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**

2. **Roll Call**

3. **Approval of Minutes**

   September 12, 2018 meeting minutes

**Discussion and Possible Action**

4. **Proposed Ordinance No. 2018-0191 pp. 7-58**

   AN ORDINANCE creating the Poverty Bay Shellfish Protection District; establishing its boundaries; adopting the Poverty Bay Shellfish Protection District Closure Response Plan; and adding a new chapter to K.C.C. Title 2.

   **Sponsors:** Mr. Upthegrove

   Jenny Ngo, Council Staff
5. **Proposed Ordinance No. 2018-0560 pp. 59-70**

AN ORDINANCE certifying the existence of an emergency, requiring repair to the Stossel Bridge Right Bank Revetment, and certifying the cost incurred related to the repair work.

**Sponsors:** Ms. Lambert

*Erin Auzins, Council Staff*

**Discussion**

6. **Proposed Ordinance No. 2018-0241 pp.71-225**

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*

7. **Public Comment**

**Adjournment**
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**

   Chair Lambert called the meeting to order at 1:36PM.

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 September 04, 2018 meeting minutes. Seeing no objections the minutes were approved.

### Discussion and Possible Action

4. **Proposed Ordinance No. 2018-0408**

   AN ORDINANCE revising the legal description of the annexation of approximately 99.98 acres of land into the King County water district No. 119, known as the Fellinge Annexation, for the purpose of water service; and amending Ordinance 18742, Section 1.

   Jenny Ngo, Council Staff, briefed the Committee. This item was expedited to Council agenda for September 17, 2018.

   A motion was made by Councilmember Upthegrove that this Ordinance be Recommended Do Pass Consent. The motion carried by the following vote:
5. Proposed Ordinance No. 2018-0310

AN ORDINANCE renewing and extending a moratorium under RCW 90.58.590 on the establishment of commercial nonnative salmon net pen aquaculture facilities.

_Erin Auzins, Council Staff, briefed the Committee and answered questions from the members.

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

6. Proposed Ordinance No. 2018-0153


_Erin Auzins, Council Staff, briefed the questions and answered questions from the members.

_Councilmember McDermott moved approval of Amendment 1, 2, 4, 5, 6, and Friendly Amendment on Amendment 6, all passed unanimously.

_Amendment 7 failed.

_Councilmember Upthegrove moved approval of the Title Amendment 1.

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

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

7. Chair’s Report

_Chair Lambert updated the Committee on concerns of vacant businesses in the town of Fall City. She also mentioned a fire that resulted from illegal use of fireworks on September 09, 2018.

8. Public Comment

There were two individuals available to provide public comment.

_Alex Tsimerman
_Margeurite Richard
Adjournment

The meeting was adjourned at 2:51 PM.

Approved this ___________ day of ________________

__________________________
Clerk's Signature
SUBJECT

Proposed Ordinance 2018-0191 would create the Poverty Bay Shellfish Protection District and shellfish protection program.

SUMMARY

In Fall 2016, the Washington State Department of Health ("Department of Health") downgraded a 124 acre portion of shellfish beds in Poverty Bay in the City of Federal Way and adjacent to the City of Des Moines. Monitoring data showed that water quality in Poverty Bay did not meet water quality standards for fecal coliform. Under state law, 1 King County, acting as the county legislative authority, is required to create a shellfish protection district and establish a shellfish protection program to address causes or suspected causes of pollution within 180 days after closure or downgraded status.

Proposed Ordinance 2018-0191, creates a shellfish protection district and establishes a Closure Response Plan as the shellfish protection program. Proposed Ordinance 2018-0191 appears to meet the requirements of Chapter 90.72 RCW.

BACKGROUND

Commercial Shellfish Harvesting

Commercial shellfish operators harvest shellfish (clams, oysters, mussels, geoducks, and scallops) in Puget Sound under licenses issued by the Washington State Department of Health (Department of Health). The Department of Health manages the approval of harvest areas, inspections of companies, monitors pathogens in commercial shellfish, and closes harvest areas that do not meet water quality standards.

Shellfish are susceptible to pollution and runoff resulting from urbanized areas. The Department of Health monitors both recreational and commercial shellfish growing areas and identifies four classifications for all shellfish harvesting areas: Approved, Conditionally Approved, Restricted, and Prohibited. An Approved classification authorizes commercial shellfish harvest for direct marketing. Conditionally Approved indicates that the growing

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1 RCW 90.72.045
area meets the approved status during certain periods during a given year, but are closed to shellfish harvesting during predictable periods. Restricted shellfish harvesting areas does not meet the approved criteria, but shellfish from these areas may be transplanted to an approved growing area and later harvested. A Prohibited classification indicates that there may be a health risk to consumers and commercial harvests are not permitted.

Poverty Bay
Poverty Bay, located adjacent to the Cities of Des Moines and Federal Way, has nearly 1,000 acres of shellfish beds. The primary shellfish that is commercially harvested is geoduck, with approximately half harvested by the Puyallup Tribe and half auctioned by the Washington State Department of Natural Resources. The land surrounding Poverty Bay is mostly developed with single-family residences, parks, commercial development, and several major arterials. Nearly 2,300 parcels are served by on-site septic systems.

In fall 2016, approximately 225 acres of Poverty Bay were downgraded to Conditionally Approved after failing water quality tests conducted by the Department of Health. Shellfish harvesting is prohibited during the predictable period for Poverty Bay, which is June 1 through November 30 of each year. The County is required to create a shellfish protection district and establish a shellfish protection plan once a downgrade occurs:

“The county legislative authority shall create a shellfish protection district and establish a shellfish protection program developed under RCW 90.72.030 or an equivalent program to address the causes or suspected causes of pollution within one hundred eighty days after the department of health, because of water quality degradation due to ongoing nonpoint sources of pollution has closed or downgraded the classification of a recreational or commercial shellfish growing area within the boundaries of the county.”

ANALYSIS
Shellfish protection district are established when nonpoint source pollution threatens water quality in areas where shellfish harvesting occurs. Shellfish protection districts can be created at the discretion of a county legislative body or may be mandated under state law when a downgrade of a shellfish harvesting area occurs, as in the case with Poverty Bay. Proposed Ordinance 2018-0191 would create the shellfish protection district and the required shellfish protection program.

Where the district's boundaries are within an incorporated area, the County is required to establish procedures for participation for affected jurisdictions. For the proposed Poverty Bay shellfish protection district, the Department of Natural Resources and Parks convened a technical committee comprised of representatives from King County, the cities of Des Moines, Federal Way, Kent, and SeaTac, the Department of Health, Department of Ecology, Department of Natural Resources (DNR), Washington State Parks and Recreation Commission, Washington State Department of Transportation, Lakehaven and Midway Sewer Districts, the University of Washington, and the Puyallup Tribe. The

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2 The length of closure is pre-determined for a conditionally approved area and is based on the amount of time water quality in the harvesting area can recover. Two examples of closures are during summer boating season or after heavy rainfall events.

3 RCW 90.72.045
technical committee developed the parameters of the shellfish protection district, including the boundaries of the district, objectives specific to the district, and proposed actions, which has been transmitted through Proposed Ordinance 2018-0191.

State law permits the collection of charges or rates to implement a shellfish protection district and its activities; however, no rate or charge are proposed as part of this ordinance. Executive staff have indicated that the program can be implemented within existing resources and grant opportunities. A future ordinance adopted by Council would be necessary to enact charges or rates for the district.

Pursuant to RCW 90.72.030, shellfish protection districts must address topics deemed appropriate to manage nonpoint source pollution threatening water quality. This is carried out through an accompanying shellfish protection program, which is entitled the Closure Response Plan in Attachment B of the proposed ordinance. RCW 90.72.030 requires the minimum elements be included in the Closure Response Plan:

- Requiring the elimination or decrease of contaminants in stormwater runoff,
- Establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly,
- Assuring that animal grazing and manure management practices are consistent with best management practices, and
- Establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution.

The Closure Response Plan appears to meet the minimum elements listed in RCW 90.72.030. Additional testing, monitoring, and analyses is underway by WLRD to identify sources of pollution as well as necessary actions to address the pollution. The Closure Response Plan addresses suspected non-point sources, including on-site septic systems and stormwater discharge; however, actions may change as necessary to target specific sources once these sources are confirmed.

AMENDMENTS

Amendment 1 adds language to clarify the classification of the affected shellfish harvesting beds, adds language to reflect the requirements of Chapter 90.72 RCW, clarifies the requirements within the new chapter including stating that the council is the governing body, the adoption of the shellfish protection program, outside agencies for coordination, requirements for annual report transmittal to the state, and provisions to dissolve the district by ordinance. The two attachments within the proposed ordinance are also modified to include additional language related to stormwater, clarification on boundary features, and clarifications to maps. Title Amendment 1 updates the title to reflect changes in Amendment 1.

ATTACHMENTS

1. Proposed Ordinance 2018-0191 (and its attachments)
2. Amendment 1
3. Title Amendment 1
4. Transmittal Letter
5. Fiscal Note

INVITED

1. Christie True, Director, DNRP
2. Josh Baldi, Division Director, WLRD
AN ORDINANCE creating the Poverty Bay Shellfish Protection District; establishing its boundaries; adopting the Poverty Bay Shellfish Protection District Closure Response Plan; and adding a new chapter to K.C.C. Title 2.

STATEMENT OF FACTS:

1. The Washington state Department of Health regulates commercial shellfish beds consistent with the National Shellfish Sanitation Program.

2. The Washington state Department of Health collects a minimum of six water quality samples per year at defined nearshore marine water quality monitoring stations. The monitoring stations are labeled in Attachment A to this ordinance. The National Shellfish Sanitation Program standard for approved shellfish harvesting is a fecal coliform geometric mean not greater than fourteen organisms per one hundred milliliters with an estimated ninetieth percentile not greater than forty-three organisms per one hundred milliliters.

3. Due to the failure to meet the National Shellfish Sanitation Program standard at the Washington state Department of Health marine water quality monitoring stations at the mouth of Cold creek and at the mouth of Woodmont creek, on September 14, 2016, the Washington state
Department of Health officially downgraded the classification of 124.4 acres of commercial shellfish harvesting area in Poverty bay, which is located on Puget Sound in King County.

4. Chapter 90.72 RCW requires the King County council to create a shellfish protection district and establish a shellfish protection program to address the causes or suspected causes of pollution contributing to the water quality degradation that led to the downgrade.

5. The Washington state Department of Health determined that the degradation of Poverty bay water quality is primarily due to sources of fecal coliform.

6. Sources of fecal coliform including, but not limited to, stormwater conveying pet waste and agricultural runoff, and failing on-site sewage systems threaten public health and safety when shellfish harvested from Poverty bay is consumed.

7. Because of the downgrade, King County convened a technical committee consisting of representatives of the cities of Des Moines, Federal Way, Kent and SeaTac, the Washington state Department of Health, Department of Ecology, Department of Natural Resources, Department of Transportation and Parks and Recreation Commission, Public Health - Seattle & King County, the Lakehaven and Midway sewer districts, the University of Washington and the Puyallup Tribe. The technical committee held several meetings in 2015, 2016 and 2017 to discuss the boundaries of the district. It reviewed five options based on
monitoring data and watershed boundaries, and recommended the
boundaries in Attachment A to this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 7 of this ordinance should constitute a new
chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. The Poverty Bay Shellfish Protection District is
hereby created as required by chapter 90.72 RCW.

NEW SECTION. SECTION 3. The legal boundaries of the Poverty Bay
Shellfish Protection District are in Attachment A to this ordinance.

NEW SECTION. SECTION 4. The purpose of the Poverty Bay Shellfish
Protection District is to implement a shellfish protection program to address the causes or
suspected causes of water quality degradation that led to the Washington state
Department of Health downgrade of the classification of the commercial shellfish
harvesting area of Poverty bay. The Poverty Bay Shellfish Protection District Closure
Response Plan, Attachment B to this ordinance, is hereby adopted.

NEW SECTION. SECTION 5. The King County department of natural
resources and parks shall be the lead agency for the shellfish protection program and shall
coordinate with the Washington state Department of Health, Department of Ecology,
Department of Natural Resources, Department of Transportation and Parks and
Recreation Commission, Public Health - Seattle & King County, the cities of Des
Moines, Federal Way, Kent and SeaTac, the Midway and Lakehaven sewer districts, the
Puyallup tribe and other appropriate entities with regulatory authority or activities within
the boundary to implement the Poverty Bay Shellfish Protection District Closure
NEW SECTION. SECTION 6. Within one year of the effective date of this ordinance, and every year thereafter, the King County department of natural resources and parks shall transmit a report about implementation of this chapter to the council. The report shall be prepared in cooperation with the entities listed in section 5 of this ordinance. It shall include a description of the status and progress of the shellfish protection program, a review of the legal boundaries of the district and, if applicable, a recommended adjustment to the legal boundaries. The report shall be filed 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 to the transportation, economy and environment committee or its successor.

NEW SECTION. SECTION 7. The Poverty Bay Shellfish Protection District shall be dissolved and this chapter repealed upon the Washington state Department of
Ordinance

80 Health's removal of the downgrade of the commercial shellfish harvesting area of Poverty
81 bay.
82

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. Poverty Bay Shellfish Protection District Map Boundry, B. Poverty Bay Shellfish Protection District Closure Response Plan
Poverty Bay Shellfish Protection District Map Boundary

for the Geographic Extent of the Shellfish Protection District

PRE Meeting Materials

Updated to reflect downgrade Sept. 2016

Photography Year: 2015
Poverty Bay Shellfish Protection District

CLOSURE RESPONSE PLAN

February, 2018

King County
Department of Natural Resources and Parks
Water and Land Resources Division
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Preface
The goal of the Poverty Bay Shellfish Protection District (SPD) is to identify and eliminate sources of bacterial pollution within the district boundaries. This Closure Response Plan is an iterative document designed to evolve and change in response to the needs of the Shellfish Protection District.

Introduction
Poverty Bay is located along the eastern coast of Puget Sound from Federal Way to Des Moines. The shellfish harvesting area is nearly 1000 acres. Half of the wild geoducks are harvested by the Puyallup Tribe while the remaining are auctioned off by the Washington State Department of Natural Resources (DNR). The proceeds fund aquatic restoration projects throughout Puget Sound.

Based on marine water quality sampling stations #722 and #720 failing the National Shellfish Sanitation Program standard, the Washington State Department of Health (DOH) downgraded approximately 125 acres in the Poverty Bay commercial shellfish growing area from “Approved” to “Conditionally Approved” in 2016. In accordance with RCW 90.72 this triggered the requirement for the development of a Shellfish Protection District (SPD), and the need for a strategy to address bacterial pollution in the area.

RCW 90.72.040 requires counties to cooperate with cities, towns, and water-related special districts to establish shellfish protection district boundaries and implement shellfish protection programs, so in response to the notification from DOH, King County formed the Poverty Bay Technical Committee (TC), and initiated a bacterial Pollution Identification and Correction (PIC) field monitoring program with National Estuary Program funds from the EPA. The TC consists of representatives from state and local entities with regulatory authority or activities in the area including King County, the cities of Des Moines, Federal Way, Kent, and SeaTac, DOH, Washington State Department of Ecology, Washington State Department of Natural Resources (DNR), Washington State Parks and Recreation Commission, Washington State Department of Transportation, Lakehaven and Midway Sewer Districts, the University of Washington, and the Puyallup Tribe.
Boundaries of the Shellfish Protection District

The drainage basins for the attached boundary map (Appendix A) are nearly 10 square miles of mostly urban and suburban residential development with some commercial corridors. The boundary encompasses parts of the City of Des Moines, Federal Way, Kent, and SeaTac, and both Lakehaven and Midway Sewer districts operate within these drainage basins. There are five primary freshwater creeks that discharge within the boundary limits. Starting with the most southerly and moving northward they are Cold, Redondo, Woodmont, the South Fork of McSorley, and Massey creeks.

The map boundaries were drawn to include all areas with the potential to further influence the status of the downgraded shellfish bed. The boundary map includes areas in which nonpoint pollution may be threatening water quality and the restoration of shellfish harvesting. The TC has identified the need to develop a process for reviewing and recommending revisions to the SPD boundaries if applicable. Once the process has been formalized the boundaries may be subject to change when data supports a revision, and a recommendation from the TC is adopted by the King County Council.

There is currently no plan to use the Poverty Bay SPD as a funding mechanism. All parties are working towards the upgrade of the identified shellfish beds and designations that will allow for the year-round harvest of shellfish with existing resources, programs, and actions. This will be accomplished through a series of coordinated education and outreach, pollution identification, and source control efforts outlined in Table 1.

Description of the Area

The SPD includes 11 different sub-basins that drain to nearly five miles of shoreline. Approximately four miles of shoreline falls within the City of Des Moines, and about one mile is located within the City of Federal Way. Additionally, a small portion of shoreline falls within Saltwater State Park and is the responsibility of the Washington State Parks and Recreation Commission. There is approximately 1000 acres of shellfish harvesting beds in Poverty Bay. In nearly 600 acres shellfish harvesting is “prohibited”, and it is “approved” in about 300 acres and now “conditionally approved” in 125 acres. The shellfish beds that are designated as “conditionally approved” present an actual or potential public health hazard during predictable periods of time during the year. Shellfish cannot be harvested from those beds during that timeframe. About half of the geoduck are exclusively available to the Puyallup Tribe and the other available by auction and managed by Washington State DNR. This Closure Response Plan sets forth proposed actions intended to restore the acres that are classified as “conditionally approved” to an “approved” classification.

Site investigations have located 20 discharge points along the shoreline from Saltwater State Park to the Redondo Creek stream discharge, with many more located up each of the major creek systems. More extensive shoreline investigations are planned.

Wastewater collection and disposal is managed by three primary organizations. Midway Sewer District and Lakehaven Sewer District both operate within the SPD boundaries. Lakehaven Sewer District operates a Wastewater Treatment Plant within the SPD boundaries. While the Wastewater Treatment Plant for Midway Sewer district is adjacent to Des Moines Creek, it sits...
outside the proposed SPD boundary. In addition, Public Health - Seattle & King County’s septic system program reviews and approves the design and installation of new on-site sewage (septic) systems (OSS) and repair proposals and installations for failing on-site sewage systems. When a failure is suspected, they will investigate the site for evidence of surfacing sewage. If a failure is confirmed, they will ensure the system is repaired or connected to sanitary sewer lines, if possible. Within the SPD boundary map, 15 percent of residential, 1.5 percent of condominiums, and 5.4 percent of commercial parcels have been identified as being on septic systems.

There are no major agricultural activities identified within the SPD. Most likely there are a few hobbyists operating some small scale domestic animal operations, including chicken coops and private pony or horse barns, within the guidelines of various city ordinances, but these potential sources of bacteria are not considered a priority to the SPD at this time.

Boating and accessing the shoreline are the primary recreational activities within the SPD. Only a couple of businesses are located along the shoreline, with the bulk of commercial activity located upland in the Woodmont Creek, McSorley Creek, and Massey Creek drainage basins. The city of Des Moines operates a marina for 840 vessels on the northernmost edge, just outside of the SPD boundary where they offer free pump out of sewage included in the moorage fee. The city of Des Moines also operates a boat launch at Redondo Beach where there is public beach access.

Strategy and Actions

King County is currently the lead agency administering and coordinating the Shellfish Protection District and Closure Response Plan. The cities of Des Moines, Federal Way, Kent, and SeaTac are all involved as partner organizations. In addition, DOH, Washington State Department of Ecology, Washington State Department of Transportation, DNR, Washington State Parks and Recreation Commission, and Lakehaven and Midway Sewer Districts are also partners in the Shellfish Protection District.

Closure Response Plan activities are dependent upon the results of an ongoing sampling program and will evolve to reflect the outcomes of traditional bacterial culture and bacteriological genetic analyses designed to more accurately identify sources of bacteria. For the following table the designation of “Cities/County” means Des Moines, Federal Way, Kent, SeaTac, and King County:

Table 1: Poverty Bay Shellfish Protection District Proposed Actions

<table>
<thead>
<tr>
<th>Task &amp; Objective</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products /Outcomes</th>
<th>Comments/Challenge s/ Resources Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1: Planning, Coordination, and Reporting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create Shellfish Protection District</td>
<td>King County / All</td>
<td>1st Quarter of 2018</td>
<td>King County</td>
<td>High</td>
<td>In progress</td>
<td>District created</td>
<td></td>
</tr>
<tr>
<td>Develop a closure response plan/shellfish protection</td>
<td>King County / All</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Drafted</td>
<td>Adaptive management plan</td>
<td></td>
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<tr>
<td>Task &amp; Objective</td>
<td>Lead Agency/Partner</td>
<td>Timeline</td>
<td>Funding Source</td>
<td>Priority</td>
<td>Status</td>
<td>Actions/Products/Outcomes</td>
<td>Comments/Challenge</td>
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</tr>
<tr>
<td>Develop a Shellfish Protection District work group</td>
<td>King County / All</td>
<td>1st Quarter of 2018</td>
<td>King County</td>
<td>High</td>
<td>Completed</td>
<td></td>
<td>Workgroup and email distribution list</td>
</tr>
<tr>
<td>Regular meetings of the Shellfish Protection District Committee or work group</td>
<td>King County / All</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Ongoing</td>
<td>Regular meetings</td>
<td></td>
</tr>
<tr>
<td>Annual Reporting to DOH under RCW 90.72</td>
<td>King County</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Ongoing</td>
<td>Annual report</td>
<td></td>
</tr>
<tr>
<td>Develop a Pollution Identification and Correction Program</td>
<td>King County / All</td>
<td>Unknown</td>
<td>King County</td>
<td>High</td>
<td>Not started</td>
<td>PIC program documentation</td>
<td>Dependent on sampling results for genetic markers</td>
</tr>
<tr>
<td>Create Pollution Identification Process Flowchart</td>
<td>King County</td>
<td>Complete</td>
<td>King County</td>
<td>High</td>
<td>Complete</td>
<td>Flowchart</td>
<td>Attached to this document (Appendix B)</td>
</tr>
<tr>
<td>Develop a formal process for recommending boundary changes, if applicable</td>
<td>King County/All</td>
<td>3rd Quarter of 2018</td>
<td>King County</td>
<td>High</td>
<td>Not started</td>
<td>Clear process for recommending boundary changes to be made by the King County council, if applicable</td>
<td></td>
</tr>
</tbody>
</table>

**Objective 2: Monitor Water Quality, Sampling and Analyses**

<table>
<thead>
<tr>
<th>Task &amp; Objective</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products/Outcomes</th>
<th>Comments/Challenge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct marine water quality monitoring of the Growing Area</td>
<td>DNR / DOH</td>
<td>Started</td>
<td>DNR / DOH</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambient freshwater monitoring program</td>
<td>King County / UW / Des Moines / Federal Way</td>
<td>Started</td>
<td>King County / University of Washington / Des Moines / Federal Way</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoreline sampling and analyses</td>
<td>King County / DNR / DOH</td>
<td>Started</td>
<td>DNR / King County</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop PIC sampling protocol including “hot spot” criteria and bracketed sampling</td>
<td>King County</td>
<td>Complete</td>
<td>Septage Fee</td>
<td>Completed</td>
<td>Quality Assurance Project Plan finalized</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify source tracing team</td>
<td>Cities/County</td>
<td>Not started</td>
<td>King County</td>
<td>High</td>
<td>Not started</td>
<td>Documented roles and responsibilities</td>
<td></td>
</tr>
<tr>
<td>Task &amp; Objective</td>
<td>Lead Agency/Partner</td>
<td>Timeline</td>
<td>Funding Source</td>
<td>Priority</td>
<td>Status</td>
<td>Actions/Products /Outcomes</td>
<td>Comments/Challenge s/ Resources Needed</td>
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</tr>
<tr>
<td>roles and responsibilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sampling for bacteria in the Municipal Separate Storm Sewer System</td>
<td></td>
</tr>
<tr>
<td>Circulation study of the growing area</td>
<td>DOH</td>
<td>Not started</td>
<td>Unknown</td>
<td>low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced fecal coliform source methodology (Sewage Sniffing Dog, Microbial Source Tracing, Male Specific Coliphage, Chemical Tracers)</td>
<td>King County / University of Washington</td>
<td>Started</td>
<td>King County / National Estuary Program</td>
<td>medium</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water quality data management</td>
<td>King County</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Drafted</td>
<td>Singular location for storing all the data</td>
<td>Combining existing datasets from various agencies is complicated</td>
</tr>
<tr>
<td>Share water quality data with stakeholder group</td>
<td>All Parties</td>
<td>Started</td>
<td>All</td>
<td>High</td>
<td>In progress</td>
<td>Singular location for storing all the data</td>
<td></td>
</tr>
</tbody>
</table>

**Objective 3: Control OSS Sources**

| Implement enhanced OSS Operation and Management | Seattle - King County Public Health | TBD | Septage fee | Low | Not Started | Low priority until source of bacteria is determined pending approved authority |
| Identify location and risk level of septic systems in the shellfish protection district | Seattle - King County Public Health | TBD | Septage fee | Low | In progress | Location – Complete Risk level – not determined | Low priority until source of bacteria is determined |
| Sanitary/Parcel Surveys of marine and freshwater shoreline properties | Lakehavven sewer district, Midway sewer district, Seattle - King County Public Health | TBD | Partner agencies | Low | Not started | Low priority until source of bacteria is determined |
| Septic Operations & Maintenance notification and incentives | Seattle - King County Public Health | TBD | Septage fee | Low | Not started | Low priority until source of bacteria and funding is determined |
| Develop dye test protocol and dye test where warranted | Seattle - King County Public Health | Complete | Low - High | Drafted | | Low priority until suspected source of bacteria are determined, then high |

**Objective 4: Control Storm Water Sources**


6

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<table>
<thead>
<tr>
<th>Task &amp; Objective</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products /Outcomes</th>
<th>Comments/Challenge s/ Resources Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illicit discharge detection and elimination program</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Ongoing record keeping of identified and eliminated discharges</td>
<td></td>
</tr>
<tr>
<td>Storm water facility maintenance and inspection</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with Municipal NPDES permit</td>
<td></td>
</tr>
<tr>
<td>Low impact development</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with Municipal NPDES permit</td>
<td></td>
</tr>
</tbody>
</table>

**Objective 5: Education/Outreach**

<table>
<thead>
<tr>
<th></th>
<th>Cities/County</th>
<th>TBD</th>
<th>Team NPDES Programs</th>
<th>High</th>
<th>Not started</th>
<th>Communication tool with general focus</th>
<th>Genetic testing will provide more guidance on targeted outreach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a communication/social marketing plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Create Website for project history, summary and updates</td>
<td>King County</td>
<td>TBD</td>
<td>Unknown</td>
<td>Medium</td>
<td>Not started</td>
<td>Centralized website for district information/data/studies</td>
<td>Funding and time are the greatest obstacles</td>
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<tr>
<td>Pet waste outreach program</td>
<td>Cities/County</td>
<td>TBD</td>
<td>Team NPDES Programs</td>
<td>Low</td>
<td>Not started</td>
<td></td>
<td>Genetic testing will provide more guidance on targeted outreach</td>
</tr>
<tr>
<td>Septic workshops for homeowners and realtors</td>
<td>Seattle – King County Public Health</td>
<td>TBD</td>
<td>Unknown</td>
<td>Low</td>
<td>Unfunded</td>
<td>Public workshops or easily accessible information</td>
<td>Genetic testing will provide more guidance on targeted outreach</td>
</tr>
<tr>
<td>Community Outreach Events</td>
<td>Cities/County</td>
<td>TBD</td>
<td>Team NPDES Programs</td>
<td>Medium</td>
<td>Not started</td>
<td>Tabling at public festivals and various events</td>
<td>Need materials specific to the district, and a presence at events</td>
</tr>
</tbody>
</table>

**Objective 7: Point Sources - Waste Water Treatment Plants and Marinas**

<table>
<thead>
<tr>
<th></th>
<th>Midway and Lakehaven sewer districts</th>
<th>Started</th>
<th>Midway and Lakehaven sewer districts</th>
<th>High</th>
<th>Ongoing</th>
<th>Compliance with regulations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Review WWTP records and performance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collection system and Combined Sewer Overflows evaluation</td>
<td>Midway and Lakehaven sewer districts</td>
<td>Started</td>
<td>Midway and Lakehaven sewer districts</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with regulations</td>
<td></td>
</tr>
<tr>
<td>Develop procedures for identifying and cleaning up homeless encampments</td>
<td>All Parties</td>
<td>Started</td>
<td>All</td>
<td>Medium</td>
<td>Ongoing</td>
<td>Defined procedures for each jurisdiction</td>
<td>Politically sensitive issue</td>
</tr>
</tbody>
</table>
Appendix A: Poverty Bay Shellfish Protection District Boundary Map

Poverty Bay Shellfish Protection District Map Boundary
for the Geographic Extent of the Shellfish Protection District

Photography Year: 2015

Updated to reflect downgrade Sept. 2016

King County
DEPARTMENT OF WATER & LAND RESOURCES

Nov. 21, 2017

PRE Meeting Materials
November 28, 2018
Appendix B: Poverty Bay Pollution Identification Process Flow Chart:

Flowchart assumes fecal coliform as the indicator bacteria measured in Colony Forming Units (CFUs)

START

Shoreline evaluation and sampling by King County, UW Tacoma (freshwater), DNR (saltwater shoreline), DOH, Puyallup Tribe (specific saltwater areas)

> 200 CFUs / 100mL?

Yes

Conduct resampling

No

Collaborate with members of the technical committee to conduct source tracing activities

Source identified?

Yes

Onsite septic system failure identified

Sewer system failure/discharge identified?

MS4/Nonpoint contamination?

Nearshore/State Park discharge identified?

Yes

No

Seattle-King County Public Health responds with protocol TBD

Midway or Lakehaven Sewer District responds with protocol TBD

Individual cities respond with protocol TBD

DNR/State Parks responds with protocol TBD

Pollution source corrected

Yes

Close investigation

No

Report findings

November 28, 2018
STATEMENT OF FACTS:

1. The Washington state Department of Health regulates commercial shellfish beds consistent with the National Shellfish Sanitation Program.

2. The Washington state Department of Health collects a minimum of six water quality samples per year at defined nearshore marine water quality monitoring stations. The monitoring stations are labeled in Attachment A to this ordinance. The National Shellfish Sanitation Program standard for approved shellfish harvesting is a fecal coliform geometric mean not greater than fourteen organisms per one hundred milliliters with an estimated ninetieth percentile not greater than forty-three organisms per one hundred milliliters.

3. Due to the failure to meet the National Shellfish Sanitation Program standard at the Washington state Department of Health marine water quality monitoring stations at the mouth of Cold creek and at the mouth of Woodmont creek, on September 14, 2016, the Washington state
Department of Health officially downgraded from approved to conditionally approved status the classification of 124.4 acres of commercial shellfish harvesting area in Poverty bay, which is located on Puget Sound in King County.

4. Due to the downgrade, RCW 90.72.045 requires the King County council to create a shellfish protection district and establish a shellfish protection program to address the causes or suspected causes of pollution contributing to the water quality degradation that led to the downgrade. Additionally, RCW 90.72.045 requires the council to initiate implementation of the shellfish protection program within sixty days after it is established.

5. The Washington state Department of Health determined that the degradation of Poverty bay water quality is primarily due to sources of fecal coliform.

6. Sources of fecal coliform including, but not limited to, stormwater conveying pet waste and agricultural runoff, and failing on-site sewage systems threaten public health and safety when shellfish harvested from Poverty bay is consumed.

7. King County convened a technical committee consisting of representatives of the cities of Des Moines, Federal Way, Kent and SeaTac, the Washington state Department of Health, Department of Ecology, Department of Natural Resources, Department of Transportation and Parks and Recreation Commission, Public Health - Seattle & King.
County, the Lakehaven and Midway sewer districts, the University of Washington and the Puyallup Tribe. The technical committee held several meetings in 2015, 2016 and 2017 to discuss the boundaries of the district, elements of the shellfish protection program and administration of the district. It reviewed five options based on monitoring data and watershed boundaries, and recommended the boundaries in Attachment A to this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 7 of this ordinance should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. The Poverty Bay shellfish protection district is hereby created in accordance with RCW 90.72.030 and RCW 90.72.045. The council shall constitute the governing body of the district and shall adopt a shellfish protection program with elements and activities to be effective within the district.

NEW SECTION. SECTION 3. The legal boundaries of the Poverty Bay shellfish protection district are in Attachment A to this ordinance.

NEW SECTION. SECTION 4. The purpose of the Poverty Bay shellfish protection district is to implement a shellfish protection program to address the causes or suspected causes of pollution resulting in water quality degradation that led to the Washington state Department of Health downgrade of the classification of the commercial shellfish harvesting area of Poverty Bay. The Poverty Bay Shellfish Protection District Closure Response Plan, Attachment B to this ordinance, is hereby adopted as the shellfish protection program.
NEW SECTION. SECTION 5. The King County department of natural resources and parks shall be the lead agency for implementation of the Shellfish Protection District Closure Response Plan. The department shall coordinate with state agencies and affected cities, tribes, utility districts that have regulatory authority for any of the sources of nonpoint pollution covered by the Plan and other appropriate entities with regulatory authority or activities within the boundary to implement the Poverty Bay Shellfish Protection District Closure Response Plan.

NEW SECTION. SECTION 6. Within one year of the effective date of this ordinance, and every year thereafter, the executive shall transmit a report about implementation of this chapter to the council. The report shall be prepared in cooperation with the entities listed in section 5 of this ordinance. It shall include a description of the status and progress of the shellfish protection program, a review of the legal boundaries of the district and, if applicable, a recommended adjustment to the legal boundaries. The report shall be filed 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 to the planning, rural service and environment committee or its successor. The clerk of the council shall submit the report to the Washington state Department of Health once the council acknowledges receipt of the report.

NEW SECTION. SECTION 7. When the Washington state Department of Health has reclassified the affected commercial shellfish harvesting area of Poverty Bay to approved status, the department of natural resources and parks shall prepare and transmit to the council a proposed ordinance dissolving the Poverty Bay shellfish
protection district and repealing this chapter.


**EFFECT:** Striking Amendment that makes the following changes to the underlying Proposed Ordinance:

- Clarifies language regarding implementation of the Shellfish Protection District Closure Response Plan and coordination with agencies
- Modifies language to address dissolution of the shellfish protection district
- Modifies the Shellfish Protection District Closure Response Plan to address stormwater compliance and septic system existing conditions, add an objective related to risk level of farms, and modification of Appendix A to clarify map elements.
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profit resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Photography Year: 2017

Attachment A: Poverty Bay Shellfish Protection District Map Boundary for the Geographic Extent of the Shellfish Protection District
Poverty Bay Shellfish Protection District

CLOSURE RESPONSE PLAN

November, 2018

King County
Department of Natural Resources and Parks
Water and Land Resources Division
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Preface
The goal of the Poverty Bay Shellfish Protection District (SPD) is to identify and eliminate sources of bacterial pollution within the district boundaries. This Closure Response Plan is an iterative document designed to evolve and change in response to the needs of the Shellfish Protection District.

Introduction
Poverty Bay is located along the eastern coast of Puget Sound from Federal Way to Des Moines. The shellfish harvesting area is nearly 1,000 acres. Half of the wild geoducks are harvested by the Puyallup Tribe while the remaining are auctioned off by the Washington State Department of Natural Resources (DNR). The proceeds fund aquatic restoration projects throughout Puget Sound.

Based on marine water quality sampling stations #722 and #720 failing the National Shellfish Sanitation Program standard, the Washington State Department of Health (DOH) downgraded approximately 125 acres in the Poverty Bay commercial shellfish growing area from “Approved” to “Conditionally Approved” in 2016. In accordance with RCW 90.72 this triggered the requirement for the development of a Shellfish Protection District (SPD), and the need for a strategy to address bacterial pollution in the area.

RCW 90.72.040 requires counties to cooperate with cities, towns, and water-related special districts to establish shellfish protection district boundaries and implement shellfish protection programs. In response to the notification from DOH, King County formed the Poverty Bay Technical Committee (TC), and initiated a bacterial Pollution Identification and Correction (PIC) field monitoring program with National Estuary Program funds from the EPA. The TC consists of representatives from state and local entities with regulatory authority or activities in the area including King County, the cities of Des Moines, Federal Way, Kent, and SeaTac, DOH, Washington State Department of Ecology, Washington State Department of Natural Resources (DNR), Washington State Parks and Recreation Commission, Washington State Department of Transportation, Lakehaven and Midway Sewer Districts, the University of Washington, and the Puyallup Tribe.
Boundaries of the Shellfish Protection District

The basin for the attached boundary map (Appendix A) is nearly 10 square miles of mostly urban and suburban residential development with some commercial corridors, parks, playfields, several major arterial roadways, and almost no agricultural lands. The boundary encompasses parts of the City of Des Moines, Federal Way, Kent, and SeaTac, and both Lakehaven and Midway Sewer districts operate within this basin. There are five primary freshwater creeks that discharge within the boundary limits. Starting with the most southerly and moving northward they are Cold, Redondo, Woodmont, the South Fork of McSorley, and Massey creeks.

The map boundaries were drawn to include all areas with the potential to further influence the status of the downgraded shellfish bed. The boundary map includes areas in which nonpoint pollution may be threatening water quality and the restoration of shellfish harvesting. The TC has identified the need to develop a process for reviewing and recommending revisions to the SPD boundaries if applicable. Recommended revisions will be submitted to the King County Council. Modifications to boundaries will require council approval.

There is currently no plan to use the Poverty Bay SPD as a funding mechanism. All parties are working towards the upgrade of the identified shellfish beds and designations that will allow for the year-round harvest of shellfish with existing resources, programs, and actions. This will be accomplished through a series of coordinated education and outreach, pollution identification, and source control efforts outlined in Table 1.

Description of the Area

The SPD includes ten different catchments that drain to nearly five miles of shoreline. Approximately four miles of shoreline falls within the City of Des Moines, and about one mile is located within the City of Federal Way. Additionally, a small portion of shoreline falls within Saltwater State Park and is the responsibility of the Washington State Parks and Recreation Commission. There is approximately 1000 acres of shellfish harvesting beds in Poverty Bay. In nearly 500 acres shellfish harvesting is “prohibited”, and it is “approved” in about 300 acres and now “conditionally approved” in 225 acres. The shellfish beds that are designated as “conditionally approved” present an actual or potential public health hazard during predictable periods of time during the year, from June 1st to November 30th. Shellfish cannot be harvested from those beds during that timeframe. About half of the geoduck are exclusively available to the Puyallup Tribe and the other available by auction and managed by Washington State DNR. This Closure Response Plan sets forth proposed actions intended to restore the acres that are classified as “conditionally approved” to an “approved” classification.

Site investigations have identified 20 discharge locations along the shoreline from Saltwater State Park to the mouth of Redondo Creek, where there are pipes that discharge to the beach, with many more located up each of the major creek systems. More extensive shoreline investigations are planned.

The cities of Des Moines, Federal Way, Kent, and SeaTac are all responsible for administering stormwater management programs under their municipal National Pollutant Discharge Elimination System permit. Actions required by the permit include, but are not limited to, conducting routine inspections and maintenance on stormwater infrastructure, detecting and
eliminating illicit connections or discharges of pollutants, and making low impact
development the preferred and most commonly used approach when developing or
redeveloping properties.

Wastewater collection and disposal is managed by three primary organizations. Midway Sewer
District and Lakehaven Sewer District both operate within the SPD boundaries. Lakehaven
Sewer District operates a Wastewater Treatment Plant within the SPD boundaries. While the
Wastewater Treatment Plant for Midway Sewer district is adjacent to Des Moines Creek, it sits
outside the proposed SPD boundary.

In addition, Public Health - Seattle & King County’s septic system program reviews and
approves the design and installation of new on-site sewage (septic) systems (OSS) and repair
proposals and installations for failing on-site sewage systems. Public Health – Seattle & King
County is typically made aware of failures from repair applications, reports by OSS
professionals, complaints by neighbors, or at a time of sale inspection. When a failure is
suspected, Public Health will investigate the site for evidence of surfacing sewage. If a failure is
confirmed, they will ensure the system is repaired or connected to sanitary sewer lines, if
possible. Within the SPD boundary, there are 2,292 parcels with OSS. Only about 50 of them
are commercial and the remaining are residential. It is likely there are OSS that are failing
without anyone knowing. On-the-ground investigations help to track failing OSS and broken
sewer pipes.

There are no major agricultural activities identified within the SPD. Most likely there are a few
hobbyists operating some small scale domestic animal operations, including chicken coops and
private pony or horse barns, within the guidelines of various city ordinances, but these potential
sources of bacteria are not considered a priority to the SPD at this time.

Boating and accessing the shoreline are the primary recreational activities within the SPD. Only
a couple of businesses are located along the shoreline, with the bulk of commercial activity
located upland in the Woodmont Creek, McSorley Creek, and Massey Creek drainage basins.
The city of Des Moines operates a marina for 840 vessels on the northernmost edge, just outside
of the SPD boundary where they offer free pump out of sewage included in the moorage fee.
The city of Des Moines also operates a boat launch at Redondo Beach where there is public
beach access.

Strategy and Actions
The King County Department of Natural Resources and Parks is the lead agency administering
and coordinating the Shellfish Protection District and Closure Response Plan. The cities of Des
Moines, Federal Way, Kent, and SeaTac are all involved as partner organizations. In addition,
DOH, Washington State Department of Ecology, Washington State Department of
Transportation, DNR, Washington State Parks and Recreation Commission, and Lakehaven and
Midway Sewer Districts are also partners in the Shellfish Protection District.

Closure Response Plan activities are dependent upon the results of an ongoing sampling program
and will evolve to reflect the outcomes of traditional bacterial culture and bacteriological genetic
analyses designed to more accurately identify sources of bacteria. For the following table the

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designation of “Cities/County” means Des Moines, Federal Way, Kent, SeaTac, and King County:

Table 1: Poverty Bay Shellfish Protection District Proposed Actions

<table>
<thead>
<tr>
<th>Task &amp; Objective</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products/Outcomes</th>
<th>Comments/Challenges/Resources Needed</th>
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<tbody>
<tr>
<td>Objective 1: Planning, Coordination, and Reporting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Create Shellfish Protection District</td>
<td>King County / All</td>
<td>1st Quarter of 2018</td>
<td>King County</td>
<td>High</td>
<td>In progress</td>
<td>District created</td>
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<tr>
<td>Develop a closure response plan/shellfish protection program</td>
<td>King County / All</td>
<td>Started</td>
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<td>High</td>
<td>Drafted</td>
<td>Adaptive management plan</td>
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<td>1st Quarter of 2018</td>
<td>King County</td>
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<td>Completed</td>
<td>Workgroup and email distribution list</td>
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</tr>
<tr>
<td>Regular meetings of the Shellfish Protection District Committee or work group</td>
<td>King County / All</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Ongoing</td>
<td>Regular meetings</td>
<td></td>
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<td>Annual Reporting to DOH under RCW 90.72</td>
<td>King County</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Ongoing</td>
<td>Annual report</td>
<td></td>
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<tr>
<td>Develop a Pollution Identification and Correction Program</td>
<td>King County / All</td>
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<td>King County</td>
<td>High</td>
<td>Not started</td>
<td>PIC program documentation</td>
<td></td>
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<tr>
<td>Create Pollution Identification Process Flowchart</td>
<td>King County</td>
<td>Completed</td>
<td>King County</td>
<td>High</td>
<td>Completed</td>
<td>Flowchart</td>
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<td>Develop a formal process for recommending boundary changes, if applicable</td>
<td>King County / All</td>
<td>3rd Quarter of 2018</td>
<td>King County</td>
<td>High</td>
<td>Not started</td>
<td>Clear process for recommending boundary changes to be made by the King County council, if applicable</td>
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</tr>
<tr>
<td>Task &amp; Objective</td>
<td>Lead Agency/Partner</td>
<td>Timeline</td>
<td>Funding Source</td>
<td>Priority</td>
<td>Status</td>
<td>Actions/Products/Outcomes</td>
<td>Comments/Challenges/Resources Needed</td>
</tr>
<tr>
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<td>-------------------------------------</td>
</tr>
<tr>
<td>Objective 2: Monitor Water Quality, Sampling and Analyses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conduct marine water quality monitoring of the Growing Area</td>
<td>DNR / DOH</td>
<td>Started</td>
<td>DNR / DOH</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambient freshwater monitoring program</td>
<td>King County / UW / Des Moines / Federal Way</td>
<td>Started</td>
<td>King County / University of Washington / Des Moines / Federal Way / National Estuary Program</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
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</tr>
<tr>
<td>Shoreline sampling and analyses</td>
<td>King County / DNR / DOH</td>
<td>Started</td>
<td>DNR / King County</td>
<td>High</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop PIC sampling protocol including “hot spot” criteria and bracketed sampling</td>
<td>King County</td>
<td>Complete</td>
<td>Septage Fee</td>
<td>Completed</td>
<td></td>
<td>Quality Assurance Project Plan finalized</td>
<td></td>
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<tr>
<td>Identify source tracing team roles and responsibilities</td>
<td>Cities / County</td>
<td>Not started</td>
<td>King County</td>
<td>High</td>
<td>Not started</td>
<td></td>
<td>Documented roles and responsibilities Sampling for bacteria in the Municipal Separate Storm Sewer System</td>
</tr>
<tr>
<td>Circulation study of the growing area</td>
<td>DOH</td>
<td>Not started</td>
<td>Unknown</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced fecal coliform source methodology (Sewage Sniffing Dog, Microbial Source Tracing, Male Specific Coliphage, Chemical Tracers)</td>
<td>King County / University of Washington</td>
<td>Started</td>
<td>King County / National Estuary Program</td>
<td>Medium</td>
<td>Ongoing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water quality data management</td>
<td>King County</td>
<td>Started</td>
<td>King County</td>
<td>High</td>
<td>Drafted</td>
<td></td>
<td>Combining existing datasets from various</td>
</tr>
<tr>
<td>Task &amp; Objective</td>
<td>Lead Agency/Partner</td>
<td>Timeline</td>
<td>Funding Source</td>
<td>Priority</td>
<td>Status</td>
<td>Actions/Products/Outcomes</td>
<td>Comments/Challenges/Resources Needed</td>
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</tr>
<tr>
<td>Share water quality data with stakeholder group</td>
<td>All Parties</td>
<td>Started</td>
<td>All</td>
<td>High</td>
<td>In progress</td>
<td>Singular location for storing all the data</td>
<td>agencies is complicated</td>
</tr>
</tbody>
</table>

**Objective 3: Control OSS Sources**

| Implement enhanced OSS Operation and Management | Seattle - King County Public Health | TBD | Septage fee | Low | Not Started | Low priority until source of bacteria is determined pending approved authority |
| Identify location and risk level of septic systems in the shellfish protection district | Seattle - King County Public Health | TBD | Septage fee | Low | In progress | Location – Complete Risk level – not determined | Low priority until source of bacteria is determined |
| Sanitary/Parcel Surveys of marine and freshwater shoreline properties | Lakehaven sewer district, Midway sewer district, Seattle - King County Public Health | TBD | Partner agencies | Low | Not started | Low priority until source of bacteria is determined |
| Septic Operations & Maintenance notification and incentives | Seattle - King County Public Health | TBD | Septage fee | Low | Not started | Low priority until source of bacteria and funding is determined |
| Develop dye test protocol and dye test where warranted | Seattle - King County Public Health | Complete | Low - High | Drafted | Low priority until suspected source of bacteria are determined, then high |

**Objective 4: Control Storm Water Sources**

<table>
<thead>
<tr>
<th>National Pollutant</th>
<th>Des Moines / Federal</th>
<th>Started</th>
<th>Des Moines / Federal</th>
<th>High</th>
<th>Ongoing</th>
<th>Annual Report and Stormwater</th>
</tr>
</thead>
</table>

November 28, 2018
<table>
<thead>
<tr>
<th>Task &amp; Objective</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products/Outcomes</th>
<th>Comments/Challenges/Resources Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge Elimination System (NPDES) Program Implementation</td>
<td>Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Management Program Plans</td>
<td></td>
</tr>
<tr>
<td>Illicit discharge detection and elimination program</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Ongoing record keeping of identified and eliminated discharges</td>
<td></td>
</tr>
<tr>
<td>Storm water facility maintenance and inspection</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with Municipal NPDES permit</td>
<td></td>
</tr>
<tr>
<td>Low impact development</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>Started</td>
<td>Des Moines / Federal Way / Kent / SeaTac</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with Municipal NPDES permit</td>
<td></td>
</tr>
</tbody>
</table>

**Objective 5: Education/Outreach**

<table>
<thead>
<tr>
<th>Description</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Funding Source</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products/Outcomes</th>
<th>Comments/Challenges/Resources Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a communication/social marketing plan</td>
<td>Cities/County</td>
<td>TBD</td>
<td>Team NPDES Programs</td>
<td>High</td>
<td>Not started</td>
<td>Communication tool with general focus</td>
<td>Genetic testing will provide more guidance on targeted outreach</td>
</tr>
<tr>
<td>Create Website for project history, summary and updates</td>
<td>King County</td>
<td>TBD</td>
<td>Unknown</td>
<td>Medium</td>
<td>Not started</td>
<td>Centralized website for district information/data/studies</td>
<td>Funding and time are the greatest obstacles</td>
</tr>
<tr>
<td>Pet waste outreach program</td>
<td>Cities/County</td>
<td>TBD</td>
<td>Team NPDES Programs</td>
<td>Low</td>
<td>Not started</td>
<td></td>
<td>Genetic testing will provide more guidance on targeted outreach</td>
</tr>
<tr>
<td>Septic workshops for homeowners and realtors</td>
<td>Seattle – King County Public Health</td>
<td>TBD</td>
<td>Unknown</td>
<td>Low</td>
<td>Unfunded</td>
<td>Public workshops or easily accessible information</td>
<td>Genetic testing will provide more guidance on targeted outreach</td>
</tr>
<tr>
<td>Community Outreach Events</td>
<td>Cities/County</td>
<td>TBD</td>
<td>Team NPDES Programs</td>
<td>Medium</td>
<td>Not started</td>
<td>Tabling at public festivals and various events</td>
<td>Need materials specific to the district, and a presence at events</td>
</tr>
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</table>

**Objective 6: Control Agricultural Sources**

<table>
<thead>
<tr>
<th>Description</th>
<th>Lead Agency/Partner</th>
<th>Timeline</th>
<th>Priority</th>
<th>Status</th>
<th>Actions/Products/Outcomes</th>
<th>Comments/Challenges/Resources Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify location and</td>
<td>Cities</td>
<td>Started</td>
<td>Low</td>
<td>Ongoing</td>
<td>Agricultural sources of</td>
<td></td>
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<td>Task &amp; Objective</td>
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<td>Funding Source</td>
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<tr>
<td>risk level of farms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Objective 7: Point Sources - Waste Water Treatment Plants and Marinas</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Review WWTP records and performance</td>
<td>Midway and Lakehaven sewer districts</td>
<td>Started</td>
<td>Midway and Lakehaven sewer districts</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with regulations</td>
</tr>
<tr>
<td>Collection system and Combined Sewer Overflows evaluation</td>
<td>Midway and Lakehaven sewer districts</td>
<td>Started</td>
<td>Midway and Lakehaven sewer districts</td>
<td>High</td>
<td>Ongoing</td>
<td>Compliance with regulations</td>
</tr>
<tr>
<td>Develop procedures for identifying and cleaning up homeless encampments</td>
<td>All Parties</td>
<td>Started</td>
<td>All</td>
<td>Medium</td>
<td>Ongoing</td>
<td>Defined procedures for each jurisdiction</td>
</tr>
</tbody>
</table>
Appendix A: Poverty Bay Shellfish Protection District Maps
Poverty Bay Shellfish Protection District
City and Utility District Boundaries
Appendix B: Poverty Bay Pollution Identification Process Flow Chart:

START

Shoreline evaluation and sampling by King County, UW Tacoma (freshwater), DNR (saltwater shoreline), DOH, Puyallup Tribe (specific saltwater areas)

> 200 CFUs / 100mL?

No

Conduct resampling

Yes

> 200 CFUs / 100mL?

No

Source identified?

Yes

Onsite septic system failure identified

Yes

Seattle-King County Public Health responds with protocol TBD

No

Collaborate with members of the technical committee to conduct source tracing activities

Sewer system failure/discharge identified?

Yes

Midway or Lakehaven Sewer District responds with protocol TBD

No

MS4/Nonpoint contamination?

Yes

Individual cities respond with protocol TBD

No

Nearshore/State Park discharge identified?

Yes

DNR/State Parks responds with protocol TBD

Pollution source corrected

Yes

Close investigation

Report findings

Flowchart assumes fecal coliform as the indicator bacteria measured in Colony Forming Units (CFUs)
8/20/18
Title

Sponsor: Upthegrove
Proposed No.: 2018-0191

TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0191, VERSION 1

On page 1, strike lines 1 through 4, and insert:

"AN ORDINANCE creating the Poverty Bay shellfish protection district; establishing the district's boundaries; establishing a shellfish protection program; and adding a new chapter to K.C.C. Title 2."

EFFECT: Title Amendment T1 conforms the Title to the changes made by Striking Amendment S1.
April 5, 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 that will establish a shellfish protection district in Poverty Bay near the City of Federal Way in King County, and meet the requirements of RCW 90.72.

The Washington State Department of Health (Health) monitors and regulates commercial shellfish beds in Washington State. In the fall of 2016, Health downgraded the classification of 124 acres of commercial shellfish harvest area in Poverty Bay after monitoring showed that water quality was not meeting state standards for fecal coliform. Sources of pollution include pet waste in stormwater runoff and failing on-site septic systems. King County has been working with area cities and the Puyallup Tribe to identify sources of pollution and actions to address them. This legislation formally establishes a Shellfish Protection District that is required by state law when shellfish beds are downgraded, and will help to coordinate city and county efforts to find and eliminate sources of bacterial pollution entering Poverty Bay in Puget Sound so that these shellfish beds can be reopened.

Specifically, the ordinance will accomplish the following:

- Establish the geographic boundaries of a state required Shellfish Protection District
- Adopt by attachment, a Poverty Bay Shellfish Protection District Closure Response Plan.

Programs associated with the legislation also further the goals of key County plans and initiatives as follows:

- The programs associated with the legislation further the King County Strategic Plan goal of preserving open space and rural character by protecting near shore shellfish habitat from fecal coliform bacteria.
- The programs associated with the legislation further the King County Equity and Social Justice Initiative goal of developing tools for better engagement and access to
services by moving from project based outreach to ongoing engagement and partnering with other organizations to facilitate consistent engagement with communities.

- The programs associated with the legislation further the Strategic Climate Action Plan goal of collaborating with local cities, residents, and other partners to prepare for the effect of climate change on the environment, human health, public safety, and the economy by coordinating with partners to address potential impacts to wild grown shellfish.

In developing the legislation, the Department of Natural Resources and Parks (DNRP) engaged the cities of Des Moines, Federal Way, Kent, and SeaTac; the Washington State Departments of Health, Ecology, Natural Resources and Transportation; the Washington State Parks and Recreation Commission; Public Health – Seattle and King County; the Lakehaven and Midway sewer districts; the University of Washington; and the Puyallup Tribe. DNRP convened several meetings from 2015 through 2017. In addition, comments on the draft legislation were solicited on three occasions between November 16, 2017, and January 15, 2018. These comments were incorporated into the legislation.

Thank you for considering this ordinance. This important legislation will help King County residents protect Puget Sound from sources of bacterial pollution.

If you have any questions about this ordinance, 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:** Carolyn Busch, Chief of Staff
              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
2017/2018 FISCAL NOTE

Ordinance/Motion: 2018-XXXX
Title: Creating the Poverty Bay Shellfish Protection District
Affected Agency and/or Agencies: Water and Land Resources Division, Department of Natural Resources and Parks
Note Prepared By: Robert Kniestedt
Date Prepared: 1/23/2018
Note Reviewed By: Jillian Scheibeck, Performance Strategy & Budget
Date Reviewed: 1/24/18

Description of request:
This ordinance creates the Poverty Bay Shellfish Protection District; establishing its boundaries; adopting the Poverty Bay Closure Response Plan; and adding a new chapter to K.C.C. Title 2.

Revenue to:

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TOTAL: 0 0 0

Expenditures from:

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<tr>
<td>Water &amp; Land Resources</td>
<td>1211</td>
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<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

TOTAL: 0 0 0

Expenditures by Categories

|-----------------------------|-----------|-----------|-----------|

TOTAL: 0 0 0

Does this legislation require a budget supplemental? No

Notes and Assumptions: The ordinance is setting the district boundaries as required by RCW 90.72. At this time staff is doing an analysis on whether there will be any future planning and program costs. Any future budget implications relating to this ordinance will be proposed in future legislation.
SUBJECT

Proposed Ordinance 2018-0560 would certify that an emergency existed for work done on the Stossel Bridge Right Bank Revetment, and certify the costs incurred.

SUMMARY

Proposed Ordinance 2018-0560 would certify emergency work completed by the Roads Services Division and Water and Land Resources Division in 2018. The work involved repairing a revetment associated with the Stossel Bridge in Council District 3.

BACKGROUND

Stossel Bridge is located northwest of the City of Carnation, in Council District 3. It spans the Snoqualmie River, and is NE Carnation Farm Road. The emergency work conducted for this emergency repair occurred on the east bank of the river, north of the bridge.

In late March 2018, a property owner called the Water and Land Resources Division (WLRD) in the Department of Natural Resources and Parks (DNRP) to report rapidly-developing erosion damage to the Stossel Bridge Right Bank Revetment. The report from the property owner indicated a one hundred foot long by eight foot high section of the riverward slope of the levee prism being eroded exposing gravel and sand substrate.

The Executive determined that persons, property and agricultural operations would have been threatened and damaged unless further efforts were taken to reduce the threat to life and property. This included two homes, the Game Haven farm property, and King County road 310th Avenue NE, which showed tension cracks indicating that the road is at imminent risk of collapse into the river. On June 26, 2018, the Executive issued an Executive Determination of Emergency in accordance with RCW 39.04.280 and K.C.C. 2.93.080, declaring that immediate steps needed to be taken to complete the repair work by September 30, 2018 in advance of the 2018-2019 winter flood season, and transmitted notice to the Council on the same day. The Executive, through the Executive Determination of Emergency, waived competitive procurement
requirements in accordance with RCW 39.04.010 and K.C.C. 4A.100.070 and K.C.C. chapters 2.93, 12.16 and 12.18.

ANALYSIS

The Revised Code of Washington and the King County Code\(^1\) provide for waiver of competitive bidding requirements for public works projects in the event of an emergency that threatens death, personal injury, or the destruction of property. In addition, RCW 36.32.235(12) allows public employees to perform emergency public work but imposes certain reporting requirements.

This section of the RCW requires that when public employees are used for emergency public work, a resolution (which for the county would be an ordinance) be transmitted to the council within two weeks of the declaration of the emergency. The statute requires the council to certify the damage to public facilities and costs incurred or anticipated within two weeks of the emergency declaration. The Executive alerted the Council to the emergency declaration in June, but did not transmit legislation to certify the damage to public facilities and costs incurred within that two week period. Nevertheless, based on the information provided by executive staff, this work appears to meet the requirements for a declaration of an emergency and the use of public employees to complete emergency work. Final costs are stated by executive staff to be just under $$697,000.

If the council does not certify that the work was done pursuant to an emergency then the labor work completed by the Roads Division would not be deemed emergency work and could not be excluded from the annual limit on the amount of public works that county employees may perform in a budgetary period\(^2\). In such an instance, depending on other uses of county forces during the budgetary period, including this amount into the annual amount of county labor used, this could also potentially expose the county to a temporary loss of gas tax revenues\(^3\). Additionally since the amount of county labor work exceeded the $90,000 limit for more than one trade, without the council's certification of the damage to public facilities and costs incurred, again the county would be in violation of the statute.

While the timing of the council's certification is beyond the period called out in the statute, nevertheless certifying the damage and costs brings the actions of the Roads Division and WLRD within the spirit of the law and provides the transparency that RCW 36.32.235(12) seeks to provide.

A budget supplemental is not expected for this work; the ordinance states that there is sufficient capacity within the existing WLRD budget for this work. Executive staff note that additional work may be needed on this bridge in the future, which may require additional appropriation, either by the County or by the Flood Control District.

---

\(^1\) RCW 39.04.280, RCW 36.32.270 and K.C.C. 12.52

\(^2\) RCW 36.32.235(8) through (10)

\(^3\) RCW 36.32.253(9)
ATTACHMENTS

1. Proposed Ordinance 2018-0560
2. Transmittal Letter for PM 2018-0556
3. Executive’s Declaration of Emergency dated June 26, 2018

INVITED

1. Josh Baldi, Director, Water and Land Resources Division, DNRP
AN ORDINANCE certifying the existence of an emergency,
requiring repair to the Stossel Bridge Right Bank Revetment,
and certifying the cost incurred related to the repair work.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. In late March 2018, a property owner called the water and land resources
division in the department of natural resources and parks to report rapidly-developing
erosion damage to the Stossel Bridge Right Bank Revetment. The report from the
property owner indicated a one-hundred-foot-long by eight-foot-high section of the
riverward slope of the levee prism being eroded exposing gravel and sand substrate.

B. The executive determined that persons, property and commercial agricultural
operations would have been threatened and damaged unless further efforts were taken to
reduce the threat to life and property, including two homes, the Game Haven farm
property and King County road 310th Avenue NE, which was immediately threatened
and showed tension cracks indicating that the road is at imminent risk of collapse into the
river.

C. The executive determined that the immediate nature required the repair work
to be completed before September 30, 2018, in advance of the 2018-2019 winter flood
season.
D. Based on the foregoing facts, on June 26, 2018, the executive issued an Executive Determination of Emergency in accordance with RCW 39.04.280 and K.C.C. 2.93.080, declaring that immediate steps needed to be taken to complete the repair work by September 30, 2018, and transmitted notice to the council on the same day. The executive, through the Executive Determination of Emergency, waived competitive procurement requirements in accordance with RCW 39.04.010, K.C.C. 4A.100.070 and K.C.C. chapters 2.93, 12.16 and 12.18.

E. Due to project conditions and schedules, the road services division of the King County department of transportation completed the repair work on September 28, 2018, at a cost of $697,380.

F. RCW 36.32.235(12) authorizes the county to use public employees to undertake emergency public work performed under a declaration of emergency. The statute also requires that, within two weeks of the emergency declaration, the county legislative authority adopt a resolution certifying the damage to public facilities and the costs incurred or anticipated relating to correcting the emergency.

G. Although the executive did not advise the council of the use of county employees, or the costs to complete the project until after the two-week period expired, this ordinance complies with the intent of the statute and provides the basis for the use of public employees and the costs to address the emergency.

H. The executive has determined the cost incurred for the perform the repair work for the revetment were $697,380.

I. The executive has sufficient funds assigned to capital projects related to this action, including the flood control district capital program that the water and land
resources division of the department of natural resources implements on contract with the

district, so that no supplemental budget appropriation ordinance is necessary.

SECTION 2. In accordance with RCW 36.32.235(12), the council hereby
certifies that the damage to the Stossel Bridge Right Bank Revetment created an
emergency situation and certifies the total cost incurred to address the emergency to be
$697,380, which was a necessary expenditure to prevent significant property damage, including to county facilities.

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: None
November 5, 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 a motion that supports an Executive Determination of Emergency (attached) that I made on June 26, 2018, in which it was declared that there was an emergency due to threats of the Stossel Bridge Right Bank Revetment failure affecting King County. The Executive Determination of Emergency authorized designated departments of King County to enter into contracts and incur obligations necessary to combat such an emergency to protect integral county infrastructure and protect two residences and the Game Haven Farm property. King County Department of Transportation Road Services Division construction crews were utilized to repair the Stossel Bridge Right Bank Revetment.

The legislation will support compliance with the intent of RCW notification and verification requirements that require the adoption of a resolution by the King County Council if emergency work is completed using public employees. It is acknowledged that this motion is being transmitted outside of the two-week reporting requirement as set forth in RCW 36.32.235(12).

Specifically, the motion will accomplish the following:

- Recognize that in late March 2018, the Stossel Bridge Right Bank Revetment was observed to be failing and at risk of undermining the county road. Staff from the Water and Land Resources Division (WLRD) of the Department of Natural Resources and Parks determined that repairs to the revetment needed to be made prior to the annual start of flood season on September 30 in order to reduce the potential for loss of life, property and economic hardship to the adjacent Game Haven Farm should the revetment completely fail.
- Confirm that due to the short timeframe to accomplish the repairs, it was determined that an emergency waiver from competitive procurement requirements was required in the event contracted labor would need to be hired to complete the work. I signed a
determination of emergency and a waiver from competitive procurement and communicated this determination in a transmittal letter to you on June 26, 2018.

- Acknowledge that as the project design progressed, WLRD determined that utilizing Road Services Division crews instead of contracted labor was the best course of action due to availability. The Road Services Division completed the repair work on September 28, 2018.

The legislation also furthers the goals of key County plans and initiatives as follows:

- The legislation furthers the King County Strategic Plan goal of enhancing public safety by rebuilding infrastructure which reduce the region’s vulnerability to flooding.

Thank you for your consideration of this motion. This important legislation will certify the damage to public facilities as well as the costs incurred to correct the emergency situation as required by RCW 36.32.235(12).

If you have any questions, please feel free to 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: Carolyn Busch, Chief of Staff
    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
EXECUTIVE DETERMINATION OF EMERGENCY AND WAIVER FROM COMPETITIVE PROCUREMENT REQUIREMENTS FOR REPAIR OF THE STOSSEL BRIDGE RIGHT BANK REVETMENT

WHEREAS, King County owns and is responsible for various flood protection infrastructure such as levees and revetments throughout the county; and

WHEREAS, in mid-March 2018, a property owner called the Department of Natural Resources and Parks (DNRP) Water and Land Resources Division to report rapidly-developing erosion damage to the Stossel Bridge Right Bank Revetment. The report from the property owner indicated to the riverward slope of the revetment prism being eroded exposing gravel and sand substrate for an approximately 250-foot long by 12-foot high section; and

WHEREAS, the Stossel Bridge Right Bank Revetment protects two residential structures, the 73-acre Game Haven Farm property, and King County road 310th Ave NE; and

WHEREAS, persons and property will be threatened and damaged unless immediate efforts are taken to reduce the threat to life and property, particularly during the winter flood season from September 30 – May 1; and

WHEREAS, King County road 310th Ave NE is immediately threatened and showing deep tension cracks, which indicates that the road is at imminent risk of being undermined; and

WHEREAS, the immediate nature requires the repair work to be completed before September 30th, which is the start of the 2018-2019 winter flood season; and

WHEREAS, the short-term repair, while needed in the immediate term, will not resolve the ongoing risk to the revetment and there will be additional need for a capital project to address the deficiencies; and

WHEREAS, this emergency determination will allow the King County Water and Land Resources Division to contract for emergency repair work; and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of state and county law is necessary to prevent material loss or damage to property, bodily injury, or loss of life if immediate action is not taken to address the risk of failure of the Stossel Bridge Right Bank Revetment and King County road 310th Ave; and

WHEREAS, the emergency will require emergency purchases by King County and the waiver of public procurement processes as described under KCC Chapter 2.93.080,
NOW, THEREFORE, THE KING COUNTY EXECUTIVE, DOW CONSTANTINE, HEREBY DETERMINES AND DECLARES AS FOLLOWS:

SECTION 1
In accordance with RCW 39.04.280(3) and KCC 2.93.080, it is hereby determined and declared that there is an emergency due to threats of the Stossel Bridge Right Bank Revetment failure affecting King County; therefore, designated departments of King County are authorized to enter into contracts and incur obligations necessary to combat such an emergency to protect integral county infrastructure and protect two residences and the Game Haven Farm property.

SECTION 2
The requirements for competitive bidding and formal solicitation for the lease or purchase of tangible personal property or services, public works and professional or technical services under RCW 39.04.010 and KCC Chapters 4A.100.070, 2.93, 12.16, and 12.18 and all applicable King County Executive policies and procedures are hereby waived with reference to any such contracts relating to the repair of the Stossel Bridge Right Bank Revetment. This waiver shall continue in full force and effect until all necessary contracts are executed or until terminated by subsequent order of the King County Executive, action by the Metropolitan King County Council by ordinance or as otherwise required by law.

DATE this 26th day of June, 2018

Dow Constantine,
King County Executive
State of Washington
SUBJECT

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

SUMMARY

Following a years-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.

The Committee was briefed on the legislation on June 19, 2018 and July 17, 2018. At those briefings, Council staff provided a summary of the Executive’s proposal, a high level overview of the policy questions for Council to consider; a technical-only striking amendment, and a chair’s conceptual striker. At today’s briefing, an updated chair’s conceptual striker will be briefed.

BACKGROUND

Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code. The development conditions that apply today were largely adopted in 2003, and standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted. Distilleries were first

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1 Ordinance 10870
2 Ordinance 14781
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.

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:

\begin{quote}
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.
\end{quote}

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

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\(^3\) Ordinance 17539
\(^4\) Ordinance 17485
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 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 required 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

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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
⁶ Ordinance 18239
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.

**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.  
• 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.  

This demonstration project may allow more than 24 events per year, depending on the site-specific review of each application.

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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.
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 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**

**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

10 See the discussion below on a recent ruling from the Hearing Examiner.
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/or deny a renewal of the license.

Second, the Council approved a $50,000 request in the 2019-2020 biennial budget ordinance. 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 DPERs 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. The proviso for implementation of the ordinance that is included in the 2019-2020 biennial budget ordinance may address this concern.

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

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11 Ordinance 18835
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.

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.

**Update on Recent Hearing Examiner Ruling**

On October 3, 2018, the King County Hearing Examiner issued a ruling in response to an appeal filed by a brewery. The Hearing Examiner ruled against DPERs position that home occupations do not permit tasting rooms in conjunction with a production facility (W/B/D). This may mean that more of the existing wineries/breweries/distilleries could be permitted under current code as home occupations, with tasting, limited to the restrictions in the home occupation code, which for the RA zone, are:

1. No more than 20% of the dwelling unit can be devoted to home occupations (including production, storage and tasting)
2. Garage and storage buildings may be used for home occupation, with no explicit square footage limitation.*
3. Total outdoor areas for home occupation is 440 sf for lots less than 1 acre, and 1% of the lot, up to 5,000 sf for lots one acre or greater.
4. Outdoor storage and parking areas setback 25 feet from property line and screened with landscaping.
5. On-site nonresident employees limited to 3 at the same time.
6. Parking is limited to 1 stall for each nonresident employed on-site, plus 1 stall for customers.
7. Sales are limited to mail order, internet order, accessory items to services provided on-site, and items grown, produced or fabricated on-site. For sites 5 acres or greater, items that support agriculture, equestrian or forestry uses (with some limitations).
8. Use cannot require a change to occupancy type of the structure (usually due to equipment needs).**
9. Use cannot increase vehicular traffic by more than 4 vehicles at any given time.
10. Customer visits and deliveries limited to 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends
11. Vehicle storage used by the home occupation is allowed, with limitations – 2-4 vehicles depending on lot size, not allowed in the setback, not part of the outdoor storage area above.

*The Hearing Examiner’s ruling is that the brewery and associated tasting have to be limited-scale service or fabrication activity….subordinate and incidental to the primary use of the site as a residence. This requires limits on the size of the tasting room – as does the various requirements above (no more than 4 vehicles, max 4 parking spaces, maximum outdoor and dwelling unit square feet).
**This may limit distilleries, if the equipment triggers an occupancy change.

The Executive’s proposal would prohibit production facilities and remote tasting rooms as home occupations and home industries. The Council may want to consider whether this is consistent with the Council’s policy goals and the Hearing Examiner’s read of the existing code.
The ruling is included in Attachment 7.

**AMENDMENT**

At today’s briefing, Council staff will brief the Committee on an updated chair’s conceptual striker, which is included in Attachment 8.

**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 November 26, 2018
7. Hearing Examiner Decision on Four Horsemen Brewery Appeal
8. Chair’s Conceptual Striker dated November 26, 2018

**INVITED**

1. Jim Chan, Interim Director, DPER
2. Karen Wolf, Senior Policy Advisory, PSB
3. Calli Knight, External Relations Specialist, Executive’s Office
Proposed No. 2018-0241.1

Sponsors Lambert

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.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

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

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

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

It is the purpose of this chapter to establish business licensing standards for adult beverage businesses located in unincorporated King County, in order to promote and protect the health, safety and general welfare of unincorporated King County's residents.
NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 2 of this ordinance a new section to read as follows:

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

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

An application for an adult beverage business license or license renewal must be submitted in the name of the business owner or the entity proposing to operate the business. The application shall be signed by the owner or primary responsible officer of any entity proposing to operate the business, certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, and shall include the following:

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

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

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

D. For businesses in the A zone, a signed statement that at least sixty percent of
the products to be used by the business are grown on-site, as prescribed under K.C.C. 21A.08.080.B.3.f.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Winery, brewery, distillery facility I: A very small establishment licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled
spirits and where on-site product tasting or retail sale of merchandise does not occur.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 16. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.
<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/Distillery Facility I</td>
<td>P30</td>
<td>P30</td>
<td></td>
<td></td>
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<tr>
<td>*(2083/2085)</td>
<td>Winery/Brewery /Distillery Facility II</td>
<td>P3 P31</td>
<td></td>
<td>P3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/ Distillery Facility III</td>
<td>C12</td>
<td>C12</td>
<td>C12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Materials Processing Facility</td>
<td>P13</td>
<td>P14</td>
<td>P16 C</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Textile Mill Products</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Apparel and other Textile Products</td>
<td></td>
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</tr>
<tr>
<td>24</td>
<td>Wood Products, except furniture</td>
<td>P4 P18 C5</td>
<td>P4 P18 C5</td>
<td>P4</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Furniture and Fixtures</td>
<td>P19</td>
<td></td>
<td>P19</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Paper and Allied Products</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Printing and Publishing</td>
<td></td>
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<tr>
<td></td>
<td>Marijuana Processor I</td>
<td>P20</td>
<td>P27</td>
<td>P21 C22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marijuana Processor II</td>
<td>P23 C24</td>
<td>P23 C24</td>
<td>P25 C26</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Chemicals and Allied Products</td>
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<tr>
<td>2911</td>
<td>Petroleum Refining and Related Industries</td>
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<tr>
<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
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<td></td>
<td>Category</td>
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</tr>
<tr>
<td>31</td>
<td>Leather and Leather Goods</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Stone, Clay, Glass and Concrete Products</td>
<td>P6</td>
<td>P9</td>
<td>P</td>
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<tr>
<td>33</td>
<td>Primary Metal Industries</td>
<td>C</td>
<td></td>
<td></td>
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<td>34</td>
<td>Fabricated Metal Products</td>
<td>P</td>
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<td>35</td>
<td>Industrial and Commercial Machinery</td>
<td>P</td>
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<tr>
<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
<td>C</td>
<td></td>
<td></td>
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<tr>
<td>357</td>
<td>Computer and Office Equipment</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Electronic and other Electric Equipment</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>374</td>
<td>Railroad Equipment</td>
<td>C</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>376</td>
<td>Guided Missile and Space Vehicle Parts</td>
<td>C</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>379</td>
<td>Miscellaneous Transportation Vehicles</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Measuring and Controlling Instruments</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Miscellaneous Light Manufacturing</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Motor Vehicle and Bicycle Manufacturing</td>
<td>C</td>
<td></td>
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<tr>
<td>*</td>
<td>Aircraft, Ship and Boat Building</td>
<td>P10C</td>
<td></td>
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<td></td>
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<tr>
<td>7534</td>
<td>Tire Retreading</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>781-82</td>
<td>Movie Production/Distribution</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**B. Development conditions.**

1. Repealed.

2. Except slaughterhouses.
3.a. Limited to (wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors) winery, brewery, distillery facility II uses;

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

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

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

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

f. In the A zones, sixty percent or more of the products processed must be grown (in the Puget Sound counties) on-site. At the time of the initial application for the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance), the applicant shall submit a projection of the source of products to be produced; (and)
g. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils;

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

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

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

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

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

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

5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the minimum site area is four and one-half acres.


7. Limited to photocopying and printing services offered to the general public.

8. Only within enclosed buildings, and as an accessory use to retail sales.


10. Limited to boat building of craft not exceeding forty-eight feet in length.

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12.a. Limited to ((wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors)) winery, brewery, distillery facility III uses;

b.((Except as provided in subsection B.12.b.(2) of this section, t))The aggregated floor area of structures and areas for ((wineries, breweries and distilleries and any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet((t)), except that ((T))the floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground; ((and

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

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

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

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

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

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

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

(2) a minimum of two and one-half acres of the site shall be used for the
The facility shall be limited to processing agricultural products and in the Puget Sound counties on-site. At the time of the initial application for the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance), the applicant shall submit a projection of the source of products to be processed; and

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

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

On a site with direct access to an arterial;

Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries, breweries or distilleries specified in K.C.C. 21A.18.030;
k. The business operator shall obtain an adult beverage business license in accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new chapter created in section 2 of this ordinance); and

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

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

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

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

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

a. as accessory to a primary mineral use; or

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

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

16. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.
17.a. Limited to ((wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors)) winery, brewery, distillery facility uses;

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

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

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

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

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

18. Limited to:

a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
Millwork, as follows:

(1) If using lumber or timber grown off-site, the minimum site area is four and one-half acres;

(2) The facility shall be limited to an annual production of no more than one hundred fifty thousand board feet;

(3) Structures housing equipment used in the operation shall be located at least one-hundred feet from adjacent properties with residential or rural area zoning;

(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

(6) Outside lighting is limited to avoid off-site glare; and

b. SIC Industry No. 2411-Logging.

19. Limited to manufacture of custom made wood furniture or cabinets.

20.a. Only allowed on lots of at least four and one-half acres;

b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;

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

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

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

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

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

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

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

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

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

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

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

23.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in
support of, processing marijuana together with any separately authorized production of
marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
every marijuana-related entity occupying space in addition to the two-thousand-square-
foot threshold area on that lot shall obtain a conditional use permit as set forth in
subsection B.24. of this section.

24.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound
Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound
Clean Air Agency Notice of Construction Permit be approved before marijuana products
are imported onto the site; and

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

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

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

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

c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
gross floor area devoted to, and in support of, the processing of marijuana together with
27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Only allowed on lots of at least four and on-half acres on Vashon-Maury Island;
e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres, except on Vashon-Maury Island;
f. Only as an accessory use to a Washington state Liquor Cannabis Board licensed marijuana production facility on the same lot; and
g. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

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

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

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

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

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

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

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

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

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

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

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

b. Only allowed on lots of at least four and one-half acres;
c. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet;

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

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

f. On a site with direct access to a public roadway;

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

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

i. Events may be allowed with an approved temporary use permit under K.C.C.
SECTION 17. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MINIMUM PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL (K.C.C. 21A.08.030.A):</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Single detached/Townhouse</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Apartment:</td>
<td></td>
</tr>
<tr>
<td>Studio units</td>
<td>1.2 per dwelling unit</td>
</tr>
<tr>
<td>One bedroom units</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>Two bedroom units</td>
<td>1.7 per dwelling unit</td>
</tr>
<tr>
<td>Three bedroom units or larger</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>use</td>
<td>requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Senior citizen assisted</td>
<td>1 per 2 dwelling or sleeping units</td>
</tr>
<tr>
<td>Community residential facilities</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Dormitory, including religious</td>
<td>1 per two bedrooms</td>
</tr>
<tr>
<td>Hotel/Motel including organizational hotel/lodging</td>
<td>1 per bedroom</td>
</tr>
<tr>
<td>Bed and breakfast guesthouse</td>
<td>1 per guest room, plus 2 per facility</td>
</tr>
</tbody>
</table>

**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

<table>
<thead>
<tr>
<th>use</th>
<th>requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation/culture uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Bowling center</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Golf course</td>
<td>3 per hole, plus 1 per 300 square feet of club house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
</tr>
<tr>
<td>Conference center</td>
<td>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.</td>
</tr>
<tr>
<td>LAND USE</td>
<td>MINIMUM PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>GENERAL SERVICES (K.C.C. 21A.08.050.A):</td>
<td></td>
</tr>
<tr>
<td>General services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>e</td>
<td>1 per 50 square feet of chapel area</td>
</tr>
<tr>
<td>Daycare I</td>
<td>2 per facility</td>
</tr>
<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
</tr>
<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</td>
</tr>
<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Secondary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td>Vocational schools</td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>Specialized instruction Schools</td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td>Use</td>
<td>Floor Area Requirements</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Artist Studios</td>
<td>0.9 per 1,000 square feet of area used for studios</td>
</tr>
<tr>
<td>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</td>
<td></td>
</tr>
<tr>
<td>Government/business services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td>E</td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td>Police facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Fire facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Construction and trade</td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Warehousing and storage</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Self-service storage</td>
<td>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</td>
</tr>
<tr>
<td>Outdoor advertising services</td>
<td>1 per 300 square feet of office, plus 0.9</td>
</tr>
</tbody>
</table>
### LAND USE

**MINIMUM PARKING SPACES REQUIRED**

#### RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail trade uses</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td><strong>Exceptions:</strong></td>
<td></td>
</tr>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

#### MANUFACTURING (K.C.C. 21A.08.080.A):

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery Facility II</td>
<td>0.9 per 1,000 square feet, plus 1 per (300) square feet of tasting area</td>
</tr>
</tbody>
</table>
RESOURCES (K.C.C. 21A.08.090.A):

<table>
<thead>
<tr>
<th>Resource uses</th>
<th>(director)</th>
</tr>
</thead>
</table>

REGIONAL (K.C.C. 21A.08.100.A):

<table>
<thead>
<tr>
<th>Regional uses</th>
<th>(director)</th>
</tr>
</thead>
</table>

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

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

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

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

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

   a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(1) Park/playfield,
(2) Marina,
(3) Library/museum/arboretum,
(4) Elementary/secondary school,
(5) Sports club, or
(6) Retail business (when located along a developed bicycle trail or designated bicycle route).

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

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

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

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
SECTION 18. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are hereby amended to read as follows:

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

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

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

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

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

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

1. Automobile, truck and heavy equipment repair;

2. ((Auto body)) Auto body work or painting;

3. Parking and storage of heavy equipment;

4. Storage of building materials for use on other properties;

5. Hotels, motels or organizational lodging;

6. Dry cleaning;
7. Towing services;

8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation; (and)

9. Veterinary clinic; (and)

10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and

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

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

1. One stall for each nonresident employed by the home occupations; and

2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;

2. Telephone, Internet or other electronic commerce sales with off-site delivery;

and

3. Items accessory to a service provided to patrons who receive services on the premises;

H. On-site services to patrons are arranged by appointment;

I. The home occupation or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site, only if:

1. No more than one such a vehicle is allowed; and

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

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

J. The home occupation or occupations do not:

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

or

2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises;

((and))

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

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

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

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

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

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

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

C. Total outdoor area of all home occupations shall be permitted as follows:
   1. For any lot less than one acre: Four hundred forty square feet; and
   2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet.

D. Outdoor storage areas and parking areas related to home occupations shall be:
   1. No less than twenty-five feet from any property line; and
   2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:
      a. planting of Type II landscape buffering; or
      b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping;

E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site;

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
   1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;

2. Telephone, Internet or other electronic commerce sales with off-site delivery;

3. Items accessory to a service provided to patrons who receive services on the premises;

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

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

   a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);

   b. electronics and appliances (NAICS Code 443); and

   c. building material and garden equipment and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

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

2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or

3. Increase average vehicular traffic by more than four additional vehicles at any given time;

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

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

1. Hotels, motels or organizational lodging;
2. Dry cleaning;
3. Automotive towing services, automotive wrecking services and tow-in parking lots; and
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
5. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

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

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

1. The total number of vehicles for all home occupations shall be:
   a. for any lot five acres or less: two;
   b. for lots greater than five acres: three; and
   c. for lots greater than ten acres: four;

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

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

SECTION 20. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

A resident may establish a home industry as an accessory activity, as follows:
A. The site area is one acre or greater;

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

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

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

E. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
   1. One stall for each nonresident employee of the home industry; and
   2. One stall for customer parking;

F. Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:
   1. One thousand square feet of building floor area; and
   2. Two thousand square feet of outdoor work or storage area;

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

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

I. The department ensures compatibility of the home industry by:
   1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88; ((and))

J. Recreational marijuana processors, recreational marijuana producers and recreational marijuana retailers shall not be allowed as home industry; and

K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall not be allowed as home industry.

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

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

A. The temporary use permit shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection D. of this section;

B.1. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty five day period. This requirement applies only to the days that the event or events actually take place.

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

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

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

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

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
D. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

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

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

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

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

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

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

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

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

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

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

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

a. One or more winery, brewery, distillery facility I, II or III may operate within one remote tasting room;

b. The aggregated total space devoted to tasting and retail activity shall be
limited to one thousand square feet of gross floor area, not including areas devoted to storage, restrooms, and similar back-of-the-house uses;

c. Notwithstanding subsection D.2.b. of this section, an additional five hundred square feet of immediately adjacent outdoor space may be used for tasting, subject to applicable state regulations limiting sale, service and consumption of alcoholic beverages;

d. The site must have direct access to an arterial;

e. The remote tasting room site shall not be used as a winery, brewery, distillery facility I, II or III production facility;

f. Incidental retail sales of products and merchandise related to the products being tasted is allowed;

g. The hours of operation for the tasting room shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

h. An adult beverage business license is required, in accordance with K.C.C. Title 6;

i. A remote tasting room may not operate without proof of Washington state Liquor and Cannabis Board approval;

j. Events that require a temporary use permit shall be prohibited at remote tasting rooms; and

k. Parking shall be limited to one hundred fifty percent of minimum required for retail trade uses in accordance with K.C.C. 21A.18.030.
E.1. To be eligible to use the provisions of this section, a remote tasting room must be located on a demonstration project site identified in Attachment A to this ordinance.

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

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

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

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

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

G. Applications in accordance with this section may be accepted by the department of permitting and environmental review only within three years of the effective date of this ordinance. Remote tasting room uses approved in accordance with this section may continue as long as an underlying business license or renewal is maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

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

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

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

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

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

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

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

1. K.C.C. 21A.32.100 through 21A.32.140;

2. K.C.C. 21A.44.020; and

3. K.C.C. 21A.08.080.B.12.1

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

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

E.1. Demonstration project applications made in accordance with this section may only be submitted in relation to an application for a winery, brewery, distillery facility III conditional use permit or winery, brewery, distillery facility conditional use permit modification or expansion.
2. Demonstration project applications shall be submitted to the department in writing before or in conjunction with an application for a winery, brewery, distillery facility III conditional use permit or an application for a winery, brewery, distillery facility III conditional use permit modification or expansion. The supporting documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

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

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

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

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

H. One year after the effective date of this ordinance, and on an annual basis for three years thereafter, the director shall compile a list of demonstration project applications, an evaluation of the impacts of wedding and similar uses authorized pursuant to demonstration project conditional use permits, and related code complaints, if
I. The executive may submit additional proposed legislation reflecting information compiled under subsection H of this section within three years of the effective date of this ordinance.

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

A.1. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a citation, notice and order, voluntary compliance agreement or stop work order pursuant to the following 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 $125
   within the past twelve months
   (3) with one previous code violation of K.C.C. chapter 12.86 $250
   within the past twelve months
   (4) with one or more previous similar code violations, or with $500
two previous code violations of K.C.C. chapter 12.86 within the past twelve months
   (5) with two or more previous violations of K.C.C. Title 10, or Double the rate
   three or more previous code violations of K.C.C. chapter 12.86 of the previous
   within the past twelve months 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)) cleanup restitution payment: as specified in K.C.C. 23.02.140.

((d)) 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 $300
fourteen days following the first reinspection

(3) third reinspection, which shall occur no sooner than $450
fourteen days following the second reinspection

(4) reinspection after the third reinspection, which shall only be $450
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

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

B. The penalties assessed pursuant to this section for any failure to comply with a
notice and order or voluntary compliance agreement shall be assessed daily, according to
the schedule in subsection A of this section, for the first thirty days following the date the
notice and order or voluntary compliance agreement required the code violations to have
been cured. If after thirty days the person responsible for code compliance has failed to
satisfy the notice and order or voluntary compliance agreement, penalties shall be
assessed daily at a rate of double the rate for the first thirty days. Penalties may be
assessed daily until the person responsible for code compliance has fully complied with
the notice and order.

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

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

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

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

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

Date: 3/7/18

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Demonstration Project Overlay A: Remote Tasting Rooms

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

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
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.

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**Revenue to:**

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**Expenditures by Categories**

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**TOTAL**

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**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.
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 overarching 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 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.
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.


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.
**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 confining 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.

_PRE Meeting Materials_
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March 28, 2016

PRE Meeting Materials

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

April 26, 2018
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.
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Permit</td>
<td>Permitted – as an accessory to agricultural use</td>
<td>Permitted – only as an accessory to agricultural use</td>
<td>Conditional Use</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>None</td>
<td>4.5 acres when floor area is less than 6,000 sf</td>
<td>4.5 acres (NOTE: transmitted ordinance has an error and says 4.5 acres)</td>
<td></td>
</tr>
<tr>
<td>Max. Building Size</td>
<td>3,500 sf, except historic buildings</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td></td>
</tr>
<tr>
<td>Tastings</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td></td>
</tr>
<tr>
<td>Events</td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
<td>Up to 2 events/month with TUP. Max. size = 125 guests; parking accommodated on-site or managed through parking plan</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>Not specified</td>
<td>Meet requirements for water and wastewater; water meters required for use of wells</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
<td>Direct access from an arterial</td>
<td></td>
</tr>
<tr>
<td>Product Content</td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td>Limited to processing of agricultural products and 60 percent of the products must be from Puget Sound counties</td>
<td>60% of product to be processed must be grown on site.</td>
<td></td>
</tr>
<tr>
<td>Production/ Facility Location</td>
<td>Not specified</td>
<td>Required</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</td>
<td>Determined through CUP (NOTE: transmitted ordinance has an error and says limited to 150% of minimum required)</td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td></td>
</tr>
<tr>
<td>KC Bus. License</td>
<td>None</td>
<td>None</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Issue/Condition</td>
<td>Existing Code</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Rural Area Zones</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------</td>
<td>-------------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Type of Permit</strong></td>
<td>Permitted</td>
<td>Conditional Use</td>
<td>Permitted – only one nonresident employee allowed</td>
<td></td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>4.5 acres</td>
<td>Conditional Use</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>3,500 sf, except historic buildings</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td>F and C: 2.5 acres (NOTE: transmitted ordinance has an error and says 4.5 acres)</td>
<td></td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>P and C: Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td></td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
<td>For wineries: Up to 2/month with TUP; parking accommodated on-site</td>
<td>Up to 24 days/year with TUP. Max. size = 125 guests; parking accommodated on-site or managed through parking plan</td>
<td></td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Not specified</td>
<td>Meet requirements for water and wastewater; water meters required for use of wells</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Not specified</td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
<td></td>
</tr>
<tr>
<td><strong>Product Content</strong></td>
<td>60% of product content required to be grown in Puget Sound counties</td>
<td>Limited to processing of agricultural products and 60% percent of the products must be from Puget Sound counties</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Production/ Facility Location</strong></td>
<td>Not specified</td>
<td>Required</td>
<td>Required</td>
<td></td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241 – Substantive Summary of Changes by Zoning District

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

### Commercial and Industrial Zones

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

**November 28, 2018**
Public Comments on Proposed Ordinance 2018-0241
Winery/Brewery/Distillery Code Update
Received through November 26, 2018
King County Council PRE Committee Chair and Members,

Please accept the attached letter from the Greater Maple Valley Unincorporated Area Council (GMVUAC), Hollywood Hill Association (HHA); and Upper Bear Creek Unincorporated Area Council (UBCUAC), along with accompanying detailed comments on proposed Ordinance 2018-0241.

Thank you, in advance, for your consideration to our collective comments.

Transmitted on behalf of the GMVUAC, HHA, and UBCUAC by:

Peter Rimbos
Corresponding Secretary
Greater Maple Valley Unincorporated Area Council (GMVUAC)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.
Proposed Ordinance 2018-0241
Responding to the King County Sammamish Valley Wine and Beverage Study

Public Comment

November 9, 2018

GMVUAC, HHA, and UBCUAC
November 9, 2018

To: King County Council PRE Committee Chairwoman Kathy Lambert: kathy.lambert@kingcounty.gov and Committee Members: Dave Upthegrove: Dave.Upthegrove@kingcounty.gov; Larry Gossett Larry.Gossett@kingcounty.gov; Joe McDermott joe.mcdermott@kingcounty.gov; and Pete von Reichbauer Pete.vonReichbauer@kingcounty.gov

Re: Proposed Ordinance 2018-0241: Responding to the King County Sammamish Valley Wine and Beverage Study

PRE Committee Chairwoman Lambert and Members,

Please accept comments herein on the subject Ordinance from King County Rural Area Unincorporated Area Councils (UACs) / Associations: Greater Maple Valley UAC (GMVUAC), Hollywood Hill Association (HHA); and Upper Bear Creek UAC (UBCUAC). As you are aware, we research and develop solutions on issues of interest to people who live in King County’s Rural Area.

We ask you to support the attached draft amendment for proposed King County Ordinance #2018-0241 developed by Friends of Sammamish Valley, which responds to the King County Sammamish Valley Wine and Beverage Study.

Keeping all of the Rural Area of King County rural provides many benefits to the citizens and businesses of King County, urban and rural alike. As this ordinance will apply county-wide, we have concerns over certain provisions in the council’s current version which would open the doors to retail and industrial uses across the Rural Area. The result will be increased traffic, parking lots on rural land, pedestrian safety issues, water runoff that damages agricultural areas, lighting and noise pollution, and more.

We also recognize the Sammamish Valley in particular as a unique asset to King County. Not only is its rural ambiance vital to the continued success of the wine-related economy around Woodinville, it is also a crucial front in our efforts to contain urban sprawl. Wineries and related businesses have become important elements of our region’s economy and culture. We support continuing to permit small wineries to be established in the Rural Areas. However, remote tasting rooms and so-called event centers clearly belong in the Urban Growth Area, where the vast majority already operate legally.

The attached draft amendment would clarify and strengthen regulations for beverage industries in ways that align with King County’s Comprehensive Plan and Planning Policies under the state Growth Management Act. It retains positive elements in the proposed ordinance (business license, improved tools for code enforcement, etc) and seeks to balance the needs of the Rural Area and Agricultural Production Districts (APDs).

The draft amendment provides the following changes to the proposed ordinance:

1. Removes the Demonstration Project Overlays A and B from the Sammamish Valley. These overlays threaten the Rural Area and APDs by permanently allowing urban-area commercial and retail businesses, such as bars and event centers, to operate in these areas.
2. Improve certain provisions. Closes loopholes that would allow drinking establishments and event centers to function as wineries even when little or no product is produced on-site.
3. Provides a 12-mo grace period. This would allow the illegally operating tasting rooms, retail sales outlets, and event centers to move to a new legal location.

We welcome the committee’s thorough review of the attached draft amendment to proposed Ordinance #2018-0241. We wish to continue an open dialogue with King County officials on the subject Ordinance. Thank you in advance for your careful consideration of our comments.

Steve Hiester
info@gmvuac.org
Chair, GMVUAC

Michael Tanksley
wmtanksley@hollywoodhillassoc.org
President, HHA

Nancy Stafford
nm.staff@outlook.com
Chair, UBCUAC

cc: Dow Constantine, KC Executive: dow.Constantine@kingcounty.gov
KC Councilmembers: rod.dembowski@kingcounty.gov, jeanne.kohl-welles@kingcounty.gov, claudia.balducci@kingcounty.gov, reagan.dunn@kingcounty.gov
John Taylor, Director-Appointee, KC Dept. of Local Services: john.taylor@kingcounty.gov
Alan Painter, Manager, KC Community Service Areas: alan.painter@kingcounty.gov
Jim Chan, Asst. Dir. for Permitting, KC Dept. of Permitting & Environmental Review: jim.chan@kingcounty.gov
Ivan Miller, Comprehensive Planning Mgr., KC: ivan.miller@kingcounty.gov
Erin Auzins, Lead Staff, KC Council PRE Committee: erin.Auzins@kingcounty.gov
## PROPOSED ORDINANCE 2018-0241 – WINERY/BREWERY/DISTILLERY CODE UPDATE

### DECISION MATRIX FOR PRE CHAIR LAMBERT

<table>
<thead>
<tr>
<th>#</th>
<th>Proposed Change</th>
<th>Council Staff Comments</th>
<th>Chair’s Direction</th>
<th>FoSV</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sections 3 through 9 add a new chapter in Title 6 – business licenses</td>
<td>1. It is a policy choice whether to require a business license for these uses.</td>
<td>6/28 – consider other methods: 1 time registration, once every 5 years. Asked for</td>
<td>Support requirement for annual licenses. Revenue should go to enforcement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Executive staff expect this fee to generate up to $6000 annually. DPER staff state</td>
<td>follow up from staff: what do other licenses require?</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>that business license reviews do not include an in depth review, and are used for</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>tracking purposes. In depth review, for compliance with development regulations is</td>
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<tr>
<td></td>
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<td>done as part of construction permit and land use applications.</td>
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<td></td>
</tr>
<tr>
<td>2</td>
<td>Section 10: Repeals existing definition of winery:</td>
<td>No issues identified. This definition is replaced by the new definitions for WBD I,</td>
<td>6/28 – ok with change.</td>
<td>Repeal of existing definition is acceptable. Real issue is adequacy of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Il, III.</td>
<td></td>
<td>new definitions.</td>
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</tbody>
</table>

### November 28, 2018

1. **Proposed Change**: Sections 3 through 9 add a new chapter in Title 6 – business licenses
   - This adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.
   - The business license fee would be $100 for initial and renewal of licenses.

2. **Proposed Change**: Section 10: Repeals existing definition of winery:
   - An establishment primarily engaged in one or more of the following:
     - A. Growing grapes or fruit and manufacturing wine, cider or brandies;
     - B. Manufacturing wine, cider, or brandies from grapes and other fruits grown elsewhere; and
     - C. Blending wines, cider or brandies.
   - No issues identified. This definition is replaced by the new definitions for WBD I, II, III.
<table>
<thead>
<tr>
<th>#</th>
<th>Proposed Change</th>
<th>Council Staff Comments</th>
<th>Chair’s Direction</th>
<th>FoSV</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Section 11: Adds a definition for adult beverage business: An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.</td>
<td>No issues identified.</td>
<td>6/28 – ok with change.</td>
<td>Definition of adult beverage business is needed for the licensing requirement. This is acceptable.</td>
</tr>
</tbody>
</table>
| 4  | Section 12: Adds a definition for remote tasting room: A small facility approved by the Washington state Liquor and Cannabis Board as a remote tasting room for a licensed winery, brewery or distillery that is operating at a location other than the licensed winery, brewery or distillery production facility, for the purpose of the retail sale and sampling of the licensed product. | 1. The LCB does not use the term "remote tasting room". Instead, the term is "Tasting Room – Additional Location". Executive staff agree that the LCB term should be used. 2. This license is only allowed for in-state wineries. Out-of-state wineries will not be allowed to operate a remote tasting room within the Overlay A area demonstration project. 3. In addition, this allowance for a tasting room by the LCB is only allowed for wineries. Breweries and distilleries do not have a comparable state license, and would not be able to locate in the Overlay A demonstration project. | 6/28 – revise the language so that breweries and distilleries can participate in the demonstration project. | KCC 21A.55 defines the scope of the Council’s authority to establish "demonstration projects". Allowing tasting rooms in zones where they are not allowed by the current code is outside of the scope of the council’s authority under KCC 21A.55.  
The definition should include the size limitation; A small facility with total space devoted to tasting and retail activity not to exceed one thousand square feet of gross floor area, that is approved by the Washington state Liquor and Cannabis Board as a remote tasting room for a licensed winery, brewery or distillery that is operating at a location other than the licensed winery, brewery or distillery production facility, for the purpose of the retail sale and sampling of the licensed product. |
## PROPOSED ORDINANCE 2018-0241 – WINERY/BREWERY/DISTILLERY CODE UPDATE
### DECISION MATRIX FOR PRE CHAIR LAMBERT

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<td></td>
<td>Section 13: Adds a definition for winery, brewery, distillery facility I: A very small establishment licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and where on-site product tasting or retail sale of merchandise does not occur.</td>
<td>1. The Council may want to consider whether using “very small”, “small” or no qualifier is sufficient in the definitions. The parameters separating the three WBD facilities are in the development conditions in the permitted uses section. Another option would be to call out the maximum square footage in the definition, if the Council wants to be more specific.</td>
<td>6/28 – add the size qualifiers</td>
<td>Proposed definition: A winery, brewery or distillery as those terms are defined by KCC 21A.06, with gross floor area devoted to processing not to exceed one thousand five hundred square, licensed by the State of Washington to produce adult beverages such as wine, cider, beer or distilled spirits and where on-site product tasting or retail sale of merchandise does not occur.</td>
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<td>5</td>
<td>Section 14: Adds a definition for winery, brewery, distillery facility II: A small scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II may include additional product-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting and sales as authorized by state law, and sales of merchandise related to products available for tasting as authorized by state law.</td>
<td>Same issue as above on size qualifier.</td>
<td>6/28 – add the size qualifiers</td>
<td>Proposed definition: A winery, brewery, or distillery as those terms are defined by KCC 21A.06, that meets the size limitations of the zoning district in which it is located for a winery, brewery, distillery facility II, licensed by the State of Washington to produce adult beverages such as wine, cider, beer or distilled spirits. A Winery, brewery, distillery facility II may include on-site tasting and sales of products produced on-site only.</td>
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</table>
### Section 15: Adds a definition for winery, brewery, distillery facility III:

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

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<td>6</td>
<td>Proposed definition: A winery, brewery, or distillery as those terms are defined by KCC 21A.06, that meets the size limitations of the zoning district in which it is located for a winery, brewery, distillery facility III, licensed by the State of Washington to produce adult beverages such as wine, cider, beer or distilled spirits. A winery, brewery, distillery facility III may include on-site tasting and sales of products produced on-site only.</td>
<td>6/28 – add the size qualifiers (Erin’s note – this may not make sense for III)</td>
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<td>Section 17: Modifies parking requirements: Requires for WBD II facilities, 0.9 per 1,000 square feet plus 1 per 300 square feet of tasting area (existing code is 1 per 50 square feet of tasting area). Does not specify parking requirements for other WBD facilities.</td>
<td>1. This change would reduce the number of parking spaces required, and therefore the maximum number of parking spaces allowed, for WBD III facilities.</td>
<td>6/28 – keep existing ratio for tasting. Add language to the demonstration projects to evaluate parking needs/impacts.</td>
<td>Support Proposed Ordinance provisions on parking.</td>
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<td>8</td>
<td>Section 18: Modifies home occupation requirements (R, UR, NB, CB and RB zones): Prohibits all WBD facilities and remote tasting rooms.</td>
<td>This is a policy choice for the Council.</td>
<td>6/28 – ok with change</td>
<td>Support proposed ordinance.</td>
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<td>9</td>
<td>Section 19: Modifies home occupation requirements (A, F and RA zones): Prohibits all WBD facilities and remote tasting rooms.</td>
<td>This is a policy choice for the Council.</td>
<td>6/28 – ok with change</td>
<td>Support proposed ordinance.</td>
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<td>10</td>
<td>Section 20: Modifies home industry requirements: Prohibits all WBD facilities and remote tasting rooms.</td>
<td>This is a policy choice for the Council.</td>
<td>6/28 – allow WBD as a home industry. (see modified conditions in HIP section).</td>
<td>Support proposed ordinance.</td>
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</table>
### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Code Update

#### Decision Matrix for Pre Chair Lambert

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<tr>
<td>11</td>
<td>Section 21: Modifies temporary use permit requirements:</td>
<td>For WBD II and III in A zones, events limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director. For WBD II and III in RA zones, events 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 WBD 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 WBD 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.</td>
<td>1. Executive staff continue to work on a definition of a “special event”. In practice, it will need to be based on criteria that an inspector could easily see if they visit the site. Initial thoughts include: any tents, portable toilets, stages on-site; and need for additional parking over the permitted number of maximum spaces. The Council may want to consider whether the criteria for what is included within normal business operations as a WBD, and what is outside of the normal operations that needs a special event TUP. Executive staff indicate that closing during allowed tasting hours for a private event would not trigger a TUP unless it meets the criteria above, although that is not clearly stated in the PO. 2. For some allowances, the number of events is specified, and for others, the number of days events are allowed is specified? When the number of days is specified, more than one event would be allowed. 6/28 – • add language that specifies when a TUP is required. Include building occupancy, portable toilets and additional parking as criteria, but exclude stage and tents. • Include language that events within the normal business hours do not require a TUP. • Allow 24 events per year in Ag zone. • WBD II allowed 150 guests (WBD III ok with 250)</td>
<td>Add definition of winery, brewery, distillery facility special event: A private event such as a wedding, anniversary party, office gathering or other event not open to the public, conducted at a winery, brewery, distillery facility II or III, with attendance limited to the occupancy load permitted for the primary structure on the site by the fire code, conducted not more frequently than two times per month, and authorized by a temporary use permit. No amplified outdoor sound allowed. No other special events or uses are allowed to be conducted in, or on the site of a winery, brewery, distillery facility II or III. No special events or uses shall be conducted in a Remote Tasting Room or a winery, brewery or distillery I. Winery, brewery, distillery facility special events as defined in KCC 21A. 06 may be allowed not more frequently than two times per month with an approved temporary use permit under K.C.C. chapter 21A.32. No outdoor amplified sound allowed. No other special events or temporary uses are allowed.</td>
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| 12 | Section 22: Adds a Sammamish Valley and Vashon Town Center wine and adult beverage remote tasting room demonstration project A.                                                                                 | • Administrative approval by DPER – as a Type I land use decision  
• May apply for approval simultaneously as business license application  
• Allowed uses under the demonstration project limited to remote tasting room.  
• Adds criteria for remote tasting room:  
  o One or more WBD I, II or III may operate  
  o Total space for tasting and retail is 1,000sf plus storage, restroom, back-of-the-house uses  
  o Additional 500sf of outdoor space allowed  
  o Direct access to an arterial  
  o No production allowed  
  a. When/if the Council makes permanent changes to remote tasting rooms, then allowing them, or WBD generally, would require an amendment to the VMI Subarea Plan/P-suffix conditions. As a precedent, Council should consider whether it meets their policy goals to allow uses through a demonstration project that would otherwise not be allowed by a P-suffix or SDO (or equivalent).  
  b. This would allow tasting rooms on land that the underlying zoning would not allow WBD in any form (Residential zones) elsewhere in the County.  
2. 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.  
3. The PO states that DPER cannot accept applications after 3 years from the effective date of the Ordinance. 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. | 6/28 –  
• Add Fall City Rural Town as third area.  
• Add language to the demonstration projects to evaluate parking needs/impacts.  
• Add more robust evaluation language. Include the nearby City’s, and CSA groups, opinions of the overlays.  
• Require a Council action to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years.  
Executive staff suggest that the allowance be narrowed to either the Town Core, or the CB zoned land within the Rural Town.  
Need further direction on Vashon overlay from CM Lambert/McDermott.  
The Sammamish Valley must be eliminated from Overlay A. Making retail sales uses—tasting rooms—permitted uses in the Sammamish Valley violates the GMA. These are urban uses. The A and RA zoned land in the Valley is not suitable for urban uses. This violates the KC Comp. Plan mandate to preserve the character of the Rural Area. Bar hopping is an urban activity. Signage, parking areas, serving of alcoholic beverages and food require urban services—sewers, storm sewer systems, adequate roads, police, fire and code enforcement services. They do not belong in Rural Areas and in particular do not belong in buffers to the Sammamish Valley APD. There is more than adequate land in the surrounding city urban areas to accommodate growth in tasting rooms. The interests of the rural residents who live in and around these areas are being ignored to serve the interests of a small number of operators of illegal business. |
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<td>13</td>
<td>Section 23: Adds a Sammamish Valley wine and adult beverage tourist district events demonstration project B.</td>
<td>1. The Council may want to consider whether the reporting requirements for the demonstration project provide sufficient evaluation for the Council to make an informed decision on future permanent code changes.</td>
<td>6/28 –</td>
<td>Add more robust evaluation language. Include the nearby City’s, and CSA groups, opinions of the overlays. Require a Council action to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years.</td>
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<td>• Administrative approval by DPER, using review procedures in 21A.42 and decision criteria in 21A. 44.040 (for CUPs)</td>
<td>• Allowed for WBD III</td>
<td>• Allowed to obtain authorization for on-site weddings and similar uses under the CUP</td>
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<td>• Allowed for WBD III</td>
<td>• Waives requirements in 21A.32.100 through .140; 21A.44.020 and 21A.08.080.B.12.1</td>
<td>• No waiver from other requirements (including review procedures)</td>
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<td>• Allowed to obtain authorization for on-site weddings and similar uses under the CUP</td>
<td>• Only allowed with an application for a new or modified CUP for WBD III, either in conjunction with that application or before. Must demonstrate compliance with 21A.44.040.</td>
<td>• CUPs are a Type II land use decision</td>
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<td>• No waiver from other requirements (including review procedures)</td>
<td>• CUPs are a Type II land use decision</td>
<td>• Only allowed in area identified in Attachment B</td>
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| 14 | Section 24: Modifies citation penalty:  
Adds specific citations for WBD I, II, III and remote tasting rooms: $500 for first violation, and $1,000 for subsequent violations  
(existing code is $100 for first violation, $500 for subsequent violations) | 1. The Council should consider whether these citation penalty amounts are sufficient to deter violations, and that the amounts are not TOO high and unnecessarily punitive.  
2. After this six month period, enforcement of the provisions would follow the 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 encompass the entire County. The County has limited code enforcement resources, in terms of: 1) number of code enforcement officers, 2) ability under the code to get to voluntary compliance quickly, and 3) to get resolution on cases through the judicial system. | 6/28 –  
• Modify the citation penalties:  
  1st violation – written warning plus discretion to fine up to $100  
  2nd violation - $200  
  3rd violation - $500  
  4th - $750  
  5th - $1000  
Subsequent: Notice and Order process with civil penalties. Potential suspend or revoke license | The penalties are far too low to create real incentive to adhere to the law. Enforcement must be a priority. Currently there is essentially no enforcement. See specific revisions in penalty amounts in the FoSV proposed revisions to the ordinance. |
### PROPOSED ORDINANCE 2018-0241 – WINERY/BREWERY/DISTILLERY CODE UPDATE

#### DECISION MATRIX FOR PRE CHAIR LAMBERT

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<td>15</td>
<td>Section 16: Modifies the Manufacturing land use table:</td>
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<td>WBDs belong in manufacturing and industrial areas. FoSV has not taken any positions on the proposed ordinance with respect to manufacturing and industrial areas.</td>
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<td>Adds WBD I, WBD II, and WBD III to the permitted use table and permits them in multiple zones, either as permitted outright with development conditions or with a conditional use permit with development conditions in several zones.</td>
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<td>Modifies development conditions for WBD facilities related to minimum lot size, floor area, parking area, setbacks, product content, location of facilities on farmland, tasting hours, site access, business license, events, connection to water supply, growing requirements, and employee maximums.</td>
<td>See separate table for description of substantive changes.</td>
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<td>1. 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.</td>
<td>See separate table for changes to this table.</td>
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<td>2. 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</td>
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**Notes:**
- **PRE Meeting Materials:** November 28, 2018
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OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Permitting and Environmental Review file no. PREA170313

FOUR HORSEMEN BREWERY
Preliminary Determination Appeal

Location: 30221 148th Avenue SE, Kent

Appellants: Donna Hinds-Scarimbolo, Dane Scarimbolo, and Dominique and Justin Torgerson
30221 148th Avenue SE
Kent, WA 98042
Telephone: (253) 332-2829
Email: dane_scarimbolo@hotmail.com

King County: Department of Permitting and Environmental Review
represented by Jake Tracy
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 263-0875
Email: jtracy@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation: Deny appeal
Department's Final Recommendation: Deny appeal
Examiner's Decision: Grant appeal in part; deny appeal in part

EXAMINER PROCEEDINGS:

Hearing Opened: September 6, 2018
Hearing Closed: September 19, 2018
Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

FINDINGS AND CONCLUSIONS:

Overview

1. The operators of the Four Horsemen Brewery (Appellants) challenge a preliminary determination by the Department of Permitting and Environmental Review (DPER) that no tasting areas—no matter how limited in scope—are allowed in connection with a home occupation brewery. Although DPER is correct that the tasting area Appellants sought to operate exceeded the limited-scale uses allowed for a home occupation, DPER is incorrect that current law categorically prohibits all such home occupation tasting areas. Accordingly we grant, in part, Appellants’ petition.

Background

2. Appellants, the four brewery operators, live in the residence on the subject property. They installed a brewery and tasting areas without the necessary permits. Code Enforcement received a complaint and began administrative proceedings. In response, Appellants began the permitting process. DPER informed them that while their brewery operations were likely legalizable through the permit process, on-site home occupation tasting areas were prohibited, county-wide.

3. When, at or after a pre-application conference, DPER issues a preliminary determination that a proposed development is not permissible, an applicant has the option to appeal that determination to us. KCC 20.20.030.D. Appellants filed a timely challenge, and we went to hearing on September 6. We announced at the close of that hearing that we would hold the record open until September 19, to allow the parties to submit additional argument. With the record now closed, we turn to our analysis.

Analysis

4. The distinction between the way courts treat “facial” challenges versus “as-applied” challenges provides a useful framework for our analysis. Because DPER has adopted a blanket (facial) position “that it is not possible to condition a tasting room to be a limited use, subordinate and incidental to a residence,” Ex. A16 at 002, we must reject DPER’s position “unless there exists no set of circumstances in which” a tasting area can meet the home occupation standards. Cf. Tunstall ex rel. Tunstall v. Bergson, 141 Wn.2d 201, 221, 5 P.3d 691 (2000). This also means that we devote less space to making detailed factual findings than we would if, for example, DPER had determined that while tasting areas were generally amenable to home occupation status, specific attributes of Appellants’ operations went too far.
5. The current zoning code allows commercial breweries—along with any state-allowed
tasting area for products produced on site—on Rural Area (RA) zoned properties. KCC
21A.08.080.B.3.g. However, such activities are only allowed on parcels of at least 4.5
acres. Id. at c. Appellants’ property is approximately half the required size.

6. Home occupations and home industries do offer a “catch all” avenue for legalization.
Certain uses, prohibited as the primary use of a residential property, may nonetheless be
conducted by a resident(s) if certain criteria are met. DPER agrees that a brewery itself, if
sufficiently limited, is amenable to home occupation treatment. Our question is whether
DPER is correct that no tasting areas, no matter how limited, can be allowed as part of a
home occupation brewery.

7. We render our decision in the shadow of pending code changes that would overhaul the
standards for adult beverage businesses (including both breweries and tasting areas) and
would exclude breweries and tasting areas from being eligible for home occupation
status. Prop. Ord. 2018-0241. Yet a proposal is not a law, we decide cases based on the
actual law, not on the law as it may become.

8. We start with the low-hanging fruit, before turning to the more involved analysis.

9. Appellants make multiple references to the comprehensive plan (Comp Plan). A county’s
comprehensive plan is a “guide” and “blueprint”; it is typically not appropriate for
making specific land use decisions. Citizens for Mount Vernon v. City of Mount Vernon, 133
Wn.2d 861, 873–74, 947 P.2d 1208 (1997). The Comp Plan would be relevant in our
consideration of a home industry, because a home industry here would require a
conditional use permit, and the code controlling the conditional use analysis explicitly
requires inquiry into whether a proposed use conflicts with the Comp Plan. KCC
21A.44.040.G. But today’s case is about whether a tasting room is permissible as a home
occupation under the current wording of KCC 21A.30.085, which does not incorporate any
Comp Plan component. The Comp Plan may provide fodder for how Appellants’ lobby
Council to shape the proposed ordinance, but it does not impact our decision.\(^1\)

10. Appellants next assert that they should be allowed a tasting room because the
Washington State Liquor and Cannabis Board (Board) permits this without requiring an
additional tasting room or retail license (on top of a brewery license), and so Appellants
should be allowed to exercise these state-granted “privileges.” WAC 314-20-015(1) (“A
licensed brewer may sell: (a) Beer of its own production at retail on the brewery
premises”); Ex. A16-002. That the Board may authorize something as a matter of state
licensing law does not mean that the County allows (or has to allow) it as a matter of local
zoning law.

\(^1\) Even if the Comp Plan were relevant, Appellants’ citation to ED-602.g would be unavailing. That subsection states that
the County will “explore opportunities to support agricultural tourism and value-added program(s) related to the
production of ... specialty beverages (including beer, distilled beverages, and wine) in the county.” The pending
ordinance is the result of that exploration, via a King County Sammamish Valley Wine and Beverage Study released in
September 2016. Prop. Ord. 208-0241. If Appellants do not like that result, they can lobby for an amendment to the
legislation. But ED-602.g did not promise any specific result, only an exploration.
11. In the words of our most recent appellate decision interpreting the analogous question of whether a county must sanction marijuana businesses the Board accepts, “the fact that an activity can be licensed under state law does not mean that the activity must be allowed under local law.” Emerald Enterprises, LLC v. Clark County, 2 Wn. App. 2d 794, 805, 413 P.3d 92 (2018). The Board’s powers are “distinct from the County’s zoning authority,” and a Board license is “an additional requirement for opening a new business.” Id. at 817, 806. We assume, for purposes of our discussion, that the Board would license any of the alternatives in today’s discussion. Our question is what KCC Title 21A allows.

12. DPER argues that, if we decide that a tasting area can be allowed, DPER should have the discretion to decide whether that proposal should fit under the home occupation or home industry rubric. Ex. A16 at 004. DPER can suggest an appropriate avenue for legalization something, and often DPER helpfully does just that. But where a party applies for X, DPER (and we) must analyze X. A home industry might be a viable alternative, if we decide that tasting cannot occur—in any form—in conjunction with a home occupation brewery. But DPER (and we) have to analyze the question actually asked. And here that involves a proposal for a brewery/tasting area as a home occupation, not as a home industry.

13. Our final preliminary point recognizes that DPER has been consistent in interpreting the code as barring tasting areas as a component of a home occupation brewery; its position here is not one crafted for an adversarial proceeding. Ex. D5. That would be important if we were determining whether (and how much) to grant DPER deference, given that courts accord more weight to agency interpretations that are consistent with that agency’s prior administrative practice. Skamania County v. Columbia River Gorge Com’n, 144 Wn.2d 30, 43, 26 P.3d 241 (2001). But it is the examiner, not the agency, who gets any deference in today’s case. Durland v. San Juan County, 174 Wn. App. 1, 11, 298 P.3d 757 (2012). Our rules reflect this: barring some special directive to the contrary, the examiner does not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.

14. Turning to the crux of the matter, DPER initially argues that—in addition to the specific, occupational requirements of KCC 21A.30.085—a would-be home occupier also has to meet the limitations coming directly from KCC chapter 21A.06’s definitions, including “a limited-scale service or fabrication activity...subordinate to the primary use of the site as a residence” and being “[c]ustomarily associated with a principal use” and “[s]ubordinate and incidental to the principal use.” KCC 21A.06.610, .013.

15. However, then DPER essentially reverses course and asserts that these definitional limits are actually no limits at all, and that if we allow any type of tasting area, all hell would break loose. E.g., Ex. D1 at 005 (asserting that nothing would “prevent four fifteen-person conversion vans from arriving on site each hour, on the hour...and would not prevent the owners from using shuttle buses to ferry large groups of customers to the site”). Appellants unwittingly support DPER’s argument, alleging that without a precise definition DPER is barred from establishing guidelines for what can be considered subordinate or limited-scale. Ex. A16 at 001. This adds fuel to DPER’s claim that if we overturn its blanket interpretation that a tasting area is never allowed as a home
occupation, DPER can set no limits, Exhibit A16-001, and the sky (truly) would be falling.

16. The answer is that DPER’s first point is correct, rendering the second point moot.

17. We were initially skeptical that a general definition would add any limitations on top of those specifically enumerated in the operative section, KCC 21A.30.085. That is, as long as one meets KCC 21A.30.085’s checklist, anything that does not violate one of those specific restrictions is legal. Yet after more contemplation, we agree with DPER that KCC chapter 21A.06 adds operative restrictions. Because KCC 21A.30.085 starts off (underscore added) by noting that residents “may conduct one or more home occupations as accessory activities, under the following provisions,” the limitations included in the definitions of “home occupation” and “accessory activity” are explicitly incorporated into .085.

18. The statutory interpretation principle that a “general statutory provision normally yields to a more specific statutory provision,” Western Plaza, LLC v. Tison, 184 Wn.2d 702, 712, 364 P.3d 76 (2015), still applies. So, for example, in answering the question of how many employees could work in the business or how long operating hours can be, and still qualify as “limited-scale” and “accessory” to a residential use, we would look solely to KCC 21A.30.085’s detailed answers, and not to KCC 21A.06.013’s and .610’s general principles. But the definitions remain functional.

19. Turning to those definitions, DPER argues that Appellants’ tasting area would be a “sales-based” business and thus not allowed, given KCC 21A.06.610’s definition of home occupations as limited-scale service or fabrication activities. Ex. D1 at 004. DPER’s argument is accurate for home occupations in the Urban Residential (R) and Urban Reserve (UR) zones, where sales are limited to mail order, electronic, and sales to patrons who receive services onsite. KCC 21A.30.080.G. However the code applicable to Rural Area (RA) home occupations explicitly adds to this list sales of “[i]tems grown, produced or fabricated on-site.” KCC 21A.30.080.K. That specific allowance trumps the general prohibition. Appellants produce their beer on their RA-zoned site, and provided they sell only what they produce on site, this particular component creates no prohibition.

20. Whether Appellants’ specific activities actually qualify as “limited-scale” is discussed below. But DPER argues that that there are certain activities that simply cannot be considered “limited-scale,” even if an applicant could demonstrate compliance with all the requirements of KCC 21A.30.085. That is correct, insofar as subsection J lists several uses the Council has determined “by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations” and therefore “shall not be permitted as home occupations.” On that list are lodgings, dry cleaning, and certain automotive services, automotive wrecking services and tow-in parking lots. Most recently, the Council added marijuana-related businesses to the list. Ord. 17710 at § 11 (2013). The Council appears poised to do this again for breweries/tasting rooms in the proposed ordinance 2018-0241.
21. DPER offers sound arguments for why, by the nature of its operations, a tasting room tends to increase beyond the limits permitted for home occupations and therefore should be prohibited from being part of a home occupation. Given the current legislation, Council might go there. But neither DPER nor we have the authority to constructively amend KCC 21A.30.085.J and insert alcohol-related businesses after marijuana-related businesses on the list of prohibited home occupations. We do not get to “add words where the legislature has chosen not to include them.” Nelson v. Department of Labor & Industries, 198 Wn. App. 101, 110, 392 P.3d 1138 (2017).

22. In addition to the massive-scale crowds DPER claims could follow our unfavorable decision, DPER argues that while commercial breweries are limited to a combined brewery/tasting area of 3,500 square feet, nothing would prevent Appellants from constructing over 3,500 square feet of brewery/tasting in connection to a home occupation business. Ex. D1 at 006. However, a square footage that exceeded (or even approached) the maximum square footage of a full-scale (as the primary use of a property) would not qualify as a “limited-scale” endeavor (as an accessory use of a residential property).

23. As discussed above, either the KCC 21A.06.013 and .610 definitions act as an actual check, or they do not. If they do not, then Appellants can do whatever they want so long as they meet all the enumerated parts of KCC 21A.30.085. Because we conclude that these definitions are operative, they are checks on the extreme examples DPER presents. And to the extent DPER has experience that such checks are insufficient for keeping particular subcategories of home occupations from expanding inappropriately or creating undue neighborhood controversy, it should (as it is done here) propose adding these to KCC 21A.30.085.J’s and .080.E’s lists of uses ineligible for home occupation treatment.

24. In addition to the “limited-scale” check from KCC 21A.06.610 discussed above, .013.C requires that an accessory use be “subordinate and incidental to the principal use.” A large-scale tasting area would not be subordinate (having a lower or less important position) and incidental (accompanying but not a major part of) to the principal use of the property as a residence. In general, the examples DPER presents for how large Appellants’ business could grow sound less like a commercial use subordinate and incidental to a residential use, and more like a primary commercial use with some subordinate and incidental on-site housing for employees. That the latter would be disallowed does not mean that no tasting area could be permissible.²

25. DPER argues that because fully-outdoor tasting operations would not necessarily require a permit from DPER, DPER would not necessarily have any mechanism to ensure that businesses are subordinate and incidental to the primary residential use. Ex. A16 at 004. The same could be said for a whole host of home occupations, beyond adult beverages,

² DPER points to KCC 21A.06.013.A’s requirement that an accessory use be “[c]ustomarily associated with a principal use.” DPER is correct that allowing customers to purchase and consume beverages on site is not customarily associated with a residence. But neither is brewing beer for sale on site, a use DPER agrees can (if property limited) qualify as a legal home occupation. We can think of a host of other home occupation businesses that are not “customarily associated” with a residential use. This general requirement would, if broadly interpreted, completely swamp KCC 21A.30.080 and .085.
that are not on KCC 21A.30.080.J’s prohibited lists. More importantly, the Code Enforcement program is DPER’s existing mechanism for ensuring that, even where a permit is not required, a use does not violate the code’s limits. In fact, DPER actually has an open (but stayed) enforcement case on the subject property.

26. That does not mean that the already over-stretched Code Enforcement program provides an ideal review mechanism going forward. Proposed ordinance 2018-0241 provides regulatory and licensing for small-scale and very small-scale production facilities—including extensive provisions regarding tasting areas. Without offering any commentary on those specific provisions, it makes sense to handle small/limited-scale adult beverage operations via some system of reviewable permits and licenses, instead of relying on a catch-all provision for limited-scale uses often reviewable only after neighborhood tensions boil over to the point a complaint is lodged. Yet that does not give us the leeway to interpret the current code to have already accomplished this. Instead, our role is to interpret the codes “as they are written, and not as we would like them to be written.” Brown v. State, 155 Wn.2d 254, 268, 119 P.3d 341 (2005) (citations omitted).

27. DPER is correct that Appellants’ initial tasting room plans went far beyond a limited-scale service activity subordinate to the primary use of the site as a residence, and also violated some specific prohibitions, such as KCC 21A.30.085.J’s hours of operations. Appellants advertised that their location would be “great for big gatherings” and “could fit over 80 vehicles.” Ex. D7. That is way beyond a limited-scale home occupation. Viewing the aerial map with significant outdoor seating, DPER analogizing Appellants’ past operational capacity to a “beer garden” seems accurate. Ex. D4. Even under Appellants’ somewhat scaled-back scenario, they testified that they still have seating for 28 patrons at any given time. This would far exceed the number of customers one would expect from the four allowable, additional vehicles referenced in KCC 21A.30.085.H.3. Appellants did not challenge DPER’s assertion that the square footage Appellants devoted to tasting and customer parking combined are larger than the house itself.

28. But that is not our basic question. Instead, we are reviewing DPER’s determination that tasting rooms adjacent to a home occupation brewery are simply not allowed as home occupations, period, essentially adding tasting areas to KCC 21A.30.085.J’s list of uses prohibited from achieving home occupation status. As noted above, we must reject DPER’s position unless there are no set of circumstances in which a tasting area can meet the home occupation standards. We can certainly envisions such circumstances—a home occupation brewery with capacity for only a few carloads of customers to come, purchase and consume samples, and then purchase growlers to take off-site—that could meet this. To this extent, we grant Appellants’ challenge.

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3 Even assuming that vehicles bringing customers to the site would have more than the American average of 1.2 to 1.3 people-per-vehicle, http://overflow.solutions/demographic-data/how-many-people-are-there-per-automobile-in-the-us/, accommodations for 28 customers anticipates far more than four additional vehicles on site at any one time.

4 Although there was no testimony on how much total outdoor area was devoted to the business, a quick eyeball of the maps appears to show this in excess of the 998 square feet allowed for a property of the subject parcel’s size. KCC 21A.30.085.C.2.
29. We deny Appellants’ challenge in that they will need to significantly scale back. Looking forward, DPER raises some good points, such as how Appellants—situated in proximity to Pacific Raceways—can structure operations so that they do not increase the average vehicular traffic by more than four additional vehicles at any given time. KCC 21A.30.085.H.3. But those are “as-applied” issues specific to Appellants’ actual operations, reviewable through either the building permit or Code Enforcement review processes, and ultimately via an appeal to the Examiner. They do not create a “facial” bar to every home occupation tasting area in King County.

30. Finally, a word about vested rights. DPER states that because its interpretation of the code (as creating a blanket bar to tasting areas as home occupations) was in place prior to Appellants’ operations starting up, Appellants are not vested. Ex. A16 at 001. Vesting relates to the right to have a proposal processed under “regulations” in effect at the time an application is submitted. See Snohomish County v. Pollution Control Hearings Board, 187 Wn. 2d 346, 358, 386 P.3d 1064 (2016). While our code is more generous (to developers) than state law in terms of what applications are covered by the doctrine, our local vesting statute still pegs the analysis to the “land use control ordinances.” KCC 20.20.070.A. An agency interpretation of an ordinance, even if correct, is not an actual ordinance. In any event, DPER’s interpretation (that KCC 21A.30.085 bars every on-site tasting area for products brewed on site) is incorrect.

31. In our prehearing order, we referenced the pending code change that would make a brewery/tasting room like Appellants’ illegal. We observed that it would waste everyone’s time for Appellants to rush submit a second application for DPER to review and (given its consistent legal position) deny, for Appellants to file a second appeal, and for us to start processing a second appeal, solely to protect against the scenario that in between then and the time we issued today’s decision, the code would change. We noted that we would consider Appellants’ tasting room “vested” to today’s code, if we require them to re-apply.

32. The code still has not changed, so there is no need to look backwards. Quite apart from whether a tasting area is allowed, we were slightly surprised to see that the plans did not seem to include any reference to a tasting area, such as where on the site map such tasting would occur. That could be problematic for Appellants. Vesting does not apply to “potential, but unexpressed, use[s] the owner desires.” Alliance Inv. Group of Ellensburg, LLC v. City of Ellensburg, 189 Wn. App. 763, 772, 358 P.3d 1227 (2015) (interpreting Noble Manor Co. v. Pierce County, 133 Wn.2d 269, 943 P.2d 1378 (1997)). To be protected, Appellants should lay out a specific tasting area(s) in their next submittal.

33. As to that next submittal, both DPER’s and Appellants’ post-hearing briefs discuss what type of occupancy (B versus I) applies. DPER acknowledged an earlier mistake. Ex. A16-003. Appellants seem to treat DPER’s initial categorization as binding. Ex. A16-003. That would likely be true if DPER had issued an actual permit and later (after the appeal window closed) tried to rescind that permit. Cf. Chelan County v. Nykreim, 146 Wn.2d 904,

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5 We understood Appellants’ contention that their state license entitled them to have a tasting room as part of brewery operations, but we did not understand that tasting areas would not even be shown on a site map (the same way, for example, that something like a driveway would).

34. DPER’s argument that it reviews a tasting area (where the public gathers) under different standards than a manufacturing area makes some logical sense, but we do not decide the correct coding. DPER should process the application correctly, consistent with today’s decision. And if DPER initially mis-categorized the project, and if it performed work it would not have under the proper categorization, then those hours should be credited to Appellants’ account. But a mistake in DPER’s initial analysis does not entitle Appellants to have their application continue to be processed incorrectly.

35. If—either during DPER’s processing of Appellants’ revised application or thereafter—the code changes to outlaw the type of activities Appellants want to conduct, that change would not make Appellants’ use illegal, only a legal nonconforming use. On the negative side, legal nonconforming use status comes with some restrictions, such as allowable modifications and expansions. KCC 21A.32.020–.085. On the positive side, Appellants would enjoy decreased competition, as no similarly situated, would-be rival business could subsequently open up. Regardless, a code change would not retroactively outlaw Appellants’ operations, so long as Appellants’ have resubmitted something showing a limited-scale brewery/tasting area subordinate and incidental to the principal use of the property as a residence and meeting the other requirements of KCC 21A.30.085, prior to the code change becoming effective.

DECISION:

1. Appellants’ appeal is DENIED, in the sense that Appellants’ tasting room activities exceed that allowed under the home occupancy requirements.

2. Appellants’ appeal is GRANTED, in that DPER’s interpretation that the current code bars tasting areas for home occupancy breweries, across the board, is incorrect.

ORDERED October 3, 2018.

[Signature]
David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County’s final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.
MINUTES OF THE SEPTEMBER 6, 2018, HEARING IN THE APPEAL OF FOUR HORSEMAN BREWERY, DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW FILE NO. PREA170313

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Dane Scarimbolo, Jake Tracy, Dominique Torgerson, and Justin Torgerson.

The following exhibits were offered and entered into the record:

**Department-offered exhibits:**
- Exhibit no. D1: Department of Permitting and Environmental Review staff report to the Hearing Examiner for file no. PREA170313
- Exhibit no. D2: Pre-application preliminary determination, dated June 1, 2018
- Exhibit no. D3: Notice and statement of appeal, received July 2, 2018
- Exhibit no. D4: Aerial map of subject property
- Exhibit no. D5: Excerpts of Washington State Liquor and Cannabis Board notice of liquor license applications
- Exhibit no. D6: "Four Horsemen Brewery Opens This Weekend" article from Washington Beer Blog, dated August 5, 2016
- Exhibit no. D7: Four Horsemen website
- Exhibit no. D8: DPER file no. PREA170313
- Exhibit no. D10: Email from Howard Esping to Sara Smith, dated June 11, 2018

**Appellant-offered exhibits:**
- Exhibit no. A2: Letter from Washington State Liquor and Cannabis Board, dated November 6, 2017; and Internal DPER emails, dated November 7, 2017
- Exhibit no. A3: Email correspondence between Dominique Torgerson and DPER
- Exhibit no. A4: King County Codes
- Exhibit no. A5: Revised Codes of Washington
- Exhibit no. A6: Traffic counts from 2013 through 2017
- Exhibit no. A7: "100% Made in Washington" article by Larry Clark in Washington State Magazine, dated Fall 2017
- Exhibit no. A8: King County Comprehensive Plan 2017; Occupational Safety and Health Administrative 5813
- Exhibit no. A9: Code enforcement case no. ENFR170930 record details
- Exhibit no. A10: Schedule of standard building construction values, dated February 6, 2018
- Exhibit no. A11: Permit no. ADDC180462 summary of charges, dated June 29, 2018
- Exhibit no. A12: KCC 27.10.020 and KCC 27.10.320
- Exhibit no. A13: Discussion of King County Comprehensive Plan
- Exhibit no. A14: WAC 314-02-035; RCW 66.40.010, RCW 66.40.020, RCW 66.40.030, RCW 66.40.040, RCW 66.40.100, RCW 66.08.200
- Exhibit no. A15: Appellants' rebuttal to DPER staff report
The following exhibit was offered and entered into the record on September 13, 2018:

**Department-offered exhibit:**
Exhibit no. D11       DPER’s response to Appellant’s rebuttal

The following exhibit was offered and entered into the record on September 17, 2018:

**Appellant-offered exhibit:**
Exhibit no. A16       Appellants’ reply to DPER’s response

DS/ld
OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Permitting and Environmental Review file no. PREA170313

FOUR HORSEMEN BREWERY
Preliminary Determination Appeal

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the REPORT AND DECISION to those listed on the attached page as follows:

☒ EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

☒ placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED October 3, 2018.

[Signature]
Vonetta Mangaoang
Senior Administrator
## Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations

**Chair’s Conceptual Striking Amendment – UPDATED 11-26-18**

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair’s Direction</th>
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</thead>
</table>
| 1       | Sections 3 through 9 add a new chapter in Title 6 – business licenses  
This adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.  
The business license fee would be $100 for initial and renewal of licenses. | 7/11 – ok with Executive’s proposal. |
| 2       | Section 10: Repeals existing definition of winery:  
An establishment primarily engaged in one or more of the following:  
A. Growing grapes or fruit and manufacturing wine, cider or brandies;  
B. Manufacturing wine, cider, or brandies from grapes and other fruits grown elsewhere; and  
C. Blending wines, cider or brandies. | 6/28 – ok with Executive’s proposal. |
| 3       | Section 11: Adds a definition for adult beverage business:  
An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. | 6/28 – ok with Executive’s proposal. |
### Issue # Proposed Change Chair's Direction

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<tr>
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<tbody>
<tr>
<td>4</td>
<td>Section 12: Adds a definition for remote tasting room:</td>
<td>6/28 – revise the language so that breweries and distilleries can participate in</td>
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## Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
### Chair’s Conceptual Striking Amendment – UPDATED 11-26-18

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<td><strong>storage areas as authorized by state law, on-site product tasting and sales as authorized by state law, and sales of merchandise related to products available for tasting as authorized by state law.</strong></td>
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<tr>
<td><strong>7</strong> Section 15: Adds a definition for winery, brewery, distillery facility III:</td>
<td>11/9 – add language that non-retail liquor licenses are not allowed. Make technical edits for consistency.</td>
<td></td>
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<td>An establishment licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility III may include additional product-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting as authorized by state law, and sales of merchandise related to products available as authorized by state law.</td>
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<td><strong>8</strong> Section 20: Modifies parking requirements:</td>
<td>6/28 – keep existing parking ratio of 1:50sf for tasting and retail areas.</td>
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<td>Requires for WBD II facilities, 0.9 per 1,000 square feet plus 1 per 300 square feet of tasting area (existing code is 1 per 50 square feet of tasting area).</td>
<td>11/9 – 1. Apply the WBD parking ratios to facilities II and III 2. Add a parking ratio for remote tasting room of 1:50sf of tasting and retail areas</td>
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<td>Does not specify parking requirements for other WBD facilities.</td>
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<td>9</td>
<td>Section 18: Modifies home occupation requirements (R, UR, NB, CB and RB zones):</td>
<td>11/9 – remove this from the ordinance. Add a study requirement instead.</td>
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<td>Prohibits all WBD facilities and remote tasting rooms.</td>
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<td>10</td>
<td>Section 19: Modifies home occupation requirements (A, F and RA zones):</td>
<td>11/9 – remove this from the ordinance. Add a study requirement instead.</td>
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<td>Section 20: Modifies home industry requirements:</td>
<td>11/9 – remove this from the ordinance. Add a study requirement instead.</td>
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<td>12</td>
<td>Section 21 and 22: Modifies temporary use permit requirements:</td>
<td>6/28 –</td>
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<td>For WBD II and III in A zones, events limited to 2 per month and all parking</td>
<td>• add language that specifies when a TUP is required.</td>
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<td>must be accommodated on site or through a plan approved by the director.</td>
<td>• Include events that exceed the building occupancy, that</td>
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<td>For WBD II and III in RA zones, events limited to 24 within a one-year period</td>
<td>require portable toilets and additional parking as criteria,</td>
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<td>and all parking must be accommodated on site or through a plan approved by the</td>
<td>but exclude those that have stages or tents. (in K.C.C.</td>
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<td>director.</td>
<td>21A.32.100)</td>
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<td>• Allow 24 events per year in Ag zone.</td>
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<td>• WBD II allowed 150 guests (WBD III ok with 250)</td>
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<td>• For WBD I, nonconforming home occupations and home</td>
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<td>industries, 2 events per year, maximum 50 people, without a TUP is allowed.</td>
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### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-26-18

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| For WBD 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. | | 6/28 –  
Add Fall City Rural Town, CB zoning only, as third area.  
Add language to the demonstration projects to evaluate parking needs/impacts.  
Add more robust evaluation language. Include the nearby City’s, and CSA groups, views of the overlays. Include evaluation of the businesses to survive/profit with the regulations.  
Require an ordinance to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years. |
| For WBD 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. | |  
Add language to the demonstration projects to evaluate parking needs/impacts. |
| No events or temporary use permits for WBD I, nonconforming home occupations, home industries. | |  
Add language to the demonstration projects to evaluate parking needs/impacts. |
| WBD II and III in other zones are allowed 60 days a year | |  
Add language to the demonstration projects to evaluate parking needs/impacts. |
| 13 | Section 23: Adds a Sammamish Valley and Vashon Town Center wine and adult beverage remote tasting room demonstration project A.  
- Administrative approval by DPER – as a Type I land use decision  
- May apply for approval simultaneously as business license application  
- Allowed uses under the demonstration project limited to remote tasting room.  
- Adds criteria for remote tasting room:  
  - One or more WBD I, II or III may operate | |
### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>o Total space for tasting and retail is 1,000sf plus storage, restroom, back-of-the-house uses</td>
<td>6/29 – Executive staff suggest that the allowance be narrowed to either the Town Core, or the CB zoned land within the Rural Town.</td>
</tr>
<tr>
<td></td>
<td>o Additional 500sf of outdoor space allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Direct access to an arterial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o No production allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Incidental retail sales of products related to products tasted allowed</td>
<td>7/11 – will reduce the scope of the Vashon overlay to either the Town Core or CB zoning in the Rural Town.</td>
</tr>
<tr>
<td></td>
<td>o Hours of operation M-Th 11am-5pm, F-S 11am-9pm</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Need a liquor license</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o No events or temporary use permits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Parking maximum of 150 percent of minimum required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Only allowed in area identified in Attachment A to ordinance.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Must be consistent with general health, safety and welfare.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Supersedes other variance, modification and waiver criteria in Title 21A.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Demonstration project A is in effect for 3 years from effective date of the ordinance, after which the remote tasting rooms would become nonconforming.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Annually, DPER compiles a list of applications submitted and related code complaints.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The Executive may submit additional proposed legislation extending or amending this ordinance within the 3 year demonstration project.</td>
<td></td>
</tr>
<tr>
<td>Issue #</td>
<td>Proposed Change</td>
<td>Chair's Direction</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 14      | Section 24: Adds a Sammamish Valley wine and adult beverage tourist district events demonstration project B.                                                                                     | 6/28 –  
- During the 3-year demonstration period properties in overlay B cannot be consolidate to create a winery.  
- Evaluate water use and compliance with Hirst. During the course of the counties work to comply with Hirst Legislation we will also evaluate the impact of various types of businesses on water evaluation.  
- Add more robust evaluation language. Include the nearby City’s, and CSA groups, opinions of the overlays. Include evaluation of the businesses to survive/profit with the regulations.  
- Require an ordinance to end the overlay. Remove the provision that has DPER stop accepting applications automatically after 3 years.                                                                                                                                                      |
|         | • Administrative approval by DPER, using review procedures in 21A.42 and decision criteria in 21A.44.040 (for CUPs)                                                                                     |                                                                                                                                             |
|         | • Allowed for WBD III                                                                                                                                                                                   |                                                                                                                                             |
|         | • Waives requirements in 21A.32.100 through .140; 21A.44.020 and 21A.08.080.B.12.I                                                                                                                   |                                                                                                                                             |
|         | • Allowed to obtain authorization for on-site weddings and similar uses under the CUP                                                                                                                  |                                                                                                                                             |
|         | • No waiver from other requirements (including review procedures)                                                                                                                                    |                                                                                                                                             |
|         | • Only allowed with an application for a new or modified CUP for WBD III, either in conjunction with that application or before. Must demonstrate compliance with 21A.44.040.                                                 |                                                                                                                                             |
|         | • CUPs are a Type II land use decision                                                                                                                                                               |                                                                                                                                             |
|         | • Only allowed in area identified in Attachment B to ordinance.                                                                                                                                       |                                                                                                                                             |
|         | • Must be consistent with general health, safety and welfare.                                                                                                                                         |                                                                                                                                             |
|         | • Demonstration project B is in effect for 3 years from effective date of the ordinance (plus any time for appeal timelines), after which the CUPs would become nonconforming.                                        |                                                                                                                                             |
|         | 11/9 –  
- Extend the demonstration project to 5 years  
- Add language to the demonstration projects to evaluate parking needs/impacts.  
- Add evaluation of permit review timelines for decision of demonstration project applications, and TUP permit review timelines comparison with WBD III’s that don’t use the demonstration project. |                                                                                                                                             |
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Proposed Change</th>
<th>Chair's Direction</th>
</tr>
</thead>
</table>
| 15      | • Annually, DPER compiles a list of applications submitted, evaluation of impacts of events authorized by the demonstration project, and related code complaints.  
• The Executive may submit additional proposed legislation within the 3 year demonstration project.                                                                                                                                                                                                   | 6/28 –  
  • Modify the citation penalties:  
    1\textsuperscript{st} violation – written warning plus discretion to fine up to $100  
    2\textsuperscript{nd} violation - written warning plus discretion to fine up to $200  
    3\textsuperscript{rd} violation - written warning plus discretion to fine up to $500  
    4\textsuperscript{th} violation - $750  
    5\textsuperscript{th} violation - $1,000  
    Subsequent: Double the previous penalty and consider Notice and Order if one has not been issued                                                                                                                                                                                  |
|         | Section 25: Modifies citation penalty:  
  Adds specific citations for WBD I, II, II and remote tasting rooms: $500 for first violation, and $1,000 for subsequent violations  
  (existing code is $100 for first violation, $500 for subsequent violations)                                                                                                                                                                                                              |                                                                                                                                                                                                                                        |
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Section 18: Modifies the Manufacturing land use table:</td>
<td>See separate tables on following pages for changes to this table.</td>
</tr>
<tr>
<td></td>
<td>Adds WBD I, WBD II, and WBD III to the permitted use table and permits them in multiple zones, either as permitted outright with development conditions or with a conditional use permit with development conditions in several zones.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Modifies development conditions for WBD facilities related to minimum lot size, floor area, parking area, setbacks, product content, location of facilities on farmland, tasting hours, site access, business license, events, connection to water supply, growing requirements, and employee maximums.</td>
<td></td>
</tr>
</tbody>
</table>
### Manufacturing Table - Agriculture Zones – Production Facilities

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>WBD II permitted (DC#3)</td>
<td>WBD III (DC#12)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Type of Permit</td>
<td>Permitted</td>
<td>Conditional Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Min. Lot Size</td>
<td>2.5 acres</td>
<td>4.5 acres</td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Max. Building Size</td>
<td>3,500 sf (historic buildings maximum is 5,000 sf)</td>
<td>Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
<td>Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.</td>
</tr>
<tr>
<td>20</td>
<td>Tastings</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Remove specified hours. Test the hours in the demonstration project A.</td>
</tr>
<tr>
<td>22</td>
<td>Water</td>
<td>Not specified</td>
<td></td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
<td>Maintain existing code: Meet requirements for water and wastewater; water meters required for use of wells</td>
</tr>
<tr>
<td>Issue #</td>
<td>Condition</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
</tr>
<tr>
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<td>-------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II permitted (DC#3)</td>
<td></td>
<td>WBD III (DC#12)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>conditional use (DC#1)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

23 Access  
Direct access from an arterial  
Access may not use local streets that abut residential uses.  
With a CUP, access to a public street required.  
Direct access from an arterial  
Access may not use local streets that abut residential uses.

24 Product Content  
60% of product to be processed must be grown on site.  
In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.  
60% of product to be processed must be grown on site.  
In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.

25 Production/Facility Location  
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 least suitable for agricultural production purposes.  
Non-agricultural facility uses must be on portion of the property least suitable for agricultural production purposes.

26 Parking  
0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area  
Tasting ratio is 1 per 50 square feet  
Limited to 150% of minimum required  
Determined through CUP

27 Setbacks  
75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.  
Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'  
Setbacks only apply to interior lot lines.  
75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.  
Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'  
Setbacks only apply to interior lot lines.
# Manufacturing Table – Rural Area Zones – Production Facilities

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Type of Permit</td>
<td>Permitted – only one nonresident employee allowed</td>
<td>Move WBD I to a residential accessory use. Allow in RA and A zones.</td>
<td>Permitted Conditional Use</td>
<td>Conditional Use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 30      | Min. Lot Size   | None                         | P and C: 2.5 acres  | 4.5 acres  
Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres |       |       |       |
<p>| 31      | Max. Building Size | 1,500 sf | P and C: 3,500 sf (historic buildings maximum is 5,000 sf) | Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area. | Maximum floor area 8,000 sf; additional 8,000 sf for underground storage | Decks that not occupied and are not open to the public are excluded from the calculation for aggregated floor area. |       |</p>
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
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<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>WBD I</td>
<td>WBD II (DC#3 and DC#30)</td>
<td>WBD III (DC#12)</td>
<td>WBD III (DC#12)</td>
<td>WBD III (DC#12)</td>
<td>WBD III (DC#12)</td>
</tr>
<tr>
<td>32</td>
<td>Tastings</td>
<td>Not allowed</td>
<td>Tastings allowed by appointment only. Allow on-site sales of items produced on-site and incidental items.</td>
<td>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 – 7pm F-Sun: 11am – 9 pm</td>
<td>Remove specified hours. Test the hours in the demonstration projects.</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting. Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td>Remove specified hours. Test the hours in the demonstration projects.</td>
</tr>
<tr>
<td>34</td>
<td>Water</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>35</td>
<td>Access</td>
<td>Not specified</td>
<td>P: Direct access from an arterial C: Direct access from public roadway.</td>
<td>P: Access may not use local streets that abut residential uses.</td>
<td>Direct access from an arterial</td>
<td>P: Access may not use local streets that abut residential uses.</td>
<td>Direct access from an arterial</td>
</tr>
<tr>
<td>36</td>
<td>Product Content</td>
<td>None</td>
<td>In the A zone, WBD are an accessory use to agriculture. Specific limitations are set.</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

PRE Meeting Materials 213 November 28, 2018
<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Production/ Facility Location</td>
<td>WBD I (DC#17 in Residential table)</td>
<td>Required</td>
<td>WBD II (DC#3 and DC#30)</td>
<td>Required</td>
<td>WBD III (DC#12)</td>
<td>Required</td>
</tr>
<tr>
<td>38</td>
<td>Parking</td>
<td>One parking stall allowed for nonresident employee</td>
<td>Add parking for customers: minimum 1, plus 1:1,000sf of area dedicated to WBD facility uses, with a maximum of 150% of the minimum required.</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>Tasting ratio is 1 per 50 square feet</td>
<td>Determined through CUP</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Setbacks</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’. Setbacks only apply to interior lot lines.</td>
<td>P and C: 75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’. Setbacks only apply to interior lot lines.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’. Setbacks only apply to interior lot lines.</td>
</tr>
</tbody>
</table>
## Manufacturing Table – Urban Reserve Zone – Production Facilities

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>WBD I (DC#30)</td>
<td>WBD II (DC#3)</td>
<td>Remove allowance for WBD in the UR zone. These facilities would not be permitted in the UR zone. Don’t want to bind the Cities to these regulations, want to learn from the pilot first, and each UR zone is unique (one-size regulations may not work).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III (DC#12)</td>
<td></td>
</tr>
<tr>
<td><strong>Type of Permit</strong></td>
<td></td>
<td></td>
<td>Conditional Use</td>
</tr>
<tr>
<td></td>
<td>Permitted – only one nonresident employee allowed</td>
<td>Permitted</td>
<td></td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
<td>None</td>
<td>2.5 acres</td>
<td>4.5 acres</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres</td>
</tr>
<tr>
<td><strong>Max. Building Size</strong></td>
<td>1,500 sf</td>
<td>3,500 sf (historic buildings maximum is 5,000 sf)</td>
<td>Maximum floor area 8,000 sf; additional 8,000 sf for underground storage</td>
</tr>
<tr>
<td><strong>Tastings</strong></td>
<td>Not allowed</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
<td>Tasting of products produced on-site, and no extra floor area allowed for tasting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td>Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
</tr>
<tr>
<td><strong>Events</strong></td>
<td>Not allowed</td>
<td>60 days in a one-year period Max. size = no limit Parking not specified</td>
<td>60 days in a one-year period Max. size = no limit Parking not specified</td>
</tr>
<tr>
<td>Issue #</td>
<td>Issue/Condition</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>41</td>
<td>WBD I (DC#30)</td>
<td>WBD II (DC#3)</td>
<td>Remove allowance for WBD in the UR zone. These facilities would not be permitted in the UR zone. Don’t want to bind the Cities to these regulations, want to learn from the pilot first, and each UR zone is unique (one-size regulations may not work).</td>
</tr>
<tr>
<td></td>
<td>WBD III (DC#12)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Must connect to existing Group A water system, or existing Group B water system if Group A water system not available</td>
</tr>
<tr>
<td>Access</td>
<td>Not specified</td>
<td>Direct access from an arterial</td>
<td>Direct access from an arterial</td>
</tr>
<tr>
<td>Product Content</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Production/ Facility Location</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Parking</td>
<td>One parking stall allowed for nonresident employee</td>
<td>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area</td>
<td>Limited to 150% of minimum required</td>
</tr>
<tr>
<td></td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
<td>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</td>
</tr>
</tbody>
</table>

Setbacks | 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. |
### Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Chair’s Conceptual Striking Amendment – UPDATED 11-26-18

**Manufacturing Table – Commercial and Industrial Zones – Production Facilities**

*Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to*

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<th>Chair’s Direction</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Type of Permit</td>
<td>WBD I – not permitted</td>
<td>WBD I – not permitted</td>
<td>WBD I – not permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD II – permitted and</td>
<td>WBD II – permitted and</td>
<td>WBD II – permitted and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>conditional use (DC#17)</td>
<td>conditional use</td>
<td>conditional use</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WBD III – conditional use</td>
<td>WBD III – conditional use</td>
<td>WBD III – conditional use</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Min. Lot Size</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Max. Building Size</td>
<td>WBD II – 3,500 sf, except</td>
<td>Decks that are not</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>historic buildings are 5,000 sf</td>
<td>not occupied and not</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>open to the public are excluded from the calculation for aggregate floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Tastings</td>
<td>WBD II – Tasting of</td>
<td>Add tasting allowance to WBD III for consistency.</td>
<td>Not specified</td>
<td>Add tasting allowance to II and III for consistency. Prohibit remote tasting rooms in I zone (tasting with production okay) Add a limitation on tasting size in the I zone to 1,500sf.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>products produced on-site, and no extra floor area allowed for tasting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Events</td>
<td>WBD II and III – with a</td>
<td>WBD II and III – with a</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>TUP, 60 days in a one-year period</td>
<td>TUP, 60 days in a one-year period</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Max. size = no limit</td>
<td>Max. size = no limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Water</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Access</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Product Content</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Production/Facility Location</td>
<td>Not specified</td>
<td>Not specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue #</td>
<td>Issue/Condition</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
<td>Proposed Ordinance 2018-0241</td>
<td>Chair’s Direction</td>
</tr>
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<tr>
<td></td>
<td></td>
<td>NB and CB</td>
<td></td>
<td>RB (DC#29) and I (DC#31)</td>
<td></td>
</tr>
</tbody>
</table>
| 51      | Parking        | WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area  
WBD III – not specified | Tasting ratio is 1 per 50 square feet  
Parking ratio applies to all facilities | WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area  
WBD III – not specified | Tasting ratio is 1 per 50 square feet  
Parking ratio applies to all facilities |
| 52      | Setbacks       | 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 | Require 75’, but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’  
Add 75’/25’ with CUP for WBD III  
Setbacks only apply to interior lot lines. | 5 or 10 feet | For WBD II and III:  
Require 75’, but allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25’.  
Setbacks only apply to interior lot lines. |
Retail Table – Commercial Zones – Remote Tasting Rooms Countywide

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Issue/Condition</th>
<th>Proposed Ordinance 2018-0241</th>
<th>Chair’s Direction</th>
</tr>
</thead>
</table>
| 54      | Type of Permit     | Not proposed by Executive’s transmittal | Permitted in CB and RB outright.  
Also permitted within the demonstration project areas subject to the requirements in 21A.55. |
| 55      | Min. Lot Size      | None                         | None                                                                              |
| 56      | Max. Building Size | None                         | None                                                                              |
| 57      | Tastings           | Allowed                      | Subject to standard TUP requirements (60 days per/year, maximum guests determined through review process) |
| 58      | Events             |                              |                                                                                  |
| 59      | Water              | Not specified                |                                                                                  |
| 60      | Access             | Not specified                |                                                                                  |
| 61      | Product Content    | None                         |                                                                                  |
| 62      | Production/Facility Location | Not required |                                                                                  |
| 63      | Parking            | Add this use to table, require 1 per 50sf of tasting and retail area |                                                                                  |
| 64      | Setbacks           | Specified by underlying zoning |                                                                                  |
Demonstration Projects – Remote Tasting Room Overlay A and Special Events Overlay B

Note: if the Chair’s Direction cell is blank, then the Executive’s transmittal is agreed to

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Remote Tasting Room Overlay A</th>
<th>Chair’s Direction</th>
<th>Special Events Overlay B</th>
<th>Chair’s Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>82</td>
<td>Use</td>
<td>Allows a remote tasting room One or more WBD I, II, III allowed to operate</td>
<td>On-site weddings and similar uses with a WBD III</td>
<td>Special events normally permitted through the Temporary Use Permit process, with a WBD III Conditional Use Permit</td>
</tr>
<tr>
<td>83</td>
<td>Type of Permit</td>
<td>Permitted – Type 1 land use permit</td>
<td>Conditional Use</td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Areas allowed</td>
<td>Sammamish Valley area Vashon Rural Town (map provided)</td>
<td>Extend Sammamish Valley north from Woodinville City limits (up to just north of Tolt Pipeline) Vashon Town Center or CB zoning, not entire Rural Town Add CB zoning in Fall City Rural Town</td>
<td>Sammamish Valley area</td>
</tr>
<tr>
<td>85</td>
<td>Min. Lot Size</td>
<td>Specified by underlying zoning</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Max. Building Size</td>
<td>1,000 sf for tasting and retail only 500 sf outdoors</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Tastings</td>
<td>Tasting hours: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</td>
<td>Tasting hours Sun-Th: 11am – 9pm F-Sat: 11am – 11pm (but no outdoors tasting past 10pm)</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>88</td>
<td>Sales</td>
<td>Incidental retail sales of products related to tasting allowed</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>Issue #</td>
<td>Chair’s Conceptual Striking Amendment – UPDATED 11-26-18</td>
<td></td>
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<tr>
<td>---------</td>
<td>---------------------------------------------------------</td>
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</tr>
<tr>
<td>Remote Tasting Room Overlay A</td>
<td>Chair’s Direction</td>
<td>Special Events Overlay B</td>
<td>Chair’s Direction</td>
<td></td>
</tr>
<tr>
<td>89</td>
<td>Events</td>
<td>Not allowed</td>
<td>2/year. Max 50 people. No TUP required.</td>
<td>No specific limit – conditions set with CUP w/ annual monitoring of impacts</td>
</tr>
<tr>
<td>90</td>
<td>Water</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>Access</td>
<td>Direct access from an arterial</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>92</td>
<td>Product Content</td>
<td>None</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>93</td>
<td>Production</td>
<td>Not allowed</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td>94</td>
<td>Parking</td>
<td>1 space per 300 square feet of public tasting and retail area</td>
<td>1 per 50sf of tasting/retail area</td>
<td>Specified by underlying zoning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Limited to 150% of minimum required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>Setbacks</td>
<td>Not specified</td>
<td>Specified by underlying zoning</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Demonstration Project Review</td>
<td>3 years with annual review. Code amendments within 3 years of this ordinance.</td>
<td>5 years with annual review. Code amendments within 5 years of this ordinance.</td>
<td>3 years with annual review. Code amendments within 3 years of this ordinance.</td>
</tr>
</tbody>
</table>
## Home occupation and Home Industry – Existing standards

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Definition</td>
<td>A limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence</td>
<td>A limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence</td>
<td>A limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence</td>
</tr>
<tr>
<td>Number of businesses</td>
<td>One or more</td>
<td>One or more</td>
<td>One</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td></td>
<td></td>
<td>1 acre</td>
</tr>
<tr>
<td>Total floor area</td>
<td>20% of dwelling unit floor area, plus garages and storage buildings</td>
<td>20% of dwelling unit floor area, plus garages and storage buildings</td>
<td>50% of dwelling unit floor area, plus garages and storage buildings</td>
</tr>
<tr>
<td>Indoor/Outdoor Requirements</td>
<td>Indoors, except growing or storing plants used for the business</td>
<td>Outdoor areas allowed: 440 square feet on lots less than 1 acres, 1% of the lot, up to 5,000 sf on lots 1 acre or greater</td>
<td>Setbacks and screening determined by permit review to protect adjacent residences. Outdoor storage and parking: setback from 25’ from all property lines, screened from adjacent parcels or roadways</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor storage and parking: setback from 25’ from all property lines, screened from adjacent parcels or roadways</td>
<td>Outdoor storage and parking: screened from adjacent properties or public ROW</td>
</tr>
<tr>
<td>Employees</td>
<td>Off-site – unlimited On-site – Maximum 1 nonresident employee</td>
<td>Off-site – unlimited On-site – Maximum 3 nonresident employees who work on-site at the same time and no more than 3 who report to the site but primarily provide services off-site</td>
<td>On-site – Maximum 6 nonresident employee</td>
</tr>
<tr>
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<td>----------------------------------------</td>
</tr>
</tbody>
</table>
| **Prohibited uses** | • Automobile, truck and heavy equipment repair  
• Auto body work or painting  
• Parking and storage of heavy equipment  
• Storage of building materials for use on other properties  
• Hotels, motels or organizational lodging  
• Dry cleaning  
• Towing services  
• Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation  
• Veterinary clinic  
• Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer | • Hotels, motels or organizational lodging  
• Dry cleaning  
• Automotive towing services, automotive wrecking services and tow-in parking lots  
• Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer | • Recreational marijuana processors, recreational marijuana producers and recreational marijuana retailers |
| **Parking** | 1 stall for each nonresident employee  
1 stall for patrons for on-site services | 1 stall for each nonresident employee  
1 stall for patrons for on-site services | 1 stall for each nonresident employee  
1 stall for customers, plus 1 stall per 1,000 sf of floor area plus 1 stall per 2,000 sf of outdoor area |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales</td>
<td>Limited to: mail orders, telephone or electronic sales with off-site delivery, or accessory items for services provided on-site</td>
<td>Limited to: mail orders, telephone or electronic sales with off-site delivery, or accessory items for services provided on-site</td>
<td>On-site sales limited to items produced on-site, except collectors (coins, stamps, antiques)</td>
</tr>
<tr>
<td></td>
<td>Items grown, produced or fabricated on-site;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>On sites 5 acres or larger, items that support agriculture, equestrian or forestry uses (except motor vehicles and parts, electronics and appliances, and building material and garden equipment and supplies)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On-site Services</td>
<td>By appointment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td>1 vehicle for distribution of products from the site allowed, cannot be stored in required setbacks or on the street, maximum 1 ton</td>
<td>Lots five acres or less: 2 vehicles Lot between five and ten acres: 3 vehicles Lots greater than ten acres: 4 vehicles Cannot be stored in required setbacks or on the street, not considered part of the outdoor storage area</td>
<td></td>
</tr>
<tr>
<td>Electrical/equipment</td>
<td>No equipment that changes the occupancy types of the structure</td>
<td>No equipment that changes the occupancy types of the structure</td>
<td>Equipment must be compatible with surrounding neighborhood.</td>
</tr>
<tr>
<td>restrictions</td>
<td>No interference with radio or television receivers, or equipment located off-site, or fluctuations in line voltage off-site</td>
<td>No interference with radio or television receivers, or equipment located off-site, or fluctuations in line voltage off-site</td>
<td></td>
</tr>
</tbody>
</table>
## Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations  
Chair’s Conceptual Striking Amendment – UPDATED 11-26-18

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Exterior evidence</td>
<td>No lighting, noise, fumes, vibrations from the lot line</td>
<td></td>
<td>Appropriate levels of lighting, sound levels/tests determined in permit review.</td>
</tr>
<tr>
<td>Traffic impacts</td>
<td>May not increase of traffic by more than 4 vehicles at any time</td>
<td>May not increase of traffic by more than 4 vehicles at any time</td>
<td></td>
</tr>
<tr>
<td>Visits to site</td>
<td>Customers and deliveries limited to 8am-7pm on weekdays, and 9am-5pm on weekends</td>
<td>Customers and deliveries limited to 8am-7pm on weekdays, and 9am-5pm on weekends</td>
<td>Hours of operation determined in permit review.</td>
</tr>
</tbody>
</table>