



4/20/22

Ordinance 2 Striker – v2

[E. Auzins]

Sponsor: Perry

Proposed No.: 2022-0148

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2022-0148, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 16, line 344, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. The Washington state Growth Management Act ("GMA"), including RCW
7 36.70A.130, requires that King County take action to review, and if needed, revise its
8 Comprehensive Plan and development regulations implementing the Comprehensive
9 Plan.

10 B. Ordinance 19030 established updated regulations for winery, brewery,
11 distillery ("WBD") facilities and remote tasting rooms in unincorporated King County.

12 C. Ordinance 19030 was challenged to the Central Puget Sound Growth
13 Management Hearings Board ("the board").

14 D. The board held a hearing on the merits of the petitioner's appeal to Ordinance
15 19030 on November 17, 2021.

16 E. On January 3, 2022, the board issued its Final Decision and Order for Case No.
17 20-3-0004c ("the board's January 2022 order"), which granted the appeal based on SEPA
18 and GMA grounds and invalidated Ordinance 19030, Sections 12 through 30, and map

19 amendments 1 and 2, which were Attachments A and B to Ordinance 19030. Those
20 sections included definitions, zoning conditions, parking requirements, temporary use
21 permit clarifications, home occupation and home industry limitations and a
22 demonstration project. The board's January 2022 order also remanded Ordinance 19030
23 to the county to take actions to bring it into compliance.

24 F. Ordinance XXXXX (Proposed Ordinance 2022-0147) responds to the board's
25 January 2022 order with several substantive changes, including changes to improve the
26 protection of agricultural lands and agricultural production districts, protection and
27 enhancement of rural character, and strengthening the licensing program, among other
28 changes.

29 G. The Comprehensive Plan addresses the GMA's requirement to plan for
30 industrial uses; Policy ED-211 encourages the county to "support programs and strategies
31 to preserve and plan for an adequate supply of industrial and commercial land," including
32 through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land
33 and the rezoning of industrial land to other uses." This ordinance recognizes that
34 although King County has a finite amount of industrial land available, at their highest
35 levels of intensity, some WBD businesses can grow to a level of mechanization, volume
36 and intensity suited for the Industrial zone, but avoids funneling smaller, less
37 mechanized, community-serving businesses into the county's limited Industrial zoned
38 areas. Those smaller scale WBD uses are appropriately placed in more aesthetically
39 pleasing areas, where rural community consumers and visitors to the county's many
40 regional recreation and tourism opportunities can support economic success. This
41 ordinance aims to avoid bringing low-impact, low-intensity WBD uses into limited

42 Industrial zone spaces that are reserved for more intensive industrial uses.

43 H. This ordinance builds on Ordinance XXXXX (Proposed Ordinance 2022-
44 0147) in several ways:

- 45 1. Allows WBD I, II and IIIs within the UR zone, consistent with the
46 development regulations in the RA zone;
- 47 2. Adds a separation requirement for WBD IIs and IIIs in the RA and UR zones,
48 to avoid impacts of clustering these uses;
- 49 3. Allows wineries in the Industrial zone; and
- 50 4. Limits the tasting and retail hours of operation for WBD IIs and IIIs in the
51 RA and UR zones..

52 SECTION 2. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 4,
53 and K.C.C. 21A.xx.xxx are hereby amended to read as follows:

54 For any winery, brewery, distillery facility I, II or III, excluding those on Vashon-
55 Maury Island, the following standards shall apply:

56 A. In the RA zones:

- 57 1. For winery, brewery, distillery facility I:
 - 58 a. The aggregated floor area of structures and areas for winery, brewery,
59 distillery facility uses shall not exceed one thousand five hundred square feet;
 - 60 b. Structures, parking areas and impervious surfaces associated with winery,
61 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
62 from interior property lines adjoining agricultural, rural area and residential zones, unless
63 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
64 of the review for a winery, brewery, distillery facility use approved through a conditional

65 use permit, the director may reduce this setback for existing structures, considering the
66 following factors:

67 (1) proximity of the winery, brewery, distillery facility use to neighboring
68 residential uses and other winery, brewery, distillery facility uses;

69 (2) sufficient existing or proposed landscape screening between the winery,
70 brewery, distillery facility use and adjacent uses;

71 (3) anticipated impacts to neighboring residential uses such as noise or odor;
72 and

73 (4) parcel size, topography and proximity to critical areas;

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

76 d. In addition to an approved Washington state Liquor and Cannabis Board
77 production license, at least two stages of production of wine, beer or distilled spirits,
78 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
79 aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of
80 production occurring on-site shall include crushing or milling, pressing, fermenting or
81 distilling;

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

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

86 g. Distilleries may not be located within a basin that is closed or partially
87 closed to new surface water or groundwater withdrawals by the Department of Ecology.

88 2. For winery, brewery, distillery facility II:

89 a. Only allowed on lots of at least two and one-half acres, except that for sites

90 that contain a building designated as historic resource under K.C.C. chapter 20.62, only

91 allowed on lots of at least two acres;

92 b. The aggregated floor area of structures and areas for winery, brewery,

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

94 located wholly within a structure designated as historic resource under K.C.C. chapter

95 20.62, in which case the aggregated floor area of structures devoted to winery, brewery,

96 distillery facility uses shall not exceed seven thousand square feet;

97 c. Structures, parking areas and impervious surfaces associated with winery,

98 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet

99 from interior property lines adjoining agricultural, rural area and residential zones. As

100 part of the review for a winery, brewery, distillery facility use approved through a

101 conditional use permit, the director may reduce this setback for existing structures,

102 considering the following factors:

103 (1) proximity of the winery, brewery, distillery facility use to neighboring

104 residential uses and other winery, brewery, distillery facility uses;

105 (2) sufficient existing or proposed landscape screening between the winery,

106 brewery, distillery facility use and adjacent uses;

107 (3) anticipated impacts to neighboring residential uses such as noise or odor;

108 and

109 (4) parcel size, topography and proximity to critical areas;

110 d. In addition to an approved Washington state Liquor and Cannabis Board
111 production license, at least three stages of production of wine, beer or distilled spirits,
112 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
113 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
114 on-site production shall include crushing or milling, pressing, fermenting or distilling.
115 At the time of the initial or renewal of the winery, brewery, distillery land use business
116 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
117 that demonstrates that the equipment on-site is sufficient to produce the quantity of
118 products sold on-site required by this subsection A.2.d. and that the on-site tasting and
119 retail sales requirements in subsection A.2.e. are met;

120 e.(1) Tasting and retail sales of products is limited to those produced on-site, as
121 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
122 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
123 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
124 occur only as accessory to the primary winery, brewery, distillery production use;

125 (2) The area devoted to on-site tasting or retail sales shall be limited to no
126 more than twenty percent of the aggregated floor area and shall be included in the
127 aggregated floor area limitation in subsection A.2.b. of this section;

128 (3) The limitation on area devoted to tasting and retail sales of products
129 produced on-site shall not apply on sites that contain a building designated as historic
130 resource under K.C.C. chapter 20.62;

131 (4) Incidental retail sales of merchandise related to the products produced on-
132 site is allowed subject to the restrictions described in this subsection A.2, and the area

133 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
134 sales area.

135 (5) Incidental retail sales of merchandise is limited to no more than twenty
136 percent of annual gross sales on a three-year average, and at the time of the initial or
137 renewal of the winery, brewery, distillery land use business license application under
138 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
139 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
140 and for renewals, documentation of previous years sales to demonstrate compliance with
141 the twenty percent of annual gross sales limit on a three-year average; and

142 (6) Hours of operation for on-site tasting and retail sales of products shall be
143 limited to 11:00 a.m. through ~~((8:00))~~ 6:00 p.m. daily;

144 f. Access to the site shall be directly to and from an arterial roadway, except
145 that the department may authorize a winery, brewery, distillery facility use with access
146 directly to and from a public roadway if the winery, brewery, distillery facility use
147 obtains a conditional use permit;

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

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

153 i. All requirements of K.C.C. Title 9, Surface Water Management, and the
154 adopted King County Surface Water Design Manual shall be met for construction and
155 operation of the winery, brewery, distillery facility;

156 j.(1) Wineries, breweries and distilleries shall comply with Washington state
157 Department of Ecology and King County board of health regulations for water usage and
158 wastewater disposal, and shall connect to a Group A or Group B water system. The
159 definitions and limits of Group A and Group B water systems are described in K.C.C.
160 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140
161 and 13.24.142; and

162 (2) Distilleries may not be located within a basin that is closed or partially
163 closed to new surface water or groundwater withdrawals by the Washington state
164 Department of Ecology; ~~(and)~~

165 k. Wineries, breweries, and distilleries must comply with all commercial septic
166 system regulations and shall not be connected to a sewer system; and

167 l. Any lot line of a site having any area devoted to a winery, brewery or
168 distillery use shall be one thousand feet or more from any lot line of any other site having
169 any area devoted to a winery, brewery, or distillery use in the RA or UR zone. Whether a
170 new winery, brewery, distillery facility use complies with this locational requirement
171 shall be determined based on the date a building, grading, or conditional use permit
172 application submitted to the department of local services, permitting division, specifically
173 identifying a winery, brewery or distillery as the intended use became or was deemed
174 complete, and:

175 (1) if permit applications were submitted for more than one proposed winery,
176 brewery, distillery facility use on the same date, as described in subsection (d), or if more
177 than one permit application for a proposed winery, brewery, distillery use became or was
178 deemed complete on the same date, then the director shall determine compliance based

179 on the date the Washington state Liquor and Cannabis Board issues a Notice of
180 Application to King County;

181 (2) if more than one Washington State Liquor Cannabis Board Notice of
182 Application is issued to King County on the same date, then the director shall determine
183 compliance based on the date a current complete winery, brewery, distillery land use
184 business license application was submitted; and

185 (3) if a winery, brewery distillery land use business license application was
186 not submitted or more than one current winery, brewery, distillery land use business
187 license application was submitted, then the director shall determine compliance based on
188 the totality of the circumstances, including, but not limited to, the date that a license
189 application was submitted to the Washington state Liquor and Cannabis Board
190 identifying the lot at issue, the date that the applicant entered into a lease or purchased the
191 lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
192 illustrating the timing of substantial investment in establishing a licensed winery,
193 brewery, distillery facility use at the proposed location.

194 3. For winery, brewery, distillery facility III:

195 a. The aggregated floor area of structures and areas for winery, brewery,
196 distillery facility uses shall not exceed a total of eight thousand square feet;

197 b. Only allowed on lots of at least four and one-half acres. If the aggregated
198 floor area of structures for winery, brewery, distillery uses exceeds five thousand square
199 feet, the minimum site area shall be ten acres;

200 c. Wineries, breweries and distilleries shall comply with Washington state
201 Department of Ecology and King County board of health regulations for water usage and

202 wastewater disposal, and shall connect to a Group A water system. The definitions and
203 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
204 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

205 d. Structures, parking areas and impervious surfaces associated with winery,
206 brewery distillery facility uses shall maintain a minimum distance of seventy-five feet
207 from interior property lines adjoining agricultural, rural area and residential zones, unless
208 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
209 of the review for a winery, brewery, distillery facility use approved through a conditional
210 use permit, the director may reduce this setback for existing structures, considering the
211 following factors:

212 (1) proximity of the winery, brewery, distillery facility use to neighboring
213 residential uses and other winery, brewery, distillery facility uses;

214 (2) sufficient existing or proposed landscape screening between the winery,
215 brewery, distillery facility use and adjacent uses;

216 (3) anticipated impacts to neighboring residential uses such as noise or odor;
217 and

218 (4) parcel size, topography and proximity to critical areas;

219 e. In addition to an approved Washington state Liquor and Cannabis Board
220 production license, at least three stages of production of wine, beer or distilled spirits,
221 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
222 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
223 on-site production shall include crushing or milling, pressing, fermenting or distilling. At
224 the time of the initial or renewal of the winery, brewery, distillery land use business

225 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
226 that demonstrates that the equipment on-site is sufficient to produce the quantity of
227 products sold on-site required by this subsection A.3.e. and the on-site tasting and retail
228 sales requirements in subsection A.3.f. are met;

229 f.(1) Tasting and retail sales of products is limited to those produced on-site, as
230 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
231 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
232 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
233 occur only as accessory to the primary winery, brewery, distillery production use;

234 (2) The area devoted to on-site tasting or retail sales shall be limited to no
235 more than twenty percent of the aggregated floor area and shall be included in the
236 aggregated floor area limitation in subsection A.2.b. of this section;

237 (3) The limitation on area devoted to tasting and retail sales of products
238 produced on-site shall not apply on sites that contain a building designated as historic
239 resource under K.C.C. chapter 20.62;

240 (4) Incidental retail sales of merchandise related to the products produced on-
241 site is allowed subject to the restrictions described in this subsection A.2, and the area
242 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
243 sales area.

244 (5) Incidental retail sales of merchandise is limited to no more than twenty
245 percent of annual gross sales on a three-year average, and at the time of the initial or
246 renewal of the winery, brewery, distillery land use business license application under
247 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail

248 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
249 and for renewals, documentation of previous years sales to demonstrate compliance with
250 the twenty percent of annual gross sales limit on a three-year average; and

251 (6) Hours of operation for on-site tasting and retail sales of products shall be
252 limited to 11:00 a.m. through ~~((8:00))~~ 6:00 p.m. daily;

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

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

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

259 j. All requirements of Title 9, Surface Water Management, and the adopted
260 King County Surface Water Design Manual shall be met for construction and operation
261 of the winery, brewery, distillery facility; ~~((and))~~

262 k. Wineries, breweries, and distilleries must comply with all commercial septic
263 system regulations and shall not be connected to a sewer system; and

264 l. Any lot line of a site having any area devoted to a winery, brewery, or
265 distillery use shall be one thousand feet or more from any lot line of any other site having
266 any area devoted to a winery, brewery, or distillery use in the RA or UR zone. Whether a
267 new winery, brewery, distillery facility use complies with this locational requirement
268 shall be determined based on the date a building, grading, or conditional use permit
269 application submitted to the department of local services, permitting division, specifically

270 identifying a winery, brewery or distillery as the intended use became or was deemed
271 complete, and:

272 (1) if permit applications were submitted for more than one proposed winery,
273 brewery, distillery facility use on the same date, as described in subsection (d), or if more
274 than one permit application for a proposed winery, brewery, distillery use became or was
275 deemed complete on the same date, then the director shall determine compliance based
276 on the date the Washington state Liquor and Cannabis Board issues a Notice of
277 Application to King County;

278 (2) if more than one Washington State Liquor Cannabis Board Notice of
279 Application is issued to King County on the same date, then the director shall determine
280 compliance based on the date a current complete winery, brewery, distillery land use
281 business license application was submitted; and

282 (3) if a winery, brewery distillery land use business license application was
283 not submitted or more than one current winery, brewery, distillery land use business
284 license application was submitted, then the director shall determine compliance based on
285 the totality of the circumstances, including, but not limited to, the date that a license
286 application was submitted to the Washington state Liquor and Cannabis Board
287 identifying the lot at issue, the date that the applicant entered into a lease or purchased the
288 lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
289 illustrating the timing of substantial investment in establishing a licensed winery,
290 brewery, distillery facility use at the proposed location.

291 B. In the NB and CB zones:

292 1. For winery, brewery, distillery facility II:

293 a. The aggregated floor area of structures and areas for winery, brewery,
294 distillery facility uses shall not exceed three thousand five hundred square feet, unless
295 located wholly within a structure designated as historic resource under K.C.C. chapter
296 20.62, in which case the aggregated floor area of structures and areas devoted to winery,
297 brewery, distillery facility uses shall not exceed five thousand square feet;

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

302 c. The area devoted to on-site tasting or retail sales shall be included in the
303 aggregated floor area limitation in subsection B.1.a. of this section; and

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

306 2. For winery, brewery, distillery facility III:

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

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

313 C. In the RB zone:

314 1. For winery, brewery, distillery facility III:

315 a. Structures, parking areas and impervious surfaces associated with winery,

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

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

321 D. In the I zone:

322 1. For winery, brewery, distillery facility III:

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

326 ~~b.))~~ The area devoted to on-site tasting or retail sales shall not exceed one
327 thousand five hundred square feet;

328 ~~((e.))~~ b. Structures, parking areas and impervious surfaces associated with
329 brewery and distillery facility uses shall maintain a minimum distance of seventy-five
330 feet from interior property lines adjoining agricultural, rural area and residential zones,
331 unless located in a building designated as historic resource under K.C.C. chapter 20.62;
332 and

333 ~~((f.))~~ c. Off-street parking for the tasting and retail areas shall be limited to a
334 maximum of one space per fifty square feet of tasting and retail areas.

335 E. In the UR zone:

336 1. For winery, brewery, distillery facility I:

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

339 b. Structures, parking areas and impervious surfaces associated with winery,
340 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
341 from interior property lines adjoining agricultural, rural area and residential zones, unless
342 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
343 of the review for a winery, brewery, distillery facility use approved through a conditional
344 use permit, the director may reduce this setback for existing structures, considering the
345 following factors:

346 (1) proximity of the winery, brewery, distillery facility use to neighboring
347 residential uses and other winery, brewery, distillery facility uses;

348 (2) sufficient existing or proposed landscape screening between the winery,
349 brewery, distillery facility use and adjacent uses;

350 (3) anticipated impacts to neighboring residential uses such as noise or odor;
351 and

352 (4) parcel size, topography and proximity to critical areas;

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

355 d. In addition to an approved Washington state Liquor and Cannabis Board
356 production license, at least two stages of production of wine, beer or distilled spirits,
357 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
358 aging, finishing, or bottling or packaging shall occur on-site. At least one of the stages of
359 production occurring on-site shall include crushing or milling, pressing, fermenting or
360 distilling;

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

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

365 g. Distilleries may not be located within a basin that is closed or partially
366 closed to new surface water or groundwater withdrawals by the Department of Ecology.

367 2. For winery, brewery, distillery facility II:

368 a. Only allowed on lots of at least two and one-half acres, except that for sites
369 that contain a building designated as historic resource under K.C.C. chapter 20.62, only
370 allowed on lots of at least two acres;

371 b. The aggregated floor area of structures and areas for winery, brewery,
372 distillery facility uses shall not exceed three thousand five hundred square feet, unless
373 located wholly within a structure designated as historic resource under K.C.C. chapter
374 20.62, in which case the aggregated floor area of structures devoted to winery, brewery,
375 distillery facility uses shall not exceed seven thousand square feet;

376 c. Structures, parking areas and impervious surfaces associated with winery,
377 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
378 from interior property lines adjoining agricultural, rural area and residential zones. As
379 part of the review for a winery, brewery, distillery facility use approved through a
380 conditional use permit, the director may reduce this setback for existing structures,
381 considering the following factors:

382 (1) proximity of the winery, brewery, distillery facility use to neighboring
383 residential uses and other winery, brewery, distillery facility uses;

384 (2) sufficient existing or proposed landscape screening between the winery,

385 brewery, distillery facility use and adjacent uses;

386 (3) anticipated impacts to neighboring residential uses such as noise or odor;

387 and

388 (4) parcel size, topography and proximity to critical areas;

389 d. In addition to an approved Washington state Liquor and Cannabis Board

390 production license, at least three stages of production of wine, beer or distilled spirits,

391 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank

392 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of

393 on-site production shall include crushing or milling, pressing, fermenting or distilling. At

394 the time of the initial or renewal of the winery, brewery, distillery land use business

395 license application under K.C.C. chapter 6.74, the applicant shall submit documentation

396 that demonstrates that the equipment on-site is sufficient to produce the quantity of

397 products sold on-site required by this subsection E.2.d. and that the on-site tasting and

398 retail sales requirements in subsection E.2.e. are met;

399 e.(1) Tasting and retail sales of products is limited to those produced on-site, as

400 provided in subsection E.2.d. of this section, except as provided in RCW 66.24.244,

401 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,

402 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may

403 occur only as accessory to the primary winery, brewery, distillery production use;

404 (2) The area devoted to on-site tasting or retail sales shall be limited to no

405 more than twenty percent of the aggregated floor area and shall be included in the

406 aggregated floor area limitation in subsection E.2.b. of this section;

407 (3) The limitation on area devoted to tasting and retail sales of products

408 produced on-site shall not apply on sites that contain a building designated as historic
409 resource under K.C.C. chapter 20.62;

410 (4) Incidental retail sales of merchandise related to the products produced on-
411 site is allowed subject to the restrictions described in this subsection E.2, and the area
412 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
413 sales area.

414 (5) Incidental retail sales of merchandise is limited to no more than twenty
415 percent of annual gross sales on a three-year average, and at the time of the initial or
416 renewal of the winery, brewery, distillery land use business license application under
417 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
418 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
419 and for renewals, documentation of previous years sales to demonstrate compliance with
420 the twenty percent of annual gross sales limit on a three-year average; and

421 (6) Hours of operation for on-site tasting and retail sales of products shall be
422 limited to 11:00 a.m. through 6:00 p.m. daily;

423 f. Access to the site shall be directly to and from an arterial roadway, except
424 that the department may authorize a winery, brewery, distillery facility use with access
425 directly to and from a public roadway if the winery, brewery, distillery facility use
426 obtains a conditional use permit;

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

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

431 surface for the zone in accordance with K.C.C. 21A.12.030.A., whichever is less;

432 i. All requirements of K.C.C. Title 9, Surface Water Management, and the
433 adopted King County Surface Water Design Manual shall be met for construction and
434 operation of the winery, brewery, distillery facility;

435 j.(1) Wineries, breweries and distilleries shall comply with Washington state
436 Department of Ecology and King County board of health regulations for water usage and
437 wastewater disposal, and shall connect to a Group A or Group B water system. The
438 definitions and limits of Group A and Group B water systems are described in K.C.C.
439 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140
440 and 13.24.142.

441 (2) Distilleries may not be located within a basin that is closed or partially
442 closed to new surface water or groundwater withdrawals by the Washington state
443 Department of Ecology; and

444 k. Any lot line of a site having any area devoted to a winery, brewery, or
445 distillery use shall be one thousand feet or more from any lot line of any other site having
446 any area devoted to a winery, brewery, or distillery use in the RA or UR zone. Whether a
447 new winery, brewery, distillery facility use complies with this locational requirement
448 shall be determined based on the date a building, grading, or conditional use permit
449 application submitted to the department of local services, permitting division, specifically
450 identifying a winery, brewery or distillery as the intended use became or was deemed
451 complete, and:

452 (1) if permit applications were submitted for more than one proposed winery,
453 brewery, distillery facility use on the same date, as described in subsection (d), or if more

454 than one permit application for a proposed winery, brewery, distillery use became or was
455 deemed complete on the same date, then the director shall determine compliance based
456 on the date the Washington state Liquor and Cannabis Board issues a Notice of
457 Application to King County;

458 (2) if more than one Washington State Liquor Cannabis Board Notice of
459 Application is issued to King County on the same date, then the director shall determine
460 compliance based on the date a current complete winery, brewery, distillery land use
461 business license application was submitted; and

462 (3) if a winery, brewery distillery land use business license application was
463 not submitted or more than one current winery, brewery, distillery land use business
464 license application was submitted, then the director shall determine compliance based on
465 the totality of the circumstances, including, but not limited to, the date that a license
466 application was submitted to the Washington state Liquor and Cannabis Board
467 identifying the lot at issue, the date that the applicant entered into a lease or purchased the
468 lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
469 illustrating the timing of substantial investment in establishing a licensed winery,
470 brewery, distillery facility use at the proposed location. 3. For winery, brewery,

471 distillery facility III:

472 a. The aggregated floor area of structures and areas for winery, brewery,
473 distillery facility uses shall not exceed a total of eight thousand square feet;

474 b. Only allowed on lots of at least four and one-half acres. If the aggregated
475 floor area of structures for winery, brewery, distillery uses exceeds five thousand square
476 feet, the minimum site area shall be ten acres;

477 c. Wineries, breweries and distilleries shall comply with Washington state
478 Department of Ecology and King County board of health regulations for water usage and
479 wastewater disposal, and shall connect to a Group A water system. The definitions and
480 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
481 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

482 d. Structures, parking areas and impervious surfaces associated with winery,
483 brewery distillery facility uses shall maintain a minimum distance of seventy-five feet
484 from interior property lines adjoining agricultural, rural area and residential zones, unless
485 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
486 of the review for a winery, brewery, distillery facility use approved through a conditional
487 use permit, the director may reduce this setback for existing structures, considering the
488 following factors:

489 (1) proximity of the winery, brewery, distillery facility use to neighboring
490 residential uses and other winery, brewery, distillery facility uses;

491 (2) sufficient existing or proposed landscape screening between the winery,
492 brewery, distillery facility use and adjacent uses;

493 (3) anticipated impacts to neighboring residential uses such as noise or odor;

494 and

495 (4) parcel size, topography and proximity to critical areas;

496 e. In addition to an approved Washington state Liquor and Cannabis Board
497 production license, at least three stages of production of wine, beer or distilled spirits,
498 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
499 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of

500 on-site production shall include crushing or milling, pressing, fermenting or distilling. At
501 the time of the initial or renewal of the winery, brewery, distillery land use business
502 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
503 that demonstrates that the equipment on-site is sufficient to produce the quantity of
504 products sold on-site required by this subsection E.3.e. and the on-site tasting and retail
505 sales requirements in subsection E.3.f. are met;

506 f.(1) Tasting and retail sales of products is limited to those produced on-site, as
507 provided in subsection E.2.d. of this section, except as provided in RCW 66.24.244,
508 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
509 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
510 occur only as accessory to the primary winery, brewery, distillery production use;

511 (2) The area devoted to on-site tasting or retail sales shall be limited to no
512 more than twenty percent of the aggregated floor area and shall be included in the
513 aggregated floor area limitation in subsection E.2.b. of this section;

514 (3) The limitation on area devoted to tasting and retail sales of products
515 produced on-site shall not apply on sites that contain a building designated as historic
516 resource under K.C.C. chapter 20.62;

517 (4) Incidental retail sales of merchandise related to the products produced on-
518 site is allowed subject to the restrictions described in this subsection E.2, and the area
519 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
520 sales area.

521 (5) Incidental retail sales of merchandise is limited to no more than twenty
522 percent of annual gross sales on a three-year average, and at the time of the initial or

523 renewal of the winery, brewery, distillery land use business license application under
524 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
525 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
526 and for renewals, documentation of previous years sales to demonstrate compliance with
527 the twenty percent of annual gross sales limit on a three-year average; and

528 (6) Hours of operation for on-site tasting and retail sales of products shall be
529 limited to 11:00 a.m. through 6:00 p.m. daily;

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

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

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

536 j. All requirements of Title 9, Surface Water Management, and the adopted
537 King County Surface Water Design Manual shall be met for construction and operation
538 of the winery, brewery, distillery facility; and

539 k. Any lot line of a site having any area devoted to a winery, brewery, or
540 distillery use shall be one thousand feet or more from any lot line of any other site having
541 any area devoted to a winery, brewery, or distillery use in the RA or UR zone. Whether a
542 new winery, brewery, distillery facility use complies with this locational requirement
543 shall be determined based on the date a building, grading, or conditional use permit
544 application submitted to the department of local services, permitting division, specifically

545 identifying a winery, brewery or distillery as the intended use became or was deemed
546 complete, and:

547 (1) if permit applications were submitted for more than one proposed winery,
548 brewery, distillery facility use on the same date, as described in subsection (d), or if more
549 than one permit application for a proposed winery, brewery, distillery use became or was
550 deemed complete on the same date, then the director shall determine compliance based
551 on the date the Washington state Liquor and Cannabis Board issues a Notice of
552 Application to King County;

553 (2) if more than one Washington State Liquor Cannabis Board Notice of
554 Application is issued to King County on the same date, then the director shall determine
555 compliance based on the date a current complete winery, brewery, distillery land use
556 business license application was submitted; and

557 (3) if a winery, brewery distillery land use business license application was
558 not submitted or more than one current winery, brewery, distillery land use business
559 license application was submitted, then the director shall determine compliance based on
560 the totality of the circumstances, including, but not limited to, the date that a license
561 application was submitted to the Washington state Liquor and Cannabis Board
562 identifying the lot at issue, the date that the applicant entered into a lease or purchased the
563 lot at issue for the purpose of a winery, brewery, distillery facility use and any other facts
564 illustrating the timing of substantial investment in establishing a licensed winery,
565 brewery, distillery facility use at the proposed location.

566 SECTION 3. Ordinance XXXXX (Proposed Ordinance 2022-0147), Section 5,
567 and K.C.C. 21A.xx.xxx are hereby amended to read as follows:

568 For any winery, brewery, distillery facility I, II or III on Vashon-Maury Island the
569 following standards shall apply:

570 A. In the RA zones:

571 1. For winery, brewery, distillery facility I:

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

574 b. Structures, parking areas and impervious surfaces associated with winery,
575 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
576 from interior property lines adjoining agricultural, rural area and residential zones, unless
577 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
578 of the review for a winery, brewery, distillery facility use approved through a conditional
579 use permit, the director may reduce this setback for existing structures, considering the
580 following factors:

581 (1) proximity of the winery, brewery, distillery facility use to neighboring
582 residential uses and other winery, brewery, distillery facility uses;

583 (2) sufficient existing or proposed landscape screening between the winery,
584 brewery, distillery facility use and adjacent uses;

585 (3) anticipated impacts to neighboring residential uses such as noise or odor;
586 and

587 (4) parcel size, topography and proximity to critical areas;

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

590 d. In addition to an approved Washington state Liquor and Cannabis Board

591 production license, at least two stages of production of wine, beer or distilled spirits, such
592 as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank aging,
593 finishing, or bottling or packaging shall occur on-site. At least one of the stages of
594 production occurring on-site shall include crushing or milling, pressing, fermenting or
595 distilling;

596 e. No product tasting or retail sales shall be allowed on-site; and

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

600 2. For winery, brewery, distillery facility II:

601 a. Only allowed on lots of at least two and one-half acres, except that this
602 requirement shall not apply to winery, brewery or distillery business locations in use and
603 licensed to produce by the Washington state Liquor and Cannabis Board before January
604 1, 2019, and that for sites that contain a building designated as historic resource under
605 K.C.C. chapter 20.62, only allowed on lots of at least two acres;

606 b. The aggregated floor area of structures and areas for winery, brewery,
607 distillery facility uses shall not exceed three thousand five hundred square feet, unless
608 located wholly within a structure designated as historic resource under K.C.C. chapter
609 20.62, in which case the aggregated floor area of structures devoted to winery, brewery,
610 distillery facility uses shall not exceed seven thousand square feet;

611 c. Structures, parking areas and impervious surfaces associated with winery,
612 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet
613 from interior property lines adjoining agricultural, rural area and residential zones, unless

614 located in a building designated as historic resource under K.C.C. chapter 20.62, except
615 that this setback requirement shall not apply to structures, parking areas and impervious
616 surfaces in use on December 4, 2019, by existing winery, brewery or distillery business
617 locations licensed to produce by the Washington state Liquor and Cannabis Board before
618 January 1, 2019;

619 d. In addition to an approved Washington state Liquor and Cannabis Board
620 production license, at least three stages of production of wine, beer or distilled spirits,
621 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
622 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
623 on-site production shall include crushing or milling, pressing, fermenting or distilling.
624 At the time of the initial or renewal of the winery, brewery, distillery land use business
625 license application under K.C.C. chapter 6.74, the applicant shall submit documentation
626 that demonstrates that the equipment on-site is sufficient to produce the quantity of
627 products sold on-site as required by this subsection A.2.d. and the on-site tasting and
628 retail sales requirements in subsection A.2.e. are met;

629 e.(1) Tasting and retail sales of products is limited to those produced on-site, as
630 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
631 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
632 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
633 occur only as accessory to the primary winery, brewery, distillery production use;

634 (2) The area devoted to on-site tasting or retail sales shall be limited to no
635 more than twenty percent of the aggregated floor area and shall be included in the
636 aggregated floor area limitation in subsection A.2.b. of this section;

637 (3) The limitation on area devoted to tasting and retail sales of products
638 produced on-site shall not apply to winery, brewery or distillery business locations in use
639 and licensed to produce by the Washington state Liquor and Cannabis Board before
640 January 1, 2019, or on sites that contain a building designated as historic resource under
641 K.C.C. chapter 20.62;

642 (4) Incidental retail sales of merchandise related to the products produced on-
643 site is allowed subject to the restrictions described in this subsection A.2, and the area
644 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
645 sales area.

646 (5) Incidental retail sales of merchandise is limited to no more than twenty
647 percent of annual gross sales on a three-year average, and at the time of the initial or
648 renewal of the winery, brewery, distillery land use business license application under
649 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
650 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
651 and for renewals, documentation of previous years sales to demonstrate compliance with
652 the twenty percent of annual gross sales limit on a three-year average; and

653 (6) Hours of operation for on-site tasting and retail sales of products shall be
654 limited to 11:00 a.m. through ~~((8:00))~~ 6:00 p.m. daily;

655 f. Access to the site shall be directly to and from an arterial roadway, except
656 that this requirement shall not apply to winery, brewery, distillery facility business
657 locations in use and licensed to produce by the Washington state Liquor and Cannabis
658 Board before January 1, 2019. The department may authorize a winery, brewery,
659 distillery facility use with access directly to and from a public roadway for access if the

660 winery, brewery, distillery facility use obtains a conditional use permit ;

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

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

667 i. All requirements of Title 9, Surface Water Management, and the adopted
668 King County Surface Water Design Manual shall be met for construction and operation
669 of the winery, brewery, distillery facility.

670 3. For winery, brewery, distillery facility III:

671 a. The aggregated floor area of structures and areas for winery, brewery,
672 distillery facility uses shall not exceed a total of eight thousand square feet;

673 b. Only allowed on lots of at least four and one-half acres. If the aggregated
674 floor area of structures for winery, brewery, distillery uses exceeds five thousand square
675 feet, the minimum site area shall be ten acres;

676 c. Wineries, breweries and distilleries shall comply with Washington state
677 Department of Ecology and King County board of health regulations for water usage and
678 wastewater disposal, and shall connect to a Group A water system. The definitions and
679 limits of Group A water systems are described in K.C.C. 13.24.007, and provision of
680 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

681 d. Structures, parking areas and impervious surfaces associated with winery,
682 brewery distillery facility uses shall maintain a minimum distance of seventy-five feet

683 from interior property lines adjoining agricultural, rural area and residential zones, unless
684 located in a building designated as historic resource under K.C.C. chapter 20.62. As part
685 of the review for a winery, brewery, distillery facility use approved through a conditional
686 use permit, the director may reduce this setback for existing structures, considering the
687 following factors:

688 (1) proximity of the winery, brewery, distillery facility use to neighboring
689 residential uses and other winery, brewery, distillery facility uses;

690 (2) sufficient existing or proposed landscape screening between the winery,
691 brewery, distillery facility use and adjacent uses;

692 (3) anticipated impacts to neighboring residential uses such as noise or odor;

693 and

694 (4) parcel size, topography and proximity to critical areas;

695 e. In addition to an approved Washington state Liquor and Cannabis Board
696 production license, at least three stages of production of wine, beer or distilled spirits,
697 such as crushing or milling, pressing, fermenting, distilling, filtration, barrel or tank
698 aging, finishing, or bottling or packaging shall occur on-site. At least two of the stages of
699 on-site production shall include crushing, pressing, fermenting or distilling. At the time
700 of the initial or renewal of the winery, brewery, distillery land use business license
701 application under K.C.C. chapter 6.74, the applicant shall submit documentation that
702 demonstrates that the equipment on-site is sufficient to produce the quantity of products
703 sold on-site as required by this subsection A.3.e. and the on-site tasting and retail sales
704 requirements in subsection A.3.f. are met;

705 f.(1) Tasting and retail sales of products is limited to those produced on-site, as

706 provided in subsection A.2.d. of this section, except as provided in RCW 66.24.244,
707 66.24.140, 66.24.145 and 66.24.170 and WAC 314-20-015, 314-20-019, 314-24-070,
708 314-24-160, 314-24-163, 314-24-265, 314-28-065, 314-28-067 and 314-28-300, and may
709 occur only as accessory to the primary winery, brewery, distillery production use;

710 (2) The area devoted to on-site tasting or retail sales shall be limited to no
711 more than twenty percent of the aggregated floor area and shall be included in the
712 aggregated floor area limitation in subsection A.2.b. of this section;

713 (3) The limitation on area devoted to tasting and retail sales of products
714 produced on-site shall not apply to winery, brewery, or distillery business locations in use
715 and licensed to produce by the Washington state Liquor and Cannabis Board before
716 January 1, 2019, or on sites that contain a building designated as historic resource under
717 K.C.C. chapter 20.62;

718 (4) Incidental retail sales of merchandise related to the products produced on-
719 site is allowed subject to the restrictions described in this subsection A.2, and the area
720 devoted to incidental sales is limited to twenty percent of the on-site tasting and retail
721 sales area.

722 (5) Incidental retail sales of merchandise is limited to no more than twenty
723 percent of annual gross sales on a three-year average, and at the time of the initial or
724 renewal of the winery, brewery, distillery land use business license application under
725 K.C.C. chapter 6.74, the applicant shall submit a projection of on-site tasting and retail
726 sales that demonstrates compliance with the twenty percent of annual gross sales limit,
727 and for renewals, documentation of previous years sales to demonstrate compliance with
728 the twenty percent of annual gross sales limit on a three-year average; and

729 (6) Hours of operation for on-site tasting and retail sales of products shall be
730 limited to 11:00 a.m. through ~~((8:00))~~ 6:00 p.m. daily;

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

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

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

737 j. All requirements of Title 9, Surface Water Management, and the adopted
738 King County Surface Water Design Manual shall be met for construction and operation
739 of the winery, brewery, distillery facility.

740 B. In the NB and CB zones:

741 1. For winery, brewery, distillery facility II:

742 a. The aggregated floor area of structures and areas for winery, brewery,
743 distillery facility uses shall not exceed three thousand five hundred square feet, unless
744 located wholly within a structure designated as historic resource under K.C.C. chapter
745 20.62, in which case the aggregated floor area of structures and areas devoted to winery,
746 brewery, distillery facility uses shall not exceed five thousand square feet;

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

751 c. The area devoted to on-site tasting or retail sales shall be included in the
752 aggregated floor area limitation in subsection B.1.a. of this section; and

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

755 2. For winery, brewery, distillery facility III:

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

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

762 C. In the RB zone:

763 1. For winery, brewery, distillery facility III:

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

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

770 D. In the I zone:

771 1. For winery, brewery, distillery facility III:

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

774 ~~tasting rooms for wineries shall not be allowed;~~

775 b.)) The area devoted to on-site tasting or retail sales shall not exceed one
776 thousand five hundred square feet;

777 ~~(e-))~~ b. Structures, parking areas and impervious surfaces associated with
778 brewery and distillery facility uses shall maintain a minimum distance of seventy-five
779 feet from interior property lines adjoining agricultural, rural area and residential zones,
780 unless located in a building designated as historic resource under K.C.C. chapter 20.62;
781 and

782 ~~((e-))~~ c. Off-street parking for the tasting and retail areas shall be limited to a
783 maximum of one space per fifty square feet of tasting and retail areas.

784 SECTION 4. Ordinance 19030, Section 7, and K.C.C. 6.74.040 are hereby
785 amended to read as follows:

786 An application for a winery, brewery, distillery land use business license or
787 license renewal shall be submitted in the name of the person, the persons or the entity
788 proposing to operate the business. The application shall be signed by each person, or a
789 responsible principal or officer of the entity proposing to operate the business, certified as
790 true under penalty of perjury. All applications shall be submitted on a form supplied by
791 the director, and shall include the following:

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

797 B. The name, street address and telephone number of winery, brewery, distillery
798 facility;

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

802 D. For businesses in the RA and UR zones:

803 1. A projection that demonstrates compliance with the incidental retail sales
804 limitation in chapter 21A.xx (the chapter created in Ordinance XXXX (Proposed
805 Ordinance 2022-0147), ~~((s))~~Section 2 ~~((of this ordinance))~~), and for renewals,
806 documentation regarding on-site tasting and retail sales for previous years that
807 demonstrates compliance on a three-year average; and

808 2. Documentation that demonstrates that the equipment on-site is sufficient to
809 produce the quantity of products sold on-site to demonstrate compliance with the on-site
810 production and on-site tasting and retail sales requirements in chapter 21A.xx (the
811 chapter created in section 2 of this ordinance). Such documentation could include federal
812 or state reporting forms that document the on-site production quantities, verification of
813 purchase for equipment at that level of on-site production, or calculations demonstrating
814 that the on-site tasting and retail sales requirements are met, or some combination of
815 documentation that the director deems sufficient to demonstrate compliance with the on-
816 site production and on-site tasting and retail sales requirements in chapter 21A.xx (the
817 chapter created in section 2 of this ordinance);

818 E. For any business attempting to demonstrate legal nonconforming use status
819 under 6.74.080.B. and operating under an active Washington state Liquor and Cannabis

820 Board production license issued for the current location, the applicant shall submit
 821 documentation sufficient to establish that the requirements of K.C.C. chapter 21A.32
 822 have been met, and documentation of the county's response to the Washington state
 823 Liquor and Cannabis Board license notice of application, if any. If King County objected
 824 to the current location during the Washington state Liquor and Cannabis Board license
 825 application process, the Department may presume that the associated use was not legally
 826 established and a license application under this subsection D. shall be denied, unless the
 827 applicant can clearly establish that the objection was based on an erroneous interpretation
 828 of K.C.C. Title 21A; and

829 F. A statement acknowledging that the director or designee may conduct site
 830 inspections in accordance with K.C.C. 6.01.110.

831 SECTION 5. Ordinance 10870, Section 335, as amended, and K.C.C.
 832 21A.08.080 are hereby amended to read as follows:

833 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				P3 C3	<u>P3</u> <u>C3</u>							
*	Winery/Brewery /Distillery Facility II				P3 C3	<u>P3</u> <u>C3</u>			P3	P3			

	Winery/Brewery /Distillery Facility III				C3	<u>C3</u>			C3	C3	P3		P3
*	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
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								P6	P9			P

	Concrete Products												
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												P10 C
7534	Tire Retreading											C	P
781-82	Movie Production/Distribution											P	P

- 834 B. Development conditions.
- 835 1. Repealed.
- 836 2. Except slaughterhouses.
- 837 3. Winery, brewery, distillery facility I, II, and III uses shall comply with the
- 838 standards in K.C.C. chapter 21A.xx (the new chapter created by Ordinance XXXX
- 839 (Proposed Ordinance 2022-0147), ~~((s))Section 2 ((of this ordinance))~~)).
- 840 4. Limited to rough milling and planing of products grown on-site with portable
- 841 equipment.
- 842 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
- 843 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
- 844 minimum site area is four and one-half acres.
- 845 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
- 846 No. 2431-Millwork, (excluding planing mills).
- 847 7. Limited to photocopying and printing services offered to the general public.
- 848 8. Only within enclosed buildings, and as an accessory use to retail sales.
- 849 9. Only within enclosed buildings.
- 850 10. Limited to boat building of craft not exceeding forty-eight feet in length.
- 851 11. For I-zoned sites located outside the urban growth area designated by the
- 852 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.

853 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
854 rural industrial uses as set forth in K.C.C. chapter 21A.12.

855 12. Repealed.

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

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

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

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

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

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

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

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

874 17. Repealed.

875 18. Limited to:

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

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

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

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

884 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
885 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

891 b. SIC Industry No. 2411-Logging.

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

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

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

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

897 d. Only with documentation that the operator has applied for a Puget Sound
898 Clean Air Agency Notice of Construction Permit. All department permits issued to either

899 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
900 Clean Air Agency Notice of Construction Permit be approved before marijuana products
901 are imported onto the site; and

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

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

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

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

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

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

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

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

922 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
923 d. Only with documentation that the operator has applied for a Puget Sound
924 Clean Air Agency Notice of Construction Permit. All department permits issued to either
925 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
926 Clean Air Agency Notice of Construction Permit be approved before marijuana products
927 are imported onto the site.

928 23.a. Only in the CB and RB zones located inside the urban growth area;
929 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

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

938 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
939 every marijuana-related entity occupying space in addition to the two-thousand-square-
940 foot threshold area on that lot shall obtain a conditional use permit as set forth in
941 subsection B.24. of this section.

942 24.a. Only in the CB and RB zones located inside the urban growth area;
943 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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

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

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

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

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

958 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
959 gross floor area devoted to, and in support of, the processing of marijuana together with
960 any separately authorized production of marijuana.

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

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

967 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of

968 gross floor area devoted to, and in support of, the processing of marijuana together with
969 any separately authorized production of marijuana.

970 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
971 Island, that do not require a conditional use permit issued by King County, that receive a
972 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
973 and that King County did not object to within the Washington state Liquor and Cannabis
974 Board marijuana license application process, shall be considered nonconforming as to
975 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
976 21A.32.075 for nonconforming uses;

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

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

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

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

987 f. Only as an accessory use to a Washington state Liquor Cannabis Board
988 licensed marijuana production facility on the same lot; and

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

991 28. If the food and kindred products manufacturing or processing is associated
992 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

993 SECTION 6. Severability. If any provision of this ordinance or its
994 application to any person or circumstance is held invalid, the remainder of the ordinance
995 or the application of the provision to other persons or circumstances is not affected."

996

997 **EFFECT prepared by E. Auzins: Striking Amendment S# to PO 2022-0148**
998 **(Ordinance 2) would make the following changes:**

999

1000 **Substantive Changes**

- 1001 1. For WBD II and III in the RA and UR zones, modifies the hours of operation
- 1002 for tasting and sales from 11am to 8pm to 11am to 6pm.
- 1003 2. For WBD II and III in the RA zone, removes a reference to compliance with
- 1004 the federal Clean Water Act.
- 1005 3. Allows WBD III wineries in the Industrial zone.

1006

1007 **Clarifying Changes**

- 1008 4. For WBD II and III in RA and UR zones, the separation requirement applies
- 1009 between WBD sites (which could include multiple lots) and not individual
- 1010 lots, and only for those that are in the RA and UR zones. Establishes
- 1011 requirements to direct which uses are considered to be "first in line" in the
- 1012 event multiple WBDs have similar vesting timeframes, for this requirement.

1013

1014 **Technical Changes**

- 1015 5. Engrosses the changes made in Striking Amendment # to PO 2022-0147,
- 1016 Version 1.