

KING COUNTY AGRICULTURE COMMISSION

MEETING NOTICE

THURSDAY MAY 12, 2022

6:00-8:00 P.M.

ZOOM VIDEO CALL

CALL IN:

One tap mobile: +12532158782,,82336622547#,,,,*882274#

Land line: +1 253 215 8782, Meeting ID: 823 3662 2547, Passcode: 882274

OR

LOG IN FROM A COMPUTER OR SMARTPHONE:

<https://us06web.zoom.us/j/82336622547?pwd=NDE2R0dURlprL2hqeHhraXg1M2dMZz09>

MEETING AGENDA

| | | |
|------|---|---|
| 6:00 | Call to Order <ul style="list-style-type: none">For the public record, please sign in via the chat feature or announce yourself by name and whether you are a commissioner, staff or member of the publicApproval of AgendaApproval of Meeting Minutes: <i>postponed to next mtg</i> | Kevin Scott, Chair |
| 6:05 | Public Comment related to a specific agenda item <i>3 minutes/person</i> | Kevin Scott |
| 6:10 | Old Business - Updates (approx. 3 min each) <ul style="list-style-type: none">Commission DetailsKing County Ag ProgramKing Conservation DistrictLocal Food InitiativeWashington State University CSANRKing-Pierce Farm BureauFarm Fish Flood | <ul style="list-style-type: none">Patrice BarrentineRichard MartinCarrie KingMike LufkinJordan JobeLeann KrainickRichard Martin |
| 6:30 | Winery, Brewery, Distillery Legislation before Council <ul style="list-style-type: none">New TimelineNew Striker AmendmentsHighlightsQ&A | Kevin Scott, Patrice Barrentine |
| 7:15 | Commission's draft updated letter on WBD Legislation <ul style="list-style-type: none">April 26th committee 4 key pointsUpdated LetterIncorporate any comments on the striker to the letterQ&A | Kevin Scott, Patrice Barrentine |
| 7:35 | Taking Action on the Advisory Letter to Council <ul style="list-style-type: none">MotionVote | Kevin Scott |
| 7:50 | General Public Comment <i>3 minutes/person</i> | Kevin Scott |
| 7:55 | Concerns of Commissioners | Kevin Scott |
| 8:00 | Adjourn | Kevin Scott |

Next Meeting: July 14, 2022



Legislation, Conferences, Events and Key Dates

REGARDING KING COUNTY
AGRICULTURE

MAY 2022

In Memory: Claire Dyckman

KING COUNTY
AGRICULTURE PROGRAM





In Memory: Claire Dyckman

KING COUNTY AGRICULTURE
PROGRAM



Farms and Fish: Together on the Snoqualmie!

Supporting Local Farms Helps Keep the Snoqualmie Fish-Friendly

- The Snoqualmie Valley has some of the best remaining salmon habitat in King County.
- The Snoqualmie River is key for recovery of threatened Chinook in Puget Sound.
- Six of the landowners along the Snoqualmie River in agricultural areas have agreed to be restored to agricultural lands.
- The restoration plan calls for keeping agriculture viable to support healthy local food systems.
- Farmers, environmental groups, and local governments are working in partnership to improve habitat.
- Planting trees along stream and installing structural buffers to create natural conditions are critical for fish recovery.

Here's how you can get involved:

- Support local green products.
- Participate in plantings and other volunteer events.
- Find out what you can do on your land and around your home to protect the watershed.

For more information:
 Contact Sandy King at 206.296.8847 or sandy@snoforum.org

Snoqualmie Watershed

Snoqualmie Basin

SNOQUALMIE WATERSHED FORUM

In Memory: Claire Dyckman

KING COUNTY AGRICULTURE PROGRAM

In Honor: Ex Officio Commissioner Fereshteh Dehkordi

UPON RETIREMENT FROM
DLS PERMITTING
DIVISION, APRIL 2022



King County Events and Public Meetings



- <https://www.kingcounty.gov/about/news/events.aspx>
- Covid-19 Vaccination Pop-ups around the County
 - <https://kingcounty.gov/depts/health/covid-19/vaccine/schedule.aspx>
- Metropolitan King County Council Meetings every Tuesday
- **May 24:** LSLU committee is **planning to vote** both WBD Proposed Ordinances (-0147 and -0148) out of committee
- **June 14:** full Council public hearing



Welcome Dr. Marcia Ostrom: new WSU Food Systems Director

A FOOD SYSTEMS VISIONARY:

Dr. Ostrom leads interdisciplinary extension and research programs to improve the sustainability and equity of regional food and farming systems. She established the Small Farms Program, the bilingual Cultivating Success Program, the Immigrants in Agriculture Program, and the WSU/Tilth Farm Walk Program.

EQUITY FOCUS:

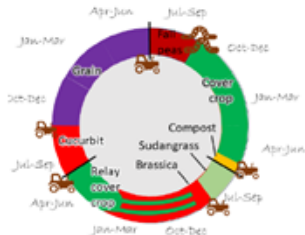
Marcia co-leads the Washington Coming Together for Racial Understanding (CTRU) Program. Her efforts to improve the diversity and equity of agricultural extension programs have been recognized with awards from WSU; the Association of Public and Land-Grant Universities; the Agriculture, Food, and Human Values Society; the Fulbright Program; and the W.K. Kellogg Foundation.

You can read more about Marcia's accomplishments and vision for the next phase of the Program [HERE!](#)

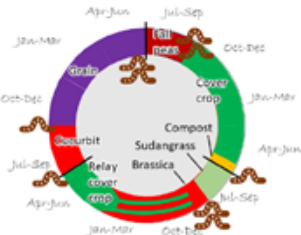
WASHINGTON STATE
 UNIVERSITY
EXTENSION

New soil conservation research

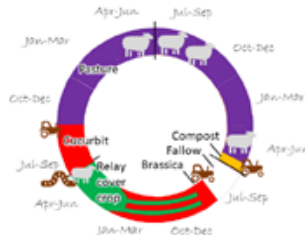
a) Intensive Tillage



b) Reduced Tillage



c) Animal Integrated



Join us for a 1-hour webinar to learn about, and provide input on, a multi-year soil health research project. Dr. Douglas Collins, from WSU's Center for Sustaining Agriculture and Natural Resources in Puyallup, will present experimental methods for reducing tillage and integrating animals, amendments, and cover crops into diversified vegetable production. There will be the opportunity for direct feedback on experimental design at the webinar. Those that are interested in becoming more involved can sign-up for the Advisory Committee which will guide this research over the next 5 years.

Friday, May 20th
11:00 am - Noon

Register here:

https://wsu.zoom.us/webinar/register/WN_6k5o2lB8sQ6OOiwKltXKDZg

Can't make it? Register and get a link for the recording of the event.

Highly Pathogenic Avian Influenza (HPAI)

For reference, multiple affected wild birds (two confirmed positive) and six affected flocks (Pacific 1, Spokane 1, Pierce 2, Clallam 2) have been reported in WA. None have been reported by USDA in King yet.

-King County Office of Emergency Management

Where do I report sick/dead birds in WA?

DOMESTIC

WSDA Sick Bird Hotline



1-800-606-3056



Washington
Department of
Agriculture

WILD

WDFW online reporting tool



bit.ly/sickwildbirds



LOCAL FOOD

Initiative News



KING COUNTY Department of Natural Resources and Parks

*May/June issue will feature the **Ag Commission**; interview with Chair, **Kevin Scott** and staff liaison, **Patrice Barrentine***

Sign up
for our
newsletter



Agriculture Commission Meeting Assessment and Planning for 2022

Tuesday, April 05, 2022

meetings for the future, as well as plan best times for meetings
and committees in 2022, please answer the following questions.
Are you a

Answered: 28 Skipped: 0

| ANSWER CHOICES | RESPONSES | |
|---|-----------|-----------|
| King County Agriculture Commissioner | 32.14% | 9 |
| Member of the public who attends or has attended ag commission meetings | 50.00% | 14 |
| King County staff member or Council staff member who attends or has attended ag commission meetings | 17.86% | 5 |
| Other (please specify) | 0.00% | 0 |
| TOTAL | | 28 |

Q2: How have Zoom ag commission meetings worked for you?

Answered: 8 Skipped: 20

| | EXTREMELY WELL | GOOD | NEITHER GOOD NOR BAD | UNSATISFACTORY | TERRIBLE | TOTAL RESPONDENTS |
|---|----------------|-------------|----------------------|----------------|------------|-------------------|
| technically (agenda links worked, bandwidth, call-in options) | 50.00% 4 | 37.50% 3 | 12.50% 1 | 0.00% 0 | 0.00% 0 | 8 |
| informationally (updates, presentations) | 62.50% 5 | 25.00% 2 | 0.00% 0 | 12.50% 1 | 0.00% 0 | 8 |
| for business (Q&A, discussions, and voting) | 62.50% 5 | 25.00% 2 | 0.00% 0 | 12.50% 1 | 0.00% 0 | 8 |
| for public comment | 12.50% 1 | 37.50% 3 | 37.50% 3 | 12.50% 1 | 0.00% 0 | 8 |
| length of 2 hours | 25.00% 2 | 75.00% 6 | 0.00% 0 | 0.00% 0 | 0.00% 0 | 8 |
| socially | 0.00% 0 | 37.50% 3 | 50.00% 4 | 12.50% 1 | 0.00% 0 | 8 |
| in comparison to in-person meetings | 25.00% 2 | 62.50% 5 | 0.00% 0 | 12.50% 1 | 0.00% 0 | 8 |

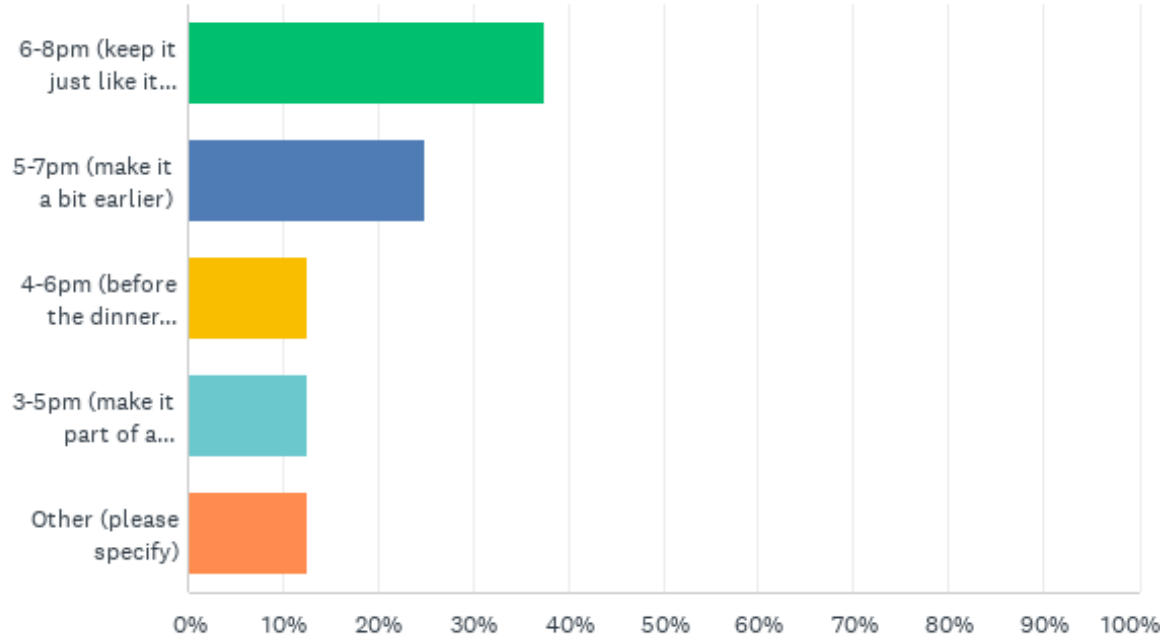
Q3: As possible (based on health guidance) in the future, which would you prefer?

Answered: 8 Skipped: 20

| | YES | MAYBE | NO | TOTAL RESPONDENTS |
|--|-------------|-------------|-------------|-------------------|
| virtual meetings only | 50.00% 4 | 37.50% 3 | 12.50% 1 | 8 |
| in person meetings only | 0.00% 0 | 25.00% 2 | 75.00% 6 | 8 |
| combo of virtual and in person meetings | 37.50% 3 | 62.50% 5 | 0.00% 0 | 8 |
| in person field trip | 75.00% 6 | 25.00% 2 | 0.00% 0 | 8 |
| in person field trip with a business meeting added to the same event | 62.50% 5 | 25.00% 2 | 12.50% 1 | 8 |

Q4: What is your preferred meeting time (on the second Thursday of the month) for our monthly two hour commission meeting via Zoom?

Answered: 8 Skipped: 20





WBD Ordinances

King County Ag Commission

5.12.22

New Dates for Council Action on WBD Ordinance(s)

LSLU committee
will be **briefed
on the draft
strikers**

11 May

LSLU committee
is **planning to
vote** both
Proposed
Ordinances (-
0147 and -0148)
out of
committee

24 May

**full Council
public hearing**

14 June

May 11: LSLU Committee Mtg Packet

- [May 11 Staff Briefing](#) on WBD Background and Ordinances
 - Parcel Analysis
 - Liquor license conflict preemption
 - Steps in Production for Alcohol Making
 - New Striker Amendments

Parcel Analysis

(p.16)

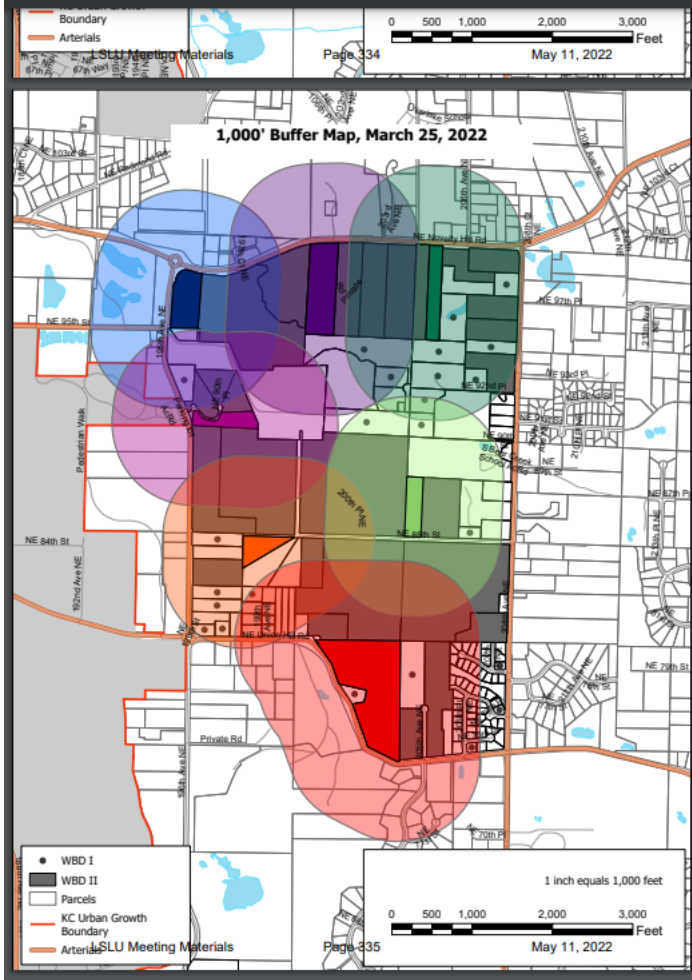
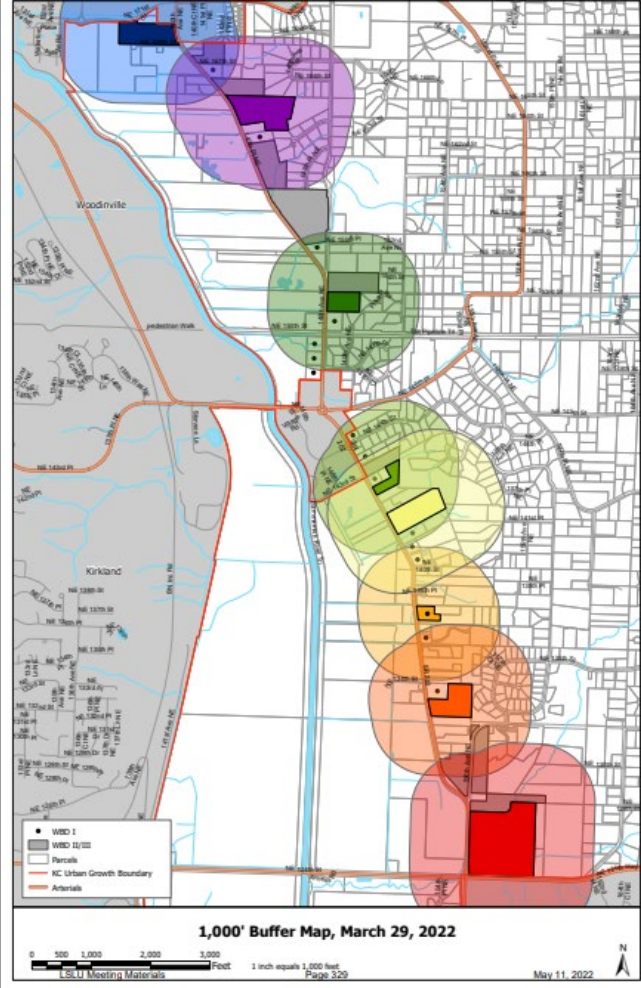
How many WBDs could theoretically establish for two specific areas?

| Parcel Analysis under the three scenarios* | | |
|--|------------------------|-------------------|
| | Sammamish Valley Area | Novelty Hill Area |
| Would theoretically allow | Up to # of WBDs | |
| Former code | 62 | 132 |
| Ordinance 19030 | 36 | 57 |
| Proposed Ordinances 2022-0147/8 | Less than 10 | Less than 11 |

* Attachment 8 to the staff reports shows analysis done by Council staff

Showing 1,000 foot setbacks

Parcel Analysis (p.16)



* Attachment 8 to the staff reports shows analysis done by Council staff

Processing Steps from Council Briefing

Steps in Production for Alcohol Making

Terms:

Harvesting: Gathering of the crop to be made into alcohol.

Malting: Grain is steeped in water, then rested under precise conditions to encourage germination, and finally dried in a kiln and/or a roaster.

Crushing (called Milling for beer): organic matter (e.g. grapes or grain) is broken up.

Mashing: Natural enzymes found in grain break down the grain's starches; hot water then dissolves the starches so they leach out of the cracked grain. The mixture is then boiled.

Pressing (called Lautering for beer): liquid matter is separated from solid matter.

Boiling: Pressed liquid is heated to 212 degrees Fahrenheit.

Fermentation: Yeast converts sugars in the liquid to alcohol.

Distillation: Liquid is purified through a process of heating and cooling.

Filtration (called Clarification for wine): sediment and haze are removed from the liquid by passing it through a porous device.

Aging: Alcohol is stored in a cool, dark place for a period of time.

Bottling/Packaging: Finished product is transferred to bottles, cans, kegs, etc.

| Step | Wine | Beer | Cider | Liquor |
|------|----------------------------|----------------------|--------------|--|
| 1 | Harvesting | Harvesting | Harvesting | Harvesting |
| 2 | | Malting | | Varies, generally follows the steps to the left depending on the base material |
| 3 | Crushing | Milling (Crushing) | Crushing | |
| 4 | | Mashing | | |
| 5 | Pressing | Lautering (Pressing) | Pressing | |
| 6 | | Boiling | | |
| 7 | Fermentation | Fermentation | Fermentation | Fermentation |
| 8 | | | | Distillation |
| 9 | | | | Aging |
| 10 | | | | Blending |
| 11 | Clarification (Filtration) | Filtration | Filtration | Filtration |
| 12 | Aging | | | |
| 13 | Bottling (Packaging) | Packaging | Packaging | Packaging |

Liquor license conflict preemption (p.16)

Council Considerations. The Council may want to consider the following as the Committee and full Council deliberate on the proposed changes.

Liquor license conflict preemption. In addition to the County's requirements under the Growth Management Act and constitutional considerations, state law specifically prohibits regulations that conflict with the Washington State Liquor and Cannabis Board's licensing requirements.

The conflict preemption restriction comes from state law (in particular, after the "PROVIDED," the restriction on regulations that conflict with the RCW or WAC) (highlight added):

RCW 66.08.120

Preemption of field by state—Exception.

No municipality or county shall have power to license the sale of, or impose an excise tax upon, liquor as defined in this title, or to license the sale or distribution thereof in any manner; and any power now conferred by law on any municipality or county to license premises which may be licensed under this section, or to impose an excise tax upon liquor, or to license the sale and distribution thereof, as defined in this title, shall be suspended and shall be of no further effect: **PROVIDED, That municipalities and counties shall have power to adopt police ordinances and regulations not in conflict with this title or with the regulations made by the board.**

When considering the *limitations on production and on-site tasting and sales*, the Council should keep this statute in mind. In particular, the *state liquor licenses for WBDs have allowances for the business to sell products from other WBDs, and to sell food and nonalcoholic beverages*. The RCW and WAC allowances cited in the Proposed Ordinance are found in Attachment 7 to this staff report *{italics in this paragraph added by ag commission staff liaison}*.

DRAFT Striking Amendment to PO 2022-0147

Substantive Changes (p.20)

1. For WBD I in the RA zone, modifies the off-street parking requirements to match what is required for WBD II and III (minimum 0.9 spaces per 1,000 square feet of manufacturing area, maximum 150% of the minimum).
2. For WBD I in the RA zone, removes requirement for commercial septic system.
3. For WBDs in historic structures, require that the WBD be entirely within the historic structure to be eligible for the larger floor area allowance.
4. For WBD II and III in the RA zone, **limits the square footage of area for incidental sales to 20% of the tasting and sales area.**
5. For WBD II and III in the RA zone, **limits the percentage of incidental sales to 20% of annual gross sales on a 3-year average, and require documentation of compliance with this requirement with the land use business license.**
6. For WBD II and III in the RA zone, **requires documentation of the on-site production and on-site tasting and retail sales conditions with the land use business license.**
7. For WBD I, II, and III in the RA zone, **allows for a conditional use permit to reduce the 75' setback subject to specific criteria.**
8. Allows up to two portable toilets with events requiring a temporary use permit, and requires a temporary use permit for any event that uses portable toilets.
9. Allows the initial land use business license for existing WBDs for 12 months, with 6-month extensions if the business has taken substantial steps to obtain building permits.
10. Adds a requirement for the Executive to contact known WBD businesses with information regarding the changes made by this ordinance and PO 2022-0148 (Ordinance 2) and to develop materials for technical assistance for WBD businesses.
11. Adds a requirement for the Executive to evaluate components of the WBD regulations.
12. Delays the effective date of the ordinance until Proposed Ordinance 2022-0148 (Ordinance 2) is adopted.

DRAFT Striking Amendment to PO 2022-0147

Clarifying Changes (p.20)

13. Streamlines the Findings to better reflect the provisions in this ordinance.
14. For WBDs in the RA zone, requires that the stages of production are in addition to a production WBD license from the state.
15. For WBD II in the RA zone, a WBD use is required to get a CUP to be eligible for access to and from a public roadway.
16. Differentiates between on-site functions, and on-site events that require a temporary use permit.
17. States that the requirement for a WBD to obtain required building permits prior to issuance of the land use business license applies to the permits required to establish the use, not future expansions or alterations.
18. Allows the initial land use business license for existing WBDs to be issued before building permit issuance, if life safety requirements are met.
19. Differentiates between a legal nonconforming or vested use, for purposes of issuing the land use business license.
20. States that the WBD land use business license is subject to the appeal to the hearing examiner in accordance with K.C.C. 20.22, not Title 6.

DRAFT Striking Amendment to PO 2022-0148

Substantive & Clarifying Changes (p.21)

Substantive Changes

1. For WBD II and III in the RA and UR zones, modifies the hours of operation for tasting and sales from 11am to 8pm to 11am to 6pm.
2. For WBD II and III in the RA zone, removes a reference to compliance with the federal Clean Water Act.
3. Allows WBD III wineries in the Industrial zone.

Clarifying Changes

4. For WBD II and III in RA and UR zones, **the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots**, and only for those that are in the RA and UR zones. Establishes requirements to direct which uses are considered to be "first in line" in the event multiple WBDs have similar vesting timeframes, for this requirement.



April 26th committee honed in on 4 key points

Draft Letter re: Ordinance 1

Add 75% tillable
requirement for rural area
zone

#1

Production/Facility Location: Concerned that the RA could lose significant agricultural ground (40% of King County's commercial farms are located in RA zones). **Recommend land within an RA parcel be restricted to reserve at least 75% (or more, based upon the impervious total surface used, proposed as up to 25% allowed) of the property should remain tillable (per King County Farmland Preservation Program definition of tillable) for agricultural production and food security purposes.**

Based on the 1,000 foot setbacks, is this still a primary concern?

Draft Letter re: Ordinance 1

Requires 3 stages of production, where 1 must be “crushing, milling, pressing, fermenting or distilling”

#2

Production/Facility Location: **All stages of production should be required for each facility** (based on which type of business it is [Winery, Brewery, Cidery or Distillery] in addition to the proposed: crushing, milling, pressing, fermenting or distilling [required one stage of production]). Recommend bottling and packaging be removed from the processing steps unless all steps are required onsite.

Suggest deletion and incorporate new information from briefing and striker.

Draft Letter re: Ordinance 1

Per Council briefing, these processing steps are high level and do not limit alternative methods such as “cracking”, but simply include them in the general category of “crushing” or “milling”.

#3

Production/Facility Location: *Terminology* add: "grain processing" to include "cracking" versus solely "milling."

Still include? It is a benign inclusion.

Draft Letter re: Ordinance 1

Proposes 75-foot setbacks
from property boundaries
in these zones.

#4

- 1) Setbacks: Support the protections of A, RA, and R zones through these requirements.

Protects APD
boundaries and
Rural area
properties,
specifically



Additional suggested changes due to clarifications in strikers

Draft Letter re: Ordinance 2

Proposes 1,000-foot setbacks from property boundaries in these zones.

- Clarifying whether the 1,000 feet between WBDs runs property line to property line or in addition to the 75 feet setbacks.

Suggest deletion because striker under clarifying changes #4 states:

For WBD II and III in RA and UR zones, **the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots**

Draft Letter re: Ordinance 3

Repeals

- **Regarding Proposed Ordinance 2022-0146**, the Commission does not support removing protections for the A and RA zones, but does support removing remote tasting room demonstration project Sammamish Overlay A.

Suggest deletion because this proposal will die in committee.

If omitting recommended items

| Do not need | Category | Sentence | Reason |
|-------------|---|---|--|
| A | Intro | <p>One Commission recommendation on Ordinance 19030 remains relevant for the pending 2022 legislation:</p> <ul style="list-style-type: none"> Supported all processing steps being required for WBDs, not just two processing steps. | Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |
| B | Striking amendment PO 2022-0147 (Ordinance 1) | <ul style="list-style-type: none"> While the original study focused on the Sammamish Valley, take into consideration the landscape in the rest of the county to inform compliance/complaints/business needs regarding existing WBDs and existing farms that may lead to tailored exemptions specific to rural areas. | Suggest deletion because: 11. Adds a requirement for the Executive to evaluate components of the WBD regulations. |
| 1 | ? | Concerned that the RA could lose significant agricultural ground (40% of King County's commercial farms are located in RA zones). Recommend land within an RA parcel be restricted to reserve at least 75% (or more, based upon the impervious total surface used, proposed as up to 25% allowed) of the property should remain tillable (per King County Farmland Preservation Program definition of tillable) for agricultural production and food security purposes. | Review: Based on the 1,000 foot setbacks, is this still a primary concern? |
| 2a | | Production/ Facility Location: All stages of production should be required for each WBD (based on which type of business it is [Winery, Brewery, Cidery or Distillery]) in addition to the proposed: crushing, milling, pressing, fermenting or distilling [required one stage of production]). Recommend bottling and packaging be removed from the processing steps unless all steps are required onsite. | Suggest deletion and incorporate new information from briefing and striker: Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |
| 2b | ADD | In light of the liquor license conflict preemption highlighted in the May 11 th LSLU staff briefing, we believe the land use and zoning constraints in the draft strikers are promising for controlling the spread and real estate speculation that agriculture battles for farmland. We, therefore, support the restriction of floor space in the RA zone that limits the square footage of area for incidental sales to 20% of the tasting and sales area. | Suggest adding: Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |

If omitting recommended items

| Do not need | Category | Sentence | Reason |
|-------------|---|---|---|
| 3 | ? | Production/Facility Location: <i>Terminology</i> add: "grain processing" to include "cracking" versus solely "milling." | Review |
| 4 | Keep | Setbacks: Support the protections of A, RA, and R zones through these requirements. | Make as main message of the letter |
| C | Striking amendment PO 2022-0148 (Ordinance 2) | <ul style="list-style-type: none"> Clarifying whether the 1,000 feet between WBDs runs property line to property line or in addition to the 75 feet setbacks. | Suggest deletion because: 4. For WBD II and III in RA and UR zones, the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots |
| D | Proposed Ordinance 2022-0146 | Regarding Proposed Ordinance 2022-0146 , the Commission does not support removing protections for the A and RA zones, but does support removing remote tasting room demonstration project Sammamish Overlay A. | Suggest deletion because this proposal will die in committee. |
| E | Anything else? | 6. For WBD II and III in the RA zone, requires documentation of the on-site production and on-site tasting and retail sales conditions with the land use business license. | |

| Do not need | Category | Sentence | Reason |
|-------------|---|---|---|
| A | Intro | <p>One Commission recommendation on Ordinance 19030 remains relevant for the pending 2022 legislation:</p> <ul style="list-style-type: none"> Supported all processing steps being required for WBDs, not just two processing steps. | Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |
| B | Striking amendment PO 2022-0147 (Ordinance 1) | <ul style="list-style-type: none"> While the original study focused on the Sammamish Valley, take into consideration the landscape in the rest of the county to inform compliance/complaints/business needs regarding existing WBDs and existing farms that may lead to tailored exemptions specific to rural areas. | Suggest deletion because: 11. Adds a requirement for the Executive to evaluate components of the WBD regulations. |
| 1 | ? | Concerned that the RA could lose significant agricultural ground (40% of King County's commercial farms are located in RA zones). Recommend land within an RA parcel be restricted to reserve at least 75% (or more, based upon the impervious total surface used, proposed as up to 25% allowed) of the property should remain tillable (per King County Farmland Preservation Program definition of tillable) for agricultural production and food security purposes. | Review: Based on the 1,000 foot setbacks, is this still a primary concern? |
| 2a | | Production/ Facility Location: All stages of production should be required for each WBD (based on which type of business it is [Winery, Brewery, Cidery or Distillery]) in addition to the proposed: crushing, milling, pressing, fermenting or distilling [required one stage of production]). Recommend bottling and packaging be removed from the processing steps unless all steps are required onsite. | Suggest deletion and incorporate new information from briefing and striker: Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |
| 2b | ADD | In light of the liquor license conflict preemption highlighted in the May 11 th LSLU staff briefing, we believe the land use and zoning constraints in the draft strikers are promising for controlling the spread and real estate speculation that agriculture battles for farmland. We, therefore, support the restriction of floor space in the RA zone that limits the square footage of area for incidental sales to 20% of the tasting and sales area. | Suggest adding: Liquor license conflict preemption, and striker limitation of 20% of retail space for incidental sales |
| 3 | ? | Production/Facility Location: <i>Terminology</i> add: "grain processing" to include "cracking" versus solely "milling." | Review |
| 4 | Keep | Setbacks: Support the protections of A, RA, and R zones through these requirements. | Make as main message of the letter |
| C | Striking amendment PO 2022-0148 (Ordinance 2) | <ul style="list-style-type: none"> Clarifying whether the 1,000 feet between WBDs runs property line to property line or in addition to the 75 feet setbacks. | Suggest deletion because: 4. For WBD II and III in RA and UR zones, the separation requirement applies between WBD sites (which could include multiple lots) and not individual lots |
| D | Proposed Ordinance 2022-0146 | Regarding Proposed Ordinance 2022-0146 , the Commission does not support removing protections for the A and RA zones, but does support removing remote tasting room demonstration project Sammamish Overlay A. | Suggest deletion because this proposal will die in committee. |
| E | Anything else? | | |



Framing the issues for 4/26

2 Goals



- Protecting farmland (high quality agriculture soils for food production) in King County
- Protecting economic development opportunities for farms in KC so that farmers continue to farm

The balancing act to protect agriculture

Are APDs protected by eliminating WBDs from being allowed in them?

- Soils
- Water
- Real Estate Value

Are farmers in the A zone being critically limited by not being able to make alcoholic beverages on the farm in the future?

- \$10-40/lb for alcohol versus \$4/lb for raw ag product

Current State of APDs

Presently, there are no WBDs in APDs.

At least 2 APD farms partner with offsite WBDs to make an alcoholic beverage from their fruit.

In a nutshell: WBDs & A and RA zones

| | WBD I | WBD II | WBD III | Tasting Room |
|--|---|---|---|-----------------------------|
| Descriptors | Very small-scale production facility, no retail | Small-scale production facility, + retail | Production facility + retail | Retail sales, no production |
| 90130 – in APD (A zone)? | No | Yes | Yes, but only with Conditional (C) Use Permit | No |
| Ordinance 1 (0147) in APD? | No | No | No | No |
| 90130 – in rural area (RA zone) | Yes | Yes | Yes | No |
| Ordinance 1 (0147) in rural area? | Yes | Yes (P&C) | Yes (C) | No |

19030
(2019)

- Protects APDs by requiring % of farm production go into bottle.
- WBD II (sales from farm) and WBD III allowed (with Conditional Use Permit)

- *Hard to quantify ingredients and therefore enforce protections for APD*

Ordinance 1 (Now)

- Protects APDs by not allowing WBDs in them.
 - Protects APD soils
 - Protects APD water
 - Does not increase real estate value with new use

Q: Is this proposed ordinance limiting needed economic opportunity for farms in the APD in the future? In 2019, commissioners thought so. ***What do you think?***

No, because 2 APD farms are successfully partnering with WBDS – and no public comment to the contrary.



Recommendations and adjustments based on 4/14 Mtg

If no WBDs in A zone

| Do not need # | Category | Still need | | |
|------------------|-----------------|------------|-------------------------------|---|
| 4/1 | Water/ Sewer | 6/3 | Production/ Facility Location | Keep rural ag lands in farming on WBD properties 75% or more, non-tillable |
| 5/2 | Product Content | 7/4 | Production/ Facility Location | Require all stages of production |
| | | 8/5 | Production/Facility Location | <i>Terminology</i> add: "grain processing" to include "cracking" versus solely "milling." |
| | | | | Carbon Footprint and food miles processors |

If omitting recommended items

| Do not need # | Category | Still need | | |
|----------------------|------------------------------|-------------------|-------------------------------|---|
| 1 | Surface Water | 6/3 | Production/ Facility Location | Keep rural ag lands in farming on WBD properties |
| 2 | On-site Tasting, Retail | 7/4 | Production/ Facility Location | Require all stages of production |
| 3 | Water/Sewer | 8/5 | Production/Facility Location | <i>Terminology</i> add: "grain processing" to include "cracking" versus solely "milling." |
| 4/1 | Water/ Sewer | 9/6? | Production/Facility Location | upcycling processing step <i>in body of letter (see clean copy)</i> not as code change? |
| 5/2 | Product Content | 11/8 | Production/Facility Location | WBDs' production quantities could be monitored through WBDs monthly excise reports to WA-LCB. |
| 10/7? | Production/Facility Location | 12/9 | Setbacks | Support the protections of A, RA, and R zones through these requirements. |
| 13 | Temporary Use Permits | | | |



King County
Agriculture Commission
Water and Land Resources Division
Department of Natural Resources and Parks

King Street Center
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855
206.477-4800 Fax 206.296.0192

May XX, 2022

The Honorable Sarah Perry
Chair, Local Services and Land Use Committee, King County Council
516 Third Ave, Room 1200
Seattle, WA 98104

Dear Councilmember Perry:

I am writing on behalf of the King County Agriculture Commission (Commission) in regard to Proposed Ordinances 2022-0147, 2022-0148, and 2022-0146, Winery/Brewery/Distillery (WBD) Regulations before Council's Local Services and Land Use Committee.

The Commission has been involved in the WBD legislation for many years, beginning with Commissioner Roger Calhoon serving on the Sammamish Valley Area Wine and Beverage Study Task Force in 2016. The Commission then worked closely with the Executive's office advising on protections for agriculture while allowing WBDs for farmers growing 60% of the ingredients that go in a bottle. The Commission continued to provide feedback to the Council regarding the legislation, advising on key elements that would negatively impact agriculture. Eight of the ten recommendations were incorporated into the ordinance and adopted in Ordinance 19030 in 2019. One Commission recommendation on Ordinance 19030 remains relevant for the pending 2022 legislation:

- Supported all processing steps being required for WBDs, not just two processing steps.

Regarding Proposed Ordinance 2022-0147:

The commission is pleased with several changes to 19030 that are proposed in 2022-0147 that mirror many of the concerns raised by the Commission in 2019. While APDs would be afforded a higher degree of protection under the new ordinance, the commission has four remaining concerns:

- Protections are not high enough for Rural Area (RA) zone: both for agricultural lands and to protect the rural character of the area.
- Farmers in King County can currently make many value-added products such as jams, jellies, and juices from the fruit grown on their farm, in a processing facility on their farm, as an accessory use to farming. Making an alcoholic beverage from that juice in the same facility should be allowed if it does not diminish the agricultural potential of their property.

- While the original study focused on the Sammamish Valley, take into consideration the landscape in the rest of the county to inform compliance/complaints/business needs regarding existing WBDs and existing farms that may lead to tailored exemptions specific to rural areas.
- Ongoing concerns regarding permitting and zoning enforcement.

These concerns and possible remedies are explained in more detail by topic:

- 1) Production/ Facility Location: Concerned that the RA could lose significant agricultural ground (40% of King County's commercial farms are located in RA zones). Recommend land within an RA parcel be restricted to reserve at least 75% (or more, based upon the impervious total surface used, proposed as up to 25% allowed) of the property should remain tillable (per King County Farmland Preservation Program definition of tillable) for agricultural production and food security purposes.
- 2) Production/ Facility Location: All stages of production should be required for each WBD (based on which type of business it is [Winery, Brewery, Cidery or Distillery]) in addition to the proposed: crushing, milling, pressing, fermenting or distilling [required one stage of production]). Recommend bottling and packaging be removed from the processing steps unless all steps are required onsite.
- 3) Production/Facility Location: *Terminology* add: "grain processing" to include "cracking" versus solely "milling."
- 4) Setbacks: Support the protections of A, RA, and R zones through these requirements.

In addition, the Commission has one idea that would be great to see implemented at a King County or DNRP programmatic level. The Commission would like to see upcycling of WBD food waste by-product to local livestock feed or applied as a soil nutrient on King County or Puget Sound farms.

Regarding Proposed Ordinance 2022-0148, the Commission supports the administrative changes and suggests:

- Clarifying whether the 1,000 feet between WBDs runs property line to property line or in addition to the 75 feet setbacks.

Regarding Proposed Ordinance 2022-0146, the Commission does not support removing protections for the A and RA zones, but does support removing remote tasting room demonstration project Sammamish Overlay A.

Thank you for the opportunity to advise Council on these important ordinances and ensuring protections and increasing economic opportunities for the agricultural sector in King County.

Sincerely,

Kevin Scott, Chair

King County Agriculture Commission

cc: King County Councilmembers
ATTN: Sharon Daly, Committee Clerk, Local Services and Land Use Committee
Dow Constantine, County Executive
King County Agriculture Commission Members
Christie True, Director, King County Department of Natural Resources and Parks
(DNRP)
Josh Baldi, Division Director, Water and Land Resources Division (WLRD),
DNRP
Richard Martin, Manager, AFI, WLRD, DNRP
Patrice Barrentine, Staff Liaison, Agriculture Commission, WLRD, DNRP



WBD Ordinances

King County Ag Commission

5.12.22

Draft Letter if all suggestions accepted



King County
Agriculture Commission
Water and Land Resources Division
Department of Natural Resources and Parks

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May XX, 2022

The Honorable Sarah Perry
 Chair, Local Services and Land Use Committee, King County Council
 516 Third Ave, Room 1200
 Seattle, WA 98104

Dear Councilmember Perry:

I am writing on behalf of the King County Agriculture Commission (Commission) in regard to Draft Striking Amendments to Proposed Ordinances 2022-0147 and 2022-0148, Winery/Brewery/Distillery (WBD) Regulations before Council’s Local Services and Land Use Committee.

The Commission has been involved in the WBD legislation for many years, beginning with Commissioner Roger Calhoon serving on the Sammamish Valley Area Wine and Beverage Study Task Force in 2016. The Commission then worked closely with the Executive’s office advising on protections for agriculture while allowing WBDs for farmers growing 60% of the ingredients that go in a bottle. The Commission continued to provide feedback to the Council regarding the legislation, advising on key elements that would negatively impact agriculture. Eight of the ten recommendations were incorporated into the ordinance and adopted in Ordinance 19030 in 2019.

Regarding Draft Striking Amendment to Proposed Ordinance 2022-0147:

The Commission is pleased with several changes in draft striking amendment 2022-0147.

- The Commission fully supports the protection of the APDs from WBDs; from both the competing use on prime agricultural soils and the real estate speculation that costs farmers from being able to plan long-term and purchase zoned agricultural properties.
- The Commission supports the restrictions proposed to further protect agriculture in the Rural Area (RA) zone by limiting WBD square footage of area for incidental sales to 20% of the tasting and sales area.
- The Commission is also supportive of the proposed requirement to require documentation of the on-site production and on-site tasting and retail sales conditions with the land use business license.

The Commission has one remaining concern:

- Permitting and zoning enforcement. While the proposal fine tunes many previous obstacles to enforcement, we continue to have concerns that the Permitting Division of the Department of Local Services has the resources needed.

Commented [BP1]: New suggested key points.

Commented [BP2]: This is from the anything else section. Confirm.

Ag Commission Response to WBD Ordinances
May 12, 2022
Page 2

Regarding Draft Striking Amendment to Proposed Ordinance 2022-0148, the Commission supports the administrative changes and appreciates clarification on how the 1,000-foot setback would work.

Thank you for the opportunity to advise Council on these important ordinances and ensuring protections and increasing economic opportunities for the agricultural sector in King County.

In addition, the Commission has one idea that would be great to see implemented at a King County or DNRP programmatic level. The Commission would like to see upcycling of WBD food waste by-product to local livestock feed or applied as a soil nutrient on King County or Puget Sound farms.

Sincerely,

Kevin Scott, Chair
King County Agriculture Commission

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