

**Responses to Questions from the June 4, 2019 Community Meeting on the
Winery, Brewery and Distillery Code Update
Updated: June 11, 2019, based on Version 2 of Proposed Ordinance 2018-0241**

1. Request to make SO-120 analysis available publicly.

Special District Overlay 120 (SO-120) is an "agricultural production buffer" intended to "provide a buffer between agricultural and upslope residential land uses." It was first adopted in 1997. It applies to several properties upslope of the Sammamish Valley.

Council staff is reviewing the requirements of SO-120 for consistency purposes with the Proposed Ordinance. This analysis will not result in a formal, published study. Instead, Council staff will present policy options to the Councilmembers, who may or may not offer amendments to the legislation as a result.

Link to language: <https://www.kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/SDO/SO-120.aspx>

2. For production facilities, what does “finishing” include?

Finishing is done at the end of the production process, and can include bottling, blending, testing, carbonating.

3. Does product content requirement in the Agricultural zones mean 60% of the land is in production with some agricultural product?

No, it means that 60% of the content used to make a wine/beer/liquor product needs to be grown on the same property.

4. Parking min/max – provide some examples.

Here are two scenarios for WBD II and III facilities under the proposed ordinance, compared to the same scenario under the existing code. These scenarios make assumptions on the areas dedicated to manufacturing and the areas dedicated to retail and tasting. The minimum parking ratio for WBD II and III is 0.9 spaces per 1,000sf of manufacturing area plus 1 space per 300sf of retail/tasting areas. The maximum parking allowed for these uses is either 150% of the minimum, or for retail/tasting, is 1 space per 50sf.

Building Size	Minimum Required		Maximum Allowed	
	Existing	Proposed	Existing	Proposed
3,500sf (max size for WBD II) 3,000sf manufacturing 500sf tasting/retail	13 spaces	4 spaces	No maximum	A zone: 6 spaces RA zone: 13 spaces
8,000sf (max size for WBD III) 7,000sf manufacturing 1,000sf tasting/retail	26 spaces	10 spaces	39 spaces	Maximum parking determined through CUP process, maximum parking should be no more than 30 spaces

5. Is parking required to be pervious or impervious?

Off-street parking standards are regulated by the zoning code and the surface water design manual. The zoning code requires that parking areas that are used frequently be paved with asphalt or concrete. The zoning code does not specify whether the paving is pervious or impervious.

As part of the stormwater review, to comply with regulations for low impact development (LID), pervious pavement may be required or proposed by an applicant.

6. Question whether impervious or pervious surfaces are allowed/required?

The underlying code has maximum impervious standards for the A and RA zones.

STANDARDS	RA-2.5	RA-5	RA-10	A-10	A-35
Maximum Impervious Surface	25%	20%	15%	15%	10%

As part of the stormwater review, to comply with regulations for low impact development (LID), pervious pavement may be required or proposed by an applicant.

7. What is the length of time a TUP is in effect?

Temporary Use Permits (TUP) are effective for one year from the date of issuance. They allow a maximum number of days the temporary use may operate within a one year period, and are required to specify the date the temporary use be removed or terminated.

Temporary Use Permits may be renewed annually up to a total of five years, if Permitting finds that the TUP is being conducted in compliance with the conditions of the TUP and site conditions have not changed since the TUP was issued. Renewal requires a written request to Permitting, and public notice of the proposed renewal.

After the fifth year, an applicant must apply for a new TUP, subject to the code requirements in place at the time of submittal of a complete application.

8. How many events requiring a TUP could there be total?

This is hard to evaluate, as the number of businesses that will locate throughout the County is unknown, and it is unknown what events each business would have that require TUPs.

Each business would be allowed, under the proposal to have:

Facility	A zone	RA zone
WBD II	Events up to 2 days per month	Events up to 24 days per year
	Maximum 150 guests	Maximum 150 guests
WBD III	Events up to 2 days per month	Events up to 24 days per year
	Maximum 250 guests	Maximum 250 guests

These are the maximums allowed under code. Each TUP would be reviewed by the Permitting Division, and the actual number of events and guests would be determined at an individual permit level, but will not exceed these maximums.

9. Re Overlay A&B, where are these located?

The proposed map amendments for the Remote Tasting Room Demonstration Project (Overlay A) are available here: <https://www.kingcounty.gov/~media/Council/documents/Issues/winery/Att-A.ashx?la=en>

The proposed map amendments for the Special Event Demonstration Project (Overlay B) is available here: <https://www.kingcounty.gov/~media/Council/documents/Issues/winery/may/2019-0241AttachmentB.ashx?la=en>

[Scroll down to view the maps.](#)

10. Can properties be subdivided within Overlay B?

The ordinance does not prohibit subdivision of parcels to be eligible for the Special Event Demonstration Project B. The underlying code has regulations effecting subdivision of parcels.

11. Can properties be combined to meet minimum lot size in Overlay B?

Under the proposed ordinance, the only aspect of the legislation that addresses combining properties is the Special Event Demonstration Project B, which prohibits consolidation of lots in order to meet the minimum lot area, and only for purposes of participating in the demonstration project.

Existing code addresses consolidation of lots, which is generally allowed.

12. Questions re why particular limits/levels were selected:

- a. Why 4.5 acres for min lot sizes?
- b. Why 60% product content, vs., say, 100%?
- c. Why 250 people allowed per event vs., say 100?
- d. No minimum lot size for WBD I in the RA zone?

Some of the requirements existing in code today, and the County's approach to this ordinance has been to maintain and strengthen existing code language to the extent possible.

- a. The minimum lot size of 4.5 acres is what exists today for WBD uses, as well as other use in the RA zones of the County.
- b. The current code requires 60% of the content of products sold at WBDs to be grown in Puget Sound counties. The proposed code maintains

consistency with the 60% requirement, but narrows it to being grown on site in the Ag Zone.

- c. The current code does not have a maximum number of guests for events that require a TUP. The limits proposed as part of this legislation are intended to be an enforceable limit. The overall evaluation (described below) will review the impacts of the proposed maximum guests for TUPs, and may result in changes to the maximum guest limits.
- d. For WBD I, no specified minimum lot size is proposed in the RA zone. The underlying code requires a minimum lot area; these are not proposed to be changed and still apply:

STANDARDS	RA-2.5	RA-5	RA-10
Minimum Lot Area	1.875 ac	3.75 ac	7.5 ac

13. Why allow legal nonconforming uses?

Legal nonconforming uses are an existing classification in the Zoning Code, with regulations that are not proposed to change as part of this ordinance. Legal nonconforming uses are constitutionally protected vested rights, and are limited to activities that already existed before a new zoning regulation is adopted. For the future, the Zoning Code limits further development by limiting expansions of the use to a 10% increase for building square footage, impervious surface, parking or building height, and requires a conditional use permit for anything more. All legal nonconforming uses are subject to health and safety protections.

14. What was studied with regard to traffic impacts?

The Executive’s [King County Sammamish Valley Wine and Beverage Study](#) engaged a civil engineering and transportation consulting firm to analyze transportation in the Sammamish Valley study area. The consultants concluded:

- Traffic volumes are growing at about 2% per year, typical for this part of King County
- Future growth forecasts expect a similar increase in traffic
- Most of the commute traffic passes through the area
- There is more “local” traffic on weekend but most traffic is still “pass through”
- King County intends to maintain the rural feel of roadways – no widening is planned
- SR 202 which runs through the Sammamish Valley is a state highway and is controlled by the Washington State Department of Transportation

15. Provide studies that show the impact of the East Hill on the Sammamish Valley?

Council staff is not aware of any specific studies for this area. The Proposed Ordinance relies on existing code provisions to address impacts. These existing code provisions include:

- Critical areas regulations
- Impervious surface regulations
- Surface water management (drainage) regulations,
- Floodplain regulations
- Shoreline management regulations
- Clearing or grading regulations
- King County Road Standards, traffic concurrency requirements and related standards
- Noise regulations

None of these code provisions (or any other local, state or federal law) is proposed to be changed by this legislation.

16. Provide detailed definitions of WBD I, II, III.

Winery/ Brewery/ Distillery Facility I (WBD I)	A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility I may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law. On-site product tasting or retail sale of merchandise as authorized by state law is limited. "Winery, brewery, distillery facility I" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.
Winery/ Brewery/ Distillery Facility II (WBD II)	Winery, brewery, distillery facility II: A small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law. "Winery, brewery, distillery facility II" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.
Winery/	A production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that

Brewery/ Distillery Facility III (WBD III)	includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting and sales as authorized by state law and sales of merchandise related to products available as authorized by state law. "Winery, brewery, distillery facility III" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.
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17. Details of evaluation criteria for demonstration areas and the overall evaluation?

Annual Reports for Demonstration Projects

- Required starting one year after ordinance adoption, and annually for four years
- Must include:
 - Inventory of project applications
 - Comments from neighbors, cities, community service areas, project applicants, customers
 - Known interactions between demonstration project applications and nearby agricultural land/users
 - Inventory of remaining parcels
 - Known recommended code changes
 - For Overlay B, a description of the types of events and parking plans approved

Final Evaluation for Demonstration Projects

- Overlay A: evaluate parking ratios; industry standard tasting room hours; outreach and information from project applicants; permit review timelines; recommended permanent code changes or demonstration projects for remote tasting rooms
- Overlay B: evaluate water use; parking ratios; outreach and information from project applicants; temporary use permit requirements; consolidated review process and outcomes compared to underlying code requirements; stormwater and surface water; recommended permanent code changes or demonstration projects for remote tasting rooms.
- Timeline for preparation of a draft Final Evaluation, public comment period, and transmittal to Council

Overall Efficacy Evaluation

- Evaluation of:
 - Citation and civil fine structure
 - Impacts of urban uses on rural character and adjacent rural uses and recommendations to reduce impacts
 - Surface Water and Stormwater Impacts

- Product content requirement in the A zones
- WBD I interim use in the A zone
- Required to be transmitted with the demonstration project final reports.

18. Since there are 1-acre lots many places in unincorporated King County, can you put tasting rooms in residential neighborhoods?

Remote tasting rooms are proposed to be allowed in Community Business and Regional Business zones, and as part of Demonstration Project A.

Remote tasting rooms will not otherwise be permitted in unincorporated King County, including in the A or RA zones, regardless of lot size.

19. What is the status of the Local Food Initiative's efforts to increase food production in King County?

The Executive provides annual reports on the Local Food Initiative. The most recent report is from 2018.

Link to the Executive's Local Food Initiative website:

<https://www.kingcounty.gov/elected/executive/constantine/initiatives/local-food-initiative.aspx>