9/16/19
Draft Balducci Striker

Sponsor: Balducci

Proposed No.: 2018-0241.2

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION

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-6153 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 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..."
These efforts 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 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 tasting 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; 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. King County Code establishes standards for water facilities in Title 13. In part, these 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. This requirement modifies a previously existing regulation for larger wineries, breweries and distilleries and replaces it with a clear standard that improves enforceability.

S. The ordinance places restrictions on retail sales and tasting of products for winery, brewery, distillery facility uses in the A and RA zones, by limiting retail sales and tasting of products and allowing them only as accessory uses to production. The ordinance sets maximum sizes for such areas, in order to prevent more intense traffic and noise impacts that can sometimes be associated with retail operations. These restrictions are intended to avoid the more intensive impacts that retail sales and tasting of products 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
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. This SDO will remain in place and will continue to apply to residential subdivisions. Additionally, the impervious surface maximums for winery, brewery, distillery facilities in the A and RA zones are limited to twenty-five percent, or the percentage identified in the zoning code, whichever is less, in order to be consistent with rural character.

UY. 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.

UY. 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 prior to amending King County policies and regulations." Two demonstration projects are established by this ordinance. The first demonstration project evaluates the presence of maximum impervious surface of 25% (or less).
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 demonstration projects are located in 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 an ideal places to test the demonstration project's ability to support businesses that are primarily nonurban in nature, and to evaluate their benefits and test impact mitigation strategies before adopting potential countywide regulations.

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
"[is]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,

W. The 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.
Z. 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 office buildings 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. Sections 3 through 140 of this ordinance should constitute a new chapter in K.C.C. Title 6.

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

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

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

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

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

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

An application for an adult beverage business license or license renewal must be
submitted in the name of the person, 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 K.C.C. 6.xx.xxx.B. (the section created by Section 10 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 7. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

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

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

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

An adult beverage business license expires one year from the date the business license is issued by the department of 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 be issued or renewed for more than five years on any one site.
NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 2 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 the requirements to establish a legal nonconforming use have been met, the applicant has otherwise established a vested legal nonconforming use, the director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A, or if the business has come into conformance with the winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted as part of this ordinance.

SECTION 121. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each

Commented [AE16]: Allow existing businesses with liquor licenses issued prior to the effective date of this ordinance to have a 1-year to demonstrate previous compliance with the Zoning Code requirements for WBDs and home occupations.

This section allows one 6-month business license to be issued while the business proves previous compliances, with a possible 6-month extension with action towards documenting compliance. Subsequent licenses may not be issued unless the business is in compliance with the Zoning Code either as a legal nonconforming use or under the new regulations, or the director determines that the business has taken substantial steps to document compliance as a legal nonconforming use.
hereby repealed.

NEW SECTION. SECTION 4412. 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 4413. 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 product tasting or retail sale of merchandise as authorized by state law is limited. "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:
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 1614. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

21A.06 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 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.

Commented [AE19]: Adds distilling to the definition as a step in the production process.
NEW SECTION. SECTION 17. 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 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

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<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>R.L.</th>
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<th>COMMERCIAL/INDUSTRIAL</th>
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<td>DWELLING UNITS</td>
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Commented [AE20]: Adds distilling to the definition as a step in the production process.

Commented [AE21]: 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.
B. Development conditions.

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 aces, 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.


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

(2) 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;

(1)(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.

d. 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 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.

g. 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 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;

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 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 

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 

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


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:

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

A. Retail land uses.

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Commented [AE22]: Demonstration Project A narrowed to RA zone
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<td>Livestock Sales (28)</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.

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 29.27 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...
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 1720. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tbody>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2 C</td>
</tr>
<tr>
<td>2</td>
<td>Winery/Brewery/ Distillery Facility I</td>
<td>P3</td>
<td></td>
<td></td>
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<tr>
<td>2</td>
<td>Winery/Brewery/ Distillery Facility II</td>
<td>P3</td>
<td></td>
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<tr>
<td>2</td>
<td>Winery/Brewery/ Distillery Facility III</td>
<td>P3</td>
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</tr>
</tbody>
</table>

Commented [AE23]: Move WBD I in RA zone to Manufacturing Land Use table

Commented [AE24]: CUP option to reduce setback from RA and R zones from 75’ to 25’ removed
<table>
<thead>
<tr>
<th>1</th>
<th>Materials Processing Facility</th>
<th>P1</th>
<th>P14</th>
<th>P16</th>
<th>3</th>
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<tr>
<td>22</td>
<td>Textile Mill Products</td>
<td>C</td>
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</tr>
<tr>
<td>23</td>
<td>Apparel and other Textile Products</td>
<td>C</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>24</td>
<td>Wood Products, except furniture</td>
<td>P4</td>
<td>P8</td>
<td>C5</td>
<td>C6</td>
<td>P</td>
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<tr>
<td>25</td>
<td>Furniture and Fixtures</td>
<td>P1</td>
<td>P19</td>
<td>C</td>
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<td></td>
</tr>
<tr>
<td>26</td>
<td>Paper and Allied Products</td>
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<td>27</td>
<td>Printing and Publishing</td>
<td>P7</td>
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<tr>
<td>28</td>
<td>Marijuana Processor I</td>
<td>P20</td>
<td>P27</td>
<td></td>
<td></td>
<td>P21</td>
<td>C22</td>
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<tr>
<td>29</td>
<td>Marijuana Processor II</td>
<td>P23</td>
<td>P24</td>
<td></td>
<td></td>
<td>P25</td>
<td>C26</td>
</tr>
<tr>
<td>30</td>
<td>Chemicals and Allied Products</td>
<td>C</td>
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<td>31</td>
<td>Petroleum Refining and Related Industries</td>
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</tr>
<tr>
<td>32</td>
<td>Rubber and Misc. Plastics Products</td>
<td>C</td>
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<tr>
<td>33</td>
<td>Leather and Leather Goods</td>
<td>C</td>
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<td>34</td>
<td>Stone, Clay, Glass and Concrete Products</td>
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<td>36</td>
<td>Fabricated Metal Products</td>
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<td>37</td>
<td>Industrial and Commercial Machinery</td>
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<td>Code</td>
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<tr>
<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
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<td>357</td>
<td>Computer and Office Equipment</td>
<td>C</td>
<td>C</td>
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<tr>
<td>36</td>
<td>Electronic and other Electric Equipment</td>
<td>C</td>
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<td>374</td>
<td>Railroad Equipment</td>
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<td>376</td>
<td>Guided Missile and Space Vehicle Parts</td>
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<td>379</td>
<td>Miscellaneous Transportation Vehicles</td>
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<tr>
<td>38</td>
<td>Measuring and Controlling Instruments</td>
<td>C</td>
<td>C</td>
<td>P</td>
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<tr>
<td>39</td>
<td>Miscellaneous Light Manufacturing</td>
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<tr>
<td>7</td>
<td>Motor Vehicle and Bicycle Manufacturing</td>
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<td>7534</td>
<td>Tire Retreading</td>
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<tr>
<td>781-82</td>
<td>Movie Production/Distribution</td>
<td>P</td>
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<td></td>
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</tr>
</tbody>
</table>

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

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

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,))b. Only allowed on lots of at least ((four))

two and one-half acres;

((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 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.)) 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;

((f.)) e. 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 2 of this
ordinance), the applicant shall submit a projection of the source of products to be
produced; ((and

((g.)) 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

Commented [AE25]: Eliminates option to reduce setbacks for WBD II 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 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 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. 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 from an On a site with direct access to an
arterial roadway:

kj. Off-street parking is limited to a maximum of one space 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 2 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 K.C.C. 21A.12.040.A., whichever is less.

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

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)) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet, except that the floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above

Commented [AE34]: Adds requirement for WBDs to be accessory to a primary agricultural use.

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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.

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, 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.

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

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)) (f. 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 2 of this ordinance), the applicant shall submit a projection of the source of products to be processed; (and))

(gf. 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;

(hg. 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 land.)

Commented [AE38]: Eliminates option to reduce setbacks for WBD III in A and RA zone.

Commented [AE39]: Requires one stage of production to include crushing, fermenting or distilling.
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.

(continued) 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 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.a. 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;

ii. Access to the site shall be directly from an arterial roadway; On a site with direct access to an arterial;

kk. 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 areas.
ll. 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); 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 K.C.C. 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. 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; (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 tasting shall be included in the aggregated floor area limitation in

Commented [AE46]: Eliminates option to reduce setbacks for WBD in NB and CB zone.

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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 2 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.;

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;

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.

26.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
26.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;
27.b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
27.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 between 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
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 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

Commented [AE48]: Eliminates option to reduce setbacks for
WBD II in RA zone.
accessory to the primary winery, brewery, distillery production use and may be provided
in accordance with state law. The area devoted to 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 from a public roadway on a site with
direct access to a public roadway;

   g-f. 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 area,
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.

Commented [AE49]: Limits retail and tasting use as an accessory to production, allowed to be no more than 15% of the floor area

Commented [AE50]: Moved from e. below

Commented [AE51]: Requires access to a public roadway

Commented [AE52]: Modify the maximum parking in the A and RA zones to 150% of the minimum

Commented [AE53]: Eliminate nonconforming status for existing parking spaces.
he. 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):

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 K.C.C. 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 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 tasting 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
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 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 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.

dc. 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 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 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 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 of this ordinance);

fe. 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-
At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling; 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 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 indoors; incidental retail sales of products produced on-site and merchandise related to the products produced on-site is allowed; and

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 K.C.C. 21A.12.040.A., whichever is less.
SECTION 218. 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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**ACCESSORY USES:**

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<tr>
<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
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;

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

- 75 -
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.

b. Production is limited to indoor only;
c. With a lighting plan only as required by and 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; 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; 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 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-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 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 2219. 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><strong>RESIDENTIAL (K.C.C. 21A.08.030.A):</strong></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>Community residential facilities</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Land Use</td>
<td>Minimum Parking Spaces</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>Dormitory, including religious</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Hotel/Motel including organizational hotel/</td>
<td>1 per bedroom</td>
</tr>
<tr>
<td>lodging</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast guesthouse</td>
<td>1 per guest room, plus 2 per facility</td>
</tr>
<tr>
<td>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</td>
<td></td>
</tr>
<tr>
<td>Recreation/culture uses:</td>
<td>1 per 300 square feet</td>
</tr>
<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</td>
</tr>
<tr>
<td></td>
<td>house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet</td>
</tr>
<tr>
<td></td>
<td>of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
</tr>
<tr>
<td>Conference center</td>
<td>1 per 3 fixed seats, plus 1 per 50 square feet</td>
</tr>
<tr>
<td></td>
<td>used for assembly purposes without fixed seats,</td>
</tr>
<tr>
<td></td>
<td>or 1 per bedroom, whichever results in the</td>
</tr>
<tr>
<td></td>
<td>greater number of spaces.</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES**
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<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>Category</td>
<td>Space Calculation</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------</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>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Space Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government/business services uses</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td>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>Activity</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>Activity</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><strong>Remote tasting rooms</strong></td>
<td>1 per 300 square feet of tasting and retail areas</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>Wholesale trade uses</strong></td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td><strong>Retail and wholesale trade mixed use</strong></td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>Manufacturing uses</strong></th>
<th>0.9 per 1,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Winery/Brewery/Distillery Facility II and III</strong></td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>Resource uses</strong></th>
<th>(director)</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th><strong>Regional uses</strong></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 2320. 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 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 

Commented [AE64]: Modifies this allowance to allow those that have received a liquor license prior to the effective date of this ordinance to demonstrate their previous compliance within 12 months.
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 2 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 2421. 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;
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer;
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 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

Commented [AE67]: See comment above

Commented [AE68]: See comment above.

Commented [AE69]: Removes option to come into compliance within 1 year.
state and local regulations. The business 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 2 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 2522. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

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

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

2. One stall for customer parking;

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

1. One thousand square feet of building floor area; and

2. Two thousand square feet of outdoor work or storage area;

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

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

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

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

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

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

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

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

K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall not be allowed as home industry, 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 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 2 of this ordinance).

SECTION 2623. 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:

Commented [AE70]: 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.
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;

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 stated allowed hours of operation.

SECTION 2724. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby amended to read as follows:

21A.32.120 are each hereby amended to read as follows:

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

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

B. 1. The temporary use shall not exceed a total of sixty days in any three-
hundred-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(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;

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 winery, brewery, distillery facility I uses in the A zone.

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

Commented [AE73]: Remove WBD I interim use in the A zone
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 25. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are each 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;

d. 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 2826. 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 2927 of this ordinance.

NEW SECTION. SECTION 2927. 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 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 and 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 13-12 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.

Commented [AE75]: Added clarity to purpose of the demonstration project.
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 2 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 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 comments received from neighboring residents, including code complaints, 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

Commented [AE77]: Removes requirement to transmit annual preliminary evaluation. Instead requires an email of the posting to the clerk of the council.

Commented [AE78]: Adds a requirement that the list of project applications include the dates of submitted and decision, and whether the application was approved or denied.

Commented [AE79]: Narrows this requirement to report only code complaints opened or initiated.

Commented [AE80]: Removes requirement to include comments received on applications.
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 and proposed permanent code changes that includes the information compiled under subsection H. of this section, and include:

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 30 of this ordinance.

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

2. Description of the industry standards for tasting room hours for wineries, breweries and distilleries; evaluation of the tasting room hours allowed under the demonstration project, and the benefits or negative impacts of these hours relative to the purposes of the demonstration project;

3. Outreach to those 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. Evaluation of the permit review timelines for the demonstration project applications; and

5. A recommendation on permanent code changes, or further demonstration project requirements, regarding remote tasting rooms.

J. The permitting division shall include a public comment period for the permitting division's draft 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 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 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

Commented [AE84]: Removes some detail on final demonstration project evaluation, and moves some to the efficacy evaluation.
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, 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 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 24A.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...
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.1. 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 F. 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 these 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:
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 modified;

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.

L. 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 3228. 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:

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

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

e. 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

Commented [AE86]: Adds timeframe to what citation would be charged.
(g) economic benefit to person responsible for violation $25

((c)) 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 $150

the day following the date compliance is required by the notice and order

(2) second reinspection, which shall occur no sooner than $300

fourteen days following the first reinspection

(3) third reinspection, which shall occur no sooner than $450

fourteen days following the second reinspection

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

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

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

SECTION 30A. A. The executive shall transmit a 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 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:

Commented [AE87]: Allows remote tasting rooms as permitted use in C8 zoning of Vashon Rural Town

Commented [AE88]: Modifies the efficacy evaluation to:
1. Include evaluation of regulations on existing businesses – including information on businesses 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.
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;

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 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

Commented [AE89]: Moved into revised efficacy evaluation.

Commented [AE90]: Removed evaluation of impacts of urban uses on rural character/areas.

Commented [AE91]: Moved into revised efficacy evaluation.
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 shall have a public comment period in conjunction
with that required in section 27 of this ordinance.

C. The 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 297 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
councilmembers, the council chief of staff and the lead staff for the local services,
regional roads and bridges committee, or its successor.

SECTION 314. 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 June 12, 2019

Commented [AE92]: WBD I interim use removed from the code.
Commented [AE93]: Allows for public comment on efficacy evaluation to be in conjunction with the public comment period required for the demonstration project.
Commented [AE94]: New Attachment A, removes Vashon-Maury Island and Fall City from Overlay A
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: XXXXXXXXXXXXXXXXXXXXXXX

Commented [AE95]: Eliminate Overlay B

Commented [AE96]: New Attachment B to modify P-suffix for CB zones in Vashon Rural Town