
and services, and may include several or all of the following land uses, if supported by
necessary utilities and other services and if scaled and designed to protect rural character:
a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and
Natural Resource Lands population…c. Other retail, commercial, and industrial uses,
such as resource industries, tourism, commercial recreation, and light industry." Remote
tasting rooms are similar to other, more intensive uses contained within the stated
categories and may be appropriately located in Rural Towns. Other Community Business
and Regional Business zones, outside of Rural Towns, are located within the urban
growth area or have access to an arterial.

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

SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties
aggrieved by actions of the director pursuant to any business license ordinance. The
examiner may adopt reasonable rules or regulations for conducting its business. Copies of
all rules and regulations adopted by the examiner shall be delivered to the director, who
shall make them freely accessible to the public. All decisions and findings of the examiner
shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and adult beverage
businesses appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this
ordinance) shall be filed in accordance with K.C.C. 20.22.080 and the hearing process
conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this
section do not apply to this subsection B.

C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and
order or any action of the director by filing at the office of the director within seven days
from the date of service of such order, a written appeal containing;

1. A heading in the words: "Before the Office of the Hearing Examiner";

2. A caption reading: "Appeal of ..............." giving the names of all appellants
participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the
business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested,
together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why
it is claimed the protested order or action should be reversed, modified or otherwise set
aside;

6. The signatures of all parties named as appellants, and their official mailing
addresses; and

7. The verification (by declaration under penalty of perjury) of at least one
appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix
a date, time and place for the hearing of the appeal. The date shall be neither less than ten
days nor more than sixty days from the date the appeal was filed with the director. Written
notice of the time and place of the hearing shall be given at least ten days before the date of
the hearing to each appellant by the examiner either by causing a copy of the notice to be
delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be
represented by counsel and offer such evidence as is pertinent and material to the action of
the director.

F. Only those matters or issues specifically raised by the appellant in the written
notice of appeal shall be considered in the hearing of the appeal.
G. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

SECTION 3. Sections 4 through 11 of this ordinance should constitute a new chapter in K.C.C. Title 6.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 3 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 5. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

For the purpose of this chapter, unless the context clearly requires otherwise, "adult beverage business" means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. A nonconforming home occupation and a nonconforming home industry is an "adult beverage business" for the purposes of this section.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 3 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 7. There is hereby added to the chapter established
in section 3 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, the 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 and current residential, email and mailing address of 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;

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.08.030 and 21A.08.080; and

E. For any adult beverage businesses attempting to demonstrate legal nonconforming use status under section 11.B. of this ordinance, operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, documentation sufficient to establish that the requirements of K.C.C. Title 21A have been met, and documentation of the county's response to the notice of application, if any.

NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 3 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 9. There is hereby added to the chapter established in section 3 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 local services, permitting division receives notice that the state license issued to the business is suspended or revoked, or was not reissued, or if, after an investigation, the director determines that the proposed business location does not comply with K.C.C. Title 21A. 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 10. There is hereby added to the chapter established in section 3 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 local services, permitting division. 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 11. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

A. 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.

B. For any adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business
operator has taken substantial steps to document compliance with K.C.C. Title 21A.

Subsequent business licenses or renewals for such locations shall only be approved by the
director if:

1. The requirements to establish a legal nonconforming use have been met;
2. The applicant has otherwise established a vested legal nonconforming use;
3. The director determines that the business operator has taken substantial steps
to document compliance with K.C.C. Title 21A; or
4. If the business has come into conformance with the winery, brewery,
distillery facility I, II or III or remote tasting room regulations adopted in K.C.C.
21A.08.070, 21A.08.080 or section 28 of this ordinance.

SECTION 12. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each
hereby repealed.

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

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

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 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 that includes an adult beverage production use such as crushing, fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law. On-site tasting of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

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 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, distilling, 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 tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law. "Winery, brewery, distillery facility II" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

NEW SECTION. SECTION 16. 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, distilling, 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 tasting of products and sales as authorized by state law and sales of merchandise related to products available as authorized by state law. "Winery, brewery, distillery facility III" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are hereby amended to read as follows:

A. Retail land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>C-Conditional Use</th>
<th>S-Special Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tbody>
<tr>
<td>SIC#</td>
<td>SPECIFIC LAND USE</td>
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<td>Building Materials and Hardware Stores</td>
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<td>*</td>
<td>Retail Nursery, Garden Center and Farm Supply Stores</td>
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<td>Forest</td>
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<td>Products Sales</td>
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<td>Department and Variety Stores</td>
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<td>C14a</td>
<td>P14</td>
<td>P5</td>
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<tr>
<td>Food Stores</td>
<td>54</td>
<td>C15a</td>
<td>P15</td>
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<td>Farmers Market</td>
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<td>Motor Vehicle and Boat Dealers</td>
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<td>Apparel and Accessory Stores</td>
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<td>Furniture and Home Furnishings Stores</td>
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<td>Eating and Drinking Places</td>
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<td>P20 C16</td>
<td>P20 P10</td>
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<td>Drug Stores</td>
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<td>Marijuana retailer</td>
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<td>593</td>
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<td>Used Goods: Antiques/ Secondhand Shops</td>
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<td>Sporting Goods and Related Stores</td>
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<td>Book, Stationery, Video and Art Supply Stores</td>
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<td>C15a</td>
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<td>Jewelry Stores</td>
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<td>Monuments, Tombstones, and Gravestones</td>
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<td>Hobby, Toy, Game Shops</td>
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<td>Bulk Retail</td>
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<td>Auction</td>
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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.

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

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

3.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)) Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas.

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)) Permitted as part of the demonstration project authorized by section 28 of this ordinance.

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 local services, permitting division, 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;

and

(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 local services, permitting division, 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 18. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

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<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
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<th>RESIDENTIAL</th>
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<tr>
<th>COMMERCIAL/INDUSTRIAL</th>
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<th>CB</th>
<th>RB</th>
<th>O</th>
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<td>Food and Kindred Products (28)</td>
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<td>P2</td>
<td>P2 C</td>
<td>P2 C</td>
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<td>21</td>
<td>Winery/Brewery/ Distillery Facility I</td>
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<td>P32</td>
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<td>C29 C29 C29 C31</td>
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<td>Materials Processing Facility</td>
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<td>P14 C16 C</td>
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<td>Textile Mill Products</td>
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<td>Apparel and other Textile Products</td>
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<td>27</td>
<td>Wood Products, except furniture</td>
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<td>P4 P18 C5</td>
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<td>Petroleum Refining and Related Industries</td>
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<td>Rubber and Misc. Plastics Products</td>
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<td>Leather and Leather Goods</td>
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<td>Railroad Equipment</td>
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<td>Guided Missile and Space Vehicle Parts</td>
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<td>Miscellaneous Transportation Vehicles</td>
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<td>Measuring and Controlling Instruments</td>
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<td>Aircraft, Ship and Boat Building</td>
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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;

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

c. In the RA and UR zones, o)

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

c. 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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

d. Structures and parking areas ((used)) for ((processing)) winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior 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. In the A zone, ((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 under K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be
produced; ((and

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

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

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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. 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. Access to the site shall be directly to and from an arterial roadway;

j. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

k. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

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

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)) 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;

b. (((1) Except as provided in subsection B.12.b.(2) of this section, the aggregated floor area of structures and areas for wineries, breweries and distilleries and any accessory uses shall not exceed a total of eight thousand square feet. (The floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground)) Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area; ((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. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, 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. 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. 24A.18.030, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

e. Structures and parking areas for winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior 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. 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 under K.C.C. chapter 6.xx
the new chapter created in section 3 of this ordinance), the applicant shall submit a
projection of the source of products to be processed; ((and))
g. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of on-site production shall include crushing, fermenting or distilling;
h. 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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;
i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section.
Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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.;

j. Access to the site shall be directly to and from an arterial roadway;

k. Off-street parking maximums shall be determined through the conditional use permit process, and should not be more than one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

l. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

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

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;

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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

((e.)) b. Structures and parking areas (used for processing) for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior 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.)) c. Tasting and retail sale of products produced on-site, and merchandise
related to the products produced on-site, may be provided in accordance with state law.

The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.((18.b.))17.a. of this section;

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

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and

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

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

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

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

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

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

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and

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

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

b. 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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

d. Tasting and retail sales of products produced on-site may only occur as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be
limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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.;

e. Access to the site shall be directly to and from a public roadway;
f. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
g. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);
h. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32;

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

j. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious

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

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

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

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

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and
f. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32.

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

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

c. One on-site parking stall shall be allowed for the winery, brewery, distillery facility use;

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

f. No product tasting or retail sales shall be allowed on-site;

g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

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

SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are hereby amended to read as follows:

A. Resource land uses.

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<td>P26 C</td>
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<td>Marijuana producer</td>
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### ACCESSORY USES:

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<td>Farm Worker Housing</td>
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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

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

11. Continuation of mineral processing and asphalt/concrete mixtures and block
uses after reclamation in accordance with an approved reclamation plan.
12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

(1) passive recreation;
(2) training of individuals who will work at the camp;
(3) special events for families of the campers; and
(4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and 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 practicably 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;
1. 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;

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

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel
may use motor vehicles for the operation and maintenance of the facility. Client-specific
motorized personal mobility devices are allowed; and

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

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

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

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

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

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

14. Farm worker housing. Either:

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;
19.b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;
19.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
19.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;
20.b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;
20.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)
winery, brewery, distillery facility I, II and III and remote tasting room:

(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-
(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 warehousing, 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 20. 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>Senior citizen assisted</td>
<td>1 per 2 dwelling or sleeping units</td>
</tr>
<tr>
<td>Facility Type</td>
<td>Per Unit/Space</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>---------------------------------</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):**

<p>| 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. |</p>
<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>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 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><strong>Vocational schools</strong></td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>Specialized instruction Schools</strong></td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td><strong>Artist Studios</strong></td>
<td>.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>Government/business services uses:</th>
<th>1 per 300 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exceptions:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Public agency yard</strong></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><strong>Public agency archives</strong></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><strong>Courts</strong></td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td><strong>Police facility</strong></td>
<td>(director)</td>
</tr>
<tr>
<td><strong>Fire facility</strong></td>
<td>(director)</td>
</tr>
<tr>
<td><strong>Construction and trade</strong></td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Service Type</td>
<td>Minimum Space Requirements</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------------------------------------------</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 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Heavy equipment repair</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES REQUIRED**

**RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):**

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum Space Requirements</th>
</tr>
</thead>
<tbody>
<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>Activity</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Remote tasting rooms</td>
<td>1 per 300 square feet of tasting and retail 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>Activity</th>
<th>Requirement</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 and III</td>
<td>0.9 per 1,000 square feet, plus 1 per ((50)) 300 square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

**RESOURCES (K.C.C. 21A.08.090.A):**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>

**REGIONAL (K.C.C. 21A.08.100.A):**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional uses</td>
<td>(director)</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 21. 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, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in
their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home occupation shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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;
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 22. 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 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 rooms, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery or distillery shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);
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 23. 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; 
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, except that home industry adult beverage businesses
that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
application before the effective date of this ordinance shall be considered legally
nonconforming and allowed to remain in their current location subject to K.C.C.
21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all
other requirements of this section and all applicable state and local regulations. The
resident operator of a nonconforming winery, brewery or distillery home industry shall
obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the
new chapter created in section 3 of this ordinance).

SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.
21A.32.100 are hereby amended to read as follows:
Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
required for any of the following:
A. A use not otherwise permitted in the zone that can be made compatible for a
period of up to sixty days a year; ((or))
B. The expansion of an established use that:
   1. Is otherwise allowed in the zone;
   2. Is not inconsistent with the original land use approval;
   3. Exceeds the scope of the original land use approval; and
   4. Can be made compatible with the zone for a period of up to sixty days a year;
or
C. Events at a winery, brewery, distillery facility or remote tasting room that
   include one or more of the following activities:
1. Exceeds the permitted building occupancy;
2. Utilizes portable toilets;
3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;
4. Utilizes temporary stages;
5. Utilizes temporary tents or canopies that require a permit;
6. Requires traffic control for public rights-of-way; or
7. Extends beyond allowed hours of operation.

SECTION 25. 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 sixty-five-day period. This subsection B.1. 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) zone, the temporary use shall not exceed a total of two events per month and all event parking must be accommodated on-site or managed through a parking management plan approved by the director. This subsection B.2. applies only to the days that the event or events actually take place.

3. For a winery, brewery, distillery facility II and III in the RA zone, 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 subsection B.3. 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 shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred fifty 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 shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.

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

SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby amended to read as follows:

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

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:
1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:
   i. As a permitted use:
      (A) Multifamily residential units shall only be allowed on the upper floors of buildings; and
      (B) Home occupations under K.C.C. chapter 21A.30;
   ii. As a conditional use:
      (A) Bed and Breakfast (five rooms maximum); and
      (B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:
   i. As a permitted use:
      (A) Library;
      (B) Museum; and
      (C) Arboretum.
   ii. As a conditional use:
      (A) Sports Club/Fitness Center;
      (B) Amusement/Recreation Services/Arcades (Indoor);
      (C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:
   i. As a permitted use:
      (A) General Personal Services, except escort services;
   (B) Funeral Home;
(C) Appliance/Equipment Repair;
(D) Medical or Dental Office/Outpatient Clinic;
(E) Medical or Dental Lab;
(F) Day Care I;
(G) Day Care II;
(H) Veterinary Clinic;
(I) Social Services;
(J) Animal Specialty Services;
(K) Artist Studios;
(L) Nursing and Personal Care Facilities;

ii. As a conditional use:

(A) Theater (Movie or Live Performance);
(B) Religious Use;

Government/Business services land uses as set forth in K.C.C. 21A.08.060:

i. As a permitted use:

(A) General Business Service;
(B) Professional Office: Bank, Credit Union, Insurance Office.

ii. As a conditional use:

(A) Public Agency or Utility Office;
(B) Police Substation;
(C) Fire Station;
(D) Utility Facility;
(E) Self Service Storage;
e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

(A) Food Store;

(B) Drug Store/Pharmacy;

(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries;

(E) Remote tasting rooms.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;

(B) Hardware/Building Supply Store;

(C) Nursery/Garden Center;

(D) Department Store;

(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;
(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

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

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

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

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

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

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

SECTION 27. The King County executive shall conduct a demonstration project
to create and evaluate a remote tasting room demonstration project A as provided for in, and consistent with, section 28 of this ordinance.

NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

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

1. Support agriculture and synergistic development of mixed use adult beverage facilities in order to boost agritourism and the area's reputation as food and adult-beverage destination;

2. Enable the county to evaluate how expanded adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural zones;

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

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

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

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

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

D.1. An application for a remote tasting room under 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 permitting division in writing, together with any supporting documentation and must illustrate how the proposal meets the criteria in subsection F. of this section.

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

E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny a remote tasting room application under this section based upon compliance with subsection F. 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.

F.1. A remote tasting room under this section 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 remote tasting room activities 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 F.1.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. Incidental retail sales of products and merchandise related to the products being tasted is allowed;

e. 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.;

f. The applicant and any additional business operators using the remote tasting room shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

h. Special events shall not exceed two per year regardless as to the number of operators using the tasting room, and shall be limited to no more than fifty guests. As long as the special events comply with this section, a temporary use permit is not required;

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

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

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

3. 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.

G. Demonstration project applications shall be accepted by the permitting division for three years from the effective date of this ordinance. Complete applications submitted before the end of the three years shall be reviewed and decided on by the permitting division.

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

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

2. A list of code compliance complaints under Title 23, if any, related to the applications received and approved or the demonstration project that were opened or
I.1. Within ninety days of five years after the effective date of this ordinance, the permitting division shall prepare a draft final evaluation and proposed permanent code changes that includes the information compiled under subsection H. of this section, and an evaluation of whether the purposes under subsection A. of this section have been fulfilled by the demonstration project.

2. The draft final report required in subsection J. of this section and proposed permanent code changes shall be done in conjunction with the efficacy evaluation and proposed code changes required by section 31 of this ordinance.

J. The permitting division shall include a public comment period for the permitting division's draft final evaluation described in subsection I. of this section. The public comment period shall last at least forty-five days beginning with the date of publication in the newspapers of record for the demonstration project areas identified in Attachment A to this ordinance. As part of the public comment period, the permitting division shall:

1. Publish notice of the draft final evaluation's availability in each newspaper of record, including locations where the draft final evaluation is available;
2. Send notice and request for comment to the water districts for the demonstration project areas identified in Attachment A to this ordinance;
3. Request comments from any developer that has applied for approval under the demonstration project;
4. Provide a copy at the local libraries for the demonstration project areas identified in Attachment A to this ordinance;
5. Post an electronic copy on the permitting division's website; and

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

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

L. The final report and proposed legislation shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

SECTION 29. 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 III and remote tasting room:
(1) with no previous similar code violations $100

(2) with no previous code violations of K.C.C. chapter 12.86 within the past twelve months $125

(3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months $250

(4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months $500

(5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months Double the rate of the previous penalty

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

(1) with no previous similar code violations within the past twelve months: $500

(2) with one or more previous similar code violations within the past twelve months: $1,000

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

(1) stop work order basic penalty $500

(2) voluntary compliance agreement and notice and order 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. reinspe c tion following the issuance of a notice and
order, if the violation has not been abated in accordance with
the notice and order:

(1) first reinspe c tion, which shall occur no sooner than $150

the day following the date compliance is required by the

notice and order

(2) second reinspe c tion, which shall occur no sooner than $300

fourteen days following the first reinspe c tion

(3) third reinspe c tion, which shall occur no sooner than $450

fourteen days following the second reinspe c tion

(4) reinspe c tion after the third reinspe c tion, which shall $450

only be conducted immediately preceding an administrative
or court ordered abatement or at the direction of the
prosecuting attorney for the purpose of presenting evidence in
the course of litigation or administrative hearing against the
person responsible for code compliance

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
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 30. Map Amendment #2 is hereby adopted, as shown in Attachment B to this ordinance.

SECTION 31. A. The executive shall transmit an efficacy evaluation report, proposed motion and proposed ordinance that evaluates the efficacy of the regulations for adult beverage businesses, including winery, brewery, distillery facilities, remote tasting rooms and nonconforming home occupations and home industries, adopted as part of this ordinance, and any recommended changes to the regulations and the rationale for those recommended changes. The efficacy evaluation report shall include, at a minimum:

1. A list of all adult beverage businesses with valid business licenses as of five years from the effective date of this ordinance;

2. A list of adult beverage businesses permit applications submitted, reviewed and decided in the prior five years, including the date of original submittal, date of
complete application, date and type of final decision whether approved or denied and
categorization of typical conditions were applied;

3. A list of all code enforcement complaints filed against adult beverage
businesses over the prior five years, including the final resolution of resolved cases and
the status of open cases; and

4. An evaluation of and recommendations for changes to the following
development conditions, if any, and the rationale for the proposed change or for
maintaining the development condition as adopted by this ordinance:

a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult
beverage businesses;

b. Parking requirements, including the minimum required and the maximum
allowed;

c. Hours of operation for tasting rooms associated with production facilities
and remote tasting rooms;

d. Temporary use permit criteria related to special events for adult beverage
businesses, including the criteria for and minimum requirements of and obtaining a
temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public
notice requirements; and

e. Product content requirement in the A zone, including the growth on-site
requirements and the agricultural accessory use language adopted by this ordinance.

B. This efficacy evaluation report shall have a public comment period in
conjunction with that required for the final evaluation in section 28 of this ordinance.

C. The efficacy evaluation report and proposed ordinance shall be transmitted to
the council with a motion that should accept the report and a proposed ordinance making
recommended code changes, concurrently with the final evaluations required in section
28 of this ordinance, in the form of a paper original and an electronic copy to the clerk of
the council, who shall retain the original and provide an electronic copy to all
councilmembers, the council chief of staff and the lead staff for the local services,
regional roads and bridges committee, or its successor.

SECTION 32. 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."

Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project
A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting
Room Demonstration Project A dated September 16, 2019

The clerk of the council is instructed to insert the final enactment number in Attachment
A where the Proposed Ordinance number is referenced.

Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated
March 11, 2019, and insert Attachment B, Map Amendment #2-Modifying P-Suffix VS-
P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

EFFECT: This striking amendment makes substantive, clarifying and technical changes,
including:
1. WBD I Interim Use in the A zone is removed from the permitted use tables. Associated changes to business license requirements, definitions, special events/TUP, and evaluation are also removed.

2. Modifies the business license section to:
   a. Allow existing businesses, subject to criteria, to establish their previous compliance with the zoning code in order to obtain legal nonconforming status. These businesses are required to submit documentation with their first business license. The first business license will be good for six months, with a six month extension possible if they have made progress in demonstrating past compliance.
   b. Give Permitting the authority to deny a business license based on noncompliance with the Zoning Code.
   c. Modify the appeal period for business licenses to be consistent with other kinds of zoning appeals.

3. WBD I in RA zone:
   a. Use is moved from a residential accessory use to a permitted use in the Manufacturing Land Use Table.
   b. Reference to "nonresident employee" removed.
   c. Allows one parking stall on-site.
   d. Prohibits on-site sales and tasting.
   e. Provides additional clarification for special events – 2 per year, maximum 50 guests, no permit required.

4. WBD II and III
   a. In A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses.
   b. In A and RA zones:
      i. Limits on-site tasting and retail sales to 15% of the aggregated floor area.
      ii. Requires that access be from an arterial (or public roadway for WBD II in RA zone with a CUP).
      iii. Sets maximum parking at 150% of the minimum required.
      iv. Removes language regarding nonconforming status of existing parking spaces.
      v. For WBD III, eliminates allowance for 8,000 square feet of underground storage.
      vi. For WBD III, removes allowance to connect to a Group B water system. Only Group a water system connection would be allowed.

5. All WBDs:
   a. Removes option to reduce 75' setback from RA and R zones to 25' with screening and a CUP.
   b. In A and RA zones
      i. Requires one of the two stages of production to be crushing, fermenting, or distilling.
      ii. Limits impervious surface to a maximum of 25%, or the maximum allowed by the underlying zoning, whichever is less.

6. Home Occupations and Home Industries:
a. Allows the existing business with a liquor license from the state LCB as of
the effective date of this ordinance (rather than January 1, 2019) to have
the opportunity to demonstrate nonconformance.

b. Tightens language to avoid loopholes.

c. Removes language allowing businesses 1-year to come into conformance
with home occupation or home industry standards.

d. Removes language for home industries to obtain legal nonconforming
status, and recognizes that vested CUP applications should be treated as
nonconforming (if approved).

7. Modifies the Fall City business district overlay to allow remote tasting rooms on
the ground floor of the CB zoned land in the Fall City Rural Town.

8. Remote tasting room demonstration project A:

   a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from
demonstration project.

   b. Clarify the purpose section, business license requirements, and special
event allowance.

   c. Modifies evaluation requirements to

      i. Eliminate requirement for annual transmittal to Council. Post to
website instead with email to clerk of the Council.

      ii. Adds requirements in annual evaluation to include date of
submittal, complete application, and decision date and type

      iii. Removes requirements in annual evaluation for reporting on
comments made by the community, known interactions between
demonstration project applicants and nearby agricultural users and
land, inventory of available properties, and recommended code
changes

      iv. For final evaluation, require that the evaluation include whether the
purposes of the demonstration project have been fulfilled by the
demonstration project, and recommended permanent code changes.

9. Eliminates special event demonstration project B.

10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in
the Vashon Rural Town.

11. Modifications to efficacy evaluation:

   a. Include evaluation of regulations on existing businesses – including
information on businesses licenses, permit applications, and code
enforcement complaints/violations.

   b. Include recommended code changes to development conditions, including
citation and civil infractions, parking, hours of operation for tasting rooms,
temporary use permits for special events, and product content
requirements for the A zone.

   c. Removes evaluation of the impact of urban uses within UGA have on rural
character of adjacent rural areas outside the UGA

   d. Specifies that public comment period for the efficacy evaluation occur in
conjunction with the public comment period for the remote tasting room
demonstration project.
12. Modifications to Findings:
   a. Reflect other substantive changes and add additional context.
   b. Adds new Findings regarding water use, retail sales and tasting, and special district overlays.


14. WBDs in A zone: adds in missing language so that WBD III in A zone are allowed as an accessory to a primary agricultural use.

15. Industrial zone: clarifies that wineries are not allowed.

16. For criteria of events that require a temporary use permit, clarify that events that require traffic control or extend beyond allowed hours of operation will require a temporary use permit.

17. For citations, clarifies the timeframe (1 year) for citing a first time violation, rather than subsequent violations.

18. Corrects references to King County Comprehensive Plan Policies.

19. Corrects capitalization, punctuation, and typographical errors.

20. Makes code reviser edits.
Map Amendment # 1- Remote Tasting Room Demonstration Project A

Sammamish Valley near the City of Woodinville

AMENDMENT TO THE KING COUNTY ZONING ATLAS

Amend Sections 14 and 23, Township 26, Range 5, as follows:

ZONING

Apply the Demonstration Project (-DPA) established in Ordinance XXXXX (Proposed Ordinance 2018-0241), Section 27 and 28, to the following parcels. Make no other changes to the land use designation or zoning:

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Effect: Amends the zoning atlas to apply the Remote Tasting Room Demonstration Project A to all or a portion of 13 parcels within the Sammamish Valley near the City of Woodinville.
Map Amendment # 2 - VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

Vashon Rural Town Community Business Zoning

AMENDMENT TO THE KING COUNTY ZONING ATLAS

Amend Sections 29, 30, 31 and 32, Township 23, Range 3, and Sections 3, 5 and 6, Township 22, Range 3, as follows:

ZONING

Modify Property Specific Development Standard VS-P29 to read:

"Restricted Uses for Community Business-Zoned Properties - P-suffix condition (Source: Vashon Town Plan - Ordinance 12395, August 12, 1996, as amended)

Property with Community Business zoning shall be restricted to the following specific land uses as set forth in Chapter K.C.C. 21A.08.

For any use requiring a Conditional Use Permit that is located on property listed by the Washington State Department of Ecology as a known or suspected contaminated site, the Conditional Use Permit shall be conditioned to ensure that the property owner obtains and submits a No Further Action letter for the subject properly or demonstrates that timely progress is being made toward obtaining a No Further Action letter. If the property owner does not demonstrate timely progress towards obtaining a No Further Action letter, the permit conditions shall be enforced, up to a potential revocation of the Conditional Use Permit.

Residential Land Uses

DWELLING UNITS, TYPES: Townhouse; Apartment**.

GROUP RESIDENCES: Community residential facility -I; Community residential facility - II; Senior citizen assisted housing.

ACCESSORY USES: Home occupation.

TEMPORARY LODGING: Hotel/Motel, Bed and breakfast guesthouse.

Recreational/Cultural Land Uses
PARK/RECREATION: Park

AMUSEMENT/ENTERTAINMENT: Theater, Plays/Theatrical production, Bowling center, Sports club.

CULTURAL: Library, Museum, Arboretum, Conference Center

General Services Land Uses

PERSONAL SERVICES: General Personal Service; Funeral Home/Crematory; Day care I; Day care II; Veterinary Clinic; Automotive repair; Miscellaneous repair; Churches, synagogue, temple; Social Services; Kennel or Cattery.

HEALTH SERVICES: Office/Outpatient Clinic; Nursing and personal care facilities; Hospital; Medical/Dental Lab.

EDUCATION SERVICES: Secondary or High School; Specialized Instruction School; Interim Recycling Facility.

Government/Business Service Land Uses

GOVERNMENT SERVICES: Public agency or utility office; Police Facility; Utility Facility; Private Stormwater Management Facility.

BUSINESS SERVICES: Individual Transportation and Taxi; Trucking and courier Service; Self-service Storage; Passenger Transportation Service; Telegraph and other Communications (excluding towers); General Business Service; Professional Office; Miscellaneous Equipment Rental; Automotive Parking; Commercial/Industrial Accessory Uses (Administrative offices, employee exercise & food service facilities, storage of agricultural raw materials or products manufactured on site, owner/caretaker residence, grounds maintenance).

RETAIL/WHOLESALE LAND USES:

Building, Hardware and Garden Materials; Department and Variety Store; Food Stores; Auto Supply Stores; Apparel and Accessory Stores; Furniture and Home Furnishings Stores; Eating and Drinking Places; Remote Tasting Rooms; Drug Stores; Liquor Stores; Uses Goods: Antiques/Secondhand Shops; Sporting Goods and related Stores; Book, Stationery, Video and Art Supply Stores; Jewelry Stores; Hobby, Toy Game Shops; Photographic and Electronic Shops; Fabric Shops; Florist Shops; Personal Medical Supply Stores; Pet Shops.

Recreational marijuana retailer, subject to K.C.C. 21A.08.070 and applicable state law.

MANUFACTURING LAND USES:

Recreational marijuana processor I, subject to K.C.C. 21A.08.080 and applicable state law.

Printing and Publishing.

Wineries, Breweries and Distilleries, subject to K.C.C. 21A.08.080

RESOURCE LAND USES:

Recreational marijuana producer, subject to K.C.C. 21A.08.90 and applicable state law.

REGIONAL LAND USES:
Wastewater Treatment Facility; Transit Park and Ride Lot.

**Residential density for mixed use development in Community Business zone shall not exceed eight units per acre.**

P-suffix condition VS-P29 applies to the following parcel numbers. No changes to the geography of VS-P29 are included in this amendment.

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For the following parcels, the existing and modified P-suffix condition only apply to the portion of the property zoned CB:

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Parcel List
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3023039096
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3123039128
3123039132
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Effect: Amends Property Specific Development Standard (P-Suffix) VS-P29 to allow remote tasting rooms in the CB zoned property in the Vashon Rural Town. No other changes are made to the P-Suffix, and no modifications are made to the properties this P-Suffix applies to.
AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2018-0241, VERSION 2

On page 34, strike lines 654 through 666, and insert:

"((c. In the RA and UR zones,)) b. ((o))Only allowed on lots of at least ((four)) two and one-half acres, except that on Vashon-Maury Island, for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres. This requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;

((d.)) c. 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)). For winery, brewery, distillery facility uses located in ((a building)) whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed seven thousand square feet on Vashon-Maury Island and five thousand square feet in all other areas of the county. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;"
((e.)) d. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this setback requirement shall not apply to structures and parking areas in use on the date of adoption of this ordinance by existing winery, brewery or distillery business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019:

Beginning on page 35, strike lines 683 through 694 and insert:

"h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on Vashon-Maury Island for sites that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. 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. Access to the site shall be directly to and from an arterial roadway, except that this requirement shall not apply on Vashon-Maury Island to winery, brewery, distillery facility business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;"

EFFECT: For Vashon-Maury Island, in the RA zone, for WBD II:

• For historic properties, sets the minimum lot area at 2 acres.
• For historic properties, allows up to 7,000 square feet of aggregated floor area.
• Exempts existing businesses from minimum lot size requirements.
• Exempts existing businesses from arterial access requirements.
• Exempts existing businesses from the 75-foot setback from rural and residential zones.
• Exempts existing businesses and historic properties from the 15% size limitation on retail and tasting on-site.
TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 2

On page 1, strike lines 1 through 19, and insert:

"AN ORDINANCE relating to planning and permitting;

sections to K.C.C. chapter 21A.06, adding a new section 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: Conforms the title to changes made by Striking Amendment S1.
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1

2

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

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.
C. Population growth, combined with the growing popularity of small producers and local sourcing within the adult beverage industry has created a need for: clarification regarding core industry functions versus other types of more intensive on-site special events that may help a developing business thrive and consideration of the planning requirements of the Growth Management Act, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas. Changes in state regulations have also occurred, driving a need to bring adult beverage industry development regulations up to date with state licensing allowances. In particular, a state winery allowance for off-site tasting created confusion for business owners regarding the interplay between state licensing requirements and county land use regulations.

D. This ordinance follows a multiyear study of the adult beverage industry, which included the 2016 King County Sammamish Valley Wine and Beverage Study. The study period was necessary to evaluate existing zoning regulations for the adult beverage industry in light of changes in industry practices, state licensing allowances and the growing popularity of adult beverage industry across King County and the state of Washington.

E. The changes made by this ordinance will help King County to prepare for and support the future of the adult beverage industry as it evolves in the region, to better implement and comply with the policies of the King County Comprehensive Plan ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth Management Act, and to minimize the ambiguities in existing development regulations that were identified in the study period. The changes are intended to improve clarity,
administrative efficiencies and enforceability while avoiding confusion for the industry
users that may have been caused by lack of consistency with state regulatory systems.
The ordinance adds additional protection for the Agricultural zone and provides guidance
on enhancing economic activity in the Rural Area zones while also honoring and
protecting rural character.

F. King County continues to support and foster agriculture, especially within the
five designated Agricultural Production Districts. King County also supports the adult
beverage industry and recognizes the synergistic relationship between the agricultural and
the adult beverage industries. The ordinance aims to establish a strong foundation for
moving both industries into the future. There is a historical and continuing crossover
between the agricultural industry and the adult beverage industry, including factors such
as agricultural uses providing aesthetic value and raw materials that support the adult
beverage industry; and the exposure, opportunity and market demand for agricultural
products that the adult beverage industry provides for the agricultural industry. This
ordinance recognizes competing and complimentary interests between the two industries,
and aims to provide a balance consistent with the Growth Management Act and the
Comprehensive Plan.

G. Consistent with Comprehensive Plan policies R-610, R-615, R-6633 and R-
677b, the adult beverage industry uses allowed by the ordinance support development of
new markets for local agricultural products and help ensure that agricultural production
districts continue to be economically viable and farmed into the future. By promoting
complimentary relationships with the adult beverage industry, these regulations will help
to improve access to locally grown agricultural products throughout King County.
H. Economic development policies in the Comprehensive Plan, including ED-102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. The ordinance aims to implement these policies and is focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region’s quality of life and economic vitality.

I. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled...
beverages, and wine in the county. The ordinance carefully follows this directive, and was developed over several years as the county considered existing and proposed regulations, balancing the differing needs and emerging trends of the agricultural and adult beverage businesses. The ordinance adds flexibility, maintains or reduces existing size and scale limits on adult beverage industry uses in the Agricultural zone and the rural area and adds new limits to enhance open and green space values and preserve the natural aesthetic which helps both industries grow.

J. The Comprehensive Plan addresses the Growth Management Act's requirement to plan for industrial uses. Plan Policy ED-211 encourages the county to "support programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," including through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." This ordinance recognizes that although King County has a finite amount of industrial land available, at their highest levels of intensity, some adult beverage businesses can grow to a level of mechanization, volume and intensity suited for the Industrial zone, but avoids funneling smaller, less mechanized, community-serving businesses into the county's limited Industrial zoned areas. Those smaller scale adult beverage industry uses are appropriately placed in more aesthetically pleasing areas, where rural community consumers and a healthy population of visitors to the county's many regional recreation and tourism opportunities can support economic success. This ordinance aims to avoid bringing low-impact, low-intensity adult beverage uses into limited Industrial zone spaces that are reserved for more intensive industrial uses.

K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small
businesses.” Although rapid industry growth has resulted in some adult beverage
businesses becoming incompatible with rural character, this ordinance honors the
sometimes competing Comprehensive Plan policies to support and retain existing small
businesses with equally important policy to protect rural character by setting clear scope
and size limits to protect the Agricultural zone and Rural Area zone. In the specific case
of the previously untested remote tasting room use, which was recently created within
state licensing provisions, the ordinance allows some small businesses to continue within
limited rural area demonstration projects but also makes space available for remote
tasting rooms in Community Business and Regional Business zones for those businesses
that wish to expand their scope.

L. The Growth Management Act requires that rural development be contained
and controlled to ensure the protection of rural character, assure the visual compatibility
of rural development with the surrounding Rural Area and Natural Resource Lands,
protect environmentally critical areas and habitat, and protect against conflicts with
natural resource uses, such as farming, forestry and mining. Proximity to existing
agricultural uses and rural area recreational destinations provide the raw materials and
customer base to allow traditional small-scale adult beverage industry uses to thrive. The
adult beverage industry relies on all of these elements to succeed. For example, the
definition of agriculture in the Growth Management Act includes viticulture, an essential
component of a winery use. Viticulture, and agricultural practices related to brewery and
distillery uses and their associated processing and sales activities, are all examples of

things activities the Comprehensive Plan requires the county to protect.
M. The Comprehensive Plan, describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics.” For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle…” while "in the Snoqualmie Valley, farming is still the mainstay…” The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character, despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated winery district. Some of the regulations adopted as part of this ordinance, such as the various allowances for on-site tasting and retail sales associated with winery, brewery, distillery production facilities, vary across the different rural communities in unincorporated King County. Individual rural communities take different positions and have different priorities, and this is reflected in some of the regulations; while generally a county-wide lens was used for analyzing potential regulatory impacts on the wider rural area and natural resource lands.

N. Comprehensive Plan Policy R-201 defines the characteristics of rural character and the rural area. Four of these characteristics are particularly relevant to the changes made in this ordinance: "b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries,” "d. Community small-town atmosphere, safety, and locally owned small businesses,” "h. Traditional rural land uses of a size and scale that blend with historic rural development,” and "i. Rural uses that do not include primarily urban-serving facilities.”

O. Public testimony on this ordinance was consistent with Comprehensive Plan policy goals and included discussion of adult beverage industry uses as being community
gathering places, rural residents’ desire to take advantage of economic opportunities created by the adult beverage industry and the need for solid customer bases to allow small businesses to thrive.

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

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use appropriate for the Rural Area. These include uses that "provide convenient local products and services for nearby residents," "require location in a Rural Area," "support natural resource-based industries" or "provide recreational and tourism opportunities that are compatible with the surrounding Rural Area," as long as the use is "sited, sized and landscaped to complement rural character" and "prevent impacts to the
environment and function with rural services including on-site wastewater disposal."

This ordinance implements the plan by creating clear regulations for the adult beverage
industry, requiring uses to be sited, sized and landscaped to complement rural character,
and by creating a business license so adult beverage industry uses can be better evaluated.
Adult beverage uses provide convenient local products for rural residents, support
agricultural resource-based industries, and provide new regional recreational and tourism
opportunities.

R. The King County Code establishes standards for water facilities in K.C.C.

Title 13. In part, those standards prioritize connection to Group A water systems, then to
Group B water systems, followed by use of private wells, subject to specified criteria. As
part of this ordinance, winery, brewery, distillery facility III uses in the A and RA zones
are required to connect to a Group A water system. The requirement modifies a
previously existing regulation for larger wineries, breweries and distilleries and replaces
it with a clear standard that improves enforceability.

S. This ordinance protects the Rural Area and Agricultural zones by limiting on-
site tasting of products and retail sales for winery, brewery, distillery manufacturing uses,
and by allowing on-site tasting of products and retail sales only as accessory to
production. This ordinance places a fifteen percent maximum on spaces devoted to on-
site tasting of products and retail sales, in order to prevent potential traffic and noise
sometimes associated with those uses, and to prevent the more intensive impacts that they
can have on rural character and the agricultural production districts.

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

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

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

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

U. Existing special district overlays and property-specific development

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

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

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

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

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

Commented [AE7]: Reflects elimination of special event demonstration project B.
remote tasting rooms in Rural Area zoned land in the Sammamish valley, and within the
Vashon Rural Town and Fall City Rural Town. The second demonstration evaluates
incorporating rural industry-supporting special events through a joint conditional-use
permit and temporary use permit review process for winery, brewery, distillery facility
III, and applies to Rural Area zoned land in the Sammamish valley. Those two The
demonstration projects are located in an areas where businesses are supported by nearby
small-scale agriculture and proximity to consumers, and rely on a pastoral setting
and a rural sense of community for economic viability and traditional rural-based
activities. The criteria for site selection for the two demonstration projects were based
on existing levels of development on the property, lot size, current zoning, availability of
arterial access, proximity to Agricultural zoned areas and agricultural production districts,
proximity to local and rural industry-supportive uses and to areas in need of economic
stimulus and availability of arterial access. These criteria implement Comprehensive
Plan policy direction to protect agricultural lands and rural character, and to provide rural
economic opportunities. State Route 202, State Route 203 and Vashon Highway SW
are designated arterials designed to carry significant traffic loads and are not
expected to reflect measurable impacts over loads already generated by existing Rural
Area residents and businesses or related to the demonstration project. These selected
locations are ideal places to test the demonstration project’s ability to support
businesses that are primarily nonurban in nature, and to evaluate their benefits and to
test impact mitigation strategies before adopting potential countywide regulations.

VY. Public testimony on this ordinance included discussion of congestion on
local roads caused by population growth. With that concern in mind, the ordinance

Commented [AE8]: Remove Vashon and Fall City from remote tasting room demonstration project A, replace with permanent zoning for remote tasting rooms.

Commented [AE9]: Remove duplication
requires the largest winery, brewery, distillery facilities to be sited where there is direct
access to an arterial, and that remote tasting rooms be tested where related vehicle trips
will be directed to an existing state highway. Comprehensive Plan Policy T-310 states
"[s]tate highway facilities and arterial roads are designed to accommodate higher traffic
volumes, at higher speeds than local roads," and the county should "encourage such
traffic to use highways or arterials whenever possible." This ordinance implements the
Plan's directive by requiring larger and previously untested uses to utilize arterial
roads. Further,

Parcels chosen for the remote tasting room demonstration project A in the Sammamish valley are located directly on an arterial. Parcels chosen for the remote
tasting room demonstration project A on Vashon-Maury Island and in Fall City are zoned
Community Business, and are inside the boundaries of the designed Rural Town.

The parcel selection complies with the policies in the Comprehensive Plan.

For instance, the Comprehensive Plan states that "[t]he purposes of Rural Town
designations within the Comprehensive Plan are to recognize existing concentrations of
higher density and economic activity in Rural Areas and to allow modest growth of
residential and economic uses to keep them economically viable into the future."
Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers
for the Rural Area and Natural Resource Lands and may be served by a range of utilities
and services, and may include several or all of the following land uses, if supported by
necessary utilities and other services and if scaled and designed to protect rural character:

a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and

Natural Resource Lands population…c. Other retail, commercial, and industrial uses,
such as resource industries, tourism, commercial recreation, and light industry." Remote
tasting rooms are similar to other, more intensive uses contained within the stated
categories and may be appropriately located in Rural Towns. Other Community Business
and Regional Business zones, outside of Rural Towns, are located within the urban
growth area or have access to an arterial.

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

SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties
aggrieved by actions of the director pursuant to any business license ordinance. The
examiner may adopt reasonable rules or regulations for conducting its business. Copies of
all rules and regulations adopted by the examiner shall be delivered to the director, who
shall make them freely accessible to the public. All decisions and findings of the examiner
shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and adult beverage
businesses appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this
ordinance) shall be filed in accordance with K.C.C. 20.22.080 and the hearing process conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this section do not apply to this subsection B.

C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and order or any action of the director by filing at the office of the director within seven days from the date of service of such order, a written appeal containing:

1. A heading in the words: "Before the Office of the Hearing Examiner";
2. A caption reading: "Appeal of .........." giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;
4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
6. The signatures of all parties named as appellants, and their official mailing addresses; and
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix a date, time and place for the hearing of the appeal. The date shall be neither less than ten days nor more than sixty days from the date the appeal was filed with the director.
notice of the time and place of the hearing shall be given at least ten days before the date of
the hearing to each appellant by the examiner either by causing a copy of the notice to be
delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be
represented by counsel and offer such evidence as is pertinent and material to the action of
the director.

F. Only those matters or issues specifically raised by the appellant in the written
notice of appeal shall be considered in the hearing of the appeal.

G. Failure of any person to file an appeal in accordance with this section shall
constitute a waiver of the person's right to an administrative hearing and adjudication of the
notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the
pendency of an appeal therefrom that is properly and timely filed.

SECTION 32. Sections 34 through 11 of this ordinance should constitute a new
chapter in K.C.C. Title 6.

NEW SECTION. SECTION 43. There is hereby added to the chapter established
in section 32 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 54. There is hereby added to the chapter established
in section 32 of this ordinance a new section to read as follows:
For the purpose of this chapter, unless the context clearly requires otherwise, "adult beverage business" means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. A nonconforming home occupation and a nonconforming home industry is an "adult beverage business" for the purposes of this section.

NEW SECTION. SECTION 65. There is hereby added to the chapter established in section 32 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 76. There is hereby added to the chapter established in section 32 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, the 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 and current residential, email and mailing address of 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.08.030 and 21A.08.080, or for winery, brewery, distillery I businesses in the A zone, that at least sixty percent of the products to be used by the business are grown in Puget Sound counties, as defined in K.C.C. chapter 21A.06, and

E. For any adult beverage businesses attempting to demonstrate legal nonconforming use status under section I.B. of this ordinance, operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, documentation sufficient to establish that the requirements of K.C.C. Title 21A have been met, and documentation of the county's response to the notice of application, if any.

NEW SECTION. SECTION 82. There is hereby added to the chapter established in section 32 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 98. There is hereby added to the chapter established
in section 23 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 local services, permitting division receives notice that the state
license issued to the business is suspended or revoked, or was not reissued, or if an
investigation, the director determines that the proposed business location does not comply
with K.C.C. Title 21A. 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 109. There is hereby added to the chapter
established in section 32 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 local services, permitting division. 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:

A business license for a winery, brewery, distillery facility I interim use shall not
NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 32 of this ordinance a new section to read as follows:

A. 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.

B. For any adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A. Subsequent business licenses or renewals for such locations shall only be approved by the director if:

1. The requirements to establish a legal nonconforming use have been met;
2. The applicant has otherwise established a vested legal nonconforming use;
3. The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or
4. If the business has come into conformance with the winery, brewery,
SECTION 12. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each hereby repealed.

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

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

SECTION 14. 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 that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law. On-site retail sales of merchandise as authorized by state law is are
limited not allowed. “Winery, brewery, distillery facility I” does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

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

NEW SECTION. SECTION 16. 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, distilling, 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 of products and sales as authorized by state law and sales of merchandise related
to products available for tasting as authorized by state law. "Winery, brewery, distillery
facility II" does not include any retail liquor licenses that would be authorized by chapter
314-02 WAC.

NEW SECTION. SECTION 1216. 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,
distilling, 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 of
products and sales as authorized by state law and sales of merchandise related to products
available as authorized by state law. "Winery, brewery, distillery facility III" does not
include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

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

A. Residential land uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>&quot; &quot;</th>
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<tr>
<td>DWELLING UNITS</td>
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<td>TYPES</td>
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<tr>
<td>S</td>
<td>Single-Dwelling</td>
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Commented [AE21]: Adds distilling to the definition as a step in the production process.

Commented [AE22]: This section is deleted. Substantive changes:
WBD I Interim Use in A zone is eliminated as a permitted use.
WBD I for RA zone is moved to the Manufacturing Land Use table as a permitted use, not accessory to a residence.
### Group Residences

<table>
<thead>
<tr>
<th>Group Type</th>
<th>District</th>
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<th>LS</th>
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</table>

### Group Residences

**Community Residential Facilities**

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
   a. Site disturbance associated with development of any new residence shall be...
limited to three acres. Site disturbance shall mean all land alterations including, but not
limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
disposal systems and driveways. Additional site disturbance for agriculture, including
raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
approved only if a farm management plan is prepared in accordance with K.C.C. chapter
21A.30. Animal densities shall be based on the area devoted to animal care and not the
total area of the lot.

b. A forest management plan shall be required for any new residence in the
forest production district, that shall be reviewed and approved by the King County
department of natural resources and parks before building permit issuance; and
c. The forest management plan shall incorporate a fire protection element that
includes fire safety best management practices developed by the department.

3. Only as part of a mixed use development subject to the conditions of K.C.C.
chapter 21A.14, except that in the NB zone on properties with a land use designation of
commercial outside of center (CO) in the urban areas, stand-alone townhouse
developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and

4. Only in a building listed on the National Register as an historic site or
designated as a King County landmark subject to K.C.C. chapter 21A.32.

5.a. In the R-1 zone, apartment units are permitted, if:
(1) At least fifty percent of the site is constrained by unbuildable critical
areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
aquatic areas and slopes forty percent or steeper and associated buffers; and
The density does not exceed a density of eighteen units per acre of net buildable area.

b. In the R-4 through R-8 zones, apartment units are permitted if the density does not exceed a density of eighteen units per acre of net buildable area.

c. If the proposal will exceed base density for the zone in which it is proposed, a conditional use permit is required.

6. Only as accessory to a school, college, university or church.

7.a. Accessory dwelling units:

(1) Only one accessory dwelling per primary single-detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on:

(a) an urban lot that is less than five thousand square feet in area;

(b) except as otherwise provided in subsection B.7.a.(5) of this section, a rural lot that is less than the minimum lot size; or

(c) a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section, one of the dwelling units shall not exceed one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; and

(b) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street;

(5) On a site zoned RA:
(a) If one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum floor area up to one thousand five hundred square feet; and

(b) If one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than three and three-quarters acres;

(6) One additional off-street parking space shall be provided;

(7) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

(9) Accessory dwelling units and accessory living quarters are not allowed in the F zone.

b. One single or twin engine, noncommercial aircraft shall be permitted only
on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, but only if there are:

(1) no aircraft sales, service, repair, charter or rental; and
(2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

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

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

9. Only as accessory to the permanent residence of the operator, and:
   a. Serving meals shall be limited to paying guests; and
   b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

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

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

12. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection B.7. of this section.
13. No new mobile home parks are allowed in a rural zone.

14. a. Limited to domestic violence shelter facilities.
   b. Limited to domestic violence shelter facilities with no more than eighteen residents or staff.

15. Only in the R4-R8 zones limited to:
   a. developments no larger than one acre;
   b. not adjacent to another cottage housing development such that the total combined land area of the cottage housing developments exceeds one acre;
   c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.; and
   d. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

16. The development for a detached single-family residence shall be consistent with the following:
   a. The lot must have legally existed before March 1, 2005;
   b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood Commercial Center or Rural Area; and
   c. The standards of this title for the RA-5 zone shall apply.

17. ((Repealed.))
   a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred
square feet;

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

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

d. Parking shall be provided as follows:

(l) in addition to the required parking for the dwelling, one on-site parking stall shall be provided if a nonresident is employed to work on-site;

(2) a minimum of one on-site parking stall shall be provided for customers, and additional parking shall be calculated at the rate of one stall per one thousand square feet of floor or non-agricultural outdoor area dedicated to the winery, brewery, distillery facility uses and

(3) parking shall be limited to one hundred fifty percent of minimum required parking for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery, brewery, distillery facility I business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, without objection from King County during the license application processes, and that signed a settlement agreement with King County before January 1, 2019, parking spaces exceeding the limits of this section shall be considered nonconforming and may continue, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other
applicable state and local regulations;  

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

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


g. Tasting of products shall be limited as follows:  

(1) within the area bounded by the urban growth area boundaries of Woodinville and Kirkland on the west, NE 124th Street on the South, Avondale Road NE on the east and Woodinville-Duvall Road NE on the north, product tasting shall not be allowed; and  

(2) in all other areas of the county, for products produced on-site, tasting of products 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.17.b. of this section.  

Tastings shall be limited to appointment only; and appointments may only occur on Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m. and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings shall be indoor;  

h. Incidental retail sales of products produced on-site and merchandise related to the products produced on-site is allowed; and  

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

18. Allowed if consistent with K.C.C. chapter 21A.30,
19.a.(1) The permitting division shall accept applications for a winery, brewery, distillery facility I interim use permit only within five years of the effective date of this ordinance;

(2) A winery, brewery, distillery facility I interim use permit shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. All application, notice, review and appeal processes in K.C.C. chapter 20.20 shall apply to the review of the winery, brewery, distillery facility I interim use permit. If not exempt under K.C.C. 20.44.040, State Environmental Policy Act review shall be required;

(3) The applicant shall be required to pay a review fee equivalent to the fee applicable to a temporary use permit upon application;

(4) The permitting division shall apply the review criteria for temporary use permits in K.C.C. 21A.44.020 to winery, brewery, distillery facility I interim use permit applications;

(5) If approved, a winery, brewery, distillery facility I interim use permit shall be effective for one year from the date of issuance and may be renewed up to four times annually, subject to the provisions for a temporary use permit provided in K.C.C. 21A.32.120.D.;

(6) No more than one winery, brewery, distillery facility I interim use permit may be issued for any one site, and after the interim use approval has expired, no additional winery, brewery, distillery facility I interim use may be permitted on that site; and

(7) A winery, brewery, distillery facility I interim use permit shall, no later than the expiration of the original approval or any extension granted by the permitting...
division, whichever is later, either:

(a) convert to a winery, brewery, distillery facility II or III and comply with
the requirements in K.C.C. 21A.08.080; or

(b) cease operations and vacate a site;

b. 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. The aggregated floor area of structures and areas for winery, brewery,
distillery facility uses shall not exceed one thousand five hundred square feet. Decks that
are not occupied and not open to the public are excluded from the calculation for
maximum aggregated floor area;

d. Structures and parking areas for winery, brewery, distillery facility uses
shall be set back a minimum distance of seventy-five feet from interior 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. No more than one nonresident employee shall be permitted to work on-site;

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

g. Parking shall be provided as follows:

(1) in addition to the required parking for the dwelling, one on-site parking

stall shall be provided if a nonresident is employed to work on-site;

(2) a minimum of one on-site parking stall shall be provided for customers,
and additional parking shall be calculated at the rate of one stall per one thousand square
feet of floor or non-agricultural outdoor area dedicated to the winery, brewery, distillery
facility uses; and
(3) parking shall be limited to one hundred fifty percent of minimum required
for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery,
brewery, distillery facility I business locations licensed to produce by the Washington
state Liquor and Cannabis Board before January 1, 2019, without objection from King
County during the license application processes, and that signed a settlement agreement
with King County before January 1, 2019, parking spaces exceeding the limits of this
section shall be considered nonconforming and may continue, subject to the provisions of
K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other
applicable state and local regulations;

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

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

j. 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;

k. Product tasting shall not be allowed;

l. Incidental retail sales of products produced on-site and merchandise related
to the products produced on-site is allowed;
m. Special events shall not be allowed; and

n. Sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application under 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.

SECTION 197. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

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

A. Retail land uses.

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<td>P-Permitted Use</td>
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<td>C-Conditional Use</td>
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<td>S-Special Use</td>
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<td>*Retail Nursery, Garden Center and Farm Supply Stores</td>
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Commented [AE23]: Demonstration Project A narrowed to RA zone.
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</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) Off-street parking is limited to a maximum of one space per
fifty square feet of tasting and retail areas.
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)) Permitted as part of the demonstration project authorized by section 29.28 of this ordinance.

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
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 local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail activity was filed with the department of local services, permitting division.
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;

and

(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 local services, permitting division, 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 1820. 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.

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<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
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<td>F</td>
<td>M</td>
<td>RA</td>
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<td>Winery/Brewery/ Distillery Facility I</td>
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Commented [AE24]: Move WBD I in RA zone to Manufacturing Land Use table.
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<td>Materials Processing Facility</td>
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<td>Apparel and other Textile Products</td>
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<td>Wood Products, except furniture Wood Products, except furniture</td>
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<td>C5</td>
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<td>P21</td>
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<td>P24</td>
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Commented [AE25]: CUP option to reduce setback from RA and R zones from 75' to 25' removed
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<td>Fabricated Metal Products</td>
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<td>Industrial and Commercial Machinery</td>
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<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
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<td>Computer and Office Equipment</td>
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<td>36</td>
<td>Electronic and other Electric Equipment</td>
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<td>374</td>
<td>Railroad Equipment</td>
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<td>Guided Missile and Space Vehicle Parts</td>
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<td>Miscellaneous Transportation Vehicles</td>
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<td>Measuring and Controlling Instruments</td>
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<td>Miscellaneous Light Manufacturing</td>
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<td>7</td>
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<td>781-82</td>
<td>Movie Production/Distribution</td>
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</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,)]
b. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

c. 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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

e. In the A zone, ((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 under K.C.C. chapter 6.xx (the new chapter created in section 32 of this ordinance), the applicant shall submit a projection of the source of products to be

Commented [AE26]: Eliminates option to reduce setbacks for WBD II in A and RA zone.
produced; (and)

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

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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use.

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. 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. Incidental retail sales of products produced on-site and merchandise related to the products produced on-site is allowed;

ii. Access to the site shall be directly to and from an arterial roadway;

kj. Off-street parking is limited to a maximum of one place per 50 square feet of tasting and retail area. One hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030, except for winery, brewery, distillery facility II business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, without objection from King County during the license application processes, and that signed a settlement agreement with King County before January 1, 2019, parking spaces exceeding the limits of this section shall be considered nonconforming and may continue, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other applicable state and local regulations;

lk. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 23 of this ordinance); and

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

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

b. ((Limited to winery, brewery, and distillery facilities, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors) except as provided in subsection B.12.b.(2) of this section, t)) The aggregated floor area of structures and areas for 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

Commented [AE35]: Adds requirement for WBDs to be accessory to a primary agricultural use.
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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area.

(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) Only allowed on lots of at least 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.

Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries, breweries and distilleries using water from exempt wells shall install a water meter.

d. Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries, breweries or distilleries specified in K.C.C. 21A.18.020, 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. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142. Wineries, breweries and distilleries using water from exempt wells shall install a water meter.

Commented [AE36]: Eliminate underground storage allowance

Commented [AE37]: Requires WBD IIIs in A and RA zone to connect to a Group A water system.

Commented [AE38]: Provides a cross-reference to the definitions of Group A systems and provision of water service.
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.18.020.

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

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

Commented [AE39]: Eliminates option to reduce setbacks for WBD III in A and RA zone.

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

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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use.

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

Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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. Incidental retail sales of products produced on-site and merchandise related to the products produced on-site is allowed;

i. Access to the site shall be directly to and from an arterial roadway;
with direct access to an arterial;

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

l. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 32 of this ordinance); and

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

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

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;)
   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. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area:
   ((c.)) b. Structures and parking areas (used for processing) for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62.
review of a conditional use permit, the setback may be reduced to twenty-five feet if there
is sufficient screening between the proposed use and adjacent rural area and residential
zones. (and

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

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

e. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.xx (the new chapter created in section 32 of this
ordinance); and

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.
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

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

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

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. Tasting and retail sales of products produced on-site, and merchandise related to the products produced on-site, may be provided in accordance with state law;
b. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62. As part of the review of a conditional use
permit, the setback may be reduced to twenty-five feet if there is sufficient screening
to the proposed use and adjacent rural area and residential zones.

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

d. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.xx (the new chapter created in section 2.3 of this
ordinance); and

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

30. a. Only allowed on lots of at least two and one-half acres;
b. 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. Decks
that are not occupied and not open to the public are excluded from the calculation for
maximum aggregated floor area;

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

d. Tasting and retail sales of products produced on-site may only occur as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. 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.;

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

f. Access to the site shall be directly to and from a public roadway. On a site with direct access to a public roadway;

g. Off-street parking for tasting and retail areas is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030 one space per fifty square feet of tasting and retail areas.
except for winery, brewery, distillery facility II business locations licensed to produce by
the Washington state Liquor and Cannabis Board before January 1, 2019, without
objection from King County during the license application processes, and that signed a
settlement agreement with King County before January 1, 2019, parking spaces
exceeding the limits of this section shall be considered nonconforming and may continue
subject to K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject
to all other applicable state and local regulations.

td. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.xx (the new chapter created in section 2.3 of this
ordinance);

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

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

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

31.a. Limited to businesses with non-retail brewery and distillery production
licenses from the Washington state Liquor and Cannabis board. Wineries and remote

Commented [AE54]: Eliminate nonconforming status for existing parking spaces.

Commented [AE55]: Requires one stage of production to include crushing, fermenting or distilling.

Commented [AE56]: Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

RA-2.5: 25%
RA-5: 20%
RA-10: 15%
A-10: 15%
A-35: 10%
tasting rooms for wineries shall not be allowed;

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

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

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

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 2-3 of this ordinance); and

f. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32.
a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;

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

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

d. Parking shall be provided as follows:

   (1) in addition to the required parking for the dwelling, one on-site parking stall shall be provided for the winery, brewery, distillery facility I use if a nonresident is employed to work on-site;

   (2) a minimum of one on-site parking stall shall be provided for customers, and additional parking shall be calculated at the rate of one stall per one thousand square feet of floor or outdoor area dedicated to the winery, brewery, distillery facility uses; and

   (3) parking shall be limited to one hundred fifty percent of minimum required for wineries, breweries or distilleries specified in K.C.C. 21A.18.030, except for winery, brewery, distillery facility I business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, without objection from King County during the license application processes, and that signed a settlement agreement with King County before January 1, 2019, parking spaces exceeding the limits of this section shall be considered nonconforming and may continue, subject to the provisions of

Commented [AE58]: Eliminates option to reduce setbacks for WBD I in RA zone.

Commented [AE59]: Removes requirements tying the permitted WBD I use to a residence.

Commented [AE60]: Parking changes to allow one on-site space. Eliminates customer parking, as no on-site retail or tasting is allowed.
K.C.C. 21A.32.020 through 21A.32.075. Such parking spaces remain subject to all other applicable state and local regulations.

ed. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 2.3 of this ordinance);

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

gf. No product tasting or retail sales shall be allowed on-site; Tasting of products shall be limited as follows:

(1) within the area bounded by the urban growth area boundaries of Woodinville and Kirkland on the west, NE 124th Street on the South, Avondale Road NE on the east and Woodinville-Duvall Road NE on the north, product tasting shall not be allowed; and

(2) in all other areas of the county, for products produced on-site, tasting of products 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.17.a. of this section. Tastings shall be limited to appointment only; and appointments may only occur Mondays, Tuesdays, Wednesdays and Thursdays, between 11:00 a.m. through 7:00 p.m. and Fridays, Saturdays and Sundays, between 11:00 a.m. through 9:00 p.m. All tastings shall be indoors;
h. Incidental retail sales of products produced on-site and merchandise related to the products produced on-site is allowed; and

ig. Events may be allowed in accordance with K.C.C. chapter 21A.32.120.B.6; and

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

Commented [AE62]: Clarify that events are limited to what is described in 21A.32.120.B.6, which allows 2 per year, maximum 50 guests.

Commented [AE63]: Limits impervious surface to 25% or the percentage allowed for the zone, whichever is less.

RA-2.5: 25%
RA-5: 20%
RA-10: 15%
A-10: 15%
A-35: 10%

SECTION 2419. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby amended to read as follows:

A. Resource land uses.
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<thead>
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<th>Code</th>
<th>Description</th>
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<th>P13</th>
<th>P14</th>
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<td>Agriculture-related special needs camp</td>
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<td>Agricultural Anaerobic Digester</td>
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<td>08</td>
<td>Forest Research</td>
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<td>P?</td>
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<tr>
<td>14</td>
<td>Farm Worker Housing</td>
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</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

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

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

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

(1) passive recreation;

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

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

(4) agriculture education for youth.

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

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

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

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

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

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

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

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

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

14. Farm worker housing. Either:
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
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))

(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 warehousing, 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...

Commented [AE64]: Add remote tasting room for clarity
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 2220. 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 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>
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<tr>
<td>Apartment:</td>
<td></td>
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<tr>
<td>---</td>
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</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>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>
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</tbody>
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**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

<table>
<thead>
<tr>
<th>Recreation/culture uses:</th>
<th>1 per 300 square feet</th>
</tr>
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<tbody>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<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>LAND USE</td>
<td>MINIMUM PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>----------------------------------------------</td>
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<tr>
<td><strong>GENERAL SERVICES (K.C.C. 21A.08.050.A):</strong></td>
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<td>General services uses:</td>
<td>1 per 300 square feet</td>
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<tr>
<td>Exceptions:</td>
<td></td>
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<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 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>
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<td>School Type</td>
<td>Per Square Foot or Number</td>
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<tr>
<td>---------------------------------</td>
<td>---------------------------</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>
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<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>
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<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>.9 per 1,000 square feet of area used for studios</td>
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</table>

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

<table>
<thead>
<tr>
<th>Government/business services uses:</th>
<th>Per 300 square feet</th>
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<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>.9 per 1000 square feet of storage</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>area, plus 1 per 50 square feet of waiting/reviewing areas</td>
<td></td>
</tr>
<tr>
<td>Courts</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 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Heavy equipment repair</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Use Type</td>
<td>Requirements</td>
</tr>
<tr>
<td>----------</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>Remote tasting rooms</td>
<td>1 per 300 square feet of tasting and retail 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 Type</th>
<th>Requirements</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 and III</td>
<td>0.9 per 1,000 square feet, plus 1 per (500) 300 square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

**RESOURCES (K.C.C. 21A.08.090.A):**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>
### REGIONAL (K.C.C. 21A.08.100.A):

<table>
<thead>
<tr>
<th>Regional uses</th>
<th>(director)</th>
</tr>
</thead>
</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 2321. 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 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;
9. Veterinary clinic; 
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, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before January 1, 2019 the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is currently in compliance with this section as of the effective date of this ordinance or is brought into compliance with the home occupation requirements of this section within one year of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The business resident operator for of a nonconforming winery, brewery or distillery home occupation shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 23 of this ordinance).

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 2422. 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 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 rooms,
except that home occupation adult beverage businesses operating under an active
Commented [AE68]: See comment above
Washington state Liquor and Cannabis Board production license issued for their current location before January 1, 2019, the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is currently in compliance with this section as of the effective date of this ordinance or is brought into compliance with the home occupation requirements of this section within one year of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The businessresident operator of a nonconforming home occupation winery, brewery or distillery shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 23 of this ordinance):

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 parking areas.
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-
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, except that home industry adult beverage businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit application before the effective date of this ordinance operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before January 1, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075, if the use is currently in compliance with this section as of the effective date of this ordinance, or is brought into compliance with the home industry requirements of this section within one year of the effective date.
of this ordinance. Such nonconforming businesses remain subject to all other
requirements of this section and all applicable state and local regulations. The
business resident operator for a nonconforming winery, brewery or distillery home
industry shall obtain an adult beverage business license in accordance with K.C.C.
chapter 6.xx (the new chapter created in section 2-3 of this ordinance).

SECTION 2624. Ordinance 10870, Section 547, as amended, and K.C.C.
21A.32.100 are hereby amended to read as follows:

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

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

B. The expansion of an established use that:

1. Is otherwise allowed in the zone;
2. Is not inconsistent with the original land use approval;
3. Exceeds the scope of the original land use approval; and
4. Can be made compatible with the zone for a period of up to sixty days a year;
or

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

1. Exceeds the permitted building occupancy;
2. Utilizes portable toilets;
3. Utilizes parking that exceeds the maximum number of spaces allowed by this
   title on-site or utilizes off-site parking;

   Commented [AE71]: Eliminates 12-month period to
demonstrate compliance for home industries, and acknowledges that
if there is a vested CUP application, they can be considered nonconforming.
4. Utilizes temporary stages;
5. Utilizes temporary tents or canopies that require a permit;
6. Requires traffic control for public rights-of-way; or
7. Extends beyond stated allowed hours of operation.

SECTION 2725. 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 subsection B.1. applies only
to the days that the event or events actually take place.
B.2. For a winery, brewery, distillery facility II and III in the A ((or RA))
zone((s)), 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. This subsection B.2. applies only to
the days that the event or events actually take place.
B.3. For a winery, brewery, distillery facility II and III in the RA zone, 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 subsection B.3.
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 shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred fifty 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 shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.

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

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

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.

SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby amended to read as follows:

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

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:
1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:
   i. As a permitted use:
      (A) Multifamily residential units shall only be allowed on the upper floors of buildings; and
      (B) Home occupations under K.C.C. chapter 21A.30;
   ii. As a conditional use:
      (A) Bed and Breakfast (five rooms maximum); and
      (B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:
   i. As a permitted use:
      (A) Library;
      (B) Museum; and
      (C) Arboretum.
   ii. As a conditional use:
      (A) Sports Club/Fitness Center;
      (B) Amusement/Recreation Services/Arcades (Indoor);
      (C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:
   i. As a permitted use:
      (A) General Personal Services, except escort services;
      (B) Funeral Home;
2265  (C) Appliance/Equipment Repair;
2266  (D) Medical or Dental Office/Outpatient Clinic;
2267  (E) Medical or Dental Lab;
2268  (F) Day Care I;
2269  (G) Day Care II;
2270  (H) Veterinary Clinic;
2271  (I) Social Services;
2272  (J) Animal Specialty Services;
2273  (K) Artist Studios;
2274  (L) Nursing and Personal Care Facilities;
2275  ii. As a conditional use:
2276  (A) Theater (Movie or Live Performance);
2277  (B) Religious Use;
2278  d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
2279  i. As a permitted use:
2280  (A) General Business Service;
2281  (B) Professional Office: Bank, Credit Union, Insurance Office.
2282  ii. As a conditional use:
2283  (A) Public Agency or Utility Office;
2284  (B) Police Substation;
2285  (C) Fire Station;
2286  (D) Utility Facility;
2287  (E) Self Service Storage;
e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:
   (A) Food Store;
   (B) Drug Store/Pharmacy;
   (C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);
   (D) Eating and Drinking Places, including coffee shops and bakeries;
   (E) Remote tasting rooms

ii. As a conditional use:
   (A) Liquor Store or Retail Store Selling Alcohol;
   (B) Hardware/Building Supply Store;
   (C) Nursery/Garden Center;
   (D) Department Store;
   (E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:
   (A) Solar photovoltaic/solar thermal energy systems;
   (B) Private storm water management facilities;

Commented [AE75]: Allow remote tasting rooms as permitted use on ground floor in the CB zoning of the Fall City Rural Town.
(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

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

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

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

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

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

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

SECTION 2827. The King County executive shall conduct a demonstration
project to create and evaluate a remote tasting room demonstration project A as provided
for in, and consistent with, section 29.28 of this ordinance.

NEW SECTION. SECTION 29.28. There is hereby added to K.C.C. chapter
21A.55 a new section to read as follows:

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

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

2. Enable the county to determine if expanded adult beverage-based uses can be permitted while maintaining the core functions and purposes of the
Rural Area and Agricultural zones;

3. Determine the impacts of the adult beverage industry on Rural Area and Agricultural zoned areas, including the impacts and benefits of the industry on Agricultural Production Districts, and including those properties where the demonstration project sites are located and the
surrounding areas;

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

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

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

Commented [AE76]: Added clarity to purpose of the demonstration project.
C. The use that the permitting division may approve under the remote tasting room demonstration project A shall include only "remote tasting room" as defined in section 13 of this ordinance.

D.1. An application for a remote tasting room under 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 permitting division in writing, together with any supporting documentation and must illustrate how the proposal meets the criteria in subsection F. of this section.

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

E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny a remote tasting room application under this section based upon compliance with subsection F. 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.

F.1. A remote tasting room under this section 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 remote tasting room activities 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 F.1.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. Incidental retail sales of products and merchandise related to the products being tasted is allowed;

e. 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.;

f. Each applicant and any additional business operator using the remote tasting room shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 32 of this ordinance);

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

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

i. Off-street parking shall be provided in accordance with the parking ratios for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and
j. The use shall be consistent with general health, safety and public welfare standards, and shall not violate state or federal law.

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

3. 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.

G. Demonstration project applications shall be accepted by the permitting division for three years from the effective date of this ordinance. Complete applications submitted before the end of the three years shall be reviewed and decided on by the permitting division.

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

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

2. A list of code compliance Comments received from neighboring residents.
including code complaints under Title 23, if any, related to the applications received and approved or the demonstration project that were opened or initiated in the prior year, and their current status.

3. Comments received from neighboring cities and community service areas;

4. Comments received from project applicants attempting to utilize the demonstration project, including the application and review process, and the criteria for approving remote tasting rooms;

5. Comments received from customers of the project applicants’ businesses;

6. A description of known interactions or relationships between projects approved under the demonstration project and nearby agricultural users and lands, such as additional exposure for local agricultural products;

7. An inventory of remaining parcels or properties available for development under the demonstration project; and

8. Any known recommended code changes that would further the purposes of the demonstration project.

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

1. Evaluation of whether the purposes under subsection A. of this section have been fulfilled by the demonstration project; and

2. The draft final report required in subsection J. of this section and proposed permanent code changes shall be done in conjunction with the efficacy evaluation and
proposed code changes required by section 31 of this ordinance.

2448 Evaluation of the parking requirements, including whether the parking ratios required in
2449 K.C.C. chapter 21A.18 for production facilities and for remote tasting rooms provide
2450 sufficient, but not excessive, parking;
2451
2452 2. Description of the industry standards for tasting room hours for wineries,
2453 breweries and distilleries; evaluation of the tasting room hours allowed under the
2454 demonstration project, and the benefits or negative impacts of these hours relative to the
2455 purposes of the demonstration project;
2456
2457 3. Outreach to those projects approved through the demonstration project, with
2458 requested information to include, at a minimum:
2459
2460 a. when they were approved by the permitting division;
2461 b. when they opened subsequent to that approval;
2462 c. whether they are still operating at the time of the final report; and
2463 d. any recommendations on final regulations;
2464
2465 4. Evaluation of the permit review timelines for the demonstration project
2466 applications; and
2467
2468 5. A recommendation on permanent code changes, or further demonstration
2469 project requirements, regarding remote tasting rooms.
2470
2471 J. The permitting division shall include a public comment period for the
2472 permitting division's draft final evaluation described in subsection I. of this section. The
2473 public comment period shall last at least forty-five days beginning with the date of
2474 publication in the newspapers of record for the demonstration project areas identified in
2475 Attachment A to this ordinance. As part of the public comment period, the permitting

Commented [AE85]: Removes some detail on final demonstration project evaluation, and moves some to the efficacy evaluation.
division shall:

1. Publish notice of the draft final evaluation's availability in each newspaper of record, including locations where the draft final evaluation is available;

2. Send notice and request for comment to the water districts for the demonstration project areas identified in Attachment A to this ordinance;

3. Request comments from any developer that has applied for approval under the demonstration project;

4. Provide a copy at the local libraries for the demonstration project areas identified in Attachment A to this ordinance;

5. Post an electronic copy on the permitting division's website; and

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

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

L. For each preliminary evaluation, and the final report and proposed legislation, reports shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all

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councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

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

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

A. The purpose of the special events demonstration project B is to:

1. Support agriculture and synergistic development of adult beverage facilities in order to boost agritourism and the Sammamish valley’s reputation as a food and adult beverage destination;

2. Enable the county to determine if the number of special events held at adult beverage facilities can be increased while maintaining the core functions and purposes of the Rural Area and Agricultural zones;

3. Identify the impacts and benefits of adult beverage industry special events in Rural Area and Agricultural zoned communities including Agricultural Production Districts, properties where the demonstration projects are located, and surrounding areas;

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

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

B. A special event demonstration project shall only be implemented on a site...
identified in Attachment B to this ordinance.

C. As part of the demonstration project B, the permitting division may, for a winery, brewery, distillery facility III, consolidate temporary use review for special events under K.C.C. 21A.32.100 through 21A.32.140, with conditional use review under K.C.C. 21A.44.040, and applicable to those uses under K.C.C. 21A.08.080;

D. Demonstration project B applications shall include review of:
   a. a conditional use permit, or conditional use permit modification or expansion, for a winery, brewery, distillery facility III; and
   b. a temporary use permit for special events associated with the winery, brewery, distillery facility III.

2. The joint conditional use permit and temporary use permit application shall include a request in writing to apply for the special event demonstration project, together with supporting documentation and must illustrate how the proposal meets the criteria in subsection F. and G. of this section and the criteria in K.C.C. 21A.44.020 and 21A.44.040.

3. As part of the joint conditional use and temporary use permit review process, the applicant shall be required to pay all required fees for a conditional use permit. The temporary use permit fees in K.C.C. 27.10.170.D. shall be waived for the joint permit review process.

4. An application for a special event demonstration project under this section shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020. As part of the joint conditional use and temporary use permit review, the review procedures in K.C.C. chapters 20.20, 20.44 and 21A.42 shall be applied, and compliance with K.C.C.
21A.44.020 and K.C.C. 21A.44.040 shall be met.

5. Any deadline in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.

E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny the special event demonstration project under this section as part of a joint conditional use permit and temporary use permit based upon compliance with subsections E. and G. of this section. Approval or denial of a special event 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.

F.1. A special event demonstration project shall be subject to all King County Code provisions except that permitting division may waive the following development regulations during the joint conditional use permit and temporary use permit review:

a. K.C.C. 21A.32.100 through 21A.32.140; and

b. K.C.C. 21A.08.080.B.12.1;

2. A temporary use permit approved under this demonstration project may be renewed to four times annually in accordance with K.C.C. 21A.32.120.D. After a special event demonstration project temporary use permit expires, the permitting division shall review any subsequent temporary use permit application for the demonstration project site in accordance with all applicable temporary use review processes and any future events shall be subject to all regulations in place at the time a complete application is submitted.
G. Approval of a special event demonstration project authorized by this section shall impose conditions regarding:

a. the number of guests allowed for a temporary use, which shall be subject to building occupancy limits, but in no case more than two hundred fifty guests;

b. parking limits or parking plan;

c. the number of events allowed per year, which shall occur on no more than sixty days per year; and

d. reasonable measures to provide notification to the permitting division and the public on the time, date, duration and size of special events authorized under the demonstration project, which could include, but is not limited to, posting the information on the operator's website or on-site.

2. During the duration of the special event demonstration project, and only for the purposes of the special event demonstration project, parcels within the special event demonstration project area identified in Attachment B to this ordinance may not be consolidated to meet the minimum lot size required for a winery, brewery, distillery facility III.

3. Special event demonstration projects shall be consistent with general health, safety and public welfare standards, and shall not violate state or federal law.

H. Special event demonstration project applications shall be accepted by the permitting division for three years from the effective date of this ordinance. Complete applications submitted before the end of the three years shall be reviewed and decided on by the permitting division.

I. Beginning one year after the effective date of this ordinance, and each year for
four years thereafter, the executive shall prepare and transmit to the council preliminary evaluations of special event demonstration project B. These preliminary evaluation reports shall include:

1. A list of demonstration project applications submitted, reviewed and decided;
2. Comments received from neighboring residents, including code complaints, if any, related to the applications received and approved, or the demonstration project;
3. Comments received from neighboring cities and community service areas;
4. Comments received from project applicants attempting to utilize the demonstration project, including the application and review process, and the criteria for approving special event demonstration projects;
5. Comments received from customers of the project applicants’ businesses;
6. A description of known interactions or relationships between projects approved under the demonstration project and nearby agricultural users and lands, such as additional exposure for local agricultural products;
7. An inventory of remaining parcels or properties available for development under the demonstration project;
8. A description of the number and size of the events and the parking plans approved through the joint conditional use permit and temporary use permit process; and
9. Any known recommended code changes that would further the purposes of the demonstration project.

J. Within ninety days of five years after the effective date of this ordinance, the permitting division shall prepare a draft final report and proposed permanent code changes, that includes the information compiled under subsection I. of this section, and
includes the following:

1. Evaluation of water use by winery, brewery, distillery facility III uses, including special event uses, including amount of water used, impacts to watershed basins, if any, impacts to public water systems, if any, and whether the se facilities should be required to connect to a Group A or Group B system should continue;

2. Evaluation of the parking requirements, including whether the parking ratios required in K.C.C. chapter 21A.18 for production facilities, associated tasting rooms, and special events provide sufficient, but not excessive, parking;

3. Outreach to those applicants with projects approved through the demonstration project, with requested information to include, at a minimum:
   a. when they were approved by the permitting division;
   b. when they opened subsequent to that approval;
   c. whether they are still operating at the time of the final report; and
   d. any recommendations on final regulations;

4. An evaluation of the requirements for temporary use permits for special events for all winery, brewery, distillery facilities, home occupations, home industries, and remote tasting rooms. This shall include, at a minimum:
   a. an evaluation of the minimum requirements for obtaining a temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and whether they should be modified;
   b. an evaluation of what is considered an "industry standard event" for a winery, brewery, distillery facility or remote tasting room. As a guideline, an "industry standard event" may mean an event that is essential to the operation of the business and is
directly related to the business, such as a release party or dinner for club members. The evaluation shall include recommendations on what types of industry standard events should require a temporary use permit, based on the scale of the event or any other factor the executive deems relevant;

c. an evaluation of what is not an "industry standard event," such as renting out space for an event that is unrelated to the business. Those types of events typically require a temporary use permit;

d. a recommended set of specific temporary use permit triggers related to special events for winery, brewery, distillery facilities, nonconforming home occupations and home industries and remote tasting rooms;

e. a recommendation of the maximum number of special events that should be allowed for winery, brewery, distillery facilities, nonconforming home occupations and home industries and remote tasting rooms;

f. a description of the current temporary use permit review process, and an evaluation of and recommendations for simplification of the temporary use permit review process, including, but not limited to, code requirements, internal process and procedures, and fees;

g. an evaluation of the current two per year limit on events that may be held without a permit, and whether that limitation should be modified;

h. an evaluation of the limits on the number of guests in K.C.C. 21A.32.120, and whether those limitations should be modified; and

i. an evaluation of the public notice requirements for special events allowed for winery, brewery, and distillery facilities, and whether those requirements should be
5. Evaluation of the consolidated permit review process, including permit review timelines for the demonstration project applications compared to review times for similar types of projects that do not use the demonstration project allowance for consolidated review under this section, the cost to the applicant and the cost for the county to administer and review the demonstration project applications;

6. Evaluation of stormwater and surface water issues within Overlay B, impacts on downstream properties and agricultural land, and potential remedies for identified stormwater and surface water issues; and

7. A recommendation on permanent code changes, or further demonstration project requirements, regarding special events.

K. The permitting division shall include a public comment period for the draft evaluation described in subsection J. of this section. The public comment period shall be at least forty-five days beginning with the date of publication in the newspapers of record for the demonstration project areas identified in Attachment B to this ordinance. As part of the public comment period, the permitting division shall:

1. Publish notice of the draft evaluation’s availability in each newspaper of record, including locations where the draft evaluation is available;

2. Send notice and request for comment to the water districts for the demonstration project areas identified in Attachment B to this ordinance;

3. Request comments from any developer that has applied for approval under the demonstration project;

4. Provide a copy at the local libraries for the demonstration project areas
identified in Attachment B to this ordinance;

5. Post an electronic copy on the permitting division's website; and

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

I. After the public comment period has ended, the permitting division shall
   prepare a final evaluation of the special event demonstration project B, incorporating or
   responding to the comments received. Within sixty days of the end of the public comment
   period, the executive shall file a final evaluation report, a motion that
   should accept the report, and an ordinance that implements any proposed permanent code
   changes.

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

SECTION 2229. Ordinance 13623, Section 37, as amended, and K.C.C.

23.32.010 are each 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:

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

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

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

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

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

   (1) stop work order basic penalty $500

Commented [AE87]: Adds timeframe to what citation would be charged
(2) voluntary compliance agreement and notice and order  

basic penalty

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

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

((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  

(2) second reinspection, which shall occur no sooner than  

fourteen days following the first reinspection  

(3) third reinspection, which shall occur no sooner than  

fourteen days following the second reinspection
(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

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 30. Map Amendment #2 is hereby adopted, as shown in Attachment B to this ordinance.

SECTION 31. A. The executive shall transmit an efficacy evaluation report, proposed motion and proposed ordinance that evaluates the efficacy of the regulations for adult beverage businesses, including winery, brewery, distillery facilities, and remote tasting rooms and nonconforming home occupations and home industries, adopted as part of this ordinance, and any recommended changes to the regulations and the rationale for those recommended changes. The efficacy evaluation report shall include, at a minimum:

1. A list of all adult beverage businesses with valid business licenses as of five years from the effective date of this ordinance.

Commented [AE88]: Allows remote tasting rooms as permitted use in CB zoning of Vashon Rural Town.

Commented [AE89]: Modifies the efficacy evaluation to:

1. Include evaluation of regulations on existing businesses – including information on business licenses, permit applications, and code enforcement complaints.
2. Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.
2. A list of adult beverage businesses permit applications submitted, reviewed and decided in the prior five years, including the date of original submittal, date of complete application, date and type of final decision whether approved or denied and categorization of typical conditions were applied;

3. A list of all code enforcement complaints filed against adult beverage businesses over the prior five years, including the final resolution of resolved cases and the status of open cases; and

4. An evaluation of and recommendations for changes to the following development conditions, if any, and the rationale for the proposed change or for maintaining the development condition as adopted by this ordinance:
   a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult beverage businesses;
   b. Parking requirements, including the minimum required and the maximum allowed;
   c. Hours of operation for tasting rooms associated with production facilities and remote tasting rooms;
   d. Temporary use permit criteria related to special events for adult beverage businesses, including the criteria for and minimum requirements of and obtaining a temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public notice requirements; and
   e. Product content requirement in the A zone, including the growth on-site requirements and the agricultural accessory use language adopted by this ordinance.

1. An evaluation of the effectiveness of the citation and civil fine structure in

Commented [AE90]: Moved into revised efficacy evaluation.
K.C.C. 23.32.010 adopted for winery, brewery, distillery and remote tasting room uses as part of this ordinance, and a recommended citation and civil fine structure, if the evaluation finds that the current structure is not effective or could be modified to increase effectiveness;

2. An evaluation of the impacts that urban uses within urban growth area have on rural character and adjacent rural areas outside the urban growth area, and recommendations for how to reduce impact of those urban uses;

3. Analysis of product content requirement adopted as part of this ordinance for winery, brewery distillery facilities in the Agriculture zone. Include, at a minimum, an evaluation of requiring sixty percent of product content to be grown on site, sixty percent of product content to be grown in Puget Sound Counties, or allowing these facilities as agricultural accessory uses in accordance with WAC 365-196-815, and a recommendation for how these facilities should be regulated in the Agriculture zone to comply with the requirements for agricultural production areas under the Growth Management Act; and

4. Analysis of winery, brewery, distillery facility I as interim use

B. This efficacy evaluation report shall have a public comment period in conjunction with that required for the final evaluation in section 28 of this ordinance.

C. The efficacy evaluation report and proposed ordinance shall be transmitted to the council with a motion that should accept the report and a proposed ordinance making recommended code changes, concurrently with the final evaluations required in sections 29, 30, and 31 of this ordinance, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all
councillors, the council chief of staff and the lead staff for the local services,
regional roads and bridges committee, or its successor.

SECTION 324. 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."

The clerk of the council is instructed to insert the final enactment number in Attachment A where the Proposed Ordinance number is referenced.

Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated March 11, 2019, and insert Attachment B, Map Amendment #2-Special Event Demonstration Project B dated June 12, 2019 Modifying P-Suffix VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties.

EFFECT: This striking amendment makes substantive, clarifying and technical changes, including:

Substantive/Policy Changes

1. WBD I Interim Use in the A zone is removed from the permitted use tables. Associated changes to business license requirements, definitions, special events/TUP, and evaluation are also removed.
2. Modifies the business license section to:
   a. Allow existing businesses, subject to criteria, to establish their previous compliance with the zoning code in order to obtain legal nonconforming status. These businesses are required to submit documentation with their

Commented [AE95]: New Attachment A, removes Vashon-Maury Island and Fall City from Overlay A
Commented [AE96]: Eliminate Overlay B
Commented [AE97]: New Attachment B to modify P-suffix for CB zones in Vashon Rural Town
first business license. The first business license will be good for six
months, with a six month extension possible if they have made progress in
demonstrating past compliance.

b. Give Permitting the authority to deny a business license based on
noncompliance with the Zoning Code.
c. Modify the appeal period for business licenses to be consistent with other
kinds of zoning appeals.

3. WBD I in RA zone:
   a. Use is moved from a residential accessory use to a permitted use in the
      Manufacturing Land Use Table.
   b. Reference to "nonresident employee" removed.
   c. Allows one parking stall on-site.
   d. Prohibits on-site sales and tasting.
   e. Provides additional clarification for special events – 2 per year, maximum
      50 guests, no permit required.

4. WBD II and III
   a. In A zone, limits conversion of agricultural land to less than 1 acre for
      nonagricultural accessory uses.
   b. In A and RA zones:
      i. Limits on-site tasting and retail sales to 15% of the aggregated
         floor area.
      ii. Requires that access be from an arterial (or public roadway for
          WBD II in RA zone with a CUP).
      iii. Sets maximum parking at 150% of the minimum required.
      iv. Removes language regarding nonconforming status of existing
          parking spaces.
      v. For WBD III, eliminates allowance for 8,000 square feet of
         underground storage.
      vi. For WBD III, removes allowance to connect to a Group B water
          system. Only Group a water system connection would be allowed.

5. All WBDs:
   a. Removes option to reduce 75' setback from RA and R zones to 25' with
      screening and a CUP.
   b. In A and RA zones:
      i. Requires one of the two stages of production to be crushing,
         fermenting, or distilling.
      ii. Limits impervious surface to a maximum of 25%, or the maximum
         allowed by the underlying zoning, whichever is less.

6. Home Occupations and Home Industries:
   a. Allows the existing business with a liquor license from the state LCB as of
      the effective date of this ordinance (rather than January 1, 2019) to have
      the opportunity to demonstrate nonconformance.
   b. Tightens language to avoid loopholes.
   c. Removes language allowing businesses 1-year to come into conformance
      with home occupation or home industry standards.
7. Modifies the Fall City business district overlay to allow remote tasting rooms on the ground floor of the CB zoned land in the Fall City Rural Town.

8. Remote tasting room demonstration project A:
   a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from demonstration project.
   b. Clarify the purpose section, business license requirements, and special event allowance.
   c. Modifies evaluation requirements to
      i. Eliminate requirement for annual transmittal to Council. Post to website instead with email to clerk of the Council.
      ii. Adds requirements in annual evaluation to include date of submittal, complete application, and decision date and type
      iii. Removes requirements in annual evaluation for reporting on comments made by the community, known interactions between demonstration project applicants and nearby agricultural users and land, inventory of available properties, and recommended code changes
      iv. For final evaluation, require that the evaluation include whether the purposes of the demonstration project have been fulfilled by the demonstration project, and recommended permanent code changes.

9. Eliminates special event demonstration project B.

10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in the Vashon Rural Town.

11. Modifications to efficacy evaluation:
   a. Include evaluation of regulations on existing businesses – including information on businesses licenses, permit applications, and code enforcement complaints/violations.
   b. Include recommended code changes to development conditions, including citation and civil infractions, parking, hours of operation for tasting rooms, temporary use permits for special events, and product content requirements for the A zone.
   c. Removes evaluation of the impact of urban uses within UGA have on rural character of adjacent rural areas outside the UGA
   d. Specifies that public comment period for the efficacy evaluation occur in conjunction with the public comment period for the remote tasting room demonstration project.

Clarifying

12. Modifications to Findings:
   a. Reflect other substantive changes and add additional context.
   b. Adds new Findings regarding water use, retail sales and tasting, and special district overlays.

14. WBDs in A zone: adds in missing language so that WBD III in A zone are allowed as an accessory to a primary agricultural use.

15. Industrial zone: clarifies that wineries are not allowed.

16. For criteria of events that require a temporary use permit, clarify that events that require traffic control or extend beyond allowed hours of operation will require a temporary use permit.

17. For citations, clarifies the timeframe (1 year) for citing a first time violation, rather than subsequent violations.

Technical

18. Corrects references to King County Comprehensive Plan Policies.

19. Corrects capitalization, punctuation, and typographical errors.

20. Makes code reviser edits.