

***June 13, 2016***

***Submitted by:***

*Sal Leone*

*President/CEO*

*Washington Wine & Beverage Co; Fish Brewing Co.*

**Dear Members of the King County Task Force and Council Members:**

The following is a recommendation of what should be allowed in each of the following zones within Unincorporated King County from several property and craft beverage industry owners who reside in the unincorporated greater Woodinville area. Most of us have been attending the past task force meetings and plan to also be in attendance at the June 15<sup>th</sup> public meeting. As time will be limited at this meeting, we are submitting this written report in advance.

It is our hope that our recommendation can satisfy the needs for all stakeholders and find a common ground. During the task force meeting we have heard concerns from farmers who want to protect the farmlands, from those who live in essentially residential areas within the RA zone who want to protect the tranquility of their neighborhoods and those who reside and operate a business along the busy arterial known as 140<sup>th</sup> Ave/148<sup>th</sup> Ave/Hwy 202. We have heard from the traffic consultants that this arterial is an alternative North-South passageway for I-405 and that most of the traffic along this arterial is from cars traveling through the area and are not local.

**Agritourism District**

We believe the creation of an agritourism (economic, tourist) overlay is critical to the solution of the problem in our area. We all know that the rural and agricultural zones are very broad and encompass many types of environments, densities, and uses which at times conflict with each other. This overlay can be used to identify parcels along major arterials like 148<sup>th</sup>/Hwy 202 to allow tourist oriented business while limiting the use in other areas. This overlay could also be used in other areas of the county as the council feels appropriate.

**Solutions for other Agriculture Businesses**

Our proposal also includes solutions for other type of agricultural business such as fruit stands, agricultural retail stores, retail nurseries, corn mazes, pumpkin patches and garden stores who are also in violation of the current land use codes.

**Independent of Lot Size Requirement**

Our solution is based upon what activities should be allowed in each zone without regard to lot size as we feel that the lot size should be determined by the size of the business, current parking requirements based upon the occupancy, and allowed open spaces and not some arbitrary minimum acre requirement. This is the same method used in most other zones. In essence, the lot size for a small craft beverage business could be much smaller than the lot size for a much larger winery. We also believe the use of fruit should be expanded to include all of Washington State.

### **Independent of Home Business/Industry Use**

It is our goal to eliminate the need for the craft business industry to use the “Home Business” or “Home Industry” use as its justification for our existence in these areas. While many craft business are very small and may operate out of their garages, the current home business/industry codes are simply too restrictive for the needs of the industry. Properly written codes for our industry should eliminate this need which we believe has led to the current confusion in the county

We also believe the proper definition is critical to the future success and enforcement of the codes. The current definitions within the codes are either insufficient or absent. We have provided some suggestions below as part of our recommendation.

### **Safety Improvements with a Method to Pay**

Although the traffic studies have indicated that the local traffic is less than 2% on Hwy 202, we feel it would be beneficial to add a center lane, a bicycle path, sidewalks and signage along this arterial. We propose a special district tax levy of .7% on all retail purchases within the tourist district. This money can be used to pay for these improvements plus another amenities. In addition, we recommend that Hwy 202 be redirected along a more logical path to connect Hwy 522 to Redmond by using the Woodinville bypass (171<sup>st</sup> and 131<sup>st</sup> Ave) to 140<sup>th</sup> and 148<sup>th</sup> Ave along the eastside of the valley rather than its current path on the west side. This would eliminate two turns and help provide some state funds to improve the arterials.

### **Summary**

In summary, our solution is based on some very basic principles: 1) require the growing of crops or the raising of livestock in the agricultural zone to preserve and encourage the use of farmland, 2) restrict the use of remote tasting rooms and require some production within the residential areas of the RA zone and 3) expand the uses for the craft beverage industry and other supporting agritourism businesses within an overlay along the main arterials.

**RA Zone within an Agritourism District along main arterials such as portions of 140<sup>th</sup> Ave/148<sup>th</sup> Ave/Hwy 202.** *This is very similar to the Woodinville Tourist District and would provide a seamless transition from the city into the county. It can also be applied to other areas with King County.*

- No minimum lot size requirement. Lot size should be determined by the square footage of the buildings and occupancy which determines the requirement for parking and other requirements.
- Stand-Alone Craft Beverage establishments including but limited to wineries, cideries, breweries, distilleries, meaderies and other agricultural food stores or activities such as fruit and vegetable stands, nurseries, corn mazes, pumpkin patches including administrative offices, grounds maintenance, gardens, visitor services, retail outlets primarily for products produced, public concerts, theatrical events, craft beverage owned food service, as well as tastings events and facilities INCLUDING remote tasting rooms. No restrictions on where product is grown or produced.
- Manufacture of arts and crafts provided at least 10% of floor area is devoted to retail.
- Manufacture of bakery, confectionary and other specialty food and kindred products provided that at least 10% of the products manufactured on site must be sold on site.

- Tourist related retail and commercial use; bike shops, miniature golf, delicatessens, art/northwest craft shops, and food stores limited to NAICS 4452.
- Theaters, museums, and outdoor performance centers with limitations
- Lodging facilities including bed and breakfast guest houses, lodges and inns, youth hostels, and campgrounds with limitations.
- Conference Centers
- Passenger Train Stations
- Parks, trails and recreation services providing rental of bicycles, roller skates or blades, canoes, kayaks, rowboats, and floatation devices
- Restaurants except drive-through facilities
- Antique stores and bookstores
- Art dealers and galleries

#### **RA Zone Outside of the Agritourism District**

- No minimum lot size requirement. Lot size should be determined by the square footage of the buildings and occupancy which determines the requirement for parking and other requirements.
- Stand-Alone Craft Beverage establishments including but not limited to wineries, cideries, meaderies, breweries and distilleries including administrative offices, grounds maintenance, gardens, visitor services, retail outlets primarily for products produced, craft beverage owned food service and/or food trucks and trailers, entertainment, and special private and industry events such as weddings, barrel tastings, etc.
- No remote tasting rooms are allowed
- 51% of Product must be grown within the state of Washington
- 25% of the Product sold on site must be produced on the site

#### **A Zone**

- No minimum lot size requirement. Lot size should be determined by the square footage of the buildings and occupancy which determines the requirement for parking and other requirements.
- Stand-Alone Craft Beverage establishments including but not limited to wineries, cideries, meaderies, breweries, distilleries and fruit stands including administrative offices, grounds maintenance, gardens, visitor services, retail outlets primarily for products produced, craft beverage owned food service, entertainment, and special private and industry events such as weddings, barrel tastings, etc.
- No remote tasting rooms
- 51% of Product must be grown within the state of Washington. (This is consistent with current state laws for craft distilleries)
- 25% of the Product sold on site must be produced on the site
- At least 30% of the site must be used for the purpose of growing products or raising livestock including access roads, storage facilities and agricultural buildings.

#### **Definitions**

## **Definitions that should be added to the code**

**Craft Beverage Establishment** means any business engaged in the production and selling of beer, wine, mead, cider and spirits as defined below that have limited production as defined as craft producer under Washington State law or small producer under federal law.

**Brewery** means any business engaged in the manufacturing and selling of beer and malt liquor. Brewery also includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state. A brewery may allow tasting of its products with or without a fee, sell its products for on-site or off-site consumption and sell other incidental items. As appropriate, a brewery may also operate a brewpub or other craft beverage owned food service as allowed by state law.

**Brewpub:** A restaurant or tavern owned by a brewery for the purpose of selling food on-site as an accessory use to the sale or tasting of its products.

**Distillery** means a business engaged in the manufacturing and selling of distilled spirits as a craft distiller, a distiller/rectifier, or manufacturer. A distillery may allow tasting of its products either as a stand-alone product or with mixes as allowed by state law with or without a fee, sell its products for on-site or off-site consumption and sell other incidental items. As appropriate, a distillery may operate a distillery pub or other craft beverage owned food service as allowed by state law.

**Distillery Pub:** A wine and spirits restaurant owned by a distillery for the purpose of selling food on-site as accessory use to the sale or tasting of its products.

**Cidery** means a winery engaged in the manufacturing and selling of alcoholic or non-alcoholic cider made from apples or other fruit. A cidery may also operate a cidery-owned estate orchard, a tasting room and retail shop at its production facility. The cidery may taste its products, sell its products for on-site and off-site consumption and sell other incidental items. As appropriate, a cidery may operate several remote tasting rooms and a craft beverage owned food service as allowed by state law.

**Meadery** means a winery engaged in the manufacturing and selling of alcoholic or non-alcoholic products made from honey. A meadery may also operate a meadery-owned beekeeping and honey processing facility, a tasting room and retail shop at its production facility. The meadery may taste its products, sell its products for on-site and off-site consumption and sell other incidental items. As appropriate, a meadery may operate several remote tasting rooms and a craft beverage owned food service as allowed by state law.

**Winery** means a business engaged in the manufacturing and selling of wine. A winery may also operate a winery-owned estate vineyard, a tasting room and retail shop at its production facility. The winery may taste its products, sell its products for on-site and off-site consumption and sell other incidental items. As appropriate, a winery may operate several remote tasting rooms and a craft beverage owned food service as allowed by state law.

**Remote Tasting Room:** A tasting room owned by a winery at a location other than on the same site as its bonded winery facility. The Remote Tasting room may taste its products, sell its products for on-site and off-site consumption and sell other incidental items

**Craft Beverage Owned Food Service** means a restaurant, café, food trucks or trailers, catering kitchens or other food service outlet that sell food on-site as an accessory use to the sale or tasting of its products.

#### **Existing Definitions within the Code**

**21A.06.040 Agricultural product sales.** Agricultural product sales: the retail sale of items resulting from the practice of agriculture, including primary horticulture products such as fruits, vegetables, grains, seed, feed and plants, primary animal products such as eggs, milk and meat, or secondary and value added products resulting from processing, sorting or packaging of primary agricultural products such as jams, cheeses, dried herbs or similar items. Agricultural product sales do not include marijuana, usable marijuana or marijuana-infused products. (Ord. 17710 § 1, 2013: Ord. 15032 § 1, 2004: Ord. 10870 § 48, 1993).

**21A.06.090 Bed and breakfast guesthouse.** Bed and breakfast guesthouse: a dwelling unit or accessory building within which bedrooms are available for paying guests. (Ord. 10870 § 58, 1993).

**21A.06.451M Farmers market.** Farmers market: a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in Washington State. (Ord. 17191 § 21, 2011).

**21A.06.605 Home industry.** Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 7, 1998: Ord. 10870 § 161, 1993).

**21A.06.610 Home occupation.** Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993).

**21A.06.830 Outdoor performance center.** Outdoor performance center: an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. (Ord. 10870 § 206, 1993).

**21A.06.10105 Retail nursery, garden center and farm supply store.** Retail nursery, garden center and farm supply store: an establishment primarily engaged in retailing to the general public:

A. Trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, landscaping materials and other garden supplies; and

B. Animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies. (Ord. 15974 § 4, 2007).

**21A.06.1427 Winery.** Winery: An establishment primarily engaged in one or more of the following:

- A. Growing grapes or fruit and manufacturing wine, cider or brandies;
- B. Manufacturing wine, cider, or brandies from grapes and other fruits grown elsewhere; and
- C. Blending wines, cider or brandies. (Ord. 15974 § 5, 2007).