

METROPOLITAN KING COUNTY COUNCIL
NOTICE OF PUBLIC HEARING
Proposed Ordinance 2022-0147

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Metropolitan King County Council on the 14th day of June, 2022 at 1:00 p.m., to consider adoption of a Proposed Ordinance relating to development regulations for wineries, breweries and distilleries for unincorporated King County. The public hearing is planned to either be held at the King County Courthouse, 516 3rd Avenue, Room 1001, Seattle, Washington; or the hearing may be held remotely on Zoom. Information on the public hearing and how to submit public testimony can be found at this website: https://www.kingcounty.gov/council/committees/full_council.aspx. Following the public hearing, the Council may take action on the Proposed Ordinance on June 21, 2022.

Summary of Legislation:

Proposed Ordinance 2022-0147 is the first of two ordinances that would modify the regulations for wineries, breweries and distilleries (WBD). Proposed Ordinance 2022-0147 is Ordinance 1, and would make the following changes to the WBD regulations:

- Prohibit WBDs in the Agriculture zone.
- Require WBD III in the Rural Area (RA) zone to have a minimum site area of 10 acres if the floor area exceeds 5,000 square feet.
- Specify compliance with the County's stormwater regulations for WBD II and III in the RA zone.
- Add limitations on on-site tasting and sales: reducing the floor area allowed to 20% of the gross floor area for WBD II and III in the RA zone.
- Prohibit distilleries in basins closed or partially closed to new water withdrawals for WBD I and II in the RA zone (excludes Vashon-Maury Island).
- Require WBD II in the RA zone to connect to a Group A or Group B water system (excludes Vashon-Maury Island).
- Require commercial septic system and prohibits use of sewer systems for WBD I, II and III in the RA zone (excludes Vashon-Maury Island).
- Require additional stages of production to occur on-site (2 for WBD I, 3 for WBD II and III) in the RA zone, with additional "active" stages required on-site (1 for WBD I, 2 for WBD II and III).
- Require WBDs to be setback 75' from A zones, and adds impervious surface to the required setback.
- Modify event allowances, including differentiating between on-site functions that do not trigger permit requirements, events that do trigger permit requirements for temporary use permits, activities that are always prohibited for WBDs, and removing an exemption from temporary use permit requirements for certain WBDs.
- Modify the land use business license requirements to: reflect prohibition of WBDs in the Agriculture zone, modify the language regarding nonconforming businesses, require a building permit or change of use permit to be issued prior to approval of the license with an exception for existing businesses to come into compliance.
- Modify the definition of remote tasting room to reflect changes made in state law.
- Modify the definitions of WBD I, II, and III to recognize additional stages of production and to remove general references to state law.
- Repeal remote tasting room demonstration project overlay A, and adopt a map amendment to the Zoning Atlas to reflect this repeal.
- Repeal efficacy evaluation adopted by Ordinance 19030 in 2019.

The King County Council's Local Services and Land Use Committee is expected to make a recommendation on the legislation at their May 24, 2022, meeting. A draft striking amendment has been released by the Committee Chair, that would make the following changes to Proposed Ordinance 2022-0147.

- Clarifying provisions for WBDs in historic resources in the RA zone, so that additional floor area allowed must be wholly within the historic structure.
- Limiting incidental retail sales to 20% of the tasting and retail sales area, and 20% of the gross sales revenue. Requires documentation of that requirement with the business license.
- Removing requirements for commercial septic systems for WBD I in the RA zone.
- Specifying a requirement for a production liquor license from the state for WBD I, II and III in the RA zone, and requiring documentation demonstrating that the on-site production and tasting and retail sales are met.
- Allowing the Permitting director to reduce the 75' setback requirement for uses that obtain a conditional use permit, subject to specified criteria.

- Modifying the off-street parking requirements for WBD I to match the requirements for WBD II and III.
- Modifying the activities allowed on-site for functions and events by requiring a temporary use permit for events that use portable toilets, and capping the number of portable toilets to 2 for any event.
- Modifying the land use business license requirement for building permit prior to issuance of the license to that building permit needed to establish the WBD use, and giving existing businesses 12 months for their initial license, with discretion to issue 6-month extensions if substantial steps are taken by the applicant to obtain a building permit.
- Adding a requirement for the Executive to contact known WBD businesses and development materials for technical assistance.
- Adding an evaluation report for the Executive to review interior lot line setbacks, temporary use permit requirements related to WBD functions and events, and impacts of the regulations on salmonid species.
- Establishing a contingent effective date, so Proposed Ordinance 2022-0147 becomes effective only when Proposed Ordinance 2022-0148 is adopted. This contingent effective date would not impact the requirement for contacting WBD businesses and developing technical assistance materials, or the evaluation report.

Proposed Ordinance 2022-0148 is Ordinance 2 and would make additional changes to WBD regulations, and would establish a separation requirement between some WBD uses and allow WBD uses in the Urban Reserve zone. A draft striking amendment would also modify the hours of operation for tasting and retail and allow WBD wineries in the Industrial. A separate public hearing notice will be issued prior to any public hearing at the King County Council on the provisions in Proposed Ordinance 2022-0148.

Additional amendments may be offered at Committee on May 24th.

Final Consideration:

In addition to the proposed amendments contained in Proposed Ordinance 2022-0147, Councilmembers may offer additional amendments for consideration by the Council. As a result, persons interested in any of the issues raised in the Proposed Ordinance should make their views known at the public hearing on June 14, 2022. Amendments that may be considered for adoption by the Council on June 14, 2022, or thereafter include, but are not necessarily limited to:

- Any amendment offered, or relating to topics discussed, during the review of the legislation in committee.
- Any matter preserved for consideration by the Council by a member during previous committee meetings.
- Amendments that respond to public comment or public testimony received.
- Modifying regulations relating to accessory uses to WBDs, incidental sales, and/or functions and events.
- Rescinding the changes adopted in 2019 and readopt the provisions for WBDs that existed prior to that.

For more information:

A copy of Proposed Ordinance 2022-0147 is available on the County's website at

<https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=5528056&GUID=9EE5318C-D0CF-4792-B0A3-BD1367895DCC&Options=ID|Text|&Search=2022-0147> and at <https://kingcounty.gov/council/issues/winery-code.aspx>.

You may also view this notice at the Clerk's page at

http://www.kingcounty.gov/council/clerk/ordinances_advertised.aspx.

DATED at Seattle, Washington this 12th day of May, 2022.

METROPOLITAN KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Melani Pedroza
Clerk of the Council