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| 5/8/18 |  |  | **S1** |
| Draft Technical Striker |  |  |  |
|  |  |  |
|  | Sponsor: |  | |
| ea |  |  |  |
|  | Proposed No.: | 2018-0241 | |
|  |  |  |  |

**STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1**

On page 1, beginning on line 16, strike everything through page 49, line 923, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. These regulatory changes are a response to the King County Sammamish Valley Wine and Beverage Study that was released in September 2016. Those changes will help King County prepare for and support the future of the wine and adult beverage industry as it evolves in the region, while adhering to the framework of the state Growth Management Act.

B. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts. King County also supports the wine and adult beverage industry and recognizes the need to establish a strong foundation for moving the industry into the future.

C. A business license is established for the adult beverage industry in King County to provide greater certainty about where adult beverage producers and tasting rooms are located and to verify that they are in compliance with county rules and laws.

D. Two demonstration projects are established in the rural area of the Sammamish Valley, with one of the two also applicable to the Vashon-Maury Island Rural Town boundary. One demonstration is in two limited areas and evaluates the presence of remote tasting rooms in the rural community. The second demonstration is in one very limited area and evaluates incorporating industry-supporting events within the conditional use permit rather than through the annual temporary use permit process.

SECTION 2. Sections 3 through 10 of this ordinance should constitute a new chapter in K.C.C. Title 6.

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

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

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

Adult beverage business: An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.

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

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

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

An application for an adult beverage business license or license renewal must be submitted in the name of the person or persons or the entity proposing to operate the business. The application shall be signed by each person, or a responsible principal or officer of the entity proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

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

B. The name, street address and telephone number of the adult beverage business;

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

D. For businesses in the A zone, a signed statement that at least sixty percent of the products to be used by the business are grown on-site, as prescribed under K.C.C. 21A.08.080.B.3.f.

NEW SECTION. SECTION 7. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

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

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

The director shall deny, suspend or revoke a license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of permitting and environmental review receives notice that the state license issued to the business is suspended or revoked, or was not reissued. A business owner whose application for a business license has been denied or whose license has been suspended or revoked may appeal the decision to the office of the hearing examiner in accordance with K.C.C. 6.01.150.

NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

An adult beverage business license expires one year from the date the business license is issued by the department of permitting and environmental review. To avoid a lapse in the effectiveness of a license, an application to renew a license must be submitted to the director, on a form provided by the director, at least thirty days before the expiration of the business license. An adult beverage business license renewal expires one year from the previous license's expiration date.

NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

Within thirty days of the director's receipt of a complete adult beverage business license application, the director shall issue or deny the license. Within thirty days of the director's receipt of a complete renewal application, the director shall issue or deny the renewal.

SECTION 11. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each hereby repealed.

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Remote tasting room: A small facility approved by the Washington state Liquor and Cannabis Board as a Tasting Room - Additional Location for a licensed winery, brewery or distillery that is operating at a location other than the licensed winery, brewery or distillery production facility, for the purpose of the retail sale and sampling of the licensed product. "Remote tasting room" does not include any additional privileges allowed by the liquor and cannabis board for a Tasting Room – Additional Location.

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

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and where on-site product tasting or retail sale of merchandise does not occur.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Winery, brewery, distillery facility II: A small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting and sales as authorized by state law, and sales of merchandise related to products available for tasting as authorized by state law.

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Winery, brewery, distillery facility III: A production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting as authorized by state law, and sales of merchandise related to products available as authorized by state law.

SECTION 16. 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.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **P-Permitted Use**  **C-Conditional Use**  **S-Special Use** | | **RESOURCE** | | | **R**  **U**  **R**  **A**  **L** | **RESIDENTIAL** | | | **COMMERCIAL/INDUSTRIAL** | | | | |
| **SIC#** | **SPECIFIC LAND USE** | **A** | **F** | **M** | **RA** | **UR** | **R1-8** | **R12-48** | **NB** | **CB** | **RB** | **O** | **I (30)** |
| \* | Building Materials and Hardware Stores |  | P23 |  |  |  |  |  | P2 | P | P |  |  |
| \* | Retail Nursery, Garden Center and Farm Supply Stores | P1 C1 |  |  | P1 C1 |  |  |  | P | P | P |  |  |
| \* | Forest Products Sales | P3 and 4 | P4 |  | P3 and 4 |  |  |  |  |  | P |  |  |
| \* | Department and Variety Stores |  |  |  |  |  | C14a | P14 | P5 | P | P |  |  |
| 54 | Food Stores |  |  |  |  |  | C15a | P15 | P | P | P | C | P6 |
| \* | Agricultural Product Sales (28) |  |  |  |  |  |  | P25 | P25 | P25 | P25 | P25 | P25 |
| \* | Farmers Market | P24 | P24 |  | P24 | P24 | P24 | P24 | P24 | P24 | P24 | P24 | P24 |
| \* | Motor Vehicle and Boat Dealers |  |  |  |  |  |  |  |  |  | P8 |  | P |
| 553 | Auto Supply Stores |  |  |  |  |  |  |  |  | P9 | P9 |  | P |
| 554 | Gasoline Service Stations |  |  |  |  |  |  |  | P | P | P |  | P |
| 56 | Apparel and Accessory Stores |  |  |  |  |  |  |  |  | P | P |  |  |
| \* | Furniture and Home Furnishings 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 |  |
| \* | Marijuana retailer |  |  |  |  |  |  |  |  | P26 C27 | P26 C27 |  |  |
| 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 | P22 | P | P | P22 | P22 |
| \* | Book, Stationery, Video and Art Supply Stores |  |  |  |  |  | C15a | P15 | P | P | P |  |  |
| \* | Jewelry Stores |  |  |  |  |  |  |  |  | P | P |  |  |
| \* | Monuments, Tombstones, and Gravestones |  |  |  |  |  |  |  |  |  | P |  |  |
| \* | Hobby, Toy, Game Shops |  |  |  |  |  |  |  | P | P | P |  |  |
| \* | Photographic and Electronic Shops |  |  |  |  |  |  |  | P | P | P |  |  |
| \* | Fabric Shops |  |  |  |  |  |  |  |  | P | P |  |  |
| 598 | Fuel Dealers |  |  |  |  |  |  |  |  | C11 | P |  | P |
| \* | Florist Shops |  |  |  |  |  | C15a | P15 | P | P | P | P |  |
| \* | Personal Medical Supply Stores |  |  |  |  |  |  |  |  | P | P |  |  |
| \* | Pet Shops |  |  |  |  |  |  |  | P | P | P |  |  |
| \* | Bulk Retail |  |  |  |  |  |  |  |  | P | P |  |  |
| \* | Auction Houses |  |  |  |  |  |  |  |  |  | P12 |  | P |
| \* | Livestock Sales (28) |  |  |  |  |  |  |  |  |  |  |  | P |

B. Development conditions.

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

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

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

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

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

7. Repealed.

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~~)) Repealed.

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

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

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

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

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

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

17. Repealed.

18. Repealed.

19. Only as:

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

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

20. Only as:

a. an accessory use to a recreation or multiuse park; or

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

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

22. Only as an accessory use to:

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

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

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

a. limited to lumber milled on site; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

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

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

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

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

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

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

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

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

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

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

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

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

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

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

SECTION 17. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **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 |  |  |  | P30 | P30 |  |  |  |  |  |  |  |
| \*((~~/2082 /2085~~)) | Winery/Brewery /Distillery Facility II | P3 ((~~C12~~)) |  |  | P3 C((~~12~~))31 | P3 |  |  | P17 | P17 | P29 |  | P29 |
| \* | Winery/Brewery/Distillery Facility III | C12 |  |  | C12 | C12 |  |  | C29 | C29 | C29 |  | C29 |
| \* | 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 Concrete Products |  |  |  |  |  |  |  |  | P6 | P9 |  | P |
| 33 | Primary Metal Industries |  |  |  |  |  |  |  |  |  |  |  | C |
| 34 | Fabricated Metal Products |  |  |  |  |  |  |  |  |  |  |  | P |
| 35 | Industrial and Commercial Machinery |  |  |  |  |  |  |  |  |  |  |  | P |
| 351-55 | Heavy Machinery and Equipment |  |  |  |  |  |  |  |  |  |  |  | C |
| 357 | Computer and Office Equipment |  |  |  |  |  |  |  |  |  | C | C | P |
| 36 | Electronic and other Electric Equipment |  |  |  |  |  |  |  |  |  | C |  | P |
| 374 | Railroad Equipment |  |  |  |  |  |  |  |  |  |  |  | C |
| 376 | Guided Missile and Space Vehicle Parts |  |  |  |  |  |  |  |  |  |  |  | C |
| 379 | Miscellaneous Transportation Vehicles |  |  |  |  |  |  |  |  |  |  |  | C |
| 38 | Measuring and Controlling Instruments |  |  |  |  |  |  |  |  |  | C | C | P |
| 39 | Miscellaneous Light Manufacturing |  |  |  |  |  |  |  |  |  | C |  | P |
| \* | Motor Vehicle and Bicycle Manufacturing |  |  |  |  |  |  |  |  |  |  |  | C |
| \* | Aircraft, Ship and Boat Building |  |  |  |  |  |  |  |  |  |  |  | P10C |
| 7534 | Tire Retreading |  |  |  |  |  |  |  |  |  | C |  | P |
| 781-82 | Movie Production/Distribution |  |  |  |  |  |  |  |  |  | P |  | P |

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

3.a. Limited to ((~~wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors~~)) winery, brewery, distillery facility II uses;

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, A and UR zones, only allowed on lots of at least ((~~four~~)) two and one-half acres;

d. The aggregated floor area ((~~devoted to all processing~~)) of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in ((~~a building~~)) whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet;

e. Structures and parking areas ((~~used~~)) for ((~~processing~~)) winery, brewery, distillery facility uses 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. In the A zones, ((~~S~~))sixty percent or more of the products processed must be grown ((~~in the Puget Sound counties~~)) on-site. At the time of the initial application for the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance), the applicant shall submit a projection of the source of products to be produced; ((~~and~~))

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

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.3.((~~c.~~))d. of this section. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

j. 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;

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

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

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~~)) winery, brewery, distillery facility III uses;

b.((~~(1) Except as provided in subsection B.12.b.(2) of this section, t~~))The aggregated floor area of structures and areas for ((~~wineries, breweries and distilleries and any accessory~~)) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet((~~.~~)), except that ((~~T~~))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. The minimum site area is four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, including underground storage, the minimum site area shall be ten acres;

d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal, and must connect to an existing Group A water system or an existing Group B water system if a Group A water system is not available. ((~~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 parking areas ((~~used for processing~~)) for winery, brewery distillery uses 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~~)) In the A zone, sixty percent or more of the products processed must be grown ((~~in the Puget Sound counties~~)) on-site. At the time of the initial application for the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance), the applicant shall submit a projection of the source of products to be processed; ((~~and~~))

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

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

17.a. Limited to ((~~wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors~~)) winery, brewery, distillery facility II uses;

b. The aggregated floor area ((~~devoted to all processing~~)) of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in ((~~a building~~)) whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet;

c. Structures and parking areas ((~~used~~)) for ((~~processing~~)) winery, brewery, distillery facility uses 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 in accordance with state law. The area devoted to tasting shall be included in aggregated the floor area limitation in subsection B.((~~18.~~))17.b. of this section; and

e. The business operator shall obtain an adult beverage business license pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance).

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

18. Limited to:

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

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29.a. The business operator shall obtain an adult beverage business license pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance).

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

30. a. Limited to winery, brewery, distillery facility I uses;

b. The aggregated floor area of structures and areas for the winery, brewery, distillery use shall not exceed one thousand five hundred square feet;

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

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

e. One on-site parking place shall be provided if a nonresident is employed to work on-site;

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

g. No product tasting, retail sale or events requiring a temporary use permit under K.C.C. chapter 21A.32 shall be allowed.

31.a. Limited to winery, brewery, distillery facility II uses;

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

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

d. Structures and parking areas for winery, brewery, distillery facility uses 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;

e. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.3.c. of this section. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

f. On a site with direct access to a public roadway;

g. 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;

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

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

SECTION 18. 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.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **P-Permitted Use**  **C-Conditional Use**  **S-Special Use** | | **RESOURCE** | | | **R**  **U**  **R**  **A**  **L** | **RESIDENTIAL** | | | **COMMERCIAL/INDUSTRIAL** | | | | |
| **SIC#** | **SPECIFIC LAND USE** | **A** | **F** | **M** | **RA** | **UR** | **R1-8** | **R12-48** | **NB** | **CB** | **RB** | **O** | **I** |
|  | **AGRICULTURE:** |  |  |  |  |  |  |  |  |  |  |  |  |
| 01 | Growing and Harvesting Crops | P | P |  | P | P | P |  |  |  |  |  | P |
| 02 | Raising Livestock and Small Animals (6) | P | P |  | P | P |  |  |  |  |  |  | P |
| \* | Agricultural Activities | P24C | P24C |  | P24C | P24C |  |  |  |  |  |  |  |
| \* | Agricultural Support Services | P25C | P25C |  | P26C | P26C | P26C |  | P27 C28 | P27 C28 |  |  |  |
| \* | Marijuana producer | P15  C22 |  |  | P16 C17 |  |  |  |  | P18 C19 | P18 C19 |  | P20  C21 |
| \* | Agriculture Training Facility | C10 |  |  |  |  |  |  |  |  |  |  |  |
| \* | Agriculture-related special needs camp | P12 |  |  |  |  |  |  |  |  |  |  |  |
| \* | Agricultural Anaerobic Digester | P13 |  |  |  |  |  |  |  |  |  |  |  |
|  | **FORESTRY:** |  |  |  |  |  |  |  |  |  |  |  |  |
| 08 | Growing & Harvesting Forest Production | P | P | P7 | P | P | P |  |  |  |  |  | P |
| \* | Forest Research |  | P |  | P | P |  |  |  |  |  | P2 | P |
|  | **FISH AND WILDLIFE MANAGEMENT:** |  |  |  |  |  |  |  |  |  |  |  |  |
| 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 |  |  |  |  |  |  |  |
|  | **MINERAL:** |  |  |  |  |  |  |  |  |  |  |  |  |
| 10,12,14 | Mineral Extraction and Processing |  | P9  C | P C11 |  |  |  |  |  |  |  |  |  |
| 2951,  3271,  3273 | Asphalt/Concrete Mixtures and Block |  | P8  C11 | P8  C11 |  |  |  |  |  |  |  |  | P |
|  | **ACCESSORY USES:** |  |  |  |  |  |  |  |  |  |  |  |  |
| \* | Resource Accessory Uses | P3  P23 | P4 | P5 | P3 | P3 |  |  |  |  |  |  | P4 |
| \* | Farm Worker Housing | P14 |  |  | P14 |  |  |  |  |  |  |  |  |

B. Development conditions.

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

2. Only forest research conducted within an enclosed building.

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

4. Excluding housing for agricultural workers.

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

6. 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. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Farm worker housing. Either:

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

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

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

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

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

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

(1) Not more than:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

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

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

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

18.a. Production is limited to indoor only;

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

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

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

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

19.a. Production is limited to indoor only;

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

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

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

20.a. Production is limited to indoor only;

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

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

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

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.21. of this section.

21.a. Production is limited to indoor only;

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

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

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

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

a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

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

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

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

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

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

a. agricultural is the primary use of the site;

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

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

24.a. For activities relating to the processing of crops or livestock for commercial purposes, including associated activities such as warehousing, storage, including refrigeration, and other similar activities and excluding ((~~wineries, SIC Industry No. 2085 – Distilled and Blended Liquors and SIC Industry No. 2082 – Malt Beverages~~)) winery, brewer distillery facility I, II and III:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Farm operations, including quipment repair and related facilities, except that:

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

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

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

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

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

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C. 21A.42.300 only if:

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

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

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

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

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

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

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

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

a. is outside the urban growth area,

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

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

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

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

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

SECTION 19. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are each hereby amended to read as follows:

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

|  |  |
| --- | --- |
| **LAND USE** | **MINIMUM PARKING SPACES REQUIRED** |
|  |  |
| **RESIDENTIAL (K.C.C. 21A.08.030.A):** | |
|  |  |
| Single detached/Townhouse | 2.0 per dwelling unit |
| Apartment: |  |
| Studio units | 1.2 per dwelling unit |
| One bedroom units | 1.5 per dwelling unit |
| Two bedroom units | 1.7 per dwelling unit |
| Three bedroom units or larger | 2.0 per dwelling unit |
| Mobile home park | 2.0 per dwelling unit |
| Senior citizen assisted | 1 per 2 dwelling or sleeping units |
| Community residential facilities | 1 per two bedrooms |
| Dormitory, including religious | 1 per two bedrooms |
| Hotel/Motel including organizational hotel/lodging | 1 per bedroom |
| Bed and breakfast guesthouse | 1 per guest room, plus 2 per facility |
|  | |
| **RECREATION/CULTURAL (K.C.C. 21A.08.040.A):** | |
|  |  |
| Recreation/culture uses: | 1 per 300 square feet |
| Exceptions: |  |
| Bowling center | 5 per lane |
| Golf course | 3 per hole, plus 1 per 300 square feet of club house facilities |
| Tennis Club | 4 per tennis court plus 1 per 300 square feet of clubhouse facility |
| Golf driving range | 1 per tee |
| Park/playfield/paintball | (director) |
| Theater | 1 per 3 fixed seats |
| Conference center | 1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces. |
| **LAND USE** | **MINIMUM PARKING SPACES REQUIRED** |
| **GENERAL SERVICES (K.C.C. 21A.08.050.A):** | |
| General services uses: | 1 per 300 square feet |
| Exceptions: |  |
| Funeral home/Crematory | 1 per 50 square feet of chapel area |
| Daycare I | 2 per facility |
| Daycare II | 2 per facility, plus 1 space for each 20 children |
| Churches, synagogue, temple | 1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes |
| Outpatient and Veterinary clinic offices | 1 per 300 square feet of office, labs and examination rooms |
| Nursing and personal care Facilities | 1 per 4 beds |
| Hospital | 1 per bed |
| e | 1 per classroom, plus 1 per 50 students |
| Secondary schools |  |
| Middle/junior high schools | 1 per classroom, plus 1 per 50 students |
| High schools | 1 per classroom, plus 1 per 10 students |
| High schools with stadiums | greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium |
| Vocational schools | 1 per classroom, plus 1 per five students |
| Specialized instruction Schools | 1 per classroom, plus 1 per two students |
| Artist Studios | 0.9 per 1,000 square feet of area used for studios |
|  |  |
| **GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):** | |
|  |  |
| Government/business services uses: | 1 per 300 square feet |
| Exceptions: |  |
| Public agency yard | 1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas |
| Public agency archives | 0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas |
| Courts | 3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas |
| Police facility | (director) |
| Fire facility | (director) |
| Construction and trade | 1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area |
| Warehousing and storage | 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area |
| Self-service storage | 1 per 3,500 square feet of storage area, plus 2 for any resident director's unit |
| Outdoor advertising services | 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area |
| Heavy equipment repair | 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas |
| Office | 1 per 300 square feet |
| **LAND USE** | **MINIMUM PARKING SPACES REQUIRED** |
| **RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):** | |
| Retail trade uses: | 1 per 300 square feet |
| Exceptions: |  |
| Food stores, less than 15,000 square feet | 3 plus 1 per 350 square feet |
| Gasoline service stations w/o grocery | 3 per facility, plus 1 per service bay |
| Gasoline service stations w/grocery, no service bays | 1 per facility, plus 1 per 300 square feet of store |
| Restaurants | 1 per 75 square feet in dining or lounge areas |
| Wholesale trade uses | 0.9 per 1000 square feet |
| Retail and wholesale trade mixed use | 1 per 300 square feet |
|  |  |
|  | |
| **MANUFACTURING (K.C.C. 21A.08.080.A):** | |
| Manufacturing uses | 0.9 per 1,000 square feet |
| Winery/Brewery/Distillery Facility II | 0.9 per 1,000 square feet, plus 1 per ((~~50~~)) 300 square feet of tasting area |
| **RESOURCES (K.C.C. 21A.08.090.A):** |  |
| Resource uses | (director) |
|  |  |
| **REGIONAL (K.C.C. 21A.08.100.A):** |  |
| Regional uses | (director) |

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

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

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

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

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

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

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

(1) Park/playfield,

(2) Marina,

(3) Library/museum/arboretum,

(4) Elementary/secondary school,

(5) Sports club, or

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

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

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

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

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

SECTION 20. 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 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~~)) Auto body work or painting;

3. Parking and storage of heavy equipment;

4. Storage of building materials for use on other properties;

5. Hotels, motels or organizational lodging;

6. Dry cleaning;

7. Towing services;

8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation; ((~~and~~))

9. Veterinary clinic; ((~~and~~))

10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and

11. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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 21. 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((~~:~~));

3. Automotive towing services, automotive wrecking services and tow-in parking lots; ((~~and~~))

4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer((~~.~~)); and

5. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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 22. 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;

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

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

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

2. One stall for customer parking;

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

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

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

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

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

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

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

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

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

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

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

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

SECTION 23. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

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

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

B.1. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty five day period. This requirement applies only to the days that the event or events actually take place.

2. For a winery, brewery, distillery facility II and III in the A ((~~or RA~~)) zones, the temporary use shall not exceed a total of two events per month and all event parking ((~~for the events~~)) must be accommodated on site or managed through a parking management plan approved by the director.

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

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and condition the number of guests allowed for a temporary use based on these limitations. Under no circumstance shall the department authorize attendance of more than one hundred twenty-five guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and condition the number of guests allowed for a temporary use based on these limitations. Under no circumstance shall the department authorize attendance of more than two hundred fifty guests.

6. Events that require a temporary use permit are prohibited for any winery, brewery, distillery facility I, any nonconforming winery, brewery, distillery facility home occupation, and any nonconforming winery, brewery, distillery facility home industry. No temporary use permit shall be issued to the operator or a winery, brewery, distillery facility I, a nonconforming home occupation winery, brewery, distillery facility or a nonconforming home industry winery, brewery, distillery facility.

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

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

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

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

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

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

NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

A.1. There is hereby created the Sammamish Valley and Vashon Town Center wine and adult beverage remote tasting room demonstration project A. The purpose of demonstration project A is to support agriculture and synergistic development of mixed use wine and adult beverage facilities in order to boost agritourism and both areas' reputations as food and adult-beverage destinations.

2. The demonstration project will enable the county to determine if expanded wine and adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural Production District zones. The expected benefits from the demonstration projects include: developing a clear picture of wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural Production District zoned communities, opportunity for additional exposure for locally sourced agricultural products; and the opportunity to identify and evaluate potential substantive changes to countywide land use regulations to support the development of additional areas of unincorporated King County that may benefit from growth in wine and adult beverage industry agritourism.

B. An application for a demonstration project remote tasting room under this section shall be approved or denied administratively by the department of permitting and environmental review based upon compliance with the criteria in subsections D. and E. of this section. Approval or denial of a remote tasting room application shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

C. The use that the department may approve pursuant to this Sammamish Valley and Vashon Town Center wine and beverage tourism demonstration project A shall include only the following: Remote tasting room as defined in section 12 of this ordinance.

D.1. This section allows establishment and operation of a remote tasting room use.

2. A demonstration project remote tasting room use may be approved, subject to the following:

a. One or more winery, brewery, distillery facility I, II or III may operate within one remote tasting room;

b. The aggregated total space devoted to tasting and retail activity shall be limited to one thousand square feet of gross floor area, not including areas devoted to storage, restrooms, and similar nonpublic areas;

c. Notwithstanding subsection D.2.b. of this section, an additional five hundred square feet of immediately adjacent outdoor space may be used for tasting, subject to applicable state regulations limiting sale, service and consumption of alcoholic beverages;

d. The site must have direct access to an arterial;

e. The remote tasting room site shall not be used as a winery, brewery, distillery facility I, II or III production facility;

f. Incidental retail sales of products and merchandise related to the products being tasted is allowed;

g. The hours of operation for the tasting room shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

h. An adult beverage business license is required, in accordance with K.C.C. Title 6;

i. A remote tasting room may not operate without proof of Washington state Liquor and Cannabis Board approval;

j. Events that require a temporary use permit shall be prohibited at remote tasting rooms; and

k. Parking shall be limited to one hundred fifty percent of minimum required for retail trade uses in accordance with K.C.C. 21A.18.030.

E.1. To be eligible to use the provisions of this section, a remote tasting room must be located on a demonstration project site identified in Attachment A to this ordinance.

2. Projects proposed in accordance with this section must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

3. The criteria in this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 21A.

F.1. Projects proposed in accordance with this section may be submitted in conjunction with an application for an adult beverage business license or a building permit.

2. Requests shall be submitted to the department in writing, together with any supporting documentation and must illustrate how the proposal meets the criteria in subsections D. and E. of this section.

3. A director's decision regarding a remote tasting room application shall be treated as a Type I land use decision in accordance with K.C.C. 20.20.020.

G. Applications in accordance with this section may be accepted by the department of permitting and environmental review only within three years of the effective date of this ordinance. Remote tasting room uses approved in accordance with this section may continue as long as an underlying business license or renewal is maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

H. One year after the effective date of this ordinance, and on an annual basis for three years thereafter, the director shall compile a list of demonstration project applications submitted and related code complaints, if any.

I. After considering the information compiled under subsection H. of this section, the executive may submit additional proposed legislation extending or otherwise amending this ordinance within three years of the effective date of this ordinance.

NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

A.1. There is hereby created the Sammamish Valley wine and adult beverage tourism district demonstration project B. The purpose of demonstration project B is to support agriculture and synergistic development of mixed use wine and adult beverage facilities in order to boost agritourism and the area's reputation as a food and adult beverage destination.

2. The demonstration project will enable the county to determine if expanded wine and adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural Production District zones. The expected benefits from the demonstration projects include: developing a clear picture of wine and adult beverage industry impacts on and benefits to surrounding Rural Area and Agricultural Production District zoned communities; the opportunity for additional exposure for locally sourced agricultural products; and the opportunity to identify and evaluate potential substantive changes to countywide land use regulations to support the development of additional areas of unincorporated King County that may benefit from growth in wine and adult beverage industry agritourism.

B. A wine and beverage tourism demonstration project B application to modify development standards for on-site winery, brewery, distillery facility III wedding and events shall be administratively approved by the department of permitting and environmental review, and upon such an approval K.C.C. chapter 21A.42 review procedures shall be applied. Demonstration project uses may be approved and conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040. Approval of the proposed demonstration project shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county, and shall not render uses authorized under this section "otherwise permitted in the zone" under K.C.C. 21A.32.100.A.

C. The director shall waive the following development regulations as part of the conditional use permit review under demonstration project B.:

1. K.C.C. 21A.32.100 through 21A.32.140;

2. K.C.C. 21A.44.020; and

3. K.C.C. 21A.08.080.B.12.l

D.1. A demonstration project authorized by this section allows a winery, brewery, distillery facility III operator to obtain authorization for on-site weddings and similar uses pursuant to conditional use review mechanisms in K.C.C. 21A.44.040, and applicable to those uses under K.C.C. 21A.08.080.A. and B.;

2. Demonstration project conditional use permits are subject to all King County Code provisions, including but not limited to, K.C.C. chapters 21A.42 and 20.20, except those specifically excluded by subsection C. of this section,.

E.1. Demonstration project applications made in accordance with this section may only be submitted in relation to an application for a winery, brewery, distillery facility III conditional use permit or winery, brewery, distillery facility conditional use permit modification or expansion.

2. Demonstration project applications shall be submitted to the department in writing before or in conjunction with an application for a winery, brewery, distillery facility III conditional use permit or an application for a winery, brewery, distillery facility III conditional use permit modification or expansion. The supporting documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

3. A demonstration project conditional use permit, conditional use modification or conditional use expansion decision shall be treated as a Type II land use decision in accordance with K.C.C. 20.20.020.

F.1. To be eligible to use the provisions of this section, a demonstration project must be located on a demonstration project site identified in Attachment B to this ordinance.

2. Demonstration project applications must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

G. Demonstration project applications authorized by this section shall be filed with the department of permitting and environmental review within three years of the effective date of this ordinance. Conditional uses permitted under this section are subject to the nonconformance provisions of K.C.C. Title 21A.32. Any deadline in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.

H. One year after the effective date of this ordinance, and on an annual basis for three years thereafter, the director shall compile a list of demonstration project applications, an evaluation of the impacts of wedding and similar uses authorized pursuant to demonstration project conditional use permits, and related code complaints, if any.

I. The executive may submit additional proposed legislation reflecting information compiled under subsection H. of this section within three years of the effective date of this ordinance.

SECTION 26. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010 are each hereby amended to read as follows:

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

|  |  |
| --- | --- |
| a. citations, except for winery, brewery, distillery facility I, II and II and remote tasting room: |  |
| (1) with no previous similar code violations | $100 |
| (2) with no previous code violations of K.C.C. chapter 12.86 within the past twelve months | $125 |
| (3) with one previous code violation of K.C.C. chapter 12.86 within the past twelve months | $250 |
| (4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months | $500 |
| (5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months | Double the rate of the previous penalty |
| b. citations for violations of winery, brewery, distillery facility I, II and III and remote tasting room zoning conditions, including but not limited to unapproved events; |  |
| (1) with no previous similar code violations | $500 |
| (2) with one or more previous similar code violations within the past twelve months; | $1,000 |
| c. violation of notice and orders and stop work orders: |  |
| (1) stop work order basic penalty | $500 |
| (2) voluntary compliance agreement and notice and order basic penalty | $25 |
| (3) additional initial penalties may be added in the following amounts for violations where there is: |  |
| (a) public health risk | $15 |
| (b) environmental damage risk | $15 |
| (c) damage to property risk | $15 |
| (d) one previous similar code violation | $25 |
| (e) two previous similar code violations | $50 |
| (f) three or more previous similar code violations | $75 |
| (g) economic benefit to person responsible for violation | $25 |
| ((~~c.~~)) d. cleanup restitution payment: as specified in K.C.C. 23.02.140. |  |
| ((~~d.~~)) e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order: |  |
| (1) first reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order | $150 |
| (2) second reinspection, which shall occur no sooner than fourteen days following the first reinspection | $300 |
| (3) third reinspection, which shall occur no sooner than fourteen days following the second reinspection | $450 |
| (4) reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting attorney for the purpose of presenting evidence in the course of litigation or administrative hearing against the person responsible for code compliance | $450 |

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

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

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

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

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

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

SECTION 27. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

**EFFECT: This technical striker makes clarifying edits, and corrects drafting errors so that the Proposed Ordinance matches the Executive’s intent.**