



**King County**

**Metropolitan King County Council  
Committee of the Whole**

**STAFF REPORT**

<b>Agenda Item:</b>	14	<b>Name:</b>	Erin Auzins
<b>Proposed No.:</b>	2024-0387	<b>Date:</b>	November 18, 2024

**SUBJECT**

Proposed Ordinance 2024-0387 would amend regulations for wineries, breweries, distilleries, and remote tasting rooms.

**SUMMARY**

Ordinance 19030 was adopted in December 2019 after a years-long process to review and update the development regulations for wineries, breweries, and distilleries (WBDs), and remote tasting rooms, in unincorporated King County. After a lengthy litigation process, on September 19, 2024, the Washington State Supreme Court published an opinion reinstating a January 2022 order from the Growth Management Hearings Board that invalidated Ordinance 19030, Sections 12 through 29, Section 31, and Map Amendments 1 and 2.

Proposed Ordinance 2024-0387 is adopted to comply with the Supreme Court's decision, as well as an evaluation by the King County Hearing Examiner that the licensing system for WBDs was preempted by RCW 66.08.120.

**BACKGROUND**

**Prior to Ordinance 19030.** Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code.<sup>1</sup> Prior to Ordinance 19030, the development conditions had not changed since 2003,<sup>2</sup> when standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted.<sup>3</sup> Distilleries were first recognized as a land use in 2013.<sup>4</sup> Wineries, breweries, and distilleries were considered the same land use category under the code, and for each zone in which they were allowed (either outright as a permitted use, or with a conditional use permit), they had the same development conditions.

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<sup>1</sup> Ordinance 10870.

<sup>2</sup> Ordinance 14781.

<sup>3</sup> There were some changes in 2007 with Ordinance 15974, and allowances for WBDs in commercial zones was added in 2010 with Ordinance 16950.

<sup>4</sup> Ordinance 17539.

Starting around 2015, neighbors of wineries and tasting rooms within the Sammamish Valley filed a number of code enforcement complaints with the Permitting Division against some of those businesses, alleging they were operating in violation of the zoning code and some of them for construction activity without required permits.

During deliberations on a previous WBD ordinance, Executive staff provided information that outlines their concerns with enforcement of the code that was in place prior to Ordinance 19030 (references to "current code" mean the code in place prior to Ordinance 19030):

After deliberation at the County Council, Executive staff was asked to provide context for what would happen if the county were to abandon the proposed code update and just enforce the current code. Below is an attempt to catalogue ambiguities in the current code and the problems that would remain unsolved if a code update was not implemented:

**Product Content Requirement:**

The current code requires that any winery, brewery, or distillery must make 60% of their product content with products grown in Puget Sound Counties.

As of today, only a small handful of known businesses are meeting that requirement. Many wineries in the unincorporated areas ship their grapes in from areas in eastern Washington where grapes can be grown more easily.

Although most businesses would not be able to comply with code, enforcing the product content rule would be difficult, because tracking and proving product content would often require processes outside of Permitting staff's capabilities and implicates the interstate commerce clause in its enforceability.

**Home Occupation/Home Industry:**

Current code as it relates to home occupation and home industries is very vague and does not address wineries, breweries, or distilleries whatsoever. The home occupation code as written did not anticipate these types of businesses and therefore did not contemplate issues of tastings and eating and drinking establishments. Because of this ambiguity, code enforcement has found over the years that many winery, brewery, and/or distillery businesses operating as home occupations are not legally established, meaning no one is actually living on-site. Constitutional limits on enforcement and search of residences adds to the enforcement challenges for home occupations and home industries.

Conversely, residents who want to start a winery, brewery, or distillery business find the code vague and confusing to comply with, leading to businesses having to go to the hearing examiner for clarity on what exactly the code means and does in relation to their specific business model. If current code were to be enforced, the loopholes and challenges for well-meaning business owners would remain unresolved.

**Fines:**

According to Title 23, fines for when a winery, brewery, or distillery business violates the current code are very low. For businesses that cannot come into compliance with the current code and/or businesses that violate the county's code governing the operation of WBDs, it is often cheaper for them to just pay the fine than do the work with Permitting to become a lawful business.

If the current code were to be enforced, fines for businesses that violate county code would remain low and would not incentivize businesses to work to become compliant or relocate. Conversely, businesses who have invested the time and resources to become compliant with code had to work harder and pay more money than those who choose to remain in violation of the code, leaving a major equity issue unaddressed.

**Impacts of these businesses on surrounding communities:**

Currently, the code is unclear about the hours a winery or adult beverage business can conduct tastings and/or hold events. The current code is also unclear about whether or not a winery or adult beverage business can operate on a private driveway shared with other neighbors, within a cul-de-sac in a residential zone, and how many people are allowed for special events like concerts, weddings, and fundraisers. Because the code lacks specificity in these areas, the impacts on surrounding communities have been and remain significant. If current code were to be enforced businesses located in these areas may continue to operate at a size and scale that is not appropriate for the rural and agriculturally zoned areas. In the same vein, businesses seeking to operate legally would be stuck with the same ambiguity that makes it difficult to do just that.

**Agricultural Production Districts (APD):**

One of the main recommendations that came out of the stakeholder group process was to maintain protections for the APD by not changing current code OR creating more restrictive code for winery and adult beverage businesses looking to locate on agricultural land. The current code allows for 60% of product content to be grown in Puget Sound Counties, rather than on the agricultural land itself. The current code also allows for home occupations and home industries to be located on APD properties. If current code were to be enforced, businesses could continue to locate on agricultural land with no incentive to actually put the land into production. These businesses could also act as home occupations or home industries, which the King County Agricultural Commission and many farmers and environmental organizations do not support.

**Processing Requirements:**

Current code does not address or define processing requirements for winery and adult beverage businesses, meaning that no actual production is required to happen on-site. If current code were to be enforced, winery and adult beverage businesses would not be required to conduct any stage of production for their product on-site, allowing a number of businesses to essentially operate as urban-scale event venues.

### **Business License:**

Current code does not require a winery or adult beverage business to get a county business license, making it difficult for Permitting to track the number of businesses that have proliferated in the over 15 years since the current code was written. Because we have a complaint-based model for code-enforcement, it remains challenging for our code enforcement officers to track where and when new businesses are beginning to operate. If current code were to be enforced, a winery and/or adult beverage business in King County would need to obtain a liquor license from the LCB, but no license for land use purposes. It is also worth noting that the LCB's practice is to issue state licenses over the objections of the local jurisdiction based on zoning, further complicating enforcement.

One additional note on the former code: for home occupations in the RA zone, there is no minimum lot size or 75-foot setback requirement, meaning nearly any property could establish a home occupation WBD. Additionally, outbuildings are not limited in size. Although there are some limitations on traffic generation, a home occupation WBD could have the size and intensity of a larger facility with fewer restrictions.

Due to these concerns, the Executive formed a stakeholder group of Sammamish Valley wineries, agricultural interests, and the Cities of Woodinville and Redmond. The consultant performed stakeholder interviews and held five meetings with the stakeholders to review the goals and priorities, agricultural industry needs and issues, wine industry needs and issues, the issues with the existing development regulations, transportation issues, and potential policy changes and infrastructure improvements. The consultant also held an open public meeting and used an online public comment tool. The stakeholder group and consultant provided a series of policy recommendations in their final report, issued in September 2016.<sup>5</sup>

Between September 2016 and April 2018, the Executive worked on a series of proposed policy changes that would apply to the entire unincorporated area, not just the Sammamish Valley. A public review draft of the Executive's proposed countywide regulations was issued in June 2017, outlining an initial proposal for public comment. After reviewing and considering the feedback on the public review draft, the Executive transmitted a final report and [Proposed Ordinance 2018-0241](#) (enacted as Ordinance 19030) to the Council in April 2018.

During deliberations on Ordinance 19030, there was a list of WBD businesses known to be located in the unincorporated area that was cited in a Council staff report that stated that only 4 of 45 were legally established. This was incorrect information based on an incomplete understanding of the landscape. While 4 businesses did have permits from the County, that is not the only path to providing a nonconformance. Many known businesses are/were home occupations or were established in existing structures, neither of which necessarily require a permit from the County.

**Ordinance 19030.** Ordinance 19030 was adopted in December 2019, after seven Committee meetings, a town hall meeting, and two public hearings at full Council.

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<sup>5</sup> Link to report: <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Sammamish-Study-Area/CAISammValleyWineBeverageStudyFINAL-091216.ashx?la=en>.

Ordinance 19030 substantively modified the regulations for WBDs in several ways, including:

- Establishing a county business license to aid in enforcement of the land use regulations.
- Changing the structure of the regulations from a two-tiered approach to a three-tiered approach. The former code regulated WBDs as either a permitted use or a conditional use, while Ordinance 19030 adopted regulations for production WBD I (very small), WBD II (small), and WBD III. Establishing WBD I, II, and IIIs in the Manufacturing Land Uses permitted use table with varying development conditions for each zone and size of facility; more stringent conditions were adopted for the A and RA zones to reflect the need to protect those lands as required by the King County Comprehensive Plan and Washington State Growth Management Act (GMA). In general, the development conditions in the A and RA zone:
  - Maintained, reduced, and established minimum lot sizes
  - Maintained or reduced maximum building sizes
  - Specified additional limitations on on-site tasting and retail sales
  - Required water hookup for WBD IIIs
  - Required access to an arterial or public roadway
  - Established an on-site grow requirement for products in the A zone and eliminated a requirement in the RA zone for sourcing in Puget Sound counties.
  - Established minimum on-site production requirements
  - Established requirements for locating facilities on agricultural lands
  - Modified parking minimums and maximums
  - Maintained and added parking areas to setbacks from Rural Area and Residential zones
  - Established maximum impervious surfaces
- Establishing a new "remote tasting room" use to mirror state licensing in the CB and RB zones, including within the CB zone of the Vashon and Fall City Rural Towns.
- Establishing a 3-year demonstration project to test whether remote tasting rooms could be an allowed use in the Rural Area zone.
- Prohibiting WBDs and remote tasting rooms as home occupations and home industries.
- Modifying temporary use permits (TUP) for WBD-related events, with stricter limits in the A and RA zone than for other zones, such as limiting events for breweries and distilleries to 2 per month (A zone) or 24 per year (RA) zone, and setting a maximum guest size that did not exist previously. Adding triggers for Permitting to easily identify when a TUP is required. Establishing an exemption from TUP requirements for certain existing WBDs in the RA zone including those that had at least 8 acres in lot size and had access to a principal arterial or state highway, and where the County did not object to issuance of the state liquor license.
- Increasing citation penalties for code violations by WBDs and remote tasting rooms.

**Litigation on Ordinance 19030.** Ordinance 19030 was challenged on SEPA and GMA

grounds by petitioners that included Friends of Sammamish Valley, Futurewise, and other farming interests (FOSV, et al.) to the Central Puget Sound Growth Management Hearings Board (Board). On January 3, 2022, the Growth Management Hearing's Board issued its Final Decision and Order for Case No. 20-3-0004c (Board's January 2022 Order), which granted the petitioners' appeal and invalidated Ordinance 19030 Sections 12 through 30, and map amendments 1 and 2, which were Attachments A and B to Ordinance 19030. These sections included definitions, zoning conditions, parking requirements, temporary use permit clarifications, home occupation and home industry limitations, and a demonstration project. The Board's January 2022 order also remanded Ordinance 19030 to the County. The Board named thirteen issues that led to the invalidity order, including issues with the April 2019 SEPA checklist, insufficient protection of agricultural lands, noncompliance with the County's Comprehensive Plan policies, and incompatibility of remote tasting room demonstration project overlay A.

After a lengthy litigation process, on September 19, 2024, the Washington State Supreme Court published an opinion reinstating the Board's January 2022 Order. The County is required to comply with this Order.

The Board has issued a Notice of Status Conference for November 25, 2024, for the parties to discuss the status of judicial review and a compliance schedule for compliance with the Board's January 2022 Order.

**Hearing Examiner Opinion.** While the Board did not invalidate the adult beverage business license requirement, and there has been no court decision on this issue, the King County Hearing Examiner considered several preemption-based challenges to the licensing provisions. Although the Hearing Examiner determined that he was unable to resolve the core constitutional issues because it was beyond his jurisdiction, he engaged in a lengthy analysis of applicable authorities. The Hearing Examiner concluded that a local license for alcohol-related sales, distribution and premises "...sounds like the local power the State explicitly withdrew in RCW 66.08.120."

## **ANALYSIS**

**Proposed Ordinance 2024-0387 Summary.** Proposed Ordinance 2024-0387 would make substantive changes to the regulations for wineries, breweries, distilleries (WBDs), and remote tasting rooms, including:

- Repealing the requirement for an adult beverage business license.
- Modifying the definition of winery, brewery, and distillery to match those in state law.
- Allowing a remote tasting room in the CB and RB zone, with a development condition setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area.
- Prohibiting WBDs in the A and RA zones.
- Allowing a WBD in the NB and CB zones, as a Permitted use, with a development condition:
  - Limiting the size to 3,500sf, or in an historic building to 5,000sf;
  - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;

- Allowing on-site tasting and retail sales, consistent with state law;
- Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
- Allowing events with a Temporary Use Permit (TUP).
- Allowing a WBD in the NB and CB zones, with a Conditional Use Permit (CUP), with a development condition:
  - Allowing on-site tasting and retail sales, consistent with state law;
  - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
  - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area, or as set by the CUP; and
  - Allowing events with a TUP.
- Allowing a WBD in the RB zone, as a Permitted use, with a development condition:
  - Allowing on-site tasting and retail sales, consistent with state law;
  - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
  - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
  - Allowing events with a TUP.
- Allowing a WBD in the I zone, as a Permitted use, with a development condition:
  - Prohibiting wineries and remote tasting rooms for wineries;
  - Allowing on-site tasting and retail sales, consistent with state law;
  - Setting a 75' setback on interior lot lines from the RA, UR, and R zones;
  - Setting a maximum parking ratio of 1 space per 50 sf of tasting and retail area; and
  - Allowing events with a TUP.
- Prohibiting WBDs and remote tasting rooms as home occupations and home industries.
- Temporary Use Permit changes include:
  - Removes the triggers for when an event at a WBD or remote tasting rooms require a TUP;
  - Removes an exemption from TUP requirements for certain WBDs in the RA zone; and
  - Removes duration, frequency, and maximum attendee requirements for WBD uses in the A and RA zones. Returns to prior condition for temporary uses at wineries in the A and RA zone, limiting them to two per month and requiring all parking to be accommodated on-site.
- Repeals remote tasting room demonstration project, removes the zoning condition from impacted parcels, and removes a reference in the Retail Land Uses permitted use table.
- Repeals the efficacy report required by Ordinance 19030.
- Adds an effective date that is 61 days after notice of adoption, or 31 days after the final decision is issued by the Board, if an appeal is filed.

**SEPA Review.** Proposed Ordinance 2024-0387 is subject to nonproject SEPA review. Council staff continue to work with the SEPA Responsible Official on the necessary SEPA review for this Proposed Ordinance. SEPA review must be completed prior to the public hearing for this Proposed Ordinance.

**Impacts to Existing Businesses.** Councilmembers have expressed interest in how this Proposed Ordinance would impact existing businesses. While Proposed Ordinance 2024-0387 is prospective and would prohibit any new WBD or remote tasting room in the A or RA zones, there are existing businesses in those zones that this Proposed Ordinance may impact.

There are 47 known WBDs<sup>6</sup> (those that have a state liquor license) in the A and RA zones in unincorporated King County. Of those, 9 have applied for a state liquor license since 2020 – the County objected to issuance of those licenses, as there was a moratorium in place that prevented establishment of new WBDs. Permitting also reports that they have communicated to these businesses that operating would create an enforcement risk; it is not known if each one is currently operating at locations in unincorporated King County.

Table 1 shows the breakdown of those existing businesses by Community Service Area.

**Table 1. Existing WBD Businesses**

<b>Community Service Area</b>	<b>Number of WBDs</b>
Greater Maple Valley/Cedar River	A zones: 0 RA zones: 2
SE King County	A zones: 1 RA zones: 3
Bear Creek/Sammamish	A zones: 0 RA zones: 16 <sup>7</sup>
Four Creeks/Tiger Mountain Area	A zones: 0 RA zones: 3
Greater Maple Valley/Cedar River Area	A zones: 0 RA zones: 4
Snoqualmie Valley/NE King County Area	A zones: 1 RA zones: 7
Vashon-Maury Island Area	A zones: 0 RA zones: 10
<b>Total</b>	<b>A zones: 2</b> <b>RA zones: 45</b>

If Proposed Ordinance 2024-0387 is adopted, these businesses (plus any others unknown to the County) will either need to prove conformance with the code in place when they were established (either as a permitted use or as a home occupation), modify their operations to conform, or close their current location.

For the 9 WBDs that applied for state liquor license starting in 2020, if they are operating, they will likely need to close their current location, as they will not have any nonconforming rights under the County's code. This is also true for any WBD that were licensed by the state as remote tasting rooms in the A and RA zones.

<sup>6</sup> There are an additional 25 WBDs that were open when Ordinance 19030 was under consideration, that are now closed or have moved.

<sup>7</sup> Six of these are within the remote tasting room demonstration project area.



For the other businesses, the impacts of this Proposed Ordinance are unknown. Code enforcement will be site-specific and based on several factors, including:

- When the liquor license was issued by the state and whether the County objected to its issuance;
- Whether any facts or evidence that indicate the business was legally established, such interaction with government agencies;
- Whether the business can prove the development conditions for a Permitted use were met (minimum lot size, product content, setbacks, etc.); and/or
- Whether the business met the requirements for a home occupation.

It could be that many existing WBD businesses have a legal nonconformance, as many of them, across the County, have been in place for decades. It could also be that many existing WBD businesses have a legal nonconformance for part of their operations, but not other parts (for example, a nonconformance for the production spaces and a small tasting room, but not for an expanded tasting room that draws a lot of vehicle traffic.) In this second case, a WBD may not be required to close, but to scale back their operations.

**Procedural Requirements.** As with any development regulation, Proposed Ordinance 2024-0387 is subject to a review by state agencies, as well as a 30-day public hearing notice.

Council staff have begun the state agency review. Under the GMA, the state has 60 days to submit comments to the County on the Proposed Ordinance, and the County cannot act until that state agency review period has concluded. Council staff have asked for an expedited 15-day review, and should hear whether that request has been granted by November 22, 2024. If it is not granted, then the County cannot act until January 2025.

The Council's protocol is that for complex or controversial development regulation ordinances, the public hearing is not issued until after the Committee acts. If the Committee acts at the next meeting, then the schedule could look like Table 2 (if standard amendment deadlines are used).

**Table 2. Potential Council Review Schedule**

<b>Action</b>	<b>Potential Date</b>
Committee of the Whole discussion	November 18, 2025
Direction for striking amendment due	January 21, 2025
Striking amendment released	January 23, 2025
Direction for line amendments due	January 24, 2025
Committee of the Whole action	January 28, 2025
Direction for amendment concepts for the public hearing	January 31, 2025
Public hearing notice issued	February 14, 2025
Direction for striking amendment due	March 11, 2025
Striking amendment released	March 13, 2025
Direction for line amendments due	March 14, 2025
Council hearing/action	March 18, 2025

Post-adoption notice issued	March 28, 2025
Effective date (if no appeal)	May 28, 2025

Proposed Ordinance 2024-0254, which is scheduled for a public hearing and potential action on November 26, 2024, would extend a current moratorium on WBD uses through June 23, 2025. To avoid extending the moratorium, Council would need to act on Proposed Ordinance 2024-0387 no later than April 22, 2025.

**AMENDMENTS**

Council staff will work with Councilmembers on, at a minimum, a technical striking amendment to engross the changes made by Ordinances that are passed between when this Proposed Ordinance was introduced and when it is up for action at Full Council (including the Proposed Ordinance adopting the 2024 Comprehensive Plan, which will be acted on before this Proposed Ordinance).

If Councilmembers are interested in substantive changes, please contact Council staff to give direction on potential amendments.

**INVITED**

- Calli Knight, Director of Strategic Initiatives and Partnerships, Executive's Office
- Jim Chan, Division Director, Permitting, Department of Local Services
- Mark Rowe, Deputy Division Director, Permitting, Department of Local Services
- Cristy Craig, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
- Lena Madden, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
- Darren Carnell, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office

**ATTACHMENTS**

1. Proposed Ordinance 2024-0387 (and its attachment)



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2024-0387.1

**Sponsors** Balducci

1 AN ORDINANCE relating to wineries, breweries,  
2 distilleries, and remote tasting rooms; amending Ordinance  
3 1888, Article III, Section 5, as amended, and K.C.C.  
4 6.01.150, Ordinance 10870, Section 336, as amended, and  
5 K.C.C. 21A.08.070, Ordinance 10870, Section 335, as  
6 amended, and K.C.C. 21A.08.080, Ordinance 10870,  
7 Section 336, as amended, and K.C.C. 21A.08.090,  
8 Ordinance 10870, Section 407, as amended, and K.C.C.  
9 21A.18.030, Ordinance 10870, Section 536, as amended,  
10 and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as  
11 amended, and K.C.C. 21A.30.085, Ordinance 10870,  
12 Section 537, as amended, and K.C.C. 21A.30.090,  
13 Ordinance 10870, Section 547, as amended, and K.C.C.  
14 21A.32.100, Ordinance 10870, Section 548, as amended,  
15 and K.C.C. 21A.32.110, Ordinance 10870, Section 549, as  
16 amended, and K.C.C. 21A.32.120, Ordinance 13623,  
17 Section 37, as amended, and K.C.C. 23.32.010, adding a  
18 new section to K.C.C. chapter 21A.06, repealing Ordinance  
19 19030, Section 3, Ordinance 19030, Section 4, and K.C.C.  
20 6.74.010, Ordinance 19030, Section 5, and K.C.C.

21 6.74.020, Ordinance 19030, Section 6, and K.C.C.  
22 6.74.030, Ordinance 19030, Section 7, and K.C.C.  
23 6.74.040, Ordinance 19030, Section 8, and K.C.C.  
24 6.74.050, Ordinance 19030, Section 9, and K.C.C.  
25 6.74.060, Ordinance 19030, Section 10, and K.C.C.  
26 6.74.070, Ordinance 19030, Section 11, and K.C.C.  
27 6.74.080, Ordinance 19030, Section 14, and K.C.C.  
28 21A.06.1427A, Ordinance 19030, Section 15, and K.C.C.  
29 21A.06.1427B, Ordinance 19030, Section 16, and K.C.C.  
30 21A.06.1427C, Ordinance 19030, Section 28, Ordinance  
31 19030, Section 29, and K.C.C. 21A.55.110, Ordinance  
32 19030, Section 32, prescribing penalties, and establishing  
33 an effective date.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 **SECTION 1. Findings.**

36 A. Ordinance 19030 established updated regulations for winery, brewery,  
37 distillery facilities and remote tasting rooms in unincorporated King County.

38 B. After a lengthy litigation process, on September 19, 2024, the Washington  
39 state Supreme Court, in a 5-4 decision, published an opinion reinstating a January 2022  
40 order from the Growth Management Hearings Board that invalidated Ordinance 19030,  
41 Sections 12 through 29, Section 31, and Map Amendments 1 and 2.

42 C. Ordinance 19030 created a licensing system to assist with enforcement, which  
43 the Growth Management Hearings Board left in place. While the Board’s litigation was

44 pending at the Court of Appeals, the King County Hearing Examiner considered several  
45 preemption-based challenges to the licensing provisions. Although the Hearing Examiner  
46 determined that he was unable to resolve the core constitutional issues because it was  
47 beyond his jurisdiction, he engaged in a lengthy analysis of applicable authorities. The  
48 Hearing Examiner concluded that a local license for alcohol-related sales, distribution  
49 and premises '...sounds like the local power the State explicitly withdrew in RCW  
50 66.08.120.'

51 D. This ordinance amends the provisions adopted by Ordinance 19030. Where  
52 provisions adopted by Ordinance 19030 are unchanged, they are not included in this  
53 ordinance, and the council's intent is that they remain in effect.

54 E. The council finds that this ordinance complies with the decision of the  
55 Washington state Supreme Court, as well as potential preemption issues with the  
56 licensing system.

57 SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.  
58 6.01.150 are hereby amended to read as follows:

59 A. The office of the hearing examiner is designated to hear appeals by parties  
60 aggrieved by actions of the director pursuant to any business license ordinance. For  
61 appeals under K.C.C. chapter 6.65 the office of the hearing examiner is designated to hear  
62 such appeals unless a different party is designated by the director. The examiner may adopt  
63 reasonable rules or regulations for conducting its business. Copies of all rules and  
64 regulations adopted by the examiner shall be delivered to the director, who shall make them  
65 freely accessible to the public. All decisions and findings of the examiner shall be rendered  
66 to the appellant in writing, with a copy to the director.

67 B. For-hire transportation appeals under K.C.C. chapter 6.64 (~~and adult beverage~~  
68 ~~businesses appeals under K.C.C. chapter 6.74~~) shall be filed in accordance with K.C.C.  
69 20.22.080 and the hearing process conducted in accordance with K.C.C. chapter 20.22.  
70 Appeals under K.C.C. chapter 6.65 shall be filed in accordance with K.C.C. 6.65.450 and  
71 the hearing process conducted in accordance with that same section. Subsections C.  
72 through H. of this section do not apply to this subsection B.

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

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

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

97 E. At the hearing the appellant shall be entitled to appear in person, ~~((and))~~ be  
98 represented by counsel, and offer such evidence as is pertinent and material to the action of  
99 the director.

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

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

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

107 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06  
108 a new section to read as follows:

109 Winery, brewery, or distillery: as defined in RCW 66.04.010.

110 SECTION 4. Ordinance 10870, Section 336, as amended, and K.C.C.  
111 21A.08.070 are hereby amended to read as follows:

112 A. Retail land uses.

Ordinance

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings									P	P		



Ordinance

	Stores												
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				((P13))					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video, and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		

*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

113 B. Development conditions.

114 1.a. As a permitted use, covered sales areas shall not exceed a total area of two  
 115 thousand square feet, unless located in a building designated as historic resource under  
 116 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three  
 117 thousand five hundred square feet may be allowed. Greenhouses used for the display of  
 118 merchandise other than plants shall be considered part of the covered sales area.  
 119 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not  
 120 considered part of the covered sales area;

- 121 b. The site area shall be at least four and one-half acres;
- 122 c. Sales may include locally made arts and crafts; and
- 123 d. Outside lighting is permitted if no off-site glare is allowed.

124 2. Only hardware stores.

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

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

127 4. No permanent structures or signs.

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

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

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

- 133           8. Excluding retail sale of trucks exceeding one-ton capacity.
- 134           9. Only the sale of new or reconditioned automobile supplies is permitted.
- 135           10. Excluding SIC Industry No. 5813-Drinking Places.
- 136           11. No outside storage of fuel trucks and equipment.
- 137           12. Excluding vehicle and livestock auctions.
- 138           13. ~~((Permitted as part of the demonstration project authorized by K.C.C.~~
- 139    21A.55.110.)) Repealed.
- 140           14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
- 141    a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 142    21A.12.230; and
- 143           b. Before filing an application with the department, the applicant shall hold a
- 144    community meeting in accordance with K.C.C. 20.20.035.
- 145           15.a. Not permitted in R-1 and limited to a maximum of five thousand square
- 146    feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 147           b. Before filing an application with the department, the applicant shall hold a
- 148    community meeting in accordance with K.C.C. 20.20.035.
- 149           16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
- 150    Places, and limited to a maximum of five thousand square feet of gross floor area, and
- 151    subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
- 152           b. Before filing an application with the department, the applicant shall hold a
- 153    community meeting in accordance with K.C.C. 20.20.035.
- 154           17. Repealed.
- 155           18. Repealed.

- 156           19. Only as:
- 157           a. an accessory use to a permitted manufacturing or retail land use, limited to
- 158 espresso stands to include sales of beverages and incidental food items, and not to include
- 159 drive-through sales; or
- 160           b. an accessory use to a recreation or multiuse park, limited to a total floor area
- 161 of three thousand five hundred square feet.
- 162           20. Only as:
- 163           a. an accessory use to a recreation or multiuse park; or
- 164           b. an accessory use to a park and limited to a total floor area of one thousand
- 165 five hundred square feet.
- 166           21. Accessory to a park, limited to a total floor area of seven hundred fifty
- 167 square feet.
- 168           22. Only as an accessory use to:
- 169           a. a large active recreation and multiuse park in the urban growth area; or
- 170           b. a park, or a recreation or multiuse park in the RA zones, and limited to a
- 171 total floor area of seven hundred and fifty square feet.
- 172           23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
- 173 Industry No. 2431-Millwork and;
- 174           a. limited to lumber milled on site; and
- 175           b. the covered sales area is limited to two thousand square feet. The covered
- 176 sales area does not include covered areas used to display only milled lumber.

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

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

181           a. The sales area shall be limited to three hundred square feet and must be  
182 removed each evening;

183           b. There must be legal parking that is easily available for customers; and

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

187           26.a. Per lot, limited to a maximum aggregated total of two thousand square feet  
188 of gross floor area devoted to, and in support of, the retail sale of marijuana.

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

195           c. Any lot line of a lot having any area devoted to retail marijuana activity  
196 must be one thousand feet or more from any lot line of any other lot having any area  
197 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new  
198 retail marijuana activity may not be within one thousand feet of any lot line of any lot  
199 having any area devoted to existing retail marijuana activity.

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

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

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

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

218 (4) if a business license application was not submitted or more than one  
219 business license application was submitted, then the director shall determine compliance  
220 based on the totality of the circumstances, including, but not limited to, the date that a  
221 retail marijuana license application was submitted to the Washington state Liquor and  
222 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease

223 or purchased the lot at issue for the purpose of retail marijuana use and any other facts  
224 illustrating the timing of substantial investment in establishing a licensed retail marijuana  
225 use at the proposed location.

226 e. Retail marijuana businesses licensed by the Washington state Liquor and  
227 Cannabis Board and operating within one thousand feet of each other as of August 14,  
228 2016, and retail marijuana businesses that do not require a permit issued by King County,  
229 that received a Washington state Liquor and Cannabis Board license to operate in a  
230 location within one thousand feet of another licensed retail marijuana business prior to  
231 August 14, 2016, and that King County did not object to within the Washington state  
232 Liquor and Cannabis Board marijuana license application process, shall be considered  
233 nonconforming and may remain in their current location, subject to the provisions of  
234 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

236 and

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

239 27. Per lot, limited to a maximum aggregated total of five thousand square feet  
240 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

241 a. Any lot line of a lot having any area devoted to retail marijuana activity must  
242 be one thousand feet or more from any lot line of any other lot having any area devoted to  
243 retail marijuana activity; and any lot line of a lot having any area devoted to new retail  
244 marijuana activity may not be within one thousand feet of any lot line of any lot having any  
245 area devoted to existing retail marijuana activity; and

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

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

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

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

264           (4) if a business license application was not submitted or more than one  
265 business license application was submitted, then the director shall determine compliance  
266 based on the totality of the circumstances, including, but not limited to, the date that a retail  
267 marijuana license application was submitted to the Washington state Liquor and Cannabis  
268 Board identifying the lot at issue, the date that the applicant entered into a lease or



269 purchased the lot at issue for the purpose of retail marijuana use, and any other facts  
270 illustrating the timing of substantial investment in establishing a licensed retail marijuana  
271 use at the proposed location; and

272 c. Retail marijuana businesses licensed by the Washington state Liquor and  
273 Cannabis Board and operating within one thousand feet of each other as of August 14,  
274 2016, and retail marijuana businesses that do not require a permit issued by King County,  
275 that received a Washington state Liquor and Cannabis Board license to operate in a  
276 location within one thousand feet of another licensed retail marijuana business prior to  
277 August 14, 2016, and that King County did not object to within the Washington state  
278 Liquor and Cannabis Board marijuana license application process, shall be considered  
279 nonconforming and may remain in their current location, subject to the provisions of  
280 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

282 and

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

285 28. If the agricultural product sales or livestock sales is associated with  
286 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

287 29. Businesses selling firearms that have a storefront, have hours during which it  
288 is open for business, and post advertisements or signs observable to passersby that firearms  
289 are available for sale shall be located at least five hundred feet or more from any  
290 elementary, middle/junior high, and secondary or high school properties. Businesses  
291 selling firearms in existence before June 30, 2020, shall be considered nonconforming and

292 may remain in their current location, subject to the provisions of K.C.C. 21A.32.020  
 293 through 21A.32.075 for nonconforming uses.

294 SECTION 5. Ordinance 10870, Section 335, as amended, and K.C.C.  
 295 21A.08.080 are hereby amended to read as follows:

296 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
((*	Winery/Brewery /Distillery Facility I				P32								
((*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31))
* _	Winery/ Brewery /Distillery								<u>P17</u> <u>C29</u>	<u>P17</u> <u>C29</u>	<u>P29</u>		<u>P31</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C

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27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass, and Concrete Products									P6	P9		P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P

39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship, and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

297 B. Development conditions.

298 1. Repealed.

299 2. Except slaughterhouses.

300 3. ~~((a. In the A zone, only allowed on sites where the primary use is SIC Industry~~

301 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~

302 ~~Animals;~~

303 ~~b. Only allowed on lots of at least two and one half acres, except that this~~

304 ~~requirement shall not apply on Vashon Maury Island to winery, brewery or distillery~~

305 ~~business locations in use and licensed to produce by the Washington state Liquor and~~

306 ~~Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a~~

307 ~~building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots~~

308 ~~of at least two acres;~~

309 ~~c. The aggregated floor area of structures and areas for winery, brewery,~~

310 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~

311 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~

312 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~

313 ~~winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the~~

314 RA zone and five thousand square feet in the A zone. Decks that are not occupied and  
315 not open to the public are excluded from the calculation for maximum aggregated floor  
316 area;

317 d. Structures and parking areas for winery, brewery, distillery facility uses  
318 shall maintain a minimum distance of seventy five feet from interior property lines  
319 adjoining rural area and residential zones, unless located in a building designated as  
320 historic resource under K.C.C. chapter 20.62, except that on Vashon Maury Island this  
321 setback requirement shall not apply to structures and parking areas in use on December 4,  
322 2019, by existing winery, brewery or distillery business locations licensed to produce by  
323 the Washington state Liquor and Cannabis Board before January 1, 2019;

324 e. In the A zone, sixty percent or more of the products processed must be  
325 grown on site. At the time of the initial application under K.C.C. chapter 6.74, the  
326 applicant shall submit a projection of the source of products to be produced;

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

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

336 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~  
337 ~~a nonagricultural accessory use;~~

338 ~~h. Tasting and retail sales of products produced on-site may occur only as~~  
339 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~  
340 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~  
341 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~  
342 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~  
343 ~~on tasting and retail sales of products produced on-site shall not apply on Vashon Maury~~  
344 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~  
345 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~  
346 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~  
347 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~  
348 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~  
349 ~~operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,~~  
350 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~  
351 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~  
352 ~~11:00 a.m. through 9:00 p.m.;~~

353 ~~i. Access to the site shall be directly to and from an arterial roadway, except~~  
354 ~~that this requirement shall not apply on Vashon Maury Island to winery, brewery,~~  
355 ~~distillery facility business locations in use and licensed to produce by the Washington~~  
356 ~~state Liquor and Cannabis Board before January 1, 2019;~~

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

359           ~~k. The business operator shall obtain an adult beverage business license in~~  
360 ~~accordance with K.C.C. chapter 6.74;~~

361           ~~l. Events may be allowed with an approved temporary use permit under K.C.C.~~  
362 ~~chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and~~

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

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

369           5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.  
370 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the  
371 minimum site area is four and one-half acres.

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

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

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

376           9. Only within enclosed buildings.

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

378           11. For I-zoned sites located outside the urban growth area designated by the  
379 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
380 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
381 rural industrial uses as set forth in K.C.C. chapter 21A.12.

382           12. ~~((a. In the A zone, only allowed on sites where the primary use is SIC~~  
383 ~~Industry Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and~~  
384 ~~Small Animals;~~

385           b. ~~The aggregated floor area of structures and areas for winery, brewery,~~  
386 ~~distillery facility uses shall not exceed a total of eight thousand square feet. Decks that~~  
387 ~~are not occupied and not open to the public are excluded from the calculation for~~  
388 ~~maximum aggregated floor area;~~

389           c. ~~Only allowed on lots of at least four and one half acres. If the aggregated~~  
390 ~~floor area of structures for winery, brewery, distillery uses exceeds six thousand square~~  
391 ~~feet, the minimum site area shall be ten acres;~~

392           d. ~~Wineries, breweries and distilleries shall comply with Washington state~~  
393 ~~Department of Ecology and King County board of health regulations for water usage and~~  
394 ~~wastewater disposal, and must connect to an existing Group A water system. The~~  
395 ~~definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and~~  
396 ~~provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

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

401           f. ~~In the A Zone, sixty percent or more of the products processed must be~~  
402 ~~grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the~~  
403 ~~applicant shall submit a projection of the source of products to be processed;~~

404           g. ~~At least two stages of production of wine, beer, cider or distilled spirits,~~



405 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized  
406 by the Washington state Liquor and Cannabis Board production license, shall occur on-  
407 site. At least one of the stages of on-site production shall include crushing, fermenting or  
408 distilling;

409 h. In the A zone, structures and areas for non-agricultural winery, brewery,  
410 distillery facility uses shall be located on portions of agricultural lands that are unsuitable  
411 for agricultural purposes, such as areas within the already developed portion of such  
412 agricultural lands that are not available for direct agricultural production, or areas without  
413 prime agricultural soils. No more than one acre of agricultural land may be converted to  
414 a nonagricultural accessory use;

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

420 Incidental retail sales of merchandise related to the products produced on-site is allowed  
421 subject to the restrictions described in this subsection. Hours of operation for on-site  
422 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and  
423 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and  
424 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.  
425 through 9:00 p.m.;

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

427 k. Off-street parking maximums shall be determined through the conditional

428 use permit process, and should not be more than one hundred fifty percent of the  
429 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

430 l. ~~The business operator shall obtain an adult beverage business license in  
431 accordance with K.C.C. chapter 6.74;~~

432 m. ~~Events may be allowed with an approved temporary use permit under  
433 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~

434 and

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

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

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

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

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

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

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

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

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

457           17.a. The aggregated floor area of structures and areas for a winery, brewery, or  
458 distillery (~~((facility uses))~~) shall not exceed three thousand five hundred square feet, unless  
459 located in whole or in part in a structure designated as historic resource under K.C.C.  
460 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to a  
461 winery, brewery, or distillery (~~((facility uses))~~) shall not exceed five thousand square feet.  
462 Decks that are not occupied and not open to the public are excluded from the calculation  
463 for maximum aggregated floor area;

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

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

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

474 e. (~~The business operator shall obtain an adult beverage business license in~~  
475 ~~accordance with K.C.C. chapter 6.74; and~~

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

478 18. Limited to:

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

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

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

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

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

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

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

494 b. SIC Industry No. 2411-Logging.

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

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

- 497           b. Only as an accessory use to a Washington state Liquor Control Board  
498 licensed marijuana production facility on the same lot;
- 499           c. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;
- 500           d. Only with documentation that the operator has applied for a Puget Sound  
501 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
502 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
503 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
504 are imported onto the site; and
- 505           e. Accessory marijuana processing uses allowed under this section are subject  
506 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
- 507           21.a. Only in the CB and RB zones located outside the urban growth area;
- 508           b. With a lighting plan, only if required by K.C.C. 21A.12.220.H.;
- 509           c. Only with documentation that the operator has applied for a Puget Sound  
510 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
511 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
512 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
513 are imported onto the site;
- 514           d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
515 support of, processing marijuana together with any separately authorized production of  
516 marijuana shall be limited to a maximum of two thousand square feet; and
- 517           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
518 every marijuana-related entity occupying space in addition to the two-thousand-square-  
519 foot threshold area on that lot shall obtain a conditional use permit as set forth in

520 subsection B.22. of this section.

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

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

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

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

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

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

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

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

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

543 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
544 subsection B.24. of this section.

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

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

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

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

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

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

551 are imported onto the site; and

552 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

553 support of, processing marijuana together with any separately authorized production of

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

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

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

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

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

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

560 are imported onto the site; and

561 c. Per lot, limited to a maximum aggregate total of two thousand square feet of

562 gross floor area devoted to, and in support of, the processing of marijuana together with

563 any separately authorized production of marijuana.

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

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

566 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
567 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
568 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
569 are imported onto the site; and

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

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

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

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

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

588 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,



589 except on Vashon-Maury Island;

590 f. Only as an accessory use to a Washington state Liquor Cannabis Board

591 licensed marijuana production facility on the same lot; and

592 g. Accessory marijuana processing uses allowed under this section are subject to

593 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

594 28. If the food and kindred products manufacturing or processing is associated

595 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

596 29.a. Tasting and retail sales of products produced on-site, and merchandise

597 related to the products produced on-site, may be provided in accordance with state law;

598 b. Structures and parking areas for a winery, brewery, or distillery (~~facility~~  
599 ~~uses~~)) shall maintain a minimum distance of seventy-five feet from interior property lines

600 adjoining rural area and residential zones, unless located in a building designated as

601 historic resource under K.C.C. chapter 20.62;

602 c. For a winery, brewery, or distillery (~~facility uses~~) that does not require a  
603 conditional use permit, off-street parking for the tasting and retail areas shall be limited to

604 a maximum of one space per fifty square feet of tasting and retail areas. For a winery,

605 brewery, or distillery (~~facility uses~~) that (~~do~~) requires a conditional use permit, off-

606 street parking maximums shall be determined through the conditional use permit process,

607 and off-street parking for the tasting and retail areas should be limited to a maximum of

608 one space per fifty square feet of tasting and retail areas; and

609 d. (~~The business operator shall obtain an adult beverage business license in~~

610 ~~accordance with K.C.C. chapter 6.74; and~~

611 e.) Events may be allowed with an approved temporary use permit under

612 K.C.C. chapter 21A.32.

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

614 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~  
615 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~  
616 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~  
617 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~  
618 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~  
619 ~~that are not occupied and not open to the public are excluded from the calculation for~~  
620 ~~maximum aggregated floor area;~~

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

625 ~~d. Tasting and retail sales of products produced on-site may only occur as~~  
626 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~  
627 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~  
628 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~  
629 ~~in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental~~  
630 ~~retail sales of merchandise related to the products produced on-site is allowed subject to~~  
631 ~~the restrictions described in this subsection. Hours of operation for on-site tasting of~~  
632 ~~products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,~~  
633 ~~tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,~~  
634 ~~Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00~~

635 p.m.;

636 e. ~~Access to the site shall be directly to and from a public roadway;~~

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

639 g. ~~The business operator shall obtain an adult beverage business license in~~  
640 ~~accordance with K.C.C. chapter 6.74;~~

641 h. ~~Events may be allowed with an approved temporary use permit under~~  
642 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~

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

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

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

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

658 square feet;

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

663 d. ~~((For a brewery and distillery facility uses that do not require a conditional~~  
664 ~~use permit, o))~~Off-street parking for the tasting and retail areas shall be limited to a  
665 maximum of one space per fifty square feet of tasting and retail areas. ~~((For brewery and~~  
666 ~~distillery facility uses that do require a conditional use permit, off-street parking~~  
667 ~~maximums shall be determined through the conditional use permit process, and off-street~~  
668 ~~parking for the tasting and retail areas should be limited to a maximum of one space per~~  
669 ~~fifty square feet of tasting and retail areas)); and~~

670 e. ~~((The business operator shall obtain an adult beverage business license in~~  
671 ~~accordance with K.C.C. chapter 6.74; and~~

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

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

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

680 e. ~~One on-site parking stall shall be allowed for the winery, brewery, distillery~~

681 facility I use;

682 ~~d. The business operator shall obtain an adult beverage business license in~~

683 ~~accordance with K.C.C. chapter 6.74;~~

684 ~~e. At least two stages of production of wine, beer, cider or distilled spirits, such~~

685 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~

686 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~

687 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~

688 ~~or distilling;~~

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

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

691 ~~h. The impervious surface associated with the winery, brewery, distillery~~

692 ~~facility use shall not exceed twenty five percent of the site or the maximum impervious~~

693 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~

694 ~~whichever is less.))~~

695 SECTION 6. Ordinance 10870, Section 336, as amended, and K.C.C.

696 21A.08.090 are hereby amended to read as follows:

697 A. Resource land uses.

P-Permitted Use		RESOURCE			R	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use					U								
S-Special Use					R								
					A								
					L								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R1 2-	NB	CB	RB	O	I

Ordinance

								48					
12	Coal Mining												
13	Oil and Gas Extraction												
	<b>AGRICULTURE:</b>												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P2 4C	P2 4C		P24 C	P24 C							
*	Agricultural Support Services	P2 5C	P2 5C		P26 C	P26 C	P2 6C		P27 C28	P27 C28			
*	Marijuana producer	P1 5 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P1 2											
*	Agricultural Anaerobic Digester	P1 3											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND</b>												

	<b>WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10, 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P2 3 P2 9	P4 P2 9	P5 P2 9	P3 P29	P3 P29							P4 P29
*	Farm Worker Housing	P1 4			P14								

698

B. Development conditions.

699

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

700

2. Only forest research conducted within an enclosed building.

701

3. Farm residences in accordance with K.C.C. 21A.08.030.

702

4. Excluding housing for agricultural workers.

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

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

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

708           8. Only on the same lot or same group of lots under common ownership or  
709 documented legal control, which includes, but is not limited to, fee simple ownership, a  
710 long-term lease<sub>2</sub> or an easement:

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

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

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

716           9. Limited to mineral extraction and processing:

717           a. on a lot or group of lots under common ownership or documented legal control,  
718 which includes but is not limited to, fee simple ownership, a long-term lease<sub>2</sub> or an  
719 easement;

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

760           (1) passive recreation;

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

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

763           (4) agriculture education for youth.

764           b. Outside the camp center, as provided for in subsection B.12.e. of this  
765 section, camp activities shall not preclude the use of the site for agriculture and  
766 agricultural related activities, such as the processing of local food to create value-added  
767 products and the refrigeration and storage of local agricultural products. The camp shall  
768 be managed to coexist with agriculture and agricultural activities both onsite and in the  
769 surrounding area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

818           r. If the site is adjacent to an arterial roadway, access to the site shall be  
819 directly onto the arterial unless the county road engineer determines that direct access is  
820 unsafe;

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

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

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

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

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

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

836           c. imported organic waste-derived material, such as food processing waste,  
837 may be processed in the digester for the purpose of increasing methane gas production for

838 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
839 and

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

841 14. Farm worker housing. Either:

842 a. Temporary farm worker housing subject to the following conditions:

843 (1) The housing must be licensed by the Washington state Department of  
844 Health under chapter 70.114A RCW and chapter 246-358 WAC;

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

847 (3) To the maximum extent practical, the housing should be located on  
848 nonfarmable areas that are already disturbed and should not be located in the floodplain  
849 or in a critical area or critical area buffer; and

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

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

857 (1) Not more than:

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

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

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

863 (d) four agricultural employee dwelling units on a site of at least one-  
864 hundred acres, and one additional agricultural employee dwelling unit for each additional  
865 one hundred acres thereafter;

866 (2) If the primary use of the site changes to a nonagricultural use, all  
867 agricultural employee dwelling units shall be removed;

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

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

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

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

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

885 15. Marijuana production by marijuana producers licensed by the Washington  
886 state Liquor and Cannabis Board is subject to the following standards:

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

888 b. With a lighting plan, only if required by and that complies with K.C.C.  
889 21A.12.220.H.;

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

895 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
896 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
897 subject to the size limitations in subsection B.15.e. of this section;

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

903 f. Outdoor production area fencing as required by the Washington state Liquor  
904 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall



905 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
906 feet; and

907           g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
908 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
909 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
910 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
911 B.22. of this section.

912           16. Marijuana production by marijuana producers licensed by the Washington  
913 state Liquor and Cannabis Board is subject to the following standards:

914           a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
915 that do not require a conditional use permit issued by King County, that receive a  
916 Washington state Liquor and Cannabis Board license business before October 1, 2016,  
917 and that King County did not object to within the Washington state Liquor and Cannabis  
918 Board marijuana license application process, shall be considered nonconforming as to  
919 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020  
920 through 21A.32.075 for nonconforming uses;

921           b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
922 21A.12.220.H.;

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

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

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

932 f. Production is limited to outdoor, indoor within marijuana greenhouses, and within  
933 nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations  
934 in subsection B.16.g. of this section; and

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

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

944 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
945 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
946 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
947 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

948 17. Marijuana production by marijuana producers licensed by the Washington  
949 state Liquor and Cannabis Board is subject to the following standards:

- 950           a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
951 Island;
- 952           b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
953 except on Vashon-Maury Island;
- 954           c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
955 21A.12.220.H.;
- 956           d. Only with documentation that the operator has applied for a Puget Sound  
957 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
958 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
959 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
960 are imported onto the site;
- 961           e. Production is limited to outdoor and indoor within marijuana greenhouses subject to  
962 the size limitations in subsection B.17.f. of this section;
- 963           f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
964 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
965 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
966 marijuana greenhouse that is no more than ten percent larger than that combined area;  
967 and
- 968           g. Outdoor production area fencing as required by the Washington state Liquor  
969 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
970 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback  
971 of one hundred fifty feet from any existing residence.
- 972           18.a. Production is limited to indoor only;

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

974 21A.12.220.H.;

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

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

985           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
986 every marijuana-related entity occupying space in addition to the two-thousand-square  
987 foot threshold area on that parcel shall obtain a conditional use permit as set forth in  
988 subsection B.19. of this section.

989           19.a. Production is limited to indoor only;

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

991 21A.12.220.H.;

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

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

997 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
998 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
999 aggregated total of thirty thousand square feet and shall be located within a building or  
1000 tenant space that is no more than ten percent larger than the plant canopy and separately  
1001 authorized processing area.

1002 20.a. Production is limited to indoor only;

1003 b. With a lighting plan only as required by and that complies with K.C.C.  
1004 21A.12.220.H.;

1005 c. Only with documentation that the operator has applied for a Puget Sound  
1006 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1007 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1008 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1009 are imported onto the site;

1010 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1011 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1012 aggregated total of two thousand square feet and shall be located within a building or  
1013 tenant space that is no more than ten percent larger than the plant canopy and separately  
1014 authorized processing area; and

1015 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1016 every marijuana-related entity occupying space in addition to the two-thousand-square-

1017 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
1018 subsection B.21. of this section.

1019           21.a. Production is limited to indoor only;

1020           b. With a lighting plan only as required by and that complies with K.C.C.

1021 21A.12.220.H.;

1022           c. Only with documentation that the operator has applied for a Puget Sound  
1023 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1024 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1025 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1026 are imported onto the site; and

1027           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1028 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1029 aggregated total of thirty thousand square feet and shall be located within a building or  
1030 tenant space that is no more than ten percent larger than the plant canopy and separately  
1031 authorized processing area.

1032           22. Marijuana production by marijuana producers licensed by the Washington  
1033 state Liquor and Cannabis Board is subject to the following standards:

1034           a. With a lighting plan only as required by and that complies with K.C.C.

1035 21A.12.220.H.;

1036           b. Only allowed on lots of at least four and one-half acres;

1037           c. Only with documentation that the operator has applied for a Puget Sound  
1038 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1039 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1040 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1041 are imported onto the site;

1042           d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1043 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1044 subject to the size limitations in subsection B.22.e. and f. of this section;

1045           e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC  
1046 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall  
1047 be limited to a maximum aggregated total of five thousand square feet and shall be  
1048 located within a fenced area or marijuana greenhouse that is no more than ten percent  
1049 larger than that combined area, or may occur in nondwelling unit structures that exist as  
1050 of October 1, 2013;

1051           f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-  
1052 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
1053 limited to a maximum aggregated total of ten thousand square feet, and shall be located  
1054 within a fenced area or marijuana greenhouse that is no more than ten percent larger than  
1055 that combined area, or may occur in nondwelling unit structures that exist as of October  
1056 1, 2013; and

1057           g. Outdoor production area fencing as required by the Washington state Liquor  
1058 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1059 maintain a minimum street setback of fifty feet and a minimum interior setback of one  
1060 hundred feet, and a minimum setback of one hundred fifty feet from any existing  
1061 residence.

1062           23. The storage and processing of non-manufactured source separated organic  
1063 waste that originates from agricultural operations and that does not originate from the  
1064 site, if:

1065           a. agricultural is the primary use of the site;

1066           b. the storage and processing are in accordance with best management  
1067 practices included in an approved farm plan; and

1068           c. except for areas used for manure storage, the areas used for storage and  
1069 processing do not exceed three acres and ten percent of the site.

1070           24.a. For activities relating to the processing of crops or livestock for  
1071 commercial purposes, including associated activities such as warehousing, storage,  
1072 including refrigeration, and other similar activities, and excluding winery, brewery,  
1073 distillery, ~~((facility I, II, III))~~ and remote tasting room uses:

1074           (1) limited to agricultural products and sixty percent or more of the products  
1075 processed must be grown in the Puget Sound counties. At the time of initial application,  
1076 the applicant shall submit a projection of the source of products to be produced;

1077           (2) in the RA and UR zones, only allowed on sites of at least four and one-  
1078 half acres;

1079           (3)(a) as a permitted use, the floor area devoted to all processing shall not  
1080 exceed two thousand square feet, unless located in a building designated as an historic  
1081 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as  
1082 established in K.C.C. 21A.42.300, may review and approve an increase in the processing  
1083 floor area as follows: up to three thousand five hundred square feet of floor area may be  
1084 devoted to all processing in the RA zones or on farms less than thirty-five acres located in



1085 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in  
1086 the A zone; and

1087 (b) as a permitted use, the floor area devoted to all warehousing,  
1088 refrigeration, storage, or other similar activities shall not exceed two thousand square  
1089 feet, unless located in a building designated as historic resource under K.C.C. chapter  
1090 20.62. The agricultural technical review committee, as established in K.C.C.  
1091 21A.42.300, may review and approve an increase of up to three thousand five hundred  
1092 square feet of floor area devoted to all warehouseing, storage, including refrigeration, or  
1093 other similar activities in the RA zones, or on farms less than thirty-five acres located in  
1094 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in  
1095 the A zone;

1096 (4) in the A zone, structures and areas used for processing, warehousing,  
1097 refrigeration, storage, and other similar activities shall be located on portions of  
1098 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1099 the already developed portion of such agricultural lands that are not available for direct  
1100 agricultural production, or areas without prime agricultural soils; and

1101 (5) structures and areas used for processing, warehousing, storage, including  
1102 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
1103 five feet from property lines adjoining rural area and residential zones, unless located in a  
1104 building designated as historic resource under K.C.C. chapter 20.62.

1105 b. For activities relating to the retail sale of agricultural products, except  
1106 livestock:

1107 (1) sales shall be limited to agricultural products and locally made arts and  
1108 crafts;

1109 (2) in the RA and UR zones, only allowed on sites at least four and one-half  
1110 acres;

1111 (3) as a permitted use, the covered sales area shall not exceed two thousand  
1112 square feet, unless located in a building designated as a historic resource under K.C.C.  
1113 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
1114 21A.42.300, may review and approve an increase of up to three thousand five hundred  
1115 square feet of covered sales area;

1116 (4) forty percent or more of the gross sales of agricultural product sold  
1117 through the store must be sold by the producers of primary agricultural products;

1118 (5) sixty percent or more of the gross sales of agricultural products sold  
1119 through the store shall be derived from products grown or produced in the Puget Sound  
1120 counties. At the time of the initial application, the applicant shall submit a reasonable  
1121 projection of the source of product sales;

1122 (6) tasting of products, in accordance with applicable health regulations, is  
1123 allowed;

1124 (7) storage areas for agricultural products may be included in a farm store  
1125 structure or in any accessory building; and

1126 (8) outside lighting is permitted if there is no off-site glare.

1127 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1128 d. Farm operations, including equipment repair and related facilities, except  
1129 that:

1130 (1) the repair of tools and machinery is limited to those necessary for the  
1131 operation of a farm or forest;

1132 (2) in the RA and UR zones, only allowed on sites of at least four and one-  
1133 half acres;

1134 (3) the size of the total repair use is limited to one percent of the farm size in  
1135 the A zone, and up to one percent of the size in other zones, up to a maximum of five  
1136 thousand square feet unless located within an existing farm structure, including but not  
1137 limited to barns, existing as of December 31, 2003; and

1138 (4) Equipment repair shall not be permitted in the Forest zone.

1139 e. The agricultural technical review committee, as established in K.C.C.  
1140 21A.42.300, may review and approve reductions of minimum site sizes in the rural and  
1141 residential zones and minimum setbacks from rural and residential zones.

1142 25. The department may review and approve establishment of agricultural  
1143 support services in accordance with the code compliance review process in K.C.C.

1144 21A.42.300 only if:

1145 a. project is sited on lands that are unsuitable for direct agricultural production  
1146 based on size, soil conditions, or other factors, and cannot be returned to productivity by  
1147 drainage maintenance; and

1148 b. the proposed use is allowed under any Farmland Preservation Program  
1149 conservation easement and zoning development standards.

1150 26. The agricultural technical review committee, as established in K.C.C.  
1151 21A.42.300, may review and approve establishment of agricultural support services only  
1152 if the project site:

1153 a. adjoins or is within six hundred sixty feet of the agricultural production  
1154 district;

1155 b. has direct vehicular access to the agricultural production district;

1156 c. except for farmworker housing, does not use local access streets that abut  
1157 lots developed for residential use; and

1158 b. has a minimum lot size of four and one-half acres.

1159 27. The agricultural technical review committee, as established in K.C.C.

1160 21A.42.300, may review and approve establishment of agricultural support services only  
1161 if the project site:

1162 a. is outside the urban growth area,

1163 b. adjoins or is within six hundred sixty feet of the agricultural production  
1164 district,

1165 c. has direct vehicular access to the agricultural production district,

1166 d. except for farmworker housing, does not use local access streets that abut  
1167 lots developed for residential use; and

1168 e. has a minimum lot size of four and one-half acres.

1169 28. Only allowed on properties that are outside the urban growth area.

1170 29. Battery energy storage systems are considered a resource accessory use  
1171 when the total system capacity is two megawatts or less, and:

1172 (1) the system provides electricity for on-site use only, with "on-site use"  
1173 including net metering as well as charging of vehicles on-site or in the right-of-way

1174 immediately adjacent to the site; or

1175 (2) the system is intended primarily for on-site use, but also participates in  
1176 load sharing or another grid-connected electricity-sharing arrangement.

1177 SECTION 7. Ordinance 10870, Section 407, as amended, and K.C.C.  
1178 21A.18.030 are hereby amended to read as follows:

1179 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking  
1180 areas shall contain at a minimum the number of parking spaces as stipulated in the  
1181 following table. Off-street parking ratios expressed as number of spaces per square feet  
1182 means the usable or net square footage of floor area, exclusive of non-public areas. Non-  
1183 public areas include but are not limited to building maintenance areas, storage areas,  
1184 closets, or restrooms. If the formula for determining the number of off-street parking  
1185 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
1186 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
1187 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit

Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per

	bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs, and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students

High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)



Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet

Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery (Facility II and III)	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

1188 B. An applicant may request a modification of the minimum required number of  
 1189 parking spaces by providing that parking demand can be met with a reduced parking  
 1190 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
 1191 the minimum required number of spaces.

1192 C. When the county has received a shell building permit application, off-street  
1193 parking requirements shall be based on the possible tenant improvements or uses  
1194 authorized by the zoning classification and compatible with the limitations of the shell  
1195 permit. When the range of possible uses result in different parking requirements, the  
1196 director will establish the amount of parking based on a likely range of uses.

1197 D. Where other provisions of this code stipulate maximum parking allowed or  
1198 reduced minimum parking requirements, those provisions shall apply.

1199 E. In any development required to provide six or more parking spaces, bicycle  
1200 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
1201 facilities unless otherwise specified.

1202 1. Off-street parking areas shall contain at least one bicycle parking space for  
1203 every twelve spaces required for motor vehicles except as follows:

1204 a. The director may reduce bike rack parking facilities for patrons when it is  
1205 demonstrated that bicycle activity will not occur at that location.

1206 b. The director may require additional spaces when it is determined that the  
1207 use or its location will generate a high volume of bicycle activity. Such a determination  
1208 will include but not be limited to the following uses:

1209 (1) Park/playfield,

1210 (2) Marina,

1211 (3) Library/museum/arboretum,

1212 (4) Elementary/secondary school,

1213 (5) Sports club, or

1214 (6) Retail business (when located along a developed bicycle trail or  
1215 designated bicycle route).

1216 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
1217 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
1218 structure attached to the pavement.

1219 3. All bicycle parking and storage shall be located in safe, visible areas that do  
1220 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1221 4. When more than ten people are employed on site, enclosed locker-type  
1222 parking facilities for employees shall be provided. The director shall allocate the  
1223 required number of parking spaces between bike rack parking and enclosed locker-type  
1224 parking facilities.

1225 5. One indoor bicycle storage space shall be provided for every two dwelling  
1226 units in townhouse and apartment residential uses, unless individual garages are provided  
1227 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
1228 storage facilities are available to all residents.

1229 SECTION 8. Ordinance 10870, Section 536, as amended, and K.C.C.

1230 21A.30.080 are hereby amended to read as follows:

1231 In the R, UR, NB, CB<sub>2</sub> and RB zones, residents of a dwelling unit may conduct  
1232 one or more home occupations as accessory activities, only if:

1233 A. The total floor area of the dwelling unit devoted to all home occupations shall  
1234 not exceed twenty percent of the floor area of the dwelling unit.

1235 B. Areas within garages and storage buildings shall not be considered part of the  
1236 dwelling unit and may be used for activities associated with the home occupation;

1237 C. All the activities of the home occupation or occupations shall be conducted  
1238 indoors, except for those related to growing or storing of plants used by the home  
1239 occupation or occupations;

1240 D. A home occupation or occupations is not limited in the number of employees  
1241 that remain off-site. No more than one nonresident employee shall be permitted to work  
1242 on-site for the home occupation or occupations;

1243 E. The following uses, by the nature of their operation or investment, tend to  
1244 increase beyond the limits permitted for home occupations. Therefore, the following shall  
1245 not be permitted as home occupations:

- 1246 1. Automobile, truck, and heavy equipment repair;
- 1247 2. Auto body work or painting;
- 1248 3. Parking and storage of heavy equipment;
- 1249 4. Storage of building materials for use on other properties;
- 1250 5. Hotels, motels, or organizational lodging;
- 1251 6. Dry cleaning;
- 1252 7. Towing services;
- 1253 8. Trucking, storage or self service, except for parking or storage of one  
1254 commercial vehicle used in home occupation;
- 1255 9. Veterinary clinic;
- 1256 10. Recreational marijuana processor, recreational marijuana producer, or  
1257 recreational marijuana retailer; and
- 1258 11. Winery, brewery, distillery ((facility I, II and III)), and remote tasting room  
1259 ~~uses((, except that home occupation adult beverage businesses operating under an active~~

1260 ~~Washington state Liquor and Cannabis Board production license issued for their current~~  
1261 ~~location before December 31, 2019, and where King County did not object to the location~~  
1262 ~~during the Washington state Liquor and Cannabis Board license application process, shall~~  
1263 ~~be considered legally nonconforming and allowed to remain in their current location~~  
1264 ~~subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this~~  
1265 ~~section as of December 31, 2019. Such nonconforming businesses shall remain subject~~  
1266 ~~to all other requirements of this section and other applicable state and local regulations.~~  
1267 ~~The resident operator of a nonconforming winery, brewery or distillery home occupation~~  
1268 ~~shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~

1269 F. In addition to required parking for the dwelling unit, on-site parking is provided  
1270 as follows:

- 1271 1. One stall for each nonresident employed by the home occupations; and  
1272 2. One stall for patrons when services are rendered on-site;

1273 G. Sales are limited to:

- 1274 1. Mail order sales;  
1275 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;

1276 and

- 1277 3. Items accessory to a service provided to patrons who receive services on the  
1278 premises;

1279 H. On-site services to patrons are arranged by appointment;

1280 I. The home occupation or occupations use or store a vehicle for pickup of  
1281 materials used by the home occupation or occupations or the distribution of products from  
1282 the site, only if:

- 1283           1. No more than one such a vehicle is allowed; and
- 1284           2. The vehicle is not stored within any required setback areas of the lot or on
- 1285 adjacent streets; and
- 1286           3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
- 1287 ton;
- 1288           J. The home occupation or occupations do not:
- 1289           1. Use electrical or mechanical equipment that results in a change to the
- 1290 occupancy type of the structure or structures used for the home occupation or occupations;
- 1291 or
- 1292           2. Cause visual or audible interference in radio or television receivers, or
- 1293 electronic equipment located off-premises, or fluctuations in line voltage off-premises;
- 1294           K. There shall be no exterior evidence of a home occupation, other than growing or
- 1295 storing of plants under subsection C. of this section or a permitted sign, that would cause
- 1296 the premises to differ from its residential character. Exterior evidence includes, but is not
- 1297 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
- 1298 by using normal senses from any lot line, or on average increase vehicular traffic by more
- 1299 than four additional vehicles at any given time;
- 1300           L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1301 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
- 1302           M. Uses not allowed as home occupations may be allowed as a home industry
- 1303 under K.C.C. 21A.30.090.
- 1304           SECTION 9. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085
- 1305 are hereby amended to read as follows:

1306           In the A, F<sub>2</sub> and RA zones, residents of a dwelling unit may conduct one or more  
1307 home occupations as accessory activities, under the following provisions:

1308           A. The total floor area of the dwelling unit devoted to all home occupations shall  
1309 not exceed twenty percent of the dwelling unit.

1310           B. Areas within garages and storage buildings shall not be considered part of the  
1311 dwelling unit and may be used for activities associated with the home occupation;

1312           C. Total outdoor area of all home occupations shall be permitted as follows:

1313               1. For any lot less than one acre: Four hundred forty square feet; and

1314               2. For lots one acre or greater: One percent of the area of the lot, up to a  
1315 maximum of five thousand square feet.

1316           D. Outdoor storage areas and parking areas related to home occupations shall be:

1317               1. No less than twenty-five feet from any property line; and

1318               2. Screened along the portions of such areas that can be seen from an adjacent  
1319 parcel or roadway by the:

1320                   a. planting of Type II landscape buffering; or

1321                   b. use of existing vegetation that meets or can be augmented with additional  
1322 plantings to meet the intent of Type II landscaping;

1323           E. A home occupation or occupations is not limited in the number of employees  
1324 that remain off-site. Regardless of the number of home occupations, the number of  
1325 nonresident employees is limited to no more than three who work on-site at the same time  
1326 and no more than three who report to the site but primarily provide services off-site;

1327           F. In addition to required parking for the dwelling unit, on-site parking is provided  
1328 as follows:



- 1329           1. One stall for each nonresident employed on-site; and
- 1330           2. One stall for patrons when services are rendered on-site;
- 1331           G. Sales are limited to:
- 1332           1. Mail order sales;
- 1333           2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 1334           3. Items accessory to a service provided to patrons who receive services on the
- 1335 premises;
- 1336           4. Items grown, produced, or fabricated on-site; and
- 1337           5. On sites five acres or larger, items that support agriculture, equestrian, or
- 1338 forestry uses except for the following:
- 1339           a. motor vehicles and parts (North American Industrial Classification System
- 1340 ("NAICS" Code 441);
- 1341           b. electronics and appliances (NAICS Code 443); and
- 1342           c. building material and garden equipments and supplies (NAICS Code 444);
- 1343           H. The home occupation or occupations do not:
- 1344           1. Use electrical or mechanical equipment that results in a change to the
- 1345 occupancy type of the structure or structures used for the home occupation or occupations;
- 1346           2. Cause visual or audible interference in radio or television receivers, or
- 1347 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 1348           3. Increase average vehicular traffic by more than four additional vehicles at any
- 1349 given time;
- 1350           I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1351 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1352 J. The following uses, by the nature of their operation or investment, tend to  
1353 increase beyond the limits permitted for home occupations. Therefore, the following shall  
1354 not be permitted as home occupations:

- 1355 1. Hotels, motels, or organizational lodging;
- 1356 2. Dry cleaning;
- 1357 3. Automotive towing services, automotive wrecking services, and tow-in parking  
1358 lots;
- 1359 4. Recreational marijuana processor, recreational marijuana producer, or  
1360 recreational marijuana retailer; and
- 1361 5. Winery, brewery, distillery ((~~facility I, II and III~~)), and remote tasting  
1362 room(~~s, except that home occupation adult beverage businesses operating under an~~  
1363 ~~active Washington state Liquor and Cannabis Board production license issued for their~~  
1364 ~~current location before December 31, 2019, and where King County did not object to the~~  
1365 ~~location during the Washington state Liquor and Cannabis Board license application~~  
1366 ~~process, shall be considered legally nonconforming and allowed to remain in their current~~  
1367 ~~location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance~~  
1368 ~~with this section as of December 31, 2019. Such nonconforming businesses shall remain~~  
1369 ~~subject to all other requirements of this section and all applicable state and local~~  
1370 ~~regulations. The resident operator of a nonconforming home occupation winery, brewery~~  
1371 ~~or distillery shall obtain an adult beverage business license in accordance with K.C.C.~~  
1372 ~~chapter 6.74)) uses;~~

1373 K. Uses not allowed as home occupation may be allowed as a home industry under  
1374 K.C.C. chapter 21A.30; and

1375 L. The home occupation or occupations may use or store vehicles, as follows:

1376 1. The total number of vehicles for all home occupations shall be:

1377 a. for any lot five acres or less: two;

1378 b. for lots greater than five acres: three; and

1379 c. for lots greater than ten acres: four;

1380 2. The vehicles are not stored within any required setback areas of the lot or on

1381 adjacent streets; and

1382 3. The parking area for the vehicles shall not be considered part of the outdoor

1383 storage area provided for in subsection C. of this section.

1384 SECTION 10. Ordinance 10870, Section 537, as amended, and K.C.C.

1385 21A.30.090 are hereby amended to read as follows:

1386 A resident may establish a home industry as an accessory activity, as follows:

1387 A. The site area is one acre or greater;

1388 B. The area of the dwelling unit used for the home industry does not exceed fifty

1389 percent of the floor area of the dwelling unit.

1390 C. Areas within attached garages and storage buildings shall not be considered part

1391 of the dwelling unit for purposes of calculating allowable home industry area but may be

1392 used for storage of goods associated with the home industry;

1393 D. No more than six nonresidents who work on-site at the time;

1394 E. In addition to required parking for the dwelling unit, on-site parking is provided

1395 as follows:

1396 1. One stall for each nonresident employee of the home industry; and

1397 2. One stall for customer parking;

1398 F. Additional customer parking shall be calculated for areas devoted to the home  
1399 industry at the rate of one stall per:

1400 1. One thousand square feet of building floor area; and

1401 2. Two thousand square feet of outdoor work or storage area;

1402 G. Sales are limited to items produced on-site, except for items collected, traded,  
1403 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1404 H. Ten feet of Type I landscaping are provided around portions of parking and  
1405 outside storage areas that are otherwise visible from adjacent properties or public rights-of-  
1406 way;

1407 I. The department ensures compatibility of the home industry by:

1408 1. Limiting the type and size of equipment used by the home industry to those that  
1409 are compatible with the surrounding neighborhood;

1410 2. Providing for setbacks or screening as needed to protect adjacent residential  
1411 properties;

1412 3. Specifying hours of operation;

1413 4. Determining acceptable levels of outdoor lighting; and

1414 5. Requiring sound level tests for activities determined to produce sound levels  
1415 that may be in excess of those in K.C.C. chapter 12.88;

1416 J. Recreational marijuana processors, recreational marijuana producers, and  
1417 recreational marijuana retailers shall not be allowed as home industry; and

1418 K. Winery, brewery, distillery (~~facility I, II and III~~), and remote tasting room  
1419 uses shall not be allowed as home industry(~~except that home industry adult beverage~~  
1420 ~~businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use~~

1421 ~~permit application before December 31, 2019, shall be considered legally nonconforming~~  
1422 ~~and allowed to remain in their current location subject to K.C.C. 21A.32.020 through~~  
1423 ~~21A.32.075. Such nonconforming businesses remain subject to all other requirements of~~  
1424 ~~this section and all applicable state and local regulations. The resident operator of a~~  
1425 ~~nonconforming winery, brewery or distillery home industry shall obtain an adult~~  
1426 ~~beverage business license in accordance with K.C.C. chapter 6.74)).~~

1427         SECTION 11. Ordinance 10870, Section 547, as amended, and K.C.C.  
1428 21A.32.100 are hereby amended to read as follows:

1429         Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be  
1430 required for any of the following:

1431             A. A use not otherwise permitted in the zone that can be made compatible for a  
1432 period of up to sixty days a year; or

1433             B. The expansion of an established use that :

- 1434                 1. Is otherwise allowed in the zone;
- 1435                 2. Is not inconsistent with the original land use approval;
- 1436                 3. Exceeds the scope of the original land use approval; and
- 1437                 4. Can be made compatible with the zone for a period of up to sixty days a  
1438 year(~~or~~

1439             ~~C. Events at a winery, brewery, distillery facility or remote tasting room that~~  
1440 ~~include one or more of the following activities:~~

- 1441                 ~~1. Exceeds the permitted building occupancy;~~
- 1442                 ~~2. Utilizes portable toilets;~~
- 1443                 ~~3. Utilizes parking that exceeds the maximum number of spaces allowed by this~~

1444 ~~title on site or utilizes off-site parking;~~

1445 ~~4. Utilizes temporary stages;~~

1446 ~~5. Utilizes temporary tents or canopies that require a permit;~~

1447 ~~6. Requires traffic control for public rights-of-way; or~~

1448 ~~7. Extends beyond allowed hours of operation)).~~

1449 SECTION 12. Ordinance 10870, Section 548, as amended, and K.C.C.

1450 21A.32.110 are hereby amended to read as follows:

1451 A. The following uses shall be exempt from requirements for a temporary use  
1452 permit when located in the RB, CB, NB, O<sub>2</sub> or I zones for the time period specified  
1453 below:

1454 1. Uses not to exceed a total of thirty days each calendar year:

1455 a. Christmas tree lots; and

1456 b. Produce stands.

1457 2. Uses not to exceed a total of fourteen days each calendar year:

1458 a. Amusement rides, carnivals, or circuses;

1459 b. Community festivals; and

1460 c. Parking lot sales.

1461 B. Any use not exceeding a cumulative total of two days each calendar year shall  
1462 be exempt from requirements for a temporary use permit.

1463 C. Any community event held in a park and not exceeding a period of seven days  
1464 shall be exempt from requirements for a temporary use permit.

1465 D. Christmas tree sales not exceeding a total of thirty days each calendar year  
1466 when located on Rural Area (RA) zoned property with legally established non-residential  
1467 uses shall be exempt from requirements for a temporary use permit.

1468 ~~((E.1. Events at a winery, brewery, distillery facility II or III shall not require a  
1469 temporary use permit if:~~

1470 ~~a. The business is operating under an active Washington state Liquor and  
1471 Cannabis Board production license issued for their current location before December 31,  
1472 2019, and where King County did not object to the location during the Washington state  
1473 Liquor and Cannabis Board license application process;~~

1474 ~~b. The parcel is at least eight acres in size;~~

1475 ~~c. The structures used for the event maintain a setback of at least one hundred  
1476 fifty feet from interior property lines;~~

1477 ~~d. The parcel is located in the RA zone;~~

1478 ~~e. The parcel has access directly from and to a principal arterial or state  
1479 highway;~~

1480 ~~f. The event does not use amplified sound outdoors before 12:00 p.m. or after  
1481 8:00 p.m.~~

1482 ~~2. Events that meet the provisions in this subsection E. shall not be subject to  
1483 the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than  
1484 an annual average of eight days per month.))~~

1485 SECTION 13. Ordinance 10870, Section 549, as amended, and K.C.C.  
1486 21A.32.120 are hereby amended to read as follows:

1487           Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,  
1488 temporary use permits shall be limited in duration and frequency as follows:

1489           A. The temporary use permit shall be effective for one year from the date of  
1490 issuance and may be renewed annually as provided in subsection D. of this section;

1491           B.~~((1.))~~ The temporary use shall not exceed a total of sixty days in any three-  
1492 hundred-sixty-five-day period. For a winery in the A or RA zones, the temporary use  
1493 shall not exceed a total of two events per month and all parking for the events must be  
1494 accommodated on site. This subsection B.~~((1.))~~ applies only to the days that the event or  
1495 events actually take place(~~(-~~

1496           ~~2. For a winery, brewery, distillery facility II and III in the A zone, the~~  
1497 ~~temporary use shall not exceed a total of two events per month and all event parking must~~  
1498 ~~be accommodated on site or managed through a parking management plan approved by~~  
1499 ~~the director. This subsection B.2. applies only to the days that the event or events~~  
1500 ~~actually take place.~~

1501           ~~3. For a winery, brewery, distillery facility II and III in the RA zone, the~~  
1502 ~~temporary use shall not exceed a total of twenty four days in any three hundred sixty-~~  
1503 ~~five day period and all event parking must be accommodated on site or managed through~~  
1504 ~~a parking management plan approved by the director. This subsection B.3. applies only~~  
1505 ~~to the days that the event or events actually take place.~~

1506           ~~4. For a winery, brewery, distillery facility II in the A or RA zones, in addition~~  
1507 ~~to all other relevant facts, the department shall consider building occupancy and parking~~  
1508 ~~limitations during permit review, and shall condition the number of guests allowed for a~~  
1509 ~~temporary use based on those limitations. The department shall not authorize attendance~~



1510 ~~of more than one hundred fifty guests.~~

1511           5. ~~For a winery, brewery, distillery facility III in the A or RA zones, in addition~~  
1512 ~~to all other relevant facts, the department shall consider building occupancy and parking~~  
1513 ~~limitations during permit review, and shall condition the number of guests allowed for a~~  
1514 ~~temporary use based on those limitations. The department shall not authorize attendance~~  
1515 ~~of more than two hundred fifty guests.~~

1516           6. ~~Events for any winery, brewery, distillery facility I in the RA zone, any~~  
1517 ~~nonconforming winery, brewery, distillery facility home occupation, or any~~  
1518 ~~nonconforming winery, brewery, distillery facility home industry shall be limited to two~~  
1519 ~~per year, and limited to a maximum of fifty guests. If the event complies with this~~  
1520 ~~subsection B.6., a temporary use permit is not required for a special event for a winery,~~  
1521 ~~brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,~~  
1522 ~~brewery, distillery facility or a nonconforming home industry winery, brewery, distillery~~  
1523 ~~facility.~~

1524           7. ~~For a winery, brewery, distillery facility II and III in the RA zone, events~~  
1525 ~~exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use~~  
1526 ~~permit shall not be subject to the provisions of this section));~~

1527           C. The temporary use permit shall specify a date upon which the use shall be  
1528 terminated and removed; and

1529           D. A temporary use permit may be renewed annually for up to a total of five  
1530 consecutive years as follows:

1531           1. The applicant shall make a written request and pay the applicable permit  
1532 extension fees for renewal of the temporary use permit at least seventy days before the  
1533 end of the permit period;

1534           2. The department must determine that the temporary use is being conducted in  
1535 compliance with the conditions of the temporary use permit;

1536           3. The department must determine that site conditions have not changed since  
1537 the original temporary permit was issued; and

1538           4. At least forty-five days before the end of the permit period, the department  
1539 shall notify property owners within five hundred feet of the property boundaries that a  
1540 temporary use permit extension has been requested and contact information to request  
1541 additional information or to provide comments on the proposed extension.

1542           SECTION 14. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010  
1543 are hereby amended to read as follows:

1544           A.1. Civil fines and civil penalties for civil code violations shall be imposed for  
1545 remedial purposes and shall be assessed for each violation identified in a citation, notice  
1546 and order, voluntary compliance agreement, or stop work order pursuant to the following  
1547 schedule:

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

- |  |       |
|--|-------|
| (1) with no previous similar code violations           | \$100 |
| (2) with no previous code violations of K.C.C. chapter | \$125 |

12.86 within the past twelve months

- (3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months \$250
  - (4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months \$500
  - (5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months Double the rate of the previous penalty
- b. citations for violations of winery, brewery, distillery, ~~((facility I, II and III))~~ and remote tasting room use zoning conditions, including but not limited to unapproved events;
- (1) with no previous similar code violations within the past twelve months; \$500
  - (2) with one or more previous similar code violations within the past twelve months; \$1,000
- c. violation of notice and orders and stop work orders:
- (1) stop work order basic penalty \$500
  - (2) voluntary compliance agreement and notice and order basic penalty \$25
  - (3) additional initial penalties may be added in the following amounts for violations where there is:

(a) public health risk	\$15
(b) environmental damage risk	\$15
(c) damage to property risk	\$15
(d) one previous similar code violation	\$25
(e) two previous similar code violations	\$50
(f) three or more previous similar code violations	\$75
(g) economic benefit to person responsible for violation	\$25
d. cleanup restitution payment: as specified in K.C.C. 23.02.140.	
e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:	
(1) first reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order	\$150
(2) second reinspection, which shall occur no sooner than fourteen days following the first reinspection	\$300
(3) third reinspection, which shall occur no sooner than fourteen days following the second reinspection	\$450
(4) reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting	\$450

attorney for the purpose of presenting evidence in the course of  
litigation or administrative hearing against the person  
responsible for code compliance

1548           2. For the purposes of this section, previous similar code violations that can  
1549 serve as a basis for a higher level of civil penalties include violations of the same chapter  
1550 of the King County Code. Any citation, stop work order, or notice and order previously  
1551 issued by the department shall not constitute a previous code violation for the purposes of  
1552 this section if that stop work order or notice and order was appealed and subsequently  
1553 reversed.

1554           B. The penalties assessed pursuant to this section for any failure to comply with a  
1555 notice and order or voluntary compliance agreement shall be assessed daily, according to  
1556 the schedule in subsection A of this section, for the first thirty days following the date the  
1557 notice and order or voluntary compliance agreement required the code violations to have  
1558 been cured. If after thirty days the person responsible for code compliance has failed to  
1559 satisfy the notice and order or voluntary compliance agreement, penalties shall be  
1560 assessed daily at a rate of double the rate for the first thirty days. Penalties may be  
1561 assessed daily until the person responsible for code compliance has fully complied with  
1562 the notice and order.

1563           C. Penalties based on violation of a stop work order shall be assessed, according  
1564 to the schedule in subsection A. of this section, for each day the department determines  
1565 that work or activity was done in violation of the stop work order.

1566           D. Citations and cleanup restitution payments shall only be subject to a one-time  
1567 civil penalty.

1568 E. The director may suspend the imposition of additional civil penalties if the  
1569 person responsible for code compliance has entered into a voluntary compliance  
1570 agreement. If the person responsible for code compliance enters into a voluntary  
1571 compliance agreement and cures the code violations, the director may also waive all or  
1572 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall  
1573 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any  
1574 necessary permits applied for are denied, canceled, or not pursued, or if corrective action  
1575 identified in the voluntary compliance agreement is not completed as specified.

1576 F. The civil penalties in this section are in addition to, and not in lieu of, any  
1577 penalties, sanctions, restitution, or fines provided for in any other provisions of law.

1578 SECTION 15. Map Amendment #1 is hereby adopted, as shown in Attachment A  
1579 to this ordinance.

1580 SECTION 16. The following are hereby repealed:

- 1581 A. Ordinance 19030, Section 3;
- 1582 B. Ordinance 19030, Section 4, and K.C.C. 6.74.010;
- 1583 C. Ordinance 19030, Section 5, and K.C.C. 6.74.020;
- 1584 D. Ordinance 19030, Section 6, and K.C.C. 6.74.030;
- 1585 E. Ordinance 19030, Section 7, and K.C.C. 6.74.040;
- 1586 F. Ordinance 19030, Section 8, and K.C.C. 6.74.050;
- 1587 G. Ordinance 19030, Section 9, and K.C.C. 6.74.060;
- 1588 H. Ordinance 19030, Section 10, and K.C.C. 6.74.070;
- 1589 I. Ordinance 19030, Section 11, and K.C.C. 6.74.080;
- 1590 J. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A;

1591 K. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B;

1592 L. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C;

1593 M. Ordinance 19030, Section 28;

1594 N. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

1595 O. Ordinance 19030, Section 32.

1596 SECTION 17. This ordinance shall be effective on the latter of the following

1597 dates:

1598 A. Sixty-one days after the date of publication of notice of adoption of this

1599 ordinance, as provided in RCW 36.70A.290; or

1600 B. If a petition for review challenging adoption of this ordinance is timely filed with

1601 the growth management hearings board, then thirty-one business days after issuance of the

1602 board's final order of compliance in accordance with RCW 30.70A.300.

1603 SECTION 18. Severability. If any provision of this ordinance or its application

1604 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1605 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Dave Upthegrove, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Map Amendment #1 - Remote Tasting Room Demonstration Project A Repeal



## Attachment A

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## Map Amendment # 1- Remote Tasting Room Demonstration Project A Repeal

### Sammamish Valley near the City of Woodinville

#### AMENDMENT TO THE KING COUNTY ZONING ATLAS

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






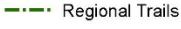



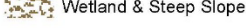
#### ZONING

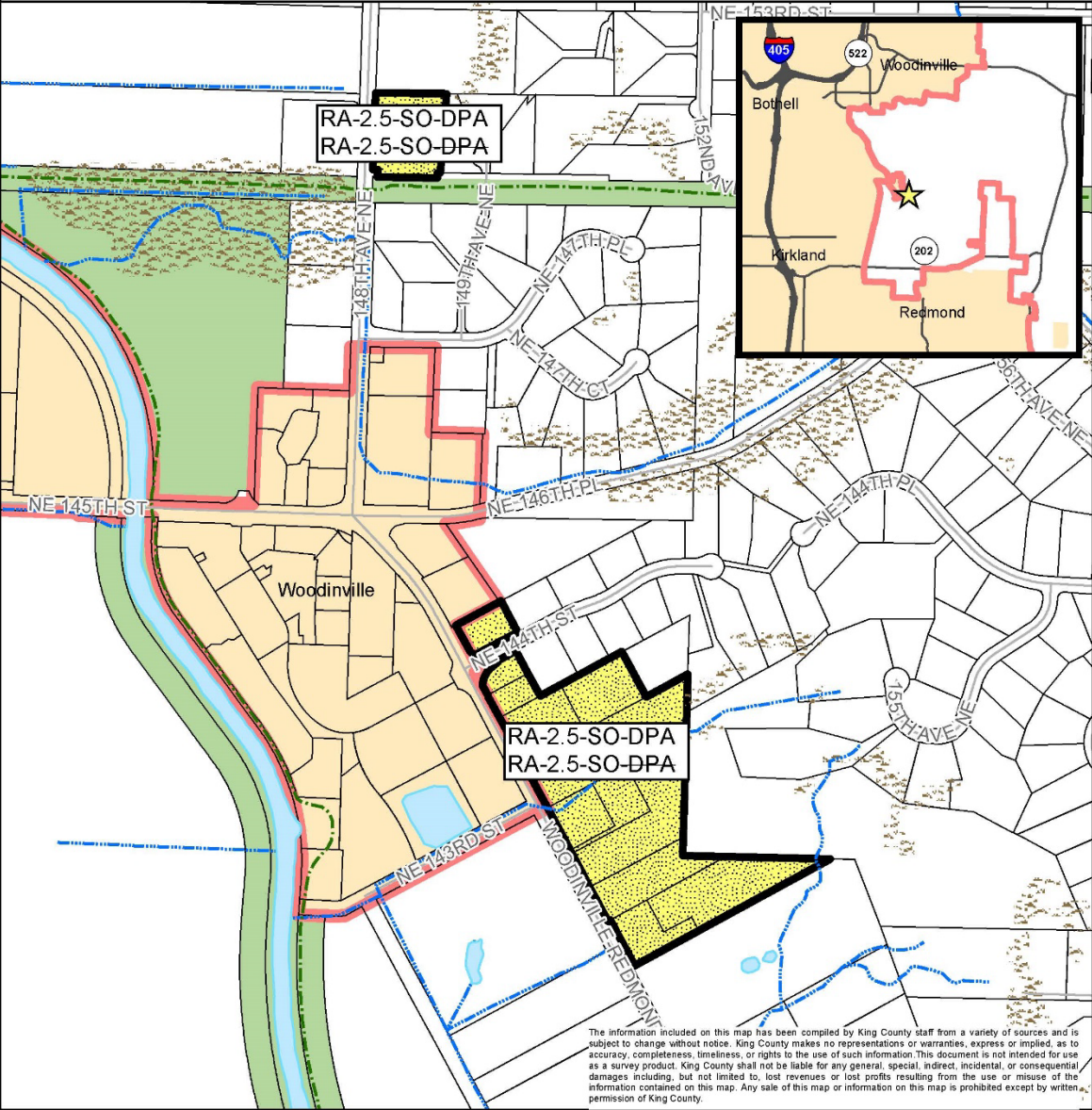
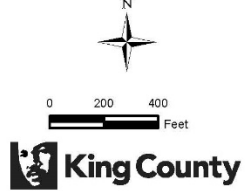
Repeal the Demonstration Project (-DPA) established in Ordinance 19030, Section 28 and 29, and remove the -DPA designation from the following parcels. Make no other changes to the land use designation or zoning:

Parcel	Current Zoning	Area
2481600120	RA-2.5	Sammamish Valley
3404700026	RA-2.5	Sammamish Valley
3404700027	RA-2.5	Sammamish Valley
3404700030	RA-2.5-SO	Sammamish Valley
3404700031	RA-2.5-SO	Sammamish Valley
3404700035	RA-2.5-SO	Sammamish Valley
3404700040	RA-2.5-SO	Sammamish Valley
3404700041	RA-2.5-SO	Sammamish Valley
3404700043	RA-2.5-SO	Sammamish Valley
3404700050	RA-2.5-SO	Sammamish Valley
3404700055	RA-2.5-SO	Sammamish Valley
3404700057	RA-2.5-SO	Sammamish Valley
3407700006	RA-2.5-SO	Sammamish Valley

**Effect:** Amends the zoning atlas to repeal the Remote Tasting Room Demonstration Project A to all or a portion of 13 parcels within the Sammamish Valley near the City of Woodinville.

# Map Amendment #1 - Remote Tasting Room Demonstration Project Overlay A Repeal

-  Study Area
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



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