



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/30/2002 **In control:** Growth Management and Unincorporated Areas Committee

On agenda: 10/20/2003 **Final action:** 10/20/2003

Enactment date: 10/30/2003 **Enactment #:** 14781

Title: AN ORDINANCE related to zoning, establishing additional provisions for wineries in rural and agricultural zones, and amending development conditions governing food stores and agricultural product sales; and amending provisions related to temporary use permits for wineries in the A and RA zones; and amending Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120.

Sponsors: Rob McKenna, Kathy Lambert, David W. Irons, Jane Hague

Indexes: Zoning

Code sections: 21A.08.080 -

Attachments: 1. Ordinance 14781.pdf, 2. 2002-0471 Hearing Notice.doc, 3. 2002-0471 Notice of Adoption.doc, 4. 2002-0471 Revised Staff Report.doc, 5. Staff Report 02-04-03, 6. Staff Report 03-04-03, 7. Staff Report 10-01-02

Date	Ver.	Action By	Action	Result
10/20/2003	2	Metropolitan King County Council	Passed as Amended	Pass
10/20/2003	1	Metropolitan King County Council	Hearing Held	
5/5/2003	1	Metropolitan King County Council	Deferred	
4/21/2003	1	Metropolitan King County Council	Hearing Held	
4/21/2003	1	Metropolitan King County Council	Deferred	
3/4/2003	1	Growth Management and Unincorporated Areas Committee	Passed Out of Committee Without a Recommendation	Pass
2/4/2003	1	Growth Management and Unincorporated Areas Committee	Deferred	
1/27/2003	1	Metropolitan King County Council	Reintroduced	
10/1/2002	1	Growth Management and Unincorporated Areas Committee	Deferred	
9/30/2002	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/21/2003

AN ORDINANCE related to zoning, establishing additional provisions for wineries in rural and agricultural zones, and amending development conditions governing food stores and agricultural product sales; and amending provisions

related to temporary use permits for wineries in the A and RA zones; and amending Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120.

PREAMBLE:

The Washington state wine industry is an important contributor to the state's economy. Its full economic impact is estimated at \$2.4 billion, and it employs more than eleven thousand people throughout the state, either directly or indirectly.

There are over two hundred forty wineries in Washington, most of which are located in rural and agricultural communities, where they provide jobs, promote agri-tourism and enhance rural character.

King County's development regulations currently limit the size and scope of wineries in rural and agricultural zones, and require all wine to be made from agricultural products grown on-site. Since the vast majority of wine fruit is grown in eastern Washington, these regulations severely limit the art and business of winemaking in unincorporated King County. Most other counties in western Washington allow small and medium scale wineries to operate without such limitations. Expanding these regulations by increasing the size limit for winemaking facilities and by allowing wine to be made from grapes grown elsewhere will provide an economic stimulus to King County's resource-based communities. Local farms, small merchants, restaurants and bed and breakfast inns will also benefit from these expanded uses.

Creating favorable conditions for the production of handcrafted, local wines will promote winemaking as part of a diverse, regional and sustainable economy.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby

amended as follows:

Retail land uses.

A. Retail land uses.

KEY			RESOURCE		RESIDENTIAL				COMMERCIAL/INDUSTRIAL					
P - Permitted Use C - Conditional Use		ZONING	AGRICULTURE	FORESTLAND GENERAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMERCIAL	RETAIL	OFFICE	FINANCIAL	
SIC #	SPECIFIC LAND USE		A	F	M	R	UR	R1-8	R12	NB	CB	RB	O	I
*	Building, Hardware and Garden Materials		P19			P21	C1			P2	P	P		
*	Forest Products Sales		P3, 4	P4		P3, 4								
*	Department and Variety Stores							C14	C14	P5	P	P		
54	Food Stores					C13		C15	C15	P	P	P	C	P6
*	Agricultural Product Sales		P20	P7	P4	P20, C7	P3	P3						
*	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				C ((4 3)) 2 2		C16	C16	P10	P	P	P	P
*	Drug Stores						C15	C15	P	P	P	C	
592	Liquor Stores									P	P		
593	Uses Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and related Stores									P	P		
*	Book Stationery, Video and Art Supply Stores						C15	C15	P	P	P		

*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales		P17	P17		P17	P17	P17, 18					P

GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapters 21A.08.
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B. Development conditions.

1. Only feed stores and garden supply stores.
2. Only hardware and garden materials stores shall be permitted.
- 3.a. Limited to products (~~(produce)~~) 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 two thousand square feet of gross floor area.
 - 7.a. The floor area devoted to retail sales shall not exceed three-thousand five hundred square feet.
 - b. Sixty percent or more of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products grown or produced in King County. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales.
 - c. Sales shall be limited to agricultural (~~(produce)~~) products and plants.
 - d. Storage areas for produce may be included in a farm store structure or in any accessory building.
 - e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during May through September and 7:00 a.m. to 7:00 p.m. during October through April. Outside lighting is permitted if no off-site glare is allowed.
8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
10. Excluding SIC Industry No. 5813-Drinking Places.

11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. Only as accessory to a winery or brewery, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.
14. 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.12.330.
15. 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.
16. 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.
17. Retail sale of livestock is permitted only as accessory to raising livestock.
18. Limited to the R-1 zone.
19. Limited to the sale of livestock feed, hay and livestock veterinary supplies with a covered sales area of not more than five hundred square feet. The five hundred square foot limitation does not include areas for storing livestock feed, hay or veterinary supplies or covered parking areas for trucks engaged in direct sale of these products from the truck.
- 20.a. Covered sales areas shall not exceed a total area of two thousand square feet.
 - b. Sixty percent or more of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products grown or produced in King County. At the time of the initial application, the applicant shall submit a projection of the source of product sales.
 - c. Sales shall be limited to agricultural produce and plants.
 - d. Storage areas for produce may be included in a farm store structure or in any accessory building.
 - e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during May through September and 7:00 a.m. to 7:00 p.m. during October through April. Outside lighting is permitted if no off-site glare is

allowed.

21. Limited to hay sales.

22. Only as:

a. an accessory use to a winery or brewery, limited to the tasting of products produced on site, or

b. 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.

SECTION 2. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended as follows:

Manufacturing land uses.

A. Manufacturing land uses.

KEY		RESOURCE			RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
P - Permitted Use C - Conditional Use		ZONE	AGRICULTURE	FORESTLAND	RURAL	URBAN	URBAN	URBAN	URBAN	URBAN	URBAN	URBAN	URBAN
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R2	NB	CB	RB	O	I (11)
20	Food and Kindred Products	P1	P1		P1	P1					C		P2 C
2082/2084	Winery/Brewery	P(1)	3		P3 C13	P3							
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P

24	Wood Products, except furniture		P4	P4 C5		P4	P4					C6		P
25	Furniture and Fixtures											C		P
26	Paper and Allied Products													C
27	Printing and Publishing								P7	P7	P7C	P7C		P
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 Indus- tries												C
34	Fabri- cate d Meta l Prod ucts												P
35	Indus- trial and Com- merc- ial Mac- hiner y												P
351-55	Heav- y Mac- hiner y and Equi- pme- nt												C
357	Com- puter and Offic- e Equi- pme- nt									C	C		P
36	Elect- ronic and other Elect- ric Equi- pme- nt									C			P
374	Railr- oad Equi- pme- nt												C
376	Guid- ed Missi- le and Spac- e Vehi- cle Parts												C

379	Miscellaneous Transportation Vehicles																			C			
38	Measuring and Controlling Instruments																			C	C	P	
39	Miscellaneous Light Manufacturing																			C		P	
*	Motor Vehicle and Bicycle Manufacturing																					C	
*	Aircraft, Ship and Boat Building																					P10	C
7534	Tire Retreading																					C	P
781-82	Movie Production/Distribution																					P	P
GENERAL CROSS REFERENCES:														Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapters 21A.08.									

B. Development conditions.

1. Limited to agricultural products (~~produced~~) grown on-site, provided structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential

zones.

2. Except slaughterhouses.
3. Only as a home industry, subject to K.C.C. chapter 21A.30.
4. Limited to rough milling and planing of products grown on-site with portable equipment.
5. Limited to SIC Industry Group No. 242-Sawmills.
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.08.080A 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. Limited to wineries subject to the following:

a. the total floor area of structures for wineries and any accessory uses are not to exceed three thousand five hundred square feet, including underground storage, unless located in existing agricultural structures, including, but not limited to, barns.

b. expansions of existing agricultural structures used for wineries are not to exceed three thousand five hundred square feet.

c. at least sixty percent of the grapes or other agricultural product used to produce the wine must be grown in King County.

d. structures and areas used for processing are setback a minimum distance of seventy-five feet from

property lines adjacent to residential zones.

e. wineries must comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries using water from exempt wells must install a water meter.

13. Limited to wineries subject to the following:

a. The floor area of structures for wineries and any accessory uses are limited to a total of eight thousand square feet, except that underground storage that is constructed completely below natural grade, not including required exits and access points, may add an additional eight thousand square feet provided that the underground storage is at least one foot below the surface and is not visible above ground and must meet the following:

(1) wineries must comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries using water from exempt wells are to install a water meter.

(2) clearing on the site is limited to a maximum of thirty-five percent of the lot area or the amount previously legally cleared, whichever is greater. Removal of noxious weeds and invasive vegetation is exempt from this clearing limitation. The remainder of the site is to be managed under a forest management plan approved by the King County department of natural resources and parks.

(3) off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries specified in K.C.C. 21A.18.030.

(4) structures and areas used for processing are setback a minimum distance of seventy-five feet from property lines adjacent to residential zones.

b. Structures for wineries and any accessory uses that exceed six thousand square feet of total floor area including underground storage must:

(1) have a minimum lot size of ten acres; and

(2) use a minimum of two and one-half acres of the site for the growing of agricultural products.

c. Structures for wineries and any accessory uses that do not exceed a six thousand square feet of total floor area including underground storage must have a minimum lot size of five acres.

d. On Vashon-Maury Island, the total floor area of structures for wineries and any accessory uses located may not exceed six thousand square feet including underground storage and must have a minimum lot size of five acres.

SECTION 3. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended as follows:

Temporary use permits - ~~((D))~~duration and frequency. Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for no more than ~~((180))~~ one hundred eighty days from the date of the first event;

B. The temporary use shall not exceed a total of ~~((60))~~ sixty days, provided that this requirement applies only to the days that the event~~((s))~~ or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

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

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year ~~((provided that))~~, though a temporary use permit may be granted for multiple events during the approval period.