



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Planning, Rural Service and Environment Committee

*Councilmembers: Kathy Lambert, Chair; Dave Upthegrove, Vice-Chair
Larry Gossett, Joe McDermott, Pete von Reichbauer*

*Staff: Erin Auzins, Lead Staff (206-477-0687)
Erica Newman, Committee Assistant (206-477-7543)*

9:30 AM

Tuesday, June 19, 2018

Room 1001

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

2. **Roll Call**

3. **Approval of Minutes**

[June 05, 2018 meeting minutes pp. 5-8](#)

Briefing

4. [Briefing No. 2018-B0100 pp. 9-10](#)

Panel Briefing on Financial Sustainability for Unincorporated Areas

Fred Jarrett, Senior Deputy Executive, King County

5. **Public Comment**



Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).

TDD Number 206-1024.

ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



Discussion

6. [Proposed Ordinance No. 2018-0241 pp.11-124](#)

AN ORDINANCE responding to the King County Sammamish Valley Wine and Beverage Study; amending Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 and Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.55, adding a new chapter to K.C.C. Title 6 and repealing Ordinance 15974, Section 5, and K.C.C. 21A.06.1427.

Sponsors: Ms. Lambert

Erin Auzins, Council Staff

Discussion and Possible Action

7. [Proposed Ordinance No. 2018-0265 pp. 125-146](#)

AN ORDINANCE approving the King County Water District No. 125 2016 Water System Plan.

Sponsors: Ms. Lambert

Terra Rose, Council Staff

Discussion

8. [Proposed Motion No. 2018-0066 pp. 147-176](#)

A MOTION approving a plan to restructure the public benefit rating system program in accordance with 2017-2018 Biennial Budget Ordinance 18409, Section 81, Proviso P1.

Sponsors: Ms. Lambert

Jenny Ngo, Council Staff

9. Chair's Report

Other Business

Adjournment

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Meeting Minutes Planning, Rural Service and Environment Committee

*Councilmembers: Kathy Lambert, Chair; Dave Upthegrove,
Vice-Chair*

Larry Gossett, Joe McDermott, Pete von Reichbauer

*Staff: Erin Auzins, Lead Staff (206-477-0687)
Erica Newman, Committee Assistant (206-477-7543)*

9:30 AM

Tuesday, June 5, 2018

Room 1001

DRAFT MINUTES

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

Councilmember Upthegrove called the meeting to order at 9:38 AM.

2. **Roll Call**

Present: 5 - Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Upthegrove and Mr. von Reichbauer

3. **Approval of Minutes**

Councilmember Upthegrove moved approval of the May 5, 2018 meeting minutes. Seeing no objections the minutes were approved.

Discussion and Possible Action

4. **[Proposed Ordinance No. 2018-0224](#)**

AN ORDINANCE relating to land segregation; and amending Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070.

Erin Auzins, Council Staff, briefed the Committee.

A motion was made by Councilmember McDermott that this Ordinance be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 5 - Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Upthegrove and Mr. von Reichbauer

5. [Proposed Ordinance No. 2018-0244](#)

AN ORDINANCE relating to the annexation of approximately 99.98 acres of land into the King County water district No. 119, known as the Felling Annexation, for the purpose of water service.

Erin Auzins, Council Staff, briefed the Committee. Councilmember McDermott moved approval of the Amendment and the Ordinance, both passed unanimously. This item was expedited to the Council agenda on June 11, 2018.

A motion was made by Councilmember McDermott that this Ordinance be Recommended Do Pass Substitute Consent. The motion carried by the following vote:

Yes: 5 - Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Upthegrove and Mr. von Reichbauer

6. Public Benefit Rating System (PBRS)

Public Hearings on Public Benefit Rating System Applications in incorporated areas.

The Committee, acting as the Granting Authority provided for in RCW 84.34.037 and K.C.C. 20.36.090, will hold two public hearings to consider the following applications for Open Space Classification of the Public Benefit Rating System:

E17CT024I – Miller property located at 350 Mount Jupiter Drive SW, Issaquah, WA 98027; Parcel No. 5706201060; Size: 0.39 acres; REQUEST: Enroll 0.28 acres in the Public Benefit Rating System under the “historic landmark or archeological site: designated site resource.”

E17CT021A – Massena property for property located at 5502 & 5620 Jordan Ave SE, Auburn, WA 98092; Parcel Nos. 3421059044 and 3421059061; Size: 10.08 acres; REQUEST: Enroll 8.35 acres in the Public Benefit Rating System under the “farm and agricultural conservation land resource.”

Jenny Ngo, Council Staff, briefed the Committee on the Miller application and answered questions from the members. Bill Bernstein, Program Manager, Department of Natural Resources and Parks, addressed the Committee via PowerPoint presentation and answered questions from the members.

The Miller application was approved.

The Massena application was deferred.

A motion was made by Councilmember Upthegrove that this be Passed. The motion carried by the following vote:

Yes: 4 - Mr. Gossett, Ms. Lambert, Mr. McDermott and Mr. Upthegrove

Excused: 1 - Mr. von Reichbauer

Briefing

7. [Briefing No. 2018-B0114](#)

Ombuds Semiannual Report

Amy Calderwood, Ombuds, and Elizabeth Hill, Senior Deputy Ombudsman, King County Ombuds Office, addressed the Committee via PowerPoint presentation and answered questions from the members. Randy Sandin, Interim Deputy Director, Department of Permitting and Review, provided comments to the Committee and answered questions from the members.

This matter was Presented

8. [Public Comment](#)

There were no individuals available to provide public comment.

Other Business

Chair Lambert announced that she attended the CSA meeting for the northern area. She mentioned there was a lot of interest from the public regarding the formation of the Department of Local Services. She looks forward to being a part of the task force to improve the safety and cleanliness of park areas and campgrounds for residents to enjoy.

Adjournment

The meeting was adjourned at 11:00 AM.

Approved this _____ day of _____

Clerk's Signature

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King County

**Planning, Rural Service & Environment
Committee**

June 19, 2018

**Agenda Item No. 4
Briefing No. 2018-B0100**

**Panel Briefing on Financial Sustainability
for Unincorporated Areas**

**Materials for this item will be available at the
meeting.**

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King County

**Metropolitan King County Council
Planning, Rural Service and Environment Committee**

STAFF REPORT

Agenda Item:	6	Name:	Erin Auzins
Proposed No.:	2018-0241	Date:	June 19, 2018

SUBJECT

Proposed Ordinance 2018-0241 would update King County’s development regulations for wineries, breweries and distilleries.

SUMMARY

Following a year-long process, the Executive transmitted a Proposed Ordinance and associated Action Plan that would modify the development regulations for wineries, breweries and distilleries. The Proposed Ordinance would add a new business license requirement for these uses; create a new “remote tasting room” use; add new development conditions and permit requirements for wineries, breweries and distilleries; establish two demonstration projects, one for remote tasting rooms and one for tourism district events; and increase citation penalties for violations by these types of businesses.

The Executive’s Action Plan also calls for improved signage for the agricultural production district, for community van and bike share projects, and for improved east-west trail connections in the Sammamish Valley.

BACKGROUND

Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code.¹ The development conditions that apply today were largely adopted in 2003,² and standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted. Distilleries were first recognized as a land use in 2013.³ Wineries, breweries and distilleries are considered the same land use category under the code, and for each zone in which they are allowed (either outright as a Permitted use, or with a Conditional Use Permit), they have the same development conditions.

¹ Ordinance 10870

² Ordinance 14781

³ Ordinance 17539

In 2010, the City of Woodinville submitted a docket request that would have expanded the Urban Growth Boundary and established new commercial zoning. In 2011, a private resident submitted a similar docket request. In each case, the County Executive did not support the proposal, and any changes would have been required to be taken up during a major Comprehensive Plan update. As part of the next such update, in 2012,⁴ the Council adopted a work plan item to work with the City of Woodinville on joint recommendations for wine and agriculture industries:

P.1. The executive shall work collaboratively with the city of Woodinville to develop joint recommendations for promoting the wine and agriculture industries.

2. In developing these recommendations, the county shall work with the city to analyze and consider the following:

a. Identification of existing and needed transportation infrastructure including traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and way finding;

b. The finite nature and value of agricultural soil resources and the agricultural potential of the APD;

c. The character of the surrounding rural area;

d. Vacant, buildable, and redevelopable land within the existing urban growth area;

e. The adopted Countywide Planning Policies and King County Comprehensive Plan;

f. Input from the public and interested stakeholders, including local businesses and surrounding city and unincorporated area communities;

g. Failing septic systems and pollution in the valley, in conjunction with the report set forth in subsection I of this section; and

h. Nonconforming uses on the unincorporated lands in King County and on the agricultural lands.

Between 2012 and 2015, Public Health Seattle-King County instituted a pilot program that allowed wine and distillery tasting rooms to apply for an exemption from the annual operating permit. The pilot project was intended as an alternative to a required food permit for these businesses, and was tested to see if the businesses would still comply with food safety practices. Public Health discovered during the pilot program that only about 50% of the businesses complied and we decided to end the program. For beverage-related businesses that qualified for the pilot program, extensive outreach was conducted via a series of meetings and communications with stakeholders, an evening meeting at the Columbia Winery, and information including FAQs⁵ posted to the Food Program website.

When the Public Health decided to end the pilot program, extensive outreach to all known beverage related associations and businesses, such as wineries, tap rooms, and distilleries was conducted in the summer of 2015 to notify them of the change. This

⁴ Ordinance 17485

⁵ Here is a link to these FAQs: <https://www.kingcounty.gov/depts/health/environmental-health/food-safety/food-business-permit/~media/depts/health/environmental-health/documents/food-safety/FAQ-Beverages.ashx>

included two public meetings, emails, notices via social media, and updates posted to the FAQs on the website.

Following the 2012 Comprehensive Plan work program and the end of the food permit pilot program in 2015, and as part of the mid-biennial budget supplemental in 2016,⁶ the Executive requested, and the Council approved, an appropriation of \$75,000 for the Office of Performance, Strategy and Budget to hire a consultant to conduct a “[s]tudy to develop recommendations to improve the interface of the burgeoning wine industry with the surrounding communities. The funding will be used to secure consultant assistance to support the outreach, research and recommendation process. The study will focus on economic development, transportation, land use and agriculture in the Sammamish Valley area, and may also make recommendations for other parts of unincorporated King County as appropriate”.

Around the same time, neighbors of wineries within the Sammamish Valley filed a number of code enforcement complaints for operating in violation of the zoning code and construction without permits. The Department of Permitting and Environmental Review (DPER), knowing that the Executive would be beginning a study to look at policy recommendations, signed settlement agreements with 20 of the wineries. These settlement agreements acknowledged that aspects of the winery uses were not permitted, that the business owner would not increase non-compliance, and that any life-safety issues would be corrected. In return, DPER would not move forward with any code enforcement process while the Executive’s study was being complete and before any legislative changes were considered and adopted by the Council.

Following approval of the budget supplemental request, the Executive formed a stakeholder group of Sammamish Valley wineries, agricultural interests, and the Cities of Woodinville and Redmond. The consultant performed stakeholder interviews, and held five meetings with the stakeholders to review the goals and priorities, wine industry needs and issues, the issues with the existing development regulations, transportation issues, and potential policy changes and infrastructure improvements. The consultant also held an open public meeting and used an online public comment tool. The stakeholder group and consultant provided a series of policy recommendations in their final report, issued in September 2016.⁷

Since that time, the Executive has been working through a series of proposed policy changes, as well as on improvements within the Sammamish Valley (shuttle van, trail connections, signage). A public review draft of the proposed regulations was issued in June 2017, outlining an initial proposal for public comment. After reviewing and considering the feedback on the public review draft, the Executive transmitted a final report (Attachment 4) and Proposed Ordinance 2018-0241 to the Council in April 2018.

⁶ Ordinance 18239

⁷ Link to report: <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Sammamish-Study-Area/CAISammValleyWineBeverageStudyFINAL-091216.ashx?la=en>

ANALYSIS

Summary of Changes in Proposed Ordinance

Proposed Ordinance 2018-0241 would make a number of changes to the development regulations for wineries, breweries and distilleries.

Business license requirement

The Proposed Ordinance would add a new business license requirement for “adult beverage businesses”, which includes “winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.” The annual fee for this business license would be \$100.

New Definitions

The Proposed Ordinance would establish new definitions for “remote tasting room”, and three types of “winery, brewery, distillery facilities.” The three facility definitions are different based on size, with a Facility I being “very small”, Facility II being “small”, and Facility III not having a size qualifier. In addition, a Facility I would not allow on-site sales or tasting.

Permitted Use Table

The Proposed Ordinance makes modifications to the Manufacturing permitted uses table, where wineries, breweries, and distilleries are regulated today. Within the Manufacturing permitted uses table, the Proposed Ordinance would:

- Add Winery/Brewer/Distillery Facility I to the table, and permit it with development conditions in the RA and UR zones.
- Add Winery/Brewer/Distillery Facility II to the table, and permit it with varying development conditions in the A, RA, UR, NB, CB, RB and I zones. This use would also be allowed with a Conditional Use Permit (and development conditions) in the RA zone.
- Add Winery/Brewer/Distillery Facility III to the table, and permit it as a Conditional Use Permit and with varying development conditions, in the A, RA, UR, NB, CB, RB and I zones.

The development conditions for each of the facility sizes, and in different zones, vary considerably. There is a summary of the changes by zone with a comparison to the existing code in Attachment 5. In general, the development conditions address:

- Minimum lot sizes
- Maximum building sizes
- Allowances for tasting and hours of operation
- Water use
- Product content
- Production requirements

- Facility locations for agricultural lands
- Parking maximums
- Setbacks from Rural Area and Residential zones

Parking Requirements

The parking requirements are proposed to be modified by the Proposed Ordinance. The existing parking requirements for wineries, breweries and distilleries are 0.9 spaces per 1,000 square feet of manufacturing area, plus 1 per 50 square feet of tasting area.

Under the Proposed Ordinance, the parking ratio for the tasting area would be changed to 1 per 300 square feet.

Home Occupation and Home Industry

Home occupations and home industries are regulated based on zoning district, in three sections of Code. The Proposed Ordinance would add wineries, breweries and distilleries, and remote tasting rooms, to the list of specifically prohibited uses in home occupations and home industries.

Special Events/Temporary Use Permit

The Proposed Ordinance includes the following changes for special events and temporary use permits (TUP):

- For Facility II and III in A zones, events are limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director.
- For Facility II and III in RA zones, events are limited to 24 within a one-year period and all parking must be accommodated on site or through a plan approved by the director.
- For Facility II in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 125 guests.
- For Facility III in A and RA zones, consider building occupancy limits and parking limitations during permit review, shall condition the number of guests and shall not be more than 250 guests.
- No events or temporary use permits for facility I, legally nonconforming home occupations, or home industries.
- Facility II and III in all other zones events may be allowed under a TUP for up to 60 days a year.

Demonstration Project A

The first demonstration project proposed by the Executive would allow “remote tasting rooms” within an identified area in the Sammamish Valley near the city limits of Woodinville, and within the Vashon Rural Town. The demonstration project would allow remote tasting rooms with the following regulations:

- One or more remote tasting rooms could operate in a single location
- The approval of the remote tasting rooms would be a Type 1 land use decision.⁸
- Total space for tasting and retail is 1,000 square feet plus storage, restroom, back-of-the-house uses
- Additional 500 square feet of outdoor space allowed
- Direct access to an arterial required
- No production allowed on-site
- Incidental retail sales of products related to products tasted allowed
- Hours of operation are limited to Monday - Thursday 11am-5pm, Friday - Sunday 11am-9pm
- Required to obtain a liquor license from the state
- No events or temporary use permits allowed
- Parking limited to 150 percent of minimum required

Demonstration project A would be in effect for 3 years from effective date of the ordinance, after which DPER would stop accepting applications and the existing remote tasting rooms would become legally nonconforming uses. Annually, DPER would compile a list of applications approved and related code complaints. Based on this data, the Executive may submit additional proposed legislation extending or amending the regulation within the 3 year demonstration project.

Demonstration Project B

The second demonstration project proposed by the Executive would allow “tourism district events” such as weddings and similar uses to be reviewed and conditioned as part of Facility III conditional use permit review within an identified area in the Sammamish Valley, south of city limits and east of State Route 202. The demonstration project would waive the TUP requirement for CUP approved Facility III events. Event uses would be reviewed and approved only as part of a CUP application; CUPs are a Type 2 land use permit.⁹ This demonstration project may allow more than 24 events per year, depending on the site-specific review of each application.

Demonstration project B would be in effect for 3 years from effective date of the ordinance, after which DPER would stop accepting applications, and the existing CUPs with the special event allowance would become legally nonconforming. Annually, DPER would compile a list of applications approved and related code complaints. Based on this data, the Executive may submit additional proposed legislation extending or amending the regulations within the 3 year demonstration project.

Citation Penalties

The Proposed Ordinance would modify the citation penalties for wineries, breweries, and distilleries and remote tasting rooms. Under existing code, most code violations are

⁸ Type 1 land use decisions are made by the DPER Director, or their designee (usually a product line manager). These decisions do not have public notice and have no administrative appeal to the Hearing Examiner.

⁹ Type 2 land use decisions are made by the DPER Director, or their designee. These decisions do have public notice and have an administrative appeal to the Hearing Examiner.

subject to a \$100 penalty for the first violation, and \$500 for subsequent violations. The Proposed Ordinance would increase the citation penalty for these uses to \$500 for the first violation and \$1,000 for subsequent violations.

Policy Considerations

Council staff analysis is ongoing. Some preliminary policy considerations for the Council to consider are outlined below. Council staff and Executive staff continue to discuss these potential issues.

Applicability of Countywide Regulations

As described in the background section, the transmitted Proposed Ordinance was the result of a years long process to address the proliferation of wineries within the Sammamish Valley. However, except for the demonstration projects, the Proposed Ordinance would apply countywide, and would apply to breweries and distilleries.

The Council may want to consider whether sufficient input from other industries, including breweries and distilleries, has been taken, and whether further input is necessary before code changes are adopted.

Additionally, the Council may want to consider whether the impacts of the proposed changes in other parts of the County have been fully analyzed. For example, a Facility III is required to connect to a Group A or Group B water system. This is a practical requirement for the Sammamish Valley where water is available, but may be more burdensome in other parts of the County that have water supply issues – and/or may not be a necessary requirement for other parts of the County.

Impact on Existing Businesses

Executive staff are aware of 54 wineries, breweries, and distilleries in unincorporated King County. Of those, only 4 are legally permitted today and all 4 would become legally nonconforming under the Proposed Ordinance as transmitted. The other 50 are operating without permits or in violation of the County's development regulations.

Executive staff estimate that 8 businesses will not be able to comply with the new regulations at their current locations – they all appear to be within Agriculture zoned areas. Of note, lands that have Farmland Preservation Program (FPP) status would not be permitted by the associated covenants to operate a winery, brewery or distillery facility or a remote tasting room on-site. For the businesses that are expected to not be able to comply, DPER states that they will start the enforcement process upon the ordinance becoming effective. DPER staff state that the plan would be to allow the businesses the same 6 month compliance period that other businesses will receive, but these businesses would not receive technical support through the consultant.

Additionally, another 16 businesses do not have direct access to an arterial, which would limit them to the Facility I category (8 of these businesses may be able to apply for a Facility II with a conditional use permit, which is intended to give the director discretion to modify the access requirement). These businesses may need to downsize

their operations to comply with the new rules (e.g., size of the facility, hours of operation, tasting area, or number and scale of events).

Enforcement

There are a couple of different ways that enforcement could be an issue with the new ordinance. First, although a statement signed by business owner is required for demonstrating compliance with the product content requirement through the business license, no further evidence is required. This could create a future compliance issue: if a business license is issued based on a signed statement, and then DPER finds later that the business does not meet the product content requirements, DPER would have to start code enforcement proceedings and deny a renewal of the license.

Second, there is a \$50,000 request in the omnibus budget ordinance currently before the BFM committee.¹⁰ This \$50,000 would fund a consultant to perform outreach and provide technical assistance for businesses within the County over a six-month period after the zoning changes are adopted. After this six-month period, enforcement of the provisions would follow DPER's established code enforcement process. The Council may want to take into consideration enforcement of the provisions over the longer term, especially considering the task force recommendations and report initially focused on the Sammamish Valley and the industry and proposed development regulations encompasses the entire County. The County has limited code enforcement resources, in terms of: 1) number of code enforcement officers, 2) ability to obtain voluntary compliance quickly under the code, and 3) ability to get resolution on cases through the judicial system. Further, enforcement of the noise code provisions, is reliant on King County Sheriff's deputies, which are also limited in resources for unincorporated King County.

Third, some of the requirements in the Proposed Ordinance may pose a challenge for enforcement. It is clear how DPER will enforce requirements for minimum lot size and maximum building size through the normal permit and approval process. For other requirements it may be less clear the method for how DPER will ultimately enforce the provision. For example, the legislation proposes hours of operation for tasting rooms. These hours of operation can be listed on an issued permit as a condition, but it may be difficult to enforce this provision, as the County does not have staff available in the evenings and on the weekends to visit these businesses to ensure compliance or respond to complaints in the moment. Depending on the circumstances and staffing resources, code enforcement may be able to issue a citation based on witness statements at a later date.

Remote Tasting Rooms

In the Public Review Draft (PRD), remote tasting rooms were shown being added as a use in the retail table. In the transmitted legislation, this use does not appear in any land use table and is only mentioned in the demonstration project section. In past demonstration projects, the use itself appears in the table, and the development conditions say it is only allowed as part of a demonstration project.

¹⁰ Proposed Ordinance 2018-0267

The Council may also want consider whether remote tasting rooms could be allowed in other zones, such as the Commercial zones, as part of this Ordinance. This could be done as a permitted or conditional use, and with or without development conditions.

Special Events and Temporary Use Permits

The Council may want to consider further clarification of the definition of a “special event”. In practice, Executive staff report that it will need to be based on criteria that a DPER inspector could easily see if they visit the site. This could include: events that require tents, portable toilets, or stages on-site; and/or a need for additional parking over the permitted number of maximum spaces. Executive staff indicate that closing during allowed tasting hours for a private event would not trigger a TUP unless it meets the criteria above; however, this criteria is not stated in the Proposed Ordinance. The Council may want to consider whether the criteria should be clear in the Code for what is included within normal business operations, and what is outside of the normal operations that needs a special event TUP.

Demonstration Projects

For demonstration project A, a remote tasting room would be allowed within the Rural Town boundary. When and if the Council makes permanent changes to remote tasting rooms, by allowing them or wineries, breweries and distilleries generally, an amendment to the Vashon-Maury Island Subarea Plan and P-suffix conditions would also be necessary. As a precedent, Council may want to consider whether changes meet their policy goals to allow uses through a demonstration project that would otherwise not be allowed by a P-suffix or Special District Overlay.

Additionally, demonstration project A would allow remote tasting rooms on parcels where the underlying zoning would not allow wineries, breweries and distilleries in any form (Residential zones) elsewhere in the County. The Council may want to consider whether the Vashon-Maury Island portion of the demonstration project should include the entire Rural Town boundary or should be limited to existing nonresidential areas/zones.

The purpose of a demonstration project is to “test and evaluate alternative development standards and processes prior to amending King County policies and regulations.” The Council may want to consider whether the reporting requirements for the demonstration projects, as transmitted by the Executive, provide sufficient evaluation for the Council to make an informed decision on future permanent code changes.

Finally, the Proposed Ordinance states that DPER cannot accept applications after three years from the effective date of the ordinance for the demonstration projects. However, this will still be a codified section of Code after that date, as it doesn’t have an official expiration date. The Council may want to consider making this expiration date more clear, or whether it should expire without further action by the Council.

Summary of Other Recommendations in Executive's Action Report

The Executive's Action Report called for improvements within the Sammamish Valley, to complement the regulatory changes proposed by the transmitted Proposed Ordinance.

The first are wayfinding Agricultural Production District (APD) signs. DNRP states that they worked with the Roads Services Division (RSD) to come up with some initial designs. DNRP will be taking the designs for the signs to the Agriculture Commission in September 2018 after their summer break ends. The goal would be to finalize design in the fall, have the RSD sign shop fabricate, and deploy the signs in 2019. DNRP expects the budget impact to be minimal, as RSD had planned on replacing the signs that are in the APDs currently.

The second project is a Community Van project and bike share. Transit states that the Bothell-Woodinville Community Van has been in operation since the fall of 2017. The County's annual cost is approximately \$41,000 which covers vehicle operations costs (fuel, insurance, etc.), promotion and marketing, and salary for a half-time Community Transportation Coordinator employed by UW-Bothell. The bike share concept did not move forward into planning and implementation.

The third is an east-west trail connection(s) in the Sammamish Valley. DNRP states that King County Parks is managing a study to develop a strategy for a safe crossing of the Eastside Rail Corridor (ERC) at NE 145th Street and a connection to the Sammamish River Trail along the north side of NE 145th Street. The study is jointly funded by King County Parks and the City of Woodinville, and includes participation by the City and the Woodinville Chamber. The primary stakeholder outreach will include the owners adjacent to/nearby the crossing, including Chateau Ste. Michelle, Columbia Winery, owners of the Red Hook site (which will be the home of Teatro Zinzanni and a proposed brewpub), and the Willows Lodge/Herbfarm. In addition to serving the future ERC trail, the crossing would provide a safe pedestrian route for visitors of the different food and beverage destinations along NE 145th Street. The preliminary study will be complete in the fall of 2018, and will provide direction for the next steps in implementation.

The Eastside Rail Corridor (ERC) funding commission also includes City of Woodinville representation and is intended to identify specific opportunities for the trail to benefit from and support nearby business.

Executive staff report that currently, there are no plans to look at similar recommendations/improvements for other areas of the County, but that the demonstration projects could lead to future plans.

ATTACHMENTS

1. Proposed Ordinance 2018-0241 with attachments
2. Transmittal Letter
3. Fiscal Note
4. King County Action Report: Sammamish Valley Winery and Beverage Study
5. Council staff summary matrix of substantive changes

6. Public comments received through June 15, 2018

INVITED

1. Jim Chan, Interim Director, DPER
2. Karen Wolf, Senior Policy Advisory, PSB
3. Calli Knight, External Relations Specialist, Executive's Office

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 18, 2018

Ordinance

Proposed No. 2018-0241.1

Sponsors Lambert

1 AN ORDINANCE responding to the King County
2 Sammamish Valley Wine and Beverage Study; amending
3 Ordinance 10870, Section 335, as amended, and K.C.C.
4 21A.08.080, Ordinance 10870, Section 407, as amended,
5 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as
6 amended, and K.C.C. 21A.30.080, Ordinance 15606,
7 Section 20, as amended, and K.C.C. 21A.30.085,
8 Ordinance 10870, Section 537, as amended, and K.C.C.
9 21A.30.090, Ordinance 10870, Section 549, as amended,
10 and K.C.C. 21A.32.120 and Ordinance 13623, Section 37,
11 as amended, and K.C.C. 23.32.010, adding new sections to
12 K.C.C. chapter 21A.06, adding new sections to K.C.C.
13 chapter 21A.55, adding a new chapter to K.C.C. Title 6 and
14 repealing Ordinance 15974, Section 5, and K.C.C.
15 21A.06.1427.

16 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 **SECTION 1. Findings:**

18 A. These regulatory changes are a response to the King County Sammamish
19 Valley Wine and Beverage Study that was released in September 2016. Those changes

20 will help King County prepare for and support the future of the wine and adult beverage
21 industry as it evolves in the region, while adhering to the framework of the state Growth
22 Management Act.

23 B. King County continues to support and foster agriculture, especially within the
24 five designated Agricultural Production Districts. King County also supports the wine
25 and adult beverage industry and recognizes the need to establish a strong foundation for
26 moving the industry into the future.

27 C. A business license is established for the adult beverage industry in King
28 County to provide greater certainty about where adult beverage producers and tasting
29 rooms are located and to verify that they are in compliance with county rules and laws.

30 D. Two demonstration projects are established in the rural area of the
31 Sammamish Valley, with one of the two also applicable to the Vashon Island Town
32 Center Special District Overlay. One demonstration is in two limited areas and evaluates
33 the presence of remote tasting rooms in the rural community. The second demonstration
34 is in one very limited area and evaluates incorporating industry-supporting events within
35 the conditional use permit rather than through the annual temporary use permit process.

36 SECTION 2. Sections 3 through 9 of this ordinance should constitute a new
37 chapter in K.C.C. Title 6.

38 NEW SECTION. SECTION 3. There is hereby added to the chapter established
39 in section 2 of this ordinance a new section to read as follows:

40 It is the purpose of this chapter to establish business licensing standards for adult
41 beverage businesses located in unincorporated King County, in order to promote and
42 protect the health, safety and general welfare of unincorporated King County's residents.

43 NEW SECTION. SECTION 4. There is hereby added to the chapter established
44 in section 2 of this ordinance a new section to read as follows:

45 A person or entity shall not operate or maintain an adult beverage business in
46 unincorporated King County unless the business has obtained a business license issued by
47 the director as provided by this chapter. A current adult beverage business license issued
48 under this chapter shall be prominently displayed on the licensed premises. The adult
49 beverage business licensee shall comply with all applicable laws.

50 NEW SECTION. SECTION 5. There is hereby added to the chapter established
51 in section 2 of this ordinance a new section to read as follows:

52 An application for an adult beverage business license or license renewal must be
53 submitted in the name of the business owner or the entity proposing to operate the
54 business. The application shall be signed by the owner or primary responsible officer of
55 any entity proposing to operate the business, certified as true under penalty of perjury.

56 All applications shall be submitted on a form supplied by the director, and shall include
57 the following:

58 A. The full name, current residential, email and mailing address of the owner or
59 primary responsible officer;

60 B. The name, street address and telephone number of the adult beverage
61 business;

62 C. A copy of the Washington state Liquor and Cannabis Board non-retail liquor
63 license or non-retail liquor license with retail endorsement associated with the business
64 address; and

65 D. For businesses in the A zone, a signed statement that at least sixty percent of

66 the products to be used by the business are grown on-site, as prescribed under K.C.C.
67 21A.08.080.B.3.f.

68 NEW SECTION. SECTION 6. There is hereby added to the chapter established
69 in section 2 of this ordinance a new section to read as follows:

70 An applicant for an adult beverage business license or renewal under this chapter
71 shall pay an application fee at the time of application submittal. The nonrefundable
72 application fee for an adult beverage business license or renewal is one hundred dollars.

73 NEW SECTION. SECTION 7. There is hereby added to the chapter established
74 in section 2 of this ordinance a new section to read as follows:

75 The director shall deny, suspend or revoke a license issued under this chapter if
76 the Washington state Liquor and Cannabis Board does not issue a license to the business,
77 or if the department of permitting and environmental review receives notice that the state
78 license issued to the business is suspended or revoked, or was not reissued. A business
79 owner whose application for a business license has been denied or whose license has
80 been suspended or revoked may appeal the decision to the office of the hearing examiner
81 in accordance with K.C.C. 6.01.150.

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

84 An adult beverage business license expires one year from the date the business
85 license is issued by the department of permitting and environmental review. To avoid a
86 lapse in the effectiveness of a license, an application to renew a license must be submitted
87 to the director, on a form provided by the director, at least thirty days before the
88 expiration of the business license. An adult beverage business license renewal expires

89 one year from the previous license's expiration date.

90 NEW SECTION. SECTION 9. There is hereby added to the chapter established
91 in section 2 of this ordinance a new section to read as follows:

92 Within thirty days of the director's receipt of a complete adult beverage business
93 license application, the director shall issue or deny the license. Within thirty days of the
94 director's receipt of a complete renewal application, the director shall issue or deny the
95 renewal.

96 SECTION 10. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are hereby
97 repealed.

98 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter
99 21A.06 a new section to read as follows:

100 Adult beverage business: An adult beverage business means a winery, brewery,
101 distillery or cidery, and remote tasting rooms for any of those businesses.

102 NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter
103 21A.06 a new section to read as follows:

104 Remote tasting room: A small facility approved by the Washington state Liquor
105 and Cannabis Board as a remote tasting room for a licensed winery, brewery or distillery
106 that is operating at a location other than the licensed winery, brewery or distillery
107 production facility, for the purpose of the retail sale and sampling of the licensed product.

108 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
109 21A.06 a new section to read as follows:

110 Winery, brewery, distillery facility I: A very small establishment licensed by the
111 state of Washington to produce adult beverages such as wine, cider, beer and distilled

112 spirits and where on-site product tasting or retail sale of merchandise does not occur.

113 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter

114 21A.06 a new section to read as follows:

115 Winery, brewery, distillery facility II: A small scale production facility licensed
116 by the state of Washington to produce adult beverages such as wine, cider, beer and
117 distilled spirits and that includes an adult beverage production use such as crushing,
118 fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II
119 may include additional product-related uses such as vineyards, orchards, wine cellars or
120 similar product-storage areas as authorized by state law, on-site product tasting and sales
121 as authorized by state law, and sales of merchandise related to products available for
122 tasting as authorized by state law.

123 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter

124 21A.06 a new section to read as follows:

125 Winery, brewery, distillery facility III: An establishment licensed by the state of
126 Washington to produce adult beverages such as wine, cider, beer and distilled spirits and
127 that includes an adult beverage production use such as crushing, fermentation, barrel or
128 tank aging, and finishing. A winery, brewery, distillery facility III may include
129 additional product-related uses such as vineyards, orchards, wine cellars or similar
130 product-storage areas as authorized by state law, on-site product tasting as authorized by
131 state law, and sales of merchandise related to products available as authorized by state
132 law.

133 SECTION 16. Ordinance 10870, Section 335, as amended, and K.C.C.

134 21A.08.080 are hereby amended to read as follows:

135

A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/Distillery Facility I</u>				<u>P30</u>	<u>P30</u>							
*((/2082 /2085))	<u>Winery/Brewery /Distillery Facility II</u>	P3 ((C12))			P3 C((42))31	P3			P17	P17	<u>P29</u>		<u>P29</u>
*	<u>Winery/Brewery/Distillery Facility III</u>	<u>C12</u>			<u>C12</u>	<u>C12</u>			<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C29</u>
*	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
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	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												C

	Products													
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	
351-55	Heavy Machinery and Equipment												C	
357	Computer and Office Equipment											C	C	P
36	Electronic and other Electric Equipment											C	P	
374	Railroad Equipment												C	
376	Guided Missile and Space Vehicle Parts												C	
379	Miscellaneous Transportation Vehicles												C	
38	Measuring and Controlling Instruments											C	C	P
39	Miscellaneous Light Manufacturing											C	P	
*	Motor Vehicle and Bicycle Manufacturing												C	
*	Aircraft, Ship and Boat Building												P10C	
7534	Tire Retreading											C	P	
781-82	Movie Production/Distribution											P	P	

136 B. Development conditions.

137 1. Repealed.

138 2. Except slaughterhouses.

139 3.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
140 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
141 uses;

142 b. In the A zone, only allowed on sites where the primary use is SIC Industry
143 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
144 Animals;

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

147 d. The aggregated floor area (~~(devoted to all processing)~~) of structures and
148 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
149 hundred square feet, unless located in (~~(a building)~~) whole or in part in a structure
150 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
151 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
152 not exceed five thousand square feet;

153 e. Structures and parking areas (~~(used)~~) for (~~(processing)~~) winery, brewery,
154 distillery facility uses shall maintain a minimum distance of seventy-five feet from
155 property lines adjoining rural area and residential zones, unless located in a building
156 designated as historic resource under K.C.C. chapter 20.62;

157 f. In the A zones, (~~(S)~~)sixty percent or more of the products processed must be
158 grown (~~(in the Puget Sound counties)~~) on-site. At the time of the initial application for
159 the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created
160 in section 2 of this ordinance), the applicant shall submit a projection of the source of

161 products to be produced; (~~and~~)

162 g. In the A zone, structures and areas for non-agricultural winery, brewery,
163 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
164 for agricultural purposes, such as areas within the already developed portion of such
165 agricultural lands that are not available for direct agricultural production, or areas without
166 prime agricultural soils;

167 h. Tasting of products produced on site may be provided in accordance with
168 state law. The area devoted to tasting shall be included in the floor area limitation in
169 subsection B.3.(~~e-~~)d. of this section. Hours of operation for on-site tasting of products
170 shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting
171 room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and
172 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

173 i. On a site with direct access to an arterial;

174 j. Off-street parking is limited to one hundred and fifty percent of the
175 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
176 21A.18.030;

177 k. The business operator shall obtain an adult beverage business license in
178 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
179 chapter created in section 2 of this ordinance); and

180 l. Events may be allowed with an approved temporary use permit under K.C.C.
181 chapter 21A.32.

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

- 184 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
185 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
186 minimum site area is four and one-half acres.
- 187 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
188 No. 2431-Millwork, (excluding planing mills).
- 189 7. Limited to photocopying and printing services offered to the general public.
- 190 8. Only within enclosed buildings, and as an accessory use to retail sales.
- 191 9. Only within enclosed buildings.
- 192 10. Limited to boat building of craft not exceeding forty-eight feet in length.
- 193 11. For I-zoned sites located outside the urban growth area designated by the
194 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
195 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
196 rural industrial uses as set forth in K.C.C. chapter 21A.12.
- 197 12.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
198 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility III
199 uses;
- 200 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))~~The
201 aggregated floor area of structures and areas for (~~wineries, breweries and distilleries and~~
202 ~~any accessory~~) winery, brewery, distillery facility uses shall not exceed a total of eight
203 thousand square feet~~((-)),~~ except that (~~(F))~~the floor area may be increased by up to an
204 additional eight thousand square feet of underground storage that is constructed
205 completely below natural grade, not including required exits and access points, if the
206 underground storage is at least one foot below the surface and is not visible above

207 ground; ~~((and~~

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

211 c. The minimum site area is four and one-half acres. If the aggregated floor
212 area of structures for winery, brewery, distillery uses exceeds six thousand square feet,
213 including underground storage, the minimum site area shall be ten acres;

214 d. Wineries, breweries and distilleries shall comply with Washington state
215 Department of Ecology and King County board of health regulations for water usage and
216 wastewater disposal, and must connect to an existing Group A water system or an
217 existing Group B water system if a Group A water system is not available. ~~((Wineries,~~
218 ~~breweries and distilleries using water from exempt wells shall install a water meter;~~

219 d. ~~Off street parking is limited to one hundred and fifty percent of the~~
220 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
221 ~~21A.18.030;))~~

222 e. Structures and parking areas ~~((used for processing))~~ for winery, brewery
223 distillery uses shall be set back a minimum distance of seventy-five feet from property
224 lines adjacent to rural area and residential zones, unless ~~((the processing is))~~ located in a
225 building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

232 ~~g. The facility shall be limited to processing agricultural products and))~~ In the
233 A zone, sixty percent or more of the products processed must be grown ((in the Puget
234 Sound counties)) on-site. At the time of the initial application for the adult beverage
235 licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this
236 ordinance), the applicant shall submit a projection of the source of products to be
237 processed; ((and))

238 g. In the A zone, structures and areas for non-agricultural winery, brewery,
239 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
240 for agricultural purposes, such as areas within the already developed portion of such
241 agricultural lands that are not available for direct agricultural production, or areas without
242 prime agricultural soils;

243 h. Tasting of products produced on site may be provided in accordance with
244 state law. The area devoted to tasting shall be included in the aggregated floor area
245 limitation in subsection B.12.b. and c. of this section. Hours of operation for on-site
246 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
247 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and
248 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
249 through 9:00 p.m.;

250 i. On a site with direct access to an arterial;

251 j. Off-street parking is limited to one hundred and fifty percent of the
252 minimum requirement for wineries, breweries or distilleries specified in K.C.C.

253 21A.18.030;

254 k. The business operator shall obtain an adult beverage business license in
255 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
256 chapter created in section 2 of this ordinance); and

257 l. Events may be allowed with an approved temporary use permit under K.C.C.
258 chapter 21A.32.

259 13. Only on the same lot or same group of lots under common ownership or
260 documented legal control, which includes, but is not limited to, fee simple ownership, a
261 long-term lease or an easement:

262 a. as accessory to a primary forestry use and at a scale appropriate to process
263 the organic waste generated on the site; or

264 b. as a continuation of a sawmill or lumber manufacturing use only for that
265 period to complete delivery of products or projects under contract at the end of the
266 sawmill or lumber manufacturing activity.

267 14. Only on the same lot or same group of lots under common ownership or
268 documented legal control, which includes, but is not limited to, fee simple ownership, a
269 long-term lease or an easement:

270 a. as accessory to a primary mineral use; or

271 b. as a continuation of a mineral processing use only for that period to
272 complete delivery of products or projects under contract at the end of mineral extraction.

273 15. Continuation of a materials processing facility after reclamation in
274 accordance with an approved reclamation plan.

275 16. Only a site that is ten acres or greater and that does not use local access

276 streets that abut lots developed for residential use.

277 17.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
278 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
279 uses;

280 b. The aggregated floor area (~~(devoted to all processing)~~) of structures and
281 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
282 hundred square feet, unless located in (~~(a building)~~) whole or in part in a structure
283 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
284 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
285 not exceed five thousand square feet;

286 c. Structures and parking areas (~~(used)~~) for (~~(processing)~~) winery, brewery,
287 distillery facility uses shall maintain a minimum distance of seventy-five feet from
288 property lines adjoining rural area and residential zones, unless located in a building
289 designated as historic resource under K.C.C. chapter 20.62; (~~(and)~~)

290 d. Tasting of products produced on site may be provided in accordance with
291 state law. The area devoted to tasting shall be included in aggregated the floor area
292 limitation in subsection B.~~((18.))~~17.b. of this section; and

293 e. The business operator shall obtain an adult beverage business license
294 pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new
295 chapter created in section 2 of this ordinance).

296 f. Events may be allowed with an approved temporary use permit under K.C.C.
297 chapter 21A.32.

298 18. Limited to:

- 299 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
300 Millwork, as follows:
- 301 (1) If using lumber or timber grown off-site, the minimum site area is four
302 and one-half acres;
- 303 (2) The facility shall be limited to an annual production of no more than one
304 hundred fifty thousand board feet;
- 305 (3) Structures housing equipment used in the operation shall be located at
306 least one-hundred feet from adjacent properties with residential or rural area zoning;
- 307 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
308 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
- 309 (5) In the RA zone, the facility's driveway shall have adequate entering sight
310 distance required by the 2007 King County Road Design and Construction Standards. An
311 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
312 the roadway that the driveway accesses; and
- 313 (6) Outside lighting is limited to avoid off-site glare; and
- 314 b. SIC Industry No. 2411-Logging.
- 315 19. Limited to manufacture of custom made wood furniture or cabinets.
- 316 20.a. Only allowed on lots of at least four and one-half acres;
- 317 b. Only as an accessory use to a Washington state Liquor Control Board
318 licensed marijuana production facility on the same lot;
- 319 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
- 320 d. Only with documentation that the operator has applied for a Puget Sound
321 Clean Air Agency Notice of Construction Permit. All department permits issued to either

322 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
323 Clean Air Agency Notice of Construction Permit be approved before marijuana products
324 are imported onto the site; and

325 e. Accessory marijuana processing uses allowed under this section are subject
326 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

327 21.a. Only in the CB and RB zones located outside the urban growth area;

328 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

329 c. Only with documentation that the operator has applied for a Puget Sound
330 Clean Air Agency Notice of Construction Permit. All department permits issued to either
331 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
332 Clean Air Agency Notice of Construction Permit be approved before marijuana products
333 are imported onto the site;

334 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
335 support of, processing marijuana together with any separately authorized production of
336 marijuana shall be limited to a maximum of two thousand square feet; and

337 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
338 every marijuana-related entity occupying space in addition to the two-thousand-square-
339 foot threshold area on that lot shall obtain a conditional use permit as set forth in
340 subsection B.22. of this section.

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

342 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
343 support of, processing marijuana together with any separately authorized production of
344 marijuana shall be limited to a maximum of thirty thousand square feet;

345 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
346 d. Only with documentation that the operator has applied for a Puget Sound
347 Clean Air Agency Notice of Construction Permit. All department permits issued to either
348 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
349 Clean Air Agency Notice of Construction Permit be approved before marijuana products
350 are imported onto the site.

351 23.a. Only in the CB and RB zones located inside the urban growth area;

352 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

353 c. Only with documentation that the operator has applied for a Puget Sound
354 Clean Air Agency Notice of Construction Permit. All department permits issued to either
355 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
356 Clean Air Agency Notice of Construction Permit be approved before marijuana products
357 are imported onto the site;

358 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
359 support of, processing marijuana together with any separately authorized production of
360 marijuana shall be limited to a maximum of two thousand square feet; and

361 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
362 every marijuana-related entity occupying space in addition to the two-thousand-square-
363 foot threshold area on that lot shall obtain a conditional use permit as set forth in
364 subsection B.24. of this section.

365 24.a. Only in the CB and RB zones located inside the urban growth area;

366 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

367 c. Only with documentation that the operator has applied for a Puget Sound

368 Clean Air Agency Notice of Construction Permit. All department permits issued to either
369 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
370 Clean Air Agency Notice of Construction Permit be approved before marijuana products
371 are imported onto the site; and

372 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
373 support of, processing marijuana together with any separately authorized production of
374 marijuana shall be limited to a maximum of thirty thousand square feet.

375 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

376 b. Only with documentation that the operator has applied for a Puget Sound
377 Clean Air Agency Notice of Construction Permit. All department permits issued to either
378 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
379 Clean Air Agency Notice of Construction Permit be approved before marijuana products
380 are imported onto the site; and

381 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
382 gross floor area devoted to, and in support of, the processing of marijuana together with
383 any separately authorized production of marijuana.

384 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

385 b. Only with documentation that the operator has applied for a Puget Sound
386 Clean Air Agency Notice of Construction Permit. All department permits issued to either
387 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
388 Clean Air Agency Notice of Construction Permit be approved before marijuana products
389 are imported onto the site; and

390 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet

391 of gross floor area devoted to, and in support of, the processing of marijuana together
392 with any separately authorized production of marijuana.

393 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
394 Island, that do not require a conditional use permit issued by King County, that receive a
395 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
396 and that King County did not object to within the Washington state Liquor and Cannabis
397 Board marijuana license application process, shall be considered nonconforming as to
398 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
399 21A.32.075 for nonconforming uses;

400 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

401 c. Only with documentation that the operator has applied for a Puget Sound
402 Clean Air Agency Notice of Construction Permit. All department permits issued to either
403 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
404 Clean Air Agency Notice of Construction Permit be approved before marijuana products
405 are imported onto the site;

406 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
407 Island;

408 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
409 except on Vashon-Maury Island;

410 f. Only as an accessory use to a Washington state Liquor Cannabis Board
411 licensed marijuana production facility on the same lot; and

412 g. Accessory marijuana processing uses allowed under this section are subject
413 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

414 28. If the food and kindred products manufacturing or processing is associated
415 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

416 29.a. The business operator shall obtain an adult beverage business license
417 pursuant to the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new
418 chapter created in section 2 of this ordinance).

419 b. Events may be allowed with an approved Temporary Use Permit under
420 K.C.C. chapter 21A.32.

421 30. a. Limited to winery, brewery, distillery facility I uses;

422 b. The aggregated floor area of structures and areas for the winery, brewery,
423 distillery use shall not exceed one thousand five hundred square feet;

424 c. Structures and parking areas for winery, brewery, distillery uses shall be set
425 back a minimum distance of seventy-five feet from property lines adjacent to rural area
426 and residential zones, unless located in a building designated as historic resource under
427 K.C.C. chapter 20.62;

428 d. No more than one nonresident employee shall be permitted to work on-site;

429 e. One on-site parking place shall be provided if a nonresident is employed to
430 work on-site;

431 f. The business operator shall obtain an adult beverage business license in
432 accordance with the adult beverage licensing provision of K.C. C. chapter 6.xx (the new
433 chapter created in section 2 of this ordinance); and

434 g. No product tasting, retail sale or events requiring a Temporary Use Permit
435 under K.C.C. chapter 21A.32 shall be allowed.

436 31.a. Limited to winery, brewery, distillery facility II uses;

- 437 b. Only allowed on lots of at least four and one-half acres;
- 438 c. The aggregated floor area of structures and areas for winery, brewery,
439 distillery facility uses shall not exceed three thousand five hundred square feet, unless
440 located in whole or in part in a structure designated as historic resource under K.C.C.
441 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
442 winery, brewery, distillery facility uses shall not exceed five thousand square feet;
- 443 d. Structures and parking areas for winery, brewery, distillery facility uses
444 shall maintain a minimum distance of seventy-five feet from property lines adjoining
445 rural area and residential zones, unless located in a building designated as historic
446 resource under K.C.C. chapter 20.62;
- 447 e. Tasting of products produced on site may be provided in accordance with
448 state law. The area devoted to tasting shall be included in the floor area limitation in
449 subsection B.3.c. of this section. Hours of operation for on-site tasting of products shall
450 be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room
451 hours shall be limited to 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and
452 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;
- 453 f. On a site with direct access to a public roadway;
- 454 g. Off-street parking is limited to one hundred and fifty percent of the
455 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
456 21A.18.030;
- 457 h. The business operator shall obtain an adult beverage business license in
458 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
459 chapter created in section 2 of this ordinance); and
-

460 i. Events may be allowed with an approved temporary use permit under K.C.C.
 461 chapter 21A.32.

462 **SECTION 17.** Ordinance 10870, Section 407, as amended, and K.C.C.
 463 21A.18.030 are hereby amended to read as follows:

464 A. Except as modified in K.C.C. 21A.18.070.B((-). through D, off-street
 465 parking areas shall contain at a minimum the number of parking spaces as stipulated in
 466 the following table. Off-street parking ratios expressed as number of spaces per square
 467 feet means the usable or net square footage of floor area, exclusive of non-public areas.
 468 Non-public areas include but are not limited to building maintenance areas, storage areas,
 469 closets or restrooms. If the formula for determining the number of off-street parking
 470 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 471 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 472 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit

Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever

	results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
e	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students

Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
E	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit

Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/ <u>Distillery Facility II</u>	0.9 per 1,000 square feet, plus 1 per ((50))

	<u>300</u> square feet of tasting area
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

473 B. An applicant may request a modification of the minimum required number of
 474 parking spaces by providing that parking demand can be met with a reduced parking
 475 requirement. In such cases, the director may approve a reduction of up to fifty percent of
 476 the minimum required number of spaces.

477 C. When the county has received a shell building permit application, off-street
 478 parking requirements shall be based on the possible tenant improvements or uses
 479 authorized by the zone designation and compatible with the limitations of the shell
 480 permit. When the range of possible uses result in different parking requirements, the
 481 director will establish the amount of parking based on a likely range of uses.

482 D. Where other provisions of this code stipulate maximum parking allowed or
 483 reduced minimum parking requirements, those provisions shall apply.

484 E. In any development required to provide six or more parking spaces, bicycle
 485 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
 486 facilities unless otherwise specified.

487 1. Off-street parking areas shall contain at least one bicycle parking space for
 488 every twelve spaces required for motor vehicles except as follows:

489 a. The director may reduce bike rack parking facilities for patrons when it is

490 demonstrated that bicycle activity will not occur at that location.

491 b. The director may require additional spaces when it is determined that the
492 use or its location will generate a high volume of bicycle activity. Such a determination
493 will include but not be limited to the following uses:

494 (1) Park/playfield,

495 (2) Marina,

496 (3) Library/museum/arboretum,

497 (4) Elementary/secondary school,

498 (5) Sports club, or

499 (6) Retail business (when located along a developed bicycle trail or
500 designated bicycle route).

501 2. Bicycle facilities for patrons shall be located within 100 feet of the building
502 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
503 structure attached to the pavement.

504 3. All bicycle parking and storage shall be located in safe, visible areas that do
505 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

506 4. When more than ten people are employed on site, enclosed locker-type
507 parking facilities for employees shall be provided. The director shall allocate the
508 required number of parking spaces between bike rack parking and enclosed locker-type
509 parking facilities.

510 5. One indoor bicycle storage space shall be provided for every two dwelling
511 units in townhouse and apartment residential uses, unless individual garages are provided
512 for every unit. The director may reduce the number of bike rack parking spaces if indoor

513 storage facilities are available to all residents.

514 SECTION 18. Ordinance 10870, Section 536, as amended, and K.C.C.

515 21A.30.080 are hereby amended to read as follows:

516 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct
517 one or more home occupations as accessory activities, only if:

518 A. The total floor area of the dwelling unit devoted to all home occupations shall
519 not exceed twenty percent of the floor area of the dwelling unit.

520 B. Areas within garages and storage buildings shall not be considered part of the
521 dwelling unit and may be used for activities associated with the home occupation;

522 C. All the activities of the home occupation or occupations shall be conducted
523 indoors, except for those related to growing or storing of plants used by the home
524 occupation or occupations;

525 D. A home occupation or occupations is not limited in the number of employees
526 that remain off-site. No more than one nonresident employee shall be permitted to work
527 on-site for the home occupation or occupations;

528 E. The following uses, by the nature of their operation or investment, tend to
529 increase beyond the limits permitted for home occupations. Therefore, the following
530 shall not be permitted as home occupations:

- 531 1. Automobile, truck and heavy equipment repair;
- 532 2. ((~~Auto body~~)) Auto body work or painting;
- 533 3. Parking and storage of heavy equipment;
- 534 4. Storage of building materials for use on other properties;
- 535 5. Hotels, motels or organizational lodging;

- 536 6. Dry cleaning;
- 537 7. Towing services;
- 538 8. Trucking, storage or self service, except for parking or storage of one
- 539 commercial vehicle used in home occupation; ~~((and))~~
- 540 9. Veterinary clinic; ~~((and))~~
- 541 10. Recreational marijuana processor, recreational marijuana producer or
- 542 recreational marijuana retailer; and
- 543 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room;
- 544 F. In addition to required parking for the dwelling unit, on-site parking is
- 545 provided as follows:
- 546 1. One stall for each nonresident employed by the home occupations; and
- 547 2. One stall for patrons when services are rendered on-site;
- 548 G. Sales are limited to:
- 549 1. Mail order sales;
- 550 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 551 and
- 552 3. Items accessory to a service provided to patrons who receive services on the
- 553 premises;
- 554 H. On-site services to patrons are arranged by appointment;
- 555 I. The home occupation or occupations use or store a vehicle for pickup of
- 556 materials used by the home occupation or occupations or the distribution of products
- 557 from the site, only if:
- 558 1. No more than one such a vehicle is allowed; and

559 2. The vehicle is not stored within any required setback areas of the lot or on
560 adjacent streets; and

561 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
562 one ton;

563 J. The home occupation or occupations do not:

564 1. Use electrical or mechanical equipment that results in a change to the
565 occupancy type of the structure or structures used for the home occupation or
566 occupations; or

567 2. Cause visual or audible interference in radio or television receivers, or
568 electronic equipment located off-premises or fluctuations in line voltage off-premises;
569 ~~((and))~~

570 K. There shall be no exterior evidence of a home occupation, other than growing
571 or storing of plants under subsection C. of this section or a permitted sign, that would
572 cause the premises to differ from its residential character. Exterior evidence includes, but
573 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
574 determined by using normal senses from any lot line or on average increase vehicular
575 traffic by more than four additional vehicles at any given time;

576 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
577 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

578 M. Uses not allowed as home occupations may be allowed as a home industry
579 under K.C.C. 21A.30.090.

580 SECTION 19. Ordinance 15606, Section 20, as amended, and K.C.C.
581 21A.30.085 are hereby amended to read as follows:

582 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
583 home occupations as accessory activities, under the following provisions:

584 A. The total floor area of the dwelling unit devoted to all home occupations shall
585 not exceed twenty percent of the dwelling unit.

586 B. Areas within garages and storage buildings shall not be considered part of the
587 dwelling unit and may be used for activities associated with the home occupation;

588 C. Total outdoor area of all home occupations shall be permitted as follows:

589 1. For any lot less than one acre: Four hundred forty square feet; and

590 2. For lots one acre or greater: One percent of the area of the lot, up to a

591 maximum of five thousand square feet.

592 D. Outdoor storage areas and parking areas related to home occupations shall be:

593 1. No less than twenty-five feet from any property line; and

594 2. Screened along the portions of such areas that can be seen from an adjacent

595 parcel or roadway by the:

596 a. planting of Type II landscape buffering; or

597 b. use of existing vegetation that meets or can be augmented with additional

598 plantings to meet the intent of Type II landscaping((-));

599 E. A home occupation or occupations is not limited in the number of employees

600 that remain off-site. Regardless of the number of home occupations, the number of

601 nonresident employees is limited to no more than three who work on-site at the same

602 time and no more than three who report to the site but primarily provide services off-

603 site((-));

604 F. In addition to required parking for the dwelling unit, on-site parking is

605 provided as follows:

- 606 1. One stall for each nonresident employed on-site; and
- 607 2. One stall for patrons when services are rendered on-site;

608 G. Sales are limited to:

- 609 1. Mail order sales;
- 610 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 611 3. Items accessory to a service provided to patrons who receive services on the
- 612 premises;

613 4. Items grown, produced or fabricated on-site; and

614 5. On sites five acres or larger, items that support agriculture, equestrian or

615 forestry uses except for the following:

- 616 a. motor vehicles and parts (North American Industrial Classification System
- 617 ("NAICS" Code 441);
- 618 b. electronics and appliances (NAICS Code 443); and
- 619 c. building material and garden equipment and supplies (NAICS Code 444);

620 H. The home occupation or occupations do not:

- 621 1. Use electrical or mechanical equipment that results in a change to the
- 622 occupancy type of the structure or structures used for the home occupation or
- 623 occupations;
- 624 2. Cause visual or audible interference in radio or television receivers, or
- 625 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 626 3. Increase average vehicular traffic by more than four additional vehicles at any
- 627 given time;

628 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
629 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

630 J. The following uses, by the nature of their operation or investment, tend to
631 increase beyond the limits permitted for home occupations. Therefore, the following
632 shall not be permitted as home occupations:

633 1. Hotels, motels or organizational lodging;

634 2. Dry cleaning((:));

635 3. Automotive towing services, automotive wrecking services and tow-in
636 parking lots; ((and))

637 4. Recreational marijuana processor, recreational marijuana producer or
638 recreational marijuana retailer((-)); and

639 5. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

640 K. Uses not allowed as home occupation may be allowed as a home industry
641 under K.C.C. chapter 21A.30; and

642 L. The home occupation or occupations may use or store vehicles, as follows:

643 1. The total number of vehicles for all home occupations shall be:

644 a. for any lot five acres or less: two;

645 b. for lots greater than five acres: three; and

646 c. for lots greater than ten acres: four;

647 2. The vehicles are not stored within any required setback areas of the lot or on
648 adjacent streets; and

649 3. The parking area for the vehicles shall not be considered part of the outdoor
650 storage area provided for in subsection C. of this section.

651 SECTION 20. Ordinance 10870, Section 537, as amended, and K.C.C.

652 21A.30.090 are hereby amended to read as follows:

653 A resident may establish a home industry as an accessory activity, as follows:

654 A. The site area is one acre or greater;

655 B. The area of the dwelling unit used for the home industry does not exceed fifty
656 percent of the floor area of the dwelling unit.

657 C. Areas within attached garages and storage buildings shall not be considered
658 part of the dwelling unit for purposes of calculating allowable home industry area but
659 may be used for storage of goods associated with the home industry;

660 D. No more than six nonresidents who work on-site at the time;

661 E. In addition to required parking for the dwelling unit, on-site parking is
662 provided as follows:

663 1. One stall for each nonresident employee of the home industry; and

664 2. One stall for customer parking;

665 F. Additional customer parking shall be calculated for areas devoted to the home
666 industry at the rate of one stall per:

667 1. One thousand square feet of building floor area; and

668 2. Two thousand square feet of outdoor work or storage area;

669 G. Sales are limited to items produced on-site, except for items collected, traded
670 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

671 H. Ten feet of Type I landscaping are provided around portions of parking and
672 outside storage areas that are otherwise visible from adjacent properties or public rights-
673 of-way;

- 674 I. The department ensures compatibility of the home industry by:
- 675 1. Limiting the type and size of equipment used by the home industry to those
- 676 that are compatible with the surrounding neighborhood;
- 677 2. Providing for setbacks or screening as needed to protect adjacent residential
- 678 properties;
- 679 3. Specifying hours of operation;
- 680 4. Determining acceptable levels of outdoor lighting; and
- 681 5. Requiring sound level tests for activities determined to produce sound levels
- 682 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

683 J. Recreational marijuana processors, recreational marijuana producers and

684 recreational marijuana retailers shall not be allowed as home industry; and

685 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall

686 not be allowed as home industry.

687 SECTION 21. Ordinance 10870, Section 549, as amended, and K.C.C.

688 21A.32.120 are hereby amended to read as follows:

689 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

690 temporary use permits shall be limited in duration and frequency as follows:

691 A. The temporary use permit shall be effective for one year from the date of

692 issuance and may be renewed annually as provided in subsection D. of this section;

693 B.1. The temporary use shall not exceed a total of sixty days in any three-

694 hundred and sixty five day period. This requirement applies only to the days that the

695 event or events actually take place.

696 2. For a winery, brewery, distillery facility II and III in the A (~~((or RA))~~) zones,

697 the temporary use shall not exceed a total of two events per month and all event parking
698 ~~((for the events))~~ must be accommodated on site or managed through a parking
699 management plan approved by the director.

700 3. For a winery, brewery, distillery facility II and III in the RA zones, the
701 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
702 five-day period and all event parking must be accommodated on site or managed through
703 a parking management plan approved by the director. This requirement applies only to
704 the days that the event or events actually take place;

705 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
706 to all other relevant facts, the department shall consider building occupancy limits and
707 parking limitations during permit review. The department shall condition the number of
708 guests allowed for a temporary use. No permit shall authorize attendance of more than
709 one hundred twenty-five guests.

710 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
711 to all other relevant facts, the department shall consider building occupancy limits and
712 parking limitations during permit review. The department shall condition the number of
713 guests allowed for a temporary use. No permit shall authorize attendance of more than
714 two hundred fifty guests.

715 6. Events that require a temporary use permit are prohibited for any winery,
716 brewery, distillery facility I, any nonconforming winery, brewery, distillery facility home
717 occupation, and any nonconforming winery, brewery, distillery facility home industry.
718 No temporary use permit shall be issued to the operator or a winery, brewery, distillery
719 facility I, a nonconforming home occupation winery, brewery, distillery facility or a

720 nonconforming home industry winery, brewery, distillery facility.

721 C. The temporary use permit shall specify a date upon which the use shall be
722 terminated and removed; and

723 D. A temporary use permit may be renewed annually for up to a total of five
724 consecutive years as follows:

725 1. The applicant shall make a written request and pay the applicable permit
726 extension fees for renewal of the temporary use permit at least seventy days before the
727 end of the permit period;

728 2. The department must determine that the temporary use is being conducted in
729 compliance with the conditions of the temporary use permit;

730 3. The department must determine that site conditions have not changed since
731 the original temporary permit was issued; and

732 4. At least forty-five days before the end of the permit period, the department
733 shall notify property owners within five hundred feet of the property boundaries that a
734 temporary use permit extension has been requested and contact information to request
735 additional information or to provide comments on the proposed extension.

736 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter
737 21A.55 a new section to read as follows:

738 A.1. There is hereby created the Sammamish Valley and Vashon Town Center
739 wine and adult beverage remote tasting room demonstration project A. The purpose of
740 demonstration project A is to support agriculture and synergistic development of mixed
741 use wine and adult beverage facilities in order to boost agritourism and both areas'
742 reputations as food and adult-beverage destinations.

743 2. The demonstration project will enable the county to determine if expanded
744 wine and adult beverage-based uses can be permitted while maintaining the core
745 functions and purposes of the Rural Area and Agricultural Production District zones. The
746 expected benefits from the demonstration projects include: developing a clear picture of
747 wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural
748 Production District zoned communities, opportunity for additional exposure for locally
749 sourced agricultural products; and the opportunity to identify and evaluate potential
750 substantive changes to countywide land use regulations to support the development of
751 additional areas of unincorporated King County that may benefit from growth in wine
752 and adult beverage industry agritourism.

753 B. An application for a demonstration project remote tasting room under this
754 section shall be approved or denied administratively by the department of permitting and
755 environmental review based upon compliance with the criteria in subsections D. and E. of
756 this section. Approval or denial of a remote tasting room application shall not be
757 construed as applying to any other development application either within the
758 demonstration project area or elsewhere in the county.

759 C. The use that the department may approve pursuant to this Sammamish Valley
760 and Vashon Town Center wine and beverage tourism demonstration project A shall
761 include only the following: Remote tasting room as defined in K.C.C. chapter 21A.06.

762 D.1. This section allows establishment and operation of a remote tasting room
763 use.

764 2. A demonstration project remote tasting room use may be approved, subject to
765 the following:

- 766 a. One or more winery, brewery, distillery facility I, II or III may operate
767 within one remote tasting room;
- 768 b. The aggregated total space devoted to tasting and retail activity shall be
769 limited to one thousand square feet of gross floor area, not including areas devoted to
770 storage, restrooms, and similar back-of-the-house uses;
- 771 c. Notwithstanding subsection D.2.b. of this section, an additional five hundred
772 square feet of immediately adjacent outdoor space may be used for tasting, subject to
773 applicable state regulations limiting sale, service and consumption of alcoholic
774 beverages;
- 775 d. The site must have direct access to an arterial;
- 776 e. The remote tasting room site shall not be used as a winery, brewery,
777 distillery facility I, II or III production facility;
- 778 f. Incidental retail sales of products and merchandise related to the products
779 being tasted is allowed;
- 780 g. The hours of operation for the tasting room shall be limited as follows:
781 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to
782 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
783 shall be limited to 11:00 a.m. through 9:00 p.m.;
- 784 h. An adult beverage business license is required, in accordance with K.C.C.
785 Title 6;
- 786 i. A remote tasting room may not operate without proof of Washington state
787 Liquor and Cannabis Board approval;
- 788 j. Events that require a temporary use permit shall be prohibited at remote

789 tasting rooms; and

790 k. Parking shall be limited to one hundred fifty percent of minimum required
791 for retail trade uses in accordance with K.C.C. 21A.18.030.

792 E.1. To be eligible to use the provisions of this section, a remote tasting room
793 must be located on a demonstration project site identified in Attachment A to this
794 ordinance.

795 2. Projects proposed in accordance with this section must be consistent with
796 general health, safety and public welfare standards, and must not violate state or federal
797 law.

798 3. The criteria in this subsection supersede other variance, modification or
799 waiver criteria and provisions of K.C.C. Title 21A.

800 F.1. Projects proposed in accordance with this section may be submitted in
801 conjunction with an application for an adult beverage business license or a building
802 permit.

803 2. Requests shall be submitted to the department in writing, together with any
804 supporting documentation and must illustrate how the proposal meets the criteria in
805 subsections D. and E. of this section.

806 3. A director's decision regarding a remote tasting room application shall be
807 treated as a Type I land use decision in accordance with K.C.C. 20.20.020.

808 G. Applications in accordance with this section may be accepted by the
809 department of permitting and environmental review only within three years of the
810 effective date of this ordinance. Remote tasting room uses approved in accordance with
811 this section may continue as long as an underlying business license or renewal is

812 maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

813 H. One year after the effective date of this ordinance, and on an annual basis for
814 three years thereafter, the director shall compile a list of demonstration project
815 applications submitted and related code complaints, if any.

816 I. After considering the information compiled under subsection H. of this section,
817 the executive may submit additional proposed legislation extending or otherwise
818 amending this ordinance within three years of the effective date of this ordinance.

819 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter
820 21A.55 a new section to read as follows:

821 A.1. The purpose of the Sammamish valley wine and adult beverage tourism
822 district events demonstration project B is to support agriculture and synergistic
823 development of mixed use wine and adult beverage facilities in order to boost agritourism
824 and the area's reputation as a food and adult beverage destination.

825 2. The demonstration project will enable the county to determine if expanded
826 wine and adult beverage-based uses can be permitted while maintaining the core
827 functions and purposes of the Rural Area and Agricultural Production District zones. The
828 expected benefits from the demonstration projects include: developing a clear picture of
829 wine and adult beverage industry impacts on and benefits to surrounding Rural Area and
830 Agricultural Production District zoned communities; the opportunity for additional
831 exposure for locally sourced agricultural products; and the opportunity to identify and
832 evaluate potential substantive changes to countywide land use regulations to support the
833 development of additional areas of unincorporated King County that may benefit from
834 growth in wine and adult beverage industry agritourism.

835 B. A wine and beverage tourism demonstration project district B application to
836 modify development standards for on-site winery, brewery, distillery facility III wedding
837 and events shall be administratively approved by the department of permitting and
838 environmental review, and upon such an approval K.C.C. chapter 21A.42 review
839 procedures shall be applied. Demonstration project uses may be approved and
840 conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040.
841 Approval of the proposed demonstration project shall not be construed as applying to any
842 other development application either within the demonstration project area or elsewhere
843 in the county, and shall not render uses authorized under this section "otherwise
844 permitted in the zone" under K.C.C. 21A.32.100.A.

845 C. The development regulations that shall be waived upon application include the
846 following:

- 847 1. K.C.C. 21A.32.100 through 21A.32.140;
- 848 2. K.C.C. 21A.44.020; and
- 849 3. K.C.C. 21A.08.080.B.12.1

850 D.1. A demonstration project authorized by this section allows a winery,
851 brewery, distillery facility III operator to obtain authorization for on-site weddings and
852 similar uses pursuant to conditional use review mechanisms in K.C.C. 21A.44.040, and
853 applicable to those uses under K.C.C. 21A.08.080.A and B;

854 2. Demonstration project conditional use permits are subject to all King County
855 Code provisions except those specifically excluded by subsection C. of this section,
856 including but not limited to, K.C.C. chapters 21A.42 and 20.20.

857 E.1. Demonstration project applications made in accordance with this section

858 may only be submitted in relation to an application for a winery, brewery, distillery
859 facility III conditional use permit or winery, brewery, distillery facility conditional use
860 permit modification or expansion.

861 2. Demonstration project applications shall be submitted to the department in
862 writing before or in conjunction with an application for a winery, brewery, distillery
863 facility III conditional use permit or an application for a winery, brewery, distillery
864 facility III conditional use permit modification or expansion. The supporting
865 documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

866 3. A demonstration project conditional use permit, conditional use modification
867 or conditional use expansion decision shall be treated as a Type II land use decision in
868 accordance with K.C.C. 20.20.020.

869 F.1. To be eligible to use the provisions of this section, a demonstration project
870 must be located on a demonstration project site identified in Attachment B to this
871 ordinance.

872 2. Demonstration project applications must be consistent with general health,
873 safety and public welfare standards, and must not violate state or federal law.

874 G. Demonstration project applications authorized by this section shall be filed
875 with the department of permitting and environmental review within three years of the
876 effective date of this ordinance. Conditional uses permitted under this section are subject
877 to the nonconformance provisions of K.C.C. Title 21A.32. Any deadline in this
878 subsection shall be adjusted to include the time for appeal of all or any portion of the
879 project approval.

880 H. One year after the effective date of this ordinance, and on an annual basis for

881 three years thereafter, the director shall compile a list of demonstration project
882 applications, an evaluation of the impacts of wedding and similar uses authorized
883 pursuant to demonstration project conditional use permits, and related code complaints, if
884 any.

885 I. The executive may submit additional proposed legislation reflecting
886 information compiled under subsection H of this section within three years of the
887 effective date of this ordinance.

888 SECTION 24. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
889 are hereby amended to read as follows:

890 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
891 remedial purposes and shall be assessed for each violation identified in a citation, notice
892 and order, voluntary compliance agreement or stop work order pursuant to the following
893 schedule:

- a. citations, except for winery, brewery, distillery facility I, II
and II and remote tasting room:
- | | |
|---|-------|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter 12.86
within the past twelve months | \$125 |
| (3) with one previous code violation of K.C.C. chapter 12.86
within the past twelve months | \$250 |
| (4) with one or more previous similar code violations, or with
two previous code violations of K.C.C. chapter 12.86 within the
past twelve months | \$500 |

(5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months

Double the rate of the previous penalty

b. citations for violations of winery, brewery, distillery facility I, II, and III and remote tasting room zoning conditions, including but not limited to unapproved events;

(1) with no previous similar code violations \$500

(2) with one or more previous similar code violations within the past twelve months; \$1,000

c. violation of notice and orders and stop work orders:

(1) stop work order basic penalty \$500

(2) voluntary compliance agreement and notice and order basic penalty \$25

(3) additional initial penalties may be added in the following amounts for violations where there is:

(a) public health risk \$15

(b) environmental damage risk \$15

(c) damage to property risk \$15

(d) one previous similar code violation \$25

(e) two previous similar code violations \$50

(f) three or more previous similar code violations \$75

(g) economic benefit to person responsible for violation \$25

~~((e-))~~ d. cleanup restitution payment: as specified in K.C.C. 23.02.140.

~~((d-))~~ e. reinspection following the issuance of a notice and

order, if the violation has not been abated in accordance with the notice and order:

- (1) first reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order \$150
- (2) second reinspection, which shall occur no sooner than fourteen days following the first reinspection \$300
- (3) third reinspection, which shall occur no sooner than fourteen days following the second reinspection \$450
- (4) reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting attorney for the purpose of presenting evidence in the course of litigation or administrative hearing against the person responsible for code compliance \$450

894 2. For the purposes of this section, previous similar code violations that can
895 serve as a basis for a higher level of civil penalties include violations of the same chapter
896 of the King County Code. Any citation, stop work order or notice and order previously
897 issued by the department shall not constitute a previous code violation for the purposes of
898 this section if that stop work order or notice and order was appealed and subsequently
899 reversed.

900 B. The penalties assessed pursuant to this section for any failure to comply with a
901 notice and order or voluntary compliance agreement shall be assessed daily, according to
902 the schedule in subsection A of this section, for the first thirty days following the date the
903 notice and order or voluntary compliance agreement required the code violations to have

904 been cured. If after thirty days the person responsible for code compliance has failed to
905 satisfy the notice and order or voluntary compliance agreement, penalties shall be
906 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
907 assessed daily until the person responsible for code compliance has fully complied with
908 the notice and order.

909 C. Penalties based on violation of a stop work order shall be assessed, according
910 to the schedule in subsection A. of this section, for each day the department determines
911 that work or activity was done in violation of the stop work order.

912 D. Citations and cleanup restitution payments shall only be subject to a one-time
913 civil penalty.

914 E. The director may suspend the imposition of additional civil penalties if the
915 person responsible for code compliance has entered into a voluntary compliance
916 agreement. If the person responsible for code compliance enters into a voluntary
917 compliance agreement and cures the code violations, the director may also waive all or
918 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
919 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
920 necessary permits applied for are denied, canceled or not pursued, or if corrective action
921 identified in the voluntary compliance agreement is not completed as specified.

922 F. The civil penalties in this section are in addition to, and not in lieu of, any
923 penalties, sanctions, restitution or fines provided for in any other provisions of law.

924 **SECTION 25. Severability.** If any provision of this ordinance or its application
925 to any person or circumstance is held invalid, the remainder of the ordinance or the
926 application of the provision to other persons or circumstances is not affected.

927

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Demonstration Project Overlay A - Remote Tasting Rooms Exhibits 1 & 2, B. Demonstration Project Overlay B - Winery, Brewery, Distillery III Events

Demonstration Project Overlay A: Remote Tasting Rooms

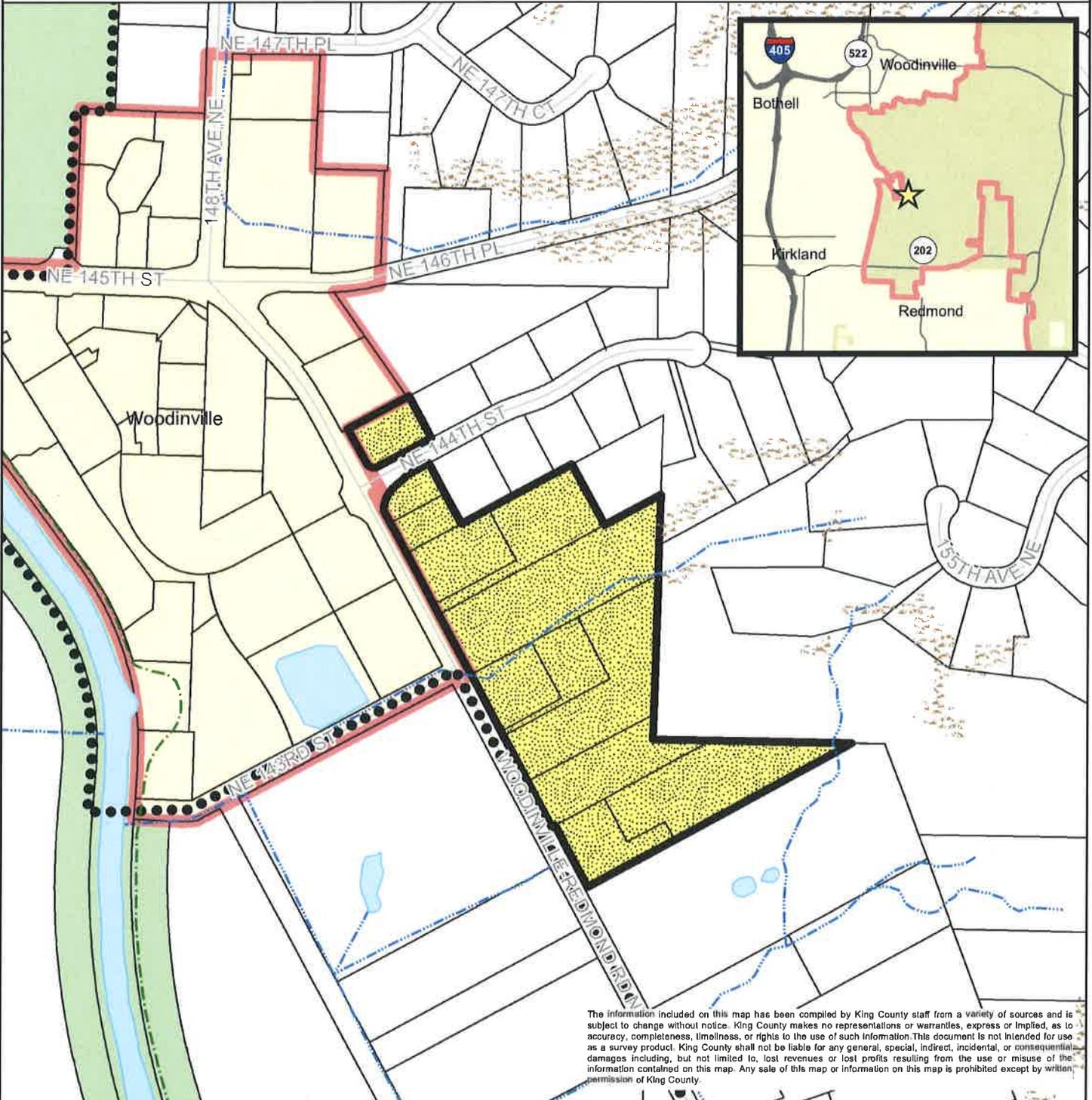
- Demonstration Overlay A
- Agricultural Production District
- Regional Trails
- Streams
- Railroads
- Urban Growth Boundary
- Parcels
- Incorporated Area
- Wetland & Steep Slope
- Parks & OS
- Waterbodies



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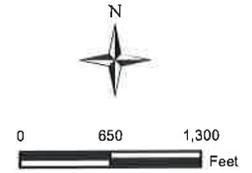
Date: 3/7/18



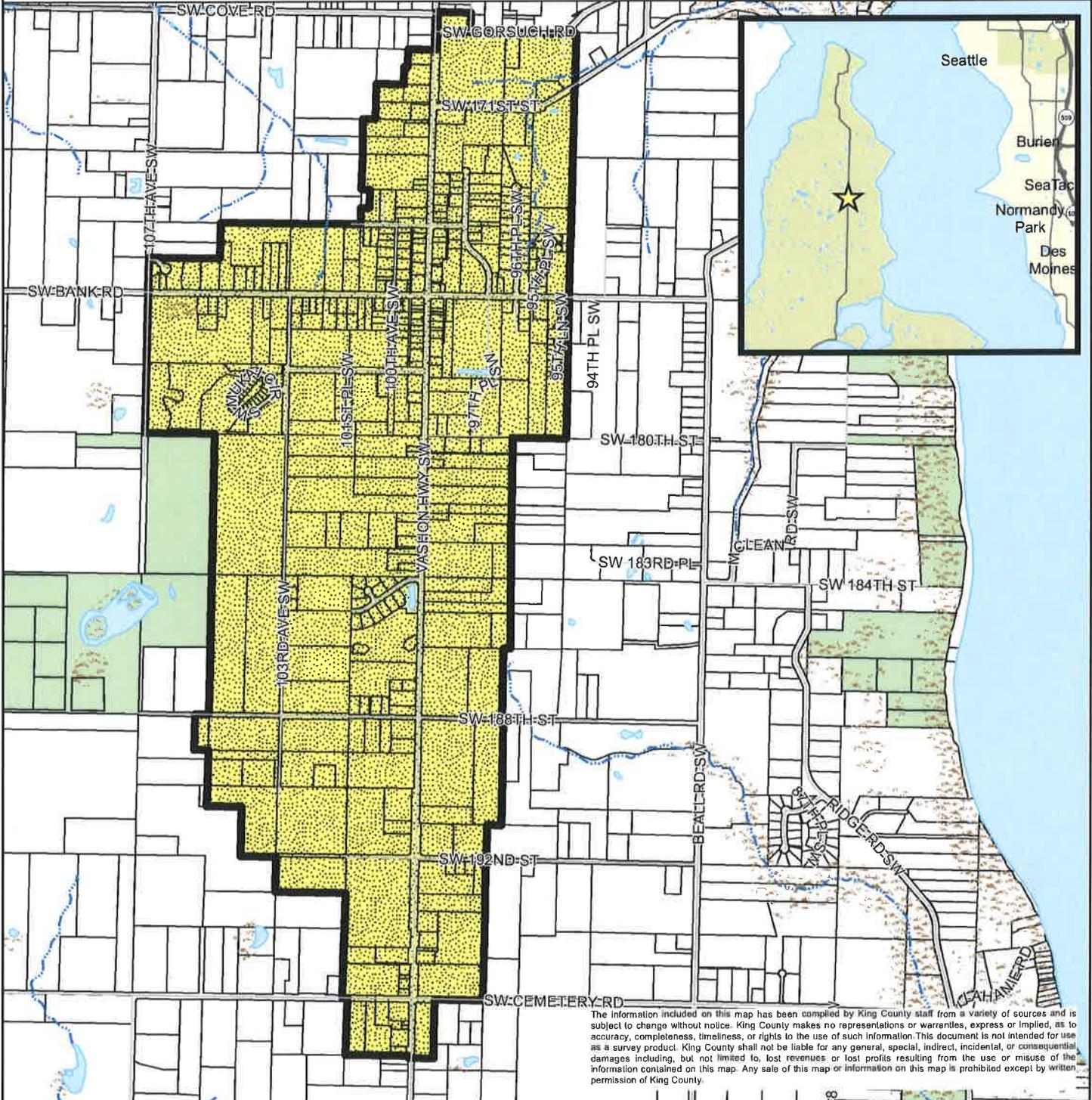
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Demonstration Project Overlay A: Remote Tasting Rooms

- Regional Trails
- Agricultural Production District
- Waterbodies
- Streams
- Railroads
- Wetland & Steep Slope
- Parcels
- Incorporated Area
- Demonstration Overlay A
- Parks & OS



Date: 3/7/18



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Demonstration Project Overlay B: Winery, Brewery, Distillery III Events

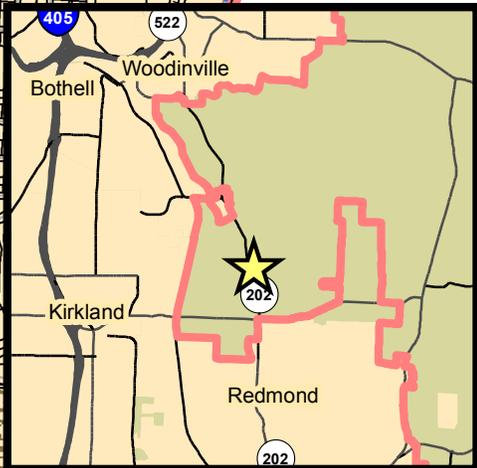
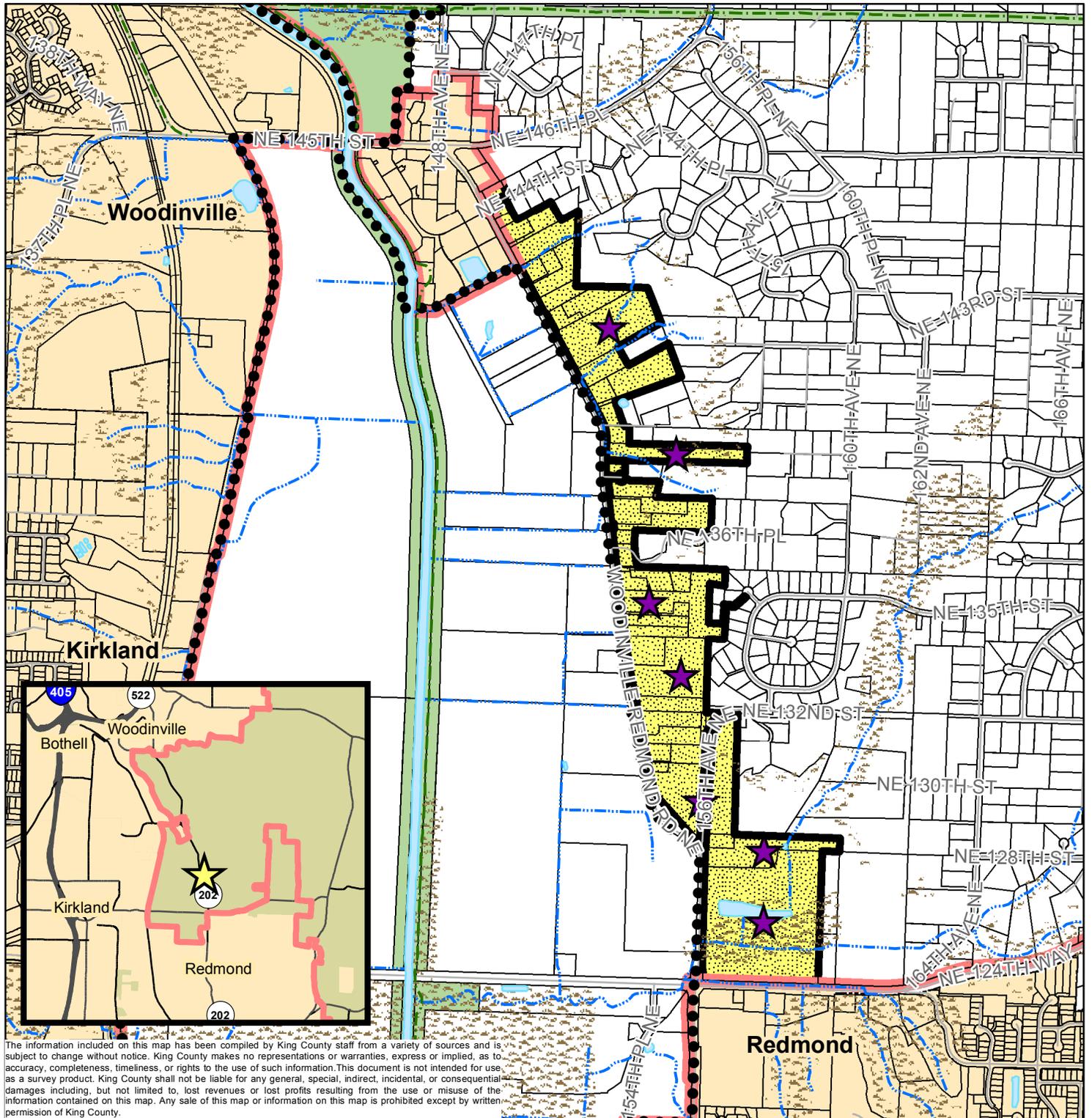
-  Affected Parcels 4.5 acres or larger
-  Demonstration Overlay B
-  Agricultural Production District
-  Regional Trails
-  Streams
-  Railroads
-  Urban Growth Boundary
-  Parcels
-  Incorporated Area
-  Wetland & Steep Slope
-  Parks & OS
-  Waterbodies



0 0.125 0.25
Miles



Date: 1/31/18



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April 26, 2018

The Honorable Joe McDermott
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember McDermott:

This letter transmits an ordinance and a report that will enable King County to prepare for and support the future of the wine and adult beverage industry as it grows and evolves in King County while respecting our rural and agricultural areas. We refer to the “wine industry” generally, but our response addresses all adult beverage industry uses including wineries, breweries, distilleries, and cideries.

The ordinance and report are in response to the King County Sammamish Valley Wine and Beverage Study, which was released in September 2016 following a six-month review process with a stakeholder committee and the general public. While the initial motivation for the report was the rapidly growing wine industry in and around the Sammamish Valley, this response addresses the wine industry throughout the rural and agricultural areas of King County.

In Washington, the wine and beverage industry is a fast growing and quickly evolving industry. These businesses support local economic development through the production and sale of wine, beer, and distilled beverages, as well as through tourism. With growth comes concern about enforcement of current land use regulations and the overall impact of the wine and beverage industry on the quality of life and the sense of place not only in the Sammamish Valley, but throughout rural King County. The attached ordinance updates the regulatory structure for wineries, breweries, and distilleries, establishes a business license for these industries, and proposes two short-term demonstration projects in limited areas to test the suitability of tasting rooms and an alternative way to regulate events at the larger wineries.

This proposal integrates the requirements of the state Growth Management Act and the county’s Comprehensive Plan as they relate to urban growth areas, farmland preservation, and rural areas using a framework that is based on accommodating the wine and adult beverage industries at a size and scale appropriate for the rural and agricultural areas in King County. The attached report outlines a series of possible actions including an adult beverage

The Honorable Joe McDermott
April 26, 2018
Page 2

toolkit, updated signage, and trail connections in the Sammamish Valley. This report advances the Healthy Environment and Economic Vitality goals of the King County Strategic Plan.

Robust stakeholder and community engagement guided our work at each step in the process. Public involvement included: five stakeholder meetings, one large public meeting, an online comment portal, issuance of the public review draft for broad public comment, and 213 emails received over the course of developing the proposal.

We retained a consultant to assist staff in supporting the stakeholder committee, conducting public outreach, and preparing the King County Sammamish Valley Wine and Beverage Study. The consultant contract was \$75,000. In addition, King County staff from several departments contributed to the report over the course of two years. The estimated cost of the staff time spent on preparing the report is \$150,000 for an estimated total cost of \$225,000.

Thank you for your consideration of this ordinance. This important legislation will allow King County to establish a strong foundation for moving the wine and adult beverage industry into the future, while honoring and protecting the rural and agricultural lands in the Sammamish Valley and throughout King County.

If you have any questions, please feel free to contact Rachel Smith, Chief of Staff to the King County Executive, at 206-263-9628.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Melani Pedroza, Clerk of the Council
Dwight Dively, Director, Office of Performance, Strategy and Budget
Rachel Smith, Chief of Staff to the King County Executive

2017-2018 FISCAL NOTE

Ordinance/Motion:
 Title:
 Affected Agency and/or Agencies: Department of Permitting and Environmental Review
 Note Prepared By: Andrew Bauck
 Date Prepared: June 8, 2017
 Note Reviewed By: Warren Cheney
 Date Reviewed: June 8, 2017

Description of request:

This ordinance implements the recommendations of the Sammamish Valley area wine and beverage industry study by implementing a new annual license for affected businesses and making changes to the regulation of wineries and other alcoholic beverage businesses.

Revenue to:

Agency	Fund Code	Revenue Source	2017-2018	2019-2020	2021-2022
DPER - Permit Administration	1340	Winery licenses	3,000	3,000	3,000
TOTAL			3,000	3,000	3,000

Expenditures from:

Agency	Fund Code	Department	2017-2018	2019-2020	2021-2022
DPER	1340	Permit Admin.	0	0	0
TOTAL			0	0	0

Expenditures by Categories

	2017-2018	2019-2020	2021-2022
TOTAL	0	0	0

Does this legislation require a budget supplemental? No.

Notes and Assumptions:

- Revenue estimate assumes 30 annual licenses per year at a cost of \$100 each.
- Permitting and code enforcement requirements of this ordinance will be done within DPER's existing appropriation.

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**King
County
Action
Report**

April 26

2018

**Sammamish Valley Winery and
Beverage Study**

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King County Action Report: Sammamish Valley Wine and Beverage Study Responses

Introduction

This report is a proposed response to the King County Sammamish Valley Wine and Beverage Study that was released in September, 2016. King County supports the wine and adult beverage industry and recognizes the need to establish a strong foundation for moving the industry into the future while respecting our rural and resource communities. The goal is to add more clarity to the current regulations, which were adopted when King County's wine industry was in its infancy. The over arching goal is that the proposed strategies and actions adhere to the framework of the state Growth Management Act and ensure continued protection for Agricultural Production Districts (APD) and support for rural communities.

Background

The Sammamish Valley, located primarily in unincorporated King County is adjacent to the cities of Redmond and Kirkland and contains portions of the City of Woodinville, one of the state's major wine tourism destinations. The valley also contains one of the county's five designated APD's, which are intended to protect and support the continuing presence of agriculture in the county.

The agricultural activity adds to the distinctive character in the area, particularly for visitors to the more than 100 wineries and tasting rooms in Woodinville and the nearby unincorporated areas. This area attracts hundreds of thousands of wine tourists annually. Nearly all of the Woodinville area wineries use grapes grown in Eastern Washington.

The wine industry is a fast growing, and quickly evolving sector in Washington, supporting broad-based economic activity. Wineries support local economic development through the production and sale of wine, as well as through tourism, the latter drawing visitors from outside the region. With growth has come concerns about enforcement of current land use regulations and the overall impact of the wine and beverage industry on the quality of life and the sense of place in the Sammamish Valley.

In the spring of 2016, King County engaged Community Attributes, Inc. (CAI) to assist in the facilitation of a stakeholder group and the development of a report to address the burgeoning wine industry in King County.

The Sammamish Valley Wine and Beverage Study Report – September 2016

The primary objectives of the study were to develop policy and code recommendations for King County to consider in addressing the wine industry as it has evolved in the county based on the following guiding principles:

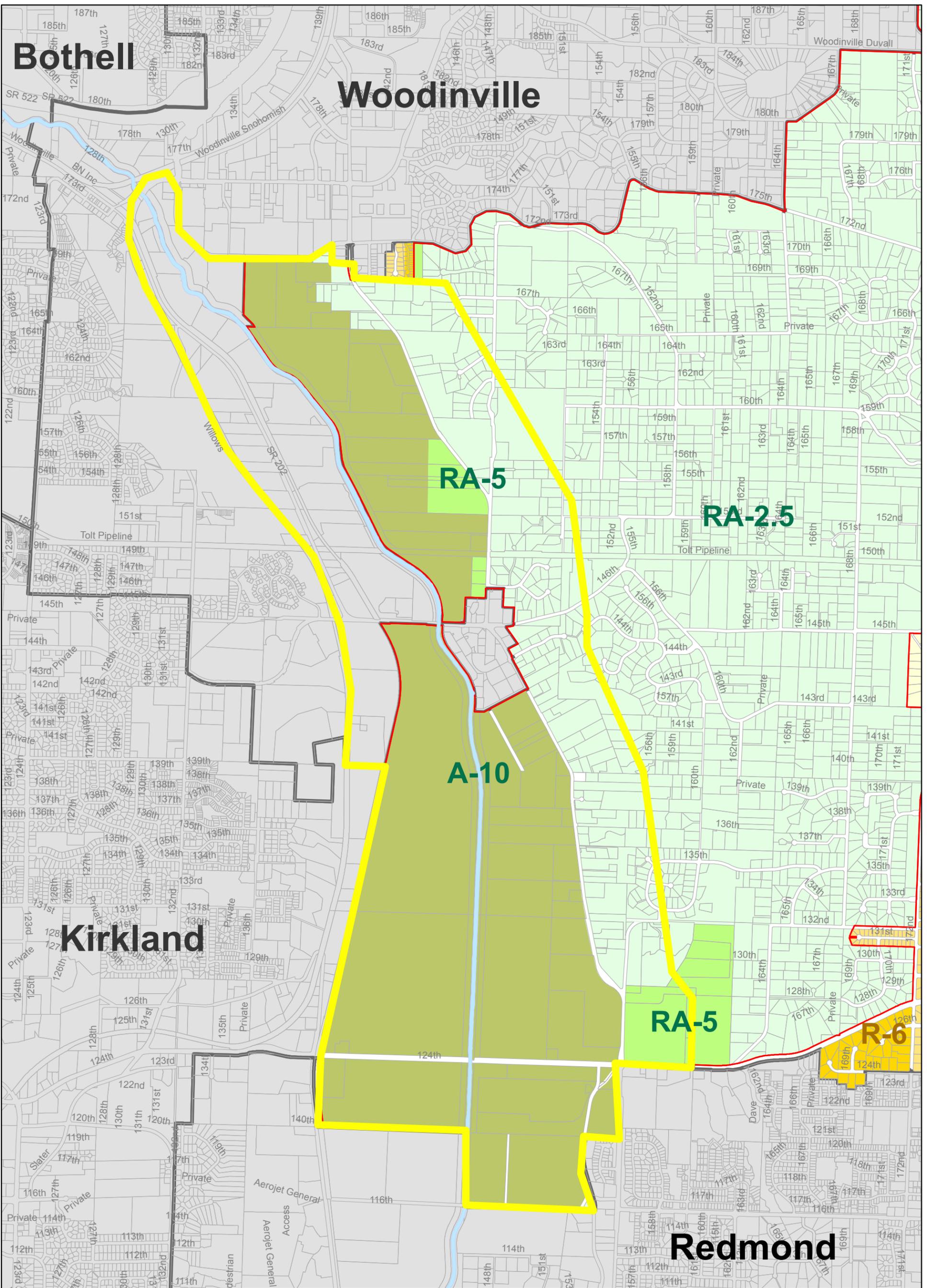
- Nurture the burgeoning wine and beverage industry in King County;
- Improve the interface of wine-related businesses with the surrounding communities; and
- Honor the requirements of the state Growth Management Act and the policies of the county's Comprehensive Plan as they relate to urban growth areas, farmland preservation, and to rural areas.

The policy recommendations incorporate feedback and ideas from the stakeholder working group, public comments received during the workshop and through the online project portal, and analysis of existing conditions.

The King County Action Report

This report is King County's response to the policy recommendations outlined in the report, as described above. The response focuses on those recommendations that received strong or mixed support from the stakeholders. The organization of the action report follows the structure of the policy recommendations in the study report, which are included and use the same numbering system.

The action report addresses issues both specific to the Sammamish Valley and the original study area, and to the county in its entirety. For example, the proposed trail connections outlined in the report are located in the Sammamish Valley while the updated winery regulations will apply countywide.



Sammamish Valley Area Winery Study

-  Urban Growth Boundary
-  Cities



-  A-10 - Agricultural, one DU per 10 acres
-  A-35 - Agricultural, one DU per 35 acres
-  RA-2.5 - Rural Area, one DU per 5 acres
-  RA-5 - Rural Area, one DU per 5 acres
-  RA-10 - Rural Area, one DU per 10 acres



Map by: Nanette M Lowe
Map Date: Oct 16, 2015
File: karenwolf/WooAPD.mxd

1 Defining and Implementing

Study Recommendation: Code Enforcement

1.1.1 Review current methods and commit to a more consistent land use enforcement program in the Sammamish Valley.

King County Response:

Once the new regulations are in place, King County will ensure that businesses comply with them. The proposed approach to achieving compliance is to dedicate specific resources using existing staff augmented with a contract resource and implementing a tailored approach for addressing code enforcement for those adult beverage businesses that are out of compliance.

The Department of Permitting and Environmental Review (DPER) proposes to contract with a firm that is experienced in the Washington wine industry. The firm would start the enforcement process with personal visits to adult beverage businesses that are out of compliance to explain the process the County has recently used to update its zoning requirements, why this was necessary, talk about their own non-conformance, and encourage compliance as a way not only to be legal but also as a way to be a good representative of the industry. The aim of this approach is to achieve compliance results faster than the standard code enforcement process, because many such businesses would willingly comply with the new regulations. This process is estimated to last six months.

At the same time, there will be some businesses that are less willing to comply. If DPER finds that to be the case after initial contacts, the cases will be transferred to the County's direct code enforcement staff to take over those files. Also, if there is any legal documentation that is required or interpretation of code—even for willing compliers—direct code enforcement staff will handle those tasks, too.

The proposed approach to code enforcement for adult beverage businesses would not begin until new zoning regulations are adopted by the King County Council. If after six months, this process is not achieving voluntary compliance, cases will be moved through the normal code enforcement process.

Adult beverage businesses compliant with King County regulations prior to the adoption of new regulations would be permissible in the future as a non-conforming use if not compliant with the new regulations. However, an adult beverage business that was not permissible prior to the study must comply with the new regulations, which may result in such a business needing to close, relocate, or change its use.

Study Recommendation: Wine and Beverage Industry Toolkit

1.1.2 Create a wine and beverage industry tool kit and/or bulletin for prospective businesses in unincorporated King County to improve awareness of adopted rules and regulations.

King County Response:

DPER has a number of customer bulletins that provide permit requirements and helpful tips for preparing an application for submittal. DPER would create a new bulletin for the adult beverage business. By way of illustration, a link is provided to the existing bulletin for tenant improvements. A new bulletin for the adult beverage business will be created based on this format once new zoning regulations are adopted by the Council.

The establishment of a mandatory business license (see below) for adult beverage businesses will enable DPER to create a list of all operating businesses and then contact them with information on the new regulations and procedures.

For an example of a bulletin issued by the Department of Permitting and Environmental Review, please refer to the Tenants Improvement [Bulletin](http://www.kingcounty.gov/~media/depts/permitting-environmental-review/dper/documents/bulletins/5.ashx?la=en).
<http://www.kingcounty.gov/~media/depts/permitting-environmental-review/dper/documents/bulletins/5.ashx?la=en>

Study Recommendation: Business License

1.1.3 Establish a business license for wine and beverage production establishments in unincorporated King County to assist in regulating monitoring growth in the industry.

King County Response:

If approved by the Council, King County will establish a business license requirement for all adult beverage producers in unincorporated King County. Under the proposal, all remote tasting rooms, and wineries, breweries, and distilleries would need to obtain an annual, renewable business license from the DPER. The purpose of the license would be to have greater certainty about where adult beverage producers and tasting rooms are in the County and verify that they are in compliance with the County rules and laws that apply to them. Only adult beverage businesses that are required to obtain a license from the Washington State Liquor and Cannabis Board would be required to obtain a County license, meaning that hobby wineries, breweries, and distilleries that are not selling their products nor making their products available to the general public for sampling would not be required to obtain a County business license. The proposed application process is simple, and has an annual fee of \$100.

2 Wine, Beverage, and Tourism

Study Recommendation:

- 2.1.1 Support development of mixed use wine and beverage facilities in Woodinville that support and boost the tourism industry and the area's reputation as a food destination.**
- 2.1.2 Engage the Port of Seattle in supporting the wine industry in the Sammamish Valley and Woodinville through, for example, partnerships with the cruise ship industry.**
- 2.1.5 Support agriculture in the Sammamish Valley as a synergistic component of the tourism and wine and beverage industries.**

King County Response:

Staff from King County met with the City of Woodinville and Port of Seattle representatives in September 2016 to discuss opportunities for cooperative actions that would assist in support of the wine and beverage industry within the Sammamish Valley and the City of Woodinville. At that time, the Port of Seattle was offering a new grant program to cities (Economic Development Partnership Program) for economic development purposes. The City of Woodinville determined their next step would be to seek a grant from the Port to conduct a study to identify issues and barriers facing businesses and visitors. The grant was funded and a community survey was initiated Feb. 1, 2017, with in May 2017. Results of the survey provided the City of Woodinville potential actions to support the tourism industry (Woodinville Tourism Study, May 2017).

King County will continue to engage with the City, as they identify actions from the study, and with representatives from the wine and beverage industry, to determine how the County can support activities that will boost the tourism industry throughout the entire area. Several areas of recommendation in the Woodinville Tourism Study that align with King County priorities relate to supporting local food. The Woodinville study identifies a local food hub, a permanent farmers market facility, food and beverage tours and trails as potential tools to support existing businesses and working farmlands.

King County will continue to support and work with the Sammamish Valley Alliance through the Community Service Area program, Farm King County, the Local Food Initiative and other programs. One simple way to spotlight the area is to identify when visitors are entering the Agricultural Production district by installing distinctive signs around the district. King County has developed prototype signs and will work with the Agriculture Commission and community representatives to refine design and identify the best locations for sign placement in the Agriculture Production District, with the goal of installing the new signs by the end of 2017/early 2018. See a more detailed description of two approaches to signage under the Agriculture section of this report.

3 Transportation

Study Recommendation: Alternative Means of Access

- 3.1.1** *Study the feasibility of instituting a weekend shuttle service from Downtown Woodinville, Marymoor Park or other park & ride lots through a partnership between King County and the City of Woodinville.*
- 3.1.2** *Explore the feasibility of a bicycle rental program through partnerships with local companies and/or non-profits and improve biking access from trails to local businesses.*

King County Response:

The Metro Community Connections program currently has a project underway in Bothell and Woodinville. This project includes a number of mobility solutions that will serve people traveling to, from, and within these communities. Two of these solutions could address needs identified in the strategies above.

Metro Community Connections: Bothell – Woodinville Project

In the first quarter of 2016, Metro Community Connections (formerly Alternative Services) conducted a community engagement process to understand mobility needs in and around Bothell and Woodinville. During this process community members identified an important transit gap in the Woodinville Tourist District. Many survey respondents and stakeholder group members said the area has no fixed-route service and that they would go to the Woodinville tourism district more often and without driving alone if an alternative service were developed to serve that area. However, these trips are different from the rest of the transportation needs identified through the outreach process. Tourists want to access the area from hotels in Bothell for one-off trips on weekends and evenings. Employees want to reach the area during their work hours, but these work hours may be irregular and fall outside the peak.

Community Van

One of the solutions that Metro will be implementing as part of the Bothell-Woodinville Community Connections project could be well suited to providing group trips to and from the Winery District – A *Community Van*. This new transportation pilot program offers prearranged, recurring, or one-time group trips that meet locally identified transportation needs. Metro owns the vans and provides fuel, maintenance, and vehicle insurance. Metro also vets the volunteer drivers and provides funding for a part-time Community Transportation Coordinator. An Advisory Group comprised of representatives from Metro, UW Bothell/Cascadia College Commuter Services and the cities of Bothell and Woodinville to provide program direction and oversight to the Community Transportation Coordinator. Launch planning and roll-out for the Bothell-Woodinville Community Van is pending hiring of the Community Transportation Coordinator.

Bike Share

The Sammamish Valley is currently served by the Sammamish River Trail and in the future will also have the Eastside Rail Corridor system connecting it to the west, south and north. The trail system and connected parks and destinations offer an opportunity to encourage and promote biking as a way to experience the agricultural and beverage industry within the Valley, to downtown Woodinville and the industrial area where the other concentration of wineries are found. As trails and connections are improved, the ability to move around by bike will also improve.

Pairing and promoting bicycling and winery/beverage tours is being done in many areas across the country. For example, Napa has a [Napa Valley Vine Trail](#), and in the Yakima River Valley, there is the [Rattlesnake Hills Wine Trail](#).

The recommendation to explore a bike share program from the winery stakeholder group could provide an added option for visitors to park remotely and ride to the concentrated areas of wineries and tasting rooms in the Sammamish Valley area. It could also serve as a recreational attraction for hotel guests to visit the wineries without having to rely on a car.

A bike share concept that mirrors this recommendation from the winery study stakeholder group is also under consideration as a potential service solution from Metro's Community Connection program. As a next step, Metro staff will be working with staff from the City of Woodinville to discuss development of a framework for a daytime bike sharing concept in order to assess its viability as a solution.

Study Recommendation: Parks and Trails

3.1.4 Develop long term east-west connections--explore Eastside Rail Corridor concepts to develop a shared use path along 145th connecting to the Sammamish River Trail

King County Response:

King County Parks has developed two options for creating an east-west connection between the Eastside Rail Corridor (ERC), Sammamish River Trail and extending into the Hollywood District. The County and the City of Woodinville have begun discussing these plans and will proceed on further feasibility studies and alternatives development. The goal for either option would be to improve trail connectivity between the County's regional trails and directly into wine tourism areas, in particular the Hollywood District from the ERC Trail and Sammamish River Trail. Please refer to the Trails Connection map (located at the end of this section).

The first option would be a connection between the ERC trail spur line and Sammamish River Trail along NE 145th Street, which has been studied during ERC master planning and is another way to integrate trails with the wine and tourism areas. In addition to developing east-west connectivity between the ERC and the Sammamish River Trail, this option would include a trail extension along the NE 145th Street alignment further east from the Sammamish River Trail directly to the Hollywood District. There would be different alternative alignments to achieve these connections that would need to be further studied in coordination with the City of Woodinville, area stakeholders and the community.

Key considerations for an east-west connection along NE 145th Street include whether to place it on the south or north side of the roadway. On the north side there is an existing pathway that would need to be improved. Appropriate improvements to the existing path could include widening, vegetation/tree clearing to avoid further root damage to the trail and limb overhang, and resurfacing. The existing path traverses Red Hook Brewery and Willows Lodge properties, and improvements would require approval from these property owners.

To extend this path into the Hollywood District, a bike path would need to be built between the Sammamish River Trail and 148th Ave. NE along the north side of NE 145th Street, which could impact the parking area to the Northshore Athletic Fields, and could require use of portions of City of Woodinville ROW to extend to 148th Ave. NE.

One benefit to this alignment is that a trail bridge already exists across the Sammamish River and this east-west path already has a direct connection to the Sammamish River Trail. This option would also require the installation of a trail crossing of NE 145th Street along the ERC Spur. The City of Woodinville has expressed a preference to build this as a grade-separated crossing, or bridge, over the roadway. The need for this crossing would exist independently of the east-west connector trail but would otherwise not be developed until the ERC Spur is going to be developed further to the north of NE 145th Street.

If the east-west connection were to be developed on the south side of NE 145th there would be additional technical and environmental challenges that would need further study to determine feasibility. The current understanding of this scenario includes the following factors:

- Topography south of the road drops away quickly so that a trail with adequate separation from the eastbound travel lane would likely require substantial fill.
- The low-lying areas south of the road are within the 100-year floodplain so compensatory storage would likely be required for the substantial fill.
- The low-lying area south of the road has a fish-bearing stream connected to the Sammamish River.
- There are above-ground power poles along the south side of the road that may have to be relocated to accommodate trail.
- The available right of way on the south side of the road may not be wide enough to cover the trail, potential stream relocation, and potential power pole relocations. Any property acquisition will involve agricultural land.
- A new pedestrian/bicycle bridge would be required to cross the Sammamish River.
- The connecting loop to the Sammamish River Trail may require property acquisition to achieve accessible grades.
- A bike path would need to be built between the Sammamish River Trail and 148th Ave. NE along the south side of NE 145th, either reconfiguring a portion of the sidewalk in the City of Woodinville ROW, or acquiring an easement for the path on the northern edge of a privately owned parcel or parcels.

The second option would be to develop an improved, or paved, connection between the Sammamish River Trail and 148th Ave. NE along the existing gravel Tolt Pipeline Trail alignment. The Tolt Pipeline Trail is a gravel and dirt path located in a utility right of way owned by Seattle Public Utilities (SPU). The County's use and actions related to the trail are governed by a Trails Agreement between the parties. The Trails Agreement allows for the trail surface to be improved, but only with prior written consent from the SPU Director, and conditioned by SPU approval of all plans and specifications at 30%, 60% and 90% design. The County's use of the Tolt Pipeline right of way is also subject to all terms and conditions of an easement held by Puget Sound Energy. King County Roads is installing a signalized roadway crossing on 148th Ave. NE at the location where the Tolt Pipeline Trail crosses.

This trail connection would be independent of any improvements to the ERC Trail and would not create connections between the ERC and the Sammamish River Trail or between the ERC and the wine tourism area.

For this option to serve as a feasible and appropriate route for winery tourism, there would need to be bike lanes or a separate bike path constructed along 148th Ave. to connect the Tolt Pipeline Trail improvement to the Hollywood Wine District. The approximately 600 foot segment of 148th Ave NE south of the Tolt Pipeline Trail to the city limits of Woodinville is significantly constrained by an adjacent Class 2 salmon-bearing stream, wetlands, and a steep embankment. The feasibility of widening the road to construct a bike lane or pathway is questionable. If it were to be determined feasible after additional technical analysis, there would be significant stream alterations and mitigation needed and cost of the project would likely be more than \$1 million.

King County will continue to explore these trail development options with the City of Woodinville and with involvement from area stakeholders and community members.



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PRE Meeting Materials

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Study Recommendation: Road Improvements

3.1.6 *Conduct an interjurisdictional transportation study to fully vet traffic growth, concurrency, impacts and potential mass transit solutions.*

3.1.8 *Improve the pedestrian environment and overall pedestrian safety in the Sammamish Valley, especially those areas connecting major tourism draws and winery concentrations.*

King County Response:

The Road Services Division reviewed the potential for nonmotorized and capacity improvements along the 148th Avenue NE/140th Place NE Corridor. The physical and environmental conditions along the corridor were found to pose several significant challenges.

Right-of-Way: The available right-of-way (approximately 18 feet on each side) is not sufficient to accommodate widening the road from two to four lanes, based on county standards. The right-of-way appears sufficient to accommodate a nonmotorized pathway on one side of the roadway or potentially a turn lane in some locations.

Transportation concurrency: The corridor is currently meeting the county's adopted concurrency level of service standard of "B" for rural areas.

Environmental Issues: The corridor contains numerous wetlands and streams, as well as seismic, steep slope, and landslide hazard areas and buffers. Portions of the corridor are also within a Shoreline Management Act rural shoreline, Critical Aquifer Recharge Area, and Farmland Preservation area. All of these features have stringent regulatory requirements. Construction of a nonmotorized or capacity improvement project would involve impacts to the wetlands, streams, buffers, and other environmentally sensitive features along the corridor. Environmental mitigation and other regulatory compliance efforts would be required. These may include wetland and stream mitigation or payment for mitigation banking, fish passable culvert installation, additional stormwater treatment infrastructure, etc.

The existing open drainage ditches along the roadway would need to be relocated or put into a new piped drainage system to address environmental regulations.

Expanding the roadway for nonmotorized or capacity improvements would require removal or relocation of numerous trees, power poles, fences, landscaping, mailboxes and other public or private features along the roadside.

Cost Estimates: The planning level cost estimate to construct a nonmotorized pathway on one side of the road and meet the associated drainage and environmental regulatory requirements is approximately \$5 million. Capacity improvements could cost upwards of \$20 million. Further study would be necessary to evaluate more specific improvement concepts such as nonmotorized improvements or turn lanes.

4 Agriculture

Study Recommendation: Agriculture Production District (APD)

4.1.1 Continue to support retail sales of locally grown products on agricultural zoned lands

4.1.2 Limit changes to the current agricultural production zone rules and regulations

King County Response:

King County recommends that no changes be made to the boundaries and or primary regulatory structure of the APD. The proposal does change the product content requirement for production to be at least 60% grown on site.

APD History:

Agricultural land in King County had declined by approximately 60% between 1950 and 1969 and was projected to occupy less than 3% of the 1964 coverage by 2000. As a result of the documented loss of significant farmland acreage, King County Council passed Ordinance 1096 in 1972 to recognize and protect agricultural lands as “Open Space Elements” in the revised Comprehensive Plan, which was originally adopted in 1964. Specifically, Ordinance 1096 stated:

Farmlands must be included in the open space system because they provide products for consumption; serve as buffers between urbanizing areas; and provide beautiful and natural scenery. These land areas will be lost to industrial development, subdivision, and to highway development unless they are included in the system.”

The following year, that directive was strengthened by Council Ordinance 1839, which stated:

“The Council of King County declares it to be in the public interest to retain prime agricultural lands and certain farmlands within a system of open space. This open space system is recognized as having scenic and aesthetic values that contributes natural buffers within existing and potential urban areas. Furthermore, the retention of agricultural and certain farmlands provide both unique and supplemental food stuffs and contribute to and diversify the economic base.”

The 1975 Supplement to the King County Comprehensive Plan called out the Lower Green-Duwamish Valley and Sammamish Valley as being especially threatened from continued urban expansion because “of the valley’s proximity to a highly urban area, but because of transportation lines and flood control improvements that make these areas also highly suited for industrial and

commercial development.” The Supplement combined Ordinance 1839 and others that, together, provided justification for establishing agricultural zones that protected “prime agricultural lands.”

The Supplement provided one overarching goal for agricultural land preservation: “To preserve prime agricultural lands and significant other farmlands in the open space system.” A suite of criteria were provided to help identify priority agricultural lands, including soil type, size, cropping history, flood risk, public opinion, and lack of water and sewer services. Agricultural zoning (A Zone) was to be applied “wherever appropriate to protect good, agricultural land from incompatible use and development.”

In 1977, Council Ordinance 3064 amended the Comprehensive Plan and created eight “King County Agricultural Districts,” which were the Snoqualmie Valley/Patterson Creek Agricultural District, the North Creek Agricultural District, the Upper Snoqualmie Agricultural District, the Sammamish Valley/Bear Creek Agricultural District, the Lower Green River Valley Agricultural District, the Upper Green River Valley Agricultural District, the Enumclaw Plateau Agricultural District, and the Vashon Island Agricultural District. The County was directed to use rezoning options, permit reviews and other options to “ensure that to the fullest extent possible the agricultural potential of the District will not be adversely affected.”

Ordinance 3064 provided maps of the eight Agricultural Districts as well as the “Agricultural Lands of County Significance,” which were the highest priority agricultural lands within those districts. The district boundaries were many times larger than the areas delineated as priority agricultural lands. For example, the Sammamish Valley/Bear Creek Agricultural District included the entire Sammamish River and Bear Creek floodplain, as well as the major tributaries, and stretched from Lake Sammamish to the Snohomish County line. The identified priority agricultural lands comprised less than 20 percent of the delineated district.

The Technical Appendix for the Executive Proposed General Development Guide was released in 1984 to provide further guidance for resource land conservation and use in rural and urban areas. The Guide proposed revised Agricultural Districts, which were based upon a review of the existing Agricultural Districts established by Ordinance 3064. The districts established in Ordinance 3064 included many lands not suited to agriculture and the new districts excluded non-productive lands and land uses differed based upon whether a parcel was within or adjacent to a district. Major changes from the Ordinance 3064 districts included elimination of the Vashon and Bear Creek districts and refining the Sammamish Agricultural District to eliminate the Bear Creek watershed and constricting the remaining boundaries to include the most productive agricultural lands near Woodinville.

The 1989 King County Resource Lands (Area Zoning) document, which further modified the boundaries of the Sammamish and Green River Valley Agricultural Districts, was adopted by King County Council via Ordinance 8848. Ordinance 8848 further recognized the importance of the agricultural districts and established “Agricultural Production Districts” within those agricultural

districts via enhanced agricultural zoning. The current boundaries of the Sammamish APD are very similar to the boundaries outlined in the Area Zoning document.

King County Council passed Ordinance 4341 in June 1979 to provide for the issuance of general obligation bonds to purchase property interest in priority agricultural regions in King County with the Sammamish and Green River valleys specifically identified as first priorities. Proposition 3 on the November 1979 General Election Ballot, which proposed the issuance of up to \$50 million in general obligation bonds for the purpose of “acquiring and preserving voluntarily offered farm and open space lands in the county,” was passed by King County voters.

1979 bond money provided the initial capital to support establishment of King County’s Farmland Protection Program (FPP), which subsequently has benefited from additional infusion of funding from other sources, most significantly funds generated through the Transfer of Development Rights and grants through the Conservation Futures Tax program.

Summary of Sammamish APD conservation activities:

- Total acres in APD: **1,082**
- Acres in the APD protected via FPP easements: **779**
- Acres in food production within the APD: **305**
- Acres in equestrian, sod, nursery or tree farm: **500**
- Acres currently “not farmable”: **230**

Study Recommendation: Land Conservation in the Agriculture Production District (APD)

4.1.4 Explore and facilitate additional development right purchases for agricultural zoned properties in the Sammamish Valley

King County Response:

Protecting Remaining Unprotected Acreage in the APD: While King County has been successful in protecting three quarters of the acreage in the Sammamish APD, there are still several parcels that do not have Farmland Preservation Program (FPP) easements protecting them from future development. These parcels, particularly those that are on the boundary between the APD and the City of Woodinville are a high priority for protection by the County.

King County’s Farmland Preservation Program will continue to conduct outreach to the owners of these high priority parcels to engage them in a discussion about removing the development rights from their parcel, and preserving it as agricultural land in perpetuity. Preservation of these lands will be a top priority for the County.

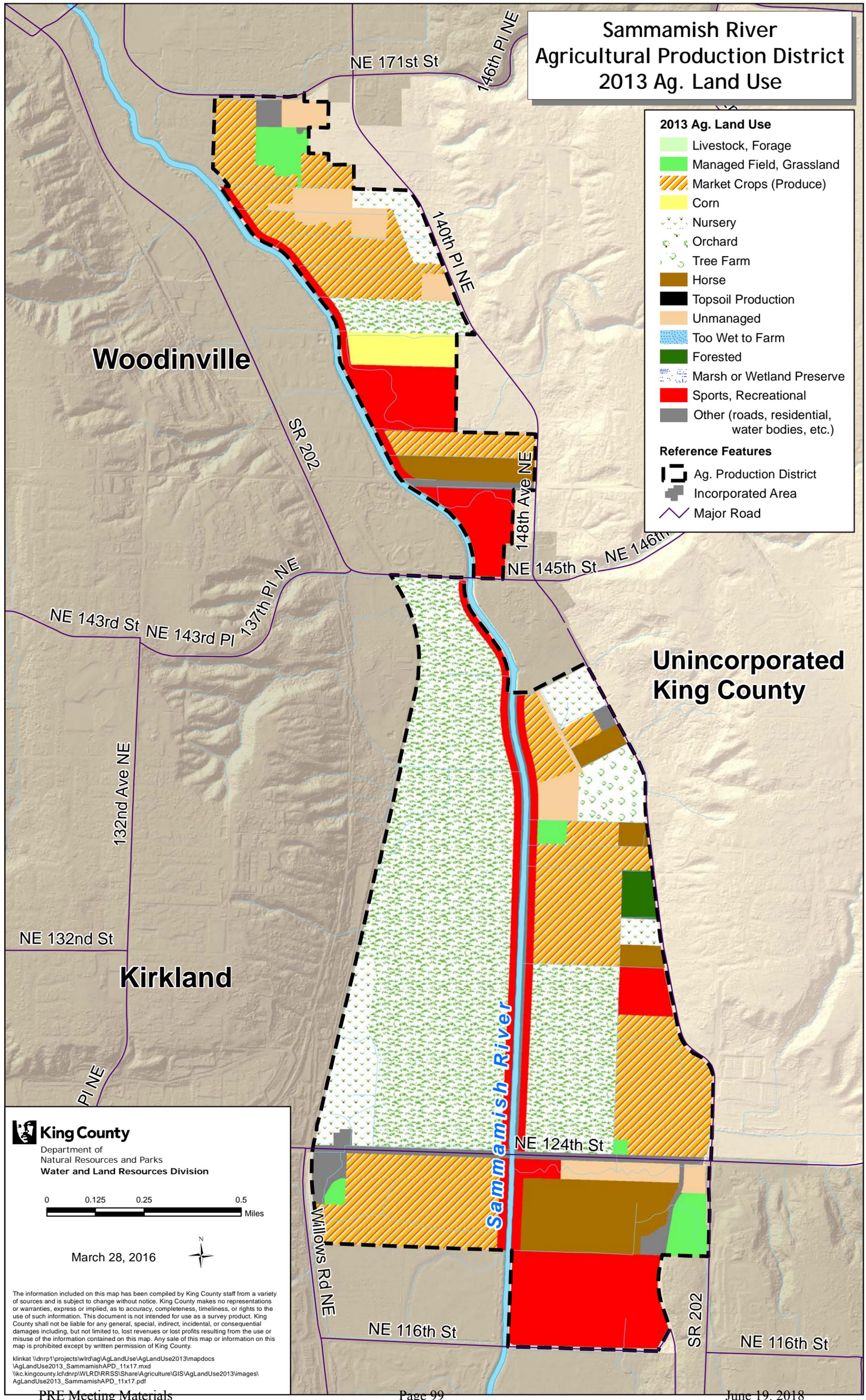
Sammamish River Agricultural Production District 2013 Ag. Land Use

2013 Ag. Land Use

- Livestock, Forage
- Managed Field, Grassland
- Market Crops (Produce)
- Corn
- Nursery
- Orchard
- Tree Farm
- Horse
- Topsoil Production
- Unmanaged
- Too Wet to Farm
- Forested
- Marsh or Wetland Preserve
- Sports, Recreational
- Other (roads, residential, water bodies, etc.)

Reference Features

- Ag. Production District
- Incorporated Area
- Major Road



Woodinville

Kirkland

**Unincorporated
King County**

Sammamish River

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

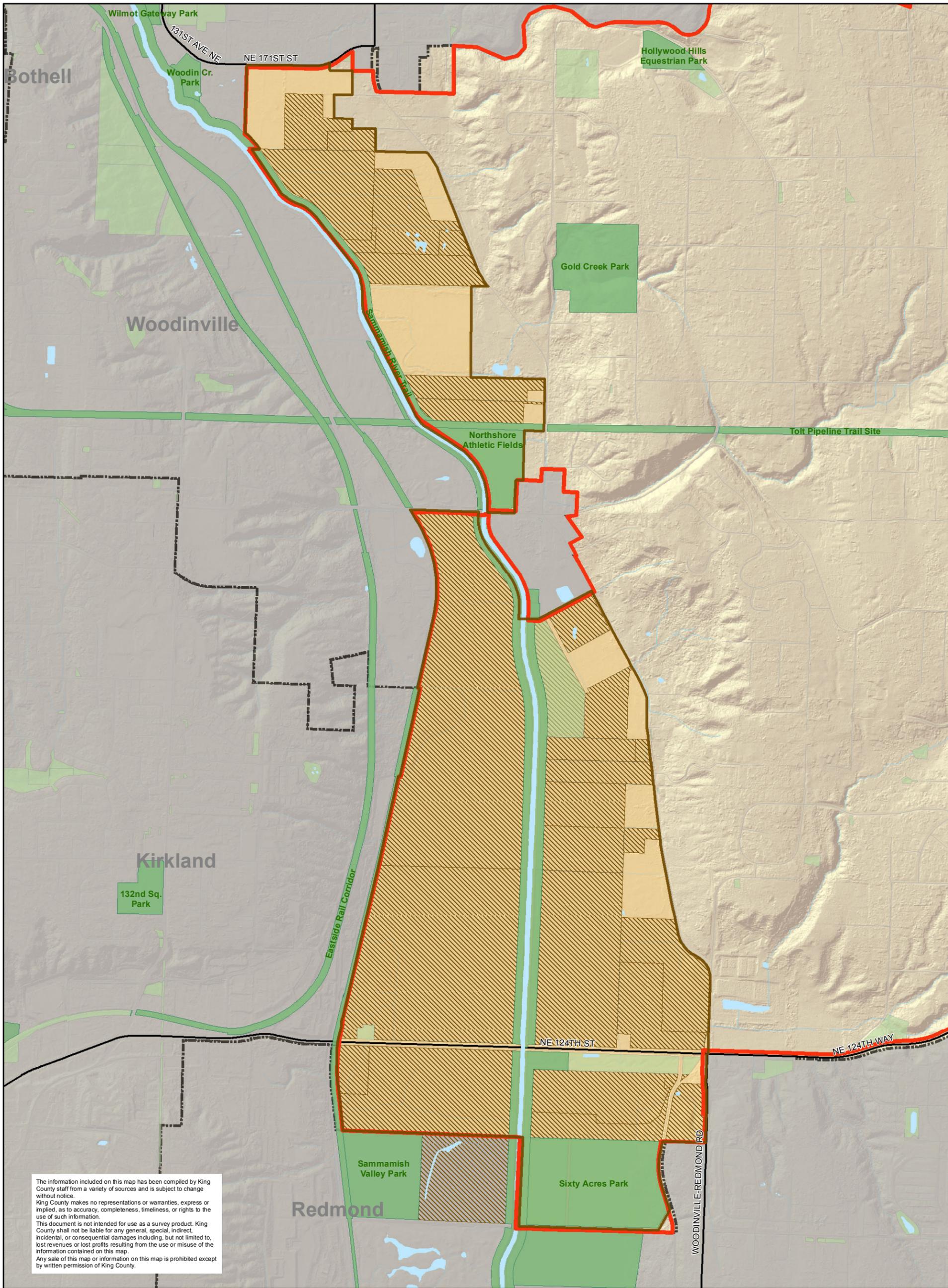
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March 28, 2016

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SAMMAMISH VALLEY AGRICULTURAL PRODUCTION DISTRICT



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Legend

- Agricultural Production District
- Current King County Urban Growth Boundary
- Protected Farmland (FPP)
- Parks in King County
- Other Public Lands
- Incorporated Cities in KC
- Major Roads



0 0.25 0.5 Miles

Study Recommendation: Signage

2.1.5 Support agriculture in the Sammamish Valley as a synergistic component of the tourism and wine and beverage industries

King County Response:

Public Signage for the Agricultural Production District (APD) and Farmland Preservation Program (FPP) Parcels

APD Signage. King County has erected signs identifying some, but not all of the Agricultural Production Districts. Given that these areas are critical to protecting valuable agricultural soils and form the foundation of the King County’s agricultural economy they should be clearly signed, with the intent of alerting the public that they are entering an area of natural resource and economic significance. In evaluating a program for placing signage in all of the APDs, the County has developed the following principle to guide development and placement of the signs:

- Signs should be distinctive and readily identifiable as an indication of the boundary for an agricultural zone.
- Signs should be placed in multiple areas of high-visibility.
- Should help avoid incompatible land use decisions that arise out of ignorance of the existence of the APD.
- Signs should have the same basic design, but could be customized for each APD.
- Signs should be readable and aesthetically pleasing.
- King County has developed a “Farm King County” brand to promote the County Executive’s Local Food Initiative – we may want to consider expanding use of the brand in the APD signs.
- We want to integrate an emphasis on driving safety with an increased awareness of APDs.

The current timeline is to develop several sign options, and present them to the King County Agriculture Commission and solicit input on design and level of community outreach needed to engage the broader agricultural community. Based on feedback from the Commission we will develop final designs and an engagement process.

FPP Signage. King County’s Farmland Preservation Program has been successful in protecting almost 15,000 acres of farmland from development. While we have approximately 300 farms across the County enrolled in the program, we have never asked property owners to take any action to acknowledge or celebrate that parcels are permanently protected. King County

agriculture program staff has been exploring the option of developing signage for all parcels enrolled in the FPP program. Following are principles the staff drafted to guide development of such a program:

- Placement of signs would be contingent on agreement by the landowner. FPP is a voluntary program, and we want to recognize landowner commitment to farmland preservation and sustainable land management.
- Signs would be standardized for FPP program, but we would try to have an option of customizing for individual farms.
- Signs need to be clear that they do not indicate public access – FPP parcels remain private property.

The goal would be to develop this program in consultation with the King County Agriculture Commission and a stakeholder group of FPP program participants. We would need to work through issues of design, placement, and how to allocate the cost of the program. This effort would be implemented on a separate timeline from the effort to provide signage in and around the APDs.

5 Rural and Agriculture Zoning – The Regulations

Study Recommendation:

Defining and Implementing

- 1.2.1 *Production Facilities-- define based on the size and scale of the facilities and use this definition to scale regulations***
- 1.2.2 *Limit impacts of tasting rooms through regulation of number of events, size of events, and hours of operation***
- 1.2.3 *Develop new definitions for tasting rooms, special events, winery production facilities, and other associated uses***

Wine, Beverage, and Tourism Industries

- 3.1.7 *Limit the operating hours or size of tasting rooms/event spaces to be outside of the PM peak hour of traffic***

Transportation

- 4.1.5 *Direct wine and beverage industry facilities looking to locate in unincorporated portions of the Sammamish Valley to properties located along arterial roads (see 5.2.5)***

Agriculture

- 4.1.6 *Explore potential impacts of expanding the locally grown requirement for product sales in agriculture zones (currently at 60% originating from the Puget Sound) to include Washington State***

Rural Zoned Areas

- 5.1.1 *Differentiate between tasting room only facilities and winery production facilities in terms of land use regulations in unincorporated King County***
- 5.1.3 *Consider smaller lot size requirements in the study area for smaller production facilities (not applicable to subdivisions of land)***

- 5.1.4** *Develop regulations that limit hours of operation, special events, and overall traffic to facilities where appropriate and tailor regulations for distinct neighborhoods within the RA Zone*
- 5.2.3** *Allow for wine and beverage industry uses through the home occupation regulations and be clear about when tasting rooms/production facilities can exist outside of a home occupation*
- 5.2.5** *Direct wine and beverage industry facilities looking to locate in unincorporated portions of the Sammamish Valley to properties located along arterial roads (see 4.1.5)*

King County Response:

Please refer to the proposed ordinance for specific details on the regulatory structure for Winery, Brewery, Distillery Facilities.

Approach:

Recognize the changing nature of the wine industry in King County. Allow less intensive winery, brewery, distillery uses on smaller lots in the Rural Area and more intensive uses on larger lots with direct access to an arterial. Allow for remote tasting rooms in a very limited area as a pilot project. Prohibit wineries and tasting rooms as home occupations or home industries. In the Rural Area, allow agricultural products being processed to be grown without restriction to location. Limited changes to the current regulations in the Agriculture Production District.

(Reference to Strategy Number in parenthesis)

Definitions and Allowed Uses:

Remote Tasting Room: (Permitted Use) A 1,000 maximum square foot facility indoor with additional 500 square foot of outdoor space that is remote from the production facility of the winery. Limited to serving wine and minimal food items and sales of merchandise related to products available for tasting. Events are prohibited. Hours are limited as follows: Monday, Tuesdays, Wednesdays, and Thursdays, tasting rooms can be open from 11:00 AM through 5:00 PM. On Fridays, Saturdays, and Sundays tasting rooms can be open from 11:00 AM through 9:00 PM. To be allowed in a very limited area as a pilot program in two areas defined as Demonstration Overlay A, Exhibits 1 and 2. *(1.2.3, 3.1.7, 5.1.1, 5.2.3)*

Winery, Brewery, Distillery Facility I: (Permitted Use) A very small production establishment limited to 1,500 square feet. No on-site product tasting, events, or sales of merchandise would be allowed. The intent is to authorize a small-scale production facility to replace the allowance for a home occupation but with more conditions of operations to limit impacts to neighboring properties. *(1.2.1, 5.1.1, 5.1.3, 5.2.3)*

Winery, Brewery, Distillery Facility II: (Permitted Use) A small-scale production facility located on at least 2.5 acres and limited to 3,500 square feet. Product tasting and sales of related merchandise would be allowed. Events subject to a Temporary Use Permit. No growing requirement in the RA and UR zones. In the A zones, 60% of products produced required to be grown on-site. (1.2.1, 1.2.3, 4.1.5, 4.1.6, 5.1.3, 5.2.3, 5.2.5)

Winery, Brewery, Distillery Facility III: (Conditional Use) A larger-scale production facility located on at least 4.5 acres and limited to 6,000 square feet, or up to 8,000 square feet on properties of at least 10 acres. Product tasting and sales of related merchandise would be allowed. Remove square footage limitation for Vashon Island so same as rest of the Rural Area. No growing requirement in the RA and UR zones. In the A zones, 60% of products required to be grown on-site. Events subject to a Temporary Use Permit. In a very limited area, as a pilot program in the area defined as Demonstration Overlay B, events will be allowed as a condition of acquiring the Conditional Use Permit. (1.2.1, 1.2.3, 4.1.5, 4.1.6, 5.1.3, 5.2.3, 5.2.5)

Demonstration Overlays: King County is proposing two Demonstration Overlays as pilot projects for new concepts regarding wine and beverage facilities that will be evaluated annually and then expire after three years. DPER will compile a list of demonstration project applications submitted and any related code complaints. At the end of the three-year period, the concepts will be evaluated for expansion to other areas of King County.

- **Demonstration Overlay A:** Two distinct areas in unincorporated King County. One is a very small area directly east of the Woodinville city boundaries ranging from one property north of NE 144th street south for approximately .25 miles. In this area, remote tasting rooms will be allowed. The second area is within the boundaries of the Vashon Town Center.(1.2.2)
- **Demonstration Overlay B:** a defined area directly east of the Sammamish Valley Agriculture Production District as it extends south from Woodinville city limits along SR 202 to the Redmond city limits. In this area, a facility with a Conditional Use Permit to operate as a Winery, Brewery, Distillery III can hold events without being subject to a Temporary Use Permit. (5.1.4)

Special Events: Temporary Use Permit (TUP) required for events beyond regular promotion and sales of the product being produced and tasted. In the RA zones, the number of events for Winery, Brewery, Distillery Facility II & III will be limited to 24 events per year. In the A zones, the number of events will remain as currently defined at two per month. All events will be limited in size: 125 guests for a Winery, Brewery, Distillery Facility II and 250 guests for a Winery, Brewery, Distillery Facility III. For Winery, Brewery, Distillery III in the area defined as Demonstration Overlay B, east of the Sammamish Valley Agricultural Production District, events allowed as integral to the Conditional Use Permit, as a pilot program.

Summary of Proposed Regulations for Winery/Brewery/Distillery Uses in the Rural Area and the Agriculture Zones

Issue/Condition	Rural Area			Agriculture Zones		Demonstration Projects – Rural Area		Comments
	Winery I	Winery II	Winery III	Winery II	Winery III	Tasting Room in Overlay A Exhibit 1: Sammamish Valley Exhibit: Vashon Town Center	Winery III in Overlay B	
Type of Permit	Permitted	Permitted ¹ Conditional Use ²	Conditional Use	Permitted	Conditional Use	Permitted	Conditional Use	Allowed square footage remains the same (except that tasting rooms & Winery I's are new uses)
Min. Lot Size	n/a	2.5 acres	4.5 acres* 10 acres**	2.5 acres	4.5 acres* 10 acres**	n/a	4.5 acres+ 10 acres**	Reduction in lot size for Winery II from current 4.5 acres
Max. Building Size	1,500 sf	3,500 sf	6,000 sf* 8,000 sf**	3,500 sf	6,000 sf* 8,000 sf**	1,000 sf + 500 sf outdoors	6,000 sf* 8,000 sf**	Same square footage as currently allowed (except for tasting rooms & Winery I's are new uses)
Tastings	Not allowed	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Allowed with ltd. hrs: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Remote tasting rooms not currently allowed; establish hours of operation.
Home Occupations	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Currently allowed – to be replaced with Winery I
Events	Not allowed	Up to 24/year with TUP – max. size = 125 guests; parking accommodated on-site or managed through parking plan	Up to 24/year with TUP – max. size = 250 guests; parking accommodated on-site or managed through parking plan	Up to 2/month with TUP – max. size = 125 guests; parking accommodated on-site or managed through parking plan	Up to 2/month with TUP – max. size = 250 guests; parking accommodated on-site or managed through parking plan	Not allowed	No specific limit – conditions set with CUP w/ annual monitoring of impacts	Current limit is 2/month with Temporary Use Permit with no limit on number of guests
Water	Adhere to Public Health standards	Adhere to Public Health standards	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	Adhere to Public Health standards	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	Adhere to Public Health standards	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	New condition: Winery III's must hook-up to an existing domestic public water system – preference for existing Group A systems
Access	Not specified	¹ Direct access from an arterial ² Can be modified through CUP	Direct access from an arterial	Direct access from an arterial	Direct access from an arterial	Direct access from an arterial	Direct access from an arterial	New condition
Product Content	Not specified	Not specified	Not specified	60% of product to be processed to be grown on site.	60% of product to be processed to be grown on site.	Not specified	Not specified	Currently, require 60% of product to be processed to be grown in Puget Sound counties for all wineries in both RA & A-zones – requirement changed for wineries in A-zone to be grown on site
Production	Required	Required	Required	Required	Required	Not allowed	Required	Production defined as including one or more of the following: crushing, fermentation, barrel/tank aging, and finishing
Parking	Not allowed	Limited to 150% of minimum required (e.g. 8-9 spaces)	Determined through CUP	Limited to 150% of minimum required (e.g. 8-9 spaces)	Determined through CUP	Limited to 150% of minimum required (e.g. 7-8 spaces)	Determined through CUP	New requirement – changing code requirement to be consistent with ratio for other retail uses (from 1/50 sq. ft. to 1/300 sq. ft.)
Setbacks	75'	75'	75'	75'	75'	Not specified	75'	Current standard
KC Bus. License	Required	Required	Required	Required	Required	Required	Required	New requirement. \$100/year.
Fines & Penalties	\$500/\$1,000	\$500/\$1,000	\$500/\$1,000	\$500/\$1,000	\$500/\$1,000	\$500/\$1,000	\$500/\$1,000	Increase from \$100 for 1 st & \$500 for subsequent violations
Demonstration Project Review	n/a	n/a	n/a	n/a	n/a	3 years with annual review	3 years with annual review	Demon. project can be stopped prior to 3 yr. period if annual data indicates problems; can be extended to other areas if data positive

Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

Issue/Condition	Agriculture Zones			
	Existing Code		Proposed Ordinance 2018-0241	
			Winery II (DC#3)	Winery III (DC#12)
Type of Permit	Permitted – as an accessory to agricultural use	Conditional Use	Permitted– only as an accessory to agricultural use	Conditional Use
Min. Lot Size	None	4.5 acres when floor area is less than 6,000 sf Except if floor area is over 6,000 sf, the minimum lot size is 10 acres and a minimum 2.5 acres must be used to grow products	2.5 acres (NOTE: transmitted ordinance has an error and says 4.5 acres)	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres
Max. Building Size	3,500 sf, except historic buildings	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage On Vashon-Maury Island, maximum floor area 6,000 sf, including underground storage	3,500 sf (historic buildings maximum is 5,000 sf)	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage
Tastings	Tasting of products produced on-site, and no extra floor area allowed for tasting	Tasting of products produced on-site, and no extra floor area allowed for tasting	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm
Events	For wineries: Up to 2/month with TUP; parking accommodated on-site For breweries and distilleries: 60 days in a one-year period	For wineries: Up to 2/month with TUP; parking accommodated on-site For breweries and distilleries: 60 days in a one-year period	Up to 2 events/month with TUP. Max. size = 125 guests; parking accommodated on-site or managed through parking plan	Up to 2 events/month with TUP. Max. size = 250 guests; parking accommodated on-site or managed through parking plan
Water	Not specified	Meet requirements for water and wastewater; water meters required for use of wells	Not specified	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available
Access	Not specified	Not specified	Direct access from an arterial	Direct access from an arterial
Product Content	60% of product content required to be grown in Puget Sound counties	Limited to processing of agricultural products and 60 percent of the products must be from Puget Sound counties	60% of product to be processed must be grown on site.	60% of product to be processed must be grown on site.
Production/ Facility Location	Not specified	Not specified	Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.	Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.
Parking	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area Parking maximum 150% of minimum requirement	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area Limited to 150% of minimum required	Determined through CUP (NOTE: transmitted ordinance has an error and says limited to 150% of minimum required)
Setbacks	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.
KC Bus. License	None	None	Required	Required

Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

Issue/Condition	Rural Area Zones				
	Existing Code		Proposed Ordinance 2018-0241		
			Winery I (DC#30)	Winery II (DC#3 and DC#31)	Winery III (DC#12)
Type of Permit	Permitted	Conditional Use	Permitted – only one nonresident employee allowed	Permitted Conditional Use	Conditional Use
Min. Lot Size	4.5 acres	4.5 acres Except if floor area is over 6,000 sf, the minimum lot size is 10 acres and a minimum 2.5 acres must be used to grow products	None	P and C: 2.5 acres (NOTE: transmitted ordinance has an error and says 4.5 acres)	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres
Max. Building Size	3,500 sf, except historic buildings	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage On Vashon-Maury Island, maximum floor area 6,000 sf, including underground storage	1,500 sf	P and C: 3,500 sf (historic buildings maximum is 5,000 sf)	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage
Tastings	Tasting of products produced on-site, and no extra floor area allowed for tasting	Tasting of products produced on-site, and no extra floor area allowed for tasting	Not allowed	P and C: Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm
Events	For wineries: Up to 2/month with TUP; parking accommodated on-site For breweries and distilleries: 60 days in a one-year period	For wineries: Up to 2/month with TUP; parking accommodated on-site For breweries and distilleries: 60 days in a one-year period	Not allowed	Up to 24 days/year with TUP. Max. size = 125 guests; parking accommodated on-site or managed through parking plan	Up to 24 days/year with TUP Max. size = 250 guests; parking accommodated on-site or managed through parking plan
Water	Not specified	Meet requirements for water and wastewater; water meters required for use of wells	Not specified	Not specified	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available
Access	Not specified	Not specified	Not specified	P: Direct access from an arterial C: Direct access from public roadway. Can be modified through CUP (NOTE: transmitted ordinance has an error and does not include this)	Direct access from an arterial
Product Content	60% of product content required to be grown in Puget Sound counties	Limited to processing of agricultural products and 60% percent of the products must be from Puget Sound counties	None	None	None
Production/ Facility Location	Not specified	Not specified	Required	Required	Required

Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

Parking	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area Parking maximum 150% of minimum requirement	One parking stall allowed for nonresident employee	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area P: Limited to 150% of minimum required C: Limited to 150% of minimum required	Determined through CUP (NOTE: transmitted ordinance has an error and says limited to 150% of minimum required)
Setbacks	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.	P and C: 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.
KC Bus. License	None	None	Required	P and C: Required	Required

Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

Issue/Condition	Urban Reserve Zone				
	Existing Code		Proposed Ordinance 2018-0241		
			Winery I (DC#30)	Winery II (DC#3)	Winery III (DC#12)
Type of Permit	Permitted	Conditional Use – No separate authorization for a CUP in UR zone	Permitted – only one nonresident employee allowed	Permitted	Conditional Use
Min. Lot Size	4.5 acres		None	2.5 acres (NOTE: transmitted ordinance has an error and says 4.5 acres)	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres
Max. Building Size	3,500 sf, except historic buildings		1,500 sf	3,500 sf (historic buildings maximum is 5,000 sf)	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage
Tastings	Tasting of products produced on-site, and no extra floor area allowed for tasting		Not allowed	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm	Tasting of products produced on-site, and no extra floor area allowed for tasting Hours for on-site tasting: Mon-Th: 11am – 5pm F-Sun: 11am – 9 pm
Events	60 days in a one-year period		Not allowed	60 days in a one-year period Max. size = no limit Parking not specified	60 days in a one-year period Max. size = no limit Parking not specified
Water	Not specified		Not specified	Not specified	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available
Access	Not specified		Not specified	Direct access from an arterial	Direct access from an arterial
Product Content	60% of product content required to be grown in Puget Sound counties		None	None	None
Production/ Facility Location	Not specified		Required	Required	Required
Parking	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area		One parking stall allowed for nonresident employee	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area Limited to 150% of minimum required	Determined through CUP (NOTE: transmitted ordinance has an error and says limited to 150% of minimum required)
Setbacks	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.		75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.
KC Bus. License	None		Required	Required	Required

Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

Issue/Condition	Commercial and Industrial Zones			
	Existing Code		Proposed Ordinance 2018-0241	
	NB and CB	RB and I	NB and CB	RB and I
Type of Permit	Permitted	Permitted	WBD I – not permitted WBD II – permitted (DC#17) WBD III – conditional use (DC#29)	WBD I – not permitted WBD II – permitted (DC#29) WBD III – conditional use (DC#29)
Min. Lot Size	None	None	None	None
Max. Building Size	3,500 sf, except historic buildings	None	WBD II – 3,500 sf, except historic buildings are 5,000 sf	None
Tastings	Tasting of products produced on-site, and no extra floor area allowed for tasting	Not specified	WBD II – Tasting of products produced on-site, and no extra floor area allowed for tasting	Not specified
Events	60 days in a one-year period	60 days in a one-year period	WBD II and III – 60 days in a one-year period Max. size = no limit Parking not specified	WBD II and III – 60 days in a one-year period Max. size = no limit Parking not specified
Water	None	None	None	None
Access	None	None	None	None
Product Content	None	None	None	None
Production/Facility Location	Not specified	Not specified	Not specified	Not specified
Parking	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area WBD III – not specified	WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area WBD III – not specified
Setbacks	75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones.	5 or 10 feet	WBD II – 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas. WBD III – 5 or 10 feet	5 or 10 feet
KC Bus. License	None	None	WBD II and III– Required	WBD II and III– Required

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From: [Pedroza, Melani](#)
To: [Smith, Sara](#)
Cc: [Auzins, Erin](#); [Newman, Erica](#)
Subject: RE: Four Horseman Brewery
Date: Tuesday, June 12, 2018 9:32:18 AM

Hi Sara,

Ordinance 2018-0241 currently resides in PRE, so I'm adding Erica Newman and Erin Auzins to this email. Any further public comments can go to Erica for filing/distribution. Let me know if you need anything further from me.

Melani

From: Smith, Sara
Sent: Monday, June 11, 2018 3:26 PM
To: Pedroza, Melani <Melani.Pedroza@kingcounty.gov>
Subject: FW: Four Horseman Brewery

Melani:

Our constituent asked that his comments be forwarded to the "Hearing Office." I assume he means that he wants the comments forwarded to the other members or to whoever is collecting comments on the Winery and Brewery Ordinance. Do you have thoughts about how to fulfill his wish?

Thank you.

Sara R. Smith

Policy Director
 King County Council District 7
 Direct Line: 206-477-2196
 Office Line: 206-477-1007
sara.smith@kingcounty.gov

From: howard esping [<mailto:wntrvet@yahoo.com>]
Sent: Monday, June 11, 2018 2:54 PM
To: Smith, Sara <Sara.Smith@kingcounty.gov>
Subject: Four Horseman Brewery

We are against having a brewery across the road from our quiet retirement neighborhood, the property they purchased from the state has a no legal access road, water, or power. None of the home owners want to give access to a brewery we also don't want more traffic and where there is alcohol served there are issues we do not want this in our neighborhood. There are also family's with children that come to

visit us and we do not want brewery traffic in our neighborhood. Also the wildlife we have in our area should not be disturbed.

Regards,
Howard Esping
253-631-3144
wtrvet@yahoo.com

PLEASE FORWARD THIS REQUEST TO THE HEARING OFFICE ON THIS ISSUE

Date Created:	June 1, 2018
Drafted by:	Dominique Torgerson
Sponsors:	

1 ...Title

2 AN ORDINANCE responding to the King County Sammamish Valley Wine and Beverage Study;
3 amending Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870,
4 Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 10870, Section 537, as amended,
5 and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120,
6 Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 15802, Section 5,
7 as amended, and K.C.C. 16.02.152, adding new sections to K.C.C. 21A.06.

8 ...Body

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 **SECTION 1. Findings:**

11 A. These regulatory changes are a response to the King County Sammamish Valley Wine
12 and Beverage Study that was released in September 2016. Those changes will help King County
13 prepare for and support the future of the adult beverage industry as it evolves in the region, while
14 adhering to the framework of the state Growth Management Act.

15 B. King County continues to support and foster agriculture, especially within the five
16 designated Agricultural Production Districts. King County also supports the adult beverage industry
17 and recognizes the need to establish a strong foundation for moving the industry into the future.

18 NEW SECTION: SECTION 2: There is hereby added to K.C.C chapter 21A.06 a new section to
19 read as follows:

20 Brewery: An establishment licensed by the Washington State Liquor and Cannabis Board to
21 manufacture and sell beer and malt liquor.

22 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06 a new section to
23 read as follows:

24 Distillery: An establishment licensed by the Washington State Liquor and Cannabis Board to
25 manufacture and sell distilled spirits.

26 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.06 a new section to
 27 read as follows:

28 WSLCB: Acronym for Washington State Liquor and Cannabis Board:

29 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06 a new section to
 30 read as follows:

31 Tasting Room: An establishment licensed by the Washington State Liquor and Cannabis Board as
 32 an “additional location” to operate a remote tasting area for a licensed winery, brewery or distillery,
 33 that is operating at a location other than the licensed production facility, for the purpose of retail sale
 34 and sampling of the licensed product.

35 SECTION 6. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby
 36 amended to read as follows:

37 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/Distillery</u>	<u>P3, 12</u>			<u>P3,12</u>	<u>P3,12</u>							

38 B. Development conditions.

39 1. Repealed

40 2. Except Slaughterhouses.

41 3a. Limited to ~~wineries, SIC Industry No. 2081 Malt Beverages and SIC Industry~~
 42 ~~No. 2085 Distilled and Blended Liquors~~ winery, brewery, distillery on at least one acre in
 43 size;

44 ~~b. In the A zone, only allowed on sites where the primary use is SIC Industry~~
 45 ~~Group. No. 01 Growing and Harvesting Crops or No.02 Raising Livestock and Small Animals;~~

- 46 c. In the RA, A and UR zones, only allowed on lots of at least one acre ~~four and~~
47 ~~one half acres;~~
- 48 d. The total floor area of all enclosed structures devoted to a winery, brewery or
49 distillery shall not exceed 6,000 square feet from an aerial perspective i.e. building may be 12,000
50 square feet as long as no more than 6,000 surface area foot print is created from an aerial view and no
51 more than double the square footage surface area is viewable above ground, not including required
52 exits and access points, ~~devoted to all processing shall not exceed three thousand five hundred square~~
53 feet, unless located in a building designated historic under K.C.C. chapter 20.62.
- 54 e. Structures and parking areas for winery, brewery or distillery uses shall maintain
55 a minimum distance of twenty-five ~~seventy five~~ feet from property lines adjoining agricultural, rural
56 area and residential zones, unless located in a building designated as a historic resource under K.C.C.
57 chapter 20.62;
- 58 f. In the A zones, Sixty percent or more of the products processed must be grown
59 in the Puget Sound counties the State of Washington and at least sixty percent of the total lot square
60 footage must be reserved for growing agricultural products or raising of livestock or small animals as
61 per SIC Industry No. 02. ~~At the time of initial application, the applicant shall submit a projection of~~
62 the source of products to be produced and;
- 63 g. Tasting and consumption of products produced on site may be provided in
64 accordance with state law. The area devoted to tasting shall be included in the floor area limitation in
65 subsection B.3.(e) d of this section. Hours of operation shall be applicable in accordance with state
66 law and local noise ordinance requirements.
- 67 h. Events during hours of operation as specified by state law and local noise
68 ordinances will not require a temporary use permit and do not count towards the 60 event limit as
69 specified in K.C.C. 21A.32.120. Events outside of normal hours of operation may be allowed with an
70 approved temporary use permit under K.C.C. 21A.32.
- 71 12.a Limited to ~~wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry~~
72 ~~No. 2085 Distilled and Blended Liquors;~~ winery, brewery or distillery uses on lots four and one half
73 acres or greater;

74 b.(1) Except as provided in subsection B. 12.b (2) of this section, the floor area of
75 structures for wineries, breweries and distilleries and any accessory uses shall not exceed a total
76 of ~~eight thousand square feet~~ 10,000 square feet from an aerial perspective, i.e. building may be 20,000
77 square feet as long as no more than a 10,000 surface area foot print is created from an aerial view, and
78 no more than double the square footage surface area is viewable above ground not including required
79 exits and access points. The floor area may be increased by up to an additional eight thousand square
80 feet of underground storage that is constructed completely below natural grade, not including required
81 exits and access points, if the underground storage is at least one foot below the surface and is not
82 visible above ground; and

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

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

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

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

95 f. The minimum site area is four and one-half acres. If the total aerial surface ~~floor~~
96 area for wineries, breweries, and distilleries and any accessory uses will exceed ~~six~~ ten thousand
97 square feet: ~~including underground storage:~~

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

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

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

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

108 SECTION 7, Ordinance 10870, section 536, as amended, and K.C.C. 21A.30.080 are hereby
109 amended to read as follows:

110 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one or more home
111 occupations as accessory activities, only if:

112 A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed
113 twenty percent of the floor area of the dwelling unit.

114 B. Areas within garages and storage buildings shall not be considered part of the dwelling unit
115 and may be used for activities associated with the home occupation;

116 C. All the activities of the home occupation or occupations shall be conducted indoors, except
117 for those related to growing or storing of plants used by the home occupation or occupations;

118 D. A home occupation or occupations is not limited in the number of employees that remain
119 off-site. No more than one nonresident employee shall be permitted to work on-site for the home
120 occupation or occupations;

121 E. The following uses, by the nature of their operation or investment, tend to increase beyond
122 the limits permitted for home occupations. Therefore, the following shall not be permitted as home
123 occupations:

- 124 1. Automobile, truck and heavy equipment repair;
- 125 2. Autobody work or painting;
- 126 3. Parking and storage of heavy equipment;
- 127 4. Storage of building materials for use on other properties;

- 128 5. Hotels, motels or organizational lodging;
- 129 6. Dry cleaning;
- 130 7. Towing services;
- 131 8. Trucking, storage or self service, except for parking or storage of one commercial
132 vehicle used in home occupation; and
- 133 9. Veterinary clinic; and
- 134 10. Recreational marijuana processor, recreational marijuana producer or
135 recreational marijuana retailer;
- 136 11. Winery, brewery, distillery and remote tasting rooms only allowed on lot sizes of
137 one acre or more, and may conduct operations according to what is allowed per state law, as long as
138 parking requirements can be accommodated on-site and production facility is located within the State
139 of Washington. On lots less than one acre, only production side for a winery, brewery distillery is
140 allowed as long as no on-site sales or services are rendered.

141 SECTION 8. Ordinance 15606, section 20, as amended and K.C.C. 21A.30.085 are hereby
142 amended to read as follows:

143 In the A, F and RA zones, residents of a dwelling unit may conduct one or more home
144 occupations as accessory activities, under the following provisions:

145 G. Sales are limited to:

- 146 1. Mail order sales;
- 147 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 148 3. Items accessory to a service provided to patrons who receive services on the premises;
- 149 4. Items grown, produced or fabricated on-site; ~~and~~

150 a. Tasting rooms for brewery, winery or distillery are allowed when production facility is
151 within the State of Washington

152 5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses
153 except for the following:

154 I. Customer visits and deliveries shall be limited to the hours of ~~8:00 a.m. to 7:00 p.m. on~~
155 ~~weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;~~ 8:00 a.m. to midnight Monday-Sunday, as long as
156 businesses operate within local noise ordinance regulations and do not cause visual or audible
157 disturbance to adjoining property neighbors.

158 SECTION 9, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby
159 amended to read as follows:

160 G. Sales are limited to items produced on-site, except for items collected, traded and
161 occasionally sold by hobbyists, such as coins, stamps, and antiques;

162 1. Tasting rooms for brewery, winery, distillery are allowed when production facility is
163 within the State of Washington

164 SECTION 10, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby
165 amended to read as follows:

166 Except as otherwise provided in this chapter or in K.C.C. 21A.45, temporary use permits
167 shall be limited in duration and frequency as follows:

168 A. The temporary use permit shall be effective for ~~one year~~ two years from the date of
169 issuance and may be renewed ~~annually~~ every two years (24 months) as provided in subsection D. of
170 this section;

171 B. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty
172 five day period. This requirement applies only to the days that the event or events actually take
173 place. ~~For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per~~
174 ~~month and all parking for the events must be accommodated on site;~~

175 C. The temporary use permit shall specify a date upon which the use shall be terminated and
176 removed; and

177 D. A temporary use permit may be renewed every two years (24 months) ~~annually~~ for up to
178 ~~a total of five consecutive years~~ as follows:

204 a separate means of egress and their accessory structures, including adult family homes, foster family
205 care homes and family day care homes licensed by the Washington state department of social and
206 health services

207 2. The provisions of the International Residential Code for One- and Two-Family
208 Dwellings shall apply to only dwelling unit ~~detached residential accessory~~ structures that are used for
209 home occupations and home industries that include offices, mercantile, food preparation for off-site
210 consumption, personal care salons and similar uses, if the home occupation or home industry is
211 subordinate to the primary residential use of the site and the total cumulative floor area devoted to the
212 home occupation or home industry in any dwelling unit ~~detached accessory~~ structure on-site is less
213 than or equal to 500 square feet (46.4m²).

214 NEW SECTION, SECTION 12. There is hereby added to K.C.C. chapter 21A.08 and 21A.30 a
215 new section to read as follows:

216 Any brewery, winery, distillery and tasting room (additional location) that received a
217 Washington State Liquor and Cannabis Board license to operate prior to December 31, 2018, and that
218 King County did not object to within the Washington State Liquor and Cannabis Board alcohol license
219 application process, shall be considered nonconforming and may remain in their current location,
220 subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses.

221 SECTION 13. Severability. If any provision of this ordinance or its application to any person or
222 circumstance is held invalid, the remainder of the ordinance or the application of the provision to other
223 persons or circumstances is not affected.

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King County

**Metropolitan King County Council
Planning, Rural Service and Environment Committee**

STAFF REPORT

Agenda Item:	7	Name:	Terra Rose
Proposed No.:	2018-0265	Date:	June 19, 2018

SUBJECT

An ordinance approving the King County Water District No. 125 Water System Plan.

SUMMARY

Proposed Ordinance 2018-0265 would approve an update to the King County Water District No. 125 Water System Plan, meeting the requirement for a water utility to provide water service in unincorporated King County.

BACKGROUND

King County Water District No. 125 (KCWD No. 125) owns and operates a water system located in the central part of King County that serves parts of the SeaTac, Burien, and Tukwila, as well as unincorporated King County. The last water plan for KCWD No. 125 was approved by the Council in 2010.¹

King County Utility Comprehensive Plan Criteria

King County Code Chapter 13.24 requires the King County Utilities Technical Review Committee (UTRC) to review and make recommendations to the Executive and County Council on the adequacy of certain water and sewer comprehensive plans and related matters, and to determine whether the plan:

- is consistent with the King County Comprehensive Plan,
- is consistent with local comprehensive plans,
- reflects current supply and demand,
- forecasts future supply and demand,
- provides a capital plan for obtaining, using, storing and conveying water or sewage, and
- provides sufficient information to demonstrate the utility district’s ability to provide service consistent with all applicable laws and regulations.

¹ Ord. 16775

Under King County Code,² comprehensive plans for water and sewer districts that distribute or obtain water or provide sewer collection or treatment in unincorporated King County shall be adopted by the Council as a prerequisite for:

- Operating in unincorporated King County;
- Approval of annexation proposals;
- Granting of new right-of-way franchises and right-of-way franchise renewals; and
- Approval of right-of-way construction permits.

In addition to satisfying the requirement of K.C.C. Chapter 13.24, the County's approval also provides state regulatory agencies with the determination required under RCW 43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations.

UTRC ANALYSIS OF KING COUNTY WATER DISTRICT NO. 125 WATER SYSTEM PLAN

The UTRC finalized its review of the Plan in February 2018. The UTRC found the Plan meets the requirements of K.C.C. Chapter 13.24 and has recommended its approval. Highlights of the Plan, as reviewed by the UTRC, are outlined below.

Service Area: The water service area for the King County Water District No. 125 (KCWD No. 125) encompasses approximately 6,075 acres in central King County, located north and east of SeaTac International Airport and south of the City of Seattle, with an eastern portion located in unincorporated King County. As of 2015, KCWD No. 125 served a population of approximately 11,855 people and 5,679 employees through an estimated 3,329 service connections. KCWD No. 125 is comprised of three former water districts: King County Water Districts No. 35, 38, and 43.

Supply: KCWD No. 125 maintains seven metered connections with the City of Seattle for its primary source of supply and maintains a contract with Seattle that runs through the year 2062. Storage is currently provided by a 6-million-gallon reservoir which is jointly owned with two other water districts – King County Water Districts No. 20 and 45. An additional 1.3-million-gallon storage reservoir is jointly owned with the Skyway Water and Sewer District.

Total annual average water use within the district has fluctuated, but in general has trended downward. The Plan notes that KCWD No. 125 worked with King County and the largest water user to develop a potential water reuse situation, but that the cost of retrofitting the customer's facility combined with the proposed cost of reuse water made the project unfeasible.

The UTRC finds that the Plan demonstrates that KCWD No. 125 has ample water supply to provide service consistent with the requirements of all applicable statutes, codes, rules, and regulations.

² K.C.C. 13.24.010

Growth: KCWD No. 125 has conducted a supply analysis that evaluated supply needs through the year 2036 and the Plan notes that the existing combination of water sources provides sufficient capacity to meet the supply requirements. The Plan does not discuss climate change impacts on water supply.

The UTRC finds that the water supplied is sufficient for projected growth.

System Improvements: The capital improvement plan (CIP) for KCWD No. 125 recommends improvements totaling approximately \$7.8 million over a six-year period. The improvements are proposed to be financed through low-interest loans, connection charges, and capital project fees. The UTRC notes that if revenue or funding does not occur as anticipated, then KCWD No. 125 may delay its capital improvement schedule.

The UTRC considers the CIP adequate to meet anticipated facility and service needs.

SEPA: KCWD No. 125 has completed a State Environmental Policy Act (SEPA) checklist for the Plan and issued a determination of non-significance for the Plan on February 10, 2017. There were no appeals.

Additional information regarding the Plan's compliance with King County Code requirements and consistency with the King County Comprehensive Plan is provided in Attachment 4 (UTRC Review Matrix) to the staff report.

ATTACHMENTS

1. Proposed Ordinance 2018-0265 (attachment available in the Clerk's office)
2. Transmittal Letter
3. Fiscal Note
4. UTRC Review Matrix

INVITED

1. Steve Hirschey, Chair, King County Utilities Technical Review Committee
2. Katherine Taylor, Government Relations Administrator, Department of Natural Resources and Parks
3. Shane Young, General Manager, King County Water District No. 125

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KING COUNTY
Signature Report

June 18, 2018

Ordinance

Proposed No. 2018-0265.1

Sponsors Lambert

1 AN ORDINANCE approving the King County Water
2 District No. 125 2016 Water System Plan.

3 STATEMENT OF FACTS:

4 1. King County has adopted K.C.C. chapter 13.24, which requires
5 approval of comprehensive plans for water utilities that distribute or obtain
6 water in unincorporated King County as a prerequisite for operating in
7 unincorporated King County, receiving approval for annexation proposals,
8 being granted right of way franchises, and being given approval for right
9 of way construction permits. K.C.C. 13.24.060 prescribes the
10 requirements for approval of such plans, including consistency with state
11 and local planning requirements.

12 2. RCW 57.16.010 requires that general comprehensive plans by special
13 purpose districts be submitted to, and be approved by, the legislative
14 authority within whose boundaries all or a portion of a utility lies.

15 3. The King County Water District No. 125 previous water system plan
16 was prepared in 2010. Both Washington state Department of Health and
17 King County regulations require water system plans to be updated every
18 six years.

19 4. The district's service area is within King County and the district has

20 adopted a water system plan ("the plan").

21 5. King County has adopted a comprehensive plan that includes water
22 supply policies in its provisions for facilities and services (policies F-101
23 through F-254) that call for consistency with other adopted plans, support
24 for regional water supply planning, pursuit of reclaimed water, water
25 conservation and protection of water resources.

26 6. K.C.C. chapter 13.24 requires the utilities technical review committee
27 to review and make a recommendation to the King County executive and
28 council on the plan and the requirements under K.C.C. chapter 13.24 and
29 consistency with the King County Comprehensive Plan. The utilities
30 technical review committee has reviewed the planning data and district
31 operations and has found:

32 a. The plan uses population and employment forecasts developed by the
33 Puget Sound Regional Council for the district's service area;

34 b. Portions of the district's service area are in unincorporated King
35 County;

36 c. The capital facility plan is adequate to meet anticipated facility and
37 service needs;

38 d. The plan is consistent with applicable Washington state water quality
39 laws; and

40 e. The plan is consistent with other pertinent county adopted plans and
41 policies.

42 7. Washington state Department of Health approval is pending upon King

43 County's approval of the plan.

44 8. Under the state Environmental Policy Act the district issued a
45 Determination of Nonsignificance for the plan on February 10, 2017.

46 There were no appeals.

47 9. The district's operations and facilities meet multiple existing statutory,
48 administrative and planning standards. As the district's operations,
49 facilities and planning meet the requirements of the King County Code
50 and are consistent with the King County Comprehensive Plan, the utilities
51 technical review committee has recommended approval of the plan.

52 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

53 SECTION 1. The King County Water District No. 125 2016 Water System Plan,
54 Attachment A to this ordinance, is hereby approved as a water system plan.
55

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

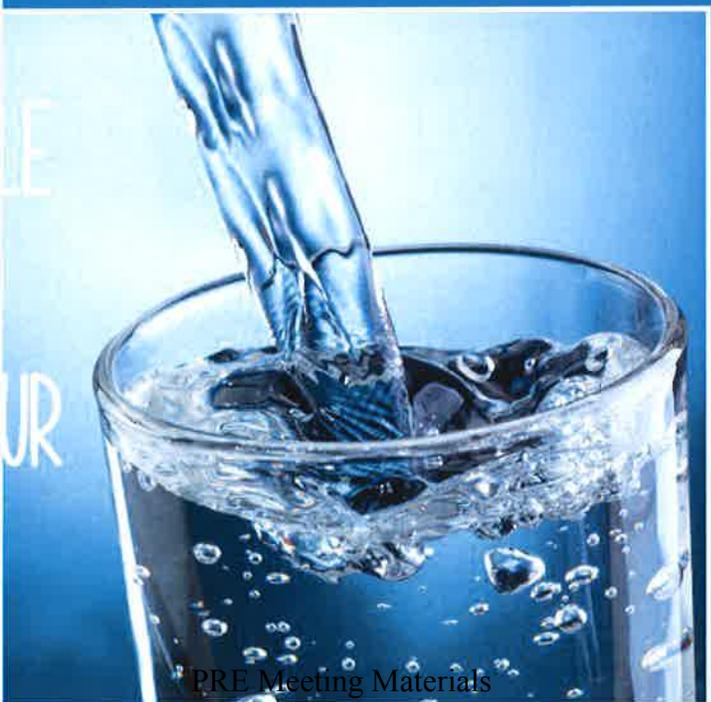
APPROVED this _____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. King County Water District No. 125 2016 Water System Plan

2018-265

2016 Water System Plan



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May 21, 2018

The Honorable Joe McDermott
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember McDermott:

This letter transmits an ordinance approving the King County Water District No. 125 2016 Water System Plan (Plan). This letter and attached matrix describe the results of the County's review of the Plan and its consistency with King County requirements.

The King County Code (KCC) requires King County approval of the Plan before it becomes effective. Approval of the Plan will also provide state regulatory agencies with the determination required under RCW 43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations. On February 21, 2018, the Utilities Technical Review Committee (UTRC) finalized review of the Plan and recommended approval.

The Plan supports the economic growth and built environment goals of the King County Strategic Plan by helping to ensure adequate water supply and management for County residents.

The enclosed matrix provides additional information regarding the King County Water District No. 125 (District) compliance with KCC requirements and consistency with the King County Comprehensive Plan.

I appreciate the District's cooperation in submitting the Plan and working with the UTRC review process. I urge the King County Council to adopt the enclosed ordinance approving the Plan.

The Honorable Joe McDermott
May 21, 2018
Page 2

Thank you for your consideration of this ordinance. This important legislation will help King County residents obtain a healthy, protected water supply.

If you have any questions about the Plan or the proposed ordinance, please feel free to contact Steve Hirschey, Chair of the Utilities Technical Review Committee, at 206-477-5387.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Melani Pedroza, Clerk of the Council
Mr. Shane Young, General Manager, King County Water District 125
Dwight Dively, Director, Office of Performance, Strategy and Budget
Christie True, Director, Department of Natural Resources and Parks
Steve Hirschey, Chair, Utilities Technical Review Committee

2017/2018 FISCAL NOTE

Ordinance/Motion: 2018-XXXX
 Title: King County Water District No.125 2016 Water System Plan
 Affected Agency and/or Agencies: Department of Natural Resources and Parks
 Note Prepared By: Steve Hirschey, Chair, Utilities Technical Review Committee
 Date Prepared: April 3, 2018
 Note Reviewed By:
 Date Reviewed:

Description of request:

The King County Code (KCC) requires King County approval of the Plan before it becomes effective. Approval of the Plan will also provide state regulatory agencies with the determination required under RCW 43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations. On February 21, 2018, the Utilities Technical Review Committee (UTRC) finalized review of the Plan and recommended approval.

Revenue to:

Agency	Fund Code	Revenue Source	2017/2018	2019/2020	2021/2022
TOTAL			0	0	0

Expenditures from:

Agency	Fund Code	Department	2017/2018	2019/2020	2021/2022
TOTAL			0	0	0

Expenditures by Categories

	2017/2018	2019/2020	2021/2022
TOTAL	0	0	0

Does this legislation require a budget supplemental?
 Notes and Assumptions:

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Review of the King County Water District No. 125 2016 Water System Plan

Service Area

The King County Water District No. 125 (District) is a special purpose district that owns and operates a water system located in the central part of King County. The District is a municipal corporation organized under Title 57 Revised Code of Washington (RCW). The District's service area consists of approximately 6,075 acres of land located north and east of the Sea-Tac International Airport and just south of the City of Seattle, King County, Washington. The service area is generally bounded on the south by South 160th Street, on the north by the Duwamish River, on the east by Beacon Avenue South and on the west by Des Moines Way South. The service area is surrounded by the service areas of neighboring water purveyors and is not expected to change. The District serves within the corporate limits of the cities of SeaTac, Burien, and Tukwila, and the eastern portion of the District is located within unincorporated King County. Recent changes within the service area include the expansion of Sea-Tac International Airport on the west side of the District and a small service area exchange with the City of Tukwila as discussed in the Skyway Coordinated Water System Plan (CWSP).

King County Water District No. 125 is comprised of three former water districts: King County Water Districts No. 35, 38, and 43. In 1975, Water Districts No. 35 and 38 merged to form an enlarged Water District 38. Water Districts No. 38 and 43 consolidated two years later to form the existing King County Water District No. 125.

System Description

The District maintains seven metered connections with the City of Seattle for its primary source of supply and maintains a contract with the City of Seattle, which runs through the year 2062. As of 2015, the District served a population of approximately 11,855 people through an estimated 3,329 water service connections (6,612 Equivalent Residential Units or ERUs). Commercial/governmental/industrial ERU connections account for 1,274 ERUs. The District is part of a consortium of water districts in the vicinity of its service area, which owns a six-million-gallon water storage reservoir. The reservoir is located within King County Water District 20's service area. Joint ownership is shared among King County Water District Nos. 20, 125, and 45 and the storage is divided by percentage of shares. The District owns a 25 percent share of the reservoir, or 1.5 million gallons of the total storage capacity. The District and Skyway Water & Sewer District have a joint use reservoir in the eastern portion of the District, located on Skyway Hill. The reservoir provides a total of 1.3 million gallons of storage at a hydraulic grade line of approximately 461 feet. The District has a 25 percent share of the reservoir, or approximately 325,000 gallons, although additional storage is available in an emergency.

The District's Capital Improvement Plan recommends improvements totaling approximately \$7,800,000 over a six-year period. The improvements will be financed through a low interest rate loan, connection charges and capital project fees. If revenue or funding does not occur as anticipated, then the District may delay its capital improvement schedule.

Reclaimed Water

The District completed King County's Water Reclamation Evaluation Checklist.

SEPA

The District completed a State Environmental Policy Act (SEPA) checklist for the Plan and, as lead agency under SEPA, issued a determination of nonsignificance for the approval of the Plan on February 10, 2017. There were no appeals.

	A. General, water and sewer plan specific King County Code (KCC) 13.24.010	Comments/findings
(1)	RCW 57.16.010 requires that general comprehensive plans by special purpose districts be submitted to, and approved by, the legislative authority within whose boundaries all or a portion of a utility lies. The King County Code is applicable to water utilities that obtain or distribute water in unincorporated areas of King County.	<ul style="list-style-type: none"> • The District is authorized under chapter 57.16 RCW and review and approval of the Plan by Council is required by statute. • The District also distributes water in unincorporated areas of King County so review and approval under the King County Code is applicable.
(2)	Water system plans should be submitted every six years or sooner if required by the Washington State Department of Health (DOH).	<ul style="list-style-type: none"> • The District's last water plan was submitted in 2010. • Washington State Department of Health approval is pending upon King County's approval of the plan.
(3)	The infrastructure for existing and future service areas based on adopted land use map.	<ul style="list-style-type: none"> • Yes, the infrastructure for existing and future service area is based on the adopted land use map.
(4)	The Plan contains sufficient information to demonstrate the ability to provide services consistent with the requirements of all applicable statutes, codes, rules, and regulations.	<ul style="list-style-type: none"> • Yes, the Plan demonstrates that the District has ample water supply to provide service consistent with the requirements of all applicable statutes, codes, rules, and regulations.
(5)	The Plan is consistent with Washington Administrative Code (WAC) 246-290-100 for the water service.	<ul style="list-style-type: none"> • Yes, the Plan is consistent with the applicable rules.
	B. Consistency requirements: 13.24.060	Comments/findings
(6)	King County Code related to the installation of fire hydrants and water mains.	<ul style="list-style-type: none"> • Yes, the Plan proposes to provide adequate fire flow for the service areas.
(7)	State and local health requirements.	<ul style="list-style-type: none"> • The Plan has not yet been approved by DOH. • The UTRC review process included a representative of Public Health - Seattle and King County.
(8)	Elimination or prevention of duplicate facilities.	<ul style="list-style-type: none"> • Four water purveyors border the District. Adjacent purveyors include: The City of Tukwila, located to the north and east; Highline Water District to the south, and King County Water Districts No. 20 and No. 49 to the west. • The District intends to provide service within its service area by means of direct connection. Satellite management is not being contemplated by the District. • The District maintains emergency interties with the City of Tukwila, King County Water District No. 20, and Highline Water District.
(9)	Promotion of most healthful and reliable services to the public.	<ul style="list-style-type: none"> • Yes.

	C. King County Comprehensive Plan (KCCP) – consistency with provisions and specific policies	Comments/findings
(10)	Provision of service at a reasonable cost, and maximization of use of public facilities.	<ul style="list-style-type: none"> • Currently, the District charges a rate that is in the affordable range.
(11)	Consistency with the King County Comprehensive Plan (KCCP) and applicable County plans and policies including the Flood Hazard Management Plan and Emergency Response Plan.	<ul style="list-style-type: none"> • Yes, the Plan is consistent with the applicable comprehensive plans and policies.
(12)	Consistency with the Coordinated Water System Plans adopted in KCC 13.28.	<ul style="list-style-type: none"> • Yes, the Plan is consistent with the Skyway Coordinated Water System Plan (CWSP). • The District does not expect to expand its service area.
(13)	Basin-wide or multi-basin water plans, sewerage plans, or both when approved by the Washington State Department of Ecology or the Washington State Department of Health.	<ul style="list-style-type: none"> • The District acknowledges salmon recovery priorities and the relevance of Endangered Species Act listings.
(14)	Applicable state water quality, water conservation (e.g., chapter 90.54 RCW and RCW 90.48.495), and waste management standards.	<ul style="list-style-type: none"> • The District's water use efficiency report for 2017 reports an 8.1 percent loss of total water produced, and the previous three-year average of 8.3 percent. • The District's water use efficiency goal is to reduce water consumption by two percent per year over the six-year period beginning in July 2013. • In 2015, the District averaged 180 gallons per day per equivalent residential unit.
(15)	Growth Management Act; chapter 36.70A RCW.	<ul style="list-style-type: none"> • Yes, the Plan is consistent with the Growth Management Act. See specific policies below.
(16)	Groundwater Management Plans.	<ul style="list-style-type: none"> • The District owns seven separate groundwater wells, but does not currently use the water from them. • No Groundwater Management Plan mentioned in Plan.
(17)	Federally-approved habitat conservation plans and recovery plans under Endangered Species Act, and other plans, including regional water supply or water resource management plans.	<ul style="list-style-type: none"> • The District states that it complies with all permit requirements associated with construction of its new utility systems to reduce the threat of impacting endangered species.
(18)	Applicable requirements to evaluate opportunities for the use of reclaimed water under chapter 90.46 RCW.	<ul style="list-style-type: none"> • The Plan discusses briefly the use of reclaimed water, and recognized the value of reclaimed water as a measure to conserve and extend the useful life of the potable water supply. • The District states that the cost of retrofitting the customer's facility combined with the proposed cost of reclaimed water made the project unfeasible.

(19)	State Environmental Policy Act (SEPA) documentation.	<ul style="list-style-type: none"> The District completed a SEPA checklist and issued a determination of nonsignificance for approval of the plan on February 10, 2017, with no appeals.
	COUNTYWIDE PLANNING POLICIES	Comments/findings
(20)	DP-13: All jurisdictions shall plan to accommodate housing and employment targets. This includes: “Coordinating water, sewer, transportation and other infrastructure plans and investments among agencies, including special purpose districts;...”	<ul style="list-style-type: none"> Yes, the District does this.
(21)	PF-4: Develop plans for long-term water provision to support growth and to address the potential impacts of climate change on regional water resources.	<ul style="list-style-type: none"> The District purchases its entire water supply from Seattle Public Utilities (SPU), with a purveyor contract that runs through the year 2062. Water supplied is sufficient for projected growth. The Plan does not discuss climate change impacts on water supply.
(22)	PF-5: Support efforts to ensure that all consumers have access to a safe, reliably maintained, and sustainable drinking water source that meets present and future needs.	<ul style="list-style-type: none"> Yes, the District does this.
(23)	PF-6: Coordinate water supply among local jurisdictions, tribal governments, and water purveyors to provide reliable and cost-effective sources of water for all users, including residents, businesses, fire districts, and aquatic species.	<ul style="list-style-type: none"> The District’s supply is regionally coordinated, since it purchases its water from SPU. The eastern portion of the District is in unincorporated King County, and is located within the Skyway Critical Water Supply Service Area, which makes the District’s Plan subject to consistency with the Skyway CWSP.
(24)	PF-7: Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area.	<ul style="list-style-type: none"> Not applicable. The District service area is entirely within the Urban Growth Area.
(25)	PF-8: Recognize and support agreements with water purveyors in adjacent cities and counties to promote effective conveyance of water supplies and to secure adequate supplies for emergencies.	<ul style="list-style-type: none"> The District maintains interties with several neighboring jurisdictions to supplement flows from the SPU system under high-demand conditions and/or to supply water to neighboring jurisdictions under emergency conditions.
(26)	PF-9: Implement water conservation and efficiency efforts to protect natural resources, reduce environmental impacts, and support a sustainable long-term water supply to serve the growing population.	<ul style="list-style-type: none"> Yes, the District does this to the extent required by law.
(27)	PF-10: Encourage water reuse and reclamation, especially for high-volume non-potable water users such as parks, schools, and golf courses.	<ul style="list-style-type: none"> Not applicable. The District states that the cost of retrofitting the customer’s facility combined with the proposed cost of reclaimed water made the project unfeasible.

	KING COUNTY COMPREHENSIVE PLAN (KCCP) POLICIES	Comments/findings
(28)	F-107: Plan for provision of services to rural areas.	<ul style="list-style-type: none"> Not applicable. The District service area is entirely within the Urban Growth Area.
(29)	F-108: King County to work with cities and service providers to establish priority areas for public funding of capital facilities.	<ul style="list-style-type: none"> The District's Capital Improvement Program (CIP) has sufficient funding based on its current rate structure.
(30)	F-201: All facilities and services should be provided in compliance with provisions and requirements of the Endangered Species Act (ESA) and the Clean Water Act.	<ul style="list-style-type: none"> Yes, to the extent known, facilities and service are provided consistent with the federal laws.
(31)	F-209: Support rural levels of development and not facilitate urbanization.	<ul style="list-style-type: none"> Not applicable. The District service area is entirely within the Urban Growth Area.
(32)	F-210: Capital facility plans and improvement programs for services to unincorporated King County are consistent with the KCCP.	<ul style="list-style-type: none"> The District's capital facility plan is consistent with the KCCP.
(33)	F-211: King County helps coordinate development of utility facilities.	<ul style="list-style-type: none"> Yes, to the extent applicable, King County will do this.
(34)	F-221: King County shall initiate a sub-area planning process with any service provider that declares, in its capital facilities plan, an inability to meet service needs within service area.	<ul style="list-style-type: none"> Not applicable. The District did not identify any inability to meet service needs within its service area.
(35)	F-223: If a service deficiency is identified in a service provider's existing service area, King County and the applicable service provider shall remedy the deficiency through a joint planning process addressing capital improvement programs and long-term funding strategies reuse programs.	<ul style="list-style-type: none"> Not applicable. The District did not identify any inability to meet service needs within its service area.
(36)	F-231: King County supports coordination of regional water supply planning, sales of excess water supplies among municipalities in the region, water quality programs and water conservation, reuse and reclaimed water programs.	<ul style="list-style-type: none"> Yes, the District supports regional water coordination.
(37)	F-232: Water utilities that obtain water from, or distribute water in unincorporated King County, and water utilities formed as special purpose districts under Title 57 RCW are required to submit water system plans to the County for review and approval and shall describe in their plans how they intend to meet their duty to provide service within their retail service areas.	<ul style="list-style-type: none"> The District is a special purpose district authorized under Title 57 RCW and so review and approval of the Plan by the County is appropriate. The District also distributes water in unincorporated areas of King County so review and approval under the King County Code is applicable. The District did describe service area policies for its retail service area.
(38)	F-248 King County shall partner with utilities to publicize water conservation and encourage	<ul style="list-style-type: none"> Yes, the County will do this.

	best management practices that conserve potable water supply through measures that include use of alternative supplies such as reclaimed water.	
(39)	F-246: King County supports interties that allow the transfer of water resources among water utilities to meet the projected demands for growth where such interties meet the requirements of RCW 90.03.383 and are also consistent with any applicable locally adopted comprehensive plans, regional water supply plans, adopted groundwater management plans, watershed plans, approved Coordinated Water System Plans, and response requirements of ESA and Clean Water Act.	<ul style="list-style-type: none"> • The Plan is consistent with the Skyway CWSP.
(40)	F-249: Utilities with more than one thousand service connections required to submit water system plans for approval to King County shall include an evaluation of reclaimed water use opportunities by completing King County’s Water Reclamation Evaluation.	<ul style="list-style-type: none"> • The District completed King County’s Water Reclamation Evaluation and will work closely with King County to consider reclaimed water opportunities. • The District states that the cost of retrofitting the customer’s facility combined with the proposed cost of reclaimed water made the project unfeasible.
(41)	F-251: In its review of water system plans, the UTRC shall consider the criteria provided in KCC 13.24.010, 13.24.060, and 13.24.070, and determine the plan’s consistency with the following: <ol style="list-style-type: none"> Applicable provisions of the King County Comprehensive Plan, land use plans, and development regulations adopted under the Growth Management Act; Approved or adopted regional water resource plans, such as basin plans, groundwater plans, watershed-based conservation and recovery plans developed under ESA, salmon recovery plans developed under chapter 77.85 RCW, water resource plans developed under chapter 90.54 RCW, watershed plans developed under chapter 90.82 RCW, and a regional water supply plan or water resource management plan; The County’s Regional Wastewater Services Plan; and Other applicable provisions of countywide plans managed by King County, as specified in UTRC Guidance or checklists. 	<ul style="list-style-type: none"> • The UTRC did consider these issues and recommends approval of the Plan.

(42)	<p>F-252: In reviewing proposals for modified and expanded service area boundaries for municipal water suppliers, the UTRC shall consider, in addition to Policy F-251:</p> <p>a. Compliance by the water system with its water system comprehensive plan, including water conservation elements;</p> <p>b. Whether it can meet its duty to provide service within its service area, as required under chapter 43.20 RCW; and</p> <p>c. Consistency with the service provisions of any applicable Coordinated Water System Plan, as adopted in King County Code Chapter 13.28.</p>	<ul style="list-style-type: none"> • The District is not planning to change its service area boundaries.
(43)	<p>F-253: Consistent with Countywide Planning Policies, public drinking water system surface water reservoirs and their watersheds should be managed primarily for the protection of drinking water, but should allow for multiple uses, including recreation, when such uses do not jeopardize drinking water quality standards. Public watersheds must be managed to protect downstream fish and agriculture resources.</p>	<ul style="list-style-type: none"> • Not applicable.
(44)	<p>F-254: Groundwater-based public water supplies should be protected by preventing land uses that may adversely affect groundwater quality or quantity to the extent that the supply might be jeopardized. The County shall protect the quality and quantity of groundwater used as water supplies through implementation of Policies E-493 through E-497 where applicable.</p>	<ul style="list-style-type: none"> • The District owns seven separate groundwater wells, but does not currently use the water from them. • No wellhead protection plan is mentioned for the asserted water sources.

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King County

**Metropolitan King County Council
Planning, Rural Service and Environment Committee**

STAFF REPORT

Agenda Item:	8	Name:	Jenny Ngo
Proposed No.:	2018-0066	Date:	June 19, 2018

SUBJECT

Proposed Motion 2018-0066 would approve a plan to restructure the Public Benefit Rating System Program in response a budget proviso.

SUMMARY

The Public Benefit Rating System (PBRs) program encourages the preservation and conservation of privately-held open space, farmland, or forestland through a property tax reduction. Property owners may enroll in the voluntary program administered through the Department of Natural Resources and Parks (DNRP).

In adopting the 2017-2018 biennial budget, the Council included a proviso on the Water and Land Resources Division budget restricting \$100,000 in appropriation authority and requiring a restructuring plan addressing strategies to implement tiered application fees and improve program efficiencies in the program. Proposed Motion 2018-0066 would approve the proposed PBRs restructure plan (Plan), which could then be implemented through three future ordinances.

Key elements of the restructure proposal include:

- Modifying program application fees from a flat rate to a tiered system based on property acreage enrollment into the PBRs program.
- Consolidating the Timber Land program administered by DNRP with the Designated Forestland program administered by the Department of Assessments. The new program would be administered through the Department of Assessments.
- Revising program criteria and policy to improve clarity and program administration. This includes creating a new qualifying open space resource for major resource recovery efforts on properties encumbered with critical fish and wildlife habitat resources.

Proposed Motion 2018-0066 and the attached Plan appear to meet the terms of the proviso requirement. If the Committee takes action on the proposed restructure plan in the Proposed Motion, it will have an option to amend the implementation of the restructure at the time of any future ordinance review.

BACKGROUND

PBRs program and administration. PBRs is one of four programs that provide property tax reductions to landowners who voluntarily preserve open space, agricultural or forest lands. Two of these programs, PBRs program and Timber Land program are administered by DNRP. Two others, the Farm and Agricultural Lands program and Forestland program, are administered through the Department of Assessments. Property enrolled in any of the programs are assessed at the “current use” instead of the full market value, which results in lower assessment values. Whereas full market value considers the highest and best use of the property, current use is only the value of the existing land and improvements. Under PBRs, the reduction in taxable value is 50 to 90 percent for the portion of the property placed in current use status.

The PBRs program was established in 1992 and is the broadest of the four current use tax programs. Currently, 1,750 parcels totaling 12,611 acres are enrolled in the PBRs program. The program is authorized under RCW Chapter 84.34 and K.C.C. Chapter 20.36. Properties are eligible if they contain one or more qualifying open space resource and score at least five points. Water and Land Resources Division (WLRD) staff review applications to establish site characteristics, qualifying land areas, and eligible open space resources. The PBRs program covers 19 types of open space resources ranging in eligible points (Attachment 3):

1. Public recreation area: 5 points
2. Aquifer protection area: 5 points
3. Buffer to public or current use classified land: 3 points
4. Equestrian-pedestrian-bicycle trail linkage, providing public access: 35 points
5. Active trail linkage, providing public access
 - a. 25 points: property owner enters into an agreement regarding improvement of the trail, including trail pavement and maintenance.
 - b. 15 points: the property owner allows a soft-surface, nonpaved trail.
6. Farm and agricultural conservation land: 5 points
7. Forest stewardship land, not enrolled in the timberland program: 5 points
8. Historic landmark or archeological site - buffer to a designated site: 3 points
9. Historic landmark or archeological site - designated site: 5 points
10. Historic landmark or archeological site - eligible site: 3 points
11. Rural open space, 10 or more acres: 5 points
12. Rural stewardship land: 5 points
13. Scenic resource, viewpoint or view corridor: 5 points
14. Significant plant or ecological site: 5 points
15. Significant wildlife or salmonid habitat: 5 points
16. Special animal site: 3 points
17. Surface water quality buffer: 5 points
18. Urban open space: 5 points
19. Watershed protection area: 5 points

Bonus points may be awarded on top of the points above if properties provide additional benefit such as resource restoration, additional surface water quality buffers, are

contiguous to other enrolled parcels under a separate ownership, include a conservation or historic preservation easement, or provide public access.

The public benefit rating system uses the total number of awarded points to determine the property's current use value. This current use value is based on a percentage of the land's the assessed fair market value. For enrolled properties, current use value are calculated as between 10 and 50 percent of the market value:

Public Benefit Rating	Current Use Value
0-4 points	100% of market value
5-10 points	50% of market value
11-15 points	40% of market value
16-20 points	30% of market value
21-34 points	20% of market value
35-52 points	10% of market value

2017-2018 King County Budget proviso requirement. As part of its review during consideration of the 2017-2018 biennial budget, the Council incorporated Proviso P1 in Section 81, requiring the Department provide a plan to include strategies to implement a sliding scale of the PBRs application fee based on current assessed value of the property applying to be enrolled in the program and strategies to efficiently operate the PBRs program in collaboration with the Assessor's office and other King County departments.

Ordinance 18409, Section 81, P1 PROVIDED THAT:

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a plan to restructure the public benefit rating system program and a motion that should approve the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion and a motion approving the plan is passed by the council.

The plan shall include, but not be limited to:

A. Strategies to implement a sliding scale for the public benefit rating system application fee based on the current assessed value of the property applying to be enrolled in the program; and

B. Strategies to efficiently operate the public benefit rating system program in collaboration with the assessor's office and other King County departments, which may result in cost savings in the general fund.

The executive should file the plan and a motion required by this proviso by October 30, 2017, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation, economy and environment committee, or its successor.

ANALYSIS

Proposed Motion 2018-0066 would approve the restructuring plan contained in Attachment A, including changes to the PBRs fee structure and program, and shifting the administration of the Timber Lands program from DNRP to the Department of

Assessments. The Plan also includes a proposal to revise the PBRS program to create a new qualifying open space resource for major resource recovery efforts on properties encumbered with critical fish and wildlife habitat resources. Future adoption of ordinances are required to enact and implement the restructuring plan.

The PBRS and Timber Land programs have two dedicated full-time staff involved in the intake, review, processing, and monitoring of the two programs. Combined, the programs cover 1,530 properties over 15,000 acres. Over the past 10 years, the County received on average 64 applications per year for these programs.

Improvements to Date. The Plan summarizes DNRP's past efforts to improve and make more efficient the PBRS program. Revisions to the program between 1993 and 2011 have streamlined the open space resource categories and policies. Recent improvements include updates to the program's public-facing materials, including website improvements, documentation, and program materials; database and data collection; and DNRP's geographic information systems (GIS) and mapping tools. The Plan states that these improvements provide improved communication and assistance to participants as well as support more comprehensive data and better analytical tools to PBRS program staff to process applications.

Description of Strategies to Restructure the Program. The Plan provides two strategies to improve efficiency of the PBRS program, including modifications to program criteria and consolidation of the Timber Land program administered by DNRP with the Designated Forestland program administered by the Department of Assessments.

Properties must qualify as one or more open space resources in order to be eligible for the program. Currently, 19 different open space resources are listed in the program. The Plan proposes the creation of a new open space resource category for "major resource recovery efforts", which entails the recovery or restoration of significantly degraded natural resources through sponsorship by an agency. Properties eligible for this category are those where major structures or impediments, such as bulkheads or culverts, are removed.

The Plan proposes to merge the Timber Land program with the Designated Forestland programs consistent with RCW 84.34.400. The program would be administered and operated by a single department, the Department of Assessments. Under this proposal, the Timberland classification would be terminated and eligible properties would be classified as Designated Forestland. Presently, these programs both enroll manageable forestlands on RA, F, or A zoned properties, but differ based on size of property enrolled. The Timber Land program covers forestland between 5 acres and 20 acres in size and Designated Forestland program covers forestlands larger than 20 acres.

Description of Strategies for Application Fee Structure. The Plan evaluates five application fee options for PBRS applications, including options based on: 1) enrollment of acreage, 2) tax reduction percentage, 3) total tax savings, 4) assessed value, and 5) a flat-fee.

RCW 84.34.030 requires that applications "must be accompanied by a reasonable processing fee if a processing fee is established by the city or county legislative authority."

On average, each of these options equal the current program fee of \$480 per application, providing analysis of each fee option using a revenue neutral proposal. The Water and Land Resources Division estimates that approximately 12 to 15 hours of their staff time is necessary to process an application, totaling approximately \$1,200 to \$1,500 per application.

Per the proviso requirements, the Plan analyzes a fee structure using assessed value; however, the Plan concludes that this option is less preferable due challenges with increasing property values over time (necessitating frequent evaluation of the program fees) and inconsistencies between assessed value and program benefit. The Plan proposes to shift the existing flat per-application fee to a tiered fee schedule based on enrolled property acreage, which would be done in a future ordinance. The Plan states that this proposed fee structure accounts for additional staff time necessary to process applications for larger properties and is not subject to fluctuations in property value.

ATTACHMENTS

1. Proposed Motion 2018-0066 (with attachments)
2. Transmittal Letter
3. PBRS Open Space Resource Definitions and Eligibility

INVITED

1. Josh Baldi, Division Director, WLRD

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 18, 2018

Motion

Proposed No. 2018-0066.1

Sponsors Lambert

1 A MOTION approving a plan to restructure the public
2 benefit rating system program in accordance with 2017-
3 2018 Biennial Budget Ordinance 18409, Section 81,
4 Proviso P1.

5 WHEREAS, the 2017-2018 Biennial Budget Ordinance, Ordinance 18409,
6 Section 81, Proviso P1, states that one hundred thousand dollars shall not be expended or
7 encumbered until the executive transmits a plan to restructure the public benefit rating
8 system program and a motion approving the plan is passed by the council, and

9 WHEREAS, the water and land resources division of the department of natural
10 resources and parks administers the public benefit rating system program and produced
11 the attached plan exploring strategies to implement a sliding scale application fee and
12 strategies to increase program efficiency, and

13 WHEREAS, the plan explores four different program application fee options and
14 provides a summary of administrative efficiencies realized since the program's inception
15 and new efficiencies being proposed, and

16 WHEREAS, the executive is recommending a change to the application fee level
17 and structure to make the fee a sliding scale fee based on the acreage of the property to be
18 enrolled in the public benefit rating system program, and

19 WHEREAS, the executive has transmitted to the council the requested plan and

20 motion;

21 NOW, THEREFORE, BE IT MOVED by the Council of King County:

22 The plan to restructure the public benefit rating system program, submitted as
23 Attachment A to this motion in accordance with Ordinance 18409, Section 81, Proviso
24 P1, is hereby approved.

25

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. KC PBRS Strategies to Implement a Sliding Scale Application Fee

**King County's Public Benefit Rating System:
Strategies to Implement a Sliding Scale Application Fee and
Efficiently Operate the Program**

Prepared in accordance with
Ordinance 18409, Section 81, Proviso P1

November 2017



King County

Department of Natural Resources and Parks
Water and Land Resources Division

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Introduction

Ordinance 18409, Section 81, Proviso P1 requires the King County Executive to transmit a report to the Council regarding the Public Benefit Rating System (PBRs) program.

Specifically, the Ordinance requires the report to detail:

- Strategies to implement a sliding scale for the PBRs application fee based on the current assessed value of the property applying to be enrolled in the program; and
- Strategies to efficiently operate the PBRs in collaboration with the assessor's office and other King County departments, which may result in cost savings to the general fund.

This report addresses each requirement under a separate heading that corresponds to the particular requirement.

Executive Summary

The Public Benefit Rating System program offers an incentive (a property tax reduction) to landowners who voluntarily preserve open space, farmland or forestland on their property (KCC 20.36). It is administered by the Department of Natural Resources and Parks (DNRP), and has over 1,250 landowners participating who have collectively enrolled approximately 12,600 acres in the program.

This proviso response evaluates five options overall, four options for a sliding scale fee and the existing fee structure; and also examines past and potential program efficiencies. One option for a sliding scale fee is based on current assessed value, as required by the Ordinance. As explored further in the analysis section, this option has complications that make it more challenging than other alternatives evaluated in this report. At this time, the Executive is not recommending that any changes be made to the fee structure for the program, but that a formal proposal to implement a sliding scale related to the acreage of the parcel enrolled, which reflects complexity of application review and/or tax benefit, be submitted concurrent with the 2019/2020 budget submittal.

Additionally, the Executive recommends merging the Timber Land program, which is administered by DNRP with the Designated Forestland program, which is managed by the Department of Assessments. Merging these programs will increase administrative efficiencies by having one department, the Department of Assessments, oversee the enrollment and monitoring of all property devoted to timber production and harvest.

Public Benefit Rating System Overview

There are four Current Use Taxation programs that offer an incentive (a property tax reduction) to landowners who voluntarily preserve open space, farmland or forestland on their property. Chapters 84.33 and 84.34 of the Revised Code of Washington

(RCW) and Chapters 458-30 and 458-40 of the Washington Administrative Code (WAC) detail the definitions, policies and procedures for their administration. The Designated Forestland and the Farm and Agricultural land programs are administered by the Department of Assessments. The PBRs and Timber Land, which are defined in KCC 20.36, are currently administered by the Department of Natural Resources and Parks (DNRP).

Participation in the PBRs program allows urban and rural land owners to receive a reduction in their property tax if they implement certain actions on their property that conserve natural resources and provide a public benefit. Enrollment and associated tax savings are based on a point system. There are currently 25 different categories for which properties can qualify. The total points awarded for a property's PBRs resources translate into a 50 percent to 90 percent reduction in the taxable land assessed value for the portion of the property enrolled. Enrollment requires approval by the Council through the adoption of an ordinance.

Approximately ten percent of the annual operating budget for the PBRs program is generated through the collection of application fees. In 2016, 57 PBRs applications were received (on par with the program's ten year average of 63 applications received per year). All applications are processed by PBRs staff within six months of receipt as per state law requirements.

Strategies to Implement a Sliding Scale Application Fee

The current PBRs application fee is \$480. The fee is collected upon submittal of the application and before staff invest significant time in site visits and evaluating the property for enrollment in the program. King County's system and fee structure is similar to other counties in Washington State. In all cases, the other 38 counties charge a flat fee for all parcels entering current use, including the other 18 counties with PBRs systems. Thirteen counties also have additional charges for elements of the application process that impact review costs, such as a per parcel charge and recording fees.

PBRs application fees range from a low of \$100 in Whitman County to a high of \$4,797 in Cowlitz County. The average fee across all counties in Washington State is approximately \$800. At this point, we are unaware of any other counties contemplating a sliding fee scale for applicants to current use or PBRs programs.

In King County, the current PBRs application fee is \$480, and the average tax savings for a property owner who enrolls in the PBRs is approximately \$1,500 per year. Consequently, almost all applicants to the PBRs system recover the entire application fee within the first year after they are enrolled in the program.

Ordinance 18409 directed PBRs program staff to explore strategies to implement a sliding scale application fee based on the current assessed value of the property applying to be enrolled in the program. This response presents a range of options to a sliding scale application fee and includes analysis addressing how each option reflects the relative cost of processing applications and/or the relative tax benefit realized by

applicants. For the purpose of this analysis, revenues remain neutral when compared to the existing fee structure.

Given the significant tax benefits derived from enrolling in the PBRs system and the rapid recovery of the cost of the application fee, typically one year, it is unlikely that a scaled fee will have a dramatic impact on enrollment in the program. However, this analysis acknowledges that there is a possibility that modulating the rate may have some marginal impact on the low end of the fee scale for some of the options (e.g., encourage additional landowners to apply).

The tier structure and associated fees for these options were determined based on an analysis of average property size, land assessed value, and program savings for properties currently participating in PBRs. To aid with the comparison among options, parcels were grouped into one of three tiers. For options one through three, program staff have estimated 10 percent of the applications received annually will fall in Tier One, 80 percent in Tier Two and 10 percent in Tier Three.

Fees are scaled along a range that sets the current fee (\$480.00) at approximately the mid-point of the scale, and under this proposal fee revenues would be relatively unchanged from the current system. The current fee structure does not cover the entire cost of the application process for the PBRs program, and so while the fees are intended to be proportional to the level of effort for each of the alternatives there is not a direct dollar-for-dollar correlation between the cost of processing the application and the fee tiers.

Under options one through four, in order to implement a sliding fee program staff would need to conduct a field analysis to determine the area of a parcel that is eligible for enrollment in the program and/or the tax savings. It may be necessary to charge a nominal application fee at the time of the initial application (e.g. \$100), to offset some of the costs of evaluating the property, and then charge the balance of the fee once the property has been qualified for the program and eligibility and tax savings have been identified.

Option five represents the status quo and no change to the current flat application fee.

Option 1: Fee Based on Size of Enrolling Acreage

The enrolling acreage of a property can vary greatly, with larger properties often increasing the complexity of analysis and staff time required to conduct an on-site property review. The landowner estimates acreage to be enrolled at the time of application for the program; however, actual acreage is not determined until after site visits and conversations with the owner to better understand what land is actually eligible for enrollment. Owners of larger properties typically also receive the largest tax benefit. To account for these factors and promote greater fee equity, this approach would scale the fee to the size of the property.

Fee Structure:

Tier One: Less than 5 acres enrolling = \$300 fee

Tier Two: 5-15 acres enrolling = \$500 fee

Tier Three: Greater than 15 acres enrolling = \$600 fee

Pros:

- Easy to scale fee based on size of acreage to be enrolled.
- Difference in fees reflect the reality that larger properties often require more analysis and onsite review time (both during approval process and subsequent monitoring).
- Changes in property values over time will have no impact on fee scale based on property size.

Cons:

- Landowners who enroll larger acreage provide a larger public benefit but yet are asked to pay a larger application fee.

Option 2: Fee Based on PBRs Tax Reduction Level Scale (50-90 percent)

When evaluating properties for enrollment in PBRs, program staff recommend the percentage reduction for which a property qualifies, which places the parcel in a corresponding PBRs tax reduction level. Under this option, program staff would use that reduction level to determine the size of the fee to be paid by the applicant. Landowners who receive the greatest tax benefit as a percentage of their total tax therefore pay a proportionally greater application fee than those that realize a lesser benefit.

Fee Structure:

Tier One: 50 percent PBRs reduction level = \$300 fee

Tier Two: 60 percent - 80 percent PBRs reduction level = \$500 fee

Tier Three: 90 percent PBRs reduction level = \$600 fee

Pros:

- Easy to scale fee based on existing PBRs reduction scale, which is simple and straightforward.
- Fee based upon awarded PBRs reduction level with those applicants receiving the greatest relative tax benefit paying the highest application fees.
- The PBRs savings level scale has been constant since the program was established and is not affected by changes in land values resulting from fluctuations in real estate market trends over time.

Cons:

- PBRs reduction level does not solely determine the amount of property tax dollars saved; assessed value and enrolling acreage are also important variables.

- Landowners who are ostensibly providing greater public benefits and resource protection (i.e., those landowners scoring at a higher reduction level) pay a higher application fee.

Option 3: Fee as a Percentage of Estimated Annual Property Tax Savings

This option is similar to Option 2 above, but rather than scaling the fee to the percentage of tax reduction it scales it to the annual tax benefit realized by the applicant. Under this option, landowners seeing a greater level of tax savings could be required to pay a higher application fee in an effort to promote greater fee equity and potentially reduce the current fee for those owners seeing less significant savings. The fee for every application is a set percentage of the estimated annual PBRS tax savings, as determined by the property's most recent assessed land values at the time of application.

The average PBRS tax savings for property currently participating is approximately \$1,500. Setting the percentage multiplier at 33 percent results in an average application fee of \$500, which closely approximates the current application fee of \$480. However, because some enrolling properties hold much greater land value, usually due to location or size, under this alternative an application fee cap might be necessary so that continued enrollment of higher valued property is not discouraged. Each year program staff see a few applications with much higher amounts of annual tax savings, rarely more than \$10,000 which would mean a \$3,300 fee if no cap was set.

Pros:

- Equitable and simple fee determination with those landowners receiving the greatest tax benefit paying the largest application fee.
- Relatively easy to adjust revenue from applications over time (modify the fee multiplier).

Cons:

- This type of fee structure cannot necessarily maintain revenue neutrality unless the multiplier was regularly adjusted to account for expected changes in land values over time.
- Land values will likely keep increasing over time, which may result in increased application fees for future program applicants.
- Adjusting the fee would require formal Council approval via an ordinance.

Option 4: Fee Based on Assessed Value

PBRS tax savings are tied to two factors: the assessed value of the land being enrolled in the program, and the qualifying level of resource protection. Ordinance 18409 directed PBRS program staff to explore a tiered fee scale based on assessed land value, and the following scale was developed based on land value with the intent of tying the fee to the value of the parcel applying for PBRS. Fees are scaled along a range that sets the current fee at approximately

the mid-point of the scale, and under this proposal fee revenues would be unchanged from the current system.

Fee Structure:

Tier One: Under \$100,000 land value = \$300 fee

Tier Two: \$100,000 - 300,000 land value = \$500 fee

Tier Three: Over \$300,000 land value = \$600 fee

Pros:

- Responds to proviso request to base scale on assessed land value.
- Easy to scale fee based on amount of assessed property value – at time of enrollment.

Cons:

- Not necessarily equitable given that the tax reduction is based on both assessed land value and qualifying resource characteristics. Even though properties with higher assessed value would appear to ultimately see the greatest tax benefit (and therefore have to pay a higher fee), this is not always the case. Each enrolling property qualifies for a specific PBRS reduction percentage (50 percent-90 percent) based on its qualifying level of resource protection. Consequently, enrolling lands do not see a uniform level of reduction in property taxes. As a result, a property with greater assessed value scoring on the low end of the PBRS savings spectrum (a 50 percent reduction) may end up seeing less tax savings than a property with lower assessed value scoring on the high end of the PBRS savings spectrum (90 percent).
- Land values are likely to increase over time so a fee scale based on set tiers of assessed value will also increase, necessitating regulatory changes to KCC 20.36 to maintain the intended benefits of a sliding scale. If not adjusted, a greater percentage of applicants, if not all, will have to pay the highest fee as property values continue to rise, defeating the objective to keep the application cost fair and equitable over time.

Option 5: Maintain Status Quo – Flat \$480 Fee

This option reflects how the program is currently operating. Applicants pay a single \$480 fee submitted at the time of application, regardless of property size, assessed value, PBRS reduction level or tax savings. Program staff then evaluate the property and determine program eligibility and the tax savings to be realized.

Pros:

- Simple, projectable revenue stream and treats all landowners equally.
- Proven to be successful and produce consistent annual application numbers – fee not so expensive that it discourages steady applications.

- Favorable fee structure for landowners willing to enroll large acreage or lands with multiple open space benefits.

Cons:

- All landowners pay the same application fee, regardless of land value or potential tax savings.

At this point in time, the Executive recommends keeping the current system – Option 5 – in place through the 2017/2018 biennium. The Water and Land Resources Division of DNRP will propose a sliding scale fee structure based on Option One – fee based on parcel acreage – as part of the 2019/2020 biennial budget submittal. The Division will conduct targeted community outreach to develop a fee proposal, and the proposal may be structured to enhance revenue to the PBRs program.

The Executive welcomes the opportunity to discuss with the Council any comments it has on the PBRs program to enhance the revised fee proposal and achieve greater equity and efficiency in the operation of this essential program to maintain open space in King County.

Strategies to Increase Program Efficiency

Program staff have been and continue to evaluate program improvements and efficiencies in the oversight and management of current use taxation within DNRP. A number of program changes have been enacted in recent years, which have made the application process and ongoing program compliance easier for program participants. Additionally, DNRP has also incorporated a number of program efficiencies to reduce application processing time and reallocate staff time to marketing and monitoring. While quantifying the dollar value of these improvements is difficult, the effect of these changes is to free up approximately one quarter of a full time equivalent to increase outreach and monitoring. Below are some examples of past (and proposed) efficiencies made to the PBRs program.

Implemented Programmatic Improvements

DNRP has made several revisions to the PBRs program via ordinance (1993, 1998, 2005, 2010, and 2011) since its initial adoption in 1992, in an effort to continually improve the program. Some of these improvements have improved internal efficiencies, while others have made the application process and the program easier for applicants and participants to navigate. Briefly they include:

- Several categories, which were duplicative in their resource protection, have been removed.
- New categories have been added, most recently involving public trail linkages and access.
- General program policies as described in KCC 20.36 have been revised as needed. Examples include updates to participant reporting requirements and eligible lands requirements/definitions.

- Removal of some program public notice requirements not required by RCW 84.34 (property signage, letters to neighbors, and additional publication notice/time).

Implemented Technological Improvements

Over the last several years, PBRS staff have made a number of technical improvements to the program. Among the programmatic efficiencies are the following:

- Website redesign – included the addition of an interactive enrollment map, accessibility to/for participants to self-monitor via fillable form, “application status” and “FAQ” pages.
- Ongoing updates to supporting documents, program materials, statutes, codes, etc. available for constituents to access and review.
- Database management – a new, more comprehensive program database provides staff with the ability to more efficiently enter, update and summarize/report on enrollment data. The database is also tied directly to DNRP GIS services for easier and regular updating of existing program enrollment available to County staff and the public, including on iMap.
- Improvements in GIS based property analysis software - allow staff to more accurately conduct resource analysis and compliance review. Improvements include new tools which now allow staff to digitize excluded portions of properties at time of enrollment, greatly simplify ongoing compliance monitoring and improving measurement accuracies.

Proposed Programmatic Efficiencies

DNRP has drafted two new ordinances for Council’s consideration, which will make the PBRS program simpler and easier to navigate for applicants by collapsing two separate programs into one and consolidating enrollment and monitoring in the Department of Assessments:

- An ordinance recommending the merging of the Timber Land program, which is administered by DNRP, with the Designated Forestland program, which is managed by Department of Assessments. Merging these programs will increase administrative efficiencies by having one department, the Department of Assessments, oversee the enrollment and monitoring of all property devoted to timber production and harvest, including the 256 parcels currently enrolled in Timber Land. The merge will allow PBRS staff to focus solely on the administration of new and existing PBRS enrollment. This merge is allowed by RCW 84.34.400.
- A second ordinance that provides language for additional improvements and efficiencies to the PBRS program. This ordinance would create a new resource category rewarding landowners interested in conducting major resource recovery efforts on property with critical fish and wildlife habitat resources that are more costly, labor intensive and ecologically significant. It also adds minor revisions to existing program resource criteria and policy for the purpose of improved clarity and more efficient program administration.

These ordinances will be transmitted to the Council separately from this proviso response.

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January 4, 2018

The Honorable Joe McDermott
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember McDermott:

This letter transmits the resubmittal of a proviso response required by Ordinance 18409, Section 81, Proviso P1. The initial response was transmitted on October 30, 2017, and this resubmittal includes an analysis of a sliding-scale Public Benefit Rating System fee based on assessed value, which was not included in the original report. This report will provide the King County Council with an analysis of options to restructure the Public Benefit Rating System application fee and detail administrative efficiencies made to the program.

Specifically, the report accomplishes the following objectives:

- Evaluates four approaches to implementing a sliding scale application fee and the associated challenges in moving from a flat fee, and recommends one of those approaches, a sliding scale fee based on the acreage of enrolling parcels.
- Details past and proposed technological and programmatic efficiencies, which improve the administration of the program.

The proviso response also furthers the goals of key County plans and initiatives as follows:

- The analysis provided by this report furthers the King County Strategic Plan goal of building on service excellence through improvements to the effectiveness and efficiency of the County's Public Benefit Rating System program.
- The analysis mentioned in this report furthers the Strategic Climate Action Plan goal of protecting and conserving remaining high-priority forest, agriculture, and other open space lands by ensuring the Public Benefit Rating System program is an effective and well-administered incentive program available to landowners interested in conserving important natural resources on private lands in King County.

The Honorable Joe McDermott
January 4, 2018
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It is estimated that the report required 20 staff hours to produce, costing \$2,000. Printing costs were minimal for this report.

Thank you for considering this report. This legislation will help King County residents better understand efforts made by staff of the Department of Natural Resources and Parks to continue to implement Public Benefit Rating System program efficiencies, reduce administrative costs and ensure program application fees remain fair and equitable.

If you have any questions about this report, please contact Josh Baldi, Division Director of the Water and Land Resources Division of the Department of Natural Resources and Parks, at 206-477-9440.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
 ATTN: Grant Lahmann, Chief of Staff to Chair McDermott
 Jeff Muhm, Director of Council Initiatives
 Melani Pedroza, Clerk of the Council
Dwight Dively, Director, Office of Performance, Strategy and Budget
Christie True, Director, Department of Natural Resources and Parks (DNRP)
Josh Baldi, Division Director, Water and Land Resources Division, DNRP

**K.C.C. 20.36.100 Public Benefit Rating System
Open Space Resource Definitions and Eligibility**

Resource	Definition	Eligibility
<p>Public recreation area</p> <p>5 points</p>	<p>Land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction for this category, except for golf carts on golf courses, for maintenance or for medical, public safety or police emergencies.</p>	<p>To be eligible as a public recreation area, the facilities must be open to the general public or to specific public user groups, such as youth, senior citizens or people with disabilities.</p> <p>A property must be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. If a property meets the definition of public recreation area, the property owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06.</p> <p>If a fee is charged for use, it must be comparable to the fee charged by a like public facility.</p>
<p>Aquifer protection area</p> <p>5 points</p>	<p>Property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations.</p>	<p>To be eligible as an aquifer protection area, at least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area.</p> <p>If the enrolling open space area does not have a plant community in which native plants are dominant, a plan for revegetation must be submitted and approved by the department, and be implemented according to the plan's proposed schedule of activities.</p>
<p>Buffer to public or current use classified land</p> <p>3 points</p>	<p>land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is adjacent and provides a buffer to a publicly owned park, trail, forest, land legally required to remain in a natural state or a state or federal highway or is adjacent to and provides a buffer to a property participating in a current use taxation program under chapter 84.33 or 84.34 RCW.</p>	<p>The buffer shall be no less than fifty feet in length and fifty feet in width. Public roads may separate the public land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement.</p> <p>Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under chapter 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located.</p>

Resource	Definition	Eligibility
		Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements or other local regulations.
<p>Equestrian-pedestrian-bicycle trail linkage</p> <p>35 points</p>	<p>Land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public right-of-way to a trail system.</p> <p>The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours.</p>	<p>Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety or police emergencies. Public access is required only on that portion of the property containing the trail.</p> <p>To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the records and licensing services division. In addition to the area covered by the trail easement, adjacent land used as pasture, barn or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided.</p> <p>Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage.</p>
<p>Active trail linkage –</p> <p>15 or 25 points</p>	<p>Land in private ownership through which the owner agrees to allow nonmotorized public passage, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists and other users.</p>	<p>To be eligible as an active trail linkage, the linkage must be open to passage by the general public and the property owner must enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access.</p> <p>To receive twenty-five points, the property owner must enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance.</p> <p>To receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for</p>

Resource	Definition	Eligibility
		which it will enter into agreements with property owners.
Farm and agricultural conservation land 5 points	Land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture.	To be eligible as farm and agricultural conservation land, the property must be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner must commit to return the property to farm or agricultural activities by implementing a farm management plan. An applicant must have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities must occur on at least one acre of the property. Eligible land must be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category shall not receive credit for the category "contiguous parcels under separate ownership".
Forest stewardship land 5 points	Property that is managed according to an approved forest stewardship plan and that is not enrolled in the timberland program under chapter 84.34 RCW or the forestland program under chapter 84.33 RCW.	To be eligible as forest stewardship land, the property must contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting or a combination of both. Land receiving credit for this category shall not receive credit for the resource restoration category or the rural stewardship land category.
Historic landmark or archeological site: buffer to a designated site 3 points	Property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by the historic preservation officer of King County or other jurisdiction in which the property is located that manages a certified local government program.	To be eligible as a historic landmark or archeological site: buffer to a designated site, a property must have a plant community in which native plants are dominant and be adjacent to or in the immediate vicinity of and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise or other barriers and separation from adverse effects to the historic resources due to adjacent land use.
Historic landmark or archeological	Land that constitutes or upon which is situated a historic landmark	To be eligible as a historic landmark or archeological site: designated site, a property must be listed on a county or other certified local government list or

Resource	Definition	Eligibility
<p>site: designated site</p> <p>5 points</p>	<p>designated by King County or other certified local government program.</p>	<p>register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility.</p>
<p>Historic landmark or archeological site: eligible site</p> <p>3 points</p>	<p>land that constitutes or upon which is situated a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties.</p>	<p>An eligible property must be determined by the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located to be eligible for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed on the state or national Registers of Historic Places may qualify under this category.</p>
<p>Rural open space</p> <p>5 points</p>	<p>An area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:</p> <ul style="list-style-type: none"> a. has a plant community in which native plants are dominant; b. is former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation for which the property owner is 	<p>No additional eligibility requirements.</p>

Resource	Definition	Eligibility
	implementing an approved farm management, forest stewardship, rural stewardship or resource restoration plan acceptable to the department.	
Rural stewardship land 5 points	Lands zoned RA (rural area), A (agriculture) or F (forest) that has an implemented rural stewardship plan as provided in K.C.C. chapter 21A.24 that is acceptable to the department.	<p>On RA-zoned property, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 D. through G.</p> <p>A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation and a plan for monitoring as provided in K.C.C. 21A.24.055.</p> <p>To be eligible as rural stewardship land, the open space must be at least one acre and feature a plant community in which native plants are dominant or be in the process of restoration, reforestation or enhancement of native vegetation. Land receiving credit for this category shall not receive credit for the resource restoration or the forest stewardship land category.</p>
Scenic resource, viewpoint or view corridor 5 points	<p>A "scenic resource" means an area of ten or more enrolling acres of natural or recognized cultural features visually significant to the aesthetic character of the county</p> <p>A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county.</p> <p>A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor</p>	<p>A site eligible as a scenic resource must be significant to the identity of the local area and must be visible to a significant number of the general public from public rights-of-way, must be of sufficient size to substantially preserve the scenic resource value and must enroll at least ten acres of open space.</p> <p>To be eligible as a viewpoint, a site must provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area and allows unlimited public access and be identified by a permanent sign readily visible from a road or other public right-of-way.</p> <p>A site eligible as a view corridor must contain at least one acre of open space that contributes to a view corridor visible to the public that provides views of a scenic natural resource area or recognized cultural</p>

Resource	Definition	Eligibility
	critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource.	resource significant to the local area. Recognized cultural areas must be found significant by the King County historic preservation officer or equivalent officer of another certified local government program and must contain significant inventoried or designated historic properties. Eligibility is subject to determination by the department or applicable jurisdiction.
Significant plant or ecological site 5 points	An area that meets criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem.	An eligible site must be listed as an Element Occurrence by the Washington Natural Heritage Program as of the date of the application or be identified as a property that meets the criteria for an Element Occurrence. The identification must be confirmed by a qualified expert acceptable to the department. The department will notify the Washington Natural Heritage Program of any verified element occurrence on an enrolling property. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings are ineligible for this category.
Significant wildlife or salmonid habitat 5 points	(1) an area used by animal species listed as endangered, threatened, sensitive or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources as of the date of the application, or used by species of local significance that are listed by the King County Comprehensive Plan or a local jurisdiction; (2) an area where the species listed in (1) are potentially found with sufficient frequency for critical ecological processes to occur such as reproduction, nesting, rearing, wintering, feeding or resting;	To be eligible as significant wildlife or salmonid habitat, the department or by expert determination acceptable to the department must verify that qualified species are present on the property or that the land fulfills the functions described in this section. To receive credit for salmonid habitat, the owner must provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible for this category.

Resource	Definition	Eligibility
	<p>(3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife that is so listed by the King County Comprehensive Plan or the local jurisdiction in which the property is located; or</p> <p>(4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction.</p>	
<p>Special animal site</p> <p>3 points</p>	<p>A site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application.</p>	<p>To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category.</p>
<p>Surface water quality buffer</p> <p>5 points</p>	<p>An undisturbed area that has a plant community in which native plants are dominant adjacent to a lake, pond, stream, shoreline, wetland or marine waters, that provides buffers beyond that required by any applicable regulation.</p>	<p>To be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than the buffer required by any applicable regulation and longer than twenty-five feet. The qualifying buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or use by livestock.</p>

Resource	Definition	Eligibility
<p>Urban open space</p> <p>5 points</p>	<p>Land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use.</p>	<p>To be eligible as urban open space, the enrolling area must be at least one acre, or be at least one-half acre if the land meets one of the following criteria:</p> <ol style="list-style-type: none"> (1) the land conserves and enhances natural or scenic resources; (2) the land protects streams or water supply; (3) the land promotes conservation of soils, wetlands, beaches or tidal marshes; (4) the land enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (5) the land enhances recreation opportunities to the general public; or (6) the land preserves visual quality along highways, roads, and streets or scenic vistas. <p>Owners of noncontiguous properties that together meet the minimum acreage requirement of this section may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size.</p>
<p>Watershed protection area</p> <p>5 points</p>	<p>Property contributing to the forest cover that provides run-off reduction and groundwater protection.</p>	<p>To be eligible as watershed protection area, the property must consist of contiguous native forest or be in the process of reforestation. The enrolling forested area must consist of additional forest cover beyond that required by county or applicable local government regulation and must be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement a forest stewardship, resource restoration or rural stewardship plan that addresses this need and is acceptable to the department.</p>