



## Legislation Details (With Text)

**File #:** 2013-0472      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:**      **In control:** Committee of the Whole

**On agenda:**      **Final action:** 12/9/2013

**Enactment date:** 12/19/2013      **Enactment #:** 17710

**Title:** AN ORDINANCE relating to zoning; amending Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 and Ordinance 10870, Section 537, as amended, and K.C.C.21A.30.090, adding new sections to K.C.C. chapter 21A.06 and adding a new section to K.C.C. chapter 21A.32.

**Sponsors:** Larry Gossett

**Indexes:** Marijuana, Zoning

**Code sections:** 21A.06 -, 21A.06.040 -, 21A.08.070 -, 21A.08.090 -, 21A.30.080 -, 21A.30.085 -, 21A.30.090 -

**Attachments:** 1. Ordinance 17710.pdf, 2. 2013-0472 legislative review form.pdf, 3. 2013-0472 transmittal letter.pdf, 4. 2013-0472 fiscal note.xls, 5. 2013-0472 Department of Commerce Letter.pdf, 6. 2013-0472 summary table.DOCX, 7. 2013-0472 Regulatory Note.doc, 8. 2013-0472 Plain Language Summary.doc, 9. 2013-0472 Harry Reinert Email.pdf, 10. 2013-0472 Draft Notice.doc, 11. 2013-0472 Notice re zoning - marijuana new section to Chapter 21A06 hearing notice.doc, 12. Revised Staff Report 11-20-13.docx, 13. Amend 1 - CUP all uses.docx, 14. Amend 5 - (PCUP no outdoors) cmj edits (2).docx, 15. Amend 6 - (CUP- no outdoors) cmj edits (2).docx, 16. Amend 7 - (CUP yes outdoors) cmj edits (3).docx, 17. Amend 8 - (CUP I zone condition).docx, 18. 2013-0472 correspondence.pdf, 19. Amendment package for 17710 12-9-13.pdf, 20. 17710 and 17725 -- 2013-0472 and 2013-0524 Notice of Adoption a.pdf, 21. 2013-0472 re zoning - Affidavit of Publicatoin - Seattle Times.pdf

Date	Ver.	Action By	Action	Result
12/9/2013	2	Metropolitan King County Council	Passed as Amended	Pass
12/2/2013	2	Metropolitan King County Council	Hearing Held	
12/2/2013	2	Metropolitan King County Council	Deferred	
11/20/2013	1	Committee of the Whole	Recommended Do Pass Substitute	Pass
11/4/2013	1	Committee of the Whole	Deferred	
10/28/2013	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/23/2013

AN ORDINANCE relating to zoning; amending Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C.

21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 and Ordinance 10870, Section 537, as amended, and K.C.C.21A.30.090 and adding new sections to K.C.C. chapter 21A.06.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040 are each hereby amended to read as follows:

Agricultural product sales: the retail sales of items resulting from the practice of agriculture, including primary horticulture products such as fruits, vegetables, grains, seed, feed and plants, primary animal products such as eggs, milk and meat, or secondary and value added products resulting from processing, sorting or packaging of primary agricultural products such as jams, cheeses, dried herbs or similar items. Agricultural product sales do not include marijuana, usable marijuana or marijuana-infused products.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Marijuana: all parts of the plant cannabis, whether growing or not, with a percentage concentration of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant cannabis, or per volume or weight of marijuana product greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06 a new section to read

as follows:

Marijuana greenhouse: a structure with a glass or rigid plastic roof and glass or rigid plastic walls designed and used to create an artificial climate for the growing of marijuana as licensed by the Washington state Liquor Control Board for the marijuana production that is of sufficient strength and stability to comply with the structural design load requirements of the building code and that is not used as a place for human habitation or by the general public.

NEW SECTION. SECTION 4 There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Marijuana processor, recreational: a facility licensed by the Washington state Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. Recreational marijuana processors are classified as follows:

- A. Recreational marijuana processor I -- processing which is limited to:
  - 1. Drying, curing, and trimming; and
  - 2. Packaging.
- B. Recreational marijuana processor II -- all elements of processing including:
  - 1. All recreational marijuana processor I activities;
  - 2. Extracting concentrates and infusing products;
  - 3. Mechanical and chemical processing; and
  - 4. Packaging.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 7. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

A. Retail land uses.

KEY		RESOURCE			RUR A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL			
P-Permitted Use	Z O N E	A	F	M	R	U R	U R	N B	C B	R B	O I	
C-Conditional Use		G	O	I	U	R E	R E	E U	O U	E U	F N	
S-Special Use		R	R	N	R	B S	B S	I S	M S	G S	F D	
		I	E	E	A	A E	A I	G I	M I	I I	I U	
		C	S	R	L	N R	N D	H N	U N	O N	C S	
		U	T	A		V	E	B E	N E	N E	E T	
		L		L	A	E	N	O S	I S	A S	R	
		T			R		T	R S	T S	L S	I	
		U			E		I	H	Y		A	
		R			A		A	O			L	
		E					L	O				
								D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-	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						C14 a	P14	P5	P	P	
54	Food Stores						C15 a	P15	P	P	P	C P6
*	Agricultural Product Sales	P7	C7	P4	P7	C7	P3	P3	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24		P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8	P
553	Auto Supply Stores									P9	P9	P
554	Gasoline Service Stations								P	P	P	P
56	Apparel and Accessory Stores									P	P	
*	Furniture and Home Furnishings Stores									P	P	

58	Eating and Drinking Places			P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Drug Stores					C15	P15	P	P	P	C	
*	Recreational marijuana retailer								P26	P26		
592	Liquor Stores	P13		P13	P13			P13	P	P		
593	Used Goods: Antiques/ Secondhand Shops								P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores					C15 a	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					C15 a	P15	P	P	P	P	
*	Personal Medical Supply Stores								P	P		
*	Pet Shops							P	P	P		
*	Bulk Retail								P	P		
*	Auction Houses									P12		P
*	Livestock Sales	P17	P17	P17	P17	P17 and 18						P
<b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Revi K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A												

**B. Development conditions.**

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

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

- c. Sales may include locally made arts and crafts; and
  - d. Outside lighting is permitted if no off-site glare is allowed.
2. Only hardware stores.
- 3.a. Limited to products grown on site.
  - b. Covered sales areas shall not exceed a total area of five hundred square feet.
4. No permanent structures or signs.
5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
6. Limited to a maximum of five thousand square feet of gross floor area.
- 7.a. As a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;
  - b. The site area shall be at least four and one-half acres;
  - c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;
  - d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;
  - e. Sales shall be limited to agricultural products and locally made arts and crafts;
  - f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and
  - g. Outside lighting is permitted if no off-site glare is allowed.
8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.

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

11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

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

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

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

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

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

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

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

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

18. Limited to the R-1 zone.

19. Only as:

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

b. an accessory use to a large active recreation and multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory use to a large active recreation and multiuse park; or

b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

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

22. Only as an accessory use to:

a. a large active recreation and multiuse park in the urban growth area; or

b. a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.

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

a. limited to lumber milled on site; and

b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

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

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

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

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

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

26. Limited to a maximum of five thousand square feet of gross floor area devoted to, and in support







agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

h. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

2. Except slaughterhouses.

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

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

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres;

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

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

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

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

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

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

6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and No. 2431-Millwork,

(excluding planing mills).

7. Limited to photocopying and printing services offered to the general public.
8. Only within enclosed buildings, and as an accessory use to retail sales.
9. Only within enclosed buildings.
10. Limited to boat building of craft not exceeding forty-eight feet in length.
11. For I-zoned sites located outside the urban growth area designated by the King County

Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

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

(2) On Vashon-Maury Island, the total floor area of structures for wineries, breweries and distilleries and any accessory uses may not exceed six thousand square feet, including underground storage;

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

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

e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet

from property lines adjacent to rural area and residential zones, unless the processing is located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

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

h. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.12.b<sub>2</sub> of this section.

13. Limited to source separated organic waste processing facilities at a scale appropriate to process the organic waste generated in the agricultural zone.

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

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

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

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

a. as accessory to a primary mineral use; or

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

16. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

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

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

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

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

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

19. Limited to:

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

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

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

c. The gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of ten thousand square feet or may occur in structures that are not dwelling units and that exist as of October 1, 2013.

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

b. The gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of ten thousand square feet.

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

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

24.a. Only in the CB and RB zones located inside the urban growth area and in the UR zone in the Redmond Ridge Urban Planned Development/Fully Contained Community on sites designated as business park under the agreement as authorized by the Northridge Development Agreement; and

b. The gross floor area devoted to the use of, and in support of, processing marijuana shall be limited to a maximum of ten thousand square feet.

25. a. Only in the CB and RB zones located inside the urban growth area and in the UR zone in the

Redmond Ridge Urban Planned Development/Fully Contained Community on sites designated as business park under the agreement as authorized by the Northridge Development Agreement; and

b. The gross floor area devoted to the use of, and in support of, processing marijuana shall be limited to a maximum of thirty thousand square feet.

26. Limited to a maximum of thirty thousand square feet of gross floor area devoted to, and in support of, the processing of marijuana.

SECTION 9. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby amended to read as follows:

A. Resource land uses.

KEY		RESOURCE				R U R A L		RESIDENTIAL			COMMERCIAL/INDUSTRIAL			
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C B	R B	O I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O U	E U	F N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M S	G S	F D
	O	I	E	E	A	A	E	A	I	G	I	M I	I I	I U
	N	C	S	R	L	N	R	N	D	H	N	U N	O N	C S
	E	U	T	A			V	E	B	E	N E	N E	E T	
		L		L	A		E	N	O	S	I S	A S	R	
		T			R				T	R	S	T S	L S	I
		U			E				I	H	Y			A
		R			A				A	O				L
		E							L	O				
										D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	NB	CB	RB	O	I	
	<b>AGRICULTURE:</b>													
01	Growing and Harvesting Crops	P	P		P	P							P	
02	Raising Livestock and Small Animals	P	P		P	P	P6						P	
*	Recreational marijuana producer	P15			P16 C17	P18 C19				P18 C19	P18 C19		P20	
*	Agriculture Training Facility	C10												
*	Agriculture-related special needs camp	P12												
*	Agricultural Anaerobic Digester	P13												

	<b>FORESTRY:</b>													
08	Growing & Harvesting Forest Production	P	P	P7	P		P							P
*	Forest Research		P		P		P						P2	P
	<b>FISH AND 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>													
10,12,14	Mineral Extraction and Processing			P9 C	P C1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block			P8 C	P8 C									P
	<b>ACCESSORY USES:</b>													
*	Resource Accessory Uses	P3	P4	P5	P3		P3							P4
*	Temporary Farm Worker Housing	P14	P14		P14									
<b>GENERAL CROSS REFERENCES:</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Def chapter 21A.06.												

B. Development conditions.

1. May be further subject to K.C.C. Title 25, Shoreline Management.
2. Only forest research conducted within an enclosed building.
3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.

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

a. as accessory to a primary mineral extraction use;

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

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

16.82.152.

9. Limited to mineral extraction and processing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) passive recreation;

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

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

(4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e<sub>2</sub> of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local

food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

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

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural

and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;

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

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

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

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

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

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

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

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

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

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

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

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles

are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility.

Client-specific motorized personal mobility devices are allowed; and

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

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

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

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

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

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

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

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

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

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

d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as

accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

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

a. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are not dwelling units and that exist as of October 1, 2013, subject to the size limitations in subsection B.15.b. of this section;

b. The plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum of ten thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in structures that are not dwelling units and that exist as of October 1, 2013; and

c. Outdoor production area fencing as required by the Washington state Liquor Control Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet.

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

a. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are not dwelling units and that exist as of October 1, 2013, subject to the size limitations in subsection B.16.b. of this section;

b. The plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum of ten thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in structures that are not dwelling units and that exist as of October 1, 2013;

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

d. Outdoor production area fencing as required by the Washington state Liquor Control Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet.

17. Marijuana production by marijuana producers licensed by the Washington state Liquor Control Board is subject to the following standards:

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

b. The plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum of thirty thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area; and

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

18.a.(1) Production is limited to indoor only; and

(2) The plant canopy, as defined in WAC 314-55-010, shall be limited to a maximum of ten thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy.

b. In the UR zone, only allowed in the Redmond Ridge Urban Planned Development/Fully Contained Community on sites designated as business park under the agreement as authorized by the Northridge Development Agreement.

19. a.(1) Production is limited to indoor only; and

(2) The plant canopy, as defined in WAC 314-55-010, shall be limited to a maximum of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy.

b. In the UR zone, only allowed in the Redmond Ridge Urban Planned Development/Fully

Contained Community on sites designated as business park under the agreement as authorized by the Northridge Development Agreement..

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

b. The plant canopy, as defined in WAC 314-55-010, shall be limited to a maximum of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy.

SECTION 10. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are each hereby amended to read as follows:

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

A. The total (~~([floor])~~) floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the floor area of the dwelling unit.

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

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

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

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

1. Automobile, truck and heavy equipment repair;
2. Autobody work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;

5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services; (~~and~~)
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in ((~~h}ome~~)) home occupation;
9. Veterinary clinic; and
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer;

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

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

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery; and
3. Items accessory to a service provided to patrons who receive services on the premises;

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

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

1. No more than one such a vehicle is allowed; and
2. The vehicle is not stored within any required setback areas of the lot or on adjacent streets; and
3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

J. The home occupation or occupations do not:

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

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

K. There shall be no exterior evidence of a home occupation, other than growing or storing of plants under subsection C. of this section or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;

L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

M. Uses not allowed as home occupations may be allowed as a home industry under K.C.C. 21A.30.090.

SECTION 11. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are each hereby amended to read as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

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

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

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

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

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

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

1. No less than twenty-five feet from any property line; and
2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by

the:

- a. planting of Type II landscape buffering; or
- b. use of existing vegetation that meets or can be augmented with additional plantings to meet the

intent of Type II landscaping.

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

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

1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the

following:

- a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);
- b. electronics and appliances (NAICS Code 443); and
- c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
  2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
  3. Increase average vehicular traffic by more than four additional vehicles at any given time;
- I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
- J. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:
1. Hotels, motels or organizational lodging;
  2. Dry cleaning: ~~((and))~~
  3. Automotive towing services, automotive wrecking services and tow-in parking lots; and
  4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer.
- K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and
- L. The home occupation or occupations may use or store vehicles, as follows:
1. The total number of vehicles for all home occupations shall be:
    - a. for any lot five acres or less: two;
    - b. for lots greater than five acres: three; and
    - c. for lots greater than ten acres: four;
  2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and
  3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section.

SECTION 12. Ordinance 10870, Section 537, as amended, and K.C.C.21A.30.090 are each hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

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

1. One stall for each ~~((non-resident))~~ nonresident employee of the home industry; and
2. One stall for customer parking;

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

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

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

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

~~((H))~~ I. The department ensures compatibility of the home industry by:

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

2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88; and

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

SECTION 13. Pursuant to K.C.C. 20.44.080, the metropolitan King County council finds that the requirements for environmental analysis, protections and mitigation measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 14. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

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