
WINERY, BREWERY AND DISTILLERY CODE UPDATE COMMUNITY MEETING

JUNE 4, 2019

Councilmember Claudia Balducci
Councilmember Kathy Lambert

AGENDA

- Welcome & Introductions (Claudia Balducci & Kathy Lambert)
- Code Update Overview (Erin Auzins)
- Public Comment
- Closing and Next Steps (Councilmembers)

INTRODUCTIONS

- Councilmember Claudia Balducci, District 6
- Councilmember Kathy Lambert, District 3
- Erin Auzins, Council Central Staff

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WHY UPDATE THE CODE?

- Last comprehensive update to the regulations in 2003
- Regulations have not kept up with proliferation of wineries, breweries, cideries and distilleries
- Code difficult to comply with and to enforce in current environment

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TIMELINE AND PROCESS

Executive Branch

- Sammamish Valley Area Wine and Beverage Industry Study – Summer 2016
- Draft Ordinance Public Review – June 2017
- Final Report and Ordinance Transmitted to Council – April 2018

Legislative Branch

- Review by Committee – June 2018 to March 2019 – Moved out “Without Recommendation”
- Public Hearing – June 12, 2019 (notice issued May 2019)

Executive Branch

- SEPA Determination of Nonsignificance – May 2019

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EXISTING DEVELOPMENT REGULATIONS

- Life safety (building code, fire code, grading code)
- Minimum lot requirements (area, building site)
- Impervious surface standards
- Critical areas regulations - geologic hazards, steep slopes, wetlands, streams
- Endangered species
- Shoreline Management
- Stormwater and Surface Water Design Standards
- Public Health (On-Site Septic and Food Permits)
- and more...

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SPECIAL DISTRICT OVERLAY I20

- Created in 1997 to provide a buffer between agricultural and upslope residential land uses
- Requires the clustering of residential subdivisions
- Requires a clustered subdivision to maintain 75% of the site in open space
- Staff analysis is on-going to determine proposed code consistency with conditions in SO-I20

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WINERIES, BREWERIES AND DISTILLERIES (WBD)

- Production facilities licensed by the State Liquor and Cannabis Board
- May include additional production related uses such as vineyards, orchards, wine cellars or similar product storage areas
- On-site product tasting or retail sale of merchandise as authorized by State law is permitted at varying scales
- Does not include any retail liquor licenses
- Three definitions (WBD I, II, III) differentiated by size and scale
 - WBD I smallest, more limited (or prohibited) tasting and retail sales
 - WBD III largest, always require Conditional Use Permit

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TERMS

- Permitted Use
- Conditional Use Permit (CUP)
- Temporary Use Permit (TUP)

The following slides outline only the requirements for the Agriculture and Rural Area zones.

- Agriculture Zone (A)
- Rural Area Zone (RA)

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WBD IN AGRICULTURAL ZONE

- **Current**
 - WBDs only as accessory to agricultural activities, or with CUP
- **Proposed**
 - WBD I and II: must be as accessory to agricultural activities
 - WBD I - Not allowed, except as an “interim use permit,” which is renewable up to 5 years. Can use product content from Puget Sound Counties. Must transition to WBD II or cease use after 5 years.
 - WBD II – Permitted Use (CUP option to reduce setbacks)
 - WBD III – CUP required

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WBD IN RURAL AREA ZONES

- **Current**
 - WBDs permitted, with larger facilities requiring a CUP
- **Proposed**
 - WBD I - Permitted Use as residential accessory use (CUP option for setbacks)
 - WBD II – Permitted Use (CUP option for access and setbacks)
 - WBD III – CUP required

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DIMENSIONAL STANDARDS

Current

- Minimum lot size:
 - A zone - 4.5 acres only for larger WBDs
 - RA zone - 4.5 acres
- Maximum building size
 - Permitted – 3,500 sf
 - CUP – 8,000 sf

Proposed

- Minimum lot size:
 - WBD I - None
 - WBD II – 2.5 acres
 - WBD III – 4.5 acres
- Maximum building size
 - WBD I - 1,500 sf
 - WBD II – 3,500 sf
 - WBD III – 8,000 sf

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PRODUCTION REQUIREMENT

- **Current**
 - Not specified
- **Proposed**
 - At least two phases of production required to qualify as a WBD of any size. Production includes “crushing, fermentation, barrel or tank aging and finishing”

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PRODUCT CONTENT

- **Current**
 - 60% of product content required to be grown in Puget Sound Counties in RA and A Zones
- **Proposed**
 - A Zone – 60% of produce content required to be grown on site (WBD I interim use maintains Puget Sound Counties requirement)
 - RA – no product content requirement

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TASTING OF PRODUCTS FOR WBDS

- **Current**
 - Tastings of products allowed
 - Hours not specified
- **Proposed**
 - WBD I – No tastings in the A Zone or the Sammamish Valley. Allowed by appointment in Rural Area outside Sammamish Valley
 - WBD II & III - Tastings of products allowed
 - Hours where tasting is allowed: Monday – Thursday | 11am to 7pm
Friday – Sunday | 11am to 9pm
 - On-site sales allowed

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OFF-STREET PARKING

- **Current**
 - Minimum stalls – 0.9 per 1,000 sf, plus 1 per 50 sf of tasting area
 - Maximum stalls – 150% of minimum
- **Proposed** (WBD II and III)
 - Min stalls – 0.9 per 1,000 sq. ft., plus 1 per 300 sf of tasting/retail area
 - Max stalls – Either 150% of minimum, tasting retail area limited to 1 per 50 sf, or set through CUP

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SPECIAL EVENT MINIMUM REQUIREMENTS

- For WBD and remote tasting rooms, special events require a temporary use permit (TUP) when the event includes one or more the following:
 - Exceeds the permitted building occupancy
 - Utilizes portable toilets, temporary stages, temporary tents or canopies
 - Utilizes parking that exceeds the maximum number allowed or utilizes off-site parking
 - Utilizes traffic control for public rights-of-way
 - Extends beyond stated hours of operation

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SPECIAL EVENTS

- **Current**
 - 2 per month for wineries
 - 60 days per year for breweries and distilleries
- **Proposed**
 - WBD I – not permitted in A Zone; 2 per year, max 50 guests, no TUP in RA zone
 - WBD II – In A Zone, 2 per month with max 150 guests. In RA zone, 24 days within one year with max 150 guests
 - WBD III – Same as WBD II, except max 250 guests

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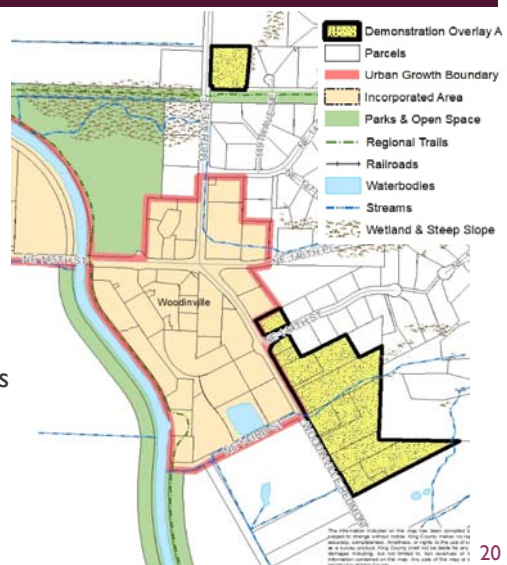
REMOTE TASTING ROOMS

- Small facility licensed by the State Liquor and Cannabis Board with a non-retail liquor license
- Production not required
- Retail liquor licenses not permitted
- Requires a County business license
- Can provide tasting from multiple wineries, breweries and distilleries
- Allowed in Community Business and Regional Business zones, and in Demonstration Project Overlay A

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DEMONSTRATION PROJECT A – REMOTE TASTING ROOMS

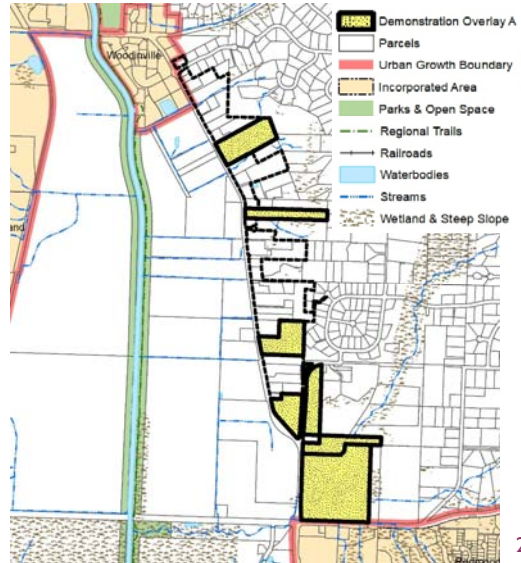
- Proposed in 3 areas: Sammamish Valley, Vashon Rural Town, Fall City Rural Town
- Purpose is to test effectiveness of mitigation strategies for remote tasting rooms with the rural area
- Applications accepted for 3 years, evaluation starts after 5
- 2 events per year, maximum 50 people, no TUP required
- Parking and tasting hours consistent with other WBDs
- Become legal nonconforming use after end of demo project
- 13 parcels in demonstration project in Sammamish Valley, 5 contain remote tasting rooms now



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DEMONSTRATION PROJECT B – SPECIAL EVENTS

- Proposed in Sammamish Valley
- Applies to 6 parcels that are 4.5 acres and larger
- Purpose is to test effectiveness of mitigation and permitting strategies for special events in the rural area
- Applications accepted for 3 years, evaluation starts after 5
- Allows consolidated review of CUP for WBD III and first TUP. Review fee for TUP is waived.
- Allows events up to 60 days per year, max 250 guests for single event, and notification to Permitting and the public
- Prohibits consolidation of lots to take use the demonstration project
- Must reapply for TUP under standard code after demo project



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NEW BUSINESS LICENSE

- **Current**
 - Not required
- **Proposed**
 - Required for all WBDs, remote tasting room, and nonconforming home occupation and home industry businesses to operate within unincorporated King County
 - \$100 fee each year
 - Good for one year, renewable
 - Limits a business license for WBD I interim use in the A zone to a maximum of five years at any one site

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CITATION PENALTIES

Citation Penalties	Current	Proposed
First violation	\$100	\$500
Each subsequent violation	\$500	\$1,000

Citation penalties are intended for standalone violations that can be resolved quickly

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CODE ENFORCEMENT

- Additional code enforcement resources under consideration:
 - Consultant support to create educational materials and help businesses come into compliance with the new code
 - Additional Code Enforcement Officers
 - Additional Prosecuting Attorney resources

- Resources decisions will be timed with final code decisions at Full Council

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EVALUATION

- Annual Reports for Demonstration Projects
- Final Evaluation for Demonstration Projects after 5 years
- Overall Efficacy of code update after 5 years
- Potential code changes based on outcome of evaluation

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PUBLIC COMMENT

- If you would like to testify pick up a number from staff
- Numbers will be called in batches of 5
- Line up behind the microphone
- Time limit per person
 - Yellow flag means 30 seconds left
 - Red flag means time is up

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NEXT STEPS & CLOSING COMMENTS

- ✓ Verbal testimony tonight
- Written comments may be submitted here:
<https://www.kingcounty.gov/council/issues/winery-code.aspx> by clicking the “Provide Comment” tab
- Official public hearing
 - June 12, 2019 at 10:30am
 - King County Courthouse, 516 Third Avenue, Room 1001, Seattle, WA 98104

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THANK YOU FOR COMING

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GLOSSARY OF TERMS

Permitted Outright: *P* in the permitted use tables. The use does not require a land use permit.

Development Conditions: The number in permitted use tables (e.g. *P3*). These conditions place limits on a permitted use.

Conditional Use Permit (CUP): *C* in the permitted use tables. A CUP is a “Type 2” land use permit that requires public noticing, SEPA, and a decision by the Permitting Director, appealable to the Hearing Examiner. As part of a CUP, conditions are applied to ensure compatibility with nearby uses. Criteria for approval are included in the code.

Temporary Use Permit (TUP): A TUP is a “Type 2” land use permit that requires public noticing and a decision by the Permitting Director, appealable to the Hearing Examiner. A TUP allows uses of limited duration or frequency. Criteria for approval are included in the code.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE		
SIC #	SPECIFIC LAND USE	A	F	M
	DWELLING UNITS, TYPES:			
*	Single Detached	P C12	P2	

State Environmental Policy Act (SEPA): A process that identifies and analyzes environmental impacts, including permits and legislation. SEPA requires a threshold determination be made on actions likely to impact the environment, and allows for mitigation measures to address adverse environmental impact.

Washington State Liquor and Cannabis Board (LCB) Licenses: The LCB issues licenses for retail and non-retail liquor uses. Retail uses include restaurants, bars, and grocery stores. Non-retail uses include wineries, breweries and distilleries. The LCB generally does not consider local land use law when issuing a License. The County has authority to regulate land use and life safety matters.

Legal Nonconformance: King County Code identifies a nonconformance as a use, improvement or structure established legally with the rules and regulations in place at the time of establishment but that no longer conforms to the current rules. The Code allows for continuation, maintenance, reestablishment, modification and expansion of legal nonconformance under limited circumstances. ²⁹

DEFINITIONS – EXISTING

Winery	An establishment primarily engaged in one or more of the following: A. Growing grapes or fruit and manufacturing wine, cider or brandies; B. Manufacturing wine, cider, or brandies from grapes and other fruits grown elsewhere; and C. Blending wines, cider or brandies.
Brewery	Establishments primarily engaged in manufacturing malt or malt by-products from barley or other grains.
Distillery	Establishments primarily engaged in manufacturing alcoholic liquors by distillation, and in manufacturing cordials and alcoholic cocktails by blending processes or by mixing liquors and other ingredients.
Remote Tasting Room	Not Defined

DEFINITIONS - PROPOSED

Proposed Definitions

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

DEFINITIONS – PROPOSED (CONT)

Proposed Definitions

Winery/ Brewery/ Distillery Facility III (WBD III)	<p>A 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 III may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas as authorized by state law, on-site product tasting and sales as authorized by state law and sales of merchandise related to products available as authorized by state law. "Winery, brewery, distillery facility III" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.</p>
Remote Tasting Room	<p>A small facility licensed by the Washington state Liquor and Cannabis Board and limited to the following non-retail liquor licenses: a Craft Distillery; a Tasting Room - Additional Location for a winery licensed as a Domestic Winery; or a Microbrewery, including, but not limited to, a Microbrewery operating in accordance with an off-site tavern license subject to the retail sale limitations for a Microbrewery in WAC 314-20-015(1). "Remote tasting room" does not include any additional privileges allowed for such licenses or approvals or any use that would require a license under chapter 314-02 WAC, except as specifically set forth in this chapter.</p>

PERMITS

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Permitted – as an accessory to agricultural use Conditional Use	Interim Use as residential accessory use, accessory to a primary ag use, and for period of up to 5 years (1 year plus 4 renewals) Must apply within 5 years of ordinance adoption After 5 years, not allowed	Permitted Use is conditional if setbacks to RA and residential zones are reduced to 25 feet	Conditional Use
Rural Area	Permitted Conditional Use	Allow as a residential accessory use. Use is conditional if setbacks to RA and residential zones are reduced to 25 feet	Permitted Conditional Use	Conditional Use

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MINIMUM LOT SIZE

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Permitted: None CUP: 4.5 acres when floor area is less than 6,000 sf 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	2.5 acres	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres
Rural Area	Permitted: 4.5 acres Permitted and CUP: 4.5 acres, and 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	2.5 acres	4.5 acres Except if floor area is over 6,000 square feet, the minimum lot size is 10 acres

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MAXIMUM BUILDING SIZE

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Permitted: 3,500 sf, except historic buildings CUP: 8,000 sf plus 8,000 sf for underground storage; on Vashon-Maury Island, 6,000 sf	1,500 sf	3,500 sf (historic buildings maximum is 5,000 sf)	8,000 sf; additional 8,000 sf for underground storage
Rural Area	Permitted: 3,500 sf, except historic buildings CUP: 8,000 sf plus 8,000 sf for underground storage; on Vashon-Maury Island, 6,000 sf	1,500 sf	3,500 sf (historic buildings maximum is 5,000 sf)	8,000 sf; additional 8,000 sf for underground storage

Note: Decks that are not occupied and not open to the public are excluded from aggregated floor area calculations.

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PRODUCTION/FACILITY LOCATION

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Not specified	At least two phases of production must occur on-site: crushing, fermentation, barrel or tank aging, and finishing Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes		
Rural Area	Not specified	At least two phases of production must occur on-site: crushing, fermentation, barrel or tank aging, and finishing Non-agricultural facility uses must be on portion of the property unsuitable for agricultural production purposes		

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PRODUCT CONTENT

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	60% of product content required to be grown in Puget Sound counties	Interim 5-Year Use: 60% of product content required to be grown in Puget Sound counties	60% of product to be processed must be grown on site.	
Rural Area	60% of product content required to be grown in Puget Sound counties	None		

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TASTING OF PRODUCTS

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Tasting of products produced on-site, and no extra floor area allowed for tasting	No tasting allowed	Tasting of products produced on-site only, and no extra floor area allowed for tasting On-site sale of items produced on-site and incidental items allowed.	
Rural Area	Tasting of products produced on-site, and no extra floor area allowed for tasting	Sammamish Valley: No tastings. Other areas: By appointment only within tasting hours.	Tasting of products produced on-site, and no extra floor area allowed for tasting On-site sale of items produced on-site and incidental items allowed.	
Hours for Tasting	Not specified	Mon-Thu: 11am – 7pm Fri-Sun: 11am – 9 pm		

SITE ACCESS

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Not specified	Direct access from an arterial		
Rural Area	Not specified	Not specified	Permitted: Direct access from an arterial CUP: Direct access from public roadway.	Direct access from an arterial

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OFF-STREET PARKING

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	0.9 per 1,000 sf, plus 1 per 50 sf of tasting area	One stall for non-resident employee + 1, plus 1 per 1,000 sf of area dedicated to WBD facility uses	0.9 per 1,000 sf, plus 1 per 300 sf of tasting/retail area	0.9 per 1,000 sf, plus 1 per 300 sf of tasting/retail area
	Maximum: 150% of minimum	Maximum: 150% of minimum	Maximum: 150% of minimum	Maximum set by CUP, tasting/retail areas should be limited to 1 per 50sf
Rural Area	0.9 per 1,000 sf, plus 1 per 50 sf of tasting area	One stall for non-resident employee + 1, plus 1 per 1,000 sf of area dedicated to WBD facility uses	0.9 per 1,000 sf, plus 1 per 300 sf of tasting/retail area	0.9 per 1,000 sf, plus 1 per 300 sf of tasting/retail area
	Maximum: 150% of minimum	Maximum: 150% of minimum	Limits tasting/retail parking to 1 per 50 sf	Maximum set by CUP, tasting/retail should be limited to 1 per 50 sf

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WATER

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	Permitted: Not specified CUP: Meet requirements for water and wastewater; water meters required for use of wells	Not specified		Must connect to existing Group A or Group B water system
Rural Area	Permitted: Not specified CUP: Meet requirements for water and wastewater; water meters required for use of wells	Not specified		Must connect to existing Group A or Group B water system

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SPECIAL EVENTS

Zoning District	Existing Code	WBD I	WBD II	WBD III
Agricultural	For winery: 2 per month and all parking must be accommodated on-site. For brewery and distillery: 60 days in a one-year period.	Not permitted	2 per month and all parking must be accommodated on-site or through parking plan Maximum guests: 150	2 per month and all parking must be accommodated on-site or through parking plan Maximum guests: 250
Rural Area	For winery: 2 per month and all parking must be accommodated on-site. For brewery and distillery: 60 days in a one-year period.	2 per year, maximum 50 permit, no TUP required	24 days within a one-year period and all parking must be accommodated on-site or through a parking plan Maximum guests: 150	24 days within a one-year period and all parking must be accommodated on-site or through a parking plan Maximum guests: 250

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HOME OCCUPATION AND HOME INDUSTRY

- Winery, Brewery, Distillery Facility I, II, III and remote tasting rooms not permitted as home occupation or home industry in any zoning district.
- Existing businesses operating as a home occupation/industry will have one year to comply with the zoning requirements to obtain legal nonconforming status
- Requires nonconforming home occupation/industry to obtain a business license from the County
- Allows 2 events per year, maximum 50 people, without a temporary use permit
- All other regulations remain in place

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EVALUATION

Annual Reports for Demonstration Projects

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

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EVALUATION – DEMONSTRATION PROJECTS

Final Evaluation for Demonstration Projects

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

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EVALUATION – OVERALL EFFICACY

- Evaluation of:
 - Citation and civil fine structure
 - Impacts of urban uses on rural character and adjacent rural uses and recommendations to reduce impacts
 - Surface Water and Stormwater Impacts
 - Product content requirement in the A zones
 - WBD I interim use in the A zone
- Required to be transmitted with the demonstration project final report.

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