



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Local Services, Regional Roads and Bridges Committee

Councilmembers: *Kathy Lambert, Chair; Claudia Balducci, Vice-Chair
Reagan Dunn, Larry Gossett*

Staff: *Nick Bowman Lead Staff (206-477-7607)
Erica Newman, Committee Assistant (206-477-7543)*

1:30 PM

Monday, March 11, 2019

Room 1001

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

******As this is the 5th committee briefing on Proposed Ordinance 2018-0241, public comment will be held at the end of the committee meeting should time permit. There will be another opportunity for public comment during the formal public hearing at the King County Council meeting after the required noticing period after the committee's action. Those wishing to view the committee proceedings are invited to do so at: <https://www.kingcounty.gov/depts/KCTV.aspx>**

1. **Call to Order**

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

2. **Roll Call**

3. **Approval of Minutes**

February 25, 2019 meeting minutes



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

TDD Number 206-1024.

ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



Discussion and Possible Action

4. [Proposed Ordinance No. 2018-0241 pp.7-276](#)

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

5. **Public Comment**

Other Business

Adjournment



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Meeting Minutes Local Services, Regional Roads and Bridges Committee

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Vice-Chair
Reagan Dunn, Larry Gossett*

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1:30 PM

Monday, February 25, 2019

Room 1001

DRAFT MINUTES

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1. **Call to Order**

The meeting was called to order by Chair Kathy Lambert at 1:41 p.m.

2. **Roll Call**

Present: 4 - Ms. Balducci, Mr. Dunn, Mr. Gossett and Ms. Lambert

3. **Approval of Minutes**

Councilmember Balducci moved approval of the December 4, 2018, meeting minutes of the Planning, Rural Service and Environment Committee. There being no objections, the minutes were approved.

Briefing

4. **Briefing No. 2019-B0015**

Department of Local Services Update

John Taylor, Director, Department of Local Services, briefed the Committee and answered questions from the members.

This matter was Presented

5. **Briefing No. 2019-B0023**

Department of Local Services- Inclement Weather update

John Taylor, Director, Department of Local Services, provided introductory remarks. Rick Brater, Division Director Designee, Road Services Division, briefed the Committee and answered questions from the members.

This matter was Presented

6. **Briefing No. 2019-B0024**

King County Conservation District

Bea Covington, Executive Director, King County Conservation District, provided introductory remarks. Brenda Fincher, Vice-Chair, King Conservation District Advisory Committee, and John Stokes, Chair, King Conservation District Advisory Committee, briefed the Committee and answered questions from the members.

This matter was Presented

Consent

7. **Proposed Motion No. 2018-0329**

A MOTION confirming the executive's appointment of Jerrell Wills, who works in council district eight, to the King County emergency management advisory committee, filling the King County sheriff's office alternate position.

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

Yes: 4 - Ms. Balducci, Mr. Dunn, Mr. Gossett and Ms. Lambert

8. **Proposed Motion No. 2018-0403**

A MOTION confirming the executive's appointment of Tanya Hannah, who resides in council district four, to the Puget Sound emergency radio network joint board, representing King County.

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

Yes: 4 - Ms. Balducci, Mr. Dunn, Mr. Gossett and Ms. Lambert

9. **Public Comment**

There was no one present wishing to provide public comment.

Other Business

There was no further business to come before the Committee.

Adjournment

The meeting was adjourned at 3:31 p.m.

Approved this _____ day of _____

Clerk's Signature

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King County

**Metropolitan King County Council
Local Services, Regional Roads and Bridges Committee**

STAFF REPORT

Agenda Item:	4	Name:	Erin Auzins
Proposed No.:	2018-0241	Date:	March 11, 2019

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 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 special events related temporary use permits; and increase citation penalties for violations by these types of businesses.

The Planning, Rural Services and Environment Committee was briefed on the legislation on June 19, July 17, and November 28, 2018 last year. 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, the Committee is anticipated to vote the legislation out to full Council.

BACKGROUND

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

¹ Ordinance 10870

² Ordinance 14781

³ Ordinance 17539

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

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

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

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

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

c. The character of the surrounding rural area;

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

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

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

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

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

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

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

⁴ Ordinance 17485

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

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

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

Around the same time, neighbors of wineries within the Sammamish Valley filed a number of code enforcement complaints for operating in violation of the zoning code and construction without 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 June 2017, outlining an initial proposal for public comment. After reviewing and considering the feedback on the public review draft, the Executive transmitted a final report (Attachment 4) and Proposed Ordinance 2018-0241 to the Council in April 2018.

⁶ Ordinance 18239

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

ANALYSIS

Summary of Changes in Proposed Ordinance

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

Business license requirement

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

New Definitions

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

Permitted Use Table

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

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

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

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

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

Parking Requirements

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

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

Home Occupation and Home Industry

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

Special Events/Temporary Use Permit

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

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

Demonstration Project A

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

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

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

Demonstration Project B

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

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

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.

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 Identified with Executive's Proposal

The December 4, 2018 staff report is Attachment 6 to this staff report. Policy considerations regarding the Executive's proposal are discussed in that staff report.

AMENDMENT

Council staff continues to work with Councilmembers and Executive staff on possible amendments to the legislation. An updated chair's conceptual striking is in the packet in Attachment 9. The chair expects to release the striking amendment prior to the Committee meeting.

At the July 17, 2018 meeting, the Planning, Rural Services and Environment Committee voted on a technical only striking amendment and title amendment. Subsequently, the Council's legal counsel identified that the Committee should redo this action before voting the legislation out of committee. These documents are included in the packet as Attachments 10 and 11.

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. December 4, 2018 Staff Report (without attachments)
7. Hearing Examiner Decision on Four Horsemen Brewery Appeal
8. Definitions from other jurisdictions for winery, brewery, distillery or similar uses
9. Chair's Conceptual Striker dated March 8, 2019
10. Striking Amendment S1 – voted on at July 17, 2018 PRE meeting
11. Title Amendment T1 – voted on at July 17, 2018 PRE meeting
12. Public Comments received through March 8, 2019

INVITED

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

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2018-0241.1

Sponsors Lambert

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

16 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 **SECTION 1. Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133 21A.08.080 are hereby amended to read as follows:

134 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/Distillery Facility I</u>				<u>P30</u>	<u>P30</u>							
*((/2082 /2085))	<u>Winery/Brewery /Distillery Facility II</u>	P3 (C12)			P3 C((42))31	P3			P17	P17	P29		P29
*	<u>Winery/Brewery/Distillery Facility III</u>	<u>C12</u>			<u>C12</u>	<u>C12</u>			<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C29</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C

31	Leather and Leather Goods											C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9			P
33	Primary Metal Industries													C
34	Fabricated Metal Products													P
35	Industrial and Commercial Machinery													P
351-55	Heavy Machinery and Equipment													C
357	Computer and Office Equipment											C	C	P
36	Electronic and other Electric Equipment											C		P
374	Railroad Equipment													C
376	Guided Missile and Space Vehicle Parts													C
379	Miscellaneous Transportation Vehicles													C
38	Measuring and Controlling Instruments											C	C	P
39	Miscellaneous Light Manufacturing											C		P
*	Motor Vehicle and Bicycle Manufacturing													C
*	Aircraft, Ship and Boat Building													P10C
7534	Tire Retreading											C		P
781-82	Movie Production/Distribution											P		P

135 B. Development conditions.

136 1. Repealed.

137 2. Except slaughterhouses.

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

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

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

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

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

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

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

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

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

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

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

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

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

183 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.

184 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
185 minimum site area is four and one-half acres.

186 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
187 No. 2431-Millwork, (excluding planing mills).

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

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

190 9. Only within enclosed buildings.

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

192 11. For I-zoned sites located outside the urban growth area designated by the
193 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
194 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
195 rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

199 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))~~The
200 aggregated floor area of structures and areas for (~~wineries, breweries and distilleries and~~
201 ~~any accessory~~) winery, brewery, distillery facility uses shall not exceed a total of eight
202 thousand square feet~~((:)), except that ((F))~~the floor area may be increased by up to an
203 additional eight thousand square feet of underground storage that is constructed
204 completely below natural grade, not including required exits and access points, if the
205 underground storage is at least one foot below the surface and is not visible above
206 ground; (~~and~~

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

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

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

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

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

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

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

229 ~~(2) a minimum of two and one-half acres of the site shall be used for the~~

230 ~~growing of agricultural products;~~

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

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

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

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

250 j. Off-street parking is limited to one hundred and fifty percent of the
251 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
252 21A.18.030;

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

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

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

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

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

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

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

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

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

274 16. Only a site that is ten acres or greater and that does not use local access
275 streets that abut lots developed for residential use.

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

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

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

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

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

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

297 18. Limited to:

298 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

299 Millwork, as follows:

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

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

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

306 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
307 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

313 b. SIC Industry No. 2411-Logging.

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

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

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

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

319 d. Only with documentation that the operator has applied for a Puget Sound

320 Clean Air Agency Notice of Construction Permit. All department permits issued to either

321 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

322 Clean Air Agency Notice of Construction Permit be approved before marijuana products
323 are imported onto the site; and

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

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

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

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

329 Clean Air Agency Notice of Construction Permit. All department permits issued to either

330 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

331 Clean Air Agency Notice of Construction Permit be approved before marijuana products

332 are imported onto the site;

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

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

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

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

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

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

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

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

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

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

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

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

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

366 c. Only with documentation that the operator has applied for a Puget Sound
367 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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

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

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

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

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

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

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

389 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
390 gross floor area devoted to, and in support of, the processing of marijuana together with

391 any separately authorized production of marijuana.

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

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

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

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

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

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

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

413 28. If the food and kindred products manufacturing or processing is associated

414 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

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

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

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

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

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

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

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

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

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

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

436 b. Only allowed on lots of at least four and one-half acres;

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

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

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

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

453 g. Off-street parking is limited to one hundred and fifty percent of the
454 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
455 21A.18.030;

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

459 i. Events may be allowed with an approved temporary use permit under K.C.C.

460 chapter 21A.32.

461 SECTION 17. Ordinance 10870, Section 407, as amended, and K.C.C.

462 21A.18.030 are hereby amended to read as follows:

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

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

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

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

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

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

RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

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

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

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

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

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

488 a. The director may reduce bike rack parking facilities for patrons when it is
489 demonstrated that bicycle activity will not occur at that location.

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

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

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

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

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

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

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

514 21A.30.080 are hereby amended to read as follows:

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

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

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

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

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

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

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

536 7. Towing services;

537 8. Trucking, storage or self service, except for parking or storage of one

538 commercial vehicle used in home occupation; ~~((and))~~

539 9. Veterinary clinic; ~~((and))~~

540 10. Recreational marijuana processor, recreational marijuana producer or

541 recreational marijuana retailer; and

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

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

544 as follows:

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

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

547 G. Sales are limited to:

548 1. Mail order sales;

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

550 and

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

552 premises;

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

554 I. The home occupation or occupations use or store a vehicle for pickup of

555 materials used by the home occupation or occupations or the distribution of products from

556 the site, only if:

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

558 2. The vehicle is not stored within any required setback areas of the lot or on

559 adjacent streets; and

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

562 J. The home occupation or occupations do not:

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

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

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

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

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

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

581 In the A, F and RA zones, residents of a dwelling unit may conduct one or more

582 home occupations as accessory activities, under the following provisions:

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

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

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

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

589 2. For lots one acre or greater: One percent of the area of the lot, up to a
590 maximum of five thousand square feet.

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

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

593 2. Screened along the portions of such areas that can be seen from an adjacent
594 parcel or roadway by the:

595 a. planting of Type II landscape buffering; or

596 b. use of existing vegetation that meets or can be augmented with additional
597 plantings to meet the intent of Type II landscaping((-));

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

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

604 1. One stall for each nonresident employed on-site; and

- 605 2. One stall for patrons when services are rendered on-site;
- 606 G. Sales are limited to:
- 607 1. Mail order sales;
- 608 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 609 3. Items accessory to a service provided to patrons who receive services on the
- 610 premises;
- 611 4. Items grown, produced or fabricated on-site; and
- 612 5. On sites five acres or larger, items that support agriculture, equestrian or
- 613 forestry uses except for the following:
- 614 a. motor vehicles and parts (North American Industrial Classification System
- 615 ("NAICS" Code 441);
- 616 b. electronics and appliances (NAICS Code 443); and
- 617 c. building material and garden equipment and supplies (NAICS Code 444);
- 618 H. The home occupation or occupations do not:
- 619 1. Use electrical or mechanical equipment that results in a change to the
- 620 occupancy type of the structure or structures used for the home occupation or occupations;
- 621 2. Cause visual or audible interference in radio or television receivers, or
- 622 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 623 3. Increase average vehicular traffic by more than four additional vehicles at any
- 624 given time;
- 625 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 626 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
- 627 J. The following uses, by the nature of their operation or investment, tend to

628 increase beyond the limits permitted for home occupations. Therefore, the following shall
629 not be permitted as home occupations:

630 1. Hotels, motels or organizational lodging;
631 2. Dry cleaning((=:));
632 3. Automotive towing services, automotive wrecking services and tow-in parking
633 lots; ((and))

634 4. Recreational marijuana processor, recreational marijuana producer or
635 recreational marijuana retailer((=:)); and

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

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

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

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

- 641 a. for any lot five acres or less: two;
642 b. for lots greater than five acres: three; and
643 c. for lots greater than ten acres: four;

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

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

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

649 21A.30.090 are hereby amended to read as follows:

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

- 651 A. The site area is one acre or greater;
- 652 B. The area of the dwelling unit used for the home industry does not exceed fifty
653 percent of the floor area of the dwelling unit.
- 654 C. Areas within attached garages and storage buildings shall not be considered part
655 of the dwelling unit for purposes of calculating allowable home industry area but may be
656 used for storage of goods associated with the home industry;
- 657 D. No more than six nonresidents who work on-site at the time;
- 658 E. In addition to required parking for the dwelling unit, on-site parking is provided
659 as follows:
- 660 1. One stall for each nonresident employee of the home industry; and
661 2. One stall for customer parking;
- 662 F. Additional customer parking shall be calculated for areas devoted to the home
663 industry at the rate of one stall per:
- 664 1. One thousand square feet of building floor area; and
665 2. Two thousand square feet of outdoor work or storage area;
- 666 G. Sales are limited to items produced on-site, except for items collected, traded
667 and occasionally sold by hobbyists, such as coins, stamps, and antiques;
- 668 H. Ten feet of Type I landscaping are provided around portions of parking and
669 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
670 way;
- 671 I. The department ensures compatibility of the home industry by:
- 672 1. Limiting the type and size of equipment used by the home industry to those that
673 are compatible with the surrounding neighborhood;

674 2. Providing for setbacks or screening as needed to protect adjacent residential
675 properties;

676 3. Specifying hours of operation;

677 4. Determining acceptable levels of outdoor lighting; and

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

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

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

684 SECTION 21. Ordinance 10870, Section 549, as amended, and K.C.C.
685 21A.32.120 are hereby amended to read as follows:

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

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

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

693 2. For a winery, brewery, distillery facility II and III in the A ~~((or RA))~~ zones,
694 the temporary use shall not exceed a total of two events per month and all event parking
695 ~~((for the events))~~ must be accommodated on site or managed through a parking
696 management plan approved by the director.

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

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

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

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

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

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

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

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

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

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

733 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter
734 21A.55 a new section to read as follows:

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

740 2. The demonstration project will enable the county to determine if expanded
741 wine and adult beverage-based uses can be permitted while maintaining the core
742 functions and purposes of the Rural Area and Agricultural Production District zones. The

743 expected benefits from the demonstration projects include: developing a clear picture of
744 wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural
745 Production District zoned communities, opportunity for additional exposure for locally
746 sourced agricultural products; and the opportunity to identify and evaluate potential
747 substantive changes to countywide land use regulations to support the development of
748 additional areas of unincorporated King County that may benefit from growth in wine
749 and adult beverage industry agritourism.

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

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

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

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

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

765 b. The aggregated total space devoted to tasting and retail activity shall be

766 limited to one thousand square feet of gross floor area, not including areas devoted to
767 storage, restrooms, and similar back-of-the-house uses;

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

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

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

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

777 g. The hours of operation for the tasting room shall be limited as follows:
778 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to
779 11:00 a.m. through 5:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
780 shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

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

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

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

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

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

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

810 H. One year after the effective date of this ordinance, and on an annual basis for
811 three years thereafter, the director shall compile a list of demonstration project

812 applications submitted and related code complaints, if any.

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

816 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter
817 21A.55 a new section to read as follows:

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

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

832 B. A wine and beverage tourism demonstration project district B application to
833 modify development standards for on-site winery, brewery, distillery facility III wedding
834 and events shall be administratively approved by the department of permitting and

835 environmental review, and upon such an approval K.C.C. chapter 21A.42 review
836 procedures shall be applied. Demonstration project uses may be approved and
837 conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040.
838 Approval of the proposed demonstration project shall not be construed as applying to any
839 other development application either within the demonstration project area or elsewhere
840 in the county, and shall not render uses authorized under this section "otherwise
841 permitted in the zone" under K.C.C. 21A.32.100.A.

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

- 844 1. K.C.C. 21A.32.100 through 21A.32.140;
- 845 2. K.C.C. 21A.44.020; and
- 846 3. K.C.C. 21A.08.080.B.12.1

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

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

854 E.1. Demonstration project applications made in accordance with this section
855 may only be submitted in relation to an application for a winery, brewery, distillery
856 facility III conditional use permit or winery, brewery, distillery facility conditional use
857 permit modification or expansion.

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

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

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

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

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

877 H. One year after the effective date of this ordinance, and on an annual basis for
878 three years thereafter, the director shall compile a list of demonstration project
879 applications, an evaluation of the impacts of wedding and similar uses authorized
880 pursuant to demonstration project conditional use permits, and related code complaints, if

881 any.

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

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

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

a. citations, except for winery, brewery, distillery facility I, II
and II and remote tasting room:

- | | |
|--|---|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter 12.86
within the past twelve months | \$125 |
| (3) with one previous code violation of K.C.C. chapter 12.86
within the past twelve months | \$250 |
| (4) with one or more previous similar code violations, or with
two previous code violations of K.C.C. chapter 12.86 within the
past twelve months | \$500 |
| (5) with two or more previous violations of K.C.C. Title 10, or
three or more previous code violations of K.C.C. chapter 12.86
within the past twelve months | Double the rate
of the previous
penalty |

b. citations for violations of winery, brewery, distillery facility I,

II, and III and remote tasting room zoning conditions, including but not limited to unapproved events;

- (1) with no previous similar code violations \$500
- (2) with one or more previous similar code violations within \$1,000

the past twelve months;

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 \$25

penalty

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

- (a) public health risk \$15
- (b) environmental damage risk \$15
- (c) damage to property risk \$15
- (d) one previous similar code violation \$25
- (e) two previous similar code violations \$50
- (f) three or more previous similar code violations \$75
- (g) economic benefit to person responsible for violation \$25

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

~~((d))~~ e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:

- (1) first reinspection, which shall occur no sooner than the day \$150 following the date compliance is required by the notice and order

(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

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

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

905 the notice and order.

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

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

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

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

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

924

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

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

Demonstration Project Overlay A: Remote Tasting Rooms

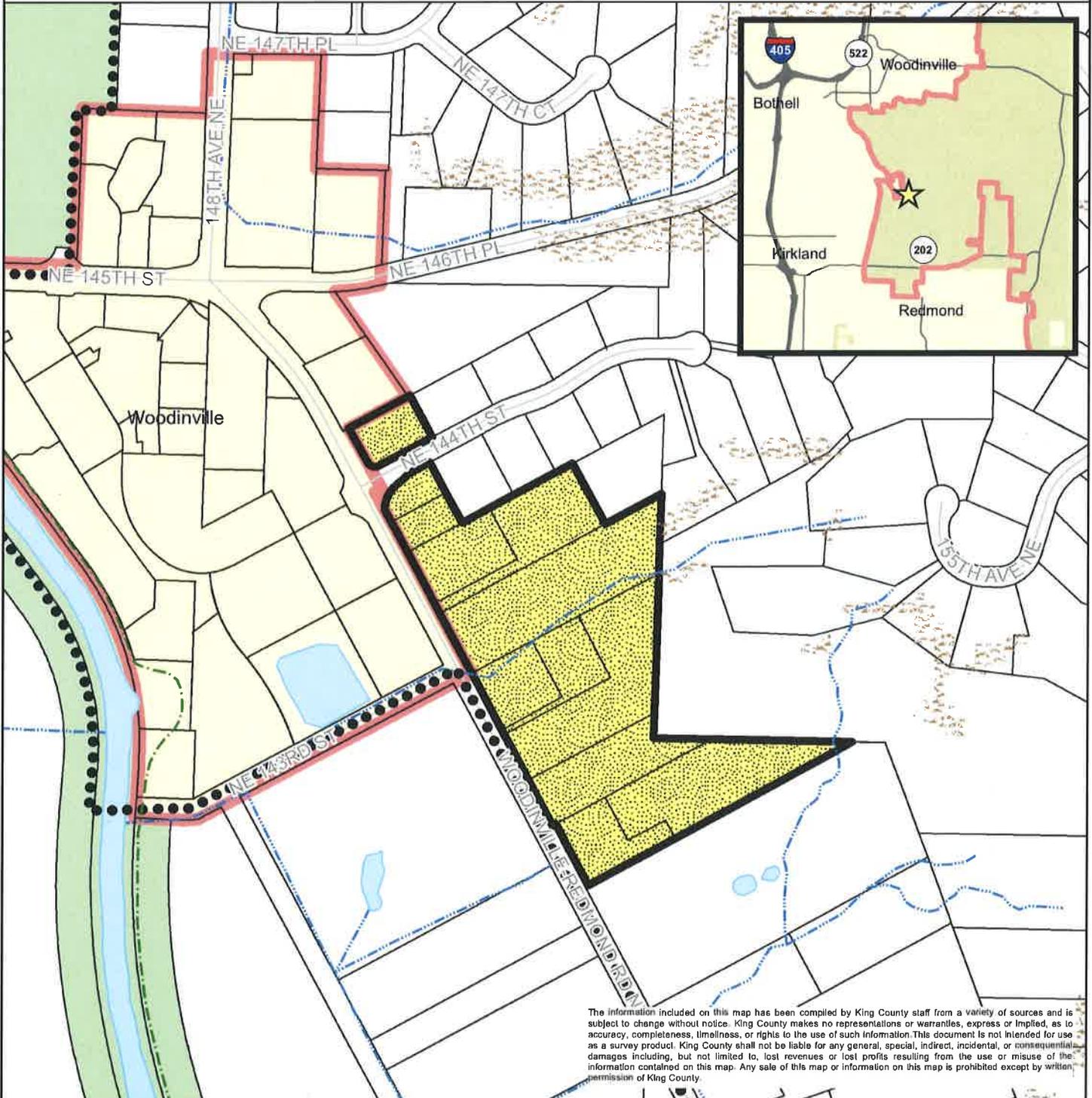
- Demonstration Overlay A
- Agricultural Production District
- Regional Trails
- Streams
- Railroads
- Urban Growth Boundary
- Parcels
- Incorporated Area
- Wetland & Steep Slope
- Parks & OS
- Waterbodies



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Feet



Date: 3/7/18



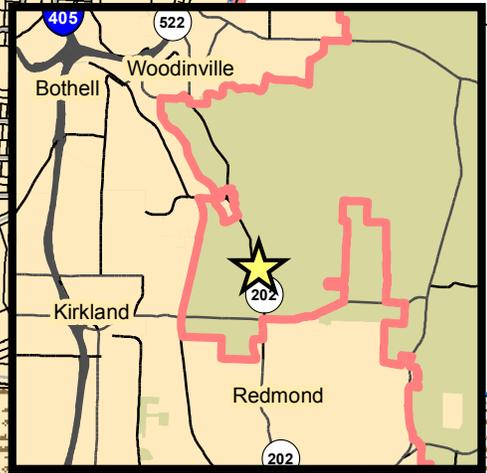
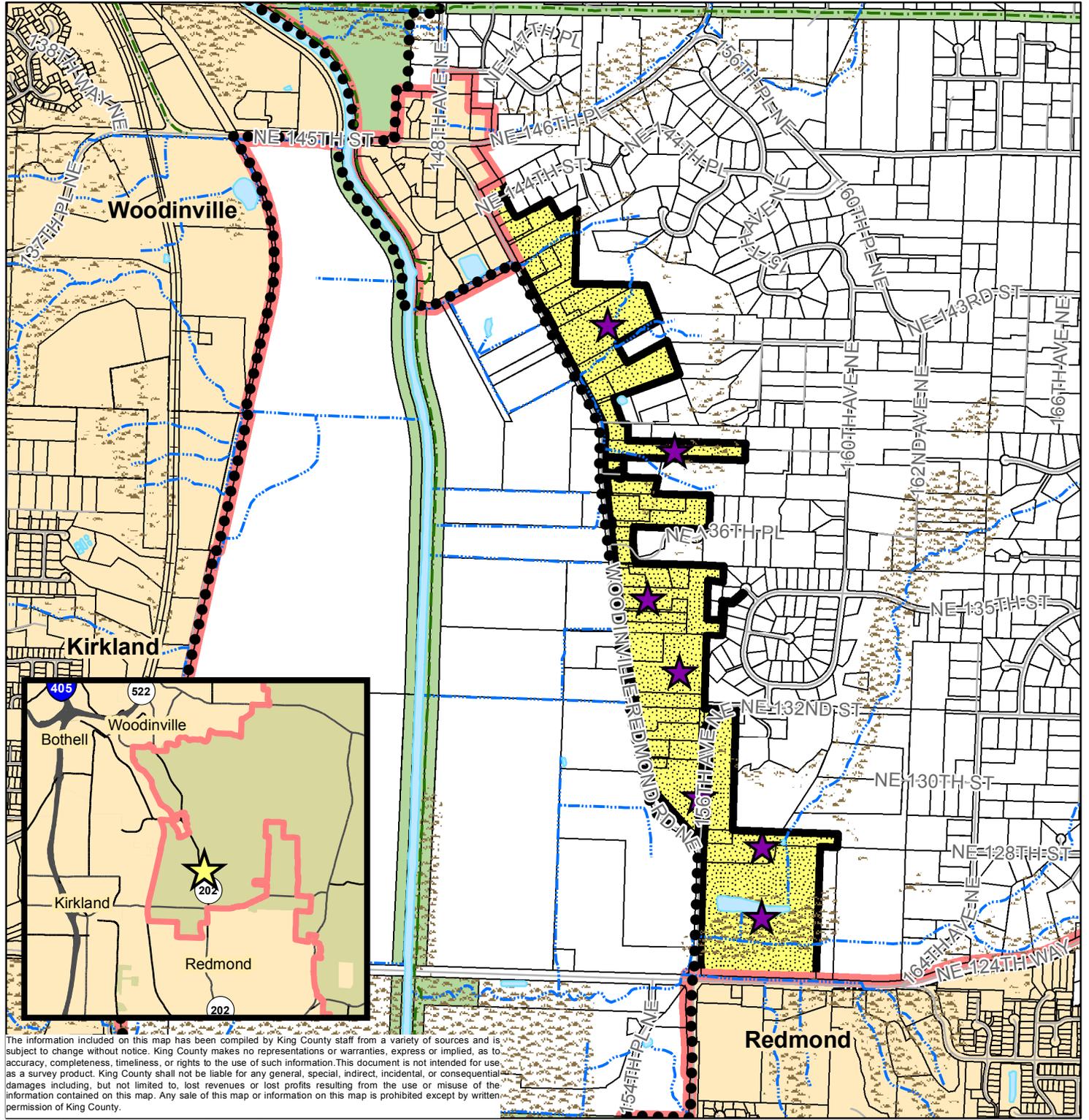
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Demonstration Project Overlay B: Winery, Brewery, Distillery III Events

-  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

The Honorable Joe McDermott
April 26, 2018
Page 2

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

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

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

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

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

Sincerely,

Dow Constantine
King County Executive

Enclosures

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

2017-2018 FISCAL NOTE

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

Description of request:

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

Revenue to:

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

Expenditures from:

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

Expenditures by Categories

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

Does this legislation require a budget supplemental? No.

Notes and Assumptions:

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

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**King
County
Action
Report**

April 26

2018

**Sammamish Valley Winery and
Beverage Study**

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

Introduction

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

Background

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

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

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

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

The Sammamish Valley Wine and Beverage Study Report – September 2016

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

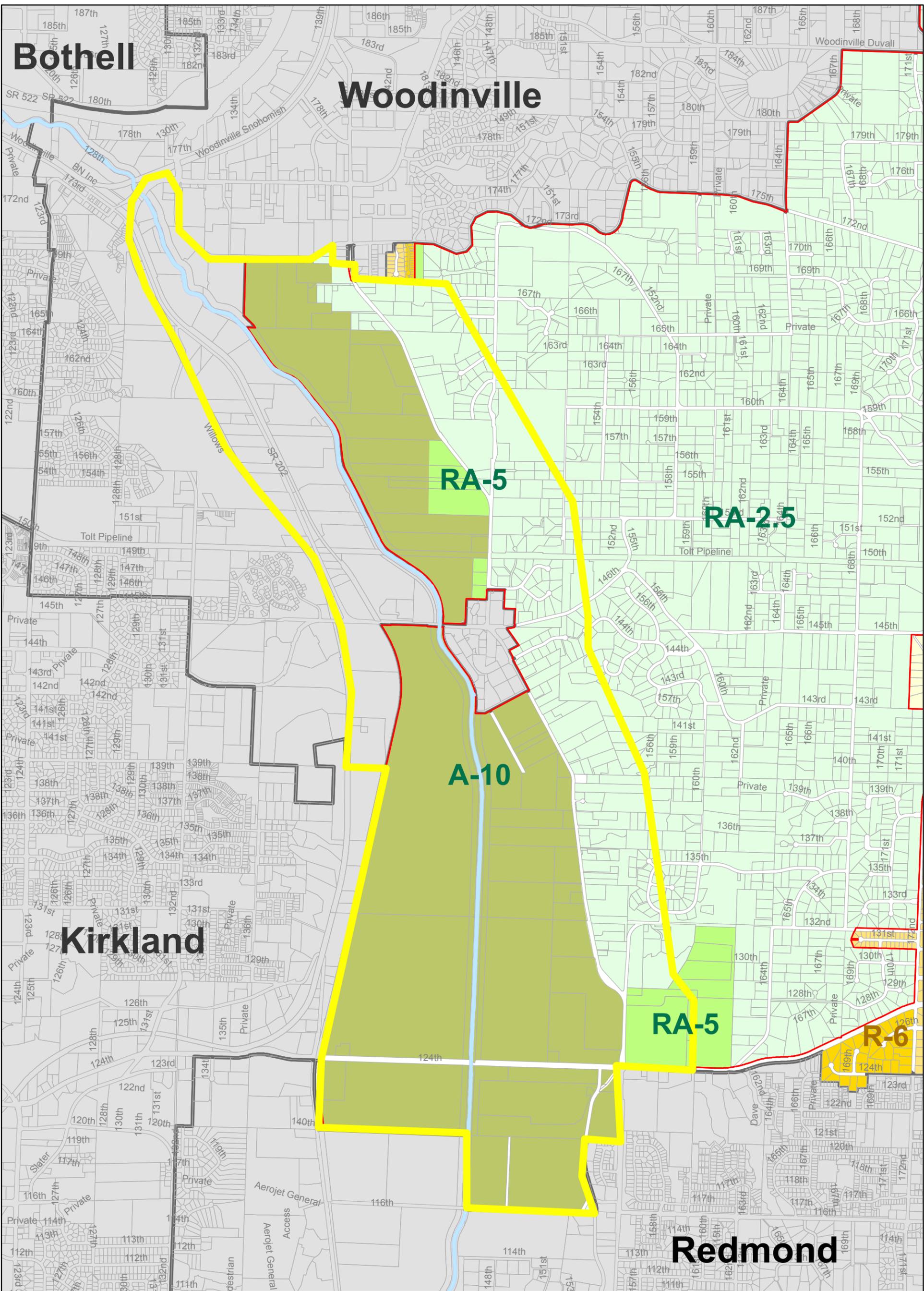
- Nurture the burgeoning wine and beverage industry in King County;
- Improve the interface of wine-related businesses with the surrounding communities; and
- Honor the requirements of the state Growth Management Act and the policies of the county’s Comprehensive Plan as they relate to urban growth areas,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

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

The King County Action Report

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

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



Sammamish Valley Area Winery Study

-  Urban Growth Boundary
-  Cities



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



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

1 Defining and Implementing

Study Recommendation: Code Enforcement

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

King County Response:

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

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

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

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

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

Study Recommendation: Wine and Beverage Industry Toolkit

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

King County Response:

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

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

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

Study Recommendation: Business License

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

King County Response:

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

2 Wine, Beverage, and Tourism

Study Recommendation:

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

King County Response:

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

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

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

3 Transportation

Study Recommendation: Alternative Means of Access

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

King County Response:

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

Metro Community Connections: Bothell – Woodinville Project

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

Community Van

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

Bike Share

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

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

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

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

Study Recommendation: Parks and Trails

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

King County Response:

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

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

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

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

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

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

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

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

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

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

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



April 26, 2018

Study Recommendation: Road Improvements

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

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

King County Response:

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

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

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

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

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

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

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

4 Agriculture

Study Recommendation: Agriculture Production District (APD)

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

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

King County Response:

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

APD History:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Sammamish APD conservation activities:

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

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

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

King County Response:

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

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

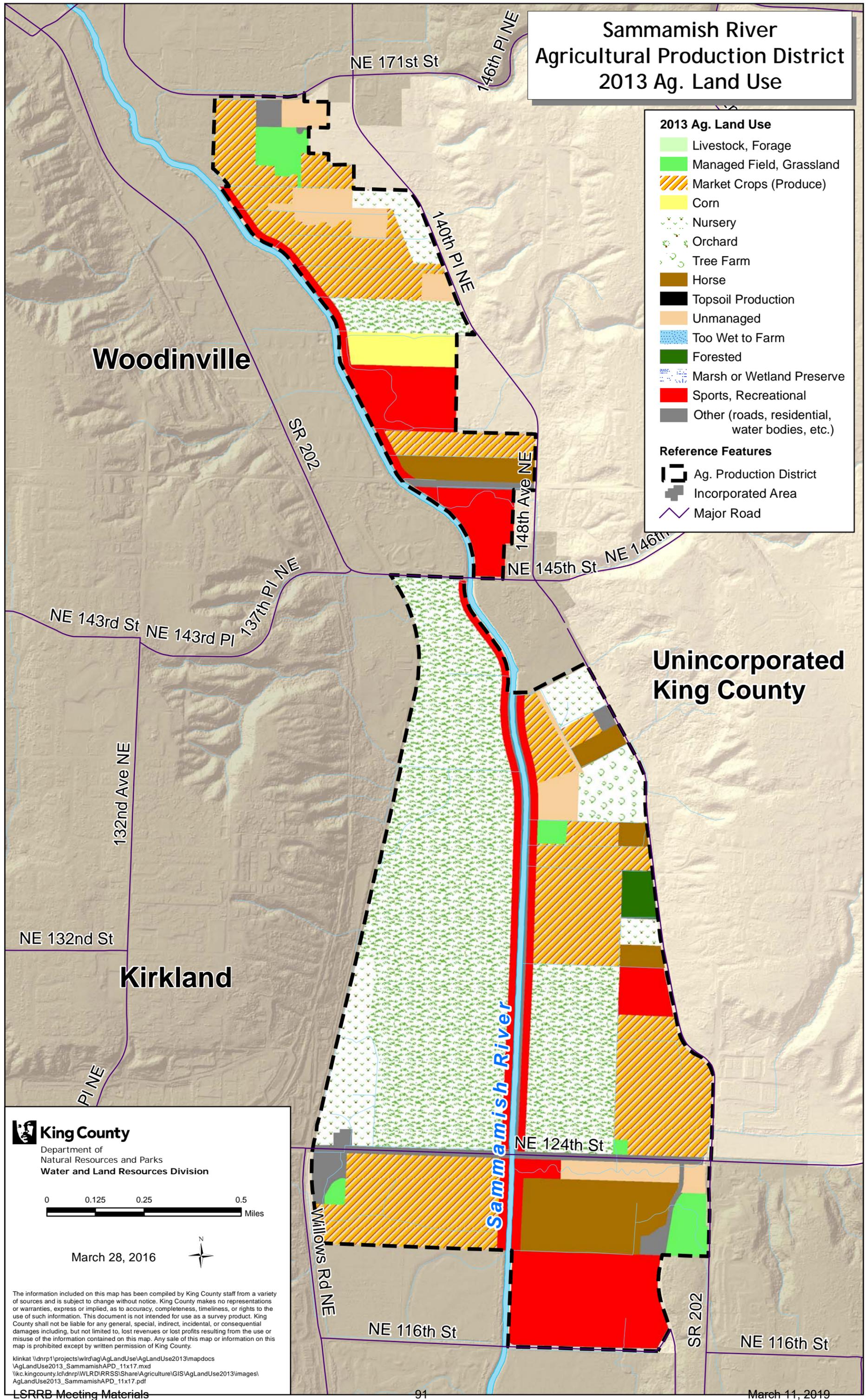
Sammamish River Agricultural Production District 2013 Ag. Land Use

2013 Ag. Land Use

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

Reference Features

- Ag. Production District
- Incorporated Area
- Major Road



Woodinville

Kirkland

**Unincorporated
King County**

Sammamish River

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

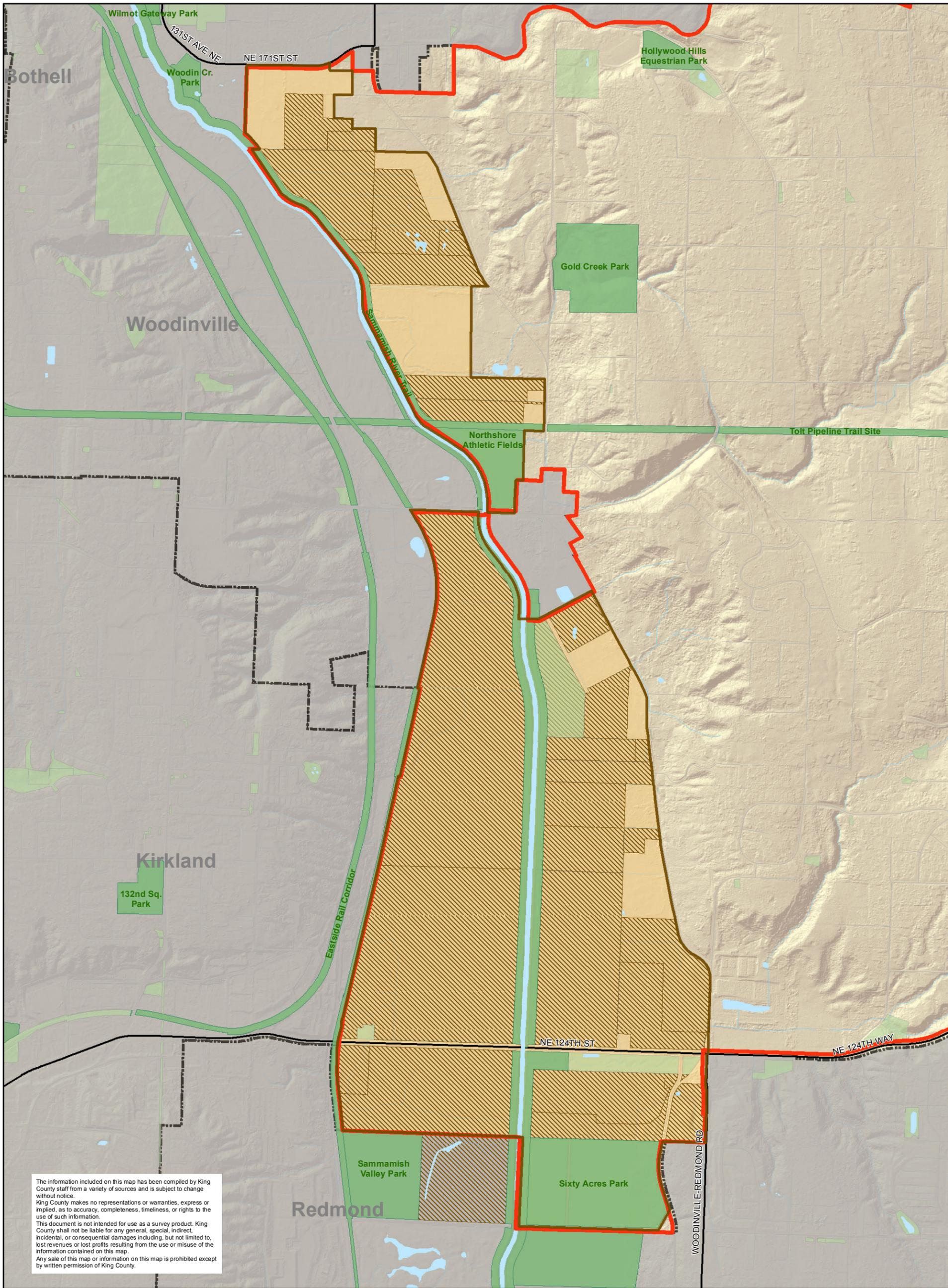
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March 28, 2016

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SAMMAMISH VALLEY AGRICULTURAL PRODUCTION DISTRICT



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Legend

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



0 0.25 0.5 Miles

Study Recommendation: Signage

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

King County Response:

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

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

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

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

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

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

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

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

5 Rural and Agriculture Zoning – The Regulations

Study Recommendation:

Defining and Implementing

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

Wine, Beverage, and Tourism Industries

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

Transportation

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

Agriculture

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

Rural Zoned Areas

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

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

King County Response:

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

Approach:

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

(Reference to Strategy Number in parenthesis)

Definitions and Allowed Uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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King County

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

STAFF REPORT

Agenda Item:		Name:	Erin Auzins
Proposed No.:	2018-0241	Date:	December 4, 2018

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, July 17, and November 28, 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, the Committee is anticipated to vote the legislation out to full Council.

BACKGROUND

Wineries and breweries have been uses listed in the permitted use tables since at least the 1993 Zoning Code.¹ The development conditions that apply today were largely adopted in 2003,² and standards relating to minimum lot size, maximum building size, special event limitations, and product content were first adopted. Distilleries were first

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:

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

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

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

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

c. The character of the surrounding rural area;

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

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

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

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

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

Between 2012 and 2015, Public Health Seattle-King County instituted a pilot program that allowed wine and distillery tasting rooms to apply for an exemption from the annual operating permit. The pilot project was intended as an alternative to a required food permit for these business, 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

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

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

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

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

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

Demonstration Project B

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

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 Businesses¹⁰

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.¹¹ 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

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 DP&R 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 6.

AMENDMENT

Council staff continues to work with Councilmembers and Executive staff on possible amendments to the legislation. An updated chair's conceptual striker is in the packet in Attachment 7.

At the July 17, 2018 meeting, the Committee voted on a technical only striking amendment and title amendment. Subsequently, the Council's legal counsel identified that the Committee should redo this action before voting the legislation out of committee. These documents are included in the packet as Attachments 8 and 9.

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. Hearing Examiner Decision on Four Horsemen Brewery Appeal
7. Chair's Conceptual Striker dated November 28, 2018
8. Technical Only Striking Amendment dated July 17, 2018
9. Technical Only Title Amendment dated July 17, 2018

INVITED

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

October 3, 2018

**OFFICE OF THE HEARING EXAMINER
 KING COUNTY, WASHINGTON**
 King County Courthouse
 516 Third Avenue Room 1200
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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
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 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. Bergeson*, 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 legalizing 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 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.E's and 085.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.I'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.3.³ 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.⁴
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 envision 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.

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.⁵ 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 F) 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,

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).

926, 932, 52 P.3d 1 (2002). *Contra City of Mercer Island v. Steinmann*, 9 Wn. App. 479, 481-83, 513 P.2d 80 (1973). But that is not our scenario.

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.



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 HORSEMEN 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. D9 Washington Administrative Code 314-20-015
- Exhibit no. D10 Email from Howard Esping to Sara Smith, dated June 11, 2018

Appellant-offered exhibits:

- Exhibit no. A1 Washington State Liquor Control Board notice of liquor license application, dated February 19, 2014;
- 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/lid

October 3, 2018

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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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.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

OTHER JURISDICTIONS DEFINITIONS OF WBD/REMOTE TASTING ROOMS

Chelan County (no separate brewery definition)

14.98.582 Distillery.

“Distillery” means a place where distillation (a process of separating the component substances from a liquid mixture by selective evaporation and condensation to create alcohol) takes place. For the purpose of administration of Chelan County codes, distillery is synonymous with winery.

14.98.2005 Winery.

“Winery” means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area. Distilleries and breweries, for the purposes of placement in various zoning districts and regulation requirements, are synonymous with winery.

Benton County

"Wineries/Breweries/Distilleries" means facilities where fruit or other products are processed into wine or spirits and related storage, bottling, shipping, sampling, tasting and sale of such.

Douglas County

14.98.035 Agriculturally related industry.

“Agriculturally related industry” means those industrial uses directly related to the packaging, processing, storage, or physical or chemical alteration of the agricultural product. Such industries include, but are not limited to: cold storage plants, controlled atmosphere, produce packing and processing facilities, wineries and their accessory uses such as tasting and sales rooms.

Grant County

Agriculturally-Related Industry: those industrial uses directly related to the packaging, processing, storage, or physical or chemical alteration of an agricultural product. Such uses include, but are not limited to, commercial cold storage plants, and/or controlled atmosphere facilities, produce packing and processing facilities, wineries and their accessory uses such as tasting and sales rooms.

Resource-Based Activities: activities related to the harvesting, processing, manufacture, storage, and sale of agricultural or mineral products, including, but not limited to, wineries, nurseries, lumber mills, and gravel-processing plants.

Kittitas County

17.08.561 Winery.

"Winery" means a facility where fruit or other products are processed (i.e., crushed, fermented, decanted, stored, bottled and shipped) into wine. This may include the sale of wine and limited ancillary items, tourist facilities, or tasting rooms.

17.08.034B Agricultural enhanced uses (AEU)

"Agricultural enhanced uses (AEU)" refers to a use that is accessory to a working farm, approved winery, distillery, cider house or brewery or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the agricultural operation. These activities must be related to agriculture, and incidental to the primary operation on the site. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site. AEU's may include, but are not limited to, accessory seasonal uses such as farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses.

Okanogan County

17A.20.935 Winery.

"Winery" means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) for the purpose of making wine. A winery may include a tasting room, food and beverage service, places of public/private assembly, retail sales area, and live entertainment.

San Juan County

"Resource-based activities" means activities related to the harvesting, processing, manufacture, storage, and sale of agricultural, forestry or mineral products, such as wineries, cideries, breweries, distilleries, nurseries, lumber mills, and gravel-processing plants.

"Artisan" means a skilled manual worker or artist who may use tools or machinery to pursue a particular art or profession, such as traditional occupations such as wheelwrights, bakers, grillers, brewers, upholsterers, cabinet makers, carpenters, journeymen, potters, distillers, engravers, weavers, sculptors, masons, painters, photographers, fabricators, glasswrights, jewelers, goldsmiths, silversmiths, coppersmiths, tailors, vintners and taxidermists.

"Artisan activities" means the creation and sales of artisan products.

"Artisanal product" means an item or product created through the work of an artisan that is generally produced on a nonindustrial, small scale, or small batch basis, and is commonly hand-made using traditional methods or skills.

Snohomish County

30.91F.160 Farm product processing.

"Farm product processing" means the alteration or modification, for the purpose of storage, transport, or sale, of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product shall be the principal ingredient or component. The addition of elements necessary for the long-term storage or stability of the product shall not be considered farm product processing, provided that this addition does not alter the agricultural product from its original constitution or state. Farm product processing includes the production of wine. Farm product processing shall not include the operation of a stockyard or slaughter house.

Proposed Definitions (from 2016 – doesn't appear to have been adopted)

30.91R.275 Rural craft brewery/distillery/winery.

"Rural craft brewery/distillery/winery" means a facility located outside of the urban growth area, where beer is processed; spirits are processed; or wine is produced respectively. A rural craft brewery, distillery, or winery includes tasting, and sales rooms.

30.91T.007 Tasting Room.

"Tasting room" means a facility or portion of a facility supporting a rural craft brewery, distillery, or winery where the public may sample and purchase products produced by the facility and which has ancillary related retail sales. Retail sales shall be limited only to on-site production and merchandise directly related to the facility.

Walla Walla County

17.22.030 - Definition.

A. A winery is a facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine. Facilities located on land zoned industrial, commercial, or airport development shall be considered wineries as long as such facilities comply with state licensing requirements for wineries. A winery may include any of the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, ancillary retail sales, public display of art to wine related items, picnic areas, and food service. Food service is not to include restaurants, unless otherwise allowed in the zoning district.

B.

Winery, Type I. On a legal lot of record, the total cumulative building area of structure or structures housing a winery must be less than twelve thousand square feet and be served by fewer than forty parking spaces.

C.

Winery, Type II. Any winery on a legal lot of record exceeding the size requirements of a Type I winery, or that exceeds the number of events in [Section 17.22.040\(B\)](#), or that is located on a legal lot of record with another winery.

D.

A brewery is a facility specifically designed for brewing beer which includes a combination of any the following activities: lautering, boiling, fermenting, conditioning, filtering, and packaging beer. Facilities located on land zoned industrial, commercial, or airport development shall be considered breweries as long as such facilities comply with state licensing requirements for breweries. A brewery may include any of the following: a tasting room, milling facility, mashing facility, malting facility, brewing facility, bottling facility, laboratory and offices. Uses that are clearly incidental to the production of beer are allowed accessory uses to a brewery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of beer, employee day care, tours, ancillary retail sales, public display of art or beer related items, picnic areas, and food service. Food service is not to include restaurants, unless otherwise allowed in the zoning district.

E.

Brewery, Type I. On a legal lot of record, the total cumulative building area of structure or structures housing a brewery must be less than twelve thousand square feet and be served by fewer than forty parking spaces.

F.

Brewery, Type II. Any brewery on a legal lot of record exceeding the size requirements of a Type I brewery, or that exceeds the number of events in [Section 17.22.040\(B\)](#), or that is located on a legal lot of record with another brewery or winery.

17.08.194 - Distillery, production facility.

A distillery is a facility which produces by distillation spirits for consumption; the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sales and samples shall not be permitted.

Yakima County

Agricultural
tourist
operation,
(ATO)

“Agricultural tourist operation” refers to a working farm, including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is considered accessory and

subordinate to the agricultural operation when the products sold are grown or produced on site.

(1) Retail Agricultural Tourist Operation: is one that may include eating and food preparation facilities with event facilities for seminars or other social gatherings.

(2) Destination Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail level operation but may include overnight lodging facilities up to 12 guest rooms, with event facilities for seminars, weddings and other social gatherings.

(3) Resort Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail or destination level operation. These accessory uses can be anything related to the agricultural operation that enhances the tourist related experience, with a dedicated area for seminars, weddings and other social gatherings, and RV park accommodations.

Winery	“Winery” means a facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation or commercial zoning district where the winery is located.
brewery, Domestic	“Brewery, domestic” means a facility where sixty thousand barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms. (Definition based on RCW 66.24.240 (1).)
brewery, Micro	“Brewery, micro” means a facility where less than sixty thousand barrels of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms. (Based on RCW 66.24.244 (1).)
Distillery	“Distillery” means a facility where more than 60,000 gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140 (1)).
Distillery, craft	“Distillery, craft” means a facility where 60,000 gallons or less of spirits are processed and manufactured per year. A craft distillery

can include fields, tasting and sales rooms. (Based on RCW [66.24.140\(1\)](#)).

City of Chelan

“Agricultural tourism uses” means uses that support, promote or sustain agricultural operations, including production of value-added merchandise, while providing opportunities for residents and visitors to experience, enjoy, and learn about Chelan’s agriculture and wine industry and heritage. Examples include agriculture-related experiences, production of value-added products, and wineries.

“Beverage production use” means a small-scale craft beverage production use or a winery.

“Brewpub” means an establishment that brews beer on site for sale on site or for limited distribution and operates in conjunction with a restaurant with sit-down eating.

“Cottage winery” means a small-scale winery producing on site within a structure less than ten thousand square feet. A cottage winery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service incidental to the principal use. Retail trade shall be limited to products produced by the cottage winery, accessories related to the cottage winery and its products (e.g., bottle openers, wine glasses, winery logo shirts), artwork, and local and regional agricultural products. For the purposes of this definition, cottage winery includes the production of cider as defined in RCW 66.24.210(6); other forms of distillation are addressed under craft distillery.

“Craft distillery” means a distillery that produces by distillation spirits for consumption within a structure less than ten thousand square feet. A craft distillery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service. Retail trade shall be limited to products produced by the craft distillery, accessories related to the craft distillery and its products (e.g., drinking glasses, distillery logo shirts), artwork, and local and regional agricultural products.

“Distillery” means a distillery facility that produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sales and samples shall not be permitted except as allowed under state law.

“Off-site tasting room” means a tasting room for domestic wine, beer, or spirits produced off the site of the tasting room and approved as an additional location by the Washington State Liquor Control Board.

“Microbrewery” means a brewery that produces less than fifteen thousand U.S. barrels (one million eight hundred thousand liters) of beer per year. A microbrewery may

include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service. Retail trade shall be limited to products produced by the microbrewery, accessories related to the microbrewery and its products (e.g., bottle openers, brewery logo shirts), artwork, and local and regional agricultural products.

“Small-scale craft beverage production” means cottage wineries, microbreweries, and craft distilleries, as defined in this title, and similar beverage production uses, regulated by the Washington State Liquor Control Board.

“Winery” means a winery not meeting the definition of a cottage winery. A winery may occur in a building greater than ten thousand square feet; may include wine tasting, retail, meeting, and/or food and beverage facilities of twenty thousand square feet or less; and may conduct concerts for which an admission fee is charged, wedding services, and catered functions.

City of Woodinville

“Tasting room” means an establishment that allows customers to taste samples of wine, beer or spirits and has a State of Washington issued liquor license as a tasting room. A tasting room may also include wine, beer, or spirits and related items sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Board as bars, nightclubs, taverns or restaurants are not included in this classification.

WBD defined by NAICS codes:

312120 Breweries

This industry comprises establishments primarily engaged in brewing beer, ale, lager, malt liquors, and nonalcoholic beer.

312130 Wineries

This industry comprises establishments primarily engaged in one or more of the following: (1) growing grapes and manufacturing wines and brandies; (2) manufacturing wines and brandies from grapes and other fruits grown elsewhere; and (3) blending wines and brandies.

312140 Distilleries

This industry comprises establishments primarily engaged in one or more of the following: (1) distilling potable liquors (except brandies); (2) distilling and blending liquors; and (3) blending and mixing liquors and other ingredients.

City of Walla Walla

For purposes of this code, the following definitions of wineries, breweries, and distilleries are established.

A. Wineries.

1. Type A Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, but without primary fruit processing or bulk fermentation.
2. Type B Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, with primary fruit processing or bulk fermentation.
3. Type C Winery. Winery with either on-site primary fruit processing or bulk fermentation or both, with emphasis on industrial production rather than pedestrian-oriented access and commercial activity.

B. Breweries.

1. Type A Brewery. Brewery with primary processing associated with restaurant.
2. Type B Brewery. Brewery with primary processing with or without on-site tasting, not associated with restaurant.

C. Distillery. A distillery facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery.

D. Craft Distillery. As defined in Chapter 66.24 RCW. A "craft distillery" means a distiller producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in the state of Washington.

"Agricultural related industry" means specifically:

1. "Packaging plants" may include but are not limited to the following activities: washing, sorting, crating and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. Does not include processing activities, or slaughterhouses, animal reduction yards, and tallow works.
2. "Processing plants" may include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughterhouses or rendering plants.
3. "Storage facilities" may include those activities which involve the warehousing of processed and/or packaged agricultural products.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
1	<p>New chapter in Title 6 – <u>business licenses</u></p> <p>Adds a definition for adult beverage business:</p> <p>An adult beverage business means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses.</p> <p>Adds a new requirement to get a business license for wineries, breweries, and distilleries, and remote tasting rooms.</p> <p>The business license fee would be \$100 for initial and renewal of licenses.</p>	Agree with Executive
4	<p>Adds a <u>definition for remote tasting room</u>:</p> <p>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.</p>	Revise the language so that breweries and distilleries can participate in the demonstration project. Be clear that additional endorsements, and other retail liquor licenses (bars and restaurants) would not be allowed
5	<p>Adds a <u>definition for winery, brewery, distillery facility</u> I:</p> <p>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-</p>	Add language that retail liquor licenses are not allowed. Adds allowances for on-site tasting and related retail sales. Make technical edits for consistency.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
	site product tasting or retail sale of merchandise does not occur.	
6	<p>Adds a <u>definition for winery, brewery, distillery facility II</u>:</p> <p>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.</p>	Add language that retail liquor licenses are not allowed. Make technical edits for consistency.
7	<p>Adds a <u>definition for winery, brewery, distillery facility III</u>:</p> <p>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</p>	Add language that retail liquor licenses are not allowed. Make technical edits for consistency.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
	product tasting as authorized by state law, and sales of merchandise related to products available as authorized by state law.	
8	<p>Modifies <u>parking requirements</u>:</p> <p>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).</p> <p>Does not specify parking requirements for other WBD facilities.</p>	<ul style="list-style-type: none"> • For A zones, agree with Executive on parking ratio • In other zones, for remote tasting rooms in CB and RB zones, and in demo project A, minimum tasting/retail parking ratio is 1:300, and maximum is 1:50sf. In RA zone, maximum is specified as 1:50sf and 150% maximum is removed. • Apply the WBD parking ratios to facilities II and III
9	<p>Modifies home occupation and home industry requirements:</p> <p>Prohibits all WBD facilities and remote tasting rooms.</p>	<p>Prohibit WBDs and remote tasting rooms as home occupations and home industries. Allow grandfathering for legally established home occupations within one year of effective date of ordinance. Require a business license for existing, nonconforming home occupations and home businesses.</p> <p>In supplemental appropriation, add technical assistance for determining grandfathering, aid with conversion to new WBD facility categories, and enforcement.</p>

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
12	<p>Modifies <u>temporary use permit</u> requirements:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>No events or temporary use permits for WBD I, nonconforming home occupations, home industries.</p> <p>WBD II and III in other zones are allowed 60 days a year</p>	<ul style="list-style-type: none"> • Add language that specifies when a TUP is required. Include events that exceed the building occupancy, that use portable toilets, additional parking, temporary stages, temporary tents or canopies, traffic control, or extends beyond stated hours of operation. (in K.C.C. 21A.32.100) • WBD II allowed 150 guests (WBD III ok with 250) • For WBD I in RA zone, legal nonconforming home occupations and legal nonconforming home industries, 2 events per year, maximum 50 people, without a TUP is allowed. • No events for WBD I interim use permit in A zone

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
13	<p>Adds a Sammamish Valley and Vashon Rural Town wine and adult beverage <u>remote tasting room demonstration project A</u>.</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ One or more WBD I, II or III may operate ○ Total space for tasting and retail is 1,000sf plus storage, restroom, back-of-the-house uses ○ Additional 500sf of outdoor space allowed ○ Direct access to an arterial ○ No production allowed ○ Incidental retail sales of products related to products tasted allowed ○ Hours of operation M-Th 11am-5pm, F-S 11am-9pm ○ Need a liquor license ○ No events or temporary use permits ○ Parking maximum of 150 percent of minimum required • Only allowed in area identified in Attachment A to ordinance. 	<ul style="list-style-type: none"> • Add CB zoning in 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 Cities, CSA groups, and customer's views of the overlays. Include evaluation of the businesses to survive/profit with the regulations. • Requires Permitting to stop accepting applications after 3 years, and extend the demonstration project to 5 years, and start the evaluation process after the 5 years is over • Add evaluation of tasting hours and special event parameters • Add evaluation of permit review timelines for decision of demonstration project applications. • Reduce the scope of the Vashon overlay to CB zoning in the Rural Town.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
	<ul style="list-style-type: none"> • Must be consistent with general health, safety and welfare. • Supersedes other variance, modification and waiver criteria in Title 21A. • Demonstration project A is in effect for 3 years from effective date of the ordinance, after which the remote tasting rooms would become nonconforming. • Annually, DPER compiles a list of applications submitted and related code complaints. • The Executive may submit additional proposed legislation extending or amending this ordinance within the 3 year demonstration project. 	
14	<p>Adds a Sammamish Valley wine and adult beverage <u>special events demonstration project B.</u></p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Overlay B allows consolidated review of CUP and TUP (instead of events being rolled into the CUP) • Projects follow Type II process, including SEPA for the consolidated review • No extra fees for TUP reviewed as part of the consolidated review (just pay for CUP) • TUP follows code requirements (approved for one year, with 4 possible renewals for a total of 5 years) • Must get a new TUP at the end of the 5 year, pay full cost and comply with the code in place at the time of complete application filing • Limited to 60 events • Add to evaluation the consolidated review process (impacts on cost to application, cost to administer/review, time to

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
	<p>with that application or before. Must demonstrate compliance with 21A.44.040.</p> <ul style="list-style-type: none"> • 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. • 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. 	<p>issue) and additional events (60 v 24 per year) allowed under Overlay B.</p> <ul style="list-style-type: none"> • During the 5-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 Cities, CSA groups, and customers opinions of the overlays. Include evaluation of the businesses to survive/profit with the regulations. • Requires Permitting to stop accepting applications after 3 years, and extend the demonstration project to 5 years, and start the evaluation process after the 5 years is over • 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. • Add evaluation of surface water issues, and impacts on downstream properties and agricultural land, and recommended ways to address those issues/impacts • Add evaluation of special event parameters • Add language regarding the types of conditions required (number of events, size, and notification of future events)

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
15	<p>Modifies <u>citation penalty</u>:</p> <p>Adds specific citations for WBD I, II, II and remote tasting rooms: \$500 for first violation, and \$1,000 for subsequent violations</p> <p>(existing code is \$100 for first violation, \$500 for subsequent violations)</p>	<p>Agree with Executive.</p> <p>Add evaluation of the effectiveness of the fine system to the report required at the end of 5 years</p>
15.5	<p>Study requirements – not included in Executive’s proposal</p>	<p>Add a study requirement – at the end of the 5 years, in conjunction with the studies done for the demonstration projects.</p> <ul style="list-style-type: none"> • Analysis of impact urban uses within UGA have on rural character of adjacent rural areas outside the UGA and provide recommendations to reduce impact of those urban uses. • Analysis of product content requirement (60% onsite, Puget Sound Counties, or ag accessory use). • Analysis of effectiveness of TUP triggers in KCC 21A.32.100. • Analysis of WBD I as interim use in A zone.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Proposed Change	KL/CB Direction
16	<p>Modifies the <u>Permitted Land Use</u> tables:</p> <p>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.</p> <p>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.</p>	<p>See separate tables on following pages for changes to this table.</p> <p>Interim Use Approval:</p> <ul style="list-style-type: none"> • Must be applied for within 5 years of effective date of this ordinance • Good for one year, with up to 4 yearlong renewals (good for a total of 5 years) like for TUP • Use must cease once interim use approval is expired • Subject to same criteria as the TUP • Fee same as TUP • Process as a Type II permit. • Application requirements set by Title 20

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Manufacturing Table - Agriculture Zones – Production Facilities

Note: if the KL/CB's Direction cell is blank, then the Executive's transmittal is agreed to

Issue #	Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#19 in Residential table)	WBD II permitted (DC#3) conditional (DC#3)		WBD III (DC#12)	
17	Type of Permit	Not permitted	Allow in A zones as a residential accessory use, accessory to a primary ag use, and for an interim use period of up to 5 years (1 year plus 4 renewals) Must apply within 5 years of ordinance adoption	Permitted Use is conditional if setbacks to RA and residential zones are reduced to 25 feet		Conditional Use	
18	Min. Lot Size	n/a		2.5 acres		4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres	

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
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Issue #	Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#19 in Residential table)	WBD II permitted (DC#3) conditional (DC#3)		WBD III (DC#12)	
19	Max. Building Size	n/a	1,500 sf Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.	3,500 sf (historic buildings maximum is 5,000 sf)	Add 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	Add decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.
20	Tastings	n/a	No tasting allowed Allow on-site sales of items produced on-site and incidental items.	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		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	
22	Water	n/a	Not specified	Not specified		Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	TBD

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
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Issue #	Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#19 in Residential table)	WBD II permitted (DC#3) conditional (DC#3)		WBD III (DC#12)	
23	Access	n/a	Direct access from an arterial	Direct access from an arterial		Direct access from an arterial	
24	Product Content	n/a	60% of product to be processed must be grown in Puget Sound Counties.	60% of product to be processed must be grown on site.		60% of product to be processed must be grown on site.	
25	Production/ Facility Location	n/a	Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes. Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.	Add requirement for production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Required Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes.	Add requirement for production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#19 in Residential table)	WBD II permitted (DC#3) conditional (DC#3)		WBD III (DC#12)	
26	Parking	n/a	<p>One stall for non-resident employee</p> <p>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.</p> <p>Add provision for grandfathering for existing parking (permits still required)</p>	<p>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area</p> <p>Limited to 150% of minimum required</p>	Add provision for grandfathering for existing parking (permits still required)	Not specified	<p>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area</p> <p>Add provision for grandfathering for existing parking (permits still required)</p>
27	Setbacks	n/a	<p>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</p> <p>Setbacks only apply to interior lot lines.</p>	<p>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</p>	<p>C: Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'</p> <p>Setbacks only apply to interior lot lines.</p>	<p>75 feet from RA and R zones, except historic buildings; 5 or 10 feet from all other zones. Includes parking areas.</p>	<p>Allow the setback to be modified through a CUP. Require screening and other mitigation to reduce it to 25'</p> <p>Setbacks only apply to interior lot lines.</p>

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Manufacturing Table – Rural Area Zones – Production Facilities

Note: if the KL/CB's Direction cell is blank, then the Executive's transmittal is agreed to

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#17 in Residential table)	WBD II (DC#3 and DC#30)		WBD III (DC#12)	
29	Type of Permit	Permitted – only one nonresident employee allowed	Move WBD I to a residential accessory use. Allow in RA and A zones. Use is conditional if setbacks to RA and residential zones are reduced to 25 feet	Permitted Conditional Use		Conditional Use	
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	
31	Max. Building Size	1,500 sf		P and C: 3,500 sf (historic buildings maximum is 5,000 sf)	Add 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	Add decks that not occupied and are not open to the public are excluded from the calculation for aggregated floor area.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#17 in Residential table)	WBD II (DC#3 and DC#30)		WBD III (DC#12)	
32	Tastings	Not allowed	<p>SV: No tastings</p> <p>Allow on-site sales of items produced on-site and incidental items.</p> <p>Other areas: Tastings allowed by appointment only. Tastings must occur within these hours: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</p> <p>Allow on-site sales of items produced on-site and incidental items.</p>	<p>P and C: Tasting of products produced on-site, and no extra floor area allowed for tasting</p> <p>Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</p>		<p>Tasting of products produced on-site, and no extra floor area allowed for tasting</p> <p>Hours for on-site tasting: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm</p>	
34	Water	Not specified		Not specified		Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	TBD
35	Access	Not specified		<p>P: Direct access from an arterial</p> <p>C: Direct access from public roadway.</p>		Direct access from an arterial	

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#17 in Residential table)	WBD II (DC#3 and DC#30)		WBD III (DC#12)	
36	Product Content	None		None		None	
37	Production/Facility Location	Required	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Required	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing	Required	Require production to include two or more of the stages of production: crushing, fermentation, barrel or tank aging, or finishing
38	Parking	One parking stall allowed for nonresident employee	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. Add provision for grandfathering for existing parking (permits still required)	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area P/C: Limited to 150% of minimum required	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting area (and 150% max is removed) Add provision for grandfathering for existing parking (permits still required)	Not specified	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Max parking set by CUP, but tasting/retail should be limited to 1 per 50 square feet of tasting area Add provision for grandfathering for existing parking (permits still required)

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		WBD I	WBD I (DC#17 in Residential table)	WBD II (DC#3 and DC#30)		WBD III (DC#12)	
39	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.	P and C: 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.

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**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Manufacturing Table – Urban Reserve Zone – Production Facilities

Issue #	Issue/Condition	Executive's Proposal			KL/CB Direction
		WBD I (DC#30)	WBD II (DC#3)	WBD III (DC#12)	
41					
	Type of Permit	Permitted – only one nonresident employee allowed	Permitted	Conditional Use	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).
	Min. Lot Size	None	2.5 acres	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres	
	Max. Building Size	1,500 sf	3,500 sf (historic buildings maximum is 5,000 sf)	Maximum floor area 8,000 sf; additional 8,000 sf for underground storage	
	Tastings	Not allowed	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	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	
	Events	Not allowed	60 days in a one-year period Max. size = no limit Parking not specified	60 days in a one-year period Max. size = no limit Parking not specified	

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Issue/Condition	Executive's Proposal			KL/CB Direction
		WBD I (DC#30)	WBD II (DC#3)	WBD III (DC#12)	
41					
	Water	Not specified	Not specified	Must connect to existing Group A water system, or existing Group B water system if Group A water system not available	
	Access	Not specified	Direct access from an arterial	Direct access from an arterial	
	Product Content	None	None	None	
	Production/ Facility Location	Required	Required	Required	
	Parking	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	Not specified	
	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
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Manufacturing Table – Commercial and Industrial Zones – Production Facilities

Note: if the KL/CB's Direction cell is blank, then the Executive's transmittal is agreed to

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		NB and CB (DC#17 and DC#29)		RB (DC#29) and I (DC#31)	
42	Type of Permit	WBD I – not permitted WBD II – permitted and conditional use (DC#17) WBD III – conditional use (DC#29)		WBD I – not permitted WBD II – permitted and conditional use WBD III – conditional use	In I zone, limit to breweries and distilleries. No wineries or remote tasting rooms.
43	Min. Lot Size	None		None	
44	Max. Building Size	WBD II – 3,500 sf, except historic buildings are 5,000 sf	Decks that are not occupied and not open to the public are excluded from the calculation for aggregated floor area.	None	
45	Tastings	WBD II – Tasting of products produced on-site, and no extra floor area allowed for tasting	Add tasting allowance to WBD III for consistency.	Not specified	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.
46	Events	WBD II and III – with a TUP, 60 days in a one-year period Max. size = no limit Parking not specified		WBD II and III – with a TUP, 60 days in a one-year period Max. size = no limit Parking not specified	
47	Water	None		None	
48	Access	None		None	
49	Product Content	None		None	
50	Production/Facility Location	Not specified		Not specified	

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		NB and CB (DC#17 and DC#29)		RB (DC#29) and I (DC#31)	
51	Parking	WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area WBD III – not specified	WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting area (When max parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)	WBD II – 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting area WBD III – not specified	WBD II and III: 0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting area (When max parking set by CUP, tasting/retail should be limited to 1 per 50 square feet of tasting area)
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	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.	RB zone: 5 or 10 feet I zone: 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.

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Retail Table – Commercial Zones – Remote Tasting Rooms Countywide

Issue #	Issue/Condition	Executive's Proposal	KL/CB Direction
		CB and RB	CB and RB
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
56	Max. Building Size		None
57	Tastings		Allowed
58	Events		Subject to standard TUP requirements (60 days per/year, maximum guests determined through review process)
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 300sf of tasting/retail area. Tasting/retail limited to 1 per 50 square feet of tasting area
64	Setbacks		Specified by underlying zoning

Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19

Demonstration Projects – Remote Tasting Room Overlay A and Special Events Overlay B

Note: if the KL/CB's Direction cell is blank, then the Executive's transmittal is agreed to

Issue #		Executive's Proposal Remote Tasting Room Overlay A	KL/CB Direction	Executive's Proposal Special Events Overlay B	KL/CB Direction
82	Use	Allows a remote tasting room One or more WBD I, II, III allowed to operate		On-site weddings and similar uses with a WBD III	Special events normally permitted through the Temporary Use Permit process
83	Type of Permit	Permitted – Type 1 land use permit		Conditional Use	Consolidate review of TUP and CUP for WBD III Applicants do not pay for TUP under demonstration project
84	Areas allowed	Sammamish Valley area Vashon Rural Town	Extend Sammamish Valley north from Woodinville City limits (up to just north of Tolt Pipeline) Vashon CB zoning, not entire Rural Town Add CB zoning in Fall City Rural Town	Sammamish Valley area	
85	Min. Lot Size	Specified by underlying zoning		Specified by underlying zoning	
86	Max. Building Size	1,000 sf for tasting and retail only 500 sf outdoors		Specified by underlying zoning	
87	Tastings	Tasting hours: Mon-Th: 11am – 7pm F-Sun: 11am – 9 pm		Specified by underlying zoning	

**Proposed Ordinance 2018-0241 – Winery/Brewery/Distillery Regulations
Joint KL/CB Conceptual Striking Amendment – UPDATED 3-8-19**

Issue #		Executive's Proposal	KL/CB Direction	Executive's Proposal	KL/CB Direction
		Remote Tasting Room Overlay A		Special Events Overlay B	
88	Sales	Incidental retail sales of products related to tasting allowed		Specified by underlying zoning	
89	Events	Not allowed	2/year. Max 50 people. No TUP required.	No specific limit – conditions set with CUP w/ annual monitoring of impacts	60 maximum per year
90	Water	Not specified		Specified by underlying zoning	
91	Access	Direct access from an arterial	Not specified	Specified by underlying zoning	
92	Product Content	None		Specified by underlying zoning	
93	Production	Not allowed	Not specified	Specified by underlying zoning	
94	Parking	1 space per 300 square feet of public tasting and retail area Limited to 150% of minimum required	1 per 300 square feet of tasting/retail area Tasting/retail limited to 1 per 50 square feet of tasting area	Specified by underlying zoning	
95	Setbacks	Not specified		Specified by underlying zoning	

S1

7/17/18

Technical Striker

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Sponsor: LambertProposed No.: 2018-0241

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION**

2 **1**

3 On page 1, beginning on line 16, strike everything through page 49, line 923, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

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

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

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

18 D. Two demonstration projects are established in the rural area of the

19 Sammamish Valley, with one of the two also applicable to the Vashon-Maury Island
20 Rural Town boundary. One demonstration is in two limited areas and evaluates the
21 presence of remote tasting rooms in the rural community. The second demonstration is in
22 one very limited area and evaluates incorporating industry-supporting events within the
23 conditional use permit rather than through the annual temporary use permit process.

24 SECTION 2. Sections 3 through 10 of this ordinance should constitute a new
25 chapter in K.C.C. Title 6.

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

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

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

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

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

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

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

44 An application for an adult beverage business license or license renewal must be
45 submitted in the name of the person or persons or the entity proposing to operate the
46 business. The application shall be signed by each person, or a responsible principal or
47 officer of the entity proposing to operate the business, certified as true under penalty of
48 perjury. All applications shall be submitted on a form supplied by the director, and shall
49 include the following:

50 A. The full name, current residential, email and mailing address of the each
51 person, including all partners if the applicant is a partnership, and all officers or
52 principals if the applicant is a corporation or limited liability company, and the Universal
53 Business Identifier number, the identity of the registered agent and the address of the
54 principal office, if the applicant is a corporation or limited liability company;

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

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

60 D. For businesses in the A zone, a signed statement that at least sixty percent of
61 the products to be used by the business are grown on-site, as prescribed under K.C.C.
62 21A.08.080.B.3.f.

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

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

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

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

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

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

85 NEW SECTION. SECTION 10. There is hereby added to the chapter established
86 in section 2 of this ordinance a new section to read as follows:

87 Within thirty days of the director's receipt of a complete adult beverage business

88 license application, the director shall issue or deny the license. Within thirty days of the
89 director's receipt of a complete renewal application, the director shall issue or deny the
90 renewal.

91 SECTION 11. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each
92 hereby repealed.

93 NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter
94 21A.06 a new section to read as follows:

95 Remote tasting room: A small facility approved by the Washington state Liquor
96 and Cannabis Board as a Tasting Room - Additional Location for a licensed winery,
97 brewery or distillery that is operating at a location other than the licensed winery, brewery
98 or distillery production facility, for the purpose of the retail sale and sampling of the
99 licensed product. "Remote tasting room" does not include any additional privileges
100 allowed by the liquor and cannabis board for a Tasting Room – Additional Location.

101 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
102 21A.06 a new section to read as follows:

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

107 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
108 21A.06 a new section to read as follows:

109 Winery, brewery, distillery facility II: A small-scale production facility licensed
110 by the state of Washington to produce adult beverages such as wine, cider, beer and

111 distilled spirits and that includes an adult beverage production use such as crushing,
 112 fermentation, barrel or tank aging, and finishing. A winery, brewery, distillery facility II
 113 may include additional production-related uses such as vineyards, orchards, wine cellars or
 114 similar product-storage areas as authorized by state law, on-site product tasting and sales as
 115 authorized by state law, and sales of merchandise related to products available for tasting as
 116 authorized by state law.

117 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter
 118 21A.06 a new section to read as follows:

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

126 SECTION 16. Ordinance 10870, Section 334, as amended, and K.C.C.
 127 21A.08.070 are each hereby amended to read as follows:

128 A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building		P23						P2	P	P		

	Materials and Hardware Stores												
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores					C14a	P14	P5	P	P			
54	Food Stores					C15a	P15	P	P	P	C	P6	
*	Agricultural Product Sales (28)						P25						
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home									P	P		

	Furnishings Stores												
58	Eating and Drinking Places			P21 C19		P20 C16	P20 P16	P10	P	P	P	P	
*	Drug Stores					C15	P15	P	P	P	C		
*	Marijuana retailer								P26 C27	P26 C27			
592	Liquor Stores	((P13))		((P13))	((P13))			((P13))	P	P			
593	Used Goods: Antiques/ Secondhand Shops								P	P			
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P	P	P22	P22	
*	Book, Stationery, Video and Art Supply Stores					C15a	P15	P	P	P			
*	Jewelry Stores								P	P			
*	Monuments, Tombstones, and Gravestones									P			
*	Hobby, Toy, Game Shops							P	P	P			
*	Photographic and Electronic Shops							P	P	P			

*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

129

B. Development conditions.

130

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

131

thousand square feet, unless located in a building designated as historic resource under

132

K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

133

thousand five hundred square feet may be allowed. Greenhouses used for the display of

134

merchandise other than plants shall be considered part of the covered sales area.

135

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not

136

considered part of the covered sales area;

137

b. The site area shall be at least four and one-half acres;

138

c. Sales may include locally made arts and crafts; and

139

d. Outside lighting is permitted if no off-site glare is allowed.

140

2. Only hardware stores.

141

3.a. Limited to products grown on site.

142

b. Covered sales areas shall not exceed a total area of five hundred square feet.

143

4. No permanent structures or signs.

- 144 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
145 maximum of two thousand square feet of gross floor area.
- 146 6. Limited to a maximum of five thousand square feet of gross floor area.
- 147 7. Repealed.
- 148 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 149 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 150 10. Excluding SIC Industry No. 5813-Drinking Places.
- 151 11. No outside storage of fuel trucks and equipment.
- 152 12. Excluding vehicle and livestock auctions.
- 153 13. ~~((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,~~
154 ~~and limited to sales of products produced on site and incidental items where the majority~~
155 ~~of sales are generated from products produced on site)) Repealed.~~
- 156 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
157 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
158 21A.12.230; and
- 159 b. Before filing an application with the department, the applicant shall hold a
160 community meeting in accordance with K.C.C. 20.20.035.
- 161 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
162 feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 163 b. Before filing an application with the department, the applicant shall hold a
164 community meeting in accordance with K.C.C. 20.20.035.

165 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
166 Places, and limited to a maximum of five thousand square feet of gross floor area and
167 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

168 b. Before filing an application with the department, the applicant shall hold a
169 community meeting in accordance with K.C.C. 20.20.035.

170 17. Repealed.

171 18. Repealed.

172 19. Only as:

173 a. an accessory use to a permitted manufacturing or retail land use, limited to
174 espresso stands to include sales of beverages and incidental food items, and not to include
175 drive-through sales; or

176 b. an accessory use to a recreation or multiuse park, limited to a total floor area
177 of three thousand five hundred square feet.

178 20. Only as:

179 a. an accessory use to a recreation or multiuse park; or

180 b. an accessory use to a park and limited to a total floor area of one thousand
181 five hundred square feet.

182 21. Accessory to a park, limited to a total floor area of seven hundred fifty
183 square feet.

184 22. Only as an accessory use to:

185 a. a large active recreation and multiuse park in the urban growth area; or

186 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
187 total floor area of seven hundred and fifty square feet.

188 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
189 Industry No. 2431-Millwork and;
190 a. limited to lumber milled on site; and
191 b. the covered sales area is limited to two thousand square feet. The covered
192 sales area does not include covered areas used to display only milled lumber.
193 24. Requires at least five farmers selling their own products at each market and
194 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
195 vendors.
196 25. Limited to sites located within the urban growth area and:
197 a. The sales area shall be limited to three hundred square feet and must be
198 removed each evening;
199 b. There must be legal parking that is easily available for customers; and
200 c. The site must be in an area that is easily accessible to the public, will
201 accommodate multiple shoppers at one time and does not infringe on neighboring
202 properties.
203 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
204 of gross floor area devoted to, and in support of, the retail sale of marijuana.
205 b. Notwithstanding subsection B.26.a. of this section, the maximum
206 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
207 may be increased to up to three thousand square feet if the retail outlet devotes at least
208 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
209 the operator maintains a current medical marijuana endorsement issued by the
210 Washington state Liquor and Cannabis Board.

211 c. Any lot line of a lot having any area devoted to retail marijuana activity
212 must be one thousand feet or more from any lot line of any other lot having any area
213 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
214 retail marijuana activity may not be within one thousand feet of any lot line of any lot
215 having any area devoted to existing retail marijuana activity.

216 d. Whether a new retail marijuana activity complies with this locational
217 requirement shall be determined based on the date a conditional use permit application
218 submitted to the department of permitting and environmental review became or was
219 deemed complete, and:

220 (1) if a complete conditional use permit application for the proposed retail
221 marijuana use was not submitted, or if more than one conditional use permit application
222 became or was deemed complete on the same date, then the director shall determine
223 compliance based on the date the Washington state Liquor and Cannabis Board issues a
224 Notice of Marijuana Application to King County;

225 (2) if the Washington state Liquor and Cannabis Board issues more than one
226 Notice of Marijuana Application on the same date, then the director shall determine
227 compliance based on the date either any complete building permit or change of use
228 permit application, or both, were submitted to the department declaring retail marijuana
229 activity as an intended use;

230 (3) if more than one building permit or change of use permit application was
231 submitted on the same date, or if no building permit or change of use permit application
232 was submitted, then the director shall determine compliance based on the date a complete
233 business license application was submitted; and

234 (4) if a business license application was not submitted or more than one
235 business license application was submitted, then the director shall determine compliance
236 based on the totality of the circumstances, including, but not limited to, the date that a
237 retail marijuana license application was submitted to the Washington state Liquor and
238 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
239 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
240 illustrating the timing of substantial investment in establishing a licensed retail marijuana
241 use at the proposed location.

242 e. Retail marijuana businesses licensed by the Washington state Liquor and
243 Cannabis Board and operating within one thousand feet of each other as of August 14,
244 2016, and retail marijuana businesses that do not require a permit issued by King County,
245 that received a Washington state Liquor and Cannabis Board license to operate in a
246 location within one thousand feet of another licensed retail marijuana business prior to
247 August 14, 2016, and that King County did not object to within the Washington state
248 Liquor and Cannabis Board marijuana license application process, shall be considered
249 nonconforming and may remain in their current location, subject to the provisions of
250 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

251 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
252 and

253 (2) the gross floor area of a nonconforming retail outlet may be increased up to
254 the limitations in subsection B.26.a. and B.26.b. of this section.

255 27. Per lot, limited to a maximum aggregated total of five thousand square feet
256 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

257 a. Any lot line of a lot having any area devoted to retail marijuana activity must
258 be one thousand feet or more from any lot line of any other lot having any area devoted to
259 retail marijuana activity; and any lot line of a lot having any area devoted to new retail
260 marijuana activity may not be within one thousand feet of any lot line of any lot having any
261 area devoted to existing retail marijuana activity; and

262 b. Whether a new retail marijuana activity complies with this locational
263 requirement shall be determined based on the date a conditional use permit application
264 submitted to the department of permitting and environmental review became or was
265 deemed complete, and:

266 (1) if a complete conditional use permit application for the proposed retail
267 marijuana use was not submitted, or if more than one conditional use permit application
268 became or was deemed complete on the same date, then the director shall determine
269 compliance based on the date the Washington state Liquor and Cannabis Board issues a
270 Notice of Marijuana Application to King County;

271 (2) if the Washington state Liquor and Cannabis Board issues more than one
272 Notice of Marijuana Application on the same date, then the director shall determine
273 compliance based on the date either any complete building permit or change of use permit
274 application, or both, were submitted to the department declaring retail marijuana activity as
275 an intended use;

276 (3) if more than one building permit or change of use permit application was
277 submitted on the same date, or if no building permit or change of use permit application
278 was submitted, then the director shall determine compliance based on the date a complete
279 business license application was submitted; and

280 (4) if a business license application was not submitted or more than one
281 business license application was submitted, then the director shall determine compliance
282 based on the totality of the circumstances, including, but not limited to, the date that a retail
283 marijuana license application was submitted to the Washington state Liquor and Cannabis
284 Board identifying the lot at issue, the date that the applicant entered into a lease or
285 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
286 illustrating the timing of substantial investment in establishing a licensed retail marijuana
287 use at the proposed location; and

288 c. Retail marijuana businesses licensed by the Washington state Liquor and
289 Cannabis Board and operating within one thousand feet of each other as of August 14,
290 2016, and retail marijuana businesses that do not require a permit issued by King County,
291 that received a Washington state Liquor and Cannabis Board license to operate in a
292 location within one thousand feet of another licensed retail marijuana business prior to
293 August 14, 2016, and that King County did not object to within the Washington state
294 Liquor and Cannabis Board marijuana license application process, shall be considered
295 nonconforming and may remain in their current location, subject to the provisions of
296 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

297 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
298 and

299 (2) the gross floor area of a nonconforming retail outlet may be increased up to
300 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

301 28. If the agricultural product sales or livestock sales is associated with
302 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

303 SECTION 17. Ordinance 10870, Section 335, as amended, and K.C.C.

304 21A.08.080 are each hereby amended to read as follows:

305 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2		P2
*	<u>Winery/Brewery/Distillery Facility I</u>				<u>P30</u>	<u>P30</u>							
2082 2085	<u>Winery/Brewery /Distillery Facility II</u>	P3 (C12)			P3 C((12))31	P3			P17	P17	<u>P29</u>		<u>P29</u>
*	<u>Winery/Brewery/Distillery Facility III</u>	<u>C12</u>			<u>C12</u>	<u>C12</u>			<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C29</u>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C

- 307 1. Repealed.
- 308 2. Except slaughterhouses.
- 309 3.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~
 310 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
 311 uses;
- 312 b. In the A zone, only allowed on sites where the primary use is SIC Industry
 313 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
 314 Animals;
- 315 c. In the RA, A and UR zones, only allowed on lots of at least (~~four~~) two and
 316 one-half acres;
- 317 d. The aggregated floor area (~~devoted to all processing~~) of structures and
 318 areas for winery, brewery, distillery facility uses shall not exceed three thousand five
 319 hundred square feet, unless located in (~~a building~~) whole or in part in a structure
 320 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated
 321 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall
 322 not exceed five thousand square feet;
- 323 e. Structures and parking areas (~~used~~) for (~~processing~~) winery, brewery,
 324 distillery facility uses shall maintain a minimum distance of seventy-five feet from
 325 property lines adjoining rural area and residential zones, unless located in a building
 326 designated as historic resource under K.C.C. chapter 20.62;
- 327 f. In the A zones, (~~\$~~)sixty percent or more of the products processed must be
 328 grown (~~in the Puget Sound counties~~) on-site. At the time of the initial application for
 329 the adult beverage licensing provisions of K.C.C. chapter 6.xx (the new chapter created

330 in section 2 of this ordinance), the applicant shall submit a projection of the source of
331 products to be produced; (~~and~~)

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

337 h. Tasting of products produced on site may be provided in accordance with
338 state law. The area devoted to tasting shall be included in the floor area limitation in
339 subsection B.3.(~~e-~~)d. of this section. Hours of operation for on-site tasting of products
340 shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting
341 room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and
342 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

344 j. Off-street parking is limited to one hundred and fifty percent of the
345 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
346 21A.18.030;

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

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

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

353 equipment.

354 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.

355 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the

356 minimum site area is four and one-half acres.

357 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and

358 No. 2431-Millwork, (excluding planing mills).

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

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

361 9. Only within enclosed buildings.

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

363 11. For I-zoned sites located outside the urban growth area designated by the

364 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.

365 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for

366 rural industrial uses as set forth in K.C.C. chapter 21A.12.

367 12.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

368 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility III

369 uses;

370 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))~~The

371 aggregated floor area of structures and areas for (~~wineries, breweries and distilleries and~~

372 ~~any accessory~~) winery, brewery, distillery facility uses shall not exceed a total of eight

373 thousand square feet~~((:)),~~ except that ((F)) the floor area may be increased by up to an

374 additional eight thousand square feet of underground storage that is constructed

375 completely below natural grade, not including required exits and access points, if the

376 underground storage is at least one foot below the surface and is not visible above
377 ground; ((and

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

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

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

389 ~~d. Off-street parking is limited to one hundred and fifty percent of the~~
390 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
391 ~~21A.18.030;))~~

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

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

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

400 ~~(2) a minimum of two and one-half acres of the site shall be used for the~~

401 ~~growing of agricultural products;~~

402 ~~g. The facility shall be limited to processing agricultural products and))~~ In the

403 A zone, sixty percent or more of the products processed must be grown ((in the Puget

404 Sound counties)) on-site. At the time of the initial application for the adult beverage

405 licensing provisions of K.C.C. chapter 6.xx (the new chapter created in section 2 of this

406 ordinance), the applicant shall submit a projection of the source of products to be

407 processed; ((and))

408 g. In the A zone, structures and areas for non-agricultural winery, brewery,

409 distillery facility uses shall be located on portions of agricultural lands that are unsuitable

410 for agricultural purposes, such as areas within the already developed portion of such

411 agricultural lands that are not available for direct agricultural production, or areas without

412 prime agricultural soils;

413 h. Tasting of products produced on site may be provided in accordance with

414 state law. The area devoted to tasting shall be included in the aggregated floor area

415 limitation in subsection B.12.b. and c. of this section. Hours of operation for on-site

416 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and

417 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and

418 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.

419 through 9:00 p.m.;

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

421 j. The business operator shall obtain an adult beverage business license in

422 accordance with the adult beverage licensing provision of K.C.C. chapter 6.xx (the new
423 chapter created in section 2 of this ordinance); and

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

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

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

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

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

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

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

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

442 16. Only a site that is ten acres or greater and that does not use local access
443 streets that abut lots developed for residential use.

444 17.a. Limited to (~~wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

445 ~~Industry No. 2085 Distilled and Blended Liquors~~) winery, brewery, distillery facility II
446 uses;

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

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

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

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

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

465 18. Limited to:

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

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

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

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

474 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
475 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

481 b. SIC Industry No. 2411-Logging.

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

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

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

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

487 d. Only with documentation that the operator has applied for a Puget Sound
488 Clean Air Agency Notice of Construction Permit. All department permits issued to either
489 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
490 Clean Air Agency Notice of Construction Permit be approved before marijuana products

491 are imported onto the site; and

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

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

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

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

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

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

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

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

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

513 d. Only with documentation that the operator has applied for a Puget Sound

514 Clean Air Agency Notice of Construction Permit. All department permits issued to either
515 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
516 Clean Air Agency Notice of Construction Permit be approved before marijuana products
517 are imported onto the site.

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

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

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

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

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

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

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

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

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

535 Clean Air Agency Notice of Construction Permit. All department permits issued to either
536 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

537 Clean Air Agency Notice of Construction Permit be approved before marijuana products
538 are imported onto the site; and

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

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

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

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

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

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

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

560 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
561 Island, that do not require a conditional use permit issued by King County, that receive a
562 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
563 and that King County did not object to within the Washington state Liquor and Cannabis
564 Board marijuana license application process, shall be considered nonconforming as to
565 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
566 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

601 g. No product tasting, retail sale or events requiring a temporary use permit under
602 K.C.C. chapter 21A.32 shall be allowed.

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

604 b. Only allowed on lots of at least four and one-half acres;

605 c. The aggregated floor area of structures and areas for winery, brewery,

606 distillery facility uses shall not exceed three thousand five hundred square feet, unless
607 located in whole or in part in a structure designated as historic resource under K.C.C.
608 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
609 winery, brewery, distillery facility uses shall not exceed five thousand square feet;

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

614 e. Tasting of products produced on site may be provided in accordance with
615 state law. The area devoted to tasting shall be included in the floor area limitation in
616 subsection B.3.c. of this section. Hours of operation for on-site tasting of products shall
617 be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room
618 hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and
619 Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

621 g. Off-street parking is limited to one hundred and fifty percent of the
622 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
623 21A.18.030;

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

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

629 SECTION 18. Ordinance 10870, Section 336, as amended, and K.C.C.

630 21A.08.090 are each hereby amended to read as follows:

631 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	Marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE												

	MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

632

B. Development conditions.

633

1. May be further subject to K.C.C. chapter 21A.25.

634

2. Only forest research conducted within an enclosed building.

635

3. Farm residences in accordance with K.C.C. 21A.08.030.

636

4. Excluding housing for agricultural workers.

637

5. Limited to either maintenance or storage facilities, or both, in conjunction

638

with mineral extraction or processing operation.

639

6. Allowed in accordance with K.C.C. chapter 21A.30.

640

7. Only in conjunction with a mineral extraction site plan approved in

641

accordance with K.C.C. chapter 21A.22.

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

645 a. as accessory to a primary mineral extraction use;

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

648 c. for a public works project under a temporary grading permit issued in
649 accordance with K.C.C. 16.82.152.

650 9. Limited to mineral extraction and processing:

651 a. on a lot or group of lots under common ownership or documented legal
652 control, which includes but is not limited to, fee simple ownership, a long-term lease or
653 an easement;

654 b. that are located greater than one-quarter mile from an established residence;

655 and

656 c. that do not use local access streets that abut lots developed for residential
657 use.

658 10. Agriculture training facilities are allowed only as an accessory to existing
659 agricultural uses and are subject to the following conditions:

660 a. The impervious surface associated with the agriculture training facilities
661 shall comprise not more than ten percent of the allowable impervious surface permitted
662 under K.C.C. 21A.12.040;

663 b. New or the expansion of existing structures, or other site improvements,
664 shall not be located on class 1, 2 or 3 soils;

665 c. The director may require reuse of surplus structures to the maximum extent
666 practical;

667 d. The director may require the clustering of new structures with existing
668 structures;

669 e. New structures or other site improvements shall be set back a minimum
670 distance of seventy-five feet from property lines adjoining rural area and residential
671 zones;

672 f. Bulk and design of structures shall be compatible with the architectural style
673 of the surrounding agricultural community;

674 g. New sewers shall not be extended to the site;

675 h. Traffic generated shall not impede the safe and efficient movement of
676 agricultural vehicles, nor shall it require capacity improvements to rural roads;

677 i. Agriculture training facilities may be used to provide educational services to
678 the surrounding rural/agricultural community or for community events. Property owners
679 may be required to obtain a temporary use permit for community events in accordance
680 with K.C.C. chapter 21A.32;

681 j. Use of lodging and food service facilities shall be limited only to activities
682 conducted in conjunction with training and education programs or community events
683 held on site;

684 k. Incidental uses, such as office and storage, shall be limited to those that
685 directly support education and training activities or farm operations; and

686 1. The King County agriculture commission shall be notified of and have an
687 opportunity to comment upon all proposed agriculture training facilities during the permit
688 process in accordance with K.C.C. chapter 21A.40.

689 11. Continuation of mineral processing and asphalt/concrete mixtures and block
690 uses after reclamation in accordance with an approved reclamation plan.

691 12.a. Activities at the camp shall be limited to agriculture and agriculture-
692 oriented activities. In addition, activities that place minimal stress on the site's
693 agricultural resources or activities that are compatible with agriculture are permitted.

694 (1) passive recreation;

695 (2) training of individuals who will work at the camp;

696 (3) special events for families of the campers; and

697 (4) agriculture education for youth.

698 b. Outside the camp center, as provided for in subsection B.12.e. of this
699 section, camp activities shall not preclude the use of the site for agriculture and
700 agricultural related activities, such as the processing of local food to create value-added
701 products and the refrigeration and storage of local agricultural products. The camp shall
702 be managed to coexist with agriculture and agricultural activities both onsite and in the
703 surrounding area.

704 c. A farm plan shall be required for commercial agricultural production to
705 ensure adherence to best management practices and soil conservation.

706 d.(1) The minimum site area shall be five hundred acres. Unless the property
707 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
708 of this section, a minimum of five hundred acres of the site must be owned by a single

709 individual, corporation, partnership or other legal entity and must remain under the
710 ownership of a single individual, corporation, partnership or other legal entity for the
711 duration of the operation of the camp.

712 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
713 owner from selling or transferring the development rights for a portion or all of the site to
714 the King County farmland preservation program or, if the development rights are
715 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

716 e. The impervious surface associated with the camp shall comprise not more
717 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

718 f. Structures for living quarters, dining facilities, medical facilities and other
719 nonagricultural camp activities shall be located in a camp center. The camp center shall
720 be no more than fifty acres and shall be depicted on a site plan. New structures for
721 nonagricultural camp activities shall be clustered with existing structures;

722 g. To the extent practicable, existing structures shall be reused. The applicant
723 shall demonstrate to the director that a new structure for nonagricultural camp activities
724 cannot be practicably accommodated within an existing structure on the site, though
725 cabins for campers shall be permitted only if they do not already exist on site;

726 h. Camp facilities may be used to provide agricultural educational services to
727 the surrounding rural and agricultural community or for community events. If required
728 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
729 community events;

730 i. Lodging and food service facilities shall only be used for activities related to
731 the camp or for agricultural education programs or community events held on site;

732 j. Incidental uses, such as office and storage, shall be limited to those that
733 directly support camp activities, farm operations or agricultural education programs;

734 k. New nonagricultural camp structures and site improvements shall maintain a
735 minimum set-back of seventy-five feet from property lines adjoining rural area and
736 residential zones;

737 l. Except for legal nonconforming structures existing as of January 1, 2007,
738 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
739 a scale to serve overnight camp users;

740 m. Landscaping equivalent to a type III landscaping screen, as provided for in
741 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
742 and site improvements located within two hundred feet of an adjacent rural area and
743 residential zoned property not associated with the camp;

744 n. New sewers shall not be extended to the site;

745 o. The total number of persons staying overnight shall not exceed three
746 hundred;

747 p. The length of stay for any individual overnight camper, not including camp
748 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

749 q. Traffic generated by camp activities shall not impede the safe and efficient
750 movement of agricultural vehicles nor shall it require capacity improvements to rural
751 roads;

752 r. If the site is adjacent to an arterial roadway, access to the site shall be
753 directly onto the arterial unless the county road engineer determines that direct access is
754 unsafe;

755 s. If direct access to the site is via local access streets, transportation
756 management measures shall be used to minimize adverse traffic impacts;

757 t. Camp recreational activities shall not involve the use of motor vehicles
758 unless the motor vehicles are part of an agricultural activity or are being used for the
759 transportation of campers, camp personnel or the families of campers. Camp personnel
760 may use motor vehicles for the operation and maintenance of the facility. Client-specific
761 motorized personal mobility devices are allowed; and

762 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
763 light away from any adjacent property.

764 13. Limited to digester receiving plant and animal and other organic waste from
765 agricultural activities, and including electrical generation, as follows:

766 a. the digester must be included as part of a Washington state Department of
767 Agriculture approved dairy nutrient plan;

768 b. the digester must process at least seventy percent livestock manure or other
769 agricultural organic material from farms in the vicinity, by volume;

770 c. imported organic waste-derived material, such as food processing waste,
771 may be processed in the digester for the purpose of increasing methane gas production for
772 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
773 and

774 d. the use must be accessory to an operating dairy or livestock operation.

775 14. Farm worker housing. Either:

776 a. Temporary farm worker housing subject to the following conditions:

777 (1) The housing must be licensed by the Washington state Department of
778 Health under chapter 70.114A RCW and chapter 246-358 WAC;

779 (2) Water supply and sewage disposal systems must be approved by the
780 Seattle King County department of health;

781 (3) To the maximum extent practical, the housing should be located on
782 nonfarmable areas that are already disturbed and should not be located in the floodplain
783 or in a critical area or critical area buffer; and

784 (4) The property owner shall file with the department of executive services,
785 records and licensing services division, a notice approved by the department identifying
786 the housing as temporary farm worker housing and that the housing shall be occupied
787 only by agricultural employees and their families while employed by the owner or
788 operator or on a nearby farm. The notice shall run with the land; [or]

789 b. Housing for agricultural employees who are employed by the owner or
790 operator of the farm year-round as follows:

791 (1) Not more than:

792 (a) one agricultural employee dwelling unit on a site less than twenty acres;

793 (b) two agricultural employee dwelling units on a site of at least twenty
794 acres and less than fifty acres;

795 (c) three agricultural employee dwelling units on a site of at least fifty acres
796 and less than one-hundred acres; and

797 (d) four agricultural employee dwelling units on a site of at least one-
798 hundred acres, and one additional agricultural employee dwelling unit for each additional
799 one hundred acres thereafter;

800 (2) If the primary use of the site changes to a nonagricultural use, all
801 agricultural employee dwelling units shall be removed;

802 (3) The applicant shall file with the department of executive services, records
803 and licensing services division, a notice approved by the department that identifies the
804 agricultural employee dwelling units as accessory and that the dwelling units shall only
805 be occupied by agricultural employees who are employed by the owner or operator year-
806 round. The notice shall run with the land. The applicant shall submit to the department
807 proof that the notice was filed with the department of executive services, records and
808 licensing services division, before the department approves any permit for the
809 construction of agricultural employee dwelling units;

810 (4) An agricultural employee dwelling unit shall not exceed a floor area of
811 one thousand square feet and may be occupied by no more than eight unrelated
812 agricultural employees;

813 (5) To the maximum extent practical, the housing should be located on
814 nonfarmable areas that are already disturbed;

815 (6) One off-street parking space shall be provided for each agricultural
816 employee dwelling unit; and

817 (7) The agricultural employee dwelling units shall be constructed in
818 compliance with K.C.C. Title 16.

819 15. Marijuana production by marijuana producers licensed by the Washington
820 state Liquor and Cannabis Board is subject to the following standards:

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

822 b. With a lighting plan, only if required by and that complies with K.C.C.
823 21A.12.220.G.;

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

829 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
830 within structures that are nondwelling unit structures that exist as of October 1, 2013,
831 subject to the size limitations in subsection B.15.e. of this section;

832 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
833 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
834 aggregated total of two thousand square feet and shall be located within a fenced area or
835 marijuana greenhouse that is no more than ten percent larger than that combined area, or
836 may occur in nondwelling unit structures that exist as of October 1, 2013;

837 f. Outdoor production area fencing as required by the Washington state Liquor
838 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
839 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
840 feet; and

841 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
842 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
843 marijuana-related entity occupying space in addition to the two-thousand-square-foot

844 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
845 B.22. of this section.

846 16. Marijuana production by marijuana producers licensed by the Washington
847 state Liquor and Cannabis Board is subject to the following standards:

848 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
849 that do not require a conditional use permit issued by King County, that receive a
850 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
851 and that King County did not object to within the Washington state Liquor and Cannabis
852 Board marijuana license application process, shall be considered nonconforming as to
853 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
854 through 21A.32.075 for nonconforming uses;

855 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
856 21A.12.220.G.;

857 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
858 Island;

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

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

866 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
867 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
868 limitations in subsection B.16.g. of this section; and

869 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
870 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
871 aggregated total of two thousand square feet and shall be located within a fenced area or
872 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
873 may occur in nondwelling unit structures that exist as of October 1, 2013;

874 h. Outdoor production area fencing as required by the Washington state Liquor
875 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
876 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
877 of one hundred fifty feet from any existing residence; and

878 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
879 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
880 entity occupying space in addition to the two-thousand-square-foot threshold area on that
881 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

882 17. Marijuana production by marijuana producers licensed by the Washington
883 state Liquor and Cannabis Board is subject to the following standards:

884 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
885 Island;

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

888 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
889 21A.12.220.G.;

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

895 e. Production is limited to outdoor and indoor within marijuana greenhouses
896 subject to the size limitations in subsection B.17.f. of this section;

897 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
898 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
899 aggregated total of thirty thousand square feet and shall be located within a fenced area or
900 marijuana greenhouse that is no more than ten percent larger than that combined area;
901 and

902 g. Outdoor production area fencing as required by the Washington state Liquor
903 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
904 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
905 of one hundred fifty feet from any existing residence.

906 18.a. Production is limited to indoor only;

907 b. With a lighting plan only as required by and that complies with K.C.C.
908 21A.12.220.G.;

909 c. Only with documentation that the operator has applied for a Puget Sound
910 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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

914 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
915 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
916 aggregated total of two thousand square feet and shall be located within a building or
917 tenant space that is no more than ten percent larger than the plant canopy and separately
918 authorized processing area; and

919 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
920 every marijuana-related entity occupying space in addition to the two-thousand-square
921 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
922 subsection B.19. of this section.

923 19.a. Production is limited to indoor only;

924 b. With a lighting plan only as required by and that complies with K.C.C.
925 21A.12.220.G.;

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

931 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
932 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
933 aggregated total of thirty thousand square feet and shall be located within a building or

934 tenant space that is no more than ten percent larger than the plant canopy and separately
935 authorized processing area.

936 20.a. Production is limited to indoor only;

937 b. With a lighting plan only as required by and that complies with K.C.C.

938 21A.12.220.G.;

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

944 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
945 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
946 aggregated total of two thousand square feet and shall be located within a building or
947 tenant space that is no more than ten percent larger than the plant canopy and separately
948 authorized processing area; and

949 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
950 every marijuana-related entity occupying space in addition to the two-thousand-square-
951 foot threshold area on that lot shall obtain a conditional use permit as set forth in
952 subsection B.21. of this section.

953 21.a. Production is limited to indoor only;

954 b. With a lighting plan only as required by and that complies with K.C.C.

955 21A.12.220.G.;

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

961 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
962 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
963 aggregated total of thirty thousand square feet and shall be located within a building or
964 tenant space that is no more than ten percent larger than the plant canopy and separately
965 authorized processing area.

966 22. Marijuana production by marijuana producers licensed by the Washington
967 state Liquor and Cannabis Board is subject to the following standards:

968 a. With a lighting plan only as required by and that complies with K.C.C.
969 21A.12.220.G.;

970 b. Only allowed on lots of at least four and one-half acres;

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

976 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
977 within structures that are nondwelling unit structures that exist as of October 1, 2013,
978 subject to the size limitations in subsection B.22. e. and f. of this section;

979 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
980 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
981 limited to a maximum aggregated total of five thousand square feet and shall be located
982 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
983 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
984 2013;

985 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
986 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
987 limited to a maximum aggregated total of ten thousand square feet, and shall be located
988 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
989 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
990 2013; and

991 g. Outdoor production area fencing as required by the Washington state Liquor
992 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain
993 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,
994 and a minimum setback of one hundred fifty feet from any existing residence.

995 23. The storage and processing of non-manufactured source separated organic
996 waste that originates from agricultural operations and that does not originate from the site,
997 if:

998 a. agricultural is the primary use of the site;

999 b. the storage and processing are in accordance with best management practices

1000 included in an approved farm plan; and

1001 c. except for areas used for manure storage, the areas used for storage and
1002 processing do not exceed three acres and ten percent of the site.

1003 24.a. For activities relating to the processing of crops or livestock for commercial
1004 purposes, including associated activities such as warehousing, storage, including
1005 refrigeration, and other similar activities and excluding (~~wineries, SIC Industry No. 2085—~~
1006 ~~Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages~~) winery,
1007 brewer distillery facility I, II and III:

1008 (1) limited to agricultural products and sixty percent or more of the products
1009 processed must be grown in the Puget Sound counties. At the time of initial application,
1010 the applicant shall submit a projection of the source of products to be produced;

1011 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1012 half acres;

1013 (3) (a) as a permitted use, the floor area devoted to all processing shall not
1014 exceed two thousand square feet, unless located in a building designated as an historic
1015 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1016 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1017 floor area as follows: up to three thousand five hundred square feet of floor area may be
1018 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
1019 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
1020 the A zone; and

1021 (b) as a permitted use, the floor area devoted to all warehousing,
1022 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
1023 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

1024 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
1025 review and approve an increase of up to three thousand five hundred square feet of floor
1026 area devoted to all warehouseing, storage, including refrigeration, or other similar
1027 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
1028 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1029 (4) in the A zone, structures and areas used for processing, warehousing,
1030 refrigeration, storage and other similar activities shall be located on portions of
1031 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1032 the already developed portion of such agricultural lands that are not available for direct
1033 agricultural production, or areas without prime agricultural soils; and

1034 (5) structures and areas used for processing, warehousing, storage, including
1035 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1036 five feet from property lines adjoining rural area and residential zones, unless located in a
1037 building designated as historic resource under K.C.C. chapter 20.62.

1038 b. For activities relating to the retail sale of agricultural products, except
1039 livestock:

1040 (1) sales shall be limited to agricultural products and locally made arts and
1041 crafts;

1042 (2) in the RA and UR zones, only allowed on sites at least four and one-
1043 half acres;

1044 (3) as a permitted use, the covered sales area shall not exceed two thousand
1045 square feet, unless located in a building designated as a historic resource under K.C.C.
1046 chapter 20.62. The agricultural technical review committee, as established in K.C.C.

1047 21A.42.300, may review and approve an increase of up to three thousand five hundred
1048 square feet of covered sales area;

1049 (4) forty percent or more of the gross sales of agricultural product sold
1050 through the store must be sold by the producers of primary agricultural products;

1051 (5) sixty percent or more of the gross sales of agricultural products sold
1052 through the store shall be derived from products grown or produced in the Puget Sound
1053 counties. At the time of the initial application, the applicant shall submit a reasonable
1054 projection of the source of product sales;

1055 (6) tasting of products, in accordance with applicable health regulations, is
1056 allowed;

1057 (7) storage areas for agricultural products may be included in a farm store
1058 structure or in any accessory building; and

1059 (8) outside lighting is permitted if there is no off-site glare.

1060 c. Retail sales of livestock is permitted only as accessory to raising
1061 livestock.

1062 d. Farm operations, including quipment repair and related facilities, except
1063 that:

1064 (1) the repair of tools and machinery is limited to those necessary for the
1065 operation of a farm or forest;

1066 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1067 half acres;

1068 (3) the size of the total repair use is limited to one percent of the farm size
1069 in the A zone, and up to one percent of the size in other zones, up to a maximum of five

1070 thousand square feet unless located within an existing farm structure, including but not
1071 limited to barns, existing as of December 31, 2003; and

1072 (4) Equipment repair shall not be permitted in the Forest zone.

1073 e. The agricultural technical review committee, as established in K.C.C.

1074 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1075 residential zones and minimum setbacks from rural and residential zones.

1076 25. The department may review and approve establishment of agricultural
1077 support services in accordance with the code compliance review process in K.C.C.

1078 21A.42.300 only if:

1079 a. project is sited on lands that are unsuitable for direct agricultural production
1080 based on size, soil conditions or other factors and cannot be returned to productivity by
1081 drainage maintenance; and

1082 b. the proposed use is allowed under any Farmland Preservation Program
1083 conservation easement and zoning development standards.

1084 26. The agricultural technical review committee, as established in K.C.C.

1085 21A.42.300, may review and approve establishment of agricultural support services only
1086 if the project site:

1087 a. adjoins or is within six hundred sixty feet of the agricultural production
1088 district;

1089 b. has direct vehicular access to the agricultural production district;

1090 c. except for farmworker housing, does not use local access streets that abut
1091 lots developed for residential use; and

1092 b. has a minimum lot size of four and one-half acres.

1093 27. The agricultural technical review committee, as established in K.C.C.
 1094 21A.42.300, may review and approve establishment of agricultural support services only
 1095 if the project site:

- 1096 a. is outside the urban growth area,
- 1097 b. adjoins or is within six hundred sixty feet of the agricultural production
 1098 district,
- 1099 c. has direct vehicular access to the agricultural production district,
- 1100 d. except for farmworker housing, does not use local access streets that abut
 1101 lots developed for residential use; and
- 1102 e. has a minimum lot size of four and one-half acres.

1103 28. Only allowed on properties that are outside the urban growth area.

1104 **SECTION 19.** Ordinance 10870, Section 407, as amended, and K.C.C.

1105 21A.18.030 are each hereby amended to read as follows:

1106 A. Except as modified in K.C.C. 21A.18.070.B((-)), through D., off-street
 1107 parking areas shall contain at a minimum the number of parking spaces as stipulated in
 1108 the following table. Off-street parking ratios expressed as number of spaces per square
 1109 feet means the usable or net square footage of floor area, exclusive of non-public areas.
 1110 Non-public areas include but are not limited to building maintenance areas, storage areas,
 1111 closets or restrooms. If the formula for determining the number of off-street parking
 1112 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 1113 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 1114 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES
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	REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	

Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50

	square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
e	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet

Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor

	repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/ <u>Distillery Facility II</u>	0.9 per 1,000 square feet, plus 1 per ((50)) <u>300</u> square feet of tasting area
RESOURCES (K.C.C. 21A.08.090.A):	

Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

1115 B. An applicant may request a modification of the minimum required number of
1116 parking spaces by providing that parking demand can be met with a reduced parking
1117 requirement. In such cases, the director may approve a reduction of up to fifty percent of
1118 the minimum required number of spaces.

1119 C. When the county has received a shell building permit application, off-street
1120 parking requirements shall be based on the possible tenant improvements or uses
1121 authorized by the zone designation and compatible with the limitations of the shell
1122 permit. When the range of possible uses result in different parking requirements, the
1123 director will establish the amount of parking based on a likely range of uses.

1124 D. Where other provisions of this code stipulate maximum parking allowed or
1125 reduced minimum parking requirements, those provisions shall apply.

1126 E. In any development required to provide six or more parking spaces, bicycle
1127 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
1128 facilities unless otherwise specified.

1129 1. Off-street parking areas shall contain at least one bicycle parking space for
1130 every twelve spaces required for motor vehicles except as follows:

1131 a. The director may reduce bike rack parking facilities for patrons when it is
1132 demonstrated that bicycle activity will not occur at that location.

1133 b. The director may require additional spaces when it is determined that the

1134 use or its location will generate a high volume of bicycle activity. Such a determination
1135 will include but not be limited to the following uses:

1136 (1) Park/playfield,

1137 (2) Marina,

1138 (3) Library/museum/arboretum,

1139 (4) Elementary/secondary school,

1140 (5) Sports club, or

1141 (6) Retail business (when located along a developed bicycle trail or
1142 designated bicycle route).

1143 2. Bicycle facilities for patrons shall be located within 100 feet of the building
1144 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
1145 structure attached to the pavement.

1146 3. All bicycle parking and storage shall be located in safe, visible areas that do
1147 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1148 4. When more than ten people are employed on site, enclosed locker-type
1149 parking facilities for employees shall be provided. The director shall allocate the
1150 required number of parking spaces between bike rack parking and enclosed locker-type
1151 parking facilities.

1152 5. One indoor bicycle storage space shall be provided for every two dwelling
1153 units in townhouse and apartment residential uses, unless individual garages are provided
1154 for every unit. The director may reduce the number of bike rack parking spaces if indoor
1155 storage facilities are available to all residents.

1156 SECTION 20. Ordinance 10870, Section 536, as amended, and K.C.C.

1157 21A.30.080 are each hereby amended to read as follows:

1158 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
1159 or more home occupations as accessory activities, only if:

1160 A. The total floor area of the dwelling unit devoted to all home occupations shall
1161 not exceed twenty percent of the floor area of the dwelling unit.

1162 B. Areas within garages and storage buildings shall not be considered part of the
1163 dwelling unit and may be used for activities associated with the home occupation;

1164 C. All the activities of the home occupation or occupations shall be conducted
1165 indoors, except for those related to growing or storing of plants used by the home
1166 occupation or occupations;

1167 D. A home occupation or occupations is not limited in the number of employees
1168 that remain off-site. No more than one nonresident employee shall be permitted to work
1169 on-site for the home occupation or occupations;

1170 E. The following uses, by the nature of their operation or investment, tend to
1171 increase beyond the limits permitted for home occupations. Therefore, the following shall
1172 not be permitted as home occupations:

- 1173 1. Automobile, truck and heavy equipment repair;
- 1174 2. ~~((Autobody))~~ Auto body work or painting;
- 1175 3. Parking and storage of heavy equipment;
- 1176 4. Storage of building materials for use on other properties;
- 1177 5. Hotels, motels or organizational lodging;
- 1178 6. Dry cleaning;
- 1179 7. Towing services;

- 1180 8. Trucking, storage or self service, except for parking or storage of one
1181 commercial vehicle used in home occupation; (~~and~~)
- 1182 9. Veterinary clinic; (~~and~~)
- 1183 10. Recreational marijuana processor, recreational marijuana producer or
1184 recreational marijuana retailer; and
- 1185 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room;
- 1186 F. In addition to required parking for the dwelling unit, on-site parking is provided
1187 as follows:
- 1188 1. One stall for each nonresident employed by the home occupations; and
1189 2. One stall for patrons when services are rendered on-site;
- 1190 G. Sales are limited to:
- 1191 1. Mail order sales;
1192 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
1193 and
- 1194 3. Items accessory to a service provided to patrons who receive services on the
1195 premises;
- 1196 H. On-site services to patrons are arranged by appointment;
- 1197 I. The home occupation or occupations use or store a vehicle for pickup of
1198 materials used by the home occupation or occupations or the distribution of products from
1199 the site, only if:
- 1200 1. No more than one such a vehicle is allowed; and
1201 2. The vehicle is not stored within any required setback areas of the lot or on
1202 adjacent streets; and

1203 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
1204 ton;

1205 J. The home occupation or occupations do not:

1206 1. Use electrical or mechanical equipment that results in a change to the
1207 occupancy type of the structure or structures used for the home occupation or occupations;
1208 or

1209 2. Cause visual or audible interference in radio or television receivers, or
1210 electronic equipment located off-premises or fluctuations in line voltage off-premises;

1211 ((and))

1212 K. There shall be no exterior evidence of a home occupation, other than growing or
1213 storing of plants under subsection C. of this section or a permitted sign, that would cause
1214 the premises to differ from its residential character. Exterior evidence includes, but is not
1215 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
1216 by using normal senses from any lot line or on average increase vehicular traffic by more
1217 than four additional vehicles at any given time;

1218 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
1219 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

1220 M. Uses not allowed as home occupations may be allowed as a home industry
1221 under K.C.C. 21A.30.090.

1222 SECTION 21. Ordinance 15606, Section 20, as amended, and K.C.C.

1223 21A.30.085 are each hereby amended to read as follows:

1224 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
1225 home occupations as accessory activities, under the following provisions:

1226 A. The total floor area of the dwelling unit devoted to all home occupations shall
1227 not exceed twenty percent of the dwelling unit.

1228 B. Areas within garages and storage buildings shall not be considered part of the
1229 dwelling unit and may be used for activities associated with the home occupation;

1230 C. Total outdoor area of all home occupations shall be permitted as follows:

1231 1. For any lot less than one acre: Four hundred forty square feet; and

1232 2. For lots one acre or greater: One percent of the area of the lot, up to a
1233 maximum of five thousand square feet.

1234 D. Outdoor storage areas and parking areas related to home occupations shall be:

1235 1. No less than twenty-five feet from any property line; and

1236 2. Screened along the portions of such areas that can be seen from an adjacent
1237 parcel or roadway by the:

1238 a. planting of Type II landscape buffering; or

1239 b. use of existing vegetation that meets or can be augmented with additional
1240 plantings to meet the intent of Type II landscaping((-));

1241 E. A home occupation or occupations is not limited in the number of employees
1242 that remain off-site. Regardless of the number of home occupations, the number of
1243 nonresident employees is limited to no more than three who work on-site at the same time
1244 and no more than three who report to the site but primarily provide services off-site((-));

1245 F. In addition to required parking for the dwelling unit, on-site parking is provided
1246 as follows:

1247 1. One stall for each nonresident employed on-site; and

1248 2. One stall for patrons when services are rendered on-site;

1249 G. Sales are limited to:

1250 1. Mail order sales;

1251 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1252 3. Items accessory to a service provided to patrons who receive services on the

1253 premises;

1254 4. Items grown, produced or fabricated on-site; and

1255 5. On sites five acres or larger, items that support agriculture, equestrian or

1256 forestry uses except for the following:

1257 a. motor vehicles and parts (North American Industrial Classification System

1258 ("NAICS" Code 441);

1259 b. electronics and appliances (NAICS Code 443); and

1260 c. building material and garden equipments and supplies (NAICS Code 444);

1261 H. The home occupation or occupations do not:

1262 1. Use electrical or mechanical equipment that results in a change to the

1263 occupancy type of the structure or structures used for the home occupation or occupations;

1264 2. Cause visual or audible interference in radio or television receivers, or

1265 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

1266 3. Increase average vehicular traffic by more than four additional vehicles at any

1267 given time;

1268 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

1269 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1270 J. The following uses, by the nature of their operation or investment, tend to

1271 increase beyond the limits permitted for home occupations. Therefore, the following shall

1272 not be permitted as home occupations:

1273 1. Hotels, motels or organizational lodging;

1274 2. Dry cleaning((=:);

1275 3. Automotive towing services, automotive wrecking services and tow-in parking

1276 lots; ((and))

1277 4. Recreational marijuana processor, recreational marijuana producer or

1278 recreational marijuana retailer((-)); and

1279 5. Winery, brewery, distillery facility I, II, and III, and remote tasting room;

1280 K. Uses not allowed as home occupation may be allowed as a home industry under

1281 K.C.C. chapter 21A.30; and

1282 L. The home occupation or occupations may use or store vehicles, as follows:

1283 1. The total number of vehicles for all home occupations shall be:

1284 a. for any lot five acres or less: two;

1285 b. for lots greater than five acres: three; and

1286 c. for lots greater than ten acres: four;

1287 2. The vehicles are not stored within any required setback areas of the lot or on

1288 adjacent streets; and

1289 3. The parking area for the vehicles shall not be considered part of the outdoor

1290 storage area provided for in subsection C. of this section.

1291 SECTION 22. Ordinance 10870, Section 537, as amended, and K.C.C.

1292 21A.30.090 are each hereby amended to read as follows:

1293 A resident may establish a home industry as an accessory activity, as follows:

1294 A. The site area is one acre or greater;

1295 B. The area of the dwelling unit used for the home industry does not exceed fifty
1296 percent of the floor area of the dwelling unit.

1297 C. Areas within attached garages and storage buildings shall not be considered part
1298 of the dwelling unit for purposes of calculating allowable home industry area but may be
1299 used for storage of goods associated with the home industry;

1300 D. No more than six nonresidents who work on-site at the time;

1301 E. In addition to required parking for the dwelling unit, on-site parking is provided
1302 as follows:

1303 1. One stall for each nonresident employee of the home industry; and

1304 2. One stall for customer parking;

1305 F. Additional customer parking shall be calculated for areas devoted to the home
1306 industry at the rate of one stall per:

1307 1. One thousand square feet of building floor area; and

1308 2. Two thousand square feet of outdoor work or storage area;

1309 G. Sales are limited to items produced on-site, except for items collected, traded
1310 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1311 H. Ten feet of Type I landscaping are provided around portions of parking and
1312 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
1313 way;

1314 I. The department ensures compatibility of the home industry by:

1315 1. Limiting the type and size of equipment used by the home industry to those that
1316 are compatible with the surrounding neighborhood;

1317 2. Providing for setbacks or screening as needed to protect adjacent residential

1318 properties;
1319 3. Specifying hours of operation;
1320 4. Determining acceptable levels of outdoor lighting; and
1321 5. Requiring sound level tests for activities determined to produce sound levels

1322 that may be in excess of those in K.C.C. chapter 12.88; ~~((and))~~

1323 J. Recreational marijuana processors, recreational marijuana producers and
1324 recreational marijuana retailers shall not be allowed as home industry; and

1325 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall
1326 not be allowed as home industry.

1327 SECTION 23. Ordinance 10870, Section 549, as amended, and K.C.C.
1328 21A.32.120 are each hereby amended to read as follows:

1329 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
1330 temporary use permits shall be limited in duration and frequency as follows:

1331 A. The temporary use permit shall be effective for one year from the date of
1332 issuance and may be renewed annually as provided in subsection D. of this section;

1333 B.1. The temporary use shall not exceed a total of sixty days in any three-
1334 hundred and sixty five day period. This requirement applies only to the days that the
1335 event or events actually take place.

1336 2. For a winery, brewery, distillery facility II and III in the A ~~((or RA))~~ zones,
1337 the temporary use shall not exceed a total of two events per month and all event parking
1338 ~~((for the events))~~ must be accommodated on site or managed through a parking
1339 management plan approved by the director.

1340 3. For a winery, brewery, distillery facility II and III in the RA zones, the

1341 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-
1342 five-day period and all event parking must be accommodated on site or managed through
1343 a parking management plan approved by the director. This requirement applies only to
1344 the days that the event or events actually take place;

1345 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
1346 to all other relevant facts, the department shall consider building occupancy and parking
1347 limitations during permit review, and condition the number of guests allowed for a
1348 temporary use based on these limitations. Under no circumstance shall the department
1349 authorize attendance of more than one hundred twenty-five guests.

1350 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
1351 to all other relevant facts, the department shall consider building occupancy and parking
1352 limitations during permit review, and condition the number of guests allowed for a
1353 temporary use based on these limitations. Under no circumstance shall the department
1354 authorize attendance of more than two hundred fifty guests.

1355 6. Events that require a temporary use permit are prohibited for any winery,
1356 brewery, distillery facility I, any nonconforming winery, brewery, distillery facility home
1357 occupation, and any nonconforming winery, brewery, distillery facility home industry.
1358 No temporary use permit shall be issued to the operator or a winery, brewery, distillery
1359 facility I, a nonconforming home occupation winery, brewery, distillery facility or a
1360 nonconforming home industry winery, brewery, distillery facility.

1361 C. The temporary use permit shall specify a date upon which the use shall be
1362 terminated and removed; and

1363 D. A temporary use permit may be renewed annually for up to a total of five

1364 consecutive years as follows:

1365 1. The applicant shall make a written request and pay the applicable permit
1366 extension fees for renewal of the temporary use permit at least seventy days before the
1367 end of the permit period;

1368 2. The department must determine that the temporary use is being conducted in
1369 compliance with the conditions of the temporary use permit;

1370 3. The department must determine that site conditions have not changed since
1371 the original temporary permit was issued; and

1372 4. At least forty-five days before the end of the permit period, the department
1373 shall notify property owners within five hundred feet of the property boundaries that a
1374 temporary use permit extension has been requested and contact information to request
1375 additional information or to provide comments on the proposed extension.

1376 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter
1377 21A.55 a new section to read as follows:

1378 A.1. There is hereby created the Sammamish Valley and Vashon Town Center
1379 wine and adult beverage remote tasting room demonstration project A. The purpose of
1380 demonstration project A is to support agriculture and synergistic development of mixed
1381 use wine and adult beverage facilities in order to boost agritourism and both areas'
1382 reputations as food and adult-beverage destinations.

1383 2. The demonstration project will enable the county to determine if expanded
1384 wine and adult beverage-based uses can be permitted while maintaining the core
1385 functions and purposes of the Rural Area and Agricultural Production District zones. The
1386 expected benefits from the demonstration projects include: developing a clear picture of

1387 wine and adult beverage industry impacts on and benefits to Rural Area and Agricultural
1388 Production District zoned communities, opportunity for additional exposure for locally
1389 sourced agricultural products; and the opportunity to identify and evaluate potential
1390 substantive changes to countywide land use regulations to support the development of
1391 additional areas of unincorporated King County that may benefit from growth in wine
1392 and adult beverage industry agritourism.

1393 B. An application for a demonstration project remote tasting room under this
1394 section shall be approved or denied administratively by the department of permitting and
1395 environmental review based upon compliance with the criteria in subsections D. and E. of
1396 this section. Approval or denial of a remote tasting room application shall not be
1397 construed as applying to any other development application either within the
1398 demonstration project area or elsewhere in the county.

1399 C. The use that the department may approve pursuant to this Sammamish Valley
1400 and Vashon Town Center wine and beverage tourism demonstration project A shall
1401 include only the following: Remote tasting room as defined in section 12 of this
1402 ordinance.

1403 D.1. This section allows establishment and operation of a remote tasting room
1404 use.

1405 2. A demonstration project remote tasting room use may be approved, subject to
1406 the following:

1407 a. One or more winery, brewery, distillery facility I, II or III may operate
1408 within one remote tasting room;

1409 b. The aggregated total space devoted to tasting and retail activity shall be

1410 limited to one thousand square feet of gross floor area, not including areas devoted to
1411 storage, restrooms, and similar nonpublic areas;

1412 c. Notwithstanding subsection D.2.b. of this section, an additional five hundred
1413 square feet of immediately adjacent outdoor space may be used for tasting, subject to
1414 applicable state regulations limiting sale, service and consumption of alcoholic
1415 beverages;

1416 d. The site must have direct access to an arterial;

1417 e. The remote tasting room site shall not be used as a winery, brewery,
1418 distillery facility I, II or III production facility;

1419 f. Incidental retail sales of products and merchandise related to the products
1420 being tasted is allowed;

1421 g. The hours of operation for the tasting room shall be limited as follows:
1422 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to
1423 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours
1424 shall be limited to 11:00 a.m. through 9:00 p.m.;

1425 h. An adult beverage business license is required, in accordance with K.C.C.
1426 Title 6;

1427 i. A remote tasting room may not operate without proof of Washington state
1428 Liquor and Cannabis Board approval;

1429 j. Events that require a temporary use permit shall be prohibited at remote
1430 tasting rooms; and

1431 k. Parking shall be limited to one hundred fifty percent of minimum required
1432 for retail trade uses in accordance with K.C.C. 21A.18.030.

1433 E.1. To be eligible to use the provisions of this section, a remote tasting room
1434 must be located on a demonstration project site identified in Attachment A to this
1435 ordinance.

1436 2. Projects proposed in accordance with this section must be consistent with
1437 general health, safety and public welfare standards, and must not violate state or federal
1438 law.

1439 3. The criteria in this subsection supersede other variance, modification or
1440 waiver criteria and provisions of K.C.C. Title 21A.

1441 F.1. Projects proposed in accordance with this section may be submitted in
1442 conjunction with an application for an adult beverage business license or a building
1443 permit.

1444 2. Requests shall be submitted to the department in writing, together with any
1445 supporting documentation and must illustrate how the proposal meets the criteria in
1446 subsections D. and E. of this section.

1447 3. A director's decision regarding a remote tasting room application shall be
1448 treated as a Type I land use decision in accordance with K.C.C. 20.20.020.

1449 G. Applications in accordance with this section may be accepted by the
1450 department of permitting and environmental review only within three years of the
1451 effective date of this ordinance. Remote tasting room uses approved in accordance with
1452 this section may continue as long as an underlying business license or renewal is
1453 maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

1454 H. One year after the effective date of this ordinance, and on an annual basis for
1455 three years thereafter, the director shall compile a list of demonstration project

1456 applications submitted and related code complaints, if any.

1457 I. After considering the information compiled under subsection H. of this section,
1458 the executive may submit additional proposed legislation extending or otherwise
1459 amending this ordinance within three years of the effective date of this ordinance.

1460 NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter
1461 21A.55 a new section to read as follows:

1462 A.1. There is hereby created the Sammamish Valley wine and adult beverage
1463 tourism district demonstration project B. The purpose of demonstration project B is to
1464 support agriculture and synergistic development of mixed use wine and adult beverage
1465 facilities in order to boost agritourism and the area's reputation as a food and adult
1466 beverage destination.

1467 2. The demonstration project will enable the county to determine if expanded
1468 wine and adult beverage-based uses can be permitted while maintaining the core
1469 functions and purposes of the Rural Area and Agricultural Production District zones. The
1470 expected benefits from the demonstration projects include: developing a clear picture of
1471 wine and adult beverage industry impacts on and benefits to surrounding Rural Area and
1472 Agricultural Production District zoned communities; the opportunity for additional
1473 exposure for locally sourced agricultural products; and the opportunity to identify and
1474 evaluate potential substantive changes to countywide land use regulations to support the
1475 development of additional areas of unincorporated King County that may benefit from
1476 growth in wine and adult beverage industry agritourism.

1477 B. A wine and beverage tourism demonstration project B application to modify
1478 development standards for on-site winery, brewery, distillery facility III wedding and

1479 events shall be administratively approved by the department of permitting and
1480 environmental review, and upon such an approval K.C.C. chapter 21A.42 review
1481 procedures shall be applied. Demonstration project uses may be approved and
1482 conditioned by the department if compliant with the criteria in K.C.C. 21A.44.040.
1483 Approval of the proposed demonstration project shall not be construed as applying to any
1484 other development application either within the demonstration project area or elsewhere
1485 in the county, and shall not render uses authorized under this section "otherwise
1486 permitted in the zone" under K.C.C. 21A.32.100.A.

1487 C. The director shall waive the following development regulations as part of the
1488 conditional use permit review under demonstration project B.:

- 1489 1. K.C.C. 21A.32.100 through 21A.32.140;
- 1490 2. K.C.C. 21A.44.020; and
- 1491 3. K.C.C. 21A.08.080.B.12.1

1492 D.1. A demonstration project authorized by this section allows a winery,
1493 brewery, distillery facility III operator to obtain authorization for on-site weddings and
1494 similar uses pursuant to conditional use review mechanisms in K.C.C. 21A.44.040, and
1495 applicable to those uses under K.C.C. 21A.08.080.A. and B.;

1496 2. Demonstration project conditional use permits are subject to all King County
1497 Code provisions, including but not limited to, K.C.C. chapters 21A.42 and 20.20, except
1498 those specifically excluded by subsection C. of this section.,

1499 E.1. Demonstration project applications made in accordance with this section
1500 may only be submitted in relation to an application for a winery, brewery, distillery
1501 facility III conditional use permit or winery, brewery, distillery facility conditional use

1502 permit modification or expansion.

1503 2. Demonstration project applications shall be submitted to the department in
1504 writing before or in conjunction with an application for a winery, brewery, distillery
1505 facility III conditional use permit or an application for a winery, brewery, distillery
1506 facility III conditional use permit modification or expansion. The supporting
1507 documentation must illustrate how the proposal meets the criteria in K.C.C 21A.44.040.

1508 3. A demonstration project conditional use permit, conditional use modification
1509 or conditional use expansion decision shall be treated as a Type II land use decision in
1510 accordance with K.C.C. 20.20.020.

1511 F.1. To be eligible to use the provisions of this section, a demonstration project
1512 must be located on a demonstration project site identified in Attachment B to this
1513 ordinance.

1514 2. Demonstration project applications must be consistent with general health,
1515 safety and public welfare standards, and must not violate state or federal law.

1516 G. Demonstration project applications authorized by this section shall be filed
1517 with the department of permitting and environmental review within three years of the
1518 effective date of this ordinance. Conditional uses permitted under this section are subject
1519 to the nonconformance provisions of K.C.C. Title 21A.32. Any deadline in this
1520 subsection shall be adjusted to include the time for appeal of all or any portion of the
1521 project approval.

1522 H. One year after the effective date of this ordinance, and on an annual basis for
1523 three years thereafter, the director shall compile a list of demonstration project
1524 applications, an evaluation of the impacts of wedding and similar uses authorized

1525 pursuant to demonstration project conditional use permits, and related code complaints, if
1526 any.

1527 I. The executive may submit additional proposed legislation reflecting
1528 information compiled under subsection H. of this section within three years of the
1529 effective date of this ordinance.

1530 SECTION 26. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010
1531 are each hereby amended to read as follows:

1532 A.1. Civil fines and civil penalties for civil code violations shall be imposed for
1533 remedial purposes and shall be assessed for each violation identified in a citation, notice
1534 and order, voluntary compliance agreement or stop work order pursuant to the following
1535 schedule:

a. citations, except for winery, brewery, distillery facility I,

II and II and remote tasting room:

- | | |
|---|---------------------------|
| (1) with no previous similar code violations | \$100 |
| (2) with no previous code violations of K.C.C. chapter
12.86 within the past twelve months | \$125 |
| (3) with one previous code violation of K.C.C. chapter
12.86 within the past twelve months | \$250 |
| (4) with one or more previous similar code violations, or
with two previous code violations of K.C.C. chapter 12.86
within the past twelve months | \$500 |
| (5) with two or more previous violations of K.C.C. Title
10, or three or more previous code violations of K.C.C. | Double the
rate of the |

chapter 12.86 within the past twelve months previous
penalty

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

- | | |
|--|----------------|
| <u>(1) with no previous similar code violations</u> | <u>\$500</u> |
| <u>(2) with one or more previous similar code violations</u> | <u>\$1,000</u> |

within the past twelve months;

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 | \$25 |

basic penalty

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

- | | |
|--|------|
| (a) public health risk | \$15 |
| (b) environmental damage risk | \$15 |
| (c) damage to property risk | \$15 |
| (d) one previous similar code violation | \$25 |
| (e) two previous similar code violations | \$50 |
| (f) three or more previous similar code violations | \$75 |
| (g) economic benefit to person responsible for violation | \$25 |

((e-)) d. cleanup restitution payment: as specified in

K.C.C. 23.02.140.

~~((d.))~~ e. reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:

(1) first reinspection, which shall occur no sooner than \$150 the day following the date compliance is required by the notice and order

(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 \$450 only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the prosecuting attorney for the purpose of presenting evidence in the course of litigation or administrative hearing against the person responsible for code compliance

1536 2. For the purposes of this section, previous similar code violations that can
1537 serve as a basis for a higher level of civil penalties include violations of the same chapter
1538 of the King County Code. Any citation, stop work order or notice and order previously
1539 issued by the department shall not constitute a previous code violation for the purposes of
1540 this section if that stop work order or notice and order was appealed and subsequently
1541 reversed.

1542 B. The penalties assessed pursuant to this section for any failure to comply with a

1543 notice and order or voluntary compliance agreement shall be assessed daily, according to
1544 the schedule in subsection A of this section, for the first thirty days following the date the
1545 notice and order or voluntary compliance agreement required the code violations to have
1546 been cured. If after thirty days the person responsible for code compliance has failed to
1547 satisfy the notice and order or voluntary compliance agreement, penalties shall be
1548 assessed daily at a rate of double the rate for the first thirty days. Penalties may be
1549 assessed daily until the person responsible for code compliance has fully complied with
1550 the notice and order.

1551 C. Penalties based on violation of a stop work order shall be assessed, according
1552 to the schedule in subsection A. of this section, for each day the department determines
1553 that work or activity was done in violation of the stop work order.

1554 D. Citations and cleanup restitution payments shall only be subject to a one-time
1555 civil penalty.

1556 E. The director may suspend the imposition of additional civil penalties if the
1557 person responsible for code compliance has entered into a voluntary compliance
1558 agreement. If the person responsible for code compliance enters into a voluntary
1559 compliance agreement and cures the code violations, the director may also waive all or
1560 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall
1561 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any
1562 necessary permits applied for are denied, canceled or not pursued, or if corrective action
1563 identified in the voluntary compliance agreement is not completed as specified.

1564 F. The civil penalties in this section are in addition to, and not in lieu of, any
1565 penalties, sanctions, restitution or fines provided for in any other provisions of law.

1566 SECTION 27. Severability. If any provision of this ordinance or its application
1567 to any person or circumstance is held invalid, the remainder of the ordinance or the
1568 application of the provision to other persons or circumstances is not affected."

1569

1570 **EFFECT: This technical striker makes clarifying edits, and corrects drafting errors**
1571 **so that the Proposed Ordinance matches the Executive's intent.**

[Blank Page]



7/17/18

Title

ea

Sponsor: Lambert

Proposed No.: 2018-0241

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION 1**

2 On page 1, strike lines 1 through 15, and insert:

3 "AN ORDINANCE responding to the King County
4 Sammamish Valley Wine and Beverage Study; amending
5 Ordinance 10870, Section 334, as amended, and K.C.C.
6 21A.08.070, Ordinance 10870, Section 335, as amended,
7 and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as
8 amended, and K.C.C. 21A.08.090, Ordinance 10870,
9 Section 407, as amended, and K.C.C. 21A.18.030,
10 Ordinance 10870, Section 536, as amended, and K.C.C.
11 21A.30.080, Ordinance 15606, Section 20, as amended,
12 and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as
13 amended, and K.C.C. 21A.30.090, Ordinance 10870,
14 Section 549, as amended, and K.C.C. 21A.32.120 and
15 Ordinance 13623, Section 37, as amended, and K.C.C.
16 23.32.010, adding new sections to K.C.C. chapter 21A.06,
17 adding new sections to K.C.C. chapter 21A.55, adding a
18 new chapter to K.C.C. Title 6, repealing Ordinance 15974,

19 Section 5, and K.C.C. 21A.06.1427 and prescribing
20 penalties."

21 **EFFECT: *Title Amendment T1 conforms the Title to the changes made by Striking***
22 ***Amendment S1.***

Public Comments on Proposed Ordinance 2018-0241
Winery/Brewery/Distillery Code Update
Received through March 8, 2019

Auzins, Erin

From: Linda Gray <lgn899a@gmail.com>
Sent: Wednesday, January 9, 2019 2:53 PM
To: Auzins, Erin
Subject: King County's official record for KC Ordinance #2018-0241.

Dear Erin Auzins - this email is to request you please enter the comments I sent to the KC Council below into the official record for King County Ordinance #2018-0241. Please confirm you have completed my request with an email response to me. Thank you.

Sincerely,
Linda Gray
22619=78th Ave SE,
Woodinville, Wa 98072

From: Linda Gray [mailto:lgn899a@gmail.com]
Sent: Sunday, December 02, 2018 2:49 PM
To: Balducci, Claudia <Claudia.Balducci@kingcounty.gov>
Subject: Please amend the Sammamish Valley Beverage Ordinance

Dear Councilmember Balducci,

Hello,

As a member of the Sammamish Valley community, I am asking you to please support the amendment from Friends of Sammamish Valley for proposed King County Ordinance #2018-0241, responding to the King County Sammamish Valley Wine and Beverage Study. Seven illegally operating business cannot be allowed to dictate what happens in this valley. It flies in the face of the Growth Management Act and King County's Comprehensive plan. This is also not fair to more than 100 businesses which operate according to required regulations, permits and code.

To address this, Friends of Sammamish Valley has drafted an amendment that would strengthen regulations for beverage industries in a way that aligns with urban growth management and properly balances with the surrounding rural and agricultural areas. The amendment would modify the proposed ordinance in the following ways:

- > Removing the Demonstration Project Overlays A and B from the Sammamish Valley as these overlays threaten rural and agricultural areas by permanently allowing urban area commercial and retail businesses such as bars and event centers to operate in these protected areas.
- > Improving certain provisions of the ordinance by closing loopholes that would allow drinking establishments and event centers to function as wineries even when little or no product is produced on-site.
- > Providing a 12-month grace period to allow the illegally operating tasting rooms, retail sales outlets, and event centers to move to a new legal location.

More background can be found on the proposed amendment in the Friends of Sammamish Valley's Rationale for Beverage Ordinance Changes.

Please support the Friends of Sammamish Valley's amendment to King County Ordinance #2018-0241.

Sincerely,
Linda Gray
22629-78th Ave SE
Woodinville, WA 98072

Auzins, Erin

From: Sara Suter <sfsuter@comcast.net>
Sent: Thursday, January 10, 2019 8:54 PM
To: Auzins, Erin; Communications, Comments
Subject: Please

...protect rural Sammamish Valley from commercialization. There are now so few untouched areas like this in King Co. We had hoped version 2 of the letter would be adopted.

Thank you,

Sara and Christoph Suter
16316 170th Ave NE
Woodinville, 98072

Sent from my iPhone

Auzins, Erin

From: Wendy Wartes <kheeta2@comcast.net>
Sent: Saturday, January 12, 2019 6:22 PM
To: Auzins, Erin
Subject: UGB

I'm writing to voice opposition to allowing expanded uses in the valley between Redmond and Woodinville. I've been a resident of Woodinville for 42 years and a celebrant of the restrictions put in place. I see no reason to bring uses to this area that are contrary to the intent to encourage farming. The roads are not suitable for drunken revelers and noise is bleeding all the way up to Hollywood Hill. Rewarding those who break the law is not a good look going forward.

Wendy Wartes
Kheeta2@comcast.net

Auzins, Erin

From: Linda Fava <LindaF@ci.woodinville.wa.us>
Sent: Thursday, January 17, 2019 3:02 PM
To: Dembowski, Rod; Gossett, Larry; Lambert, Kathy; Kohl-Welles, Jeanne; Upthegrove, Dave; Balducci, Claudia; von Reichbauer, Pete; McDermott, Joe; Dunn, Reagan
Cc: Pedroza, Melani; Alex Herzog; Jeff Ganson; Huston, Jennifer; calli.knight@kingcounty.gov; Wolf, Karen; Chan, Jim; Auzins, Erin
Subject: Ordinance 2018-0241
Attachments: Letter to King County Council - Ordinance 2018-0241.pdf

Honorable King County Councilmembers –

The City of Woodinville submits the attached letter pursuant to Ordinance 2018-0241, and asks that you consider the merits of our response. Thank you.

Linda Fava | Exec. Asst./Dep. City Clerk/HR | [City of Woodinville](#)
D (425) 877-2265 | **e:** lindaf@ci.woodinville.wa.us

Woodinville City Hall, 17301 133rd Ave NE, Woodinville WA 98072
Please note that this email is considered public record and may be subject to public disclosure.

January 16, 2019

King County Council
Planning, Rural Services, and Environment Committee
516 3rd Avenue, Room 1200
Seattle, WA 98104



*"Citizens, business and local government;
a community commitment to our future."*

Councilmembers:

Thank you for working to clarify and strengthen the enforceability of King County code as it applies to the adult beverage industry. The City of Woodinville asks that the County Council consider the points that follow as Ordinance 2018-0241 works its way through the PRE Committee and to the full Council.

Overall, Woodinville encourages the County Council to pay close attention to the unintended consequences of any policy changes that will affect the Sammamish Valley if the ordinance and enforcement are not strengthened. Woodinville's specific recommendations, made with these considerations in mind, are added to this letter as Attachment A. Some of the principles that guide our recommendations include:

Locate Urban Activities in Urban Areas. Large-scale gatherings generate impacts that quickly overtax rural infrastructure. To avoid these unnecessary challenges, activities and facilities which generate large traffic or parking activity should be located in areas within the Urban Growth Boundary (UGB).

Foster Responsible Business Practices. With around 130 wineries, breweries, distilleries, and remote tasting rooms operating legally in Woodinville, and more in Kirkland and Redmond, cities have worked conscientiously with the adult beverage industry to foster commercial areas that are attractive to and accommodating of the industry and their customers. These businesses, in turn, have spent the extra time and expense to get permits and adhere to codes. All of these businesses are put at a competitive disadvantage by any business operating out of compliance and who take advantage of a lack of enforcement.

Do No Harm to Farms. Sammamish Valley agriculture is itself a significant tourist draw and, as importantly, the ambiance it creates is critical to the tourism-dependent businesses that have chosen to locate in the area. Recognizing the value of the Valley, the King County Council designated the Sammamish River Valley as an Agricultural Production District and made it eligible for Farmland Preservation Project funds. The protection that this designation affords is well deserved because of the Valley's fertile soils, high productivity, diverse sustainability programs, and award-winning farmers. However, the City is concerned that this designation and its regulations may not be enough to protect the Valley.

Create Clear Code. Woodinville believes that one of the primary goals of the beverage ordinance should be to add clarity to regulations and facilitate enforceability. It should also provide incentives for compliance.

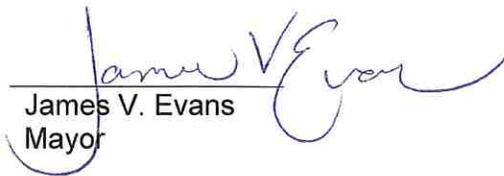
Enforce the code. Woodinville asks that the King County Council provide the necessary resources for any and all regulations to be enforced, including sufficient

funding for a full-time enforcement officer for the ordinance. We support the budget proviso and study by DPER, but are concerned about the possibility of delays associated with a study. The City asks that enforcement be funded and begin as soon as the ordinance is passed.

The City hopes the County Council will take the above principles into consideration as legislation is refined. In Attachment A, the City asks the County to further consider and incorporate several modifications to provisions in the Executive's proposed legislative package, Technical Striker S1, and PRE Committee Chair Lambert's conceptual striker. The result will be an even more successful wine industry and will increase the chances of a healthy agricultural industry in the Sammamish Valley and surrounding area.

Thank you very much for your consideration. The City looks forward to continuing its partnership with King County in developing solutions on this issue.

Sincerely,


James V. Evans
Mayor

Enc:

Attachment A: City of Woodinville Response to Proposed Ordinance 2018-0241 and Technical Striker S1, and PRE Committee Chair Lambert's conceptual striker
Attachment B: City of Woodinville Resolution No. 532, Supporting Enforcement of King County Zoning Codes; Supporting Increased Protections of Agricultural and Rural Lands In and Surrounding the Sammamish River Valley; Supporting Transit Improvements in the Sammamish Valley and City of Woodinville
Attachment C: City of Woodinville October 17, 2018 letter to the King County Council Regarding Funding for Outreach and Enforcement

cc:

Brandon Buchanan, Woodinville City Manager
Jeff Ganson, City Attorney
Alex Herzog, Intergovernmental Affairs
Jenny Huston, Government Relations, Office of King County Executive Dow Constantine
Calli Knight, External Relations, Office of King County Executive Dow Constantine
Karen Wolf, Senior Policy Analyst, Office of Performance, Strategy, and Budget
Jim Chan, Interim Director, Department of Permitting and Environmental Review
Erin Auzins, Principal Legislative Analyst, King County Council Policy Staff

Attachment A

City of Woodinville Response to Proposed Ordinance 2018-0241

This document addresses the Executive’s transmission, Technical Striker S1, and PRE Committee Chair’s striker. The table below is arranged to roughly match the matrix staff has been using, but our table does add rows for elements that Woodinville recommends adding to the ordinance.

<p>Definition of Event</p> <p>Does not exist in current code (21A.06), Exec’s proposal, Technical Striker S1, or Chair Lambert’s conceptual striker.</p>	<p>The definition of ‘event’ should clearly differentiate activities included within normal business operations, activities outside of normal operations, activities that need a special event TUP, and activities and conditions that need a CUP.</p> <p>The definition should reflect the complete list of stakeholders: DPER, passers-by, nearby cities, neighbors, and WBDs that are operating legally, in addition to the WBDs and remote tasting rooms benefitting from this ordinance.</p> <p>A definition that enables viewers to determine an event’s occurrence by sight is desirable. For example, an event might be defined to include the presence of temporary tents, portable toilets, stages, temporary bridges, traffic control personnel, and/or a need for additional parking over the permitted number of maximum spaces.</p> <p>In the context of this ordinance, events might be indicated by the sale of tickets, special advertising, invitations or RSVPs, or specified start and end times. Events can be private or public, but are marked by being outside the normal course of business.</p> <p>In the proposed code, an event is implied to begin and end on a single calendar day; this should be made explicit in the County’s regulations.</p> <p>Examples of events might include release parties, weddings, family days, wine club parties, and corporate events.</p>
<p>Definition of Winery (21A.06)</p> <p>Current definition: An establishment primarily engaged in one or more of the following:</p>	<ol style="list-style-type: none"> 1. The definition must require all (not just one or some) of the essential steps in manufacturing wine: fermenting, finishing, blending, bottling, aging. 2. The existing definition of winery must be further refined to include definitions of “primary” and “primarily” including the metric – revenues, weight, acreage, square footage, man-hours etc. – by which it is judged. Specifically, there must be a method by which the County will determine an

<p>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.</p>	<p>establishment's "primary" activity as compared to other activities.</p> <p>Woodinville recommends the Council ensures that "manufacturing" means that all of the activities required to process whole grapes or other unprocessed fruit into wine, cider or brandy take place on the site, including fermentation and barrel or tank aging.</p>
<p>Definition of WBD I New</p>	<p>Woodinville supports definition in Technical Striker S1: Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and where on-site product tasting or retail sale of merchandise does not occur.</p>
<p>Definition of WBD II New</p>	<p>For RA Zones, Woodinville supports definition in Technical Striker S1.</p> <p>For A Zones, Woodinville supports the following definition: Winery, brewery, distillery facility II: 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.</p>
<p>Definition of WBD III New</p>	<p>For RA Zones, Woodinville supports definition in Technical Striker S1.</p> <p>For A Zones, Woodinville supports the following definition: Winery, brewery, distillery facility III: 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.</p>
<p>Minimum lot size (Variou sections of Exec's proposal; 21A.08.080.)</p> <p>Current minimum is 4.5 acres for permitted uses, 10 acres for conditional uses, in both RA and A zones.</p>	<p>Woodinville supports the current minimum of 4.5 acres with added conditional uses if the parcel size is at least 10 acres.</p>

<p>Amplified Sound</p>	<p>Woodinville strongly recommends that the County prohibit amplified sound outdoors for all WBDs outside the Urban Growth Boundary. We believe that amplified outdoor sound is not consistent with rural character.</p>
<p>Tasting hours: (Section 16 of Exec's proposal; 21A.08.080.)</p> <p>Executive's original proposal: Mon-Thur 11am-5pm Fri-Sun 11am-7pm</p> <p>Technical Striker S1 contains tasting hours: Mon-Thur 11am-7pm Fri-Sun 11am-9pm</p>	<p>Allowing tastings during evening commute hours would create impacts from the 19 business driveways on Woodinville-Redmond Road, increasing congestion by adding traffic and turns on the existing two-lane road.</p> <p>Woodinville supports the hours in the Executive's original transmittal: Mon-Thurs 11am-5pm Fri-Sun 11am-7pm</p>
<p>Sales (Section 16 of Exec's proposal; 21A.08.080.)</p> <p>WBD I sales not allowed; WB II and III sales permitted.</p>	<p>Woodinville recommends that WBDs in A Zones be allowed to sell only products produced on-site. We note that this is consistent with the Growth Management Act's requirement that facilities on Agricultural land be directly in support of products grown on the site.</p>
<p>Events; Temporary Use Permit Requirements (Section 21 of Exec's proposal; 21A.32.120 of KCC)</p> <p>Requirements for WBD II and III in Agricultural zones: events limited to 2 per month and all parking must be accommodated on site or through a plan approved by the director</p> <p>Requirements for WBD II and III in Rural Area 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.</p> <p>Requirements for WBD II in Agricultural and Rural Area zones, consider building occupancy limits and parking</p>	<p>As noted above, Woodinville requests a clear, relevant, and enforceable definition of "event."</p> <p>Further, we urge the County Council to consider whether and how events are in alignment with rural character.</p> <p>The City also has concerns about provisions in the draft language of the legislation that could make large hardscaped parking areas, needed mostly for events, a permanent entitlement by way of a conditional use permit.</p> <p>Also of concern is the most recent iteration of Overlay B which proposes lifting all limits on size and frequency of events.</p> <p>Woodinville's specific limits in the table below maintains the character of businesses and atmosphere of the Valley and the UGB. The City asks the County to consider the number of events and their size in a way that still honors the area's rural or agricultural setting while maintaining alignment with neighboring properties and uses. Businesses hosting frequent and large-scale events will likely be better served within the UGB where the character and many types of infrastructure already exist to support such activities.</p> <p>As such, Woodinville supports the following limits that maintain the Valley and surrounding and its character:</p>

limitations during permit review, shall condition the number of guests and shall not be more than 125 guests.

WBD I in RA Zones	Not allowed if event requires TUP	Not allowed if event requires TUP
WBD II in RA Zones	6/year, limited to weekends and holidays	60
WBD III in RA Zones	6/year, limited to weekends and holidays	60
WBD II in A Zones	2/year, limited to weekends and holidays	60
WBD III in A Zones	2/year, limited to weekends and holidays	60
WBD in Overlay B (if implemented)	6/year, limited to weekends and holidays	60

Woodinville requests that events be limited to weekends and holidays to mitigate likely traffic impacts that may cause significant travel disruptions for commuters and local businesses.

Water supply
(Section 16 of Exec's proposal; 21A.08.080.)

For the most part, WBDs and tasting rooms must connect to public water supply but are not prohibited from using well water.

Farms cannot survive without the irrigation water that they have the senior right to.

Woodinville recommends WBDs be required to use public utility water, and only public utility water, in their commercial operations.

Product Content
(Manufacturing Table - Agriculture Zones – Production Facilities; Section 16 of Exec's proposal; 21A.08.080.various KCC)

Exec's Requirements for Winery, Brewery, Distillery II and III in Agricultural zone: 60% of product to be processed must be grown on

For RA zones, Woodinville supports lifting on-site growing requirements.

For A Zones, Woodinville recommends that only products produced on site should be allowed for sale. We note that this is consistent with the Growth Management Act's requirement that facilities on Agricultural land be directly in support of products grown on the site.

<p>site. In RA zone, remove production requirements</p>	
<p>Adult beverage Production/Facility Location (Section 16 of Exec's proposal; 21A.08.080.)</p> <p>All types of WBDs require production.</p> <p>WBD I requires production, and does not allow tasting or sales</p> <p>WBD II and III require production and allow tasting</p> <p>Remote tasting rooms allow tasting and do not allow production</p>	<p>Woodinville supports closing loopholes in the definition of winery. We recommend a similar change to production requirements: Require all essential production steps in WBDs and prohibit production in remote tasting rooms.</p> <p>In A Zones, Woodinville supports allowing WBDs to locate on the portion of the property "least suitable" for agricultural production purposes, as opposed to "unsuitable" in other drafts.</p>
<p>Parking Parking proposals vary, but the highest-impact proposals allow 1 per 50 sf of tasting plus retail space, and possibly even more via CUP.</p>	<p>Woodinville supports limiting parking to one space per 300 square feet. We consider this to be appropriate because it is consistent with other types of businesses in RA and A Zones, minimizes hardscaping in the SO-120 agricultural buffer overlay, and allows sufficient space for customers.</p> <p>Woodinville does not support the proposal of allowing a parking plan for WBD IIIs via CUP, because of the irrevocable nature of CUPs. We consider this a guarantee of hardscaping uphill of farmland, with the result of stormwater pollution of agricultural resource land. More generally, the City suggests that the Council consider limiting parking facilities on the basis that these types of facilities are not in alignment with character and purpose of rural and agricultural areas.</p>
<p>Citation/Fines (Section 24 of Exec's proposal; 23.32.010 KCC)</p> <p>1st violation –\$100</p> <p>2nd violation in past 12 months - \$250</p> <p>3rd violation or more in past 12 months - double the rate of the previous penalty</p>	<p>Unpermitted activity in the Valley is problematic. We hope that the ordinance will result in an end to unpermitted activities, and we believe that citations and fines are a vital part of the solution. However, current fines are inadequate to achieve this goal.</p> <p>We believe King County's goal should be to provide a meaningful disincentive to businesses contemplating unpermitted activities.</p> <p>Woodinville supports a fine structure that progresses fairly steeply to fines in the tens of thousands of dollars. We believe that the fines should be meaningfully larger than any</p>

<p>zoning code violations including but not limited to unapproved events – 1st violation - \$500</p> <p>Subsequent: \$1000</p> <p>PRE Chair's conceptual striker: The fine structure is more gradual than the Exec's, and like the Exec's fines only events</p>	<p>potential revenue, and, should include mechanisms that ensure repetitive violations will put the violator out-of-business. Once rules are established (whatever they may be), Woodinville believes that all stakeholders should abide by those rules.</p> <p>Woodinville recommends three kinds of changes to the fine structure.</p> <p>First, we suggest that the scope of citations should be expanded to include not only events, but also other activities that are damaging to the land or neighborhood, such as parking in unsuitable locations, improper use of water, improper hours of operation, use of amplified sound outdoors, improper hardscaping, etc.</p> <p>Second, Woodinville recommends a citation structure that scales fines based on the magnitude of the infraction. For example, fines might be based on parameters that vary with the size of the event such as the number of cars, number of guests or tickets, revenues in terms of admission fees and sales, number of vehicles, parking stalls, or facilities on site (i.e. portable toilets, stages, temporary tents, etc.).</p> <p>Third, Woodinville recommends fines that provide incentives for compliance.</p>
<p>Overlays A and B</p>	<p>Woodinville's concerns are grounded in the history of the Sammamish Valley. The current Agricultural Production District is what is left after incorporations and annexations by Redmond, Kirkland, and Woodinville; and rezoning from Agricultural to Rural by the courts. In other words, the extent of Sammamish Valley farmland is already greatly diminished.</p> <p>The City is concerned that the proposed overlays are likely to create even greater pressure for permitted use revisions that would expand the uses, facility sizes, and density in areas that are not able to handle them. The City asks the County to consider greater preservation of Sammamish Valley agricultural land as the primary objective of any revisions to the code.</p> <p>If the County Council decides to proceed with use of overlays, we would recommend a more cautious approach, establishing overlays only on lands not protected by other overlays such as the SO-120 Agricultural Buffer that is intended to protect farmland in Agricultural Production Districts.</p>
<p>Grandfathering (Sections 22 and 23 of Exec's proposal; 21A.55 of KCC)</p>	<p>Woodinville objects to the provisions in the Executive's proposal and Technical Striker S1 that grandfather businesses accepted into the demonstration projects, even if the demonstrations are cancelled and the overlays removed.</p>

<p>Exec's proposal, Technical Striker S1, and PRE Chair's conceptual striker grandfather businesses participating in the demonstrations even if the demonstrations are cancelled and the overlays removed.</p>	
<p>Conditional Use Permits Various new privileges allowed via Conditional Use Permit (CUP)</p>	<p>For the CUP provisions in the draft ordinance, Woodinville has serious concerns about privileges that would be granted, and then be irrevocable no matter how harmful to local stakeholders such as farmers, other businesses, neighbors, and commuters.</p>

Attachment B

RESOLUTION NO. 532

A RESOLUTION OF THE WOODINVILLE CITY COUNCIL SUPPORTING ENFORCEMENT OF KING COUNTY ZONING CODES; SUPPORTING INCREASED PROTECTIONS OF AGRICULTURAL AND RURAL LANDS IN AND SURROUNDING THE SAMMAMISH RIVER VALLEY; SUPPORTING TRANSIT IMPROVEMENTS IN THE SAMMAMISH VALLEY AND CITY OF WOODINVILLE; AND REPEALING RESOLUTION NO. 483.

WHEREAS, the Woodinville City Council adopted Resolution No. 483 on August 2, 2016 to establish the City's position on the issue of preservation of the agricultural and natural character of the Sammamish Valley; and

WHEREAS, King County has completed an extensive public input and study process and is now considering legislative action to revise County Code addressing land use regulations in the Sammamish Valley; and

WHEREAS, the Woodinville City Council deems it prudent and appropriate to ensure its position on the issue is current; and

WHEREAS, Sammamish River Valley wine tourism relies in part on unobstructed views of working agricultural land to draw wine tourists; and

WHEREAS, agricultural land is a nonrenewable resource; and

WHEREAS, the citizens of King County voted in 1979 to fund a Farmland Preservation Program that includes the Sammamish River Agricultural Production District for the purpose of preserving farmland, agriculture, and open space (see <https://www.kingcounty.gov/depts/dnrp/wlr/sections-programs/rural-regional-services-section/agriculture-program/farmland-preservation-program.aspx>); and

WHEREAS, the average price of high-quality farmland in Washington has increased 25 percent in the last year, and nearly 50 percent in the last four years (*Seattle Times*, "Latest Washington real-estate gold rush: farms," July 20, 2016, <https://www.seattletimes.com/business/real-estate/latest-washington-real-estate-gold-rush-farms/>); and

WHEREAS, Washington has lost more than a million acres of farmland between 1997 and 2012 (https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/Washington/st53_1_001_001.pdf); and

WHEREAS, development has already made some Sammamish Valley agricultural acreage too wet to farm (*Attachment 2*); and

WHEREAS, King County has protections such as SO-120 (the Agricultural Production Buffer Special District Overlay, KCC 21A.38.130) to prevent upslope development from harming agricultural land but these protections have proven inadequate (*Attachment 3*); and

WHEREAS, Washington's Growth Management Act Goal 8, RCW 36.70A.020(8), encourages conservation of agricultural lands and discourages incompatible uses (*Attachment 4*); and

WHEREAS, King County's Countywide Planning Policy DP-57 discourages incompatible land uses adjacent to designated Resource Lands including agricultural land (*Attachment 5*); and

WHEREAS, The Washington Supreme Court has held that agricultural land must be protected under the Growth Management Act, *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543 (2000), recognizing that "allowing incompatible uses nearby impairs the viability of the resource industry" (referring to agriculture), *City of Redmond v. Central Puget Sound Growth Management Hearings Board*, 136 Wn.2d 38 (1998); and

WHEREAS, King County's Countywide Planning Policy DP-50 requires that new nonresidential uses in the Rural Area be limited to uses that are demonstrated to serve the Rural Area (*Attachment 6*); and

WHEREAS, the sprawling style of illegal uses can cause environmental harm to nearby agricultural land, and availability of suitable land inside the Woodinville city limits for such uses mean that expansion of the Urban Growth Boundary in order to accommodate such uses is unnecessary and contrary to the criteria identified in Countywide Planning Policies DP-16 and DP-17 (*Attachment 7*); and

WHEREAS, the Vision Statement in Woodinville's Comprehensive Plan recognizes the economic and cultural importance of healthy farmland and a healthy agricultural industry in the Sammamish Valley (*Attachment 9*); and

WHEREAS, the presence of approximately 100 wineries and tasting rooms, plus numerous breweries, distilleries, and cideries inside the Woodinville city limits demonstrates that wineries and tasting rooms can thrive while complying with GMA-mandated zoning and permitting requirements; and

WHEREAS, parking is insufficient during peak tourism hours in the City's wine districts;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, HEREBY REPEALS RESOLUTION NO. 483 AND RESOLVES AS FOLLOWS:

Section 1. The Woodinville City Council respectfully requests that the King County Council take actions that will ensure enforcement of current code in and around the Sammamish Valley.

The Woodinville City Council respectfully requests that code enforcement shift its standards closer to both the letter and spirit of the codes.

The Woodinville City Council regards code enforcement as a necessity for the continued existence of agriculture in the Sammamish River Valley. We regard any discussion of relaxing code as compounding what is already a very real threat to the continued viability of Sammamish River Valley agriculture.

Section 2. The Woodinville City Council respectfully requests that King County Council not only preserve all Agricultural zoning, but also increase the protections on upslope Rural land, because the current protections have proved inadequate.

Agriculture has value in its own right, as affirmed by King County voters when they approved the Farmland Preservation Program in 1979. It is also the basis for Woodinville wine country tourism: without the country aesthetic that the farmland provides, there is no Woodinville wine country.

Preserving Agricultural zoning is necessary, but not sufficient. Upslope development has already made some Agricultural acreage too wet to farm (*Attachment 2*). This indicates that the existing protections that apply to nearby Rural land, such as SO-120, are insufficient and should be strengthened, broadened in the scope of development and permitted uses covered, and extended to cover more geographic area. Preserving farmland, agriculture, and farmers means that current proposals for Rural land, including retail overlays, relaxed permitted uses, Urban Growth Boundary amendments, rezones, relaxed definitions, relaxed standards, and any other changes that allow urban activities upslope of Agricultural zoning should be rejected by the King County Council on the grounds that they have already harmed, and are likely to further harm, agriculture and farmers in the Sammamish Valley.

Section 3. The Woodinville City Council respectfully requests that the King County Council preserve views of working agricultural land from the roadways in the Sammamish River Valley.

Unobstructed views of productive farmland are essential to the ability of the Sammamish Valley to draw tourists; places like Seattle already have numerous production wineries much closer to the homes or lodgings of wine tourists. Therefore, developing the parcels along the roadside between Woodinville and Redmond not only damages the feasibility of using the land for agricultural uses by increasing runoff, but also erases tourism value of the Sammamish River Valley by obscuring the views that attract tourists.

Section 4. The Woodinville City Council respectfully requests that the King County Council set a higher bar for initiating consideration of relaxation of existing protections for the Sammamish River Valley every four years, as even such studies destabilize agricultural land prices, thereby jeopardizing agriculture in the Valley (*Attachment 1*).

Section 5. The Woodinville City Council commits to continuing to make Woodinville a hospitable host for manufacturing and sale of alcoholic beverages.

The City of Woodinville hosts approximately 100 wineries, breweries, distilleries, and tasting rooms inside its city limits – a strong indication that its land use codes are a good fit for the industry. The City is currently reviewing its zoning code, permitted uses, and permitting processes to identify opportunities for making the area inside the city limits (inside the Urban Growth Boundary) even more inviting to the wine and beverage industries.

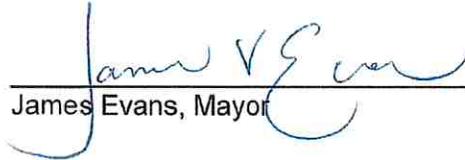
The overwhelming majority of the wineries and tasting rooms in Woodinville wine country operate successfully within the Woodinville city limits. With nearly 190 acres of vacant and redevelopable commercial land inside the city limits, there is ample space for every winery in the state of Washington to have a tasting room inside the Woodinville city limits (*Attachment 8*).

The commercial or industrial-scale manufacture and sale of wine, as with any other product being manufactured and sold at such a scale and at a location other than where the raw materials are grown, are fundamentally urban activities. The fact that so many wineries are conducting these urban activities successfully in Woodinville is proof that the industry can not only survive, but thrive in an urban setting.

Section 6. The Woodinville City Council respectfully requests that the King County Council explore ways to provide public transit and alleviate parking shortages in Woodinville's wine districts.

No public transit serves Woodinville's wine districts. This forces tourists to visit by private vehicles, causing even more demand for parking than most commercial districts experience. Woodinville receives many requests by tourist-oriented business owners for transit service. We are grateful for Metro's current Alternative Services study. We ask that the King County Council also consider adding fixed-route service serving Woodinville's Park & Ride and covering Woodinville's downtown, Hollywood, West Valley, and North Industrial wine districts. This fixed route service would complement King County's ongoing efforts to better utilize existing park & ride facilities by transporting tourists, local employees, citizens, and transit-dependent individuals from available remote parking to their destinations throughout the City.

RESOLVED this 15th day of January 2019.


James Evans, Mayor

ATTEST/AUTHENTICATED:


Katie Hanke, City Clerk

Passed by the City Council: 01-15-2019
Resolution No. 532

**Summary of Available/Recently Sold Property
In Woodinville Wine Country**

Current Owner	Property Address	Parcel Number	Acres	Assessor's Appraised Value	Asking Price	Asking Price Differential	Listing Price Source	Sale Price
Walker	13229 Woodinville Redmond Rd NE	2326059024	4.00	\$557,000	\$10,000,000	1695.33%	Annie McKenzie-Mutch (Agent)	
Carlson	15132 148 th Ave NE	3407700011	4.15	\$371,000	\$2,600,000	600.81%	Windemere Real Estate	
Brown	16725 140 th Ave NE	1026059031	7.98	\$715,000	\$3,000,000	319.58%	North Pacific Properties	\$1,850,000
Zante	13425 NE 171 st St	1026059030	14.90	\$1,022,000	\$7,000,000	684.93%	Zante family comments to Woodinville Planning Commission	
Leone	14701 148 th Ave NE	1526059051	1.48	\$445,000				\$995,000

Comment originally submitted to the King County Council for the 2012 Comprehensive Plan update:

THE ROOT CONNECTION CSA

13607 Woodinville-Redmond Rd NE

PO Box 267

Woodinville Wa 98072

rootconnection.net

December 18, 2011

Re: Proposal to move the Urban Growth Boundary in the Sammamish Valley

I have been a farmer and farm manager in the Sammamish Valley for over 26 years. There are specific reasons why I am opposed to moving of the UGB, which I will address here.

Any change in density of lands surrounding farmlands to farms has an immediate and detrimental effect on farming production:

A number of years ago, new houses were built on the hill directly across from the Root Connection property, along with a new road leading up to those houses. The buildings, roads and driveways have been the direct cause of an extreme increase in runoff from the hill, which flows via piping underneath the Wood-Red Rd. and empties directly onto our farmland. This has resulted in appx. one-fourth of our acreage now being too wet to farm. ***Since our average annual production of vegetables on this farm is 11,250 lbs per acre, this means that 45,000 lbs (22.5 tons) of much needed food production has been lost – forever.***

Since the land this farm is on is in the Farmland Preservation Program, this loss is not only the farmer's loss, but a loss to all the citizens of King County who voted to tax themselves so that food could be produced here.

Similar problems have occurred at another property I manage, a 47 acre piece on the corner of the Wood-Red Rd. and NE 124th St. (commonly referred to as the "South 47"). Citizens formed an LLC to purchase this property, which was then put into the Farmland Preservation Program. The motivation was to make sure this property would always be farmed. **Unfortunately, due to increased building and commercial activities surrounding this farm, 9 acres are now too wet to farm, and drainage of the whole parcel has been affected.**

When will we stop using the lands that are needed to feed our population as a dumping ground for water run-off and the resulting contamination that results? Moving the UGB will destroy the surrounding farmlands, and it will not take long. We cannot keep nipping at the ends of the valley and expect the middle to survive. A healthy ecosystem has to maintain a certain size in order to function. Some of these properties considered in this ill-advised plan have wetlands or are adjacent to wetlands. I'm sure that proposals for dealing with that would be to push that water and runoff from increased building and pavement onto the neighboring farms, which would then cause flooding and pollution. Anyone who says this won't happen is not a farmer and really doesn't know what they are talking about. This would also leave the door open for these properties to be annexed to Woodinville, and we can see how well that worked out for the farmlands that used to exist in the valley.

Yes, yes, most folks who are wary of encroachment on farmland areas would bemoan the loss of "open space", "quality of life", "rural atmosphere", etc. And while these reasons are important for citizens who live in the area, as well as businesses such as some wineries and restaurants that depend on a somewhat picturesque landscape, the most important reason of all is to protect our food security in local food production. (As in "Agricultural Production District".)

If we can stop infringing on the APD, we will be able to protect the lands that remain. ***There is enough farmland available in the Sammamish Valley to produce over 12 million pounds of vegetables annually, enough to provide more than 80,000 people with 150 lbs each year.*** We just need some patience. We almost lost all our farmers 30 years ago, and it's taken that long for new farmers to make some of these lands productive again. It may take another 30 years before the majority of the parcels are actively farmed. Do we have to go the way of all those other valleys where the farmlands have been destroyed? That's how it happens – little by little – can we have the wisdom to learn from the past and be different?

Respectfully,

Claire Thomas
President, Roots of Our Times Cooperative

King County agricultural buffer

SO-120: Agricultural Production Buffer SDO

Summary

An agricultural production buffer special district overlay provides a buffer between agricultural and upslope residential land uses.

Story

Amended by Ord. 15028, 10/11/2004 (Map)
Amended by Ord. 15032, 10/11/2004 (Language)
Amended by Ord. 15326, 11/25/2005 (Map)

Description

Agricultural Production Buffer SDO

Development Condition Text

21A.38.130 Special district overlay - agricultural production buffer.

A. The purpose of the agricultural production buffer special district overlay is to provide a buffer between agricultural and upslope residential land uses. An agricultural production buffer special district overlay shall only be established in areas adjacent to an agricultural production district and zoned RA.

B. The following development standard shall apply to residential subdivisions locating in an agricultural production buffer special district overlay: Lots shall be clustered in accordance with K.C.C. 21A.14.040 and at least seventy-five percent of a site shall remain as open space, unless greater lot area is required by the Seattle-King County department of public health. (Ord. 15032 § 50, 2004; Ord. 12823 § 8, 1997).

https://www.kingcounty.gov/council/legislation/kc_code/24_30_Title_21A.aspx

Washington Growth Management Act

RCW 36.70A.020

Planning goals.

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW [36.70A.040](#). The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

...

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

King County Countywide Planning Policies

DP-57 Discourage incompatible land uses adjacent to designated Resource Lands to prevent interference with their continued use for the production of agricultural, mining, or forest products.

King County Countywide Planning Policies

DP-50 Except as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report), limit new nonresidential uses located in the Rural Area to those that are demonstrated to serve the Rural Area, unless the use is dependent upon a rural location. Such uses shall be of a size, scale, and nature that is consistent with rural character.

King County Countywide Planning Policies

DP-16 Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

- a) A countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non-residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area; or
- b) A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space
 - 1) is at least four times the acreage of the land added to the Urban Growth Area;
 - 2) is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area expansion; and
 - 3) Preserves high quality habitat, critical areas, or unique features that contribute to the band of permanent open space along the edge of the Urban Growth Area; or
- c) The area is currently a King County park being transferred to a city to be maintained as a park in perpetuity or is park land that has been owned by a city since 1994 and is less than thirty acres in size.

DP-17 If expansion of the Urban Growth Area is warranted based on the criteria in DP-16(a) or DP-16(b), add land to the Urban Growth Area only if it meets all of the following criteria:

- a) Is adjacent to the existing Urban Growth Area;
- b) For expansions based on DP-16(a) only, is no larger than necessary to promote compact development that accommodates anticipated growth needs;
- c) Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area;
- d) Follows topographical features that form natural boundaries, such as rivers and ridge lines and does not extend beyond natural boundaries, such as watersheds, that impede the provision of urban services;
- e) Is not currently designated as Resource Land;
- f) Is sufficiently free of environmental constraints to be able to support urban development without significant adverse environmental impacts, unless the area is designated as an Urban Separator by interlocal agreement between King County and the annexing city; and
- g) Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city's Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area Change.

Woodinville Buildable Lands Inventory

WOODINVILLE COMPREHENSIVE PLAN UPDATE | EXISTING CONDITIONS INVENTORY

Exhibit 2.4-17
Commercial Buildable Land by Zone, 2014 Analysis

Zone	Gross Acres		Net Acres	
	Vacant	Redevelopable	Vacant	Redevelopable
CBD	6.9	120.2	2.8	68.8
GB	16.3	38.9	7.9	23.9
NB	0.2	1.0	0.1	0.8
O	0.5	0.0	0.5	0.0
R-48/O	0.0	0.0	0.0	0.0
TBD	2.0	1.6	0.4	0.6
I	39.0	51.7	25.2	37.7
Total	64.9	213.4	36.8	131.8

Source: City of Woodinville, 2013; BERK, 2014

Net buildable acres represent the amount of land available for actual development after critical areas, market factors, right-of-way needs, and other factors are considered. Applying these factors nets the City 36.8 acres of vacant buildable land and 131.8 acres of buildable land in its commercial and industrial zones. Net buildable acres are used to determine the amount of additional building square feet and employment capacity a parcel can support given the current zoning.

Note #1: On December 31, 2015, a Development Agreement in Woodinville's Tourist Business District lapsed. This adds roughly 20 acres to the vacant land area in the Tourist Business District, for a total of 22 vacant acres in the heart of the Sammamish River Valley.

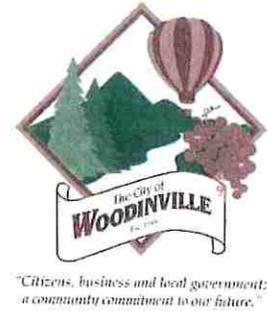
Note #2: Removing the acres unavailable for wineries or tasting rooms (NB, O, & R-48/O districts) and adding the 22 vacant acres described in Note #1, the total vacant and developable land for these type of uses within Woodinville City Limits is approximately 187.3 acres.

Woodinville Comprehensive Plan, Vision Statement

In the year 2035, Woodinville is a safe, welcoming, family-friendly, and diverse community that supports a successful balance of neighborhoods, parks and recreation, businesses, and tourism. We have preserved our Northwest woodland character, our open space, and our clean environment. Woodinville is a vibrant community in which to live, work, play, and visit. We have cultivated a compact, inviting downtown in which locally owned businesses can successfully establish and thrive. We have enhanced our ability to move about the community by all modes of travel. We have strengthened the agricultural and wine industries in Woodinville, the Sammamish Valley, and throughout the state by transforming locally sourced food, libations, and hospitality into an internationally renowned tourism experience.

October 17, 2018

King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104



Dear King County Council:

As you deliberate on the many details of the County's 2019-2020 Proposed Budget and work toward adoption in the coming weeks, the City of Woodinville hopes that you will consider the recommendations and thoughts below with regard to programs and related policies not yet adopted. One such priority issue is of great shared interest: fully and meaningfully addressing non-compliant, and in some cases scofflaw, businesses which potentially undercut the viability of the adult beverage industry.

With regard to proposed Ordinance 2018-0241 (aka "Adult Beverage Ordinance" or "Winery Legislation") \$50,000 has been proposed in the 2019-2020 omnibus budget ([page 505 of the draft budget book](#)) that would fund a six-month outreach effort to existing businesses and provide technical assistance to wineries, breweries, and distilleries to obtain compliance with County zoning codes and become eligible for business licenses throughout the permitting process. We believe this \$50,000 is insufficient to successfully implement Ordinance 2018-0241 and will undercut any chance of the legislation realizing its purpose.

The City requests that the County expand the scope of this outreach effort and its funding. Specifically, the County should consider fully implementing all enforcement provisions as detailed in the final adopted form of Ordinance 2018-0241 – from citation through revocation of business licenses for businesses that choose not to comply. Woodinville also requests the County increase the budget to cover a full-time enforcement officer for the three-year duration of the pilot programs in Overlay A and B. Outreach and enforcement will likely require the County's careful attention throughout the jurisdiction. Increasing the budget for enforcement will allow the County to conduct meaningful outreach and fully enforce these new regulations countywide. Consistent enforcement of the new regulations throughout the duration of the pilot program period will improve adherence and have the effect of creating a more level playing field that will allow existing legal businesses, as well as those participating in the pilot programs, to thrive.

While the City recognizes this request is significant, we believe that fully implementing and funding outreach and enforcement is critical to ensuring the new adult beverage regulations are successfully implemented and adhered to. The County Council's PRE Committee members, Woodinville City Council members, and neighborhood groups have repeatedly discussed the importance of enforcement, and the consequences of the lack of enforcement. As the County

Council is aware, affected employers, employees, residents, and visitors all have much at stake and thus smooth implementation of the new regulations is crucial.

Thank you, again, for considering the City of Woodinville's comments on these issues. We look forward to continuing our partnership with the County on this effort.

Sincerely,

CITY OF WOODINVILLE

James Evans
Mayor

A handwritten signature in black ink, appearing to read 'James Evans', written over the printed name.

cc: Jim Chan
Jenny Huston