



## Legislation Details (With Text)

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

**File created:** 5/16/2016      **In control:** Transportation, Economy, and Environment Committee

**On agenda:** 7/25/2016      **Final action:** 7/25/2016

**Enactment date:** 8/4/2016      **Enactment #:** 18326

**Title:** AN ORDINANCE related to zoning; amending Ordinance 17710, Section 4, and K.C.C. 21A.06.7344, Ordinance 17710, Section 5, and K.C.C. 21A.06.7346, Ordinance 17710, Section 6, and K.C.C. 21A.06.7348, 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 336, as amended, and K.C.C. 21A.08.090, adding a new chapter to K.C.C. Title 6, adding a new section to K.C.C. chapter 27.10 and repealing Ordinance 18269, Section 2, and Ordinance 18269, Section 3.

**Sponsors:** Claudia Balducci

**Indexes:** Marijuana

**Code sections:** 21A.06.7344 - ., 21A.06.7346 - ., 21A.06.7348 - ., 21A.08.070 -, 21A.08.080 -, 21A.08.090 -, 27.10 -, 6 - .

**Attachments:** 1. Ordinance 18326.pdf, 2. 2016-0254 legislative review form.pdf, 3. 2016-0254 notice of public hearing.doc, 4. 2016-0254 for intro.docx, 5. 2016-0254 transmittal letter.doc, 6. 2016-0236\_2016-0254\_SR\_MarijuanaZoning\_051816.docx, 7. Att4\_KCRegs.docx, 8. Att5\_SkywayMap.pdf, 9. Att6\_NorthHighlineMap.pdf, 10. Att7\_RetailOrdSummary.docx, 11. Sign-up sheet and Public Comments TrEE 5-18-16.pdf, 12. 2016-0254 AckLetterExp 6-16.pdf, 13. 2016-0236\_0254\_SR\_dated\_06162016\_MarijuanaZoning\_061616.docx, 14. 2016-0236\_0254\_ATT5\_CityMarijuanaZoningChart.docx, 15. 2016-0236\_0254\_ATT6\_CityMarijuanaZoningap.pdf, 16. 2016-0236\_0254\_ATT7\_CityMarijuanaZoningProducerProcessor.docx, 17. 2016-0236\_0254\_ATT8\_UsesinRAzones.pdf, 18. 2016-0236\_0254\_ATT9\_PublicComments.pdf, 19. 2016-0254 email from COM GMU Review Team.pdf, 20. 2016-0236 and 2016-0254 re marijuana zoning Public Hearing Notice.doc, 21. 000-2016-0254 Amendment S1.docx, 22. 2016-0254 Amendment packet with action.pdf, 23. 2016-0236\_0254\_REVISED\_SR\_MarijuanaZoning.docx, 24. 2016-0236\_0254\_Written\_Comments\_Submitted\_at\_06162016\_TrEE\_Meeting.pdf, 25. Signed SEPA Checklist - Marijuana Ordinances.pdf, 26. Memo initiating SEPA review.docx, 27. 2016-0236 and 2016-0254 re marijuana zoning Affidavit of Publish Seattle Times 6-22-16.pdf, 28. 2016-0254 2016 NON-PROJ SEPA DNS ISSUED 6 29 16.pdf, 29. amendment package 7-25-16, 30. 2016-0254 and 2016-0326 speaker list 7-25-16.doc, 31. Notice of Adoption - publish in Seattle Times 8-17-16, 32. Post Adoption of marijuana ordinance - Seattle Times 8-17-16.pdf

Date	Ver.	Action By	Action	Result
7/25/2016	2	Metropolitan King County Council	Hearing Held	
7/25/2016	2	Metropolitan King County Council	Passed as Amended	Pass
6/16/2016	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
5/18/2016	1	Transportation, Economy, and Environment Committee	Deferred	
5/16/2016	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE related to zoning; amending Ordinance 17710, Section 4, and

K.C.C. 21A.06.7344, Ordinance 17710, Section 5, and K.C.C. 21A.06.7346, Ordinance 17710, Section 6, and K.C.C. 21A.06.7348, 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 336, as amended, and K.C.C. 21A.08.090, adding a new chapter to K.C.C. Title 6, adding a new section to K.C.C. chapter 27.10 and repealing Ordinance 18269, Section 2, and Ordinance 18269, Section 3.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:** For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

A. King County adopted zoning regulations for marijuana retail, processing and production activities in Ordinances 17710, 17725 and 17841 to address the land uses allowed under Washington state Initiative 502.

B. In 2015, the Washington state legislature adopted changes to the marijuana regulatory system as part of Chapter 70, Laws of Washington 2015 and Chapter 4, Laws of Washington 2015 2nd Special Session.

C. In response to the 2015 laws, the Washington state Liquor and Cannabis Board has accepted a large number of applications for additional producer and processor licenses and additional retail license applications.

D. King County has received notice that many additional license applications have been submitted to the Washington state Liquor and Cannabis Board for marijuana producers and processors seeking to become established in rural and agriculturally zoned areas of unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither adequately comply with the King County Comprehensive Plan policies to preserve rural character, nor sufficiently address the impacts and proliferation of these businesses in unincorporated King County.

E. King County has also received notice that many additional license applications have been submitted to the Washington state Liquor and Cannabis Board for marijuana retailers seeking to locate in urban areas of

unincorporated King County, leading to increased concerns that King County's adopted zoning regulations neither sufficiently address the impact of retailer density in close proximity to low income residential areas nor assure patients access to medical marijuana.

F. In order to preserve King County's regulatory authority and the validity of its legislative process, and to allow sufficient time for policy discussion on the issues raised, the King County council enacted a temporary, four-month moratorium on new marijuana producers, processors and retailers with Ordinance 18269 on April 25, 2016.

G. King County has completed the policy discussion on the marijuana zoning regulations, and now proposes modifications to those zoning regulations, in order to address the impacts in unincorporated King County of marijuana businesses, to allow for orderly development of marijuana businesses, and to maintain consistency with King County Comprehensive Plan policies.

H. King County acknowledges that state licensed marijuana businesses have impacts that are subject to the jurisdiction of multiple state and local regulatory agencies, including, but not limited to, the Puget Sound Clean Air Agency, which has adopted its own regulations and enforcement system applicable to marijuana odor emissions.

I. Healthy, vibrant business districts should offer multiple types of retail, banking, office and other businesses used by residents.

J. Access to cannabis for medical patients with valid medical marijuana authorization cards is of concern to the county and is proposed to be addressed through appropriate zoning, preserving patient access to cannabis for legal medical purposes.

K. The changes to zoning contained in this ordinance bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

SECTION 2. Sections 3 through 9 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 marijuana retail activities and businesses licensed by the Washington state Liquor and Cannabis Board and 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:

A person or entity shall not operate or maintain a retail marijuana business in unincorporated King County unless the business has obtained a business license issued by the director as provided by this chapter. A current marijuana retail business license issued under this chapter shall be prominently displayed on the licensed premises.

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:

An application for a retail marijuana 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 principle or officer of any 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, birthdate, current residential, email and mailing address of each person, including all partners if the applicant is a partnership, and all officers or principles if the applicant is a corporation or limited liability company, with a financial interest in the business; and the Universal Business Identifier number, the identity of the registered agent and the address of the principle office, if the applicant is a corporation or limited liability company;

B. The name, street address and telephone number of the retail marijuana business;

C. A copy of the Washington state Liquor and Cannabis Board retail marijuana license associated with the business address or, if a state license has not been issued, a complete copy of a retail marijuana license application submitted to and accepted by the Washington state Liquor and Cannabis Board; and

D. A copy of a medical marijuana endorsement approval letter issued by the Washington state Liquor and Cannabis Board, if applicable.

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 applicant for a retail marijuana business license or renewal under this chapter shall pay an application fee at the time of application submittal. The nonrefundable application fee for a retail marijuana business license or renewal is set under section 16 of this ordinance. The nonrefundable application fee for a retail marijuana business license or renewal shall be reduced by fifty percent if at the time of application, the applicant shows proof of a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.

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:

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

A retail marijuana 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. A retail marijuana business license renewal expires one year from the previous license's expiration date.

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:

Within thirty days of the director's receipt of a complete retail marijuana 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 10. Ordinance 17710, Section 4, and K.C.C. 21A.06.7344 are hereby amended as follows:

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

A. (~~(Recreational m)~~)Marijuana processor I -- processing (~~(which)~~) that is limited to:

1. Drying, curing(~~(,)~~) and trimming; and
2. Packaging.

B. (~~(Recreational m)~~)Marijuana processor II -- all elements of processing including:

1. All (~~(recreational)~~) marijuana processor I activities;
2. Extracting concentrates and infusing products;
3. Mechanical and chemical processing; and
4. Packaging.

SECTION 11. Ordinance 17710, Section 5, and K.C.C. 21A.06.7346 shall be amended as follows:

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

SECTION 12. Ordinance 17710, Section 6, and K.C.C. 21A.06.7348 shall be amended as follows:

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

SECTION 13. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 shall be amended as follows:

A. Retail land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A		V		E		B	E	N	E	N	E	E	T
		L		L	A			N		O	S	I	S	A	S		R
		T			R			T		R	S	T	S	L	S		I
		U			E			I		H		Y					A
		R			A			A		O							L
		E						L		O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-	NB	CB	RB	O	I	(30)			
*	Building Materials and Hardware Stores		P23						P2	P	P						
*	Retail Nursery, Garden Center and Farm Supply Stores	P1	C1		P1	C1			P	P	P						
*	Forest Products Sales	P3	and P4		P3	and P4					P						
*	Department and Variety Stores						C14	P14	P5	P	P						
54	Food Stores						C15	P15	P	P	P		C	P6			
*	Agricultural Product Sales	P7	C7	P4	P7	C7	P3	P3	P25	P25	P25	P25	P25	P25	P25		
*	Farmers Market	P24	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	HP10	P	P	P	P
*	Drug Stores					C15	P15	P	P	P	C	
*	((Recreational m)) 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	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores					C15 a	P15	P	P	P		
*	Jewelry Stores								P	P		
*	Monuments, Tombstones, and Gravestones									P		
*	Hobby, Toy, Game Shops							P	P	P		
*	Photographic and Electronic Shops							P	P	P		
*	Fabric Shops								P	P		
598	Fuel Dealers								C11	P		P
*	Florist Shops					C15 a	P15	P	P	P	P	
*	Personal Medical Supply Stores								P	P		
*	Pet Shops							P	P	P		
*	Bulk Retail								P	P		
*	Auction Houses									P12		P
*	Livestock Sales	P17	P17	P17	P17	P17 and 18						P
<p><b>GENERAL CROSS REFERENCE</b> and Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see 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 t specific land use, see K.C.C. chapter 21A.06.</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.a. As a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;

- b. The site area shall be at least four and one-half acres;
- c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;
- d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

- e. Sales shall be limited to agricultural products and locally made arts and crafts;
- f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and
- g. Outside lighting is permitted if no off-site glare is allowed.
- 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 10. Excluding SIC Industry No. 5813-Drinking Places.
- 11. No outside storage of fuel trucks and equipment.
- 12. Excluding vehicle and livestock auctions.
- 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.
- 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in

accordance with K.C.C. 20.20.035.

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

18. Limited to the R-1 zone.

19. Only as:

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

b. an accessory use to a 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 ~~((parcel))~~ 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 the effective date of this ordinance, 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 the effective date of this ordinance, 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 ((pareel)) 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 the effective date of this ordinance, 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 the effective date of this ordinance, 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.

SECTION 14. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 shall be amended as follows:

A. Manufacturing land uses.

KEY		RESOURCE			RUR AL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
			L		L	A		E		N	O	S	I	S	A	S		R
			T			R				T	R	S	T	S	L	S		I
			U		E				I	H		Y				A		
			R		A				A	O						L		
			E						L	O								
									D									
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I	(11)				
20	Food and Kindred Products	P1	C1	P1	P1	C1	P1		P2	P2	P2	C		P2	C			

*/2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P17	P17	P		P
*	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
*	((Recreational)) Marijuana Processor I	P20			((P20)) P27				P21 C22	P21 C22			
*	((Recreational)) 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



d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section, the floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

(2) With a conditional use permit, up to five thousand square feet of floor area may be devoted to all processing; and

(3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to all processing shall not exceed seven thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

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

f. Processing is 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;

g. In the A zone, structures used for processing 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

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.1.d. of this section.

2. Except slaughterhouses.

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

b. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing

and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

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

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

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

g. Tasting of products produced on site may be provided 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.

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

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

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

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

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

9. Only within enclosed buildings.

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

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

21A.12.

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

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

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

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

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

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

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

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

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

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

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.12.b. of this section.

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;

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

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

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

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;

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

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

b. SIC Industry No. 2411-Logging.

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; ~~((and))~~

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 ~~((parcel))~~ 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-))~~ e. If the two-thousand-square-foot-per ~~((parcel))~~ -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))~~ lot shall obtain a conditional use permit as set forth in subsection ~~((B.23-))~~ B.22. of this section.

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

b. Per ~~((parcel))~~ 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; ~~((and))~~

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 ~~((parcel))~~ 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.))~~ e. If the two-thousand-square-foot-per ~~((parcel))~~ 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))~~ lot shall obtain a conditional use permit as set forth in subsection ~~((B.25))~~ 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 ~~((parcel))~~ 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 ((~~parcel~~)) 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 ((~~parcel~~)) 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.

SECTION 15. Ordinance 10870, Section 336, as amended, and K.C.C 21A.08.090 are hereby amended as follows:

A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L	A	E		N	O	S	I	S	A	S		R	
		T			R			T	R	S	T	S	L	S		I	
		U			E			I	H	Y					A		
		R			A			A	O						L		
		E						L	O								
									D								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	AGRICULTURE:																
01	Growing and Harvesting Crops	P	P		P	P	P									P	



1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. 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 be depicted on a site plan. New structures for nonagricultural camp activities shall be clustered with existing structures;
- g. To the extent practicable, existing structures shall be reused. The applicant shall demonstrate to the director that a new structure for nonagricultural camp activities cannot be practicably accommodated within an existing structure on the site, though cabins for campers shall be permitted only if they do not already exist on site;
- h. Camp facilities may be used to provide agricultural educational services to the surrounding rural and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;
- i. Lodging and food service facilities shall only be used for activities related to the camp or for agricultural education programs or community events held on site;
- j. Incidental uses, such as office and storage, shall be limited to those that directly support camp activities, farm operations or agricultural education programs;
- k. New nonagricultural camp structures and site improvements shall maintain a minimum set-back of seventy-five feet from property lines adjoining rural area and residential zones;
- l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;
- m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent rural area and residential zoned property not associated with the camp;
- n. New sewers shall not be extended to the site;
- o. The total number of persons staying overnight shall not exceed three hundred;

- p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
  - q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;
  - r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;
  - s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;
  - t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and
  - u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.
13. Limited to digester receiving plant and animal and other organic waste from agricultural activities, as follows:
- a. the digester must be included as part of a Washington state Department of Agriculture approved dairy nutrient plan;
  - b. the digester must process at least seventy percent livestock manure or other agricultural organic material from farms in the vicinity, by volume;
  - c. imported organic waste-derived material, such as food processing waste, may be processed in the digester for the purpose of increasing methane gas production for beneficial use, but not shall exceed thirty percent of volume processed by the digester; and
  - d. the use must be accessory to an operating dairy or livestock operation.

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

- a. The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;
- b. Water supply and sewage disposal systems must be approved by the Seattle King County department of health;
- c. To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain or in a critical area or critical area buffer; and
- d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

15. Marijuana production by marijuana producers licensed by the Washington state Liquor ~~((Control))~~ 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.b.))~~ B.15.e. of this section;
- ~~((b-))~~ e. Per ~~((parcel))~~ 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; ((~~and~~

e.)) f. Outdoor production area fencing as required by the Washington state Liquor ((~~Control~~)) and Cannabis Board ((~~and~~)), 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 ((~~Control~~)) 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 g. 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.b.))~~ B.16.f. of this section;

~~((b.))~~ g. Per ~~((parcel))~~ 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;

~~((e. Only allowed on lots of at least four and one-half acres; and~~

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

~~((e.))~~ i. If the two-thousand-square-foot-per ~~((parcel))~~-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 ~~((parcel))~~ 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 ~~((Control))~~ 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.b.))B.17.e. of this section;

~~((b.))~~ f. Per ((parcel)) 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

~~((e. Only allowed on lots of at least four and one-half acres))~~ 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; ~~((and))~~

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 ((parcel)) 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-))~~ e. If the two-thousand-square-foot-per ~~((parcel))~~ -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))~~ lot 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 ~~((parcel))~~ 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 ~~((parcel))~~ 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 ((pareel)) 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 ((Control)) 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.15.b.)) B.22. e and f. of this section;

~~((b.))~~ e. On lots less than ten acres, ((P))per ((pareel)) 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))~~ 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

~~((e-))~~ g. Outdoor production area fencing as required by the Washington state Liquor ~~((Control))~~ and Cannabis Board, ~~((and))~~ marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of ~~((thirty))~~ 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.

SECTION 16. There is hereby added to K.C.C. chapter 27.10 a new section to read as follows:

The nonrefundable application fee for a retail marijuana business license or renewal imposed under section 6 of this ordinance is one thousand dollars. The nonrefundable application fee for a retail marijuana business license or renewal shall be reduced by fifty percent in accordance with section 6 of this ordinance.

SECTION 17. Before transmitting the 2017/2018 biennial budget, the executive shall review the permit fees for conditional use permits related to marijuana businesses to ensure those fees are achieving the full cost recovery contemplated by K.C.C. Title 27. As part of the transmittal, the executive shall propose any necessary fee adjustment including, if necessary, a fee specific to marijuana-related conditional use permits, to ensure such permit fees achieve full cost recovery, and shall provide written documentation to the council that the department expects the proposed fee to provide full cost recovery for these types of land use applications.

SECTION 18. A. It is the intent of the council to find additional appropriate locations for marijuana retail stores, especially to serve medical marijuana patients. As such, the executive shall transmit a report that analyzes the potential for allowing marijuana uses in Neighborhood Business (NB) as follows:

1. Identify each NB zoned area. For each NB zoned area:

a. provide parcel information including, but not limited to: parcel acreage, current and significant historical uses, development conditions and area mapping shall include, but is not limited to any and all map designations and adjacent area zoning;

b. determine the approximate acreage for marijuana retail uses in each NB zoned area considering state buffer requirements;

c. recommend whether to allow marijuana retailers in the NB zone, and if so, what development conditions should apply; and

d. discuss regulatory options for marijuana retail uses in NB zones, including development conditions and any property or area specific conditions that could be used to assist with compatibility of marijuana retailer uses;

B. The report and a proposed ordinance allowing marijuana retail uses in ten existing NB-zoned areas, along with appropriate development conditions shall be transmitted to the council by December 31, 2016. The proposed ordinance shall allow marijuana retail uses in no more than two NB-zoned areas per council district. The report and the proposed ordinance shall be transmitted to the council by December 31, 2016, in the form of

a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 19. A. The executive shall transmit a report that analyzes the potential for allowing marijuana uses in Urban Reserve (UR) and Rural Area-10 (RA-10) zones in unincorporated King County as follows:

1. Identify each UR zoned area. For each UR zoned area, provide:

a. acreage, potential annexation area descriptions including but not limited to any adjacent jurisdictions' potential zoning and recent or current annexation processes, and area mapping including, but not limited to any and all map designations, comprehensive plan mapping layers and adjacent area zoning;

b. parcel information including, but not limited to, parcel acreage, current and significant historical uses and area mapping including, but not limited to, any and all map designations, and adjacent area zoning;

c. determine the approximate acreage for marijuana production, processing and retail uses in each UR zoned area considering state buffer requirements; and

d. recommend whether to allow marijuana producers, processors and retailers in the UR zone and, if so, what development conditions should apply; and

2. Identify each RA-10 zoned area. For each RA-10 zoned area provide:

a. parcel information including, but not limited to, parcel acreage, current and significant historical uses and area mapping including, but not limited to, any and all map designations, and adjacent area zoning;

b. determine the approximate acreage for marijuana production and processing uses in the RA-10 zoned area considering existing uses, and state buffer requirements;

c. recommend whether to allow marijuana producers and processors in the RA-10 zone generally; and

d. discuss regulatory options for marijuana producers and processors in RA zones, recommended

development conditions that could be used to assist with limiting the impact of marijuana retailer uses.

B. The report and a proposed motion accepting the report shall be transmitted to the council by April 28, 2017, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 20. A. The executive shall transmit a report describing the marijuana industry in King County and the impacts of retail stores and marijuana processors on the residents of unincorporated King County as detailed in subsection B. of this section.

B. The report should include:

1. An analysis of the land available under the county's land use code to determine if there is sufficient capacity to absorb the number of licenses the state has allocated to King County;
2. A map of the known retail and producer and processor locations and any potential locations;
3. An analysis of the impacts of legal marijuana retail and processing on unincorporated residents for the period 2014-2018, including the number, location and nature of complaints made to the department of permitting and environmental review; crimes attributable to marijuana businesses; an assessment of how regulations governing light and odor are being implemented; and a summary of public comment made during five conditional use permit reviews;
4. An assessment of the equity and social justice impacts of how the marijuana industry is developing in unincorporated King County;
5. Recommendations for ways to meet the county's obligations under the new regulated state framework and adopt development regulations that are fair and predictable to the industry and that minimize the impact of marijuana retail stores and processing facilities on residents;
6. Recommendations for ways to use development regulations to incentivize the location of medical retrieval establishments in King County;

7. An overview of the state of the marijuana industry in the state and county based on what is learned in this report, as well as information available through state, federal and privately funded studies; and

8. A table showing the land use rules for all jurisdictions in Washington where such information is readily available.

C. The report shall be transmitted to the council by December 31, 2018, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 21. Ordinance 18269, Section 2, and Ordinance 18269, Section 3, are each hereby repealed.

SECTION 22. Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or application of the provision to other persons or circumstances is not affected.