Public Comments on Proposed Ordinance 2018-0241.3
Winery, Brewery Distillery Code Changes
October 7 to December 3, 2019
Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

1) Remove Demonstration Project Overlay A from the Sammamish Valley.

2) Require WBDs in the RA and A zones to conduct all 3 stages of beverage production as defined by the state, and limit sales to only beverages produced on-site.

The wine tourism industry in Woodinville is booming and doesn’t need County help in order to grow. There is plenty of space inside the Urban Growth Area for additional beverage retail outlets. In fact, beverage tourism relies on the Valley’s verdant open spaces and will be harmed by commercial development of the Valley.

Rampant land price speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health and safety issues are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

The latest Ordinance attempts to mitigate these damages by limiting the building sizes, parking, and hours of operation of the retail businesses to the point where they will not be able to operate effectively. You’ve heard as much from them. This approach, together with a lack of clarity in some parts of the Ordinance, will only lead to endless code enforcement battles. None of the goals the Ordinance sets out to solve will be met and we will be right back where we started.

Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,

Glen Manheim
14714 176th Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

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The rural feeling of the Sammamish Valley keeps the Country living in the Woodinville Area country. We already have sufficient outlets to get the "Buzz" without more wineries, et al. The rural designation was established years ago to protect the area and allow people to enjoy it, people to grow crops on it and to be a place of respite from the city. Lets keep and honor what previous generations had the foresight to establish for the future.

Sincerely,
Jane Manheim
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,

Paul Moritz
13801 171st Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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The Council should not support code violators and land speculators over the will of the people. Nor should it skirt the Growth Management Act which protects our designated APD farmland, watershed and Rural Area. Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,
Jason Childs
16454 NE 135th St
Redmond, WA 98052
Winery_Code:

FromUser: Ben Humphrey

EMail: humphrey.ben@gmail.com

addr1: 5622 NE 59th St

city: Seattle

state: WA

zip: 98105

MessageText: I am not in support of the discontinuation of distillery tasting rooms that do not also make wine or beer.

User IP Address: 10.84.2.22

User Software Client: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:69.0) Gecko/20100101 Firefox/69.0
Winery_Code:

FromUser: Elena Blagojevic
EMail: esuhome@hotmail.com
addr1: 1709 211th Way NE
city: Sammamish
state: WA 09874

MessageText: If this ordinance will lead to closure of the off-site wine tasting rooms - I STRONGLY OPPOSE IT!!! I will hurt greatly Washington winemakers, the city of Woodinville and all local business that exist because of the tourist traffic to Woodinville wine tasting rooms. Many local residents make their wine purchases through local tasting rooms ensuring that we buy local wines and support our state economy. As the majority of the vineyards are located in Eastern Washington, it is a great benefit to all of us in greater Seattle area to have remote tasting rooms. I am outraged to learn about the proposed changes and negative impact they may have on local businesses and residents!
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Andrew Brinkhaus
18100 NE 95th St Apt ii1041
Redmond, WA 98052
Winery_Code:

FromUser: Alexander Batishchev
EMail: abatishchev@gmail.com
addr1: 33306 NE 42nd St
city: Carnation
state: WA
zip: 98014

MessageText: Hello.
I strongly oppose the proposed changes. What language to use to express my objection? I oppose in the strongest terms. Why? Because it makes no sense to curb the wine tasting business on King County. Literally zero. All arguments to save the environment made by local farmers are basically nonsense. Who's saying, farmers? Oh, please. This is the industry that loves to pollute the environment. Just drive to Eastern Washington near all year around, look and smell how much this industry cares about the environment. Actually those are local land owners who don't care about anything other than their land, farms, property price, or whatever. Who's interests are you pursuing here exactly? The public interest of hundreds of thousands of people or of the private interest of tens of local land owners? Regardless whether they're rich or not, their interest must not overshadow the interest of the rest of the county's population. Are you a democratic stronghold or what? Be it! Wine making and tasting industry brings in taxes, funds for this county. How much revenue bring in the few of these farms? I don't think it's anywhere comparable. That being said, stay away from the tasting rooms in Woodinville. Spent your energy and time, means taxpayers' money, on something really necessary. There are so many issues in this county that truly require the attention of local elected officials. This one is not one of those.
Thank you.
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Robert Kaminski
6057 6th Ave NE
Seattle, WA 98115
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Sincerely,
Dominique France
14267 157th Pl NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Noah France
14267 157th Pl NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

Dear council members. We implore you to think of the community, our farmers, and our environment before anything else. This expansion can be detrimental to all.

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Sincerely,
Kaleigh Flynn-Rozanski
810 2nd Ave Apt 1
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

Hello,

I know you are putting a lot of thought and hours into hearing from both sides of the Adult Beverage Ordinance, so I wanted to take a moment and encourage you to read one more.

We have watched the Woodinville area change drastically in the past 10 years, and it breaks my heart. It used to be you could drive on 202, enjoy seeing the farms and valley. Now as you drive through the area you have to be highly aware of people who are out drinking their day away, who may or may not be watching where they are going. I don't have a problem with people going out to have some fun and grab a drink with friends, but the idea that these are "tasting rooms" seems to be a misnomer. Instead it is more like you are buying a flight of wine or a bottle and enjoying it. This wine is not even from the valley, it is being shipped in. This valley has already lost some awesome farms because of how hard it is to be in the agriculture industry, but with the property surrounding them becoming something other than farmland we are polluting the area. We want the farms in the area to succeed, buying our produce close to home is best for everyone, the environment and our health. Please consider reducing the impact on the land by minimizing the area for the drinking facilities and parking lots required to house those businesses so that we can continue to get local produce. Once the land has been taken away from rural farmland there is no going back.

Thanks,
Amanda

Sincerely,
Amanda Swann
10821 NE 147th Lane, P201
Bothell, WA 98011
Dear Supervising Legislative Analyst Erin Auzins,

Dear King County Council members,
Do any of you listen to what people who live in the area are saying about this issue?
I feel AS IF NO ONE IS LISTENING AND YOU DO NOT CARE. THE NEXT ELECTION WILL BE CRUCIAL TO GETTING ALL OF YOU REMOVED FROM OFFICE.

Best regards,
Carolyn Vache, homeowner for over 30 years

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Sincerely,
Auzins, Erin

From: Sabrina Poor <sabrinajoypoor@gmail.com>
Sent: Tuesday, October 8, 2019 9:53 AM
To: Auzins, Erin
Subject: The Sammamish Valley is at a tipping point – do the right thing and revise the Beverage Ordinance

Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Sabrina Poor
13305 Ne 171st St Apt L176
Woodinville, WA 98072
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Sincerely,
Stephanie Sullivan
16219 NE 135th St
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,

Rajee ramachandran
16904 NE 130th St
Redmond, WA 98052
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Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,

Stephen Douglas
18521 NE 191st Street
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Steven Doe
13324 174th Ave NE
Redmond, WA 98052
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Sincerely,
Vincent Tseng
13524 157th CT NE
REDMOND, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

1) One of the parcels (the most Northerly) is located in The Farm Community, the lot and house are subject to our CC&R's, they pay dues to The Farm Association and have the rights to use Farm amenities. How can you remove a parcel from our community? Is this an error? Remove Demonstration Project Overlay A from the Sammamish Valley. It is flawed and serves the violators, in this case The Farm real estate was recently purchased by Cave B.

2) Require WBDs in the RA and A zones to conduct all 3 stages of beverage production as defined by the state, and limit sales to only beverages produced on-site.

There is plenty of space inside the Urban Growth Area for additional beverage retail outlets. In fact, beverage tourism relies on the Valley’s ambience, the flower market, lavender farm, small local farms and farm stands. The large growing wine industry.

Land speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health and safety issues are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

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Sincerely,
Klm Prince
14343 157th Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Aslaug Haraldsdottir
14255 157th Pl NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Joan Kelleher
14634 138th Way NE
Woodinville, WA 98072
Dear Councilmember Balducci,

First of all, I want to thank you for the work you have done on the Beverage Ordinance.

I attended Monday’s COW meeting and listened carefully to the public testimony and Council discussion on the Beverage Ordinance, and to your statement that preceded the vote. I left the meeting discouraged and disillusioned, and have spent the last 24-plus hours trying to put my finger on why I feel the way I do.

I think it comes down to your statement that you believe the current ordinance strikes a good “balance” between the needs of farms/farmers and winery/brewery/distillery owners in the Valley. I agree that balance always sounds good, like a compromise, something that helps everyone a little bit. But I think you are wrong in this case.

Why are you looking to balance competing needs within this narrow stretch of the valley (Demonstration Project Overlay A)? When you look at the Valley as a whole — or indeed the greater Woodinville area — you can see that there are far more wineries/breweries/distilleries and tasting rooms than there are farms. Moreover, there are additional locations where WBDs could — legally — operate today, without any change to existing code. If some creative work was done on the west side of the Valley, locations could even be opened up to the river and to views of the farmland on the east side without putting that farm land at risk. So in my mind, your efforts to find balance are in fact tipping the scales dramatically and unfairly toward WBDs/tasting rooms.

Also, you flat out stated that you don’t believe the farmers, hydrologists and other experts who have testified that the ordinance will put their lands and therefore their livelihoods at risk, to say nothing of the rest of the Valley and the river. I have to ask, on what information do you base your contrary belief? And, as a taxpayer, I would like to know what will happen if you are wrong? Who will be liable for the damage that the farmers and other experts say will result from the development that will inevitably follow passage of the ordinance as it now stands?

There are other things that bother me, as I have stated in previous messages to you and the rest of the Council (the injustice of businesses that have operated illegally for years being “grandfathered in” to the new ordinance; the utter lack of enforcement of existing law, the potential violation of the Growth Management Act), but the above is what has been eating at me since yesterday.

One more thing, and this is where my disillusionment comes in. Although I didn’t keep a count, it seemed to me that the public testimony ran at least five to one against passage of the ordinance as it now stands, more if you take out the folks from Vashon Island. And yet eight of the nine of you voted to move the Ordinance forward, with only two, as far as I could tell, voicing any reservations. Something was going on there, but it didn’t look like democracy to me.

Karin Hsiao
Unincorporated King County resident
14710 NE 169th Street
Woodinville, WA 98072
Auzins, Erin

From: Susan MacGregor <seesue@gmail.com>
Sented: Tuesday, October 8, 2019 11:06 PM
To: Auzins, Erin
Subject: The Sammamish Valley is at a tipping point – do the right thing and revise the Beverage Ordinance

Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and vitally important farmland buffer areas. I am requesting that you:

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Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people and the preservation of the valley? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Please keep the Sammamish Valley rural - there aren't many like it left in our region.

Sincerely,
Susan MacGregor
16911 NE 95th
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
THOMAS NELSON
22325 NE 140th Way
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

I cannot believe that King county is allowing blatant rule breakers continue doing business in Sammamish Valley. We should not reward them. We should make them close shop and protect the valley.

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

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Sincerely,
justas vilgalys
18320 NE 204th Ct
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

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Please do the right thing for Washington's soil and for the future of its climate. While we can't always be at every meeting, Puget Sound's youth and students are watching.

Sincerely,
April Guerre
17610 Woodinville Snohomish Rd NE
Woodinville, WA 98072
Submit from: https://www.kingcounty.gov/council/issues/winery-code.aspx
Submitted at 9:35:04 PM, on Wednesday, October 9, 2019

Winery_Code:

FromUser: Jeff Clayton
EMail: jsclayton4@comcast.net
addr1: 28024 227th Pl SE
city: Maple Valley
state: WA
zip: 98038-5140

MessageText: Hello,
I wanted to voice my opinion that this measure should NOT be made a new ordinance in King County. There are thousands of workers, me included that would be harmed by this ordinance. This would also impact the Woodinville wine area tremendously since many tasting rooms do not produce on the West side and only produce in Eastern Washington. Having the tasting room over here makes it easier for consumers to try and purchase our products and to add to the county tax base. Without tasting rooms consumers will lose that ability to try and spend their money in the county. Do not kill off a viable business and do not take away these valuable jobs in the area.

Vote No on the new ordinance.

Sincerely,
Jeff

User IP Address: 10.84.2.22
User Software Client: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/77.0.3865.90 Safari/537.36
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Sincerely,
amanda uluhan
13325 ne 118th ct
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

Raised on a small family farm, I have sensitivity and knowledge of the issues the Sammamish Valley farm community is facing. Codes that limit the use of farmland limit its value and its productivity as well as the commitments of those who invested in and worked hard to develop and retain agriculture. Building tasting rooms and parking lots reduces our ability to produce food and limits the preservation of important agricultural land near where we live. WE NEED MORE LAND AND MORE PEOPLE DEVOTED TO PRODUCING FOOD THAT IS CONSUMED NEAR WHERE IT IS GROWN, NOT LESS! WE DON'T NEED TO BURN MORE FUEL AND POLLUTE MORE AIR IN ORDER TO HAUL FOOD LONG DISTANCES!

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Sincerely,
Jeanne Large
225 4th Ave A-203
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

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3) Environmental impact Statements must be completed.

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A property (4.8 acres) next door to us at 16408 ne 143th st is being sold as a potential tasting room for $1.2 million. "Build your dream equestrian property, family vineyard estate or tasting room. Feasibility study completed."

Rampant land price speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health, safety issues, and insurance rates are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

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Property (4.8 acres) next door to us at 16408 ne 143rd st. is being sold as a potential tasting room for $1.2 million on Zillow. "Build your dream equestrian property, family vineyard estate or tasting room. Feasibility study completed."

All our insurance, home owners', and liability (umbrella insurance) will sky rocket due to the invasion of population to these "event centers".

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Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,
Lydia Gladstone
16511 NE 145th st
Woodinville, WA 98072
To Whom it may concern,

I have been a resident of Woodinville for the last 4 years. In this short time, many things have changed, mostly for the better. Being situated on the outskirts of the Seattle metropolitan area, the days of Woodinville being in the “sticks” like it was in the 1980s and 1990s are long gone. The area’s economy has been growing since the tech era kicked into high gear in the mid-90s, giving people opportunities that they could only dream about: good paying jobs in relatively safe conditions that results in creating economic opportunities for restaurants, bars, grocery stores, boutiques, car dealers, mechanics, etc... It also creates traffic, demand for housing and industrial sites on precious land that puts pressure on rural land and open spaces. More change is coming. Seattle will only continue to grow out into the rural districts in the coming years.

The main question is how to manage this growth in a way that doesn't take away too much from the character of the area and make it another mindless, listless metropolitan area that has no soul.

As part of the planning council for the rural areas of King County, you have a difficult task. NIMBY folks want it the way it was 25 years ago. Developers and real estate speculators are pounding at your door to develop any piece of open space into a strip mall or new housing. Young families and the growing population are creating escalating home and retail real estate prices that benefits those who bought a few years ago, but are potentially hurting new market entrants like young families or college grads looking to start a family with high levels of debt. Everyone has a concern.

This is why I am writing, as a concerned citizen. For the last several years, the council has debated whether wineries operating outside of the previously rural designated zones along 202 in unincorporated King County can remain or should be shut down and put into compliance with old zoning ordinances. As someone who enjoys the ambiance and feeling that has been created with the wineries in this part of the county and within the Woodinville city limits, it seems it would be a huge mistake to chase good businesses that have carved out a niche in a rural area that keeps to the spirit of the setting and actually improves it for human use, without creating a concrete jungle. If we are to maintain a semi-rural paradise within a growing metropolitan area, these should be the model for doing it right.

I am strongly requesting that the council work with the property owners along 202, to keep what they've developed and work with them to model a growth model for other potential businesses that would be on this stretch, that keeps to the character of the area. Zoning should be amended to allow for controlled growth and businesses that will not create an urban zone that will destroy the rural character of the area. The current businesses are not ruining the area.

Thank you for your consideration,

David Otto
Woodinville, WA
Dear Council members,
I am a King County voter. I enjoy trips to Woodinville wine country. This vibrant area has grown because of widespread public interest and support. It includes large corporate wine making facilities, smaller warehouse based production facilities with tasting rooms, tasting rooms representing wineries from east of the mountains, breweries and distilleries with sales and tasting rooms, wine dealers representing wine from around the world, bakeries, restaurants and coffee places dedicated to keeping the wine folks and others in the community fed and watered. These businesses have grown and thrived organically, creating transportation and access challenges. Attempting to administratively manage this growth after the fact of such growth is neither fair nor smart. The winery and tasting room situation requires careful study, and ample grandfathering provisions. These businesses have been great long term neighbors and community supporters. Asking them to help create appropriate regulations for their area and businesses is a smart next step.

Thank you for your time,
Bob Owen
206-324-3495
Winery_CODE:

FromUser: Venlin J.Chan

EMail: venlinjosephchan@yahoo.com

addr1: 16338 140th Place NE

city: Woodinville

state: WA

zip: 98072

MessageText: Greeting,
Re: 2018-0241 Version 2 , Amendment 3
Dunn-1 TUP for events

Please delete the word of " existing " in line 51 so as to give the benefit/advantage to more lot owner of size bigger than 8 acres with access using arterial.
The amendment 3 as it is only applies to 5 existing WBDs.
I am an owner of 11.41 acres on arterial of 140th Place NE Woodinville.
I have withheld myself from starting a WBD business for years waiting for the code finalization. My WBD business plan includes a vital activity of holding events.
Thank you and regards,
Joseph Chan

User IP Address:10.84.2.22
User Software Client:Mozilla/5.0 (Windows NT 6.1; WOW64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/77.0.3865.90 Safari/537.36
Winery_Code:

FromUser: Norman LeMoine

EMail: nllemoine@blarg.net

addr1: 342 22nd Ave E
city: Seattle
state: WA
zip: 98112

MessageText: I am very concerned about the proposed changes in land use codes to allow wine/beer industry use of agricultural land near Woodinville. I would hate to see another travesty as we have witnessed in the Rainier Valley. I appreciate any help from the Council in preserving agricultural land. Please let me know of pertinent information and ways to become involved in decision-making regarding this issue.
From: VenLin Joseph Chan <venlinjosephchan@yahoo.com>
Sent: Friday, October 11, 2019 10:38 PM
To: Communications, Comments <council@kingcounty.gov>
Subject: 2018-0241 Version 2, Amendment 3 Dunn-1 TUP for events

Dear Councilmembers,

On the 2018-0241 Version 2, Amendment 3 Dunn-1 TUP for events

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Joseph Chan
Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

1) Remove Demonstration Project Overlay A from the Sammamish Valley.

2) Require WBDs in the RA and A zones to conduct all 3 stages of beverage production as defined by the state, and limit sales to only beverages produced on-site.

The wine tourism industry in Woodinville is booming and doesn’t need County help in order to grow. There is plenty of space inside the Urban Growth Area for additional beverage retail outlets. In fact, beverage tourism relies on the Valley’s verdant open spaces and will be harmed by commercial development of the Valley.

Rampant land price speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health and safety issues are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

The latest Ordinance attempts to mitigate these damages by limiting the building sizes, parking, and hours of operation of the retail businesses to the point where they will not be able to operate effectively. You’ve heard as much from them. This approach, together with a lack of clarity in some parts of the Ordinance, will only lead to endless code enforcement battles. None of the goals the Ordinance sets out to solve will be met and we will be right back where we started.

Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,
Nancy Anderson
26657 SE 31st St.
Sammamish, WA 98075
Dear Supervising Legislative Analyst Erin Auzins,

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Sincerely,
Kathleen Forman
17120 117th Ct NE
Bothell, WA 98011
Dear Supervising Legislative Analyst Erin Auzins,

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17120 117th Ct NE
Bothell, WA 98011
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Sincerely,
Rose Marie Gai
18109 155th Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

Wasn't it Executive Constantine, who pointed to farms like the Root Connection as proof that urban agriculture could work, supported by county laws and regulations? Does the county still support local farming? The Sammamish Valley is incredibly rich and fertile. Encroaching development that isn't legal, where they have to ask for laws to be changed to make it legal, rewards rule breaking and penalizes hard working farmers and their customers. I'm disappointed in my elected representatives.

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

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Sincerely,
Debra Ohman
11404 NE 103rd Place
Kirkland, WA 98033
Winery_Code:

FromUser: Lori Johnson
EMail: lori@wafoodtrucks.org
addr1: 336 36th st #212
addr2: Bellingham, WA 98225
city: bellingham
state: WA
zip: 98225

MessageText: By severely limiting the customer base at winery/brewery events, you are also limiting the customer base for the food trucks that have become very accustom to providing the food option for these non-food establishments and this will hurt the mobile food industry here in Washington.
Winery Code:

FromUser: Kevin Scott
EMail: kevin@k2scott.com
addr1: 15020 Northeast 144th Street
city: Redmond
state: WA
zip: 98052

MessageText: Please be advised that under the proposed ordinance, Parcel number 2481600120 which is currently included in the Remote Tasting Demonstration Project A does not meet the criteria required as having direct access to an arterial road. While this parcel does adjoin the arterial, it's access is via a residential street (NE 144th St) and therefore should be excluded from the Demonstration project.
From: Communications, Comments
Sent: Sunday, November 3, 2019 7:49 PM
To: Auzins, Erin
Subject: Form submission from: https://www.kingcounty.gov/council/issues/winery-code.aspx

Submitted at 7:48:54 PM, on Sunday, November 3, 2019

Winery_Code:

FromUser: Greg Wagner
EMail: theultimatemelt@live.com
addr1: 4957 Lakemont Blvd SE, Suite C-4, #261
city: Bellevue
state: WA
zip: 98006

MessageText: By severely limiting the customer base at winery & brewery events, you are also limiting the customer base for the food trucks that have become very accustomed to providing the food options for these non-food establishments and this will hurt the very popular mobile food industry here in King County.

__________________________________________________________________________
User IP Address:10.84.2.22
User Software Client:Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/70.0.3538.102 Safari/537.36 Edge/18.18362
Erin,

Please submit this document to the record for the Adult Beverage Ordinance 2018-0241.

Thanks,

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
Memo To: Chair Dembowski and King County Councilmembers  
CC: Executive Dow Constantine, Erin Auzins, Karen Wolfe  
From: Friends of Sammamish Valley  
Date: November 10, 2019  
RE: WBDs: The “Problem” is Enforcement – Not the Current Code

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable. The premise that Proposed Ordinance 2018-0241 “tightens-up” current code is also flawed. Unfortunately, some comments made during the Oct 7, 2019 COW meeting tend to accept these premises, which on closer examination are not supported by facts or data. (Exhibit D).

The problem is not in the current code; it’s in the failure to enforce it.

**Existing code for adult beverage businesses is clear.** (Exhibit A). Specifically, code states: “sales are limited to products produced on-site.” The eight Sammamish Valley violators all truck in product from their production facilities in Eastern Washington or elsewhere. None of them produce on site.

**Code enforcement can deal with the eight Sammamish Valley violators using this one clause alone. A new ordinance is not needed.**

**Home occupation code complaints can also be dealt with using existing code.** Some home occupation breweries in the South Sound have generated complaints because on-site drinking has grown to a scale that disrupts neighbors. Home occupation requirements that “sales of on-site services to patrons are arranged by appointment” and “one parking stall for patrons when services are rendered on-site” and “closing hours of 5pm on weekdays and 7pm on weekends” are sufficient to contain a small Rural Area home occupation brewery from turning into a full-scale pub. (Exhibit A).

**Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code.**

**Under the guise of “tightening up” code, the Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments – businesses not allowed under the current code.** It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. (Exhibit B). The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA. (Exhibit C).

**The Proposed Ordinance also increases WBD building sizes and reduces WBD minimum lot size from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.** (Exhibit B). A new analysis conducted on just one square mile of Rural Area reveals that 40 parcels could be converted to WBDs with up to 328,500 sq. ft. of alcohol production and sales space. (Exhibit F). The impact of the Proposed Ordinance throughout King County Rural and Agricultural Areas is significant.

**The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.”** For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. **Remote tasting rooms are not allowed at all under the existing code and should not be permitted in the Rural Area in the first**
place. Not to mention that of some of these constraints are extremely difficult to enforce once customers are on-site.

The Proposed Ordinance is completely inconsistent with decades of carefully upheld land use policy. It rewards a handful of persistent violators, some of whom have already proposed even broader commercial development for the Sammamish Valley farmland. (Exhibit E). **Rewarding violators drives further land speculation.** The County must take a very strong stand against the violators and speculators by upholding the Urban Growth Boundary, or our farmland and Rural Area buffers will be lost forever.

There may be some room for limited discrete improvements in the current code. **But a 100+ page, extremely confusing Ordinance that in effect opens up Rural and Agricultural Areas to retail development does not improve the current code.** Nor does it solve the real problem – lack of code enforcement.

Numerous constituencies including farmers, environmental organizations, legally operating businesses and residents from throughout the County have extensively documented all the negative impacts of the current violators and the Proposed Ordinance. **Adoption of the Proposed Ordinance could cause much harm before a court or the Growth Management Hearings Board would be able to intervene.**

Please vote **NO on the Proposed Ordinance.**
Exhibit A: Current King County Zoning

Definitions

“Winery”, “Brewery” and “Distillery” are defined, classified and regulated as manufacturing facilities. The primary activity of these facilities is manufacturing of wine, beer and distilled spirits. Any winery, brewery or distillery that requires a conditional use permit is “limited to processing agricultural products”.

Zoning Conditions

Businesses manufacturing wine, beer, and liquor (“Adult Beverages”) on Rural and Agricultural sites must meet certain conditions:

- On sites zoned Agricultural, manufacturing of Adult Beverages is allowed only as an accessory use. The primary use of the site must be farming or raising livestock. An “accessory use” is defined as being subordinate and incidental to the primary use.
- In both Rural and Agricultural Areas, floor area of structures used for processing may not exceed 3,500 square feet unless a conditional use permit is obtained. The area devoted to tasting shall be included in the floor area limitation.
- In Rural Areas the minimum lot size is 4.5 acres for facilities up to 3,500 square feet.
- Sixty percent or more of the products processed on Rural and Agricultural sites must be grown in Puget Sound counties.
- Whenever a conditional use permit is required, the following conditions must be met:
  - If the total floor area of structures exceeds 6,000 square feet in Rural and Agricultural Areas:
    - The minimum site size (two or more lots under common ownership) is ten acres; and
    - At least two and one-half acres of the site must be used for growing agricultural products.
  - The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in Puget Sound Counties.
  - Except on Vashon-Maury Island, the total maximum floor area for processing and all accessory uses is 8,000 square feet. A below-grade basement up to 8,000 square feet is also allowed. (Structure size limits exclude historic structures). On Vashon-Maury Island the floor area for processing and all accessory uses, including below-grade basements is limited to a total of 6,000 square feet (total above and below-grade).
  - Off-street parking is limited to one hundred and fifty percent of the minimum requirement. The minimum requirement is 0.9 of a space per 1,000 square feet of manufacturing area, plus 1 space per 50 square feet of tasting area.
Structures and areas used for processing must be set back a minimum of seventy-five feet from property lines adjacent to rural area and residential zones (excluding historic structures).

Tastings and Sales

- Manufacturing facilities may offer tastings of beverages produced on site. Beverages produced elsewhere may not be served.

- Manufacturing facilities are limited to sales of products produced on-site for consumption off site as an accessory use to the primary manufacturing land use. “Accessory Use” is defined as an activity that is subordinate and incidental to the primary manufacturing activity. Beverages produced elsewhere may not be sold.

Sanitation and Water Use

- Wineries, breweries and distilleries must comply with all health, water and wastewater regulations:

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

Winery Special Events on Agricultural and Rural Sites

- Limited to two events per month.
- All parking must be accommodated on site.
- A temporary use permit is required.

Home Occupation

Under King County Code, section 21A.30.080 the following restrictions, among others, apply to home occupation businesses in the Rural zone:

- No more than one nonresident employee shall be permitted to work on-site for the home occupation or occupations;
- In addition to required parking for the dwelling unit [the homeowners], on-site parking is provided as follows:
  - One stall for each nonresident employed by the home occupations; and
  - One stall for patrons when services are rendered on-site;
- There shall be no exterior evidence of a home occupation, other than growing or storing of plants or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time.
- Sales are limited to:
  - Mail order sales;
- Telephone, Internet or other electronic commerce sales with off-site delivery; and
- Items accessory to a service provided to patrons who receive services on the premises;
- On-site services to patrons are arranged by appointment;

- Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends.
Exhibit B: Ordinance Expands Alcohol Sales onto Rural and Agricultural Lands

Despite claims by King County to the contrary, the Proposed Ordinance does not “tighten up” regulations on alcohol sales and production. In fact, it significantly relaxes regulations in the current code as follows:

- **The Ordinance legalizes retail “Remote Tasting Rooms” in Demonstration Project Overlay A, in the Sammamish Valley Rural Area.**

This particular location could not be worse as it already serves as an ecological buffer for the farmland, protecting it from runoff from upslope residential activities and requiring 75% non-impervious surface. (SO-120 Agricultural Production District Overlay). Any number of WBDs can jointly operate their bars in one remote tasting room facility. These facilities have no production and are purely retail sales outlets. The name “Tasting” is a misnomer, as they can serve alcohol by the glass and bottle. “Demonstration Project” is also a misnomer as these locations become legally non-conforming after 5 years and are permanent.

It appears the primary reason for Overlay A is to legitimize five of the eight Sammamish Valley violators (Casa Felciana, Cougar Crest, Cave B, Forgeron, and Sky Mead). Yet, Overlay A contains 13 parcels and extends south well past the violators’ sites along Redmond-Woodinville Road. Are the Councilmembers aware that the southern-most parcel – a single family home – is owned by Greg Lill? Mr. Lill has proposed large-scale development of the Sammamish Valley (Exhibit E). His existing event center business in the Rural Area, Chateau Lill, directly benefits from the Proposed Ordinance, and the gerrymandered boundary obviously benefits him. It appears Overlay A has been tailored to facilitate expansion of Mr. Lill’s retail drinking establishment operations in the Rural Area, or at a minimum it certainly gives that impression.

- **The Ordinance legalizes sham WBDs that really operate as retail bars with no production.**

Until recently, wineries actually made wine, through all the steps of the production cycle: from crushing the grapes, to fermenting the grapes, blending and bottling. The same has been true for breweries and distilleries. And anyone who has walked into an actual winery, brewery, or distillery knows these manufacturing facilities use up lots of space for equipment.

But that is not the scenario the Proposed Ordinance legitimizes. A new “sham winery acting as a bar” business model has emerged.

One business in the Sammamish Valley Rural Area – Matthews – has decided to call itself a winery even though it only stores a couple of barrels in a back closet. Matthews is owned by Diane and Cliff Otis. Cliff is also a co-author on the proposed large-scale development of the Sammamish Valley. (Exhibit E). All their wine is trucked in from their state-of-the-art winery in Walla Walla. They use all their space in the Sammamish Valley location for a retail bar, as there is no manufacturing equipment. They serve wine by the glass and bottle, have live music and dancing, and bring food trucks and other entertainment on-site. They’ve been referred to online as a nightclub and they’re packed on a typical Friday night. They’ve recently served over 400 customers in just one day.

All of this is occurring in a location with no commercial infrastructure – no sidewalks, lighting, or turn lanes, and with no urban sewer hookup, but only grossly undersized holding tanks with no septic drain.
field whatsoever. The majority of their property serves as a parking lot, severely compacting the soils. This property sits in the SO-120 buffer zone, which is supposed to be rural land with 75% impervious soils, in order to protect downslope farmland from toxic runoff. Immediately across the road is an active organic vegetable farm.

Matthews has invented a new business model – a sham winery acting as a bar – which the County hasn’t had to deal with before. Today, the King County code classifies alcoholic beverage production as a manufacturing activity. Sales of beverages are an ancillary activity. Under current code, sales are limited to sales of products produced on-site.

The Proposed Ordinance removes the sentence on WBD manufacturing facilities in the current code that says they are “limited to sales of products produced on-site and incidental items where the majority of sales are generated from products produced on-site.” This sentence has been replaced with language that says: “tasting and retail sales of products produced on-site may occur....” The devil is always in the details. The new language does not specifically limit sales to products produced on-site and leaves the origin of some products open to possible interpretation. Why is the current, perfectly clear language being changed?

The Proposed Ordinance also attempts to redefine production by stating that a WBD must “conduct two stages of production such as crushing, fermentation, distilling, barrel or tank aging, and finishing. At least one of the stages of on-site production shall include crushing, fermenting, or distilling.” With this definition a winery can “ferment and finish” or “ferment and age” or “ferment and make up whatever stage they want to” and satisfy the definition. Wine can be fermented and aged in a barrel. Throw a couple of barrels in the back, truck in wine from elsewhere by arguing that is not dis-allowed in the Proposed Ordinance, and a sham winery is legal. This is exactly what Matthews is doing today and their operation will be legitimized under the Proposed Ordinance.

Most WBD businesses are looking for retail distribution in King County, not locations for production. Most will keep production in Eastern WA near to their source materials (e.g., grapes, grains) due to cost and quality reasons. KC legitimizes sham wineries in the Proposed Ordinance through the loopholes described above which generates a significant negative impact across 2.5 and 4.5-acre properties throughout rural King County. In a recent analysis of just one square mile of Rural Area near Redmond, it was determined that 40 parcels could be converted to WBDs, resulting in up to 328,500 sq ft of commercial space related to alcohol. In just one square mile. Within Rural Area neighborhoods. (Exhibit F) This can happen all over rural King County.

Over the last 18 months numerous organizations and individuals have repeatedly pointed out to the County that they need to require all stages of beverage production and limit sales and tastings to products produced on-site in order to prevent legitimizing WBD retail outlets across King County Rural and Agricultural Areas. If the Council does not fix the WBD definitions in the Proposed Ordinance the County will legitimize Matthews and the many new sham WBDs who will certainly follow this new business model.

- The Ordinance allows WBDs on 8+ acres an unlimited number of events with no mitigation process.
Today, WBDs are limited to 2 events per month and they must get at Temporary Use Permit (TUP), a process which allows for some input from the community and requires renewal that could be denied if the use is deemed inappropriate for the location. Temporary use permits are just that — temporary. They are not intended to permanently authorize a business activity that is not allowed by the applicable zoning. Under the current zoning code, TUPs must be renewed annually and the maximum number of consecutive renewals is five.

The Proposed Ordinance allows WBDs with an existing state liquor license for a Rural Area site that is eight acres or larger, to waive the TUP process, subject to certain setbacks and other restrictions. This means these businesses can permanently conduct an unlimited number of events, with up to 250 guests, with no process in place to review or mitigate uses that are incompatible with the surrounding area. Together with the loopholes in the WBD definitions described above, this really means that full-on event centers with no beverage production will be legitimized.

The waiver of the TUP requirement, added on at the last minute in the most recent KC Committee of the Whole (COW) meeting, is clearly designed for one business — Chateau Lill (owners: Greg & Stacy Lill) — a Sammamish Valley event center violator. At least four other locations may also be legitimized by this provision.

- **The Ordinance reduces the minimum lot size required for a WBD and increases the building sizes and allowed parking in the Rural Area and Agricultural zones**

The Ordinance includes a 44% reduction in the current minimum lot size required for a WBD from 4.5 acres in RA and A to 2.5 acres. Allowed building sizes are increased from 3,500 sq ft to 6,000 sq ft on 4.5-acre properties. The 3,500 sq ft buildings previously allowed on 4.5 acres are now allowed on 2.5 acres. Because parking lot size is tied to the size of the building, parking lot sizes also increase throughout the Rural Area and Agricultural zones. By reducing the lot size and increasing building sizes the Proposed Ordinance inappropriately increases the density of manufacturing activities, and with the fundamental flaws in the WBD definitions, retail outlets as well, in Rural and Agricultural Areas.
Exhibit C: Ordinance Incompatible with Infrastructure and Land Use Policies

If adopted, the proposed Adult Beverage Ordinance would allow businesses selling alcoholic beverages to expand into Rural and Agricultural Areas. The Ordinance will fundamentally change our system of land use regulation in King County by expanding impacts generated by retail facilities, customers, and traffic beyond Urban Areas onto Agricultural Lands and into Rural Communities.

- It will create needs in Rural and Agricultural Areas for sewer, water and stormwater facilities; require expanded streets and sidewalks; and increase needs for law enforcement.

- These needs for urban services exceed the capacity of the minimal public services and infrastructure provided in Agricultural and Rural Communities.

- Expanding retail activities outside of Urban Areas will require increased public spending on infrastructure and services that the County cannot afford, and that is contrary to the express policy stated in the KCCP that services should be kept at rural levels.

This fundamental expansion of land use impacts to Agricultural and Rural Areas is incompatible with the character and natural environment of these communities. If adopted, the repercussions of the Adult Beverage Ordinance will violate SEPA, the GMA, Countywide Planning Policies and the King County Comprehensive Plan, all of which mandate that the County preserve Agricultural Lands and protect natural systems and Rural character.
Exhibit D: Select Comments from 10/7/19 COW Meeting and Rebuttal

A recording of the KC Committee of the Whole (COW) meeting on October 7, 2019 is available at http://king.granicus.com/MediaPlayer.php?view_id=4&clip_id=7737. Councilmembers deliberated on the Ordinance starting at 1:14:58 on the recording. Below are some highlights from that discussion and a response to some of the more relevant statements.

CM Upthegrove asked what “allowable retail uses” in the RA and A zones are under current code and whether products are “required to be manufactured on-site.” Council Central Staff Erin Auzins confirmed for wine and beer that products are currently “limited to sales of products produced on-site.” Her response is consistent with the assertion we make throughout this document.

In a discussion of her amendment to increase the allowable “tasting” space in a WBD from 15% to 30%, CM Lambert said that in the original Executive version of the Proposed Ordinance a WBD owner “can use 100% in your property” [for tasting, of the square footage allowed for your WBD]. She argued going from 100% to 15% was too radical and that 30% was more reasonable.

Her argument is completely flawed and highlights a fundamental disconnect in the discussion. The Executive version does not say that 100% of a production facility can be used for tasting. No WBD today, under the current code, can dedicate 100% of their facility to retail tasting space. They need to actually produce alcoholic beverages because they can only sell what they produce on-site, and sales is an ancillary use to manufacturing the product. Production of alcoholic beverage requires large equipment which takes up lots of room. Anyone who has ever visited a real WBD knows this. The Executive version also requires that WBDs manufacture alcoholic beverages. CM Lambert can only be referring to the code violator Matthews as her baseline. Matthews illegally uses 100% of their space as a retail drinking establishment and event center. Starting with 100% as a baseline for the argument is nonsensical.

In her closing remarks CM Balducci said that it is time to move on and make a decision about the Ordinance. She continued to say that “anything we do with an Ordinance we can change with an Ordinance”, implying if we don’t get it right in this ordinance we can fix it with another one later. This is unfortunately and tragically untrue when it comes to land use and allowing commercial development in Rural and Agricultural Areas. Once land is paved over, it is paved over forever. There is no going back.

CM Balducci said, “we know what the on-the-ground impacts are of the current code. You can go out there and see it.” Again, this presumes the problem is with the current code. The “on-the-ground impacts” we see are created by code violators, illegally operating in disregard of the current code. The problem is lack of code enforcement of the current code, not the code itself, as discussed elsewhere in this document. This particular comment highlights another fundamental disconnect within the entire Proposed Ordinance discussion.

CM Balducci commented on some feedback she has received from the code enforcement division, as it related to the current code. She said she heard that “if the current code were enforced, winery and adult beverage businesses would not be required to conduct any stage of production of their product on-site.” While it is true that the current code does not specifically spell out which or how many stages of production are required to manufacture an adult beverage, the code does very clearly say that sales are limited to products produced on-site. So, if a WBD business is not actually making adult beverages on site, then it will have nothing to sell. Furthermore, sales are allowed only as an ancillary use to the
primary manufacturing activity. The problem is not that the existing code doesn't spell out the stages of production. The real problem is that the code enforcement division, for reasons that are unknown, did not use the on-site production requirement in the existing code to deal with businesses that are not producing and are very clearly trucking in product from elsewhere to sell.

CM Balducci stated that she believes a large part of the challenge [with negative impacts] in the Sammamish Valley is due to the presence of the City of Woodinville Tourist District, which lies in the middle of the Valley. What she failed to acknowledge, or perhaps recognize, is the fact that the Tourist District has commercial infrastructure. It is hooked up to the public sewer system, it has 3 roundabouts for ingress/egress, sidewalks and lighting. The hotel planned for development will also have underground parking. Comparing the impacts of urban use development in the Rural Area to similar development in a commercial area has to take into consideration the available infrastructure, or lack thereof.

The Tourist District is inside the Urban Growth Area (city). The Sammamish Valley RA and A lands do in fact abut this District. CM Balducci implies in her continued comments on the Tourist District that because its impacts are so great, the impacts created in the Rural Area by the Proposed Ordinance are minor in comparison, and that the Proposed Ordinance is “fair and balanced”. First, this ignores the point about infrastructure mentioned above, which greatly mitigates the impact of the Tourist District. More worrying, it ignores the whole point of the Growth Management Act which carves out specific areas for development within the Urban Growth Area (UGA), as delineated by the Urban Growth Boundary. Just because rural land is on the edge of the UGA where denser development exists, does not mean that less impactful urban use development on the rural land is OK. In fact, the opposite is true. The Urban Growth Boundary was put in place to prevent exactly this kind of “trickle, trickle” urban sprawl development.

CM Balducci stated that SEPA analysis is not required when proposed code is “more restrictive” than current code...as the rationale for why no environmental impact study was completed. The Proposed Ordinance allows remote tasting rooms in the Rural Area, WBDs on 2.5 acres, and unlimited number of events at certain WBDs. None of this is allowed under current code. The Proposed Ordinance is not more restrictive. She also said, in so many words, she doesn't believe there is going to be any significant environmental impacts from this Ordinance. She did not provide any evidence to support her claims. A SEPA analysis is a requirement for expansion of this nature in order to determine what, if any, environmental impacts will occur with changes to land use.
Exhibit E: Violators Commercial Vision for the Sammamish Valley

This recommendation is part of a submission to the King County PRE Committee Meeting on July 17, 2017. It was submitted by the names below, some of whom are Sammamish Valley violators, and is on the public record at https://www.kingcounty.gov/council/committees/Planning_Rural_Service_and_Environment.aspx

Recommendation for Sammamish Valley (area along Hwy 202/148th)

Because the Sammamish Valley is such a unique area, unincorporated county land surrounded by major municipalities and Sammamish Valley’s Agricultural Protection District, we believe you may need finer controls over what is allowed in this area. So, along with the definition and building further from the code changes noted above, we believe to really take advantage of the uniqueness the Sammamish valley, King County should really consider creating a Tourist overlay for this area.

We would recommend creating an Agritourist overlay similar to the Woodinville Tourist District:

- Stand-Alone, Wineries, breweries, distilleries, and other agricultural food stores including fruit and vegetable stands including administrative offices, grounds maintenance, gardens, visitor services, retail outlets primarily for products produced, public concerts, theatrical events, restaurants, as well as tastings events and facilities (remote tasting rooms). No restrictions on where product is grown or produced.
- Manufacture of arts and crafts provided at least 10% of floor area is devoted to retail.
- Manufacture of bakery, confectionary and other specialty food and kindred products provided that at least 10% of the products manufactured on site must be sold on site.
- Tourist related retail and commercial use; bike shops, miniature golf, delicatessens, art/northwest craft shops, and food stores limited to NAICS 4452.
- Theaters, museums, and outdoor performance centers with limitations
- Lodging facilities including but not limited to, bed and breakfast guest houses, lodges and inns, youth hostels, and campgrounds with limitations.
- Conference Centers
- Passenger Train Stations
- Parks, trails and recreation services providing rental of bicycles, roller skates or blades, canoes, kayaks, rowboats, and floatation devices
- Restaurants except drive-through facilities
- Antique stores and bookstores
- Art dealers and galleries

Roger Porter – Cherry Valley Winery
Cliff Otis – Matthews Winery & Tenor Wines
Greg Lill – Delille Cellars
Larry Lindvig – Pleasant Hill Cellars
Bob Spencer – Cinq Cellars

Also in support:
Paul & Kay Talbott – Owners of “Sky River Mead” property on Woodinville Redmond Rd.
Exhibit F: Ordinance Impact on One Square Mile of Rural Area

Impacts of KC Ord 2018-0241.3 on Rural Area Arterials, example
RA Lots on Rural Area Arterials greater than 2.5 acres*
Novelty Hill - 208th Ave NE - Union Hill -196th Ave Ne WBD II &Ill lots
Road Distance Approximately 4 miles, Area 1 square mile
WBD II lots 2.5-4.5 acres (3,500 sf structure) , WBD III lots = 4.5 to 10 acres (6,000 sf structure);
greater than 10 acres (8,000 sf structure)

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RA lots on Segment > 2.5 acres
13
131,500

208th Ave NE between Novelty Hill and Union Hill

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RA lots on Segment > 2.5 acres
15
98,500
### Union Hill Rd Frontage - between 208th Ave NE and 196th Ave NE

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| Total Lots on Segment > 2.5 acres | 6 | 52,500 |

### 196th Ave NE - between Union Hill and Novelty Hill

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| Total Lots on Segment > 2.5 acres | 6 | 46,000 |

### Total Properties

| Total Potential Commercial Space | 40 | 328,500 |

*Data Source: King County Map, Department of Assessments, property detail

$ Table illustrates potential for simplest subdivision for properties greater than 10 acres.
Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

1) Remove Demonstration Project Overlay A from the Sammamish Valley.

2) Require WBDs in the RA and A zones to conduct all 3 stages of beverage production as defined by the state, and limit sales to only beverages produced on-site.

The wine tourism industry in Woodinville is booming and doesn’t need County help in order to grow. There is plenty of space inside the Urban Growth Area for additional beverage retail outlets. In fact, beverage tourism relies on the Valley’s verdant open spaces and will be harmed by commercial development of the Valley.

Rampant land price speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health and safety issues are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

The latest Ordinance attempts to mitigate these damages by limiting the building sizes, parking, and hours of operation of the retail businesses to the point where they will not be able to operate effectively. You’ve heard as much from them. This approach, together with a lack of clarity in some parts of the Ordinance, will only lead to endless code enforcement battles. None of the goals the Ordinance sets out to solve will be met and we will be right back where we started.

Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,
Sue Juhre
13308 280th Ave NE
Duvall, WA 98019
Hello,

I am trying to track down some more detailed information in regards to the proposed changes that would occur as the result of this ordinance. I'm not sure who to talk to about my questions so I am reaching out generally in hopes of finding answers or being put in touch with someone who has those answers.

I work for a company based out of Woodinville that works with food and beverage production, specifically in the manufacturing of large equipment utilized in this industry. We work with a few different wineries in Woodinville, providing them with both equipment and parts to assist in their production.

It's come to our attention that the ordinance would put pressure on business operating a tasting room, unless it operated under specific guidelines and would also be required to do some production on site. In an effort to help our community and business partners, we were hoping to provide some equipment at a discount to local wineries, breweries and distilleries who were looking to protect themselves from the proposed changes. We're hoping that having some small scale production would help them classify their business as a "production facility" and they'd be able to escape some of the red tape surrounding the ordinance.

In order to do this, I need some more information on the proposed changes in order to show the businesses how our equipment could help. So, some of my questions are:

-What is to be required to be considered a "production facility"?

-How much "production" would a winery need to produce on site be find themselves categorized as a production site?

-How can these businesses protect themselves from these changes?
-How are tasting rooms opposing this?

-Are tasting facilities doing anything to protect themselves currently?

-How long until this change may or may not occur?

If someone has a chance to give me a call and enlighten me with some information, that would be greatly appreciated. Thanks for your help and I'll be in touch if I have more questions. Thank you for your time, it is very appreciated.
Dear Supervising Legislative Analyst Erin Auzins,

While the current Balducci version of the Adult Beverage Ordinance contains improvements over prior versions, there are still two significant flaws that permanently allow adult beverage retail outlets in the Sammamish Valley Rural Area neighborhoods and important farmland buffer areas. I am requesting that you:

1) Remove Demonstration Project Overlay A from the Sammamish Valley.

2) Require WBDs in the RA and A zones to conduct all 3 stages of beverage production as defined by the state, and limit sales to only beverages produced on-site.

The wine tourism industry in Woodinville is booming and doesn’t need County help in order to grow. There is plenty of space inside the Urban Growth Area for additional beverage retail outlets. In fact, beverage tourism relies on the Valley’s verdant open spaces and will be harmed by commercial development of the Valley.

Rampant land price speculation and environmental degradation from upslope toxic runoff are existential threats to the Valley’s APD farm businesses. Public health and safety issues are increasing because urban use businesses are operating where commercial infrastructure - such as sewer hookup, left turn lanes, sidewalks and lighting - does not exist. Rewarding code violators and opening the Valley to even more urban use will only increase the negative impacts.

The latest Ordinance attempts to mitigate these damages by limiting the building sizes, parking, and hours of operation of the retail businesses to the point where they will not be able to operate effectively. You’ve heard as much from them. This approach, together with a lack of clarity in some parts of the Ordinance, will only lead to endless code enforcement battles. None of the goals the Ordinance sets out to solve will be met and we will be right back where we started.

Why is the Council supporting the narrow interests of a handful of code violators and land speculators over the will of the people? Why is the Council skirting the Growth Management Act which protects our designated APD farmland, watershed and Rural Area? Please do the right thing and keep urban use businesses out of the Sammamish Valley Rural Area neighborhoods and farmland buffer areas.

Sincerely,

Rajee ramachandran
16904 NE 130th st
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

King County's remaining rural and agricultural lands are precious assets. The County has done a fairly good job of preserving these lands while allowing for appropriate use. I believe that the proposed ordinance, 2018-0241, does not meet that standard, and should be opposed.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
John Stewart
2419 E Spring St
Seattle, WA 98122
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
mia sullivan
16219 NE 135th St
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241. Thank you Susan Davis

Sincerely,
susan davis
15348 NE 140th Street
Redmond, WA 98052
From: Erica Swedberg <ericadawn33@yahoo.com>
Sent: Monday, November 18, 2019 2:51 PM
To: Auzins, Erin
Subject: The problem is NOT in the current code. It’s in the failure to enforce it. Vote NO on 2018-0241.

Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Erica Swedberg
17638 218th Ave NE
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

I fully support The Friends of Sammamish Valley position that the King County Council can amend the current Ordinance, to fix key language that allows for unnecessary and harmful expansion of bars into our rural and agricultural areas.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Helen Harris
20729 NE 156th St
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Mukund Sargur
13327 168 ave ne
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Stephen Douglas
18521 NE 191st Street
Woodinville, WA 98077
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Steven Doe
13324 174th Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Karin Doe
13324 174th Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

This honestly seems like a cash grab.

"Oh look! People are swarming to alcohol 'tasting' rooms! People with money. Let's make it easier for them to drink everywhere in this once-rural - what's that? STILL rural? Oh, we'll change that, don't you worry - community."

The foundational premise for “updating” the winery, brewery, distillery land use code is a incorrect and serves as a cover for establishing a cash grab for a few at the expense of the entire area. It is false narrative that current code is vague and unenforceable. It is not. I read this over and it was clear, thoughtful language from years of considering impacts - social, environmental, traffic - to this area. If you want to turn this rural valley into a wine and alcoholic beverage mecca for the region, then COME OUT AND SAY SO.

Anyway, the premise that the Proposed Ordinance “tightens-up” current code is also flawed. The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Alexander Bryant
17753 114th Court NE
Redmond, WA 98052

From: Alexander Bryant <stormbird@gmail.com>
Sent: Monday, November 18, 2019 3:54 PM
To: Auzins, Erin
Subject: The problem is NOT in the current code. It's in the failure to enforce it. Vote NO on 2018-0241.
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Like so many issues which confront us daily, paving over the Sammamish Valley with an excess of so-called wineries and their parking lots—all for a few dollars in someone's pockets—this ordinance is another. False arguments that it fixes things are used to justify a bad proposed ordinance (see above). As a youngster growing up in Bothell/Woodinville decades ago and earning summer work money on Zanassi’s truck farm just south of Woodinville, I am saddened by the County's ruination of this green space should this proposed ordinance pass. Please vote "No" on this ordinance. We need all the green space we can save.

Sincerely,
Jerry Rettig
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Dominique FRANCE
14267 157TH PL NE
WOODINVILLE, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Sharon Peach
15227 NE 160th St
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

WITH THIS VOTE YOU WILL BE DECIDING THE FATE OF KING COUNTY RURAL NEIGHBORHOODS AND FARM LAND. IN THE MIDST OF A CLIMATE CRISIS WE NEED TO PRESERVE AGRICULTURAL LAND, NOT LOSE IT.

PLEASE, PLEASE, PLEASE...

VOTE NO on Ordinance 2018-0241.

Sincerely,
Kathleen Forman
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Joachim Veith
12956 64th Ave NE
Kirkland, WA 98034
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Joan Foster
756 State St S Apt A
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Once land is paved over, it is paved over forever. There is no going back.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Aslaug Haraldsdottir
14255 157th Pl NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Andrew Green
1412 E. Columbia St
Seattle, WA 98122
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Suzanne Kingsley
16934 NE 131st Pl
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
John Shephard
13629 179th Ave. NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The winery, brewery, distillery land use code is not flawed, but should instead be enforced.

Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The Proposed Ordinance opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented. The expansion of alcohol retail outlets along SR 202 in the Woodinville/Redmond areas is a dangerous idea, as I have personally seen numerous close calls between the traffic and pedestrians walking carelessly (under the influence of alcohol) across the roundabouts. Any expansion of this situation is reckless and current establishments in that area should be held to the current land use code in order to reduce the presence of this dangerous situation which impacts on public safety.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

David Auman
16425 NE 170th Place
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Dave Malcham
13305 NE 171st St
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Please, please, please hear us. I’ve lived here all my life and watched the changes going on around us. I live here because it’s rural. Growth is necessary, I understand that. But these wineries are so out of control in our area. I’m scared to death Thursday-Sunday when I travel from my house and have to deal with all the people parked on the side (usually over the line) of the roads, walking anywhere they want. It’s just a matter of time before someone gets killed, then maybe someone will recognize how dangerous it is. Cars, traffic and wine drinkers are not a good mix in our little rural area. Please protect what little rural area we actually have. Please vote NO on ordinance 2018-0241
Thank you

Sincerely,
Christine Helbock
16607 NE 143rd St
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

I believe that current codes are sufficient to take action against violators. We need to start providing the code enforcement that has been so neglected.

This proposed ordinance only rewards those who have been allowed to violate the current code. If they are allowed to continue and if other proposed changes are allowed, our beautiful agricultural valley will be ruined! There are other areas nearby for drinking establishments and event centers, which should not be allowed in agricultural areas.

Please VOTE NO on Ordinance 2018-0241.

Kathy Schmitt

Sincerely,
Kathy Schmitt
16847 NE 172nd Pl
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

Hello,

I am a teacher so cannot miss school to attend the meeting on 12/4. I truly hope you will still consider my voice, that you will take into account the points made below.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Thank you,

Sara Suter

Sincerely,
Sara Suter
16316 170th Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Susan MacGregor
16911 NE 95th
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Carolyn Treadway
1951 Circle Lane SE
Lacey, WA 98503
Dear Supervising Legislative Analyst Erin Auzins,

The Sammamish Valley is one of the few remaining agricultural areas in King County that is available for producing food and capturing greenhouse gasses. We need food and green space for people who live here. We need to use this valuable land to feed us, not to sell more wine and beer.

Please don't zone this productive farm land for more businesses that sell alcohol, and don't build more tasting rooms and parking lots. 

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is expressly against the County’s Comprehensive Plan and the GMA.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Jeanne Large
225 4th Ave Apt A203
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Dallas Pasley
13838 162nd Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Jeff Jensen
15717 168th Ave NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Stephen Thompson
9050 Avondale Rd NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Melanie Wright
14261 157th Pl NE
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable. The code is not vague.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The Proposed Ordinance does not “tighten-up” current code. In fact, the Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA. SR 202 is a state maintained road and WSDOT has no plans to upgrade 202 to accommodate event centers.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Kerrie McArthur
13314 160th Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

Like each of you hard working Council members, I’ve deliberated over this issue for some time. As a winery owner and tasting room operator myself, I understand many of these issues first hand. I also sympathize with many of my colleagues. However hard this may be, the difficult decision must be made to protect land use that codes were meant to protect. I encourage you to vote as indicated below. Please protect the legacy of the valley for future generations. Retail incursion is not progress but blight.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Marcus smith
18417 NE 137th St
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

I endorse the following message and full heartedly oppose the proposed audit beverage ordinance. The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241. Upset and highly concerned Woodinville Citizen Laura Natusch

Sincerely,
Laura Natusch
17917 140th LN NE Apt 136
Woodinville, WA 98072
Dear Council Members Balducci, Dembowski, Gossett, Kohl-Welles, McDermott, and Upthegrove:

As the December 4 date approaches for the hearing on the beverage ordinance, 2018-0241, I'm writing to urge you to vote "No" on this very harmful ordinance.

This email focuses on an incorrect statement I've heard repeatedly from staff and councilmembers: that "the ordinance tightens up current code."

In some limited elements such as business hours this is true. But in several elements that have a significant environmental impact, the draft you will be considering on December 4 loosens current code in ways that benefit scofflaws and speculators, and invite abuse.

I believe the ordinance could be repaired to address these concerns, but my perception is that the Council as a whole does not have the will or the time to do so. Therefore, I ask you to vote "No" on the ordinance as a whole and perform any needed repairs, such as for the Vashon Island wineries, to the existing code.

I include two sets of more detailed information:

- Below is a list of the ways in which the ordinance loosens current code. Cumulatively, and applied across the entire county, these new give-aways lead to undesirable and unnecessary environmental impacts, for the benefit of one industry that is thriving, doesn't need the give-aways, and the give-aways are urban in nature and have significant environmental impacts. The disconnect -- the lack of need and the harm of the give-aways -- is the basis of my request for your "No" vote.

- Attached is a matrix of problems with the proposed ordinance, with specific, detailed references to their location in CM Balducci's draft striker. I've also attached CM Balducci's striker. As you can see, the list is finite but not trivial. It is this non-triviality that leads to my perception that a "No" vote is more realistic than amendments to the ordinance.

Read the list below for the fastest overview of the ways in which the ordinance loosens code. Refer to the attached problems matrix to locate the specific language that is at issue.

Kind regards,
As the ordinance has evolved, it loosens the existing code in many harmful ways which impact all Rural and Agricultural zoning in King County:

- **The proposed ordinance creates loopholes in the code that allow for "sham wineries" through the interplay of vague definitions and loophole-ridden permitted uses.** It fails to set a minimum threshold of production to qualify as a winery. It employs vague language that allows businesses to create their own definitions of production. It eliminates the requirement that product sold be produced on-site. It allows sales of wine -- any wine -- and "merchandise related to products available for tasting" -- an open invitation for abuse. As one result, wine businesses are already purchasing farms, taking them out of agricultural production. For example, *The Seattle Times* 10/27/19 issue reports: "Hansen bought an old honey-bee farm in Maple Valley with plans to start his winery, Washington State Wine said. He plans to open a tasting room there in early 2020."

- **The proposed ordinance reduces minimum RA lot size from 4.5 to 2.5 acres for development by the alcohol industry.** Thus hundreds of rural area properties throughout King County with direct access to an arterial will be effectively rezoned for the alcohol industry. Washington has 1,000 wineries looking to expand (*Seattle Times* 10/27/17), and the ordinance does not limit sales to in-state wineries or in-state wine. Any on a lot 2.5 acres or greater can be developed into a winery, brewery or distillery and allows "sham wineries" on preserved Agricultural land. As an example, a brief survey property records data indicate that in a single square mile in the RA zone outside Redmond, a total of 34 properties are eligible for conversion or redevelopment use as WBDs size II or IIIs, a potential total of over 280,000 square feet of alcohol-related building space could be built in just 1 square mile.

- **The proposed ordinance allows unlimited events on some rural parcels.**

- **For all parcels, both Rural and Agricultural, the parameters of events have been relaxed in ways that have significant impacts.** For example, with a "temporary use permit" that lasts for a year and can be extended for five years, a business can: a) exceed the permitted building occupancy set by the local fire department; b) exceed the parking limits set in this ordinance; c) extend business hours beyond the already generous hours
established by this ordinance.

- **The proposed ordinance sets tasting room hours that intersect commuting hours.** This turns production wineries into happy hour drinking establishments, and creates high numbers of unprotected left turns (and associated backups, congestion, and emissions) on rural roads during evening rush hour.

- **Proposed "Demonstration" Overlay A (in the Sammamish Valley) allows urban-style drinking establishments in agricultural buffer zones.** Overlay A violates the letter and spirit of the GMA, allows new impermeable surface in agricultural buffers, creates impervious surface area and runoff onto Ag land and fuels land speculation.

- **The proposed ordinance allows increased impervious surface and parking on all zoning, including SO-120 RA Agricultural Buffer Land.**

- **The runoff from new and expanded permitted activities degrades the water quality, turbidity and temperature of King County rivers, including major migratory routes for multiple salmonid species, including Chinook salmon, Coho salmon, Sockeye salmon, as well as Kokanee, Steelhead, and Cutthroat trout.** Chinook salmon and Steelhead trout are listed as threatened under the Endangered Species Act.

- **The proposed ordinance contains provisions that grandfather current violators, and grandfather "Demonstration" Overlay A regardless of the success of the "demonstration" or the number of past code violations and complaints.**

- **There has been no environmental review which examined the overall impact to King County.** Based on the claim that the ordinance does not loosen code, King County issued a Determination of Non-Significance (DNS) on their own SEPA Checklist for the Beverage Ordinance, which was done without environmental study. Thus “the responsible [County] official finds that the above-described proposal [the Beverage Ordinance] does not pose a probable significant adverse impact to the environment.” The County is concluding that allowing commercial development in our RA neighborhoods, on RA agriculture buffer lands, and on the APD farmland itself will have no significant environmental impact.
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION

On page 2, beginning on line 20, strike everything through page 127, line 2449, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Growth Management Act, including RCW 36.70A.130, requires that King County take action to review, and if needed, revise its Comprehensive Plan and development regulations implementing the Comprehensive Plan.

B. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.
C. Population growth, combined with the growing popularity of small producers and local sourcing within the adult beverage industry has created a need for: clarification regarding core industry functions versus other types of more intensive on-site special events that may help a developing business thrive and consideration of the planning requirements of the Growth Management Act, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas. Changes in state regulations have also occurred, driving a need to bring adult beverage industry development regulations up to date with state licensing allowances. In particular, a state winery allowance for off-site tasting created confusion for business owners regarding the interplay between state licensing requirements and county land use regulations.

D. This ordinance follows a multiyear study of the adult beverage industry, which included the 2016 King County Sammamish Valley Wine and Beverage Study. The study period was necessary to evaluate existing zoning regulations for the adult beverage industry in light of changes in industry practices, state licensing allowances and the growing popularity of adult beverage industry across King County and the state of Washington.

E. The changes made by this ordinance will help King County to prepare for and support the future of the adult beverage industry as it evolves in the region, to better implement and comply with the policies of the King County Comprehensive Plan ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth Management Act, and to minimize the ambiguities in existing development regulations that were identified in the study period. The changes are intended to improve clarity,
administrative efficiencies and enforceability while avoiding confusion for the industry
users that may have been caused by lack of consistency with state regulatory systems.

The ordinance adds additional protection for the Agricultural zone and provides guidance
on enhancing economic activity in the Rural Area zones while also honoring and
protecting rural character.

F. King County continues to support and foster agriculture, especially within the
five designated Agricultural Production Districts. King County also supports the adult
beverage industry and recognizes the synergistic relationship between the agricultural and
the adult beverage industries. The ordinance aims to establish a strong foundation for
moving both industries into the future. There is a historical and continuing crossover
between the agricultural industry and the adult beverage industry, including factors such
as agricultural uses providing aesthetic value and raw materials that support the adult
beverage industry; and the exposure, opportunity and market demand for agricultural
products that the adult beverage industry provides for the agricultural industry. This
ordinance recognizes competing and complimentary interests between the two industries,
and aims to provide a balance consistent with the Growth Management Act and the
Comprehensive Plan.

G. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-
677b, the adult beverage industry uses allowed by the ordinance support development of
new markets for local agricultural products and help ensure that agricultural production
districts continue to be economically viable and farmed into the future. By promoting
complimentary relationships with the adult beverage industry, these regulations will help
to improve access to locally grown agricultural products throughout King County.
H. Economic development policies in the Comprehensive Plan, including ED-102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. The ordinance aims to implement these Comprehensive Plan policies and is focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

I. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled
beverages, and wine in the county. The ordinance carefully follows this directive, and was developed over several years as the county considered existing and proposed regulations, balancing the differing needs and emerging trends of the agricultural and adult beverage businesses. The ordinance adds flexibility, maintains or reduces existing size and scale limits on adult beverage industry uses in the Agricultural zone and the rural area and adds new limits to enhance open and green space values and preserve the natural aesthetic which helps both industries grow.

J. The Comprehensive Plan addresses the Growth Management Act's requirement to plan for industrial uses. Plan Policy ED-211 encourages the county to "support programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," including through "[p]reventing the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." This ordinance recognizes that although King County has a finite amount of industrial land available, at their highest levels of intensity, some adult beverage businesses can grow to a level of mechanization, volume and intensity suited for the Industrial zone, but avoids funneling smaller, less mechanized, community-serving businesses into the county's limited Industrial zoned areas. Those smaller scale adult beverage industry uses are appropriately placed in more aesthetically pleasing areas, where rural community consumers and a healthy population of visitors to the county's many regional recreation and tourism opportunities can support economic success. This ordinance aims to avoid bringing low-impact, low-intensity adult beverage uses into limited Industrial zone spaces that are reserved for more intensive industrial uses.

K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small businesses." Although rapid industry growth has resulted in some adult beverage businesses becoming incompatible with rural character, this ordinance honors the sometimes competing Comprehensive Plan policies to support and retain existing small businesses with equally important policy to protect rural character by setting clear scope and size limits to protect the Agricultural zone and Rural Area zone. In the specific case of the previously untested remote tasting room use, which was recently created within state licensing provisions, the ordinance allows some small businesses to continue within limited rural area demonstration projects but also makes space available for remote tasting rooms in Community Business and Regional Business zones for those businesses that wish to expand their scope.

L. The Growth Management Act requires that rural development be contained and controlled to ensure the protection of rural character, assure the visual compatibility of rural development with the surrounding Rural Area and Natural Resource Lands, protect environmentally critical areas and habitat, and protect against conflicts with natural resource uses, such as farming, forestry and mining. Proximity to existing agricultural uses and rural area recreational destinations provide the raw materials and customer base to allow traditional small-scale adult beverage industry uses to thrive. The adult beverage industry relies on all of these elements to succeed. For example, the definition of agriculture in the Growth Management Act includes viticulture, an essential component of a winery use. Viticulture, and agricultural practices related to brewery and distillery uses and their associated processing and sales activities, are all examples of activities the Comprehensive Plan requires the county to protect.
M. The Comprehensive Plan describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics." For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "in the Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character, despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated winery district. Some of the regulations adopted as part of this ordinance, such as the various allowances for on-site tasting and retail sales associated with winery, brewery, distillery production facilities, vary across the different rural communities in unincorporated King County. Individual rural communities take different positions and have different priorities, and this is reflected in some of the regulations; however, generally a countywide lens was used for analyzing potential regulatory impacts on the wider rural area and natural resource lands.

N. Comprehensive Plan Policy R-201 defines the characteristics of rural character and the rural area. Four of these characteristics are particularly relevant to the changes made in this ordinance: "b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries," "d. Community small-town atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses of a size and scale that blend with historic rural development," and "i. Rural uses that do not include primarily urban-serving facilities."

O. Public testimony on this ordinance was consistent with Comprehensive Plan policy goals and included discussion of adult beverage industry uses as being community
gathering places, rural residents' desire to take advantage of economic opportunities created by the adult beverage industry and the need for solid customer bases to allow small businesses to thrive.

P. The county is required to balance protecting rural character and agricultural resources in diverse communities, with creating space for rural industries to thrive within those communities. Existing and proposed regulations of the adult beverage industry are designed for a size and scale appropriate for the rural communities they are located in, and add protections for the Agriculture zone and agricultural production district as well as measures that enhance enforceability of the regulations. This ordinance aims to implement Comprehensive Plan Policy R-204, which encourages "the retention of existing and establishment of new rural resource-based uses, with appropriate site management and that protects habitat resources" and Comprehensive Plan Policy R-205 which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location" are appropriate in the Rural Area zones.

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use appropriate for the Rural Area. These include uses that "[p]rove convenient local products and services for nearby residents," "[r]equire location in a Rural Area," "[s]upport natural resource-based industries" or "[p]rove recreational and tourism opportunities that are compatible with the surrounding Rural Area," as long as the use is "sited, sized and landscaped to complement rural character" and "prevent impacts to the environment and function with rural services including on-site wastewater disposal."
This ordinance implements the plan by creating clear regulations for the adult beverage industry, requiring uses to be sited, sized and landscaped to complement rural character, and by creating a business license so adult beverage industry uses can be better evaluated. Adult beverage uses provide convenient local products for rural residents, support agricultural resource-based industries, and provide new regional recreational and tourism opportunities.

R. The King County Code establishes standards for water facilities in K.C.C. Title 13. In part, those standards prioritize connection to Group A water systems, then to Group B water systems, followed by use of private wells, subject to specified criteria. As part of this ordinance, winery, brewery, distillery facility III uses in the A and RA zones are required to connect to a Group A water system. The requirement modifies a previously existing regulation for larger wineries, breweries and distilleries and replaces it with a clear standard that improves enforceability.

S. This ordinance protects the Rural Area and Agricultural zones by limiting on-site tasting of products and retail sales for winery, brewery, distillery manufacturing uses, and by allowing on-site tasting of products and retail sales only as accessory to production. This ordinance places a fifteen percent maximum on spaces devoted to on-site tasting of products and retail sales, in order to prevent potential traffic and noise sometimes associated with those uses, and to prevent the more intensive impacts that they can have on rural character and the agricultural production districts.

T. Other development regulations, including stormwater management, impervious surface, critical areas and landscaping requirements, remain in place and are unchanged by this ordinance.
U. Existing special district overlays and property-specific development conditions are in effect and add additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits impervious surface maximums for winery, brewery, distillery facilities in the A and RA zones to twenty five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

V. During the study period preceding adoption of this ordinance, many adult beverage industry uses were found to be unaware of local health and building codes.

W. This ordinance establishes a business license for the adult beverage industry to provide greater certainty about where adult beverage uses are located, so that King County agencies can more easily educate business owners and verify that they are in compliance with county land use, health and safety regulations.

X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations." One demonstration project is established by this ordinance. The demonstration project evaluates the presence of remote tasting rooms in Rural Area zoned land in the Sammamish valley. The demonstration project is located in
an area where businesses are supported by nearby small-scale agriculture and proximity to consumers, and relies on a pastoral setting and a rural sense of community for economic viability and traditional rural-based activities. The criteria for site selection for the demonstration project is based on existing levels of development on the property, lot size, current zoning, proximity to Agricultural zoned areas and agricultural production districts, proximity to local and rural industry-supportive uses and to areas in need of economic stimulus and availability of arterial access. Those criteria implement Comprehensive Plan policy direction to protect agricultural lands and rural character, and to provide rural economic opportunities. State Route 202 is a designated arterial designed to carry significant traffic loads and is not expected to reflect measurable impacts over loads already generated by existing Rural Area residents and businesses or related to the demonstration project. The selected location is an ideal place to test the demonstration project's ability to support businesses that are primarily nonurban in nature, to evaluate the benefits and to test impact mitigation strategies before adopting potential countywide regulations.

Y. Public testimony on this ordinance included discussion of congestion on local roads caused by population growth. With that concern in mind, the ordinance requires the largest winery, brewery, distillery facilities to be sited where there is direct access to an arterial, and that remote tasting rooms be tested where related vehicle trips will be directed to an existing state highway. Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are designed to accommodate higher traffic volumes, at higher speeds than local roads," and the county should "encourage such traffic to use highways or arterials whenever possible." This ordinance implements the plan's directive
by requiring larger or previously untested uses to utilize arterial roads. Further, the
parcels chosen for the remote tasting room demonstration project A in the Sammamish
valley are located directly on an arterial.

Z. The Comprehensive Plan states that "[t]he purposes of Rural Town
designations within the Comprehensive Plan are to recognize existing concentrations of
higher density and economic activity in Rural Areas and to allow modest growth of
residential and economic uses to keep them economically viable into the future."
Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers
for the Rural Area and Natural Resource Lands and may be served by a range of utilities
and services, and may include several or all of the following land uses, if supported by
necessary utilities and other services and if scaled and designed to protect rural character:
a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and
Natural Resource Lands population…c. Other retail, commercial, and industrial uses,
such as resource industries, tourism, commercial recreation, and light industry." Remote
tasting rooms are similar to other, more intensive uses contained within the stated
categories and may be appropriately located in Rural Towns. Other Community Business
and Regional Business zones, outside of Rural Towns, are located within the urban
growth area or have access to an arterial.

AA. The county is committed to providing fair, accurate and consistent
enforcement of the regulations adopted by this ordinance. The executive expects to
engage on-call consultants to conduct outreach and provide technical assistance to
businesses required to comply with the new regulations. It is anticipated that some
businesses may take several months to come into compliance. For businesses
progressing toward compliance with the ordinance, the county does not intend to begin enforcement proceedings for a minimum of twelve months after the effective date of this ordinance.

SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C. 6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties aggrieved by actions of the director pursuant to any business license ordinance. The examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the examiner shall be delivered to the director, who shall make them freely accessible to the public. All decisions and findings of the examiner shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and adult beverage businesses appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this ordinance) shall be filed in accordance with K.C.C. 20.22.080 and the hearing process conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this section do not apply to this subsection B.

C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and order or any action of the director by filing at the office of the director within seven days from the date of service of such order, a written appeal containing;

1. A heading in the words: "Before the Office of the Hearing Examiner";
2. A caption reading: "Appeal of .........." giving the names of all appellants participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

6. The signatures of all parties named as appellants, and their official mailing addresses; and

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix a date, time and place for the hearing of the appeal. The date shall be neither less than ten days nor more than sixty days from the date the appeal was filed with the director. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each appellant by the examiner either by causing a copy of the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence as is pertinent and material to the action of the director.

F. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.
G. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

SECTION 3. Sections 4 through 11 of this ordinance should constitute a new chapter in K.C.C. Title 6.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

For the purpose of this chapter, unless the context clearly requires otherwise, "adult beverage business" means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. A nonconforming home occupation and a nonconforming home industry is an "adult beverage business" for the purposes of this section.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 7. There is hereby added to the chapter established
in section 3 of this ordinance a new section to read as follows:

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

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

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

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

D. For businesses in the A zone, a signed statement that at least sixty percent of
the products to be used by the business are grown on-site, as prescribed under K.C.C.
21A.08.030 and 21A.08.080; and

E. For any adult beverage businesses attempting to demonstrate legal nonconforming use status under section 11.B. of this ordinance, operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, documentation sufficient to establish that the requirements of K.C.C. Title 21A have been met, and documentation of the county's response to the notice of application, if any.

NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

The director shall deny, suspend or revoke a license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of local services, permitting division receives notice that the state license issued to the business is suspended or revoked, or was not reissued, or if, after an investigation, the director determines that the proposed business location does not comply with K.C.C. Title 21A. A business owner whose application for a business license has been denied or whose license has been suspended or revoked may appeal the decision to
the office of the hearing examiner in accordance with K.C.C. 6.01.150.

NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

B. For any adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business
operator has taken substantial steps to document compliance with K.C.C. Title 21A.

Subsequent business licenses or renewals for such locations shall only be approved by the director if:

1. The requirements to establish a legal nonconforming use have been met;
2. The applicant has otherwise established a vested legal nonconforming use;
3. The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or
4. If the business has come into conformance with the winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted in K.C.C. 21A.08.070, 21A.08.080 or section 28 of this ordinance.

SECTION 12. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each hereby repealed.

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

Remote tasting room: 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.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, distilling, 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 tasting of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Winery, brewery, distillery facility II: A small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits and that includes an adult beverage production use such as crushing, fermentation, distilling, 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 tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law. "Winery, brewery, distillery facility II" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.
Winery, brewery, distillery facility III: 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, distilling, 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 tasting of products 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.

SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are hereby amended to read as follows:

A. Retail land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>C-Conditional Use</th>
<th>S-Special Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIC#</td>
<td>SPECIFIC LAND USE</td>
<td>RESOURCE</td>
</tr>
<tr>
<td>A</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>*</td>
<td>Building Materials and Hardware Stores</td>
<td>P23</td>
</tr>
<tr>
<td>*</td>
<td>Retail Nursery, Garden Center and Farm Supply Stores</td>
<td>P1 C1</td>
</tr>
<tr>
<td>*</td>
<td>Forest</td>
<td>P3 and P4</td>
</tr>
<tr>
<td>Category</td>
<td>Code</td>
<td>Column 1</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>Products Sales</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>* Department and Variety Stores</td>
<td></td>
<td>C14a</td>
</tr>
<tr>
<td>54 Food Stores</td>
<td></td>
<td>C15a</td>
</tr>
<tr>
<td>* Agricultural Product Sales (28)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Farmers Market</td>
<td></td>
<td>P24</td>
</tr>
<tr>
<td>* Motor Vehicle and Boat Dealers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>553 Auto Supply Stores</td>
<td></td>
<td>P9</td>
</tr>
<tr>
<td>554 Gasoline Service Stations</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>56 Apparel and Accessory Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>* Furniture and Home Furnishings Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>58 Eating and Drinking Places</td>
<td></td>
<td>P21 C19</td>
</tr>
<tr>
<td>* Remote Tasting Room</td>
<td></td>
<td>P13</td>
</tr>
<tr>
<td>* Drug Stores</td>
<td></td>
<td>C15 P15</td>
</tr>
<tr>
<td>* Marijuana retailer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>592</td>
<td>Liquor Stores</td>
<td>(P13)</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>593</td>
<td>Used Goods:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Antiques/</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secondhand</td>
<td></td>
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<tr>
<td></td>
<td>Shops</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Sporting</td>
<td>P22</td>
</tr>
<tr>
<td></td>
<td>Goods and</td>
<td></td>
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<tr>
<td></td>
<td>Related</td>
<td></td>
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<tr>
<td></td>
<td>Stores</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Book,</td>
<td></td>
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<tr>
<td></td>
<td>Stationery,</td>
<td></td>
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<tr>
<td></td>
<td>Video and Art</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Supply Stores</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Jewelry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stores</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Monuments,</td>
<td></td>
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<td></td>
<td>Tombstones,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and Gravestones</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Hobby, Toy,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Game Shops</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Photographic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and Electronic</td>
<td></td>
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<tr>
<td></td>
<td>Shops</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Fabric Shops</td>
<td></td>
</tr>
<tr>
<td>598</td>
<td>Fuel Dealers</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Florist Shops</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Personal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Supply Stores</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Pet Shops</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Bulk Retail</td>
<td></td>
</tr>
<tr>
<td>*</td>
<td>Auction</td>
<td></td>
</tr>
</tbody>
</table>
B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area.

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

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of five thousand square feet of gross floor area.

7. ((Repealed)) Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas.

8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.


11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. ((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site)) Permitted as part of the demonstration project authorized by section 28 of this ordinance.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

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

15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and

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

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

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

17. Repealed.
18. Repealed.

19. Only as:
   a. an accessory use to a permitted manufacturing or retail land use, limited to
      espresso stands to include sales of beverages and incidental food items, and not to include
      drive-through sales; or
   b. an accessory use to a recreation or multiuse park, limited to a total floor area
      of three thousand five hundred square feet.

20. Only as:
   a. an accessory use to a recreation or multiuse park; or
   b. an accessory use to a park and limited to a total floor area of one thousand
      five hundred square feet.

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

22. Only as an accessory use to:
   a. a large active recreation and multiuse park in the urban growth area; or
   b. a park, or a recreation or multiuse park in the RA zones, and limited to a
      total floor area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
    Industry No. 2431-Millwork and;
   a. limited to lumber milled on site; and
   b. the covered sales area is limited to two thousand square feet. The covered
      sales area does not include covered areas used to display only milled lumber.

24. Requires at least five farmers selling their own products at each market and
the annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

25. Limited to sites located within the urban growth area and:
   a. The sales area shall be limited to three hundred square feet and must be removed each evening;
   b. There must be legal parking that is easily available for customers; and
   c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26. a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.
   b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.
   c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.
   d. Whether a new retail marijuana activity complies with this locational
requirement shall be determined based on the date a conditional use permit application
submitted to the department of local services, permitting division, became or was deemed
complete, and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

SECTION 18. Ordinance 10870, Section 335, as amended, and K.C.C.
21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-Conditional Use</td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>RA</td>
</tr>
<tr>
<td>S-Special Use</td>
<td>CB</td>
<td>RB</td>
<td>O</td>
<td>I</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>Category</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>20</td>
<td>Food and Kindred Products (28)</td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/ Distillery Facility I</td>
</tr>
<tr>
<td></td>
<td>Winery/Brewery/ Distillery Facility II</td>
</tr>
<tr>
<td></td>
<td>Materials Processing Facility</td>
</tr>
<tr>
<td>22</td>
<td>Textile Mill Products</td>
</tr>
<tr>
<td>23</td>
<td>Apparel and other Textile Products</td>
</tr>
<tr>
<td>24</td>
<td>Wood Products, except furniture</td>
</tr>
<tr>
<td>25</td>
<td>Furniture and Fixtures</td>
</tr>
<tr>
<td>26</td>
<td>Paper and Allied Products</td>
</tr>
<tr>
<td>27</td>
<td>Printing and Publishing</td>
</tr>
<tr>
<td></td>
<td>Marijuana Processor I</td>
</tr>
<tr>
<td></td>
<td>Marijuana Processor II</td>
</tr>
<tr>
<td>28</td>
<td>Chemicals and Allied Products</td>
</tr>
<tr>
<td>2911</td>
<td>Petroleum Refining and Related Industries</td>
</tr>
<tr>
<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
</tr>
<tr>
<td>31</td>
<td>Leather and Leather Goods</td>
</tr>
<tr>
<td>32</td>
<td>Stone, Clay, Glass and Concrete Products</td>
</tr>
<tr>
<td>33</td>
<td>Primary Metal Industries</td>
</tr>
<tr>
<td>34</td>
<td>Fabricated Metal Products</td>
</tr>
<tr>
<td>35</td>
<td>Industrial and Commercial Machinery</td>
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<tr>
<td>351-55</td>
<td>Heavy Machinery and Equipment</td>
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<tr>
<td>357</td>
<td>Computer and Office Equipment</td>
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<td>36</td>
<td>Electronic and other Electric Equipment</td>
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<td>374</td>
<td>Railroad Equipment</td>
</tr>
<tr>
<td>376</td>
<td>Guided Missile and Space Vehicle Parts</td>
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<tr>
<td>379</td>
<td>Miscellaneous Transportation Vehicles</td>
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<tr>
<td>38</td>
<td>Measuring and Controlling Instruments</td>
</tr>
<tr>
<td>39</td>
<td>Miscellaneous Light Manufacturing</td>
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<tr>
<td>*</td>
<td>Motor Vehicle and Bicycle Manufacturing</td>
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<tr>
<td>*</td>
<td>Aircraft, Ship and Boat Building</td>
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<tr>
<td>7534</td>
<td>Tire Retreading</td>
</tr>
<tr>
<td>781-82</td>
<td>Movie Production/Distribution</td>
</tr>
</tbody>
</table>

B. Development conditions.

1. Repealed.
2. Except slaughterhouses.

3.a. (Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors;

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

c. Only allowed on lots of at least ((four)) two and one-half acres;

d. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in a building whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

f. In the A zone, sixty percent or more of the products processed must be grown on-site. At the time of the initial application under K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be
produced; (and)

f. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;

g. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;
i. Access to the site shall be directly to and from an arterial roadway;

j. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

k. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

m. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

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

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


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

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


10. Limited to boat building of craft not exceeding forty-eight feet in length.
11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12.a. (Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors) In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

b.((1) Except as provided in subsection B.12.b.(2) of this section, the aggregated floor area of structures and areas for (wineries, breweries and distilleries and any accessory) winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. (The floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground)) Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area; ((and

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

c. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the minimum site area shall be ten acres;
d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries, breweries and distilleries using water from exempt wells shall install a water meter;

d. Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries, breweries or distilleries specified in K.C.C. 24A.18.030, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

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

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

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

g. The facility shall be limited to processing agricultural products and) In the A zone, sixty percent or more of the products processed must be grown ((in the Puget Sound counties)) on-site. At the time of the initial application under K.C.C. chapter 6.xx
(the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be processed; ((and))

g. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of on-site production shall include crushing, fermenting or distilling;

h. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use:

i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
through 9:00 p.m.;

j. Access to the site shall be directly to and from an arterial roadway;

k. Off-street parking maximums shall be determined through the conditional use permit process, and should not be more than one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

l. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

n. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

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

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

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

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

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

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

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

17.a. (Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
Industry No. 2085-Distilled and Blended Liquors;

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

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

d-)) c. Tasting and retail sale of products produced on-site, and merchandise
related to the products produced on-site, may be provided in accordance with state law.

The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.(18.b.)17.a. of this section;

d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas;

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and

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

18. Limited to:

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

Millwork, as follows:

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

b. Only as an accessory use to a Washington state Liquor Control Board

licensed marijuana production facility on the same lot;

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

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

Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound

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

are imported onto the site; and

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

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

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

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

Clean Air Agency Notice of Construction Permit. All department permits issued to either
marijuana producers or marijuana processors, or both, shall require that a Puget Sound

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

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

29.a. Tasting and retail sales of products produced on-site, and merchandise related to the products produced on-site, may be provided in accordance with state law;

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

c. For winery, brewery, distillery facility uses that do not require a conditional use permit, off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas. For winery, brewery, distillery facility uses that do require a conditional use permit, off-street parking
maximums shall be determined through the conditional use permit process, and off-street parking for the tasting and retail areas should be limited to a maximum of one space per fifty square feet of tasting and retail areas;

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and
e. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32.

30.a. Only allowed on lots of at least two and one-half acres;
b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;
c. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;
d. Tasting and retail sales of products produced on-site may only occur as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be
limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

e. Access to the site shall be directly to and from a public roadway;
f. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
g. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);
h. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32;

i. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling; and

j. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious

31.a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;

b. Tasting and retail sale of products produced on-site and merchandise related to the products produced on-site may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

d. For brewery and distillery facility uses that do not require a conditional use permit, off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas. For brewery and distillery facility uses that do require a conditional use permit, off-street parking maximums shall be determined through the conditional use permit process, and off-street parking for the tasting and retail areas should be limited to a maximum of one space per fifty square feet of tasting and retail areas;

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and
f. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32.

32.a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;

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

c. One on-site parking stall shall be allowed for the winery, brewery, distillery facility use;

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

e. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;

f. No product tasting or retail sales shall be allowed on-site;

g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

h. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
whichever is less.

SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are hereby amended to read as follows:

A. Resource land uses.

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<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
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**B. Development conditions.**

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
a. as accessory to a primary mineral extraction use;

b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.

9. Limited to mineral extraction and processing:

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

b. that are located greater than one-quarter mile from an established residence;

and
c. that do not use local access streets that abut lots developed for residential use.

10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:

a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;

c. The director may require reuse of surplus structures to the maximum extent practical;

d. The director may require the clustering of new structures with existing
structures;

e. New structures or other site improvements shall be set back a minimum
distance of seventy-five feet from property lines adjoining rural area and residential
zones;

f. Bulk and design of structures shall be compatible with the architectural style
of the surrounding agricultural community;

g. New sewers shall not be extended to the site;

h. Traffic generated shall not impede the safe and efficient movement of
agricultural vehicles, nor shall it require capacity improvements to rural roads;

i. Agriculture training facilities may be used to provide educational services to
the surrounding rural/agricultural community or for community events. Property owners
may be required to obtain a temporary use permit for community events in accordance
with K.C.C. chapter 21A.32;

j. Use of lodging and food service facilities shall be limited only to activities
conducted in conjunction with training and education programs or community events
held on site;

k. Incidental uses, such as office and storage, shall be limited to those that
directly support education and training activities or farm operations; and

l. The King County agriculture commission shall be notified of and have an
opportunity to comment upon all proposed agriculture training facilities during the permit
process in accordance with K.C.C. chapter 21A.40.

11. Continuation of mineral processing and asphalt/concrete mixtures and block
uses after reclamation in accordance with an approved reclamation plan.
12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

   (1) passive recreation;
   (2) training of individuals who will work at the camp;
   (3) special events for families of the campers; and
   (4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.

d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to
the King County farmland preservation program or, if the development rights are
extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

e. The impervious surface associated with the camp shall comprise not more
than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
f. Structures for living quarters, dining facilities, medical facilities and other
nonagricultural camp activities shall be located in a camp center. The camp center shall
be no more than fifty acres and shall depicted on a site plan. New structures for
nonagricultural camp activities shall be clustered with existing structures;
g. To the extent practicable, existing structures shall be reused. The applicant
shall demonstrate to the director that a new structure for nonagricultural camp activities
cannot be practicably accommodated within an existing structure on the site, though
cabins for campers shall be permitted only if they do not already exist on site;
h. Camp facilities may be used to provide agricultural educational services to
the surrounding rural and agricultural community or for community events. If required
by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
community events;
i. Lodging and food service facilities shall only be used for activities related to
the camp or for agricultural education programs or community events held on site;
j. Incidental uses, such as office and storage, shall be limited to those that
directly support camp activities, farm operations or agricultural education programs;
k. New nonagricultural camp structures and site improvements shall maintain a
minimum set-back of seventy-five feet from property lines adjoining rural area and
residential zones;
l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;
m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent rural area and residential zoned property not associated with the camp;
n. New sewers shall not be extended to the site;
o. The total number of persons staying overnight shall not exceed three hundred;
p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;
r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;
s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;
t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel
may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.

13. Limited to digester receiving plant and animal and other organic waste from agricultural activities, and including electrical generation, as follows:

a. the digester must be included as part of a Washington state Department of Agriculture approved dairy nutrient plan;

b. the digester must process at least seventy percent livestock manure or other agricultural organic material from farms in the vicinity, by volume;

c. imported organic waste-derived material, such as food processing waste, may be processed in the digester for the purpose of increasing methane gas production for beneficial use, but not shall exceed thirty percent of volume processed by the digester;

and

d. the use must be accessory to an operating dairy or livestock operation.

14. Farm worker housing. Either:

a. Temporary farm worker housing subject to the following conditions:

(1) The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;

(2) Water supply and sewage disposal systems must be approved by the Seattle King County department of health;

(3) To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain
or in a critical area or critical area buffer; and

(4) The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the housing as temporary farm worker housing and that the housing shall be occupied only by agricultural employees and their families while employed by the owner or operator or on a nearby farm. The notice shall run with the land; or

b. Housing for agricultural employees who are employed by the owner or operator of the farm year-round as follows:

(1) Not more than:

(a) one agricultural employee dwelling unit on a site less than twenty acres;

(b) two agricultural employee dwelling units on a site of at least twenty acres and less than fifty acres;

(c) three agricultural employee dwelling units on a site of at least fifty acres and less than one-hundred acres; and

(d) four agricultural employee dwelling units on a site of at least one-hundred acres, and one additional agricultural employee dwelling unit for each additional one hundred acres thereafter;

(2) If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;

(3) The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-
round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;

(4) An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;

(5) To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed;

(6) One off-street parking space shall be provided for each agricultural employee dwelling unit; and

(7) The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.

15. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

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

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

c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and

g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

16. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis
Board marijuana license application process, shall be considered nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

c. Only allowed on lots of at least four and one-half acres on Vashon-Maury Island;

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

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

f. Production is limited to outdoor, indoor within marijuana greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.16.g. of this section; and

g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a fenced area or marijuana greenhouse, that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

h. Outdoor production area fencing as required by the Washington state Liquor
and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback of one hundred fifty feet from any existing residence; and

i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

17. Marijuana production by marijuana producers licensed by the Washington State Liquor and Cannabis Board is subject to the following standards:

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

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

c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

e. Production is limited to outdoor and indoor within marijuana greenhouses subject to the size limitations in subsection B.17.f. of this section;

f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area; and

g. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

18.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area; and

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square
foot threshold area on that parcel shall obtain a conditional use permit as set forth in subsection B.19. of this section.

19.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area.

20.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.21. of this section.

21.a. Production is limited to indoor only;
b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area.

22. Marijuana production by marijuana producers licensed by the Washington
state Liquor and Cannabis Board is subject to the following standards:

a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of five thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of ten thousand square feet, and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October
1. 2013; and

g. Outdoor production area fencing as required by the Washington state Liquor
and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
maintain a minimum street setback of fifty feet and a minimum interior setback of one
hundred feet, and a minimum setback of one hundred fifty feet from any existing
residence.

23. The storage and processing of non-manufactured source separated organic
waste that originates from agricultural operations and that does not originate from the
site, if:

   a. agricultural is the primary use of the site;
   b. the storage and processing are in accordance with best management
      practices included in an approved farm plan; and
   c. except for areas used for manure storage, the areas used for storage and
      processing do not exceed three acres and ten percent of the site.

24.a. For activities relating to the processing of crops or livestock for
commercial purposes, including associated activities such as warehousing, storage,
including refrigeration, and other similar activities and excluding ((wineries, SIC Industry
No. 2085 – Distilled and Blended Liquors and SIC Industry No. 2082 – Malt Beverages))
winery, brewery, distillery facility I, II and III and remote tasting room:

(1) limited to agricultural products and sixty percent or more of the products
processed must be grown in the Puget Sound counties. At the time of initial application,
the applicant shall submit a projection of the source of products to be produced;

(2) in the RA and UR zones, only allowed on sites of at least four and one-
half acres;

(3) (a) as a permitted use, the floor area devoted to all processing shall not exceed two thousand square feet, unless located in a building designated as an historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase in the processing floor area as follows: up to three thousand five hundred square feet of floor area may be devoted to all processing in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone; and

(b) as a permitted use, the floor area devoted to all warehousing, refrigeration, storage or other similar activities shall not exceed two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of floor area devoted to all warehousing, storage, including refrigeration, or other similar activities in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

(4) in the A zone, structures and areas used for processing, warehousing, refrigeration, storage and other similar activities shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

(5) structures and areas used for processing, warehousing, storage, including
refrigeration, and other similar activities shall maintain a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62.

b. For activities relating to the retail sale of agricultural products, except livestock:

(1) sales shall be limited to agricultural products and locally made arts and crafts;

(2) in the RA and UR zones, only allowed on sites at least four and one-half acres;

(3) as a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of covered sales area;

(4) forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;

(5) sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

(6) tasting of products, in accordance with applicable health regulations, is allowed;

(7) storage areas for agricultural products may be included in a farm store
structure or in any accessory building; and

(8) outside lighting is permitted if there is no off-site glare.

c. Retail sales of livestock is permitted only as accessory to raising livestock.

d. Farm operations, including equipment repair and related facilities, except

that:

(1) the repair of tools and machinery is limited to those necessary for the

operation of a farm or forest;

(2) in the RA and UR zones, only allowed on sites of at least four and one-half acres;

(3) the size of the total repair use is limited to one percent of the farm size in the A zone, and up to one percent of the size in other zones, up to a maximum of five thousand square feet unless located within an existing farm structure, including but not limited to barns, existing as of December 31, 2003; and

(4) Equipment repair shall not be permitted in the Forest zone.

e. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve reductions of minimum site sizes in the rural and residential zones and minimum setbacks from rural and residential zones.

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C.

21A.42.300 only if:

a. project is sited on lands that are unsuitable for direct agricultural production based on size, soil conditions or other factors and cannot be returned to productivity by

drainage maintenance; and
b. the proposed use is allowed under any Farmland Preservation Program conservation easement and zoning development standards.

26. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

a. adjoins or is within six hundred sixty feet of the agricultural production district;

b. has direct vehicular access to the agricultural production district;

c. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and

b. has a minimum lot size of four and one-half acres.

27. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

a. is outside the urban growth area,

b. adjoins or is within six hundred sixty feet of the agricultural production district,

c. has direct vehicular access to the agricultural production district,

d. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and

e. has a minimum lot size of four and one-half acres.

28. Only allowed on properties that are outside the urban growth area.

SECTION 20. Ordinance 10870, Section 407, as amended, and K.C.C.
A. Except as modified in K.C.C. 21A.18.070. B(1) through D, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>MINIMUM PARKING SPACES REQUIRED</th>
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</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL (K.C.C. 21A.08.030.A):</strong></td>
<td></td>
</tr>
<tr>
<td>Single detached/Townhouse</td>
<td>2.0 per dwelling unit</td>
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<tr>
<td>Apartment:</td>
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<tr>
<td>Studio units</td>
<td>1.2 per dwelling unit</td>
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<tr>
<td>One bedroom units</td>
<td>1.5 per dwelling unit</td>
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<tr>
<td>Two bedroom units</td>
<td>1.7 per dwelling unit</td>
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<tr>
<td>Three bedroom units or larger</td>
<td>2.0 per dwelling unit</td>
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<tr>
<td>Mobile home park</td>
<td>2.0 per dwelling unit</td>
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<tr>
<td>Senior citizen assisted</td>
<td>1 per 2 dwelling or sleeping units</td>
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<td>Facility Type</td>
<td>Requirement</td>
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<td>--------------------------------------------------</td>
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<tr>
<td>Community residential facilities</td>
<td>1 per two bedrooms</td>
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<tr>
<td>Dormitory, including religious</td>
<td>1 per two bedrooms</td>
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<tr>
<td>Hotel/Motel including organizational hotel/lodging</td>
<td>1 per bedroom</td>
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<tr>
<td>Bed and breakfast guesthouse</td>
<td>1 per guest room, plus 2 per facility</td>
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**RECREATION/CULTURAL (K.C.C. 21A.08.040.A):**

<table>
<thead>
<tr>
<th>Recreation/culture uses:</th>
<th>1 per 300 square feet</th>
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<tbody>
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<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Bowling center</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Golf course</td>
<td>3 per hole, plus 1 per 300 square feet of club house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
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<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
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<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
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<tr>
<td>Conference center</td>
<td>1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.</td>
</tr>
<tr>
<td>LAND USE</td>
<td>MINIMUM PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>GENERAL SERVICES (K.C.C. 21A.08.050.A):</td>
<td></td>
</tr>
<tr>
<td>General services uses:</td>
<td>1 per 300 square feet</td>
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<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Funeral home/Crematory</td>
<td>1 per 50 square feet of chapel area</td>
</tr>
<tr>
<td>Daycare I</td>
<td>2 per facility</td>
</tr>
<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
</tr>
<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</td>
</tr>
<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Secondary schools</td>
<td></td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td><strong>Vocational schools</strong></td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td><strong>Specialized instruction Schools</strong></td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td><strong>Artist Studios</strong></td>
<td>.9 per 1,000 square feet of area used for studios</td>
</tr>
<tr>
<td><strong>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Government/business services uses:</strong></td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td><strong>Exceptions:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Public agency yard</strong></td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td><strong>Public agency archives</strong></td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td><strong>Courts</strong></td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td><strong>Police facility</strong></td>
<td>(director)</td>
</tr>
<tr>
<td><strong>Fire facility</strong></td>
<td>(director)</td>
</tr>
<tr>
<td><strong>Construction and trade</strong></td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Activity</td>
<td>Minimum Parking Spaces Required</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Warehousing and storage</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Self-service storage</td>
<td>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</td>
</tr>
<tr>
<td>Outdoor advertising services</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Heavy equipment repair</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES REQUIRED**

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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Minimum Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail trade uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Source Description</td>
<td>Unit and Minimum Per Area</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Remote tasting rooms</td>
<td>1 per 300 square feet of tasting and retail areas</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Source Description</th>
<th>Unit and Minimum Per Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing uses</td>
<td>0.9 per 1,000 square feet</td>
</tr>
<tr>
<td>Winery/Brewery/Distillery Facility II and III</td>
<td>0.9 per 1,000 square feet, plus 1 per (300) square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

**RESOURCES (K.C.C. 21A.08.090.A):**

<table>
<thead>
<tr>
<th>Source Description</th>
<th>Unit and Minimum Per Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Source Description</th>
<th>Unit and Minimum Per Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional uses</td>
<td>(director)</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Automobile, truck and heavy equipment repair;
2. Auto body work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services;
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation; and
9. Veterinary clinic; and
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in
their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home occupation shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed by the home occupations; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

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

and

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

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

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

1. No more than one such a vehicle is allowed; and
2. The vehicle is not stored within any required setback areas of the lot or on
adjacent streets; and
3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
one ton;
J. The home occupation or occupations do not:
1. Use electrical or mechanical equipment that results in a change to the
occupancy type of the structure or structures used for the home occupation or
occupations; or
2. Cause visual or audible interference in radio or television receivers, or
electronic equipment located off-premises or fluctuations in line voltage off-premises;
K. There shall be no exterior evidence of a home occupation, other than growing
or storing of plants under subsection C. of this section or a permitted sign, that would
cause the premises to differ from its residential character. Exterior evidence includes, but
is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
determined by using normal senses from any lot line or on average increase vehicular
traffic by more than four additional vehicles at any given time;
L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
M. Uses not allowed as home occupations may be allowed as a home industry
under K.C.C. 21A.30.090.
SECTION 22. Ordinance 15606, Section 20, as amended, and K.C.C.
21A.30.085 are hereby amended to read as follows:
In the A, F and RA zones, residents of a dwelling unit may conduct one or more
home occupations as accessory activities, under the following provisions:

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

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

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

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

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

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

G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:
   a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);
   b. electronics and appliances (NAICS Code 443); and
   c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

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

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

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

1. Hotels, motels or organizational lodging;
2. Dry cleaning;
3. Automotive towing services, automotive wrecking services and tow-in parking lots; and
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery or distillery shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);
K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and

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

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

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

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

SECTION 23. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

E. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
1. One stall for each nonresident employee of the home industry; and
2. One stall for customer parking;
F. Additional customer parking shall be calculated for areas devoted to the home
industry at the rate of one stall per:
1. One thousand square feet of building floor area; and
2. Two thousand square feet of outdoor work or storage area;
G. Sales are limited to items produced on-site, except for items collected, traded
and occasionally sold by hobbyists, such as coins, stamps, and antiques;
H. Ten feet of Type I landscaping are provided around portions of parking and
outside storage areas that are otherwise visible from adjacent properties or public rights-of-way;
I. The department ensures compatibility of the home industry by:
1. Limiting the type and size of equipment used by the home industry to those
that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential
properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels
that may be in excess of those in K.C.C. chapter 12.88; ((and))
J. Recreational marijuana processors, recreational marijuana producers and
recreational marijuana retailers shall not be allowed as home industry; and
K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
not be allowed as home industry, except that home industry adult beverage businesses
that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
application before the effective date of this ordinance shall be considered legally
nonconforming and allowed to remain in their current location subject to K.C.C.
21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all
other requirements of this section and all applicable state and local regulations. The
resident operator of a nonconforming winery, brewery or distillery home industry shall
obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the
new chapter created in section 3 of this ordinance).

SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.
21A.32.100 are hereby amended to read as follows:
Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
required for any of the following:
A. A use not otherwise permitted in the zone that can be made compatible for a
period of up to sixty days a year; ((or))
B. The expansion of an established use that:
1. Is otherwise allowed in the zone;
2. Is not inconsistent with the original land use approval;
3. Exceeds the scope of the original land use approval; and
4. Can be made compatible with the zone for a period of up to sixty days a year;
or
C. Events at a winery, brewery, distillery facility or remote tasting room that
include one or more of the following activities:
1. Exceeds the permitted building occupancy;
2. Utilizes portable toilets;
3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;
4. Utilizes temporary stages;
5. Utilizes temporary tents or canopies that require a permit;
6. Requires traffic control for public rights-of-way; or
7. Extends beyond allowed hours of operation.

SECTION 25. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby amended to read as follows:

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

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

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

2. For a winery, brewery, distillery facility II and III in the A (or RA) zone, the temporary use shall not exceed a total of two events per month and all event parking for the events must be accommodated on-site or managed through a parking management plan approved by the director. This subsection B.2. applies only to the days that the event or events actually take place.

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

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred fifty guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.

6. Events for any winery, brewery, distillery facility I in the RA zone, any nonconforming winery, brewery, distillery facility home occupation, or any nonconforming winery, brewery, distillery facility home industry shall be limited to two per year, and limited to a maximum of fifty guests. If the event complies with this subsection B.6., a temporary use permit is not required for a special event for a winery, brewery, distillery facility I in the RA zone, a nonconforming home occupation winery, brewery, distillery facility or a nonconforming home industry winery, brewery, distillery facility;

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

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

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

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

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

SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby amended to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:
1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:
   (A) Multifamily residential units shall only be allowed on the upper floors of buildings; and
   (B) Home occupations under K.C.C. chapter 21A.30;

ii. As a conditional use:
   (A) Bed and Breakfast (five rooms maximum); and
   (B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:
   (A) Library;
   (B) Museum; and
   (C) Arboretum.

ii. As a conditional use:
   (A) Sports Club/Fitness Center;
   (B) Amusement/Recreation Services/Arcades (Indoor);
   (C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

i. As a permitted use:
   (A) General Personal Services, except escort services;
   (B) Funeral Home;
(C) Appliance/Equipment Repair;
(D) Medical or Dental Office/Outpatient Clinic;
(E) Medical or Dental Lab;
(F) Day Care I;
(G) Day Care II;
(H) Veterinary Clinic;
(I) Social Services;
(J) Animal Specialty Services;
(K) Artist Studios;
(L) Nursing and Personal Care Facilities;
ii. As a conditional use:
(A) Theater (Movie or Live Performance);
(B) Religious Use;
d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
i. As a permitted use:
(A) General Business Service;
(B) Professional Office: Bank, Credit Union, Insurance Office.
ii. As a conditional use:
(A) Public Agency or Utility Office;
(B) Police Substation;
(C) Fire Station;
(D) Utility Facility;
(E) Self Service Storage;
e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

(A) Food Store;

(B) Drug Store/Pharmacy;

(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries;

(E) Remote tasting rooms.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;

(B) Hardware/Building Supply Store;

(C) Nursery/Garden Center;

(D) Department Store;

(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;
(C) Growing and Harvesting Crops (within rear/internal side yards or roof

gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section

21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:

Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except

as follows:

a. Residential density is limited to six dwelling units per acre. For any building

with more than ten dwelling units, at least ten percent of the dwelling units shall be

classified as affordable under 21A.34.040F.1;

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet

above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non-residential uses, the

elevation of the ground floor should be placed near the elevation of the sidewalk to

minimize the need for stairs and ADA ramps;

e. If the ground floor is designed to accommodate non-residential space, the

height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average

grade of the site along the front facade of the building.

SECTION 27. The King County executive shall conduct a demonstration project
to create and evaluate a remote tasting room demonstration project A as provided for in, and consistent with, section 28 of this ordinance.

NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

A. The purpose of the remote tasting room demonstration project A is to:

1. Support agriculture and synergistic development of mixed use adult beverage facilities in order to boost agritourism and the area's reputation as food and adult-beverage destination;

2. Enable the county to evaluate how expanded adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural zones;

3. Determine the benefits and evaluate strategies to mitigate impacts of the adult beverage industry on Rural Area and Agricultural zoned areas, including the impacts and benefits of the industry on Agricultural Production Districts, and including those properties where the demonstration project sites are located and the surrounding areas;

4. Provide an opportunity for additional exposure for locally sourced and produced agricultural products; and

5. Identify and evaluate potential changes to countywide land use regulations to support the development of additional areas of unincorporated King County that may benefit from growth in agritourism.

B. The demonstration project shall only be implemented on the sites identified in Attachment A to this ordinance.

C. The use that the permitting division may approve under the remote tasting
D.1. An application for a remote tasting room under this section may be submitted in conjunction with an application for an adult beverage business license or a building permit.

2. Requests shall be submitted to the permitting division in writing, together with any supporting documentation and must illustrate how the proposal meets the criteria in subsection F. of this section.

3. An application for a remote tasting room under this section shall be reviewed as a Type I land use decision in accordance with K.C.C. 20.20.020.

E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny a remote tasting room application under this section based upon compliance with subsection F. of this section. Approval or denial of a remote tasting room application shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

F.1. A remote tasting room under this section may be approved, subject to the following:

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

b. The aggregated total space devoted to remote tasting room activities shall be limited to one thousand square feet of gross floor area, not including areas devoted to storage, restrooms, and similar nonpublic areas;
c. Notwithstanding subsection F.1.b. of this section, an additional five hundred square feet of immediately adjacent outdoor space may be used for tasting, subject to applicable state regulations limiting sale, service and consumption of alcoholic beverages;

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

e. The hours of operation for the tasting room shall be limited as follows:

Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

f. The applicant and any additional business operators using the remote tasting room shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

g. Each remote tasting room business operator using the remote tasting room shall have proof of Washington state Liquor and Cannabis Board approval;

h. Special events shall not exceed two per year regardless as to the number of operators using the tasting room, and shall be limited to no more than fifty guests. As long as the special events comply with this section, a temporary use permit is not required;

i. Off-street parking shall be provided in accordance with the parking ratios for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and

j. The use shall be consistent with general health, safety and public welfare
standards, and shall not violate state or federal law.

2. This section supersedes other variance, modification or waiver criteria of K.C.C. Title 21A.

3. Remote tasting room uses approved in accordance with this section may continue as long as an underlying business license or renewal is maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

G. Demonstration project applications shall be accepted by the permitting division for three years from the effective date of this ordinance. Complete applications submitted before the end of the three years shall be reviewed and decided on by the permitting division.

H. Starting one year after the effective date of this ordinance, and each year for four years thereafter, the executive shall prepare preliminary evaluations of remote tasting room demonstration project A. The executive shall post these preliminary evaluation reports to the department of local services, permitting division, website, and provide electronic notice of the posting to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee or its successor. These preliminary evaluation reports shall include:

1. A list of remote tasting room demonstration project applications submitted, reviewed and decided, including the date of original submittal, date of complete application and date and type of final decision whether approved or denied; and

2. A list of code compliance complaints under Title 23, if any, related to the applications received and approved or the demonstration project that were opened or
initiated in the prior year, and their current status.

I.1. Within ninety days of five years after the effective date of this ordinance, the
permitting division shall prepare a draft final evaluation and proposed permanent code
changes that includes the information compiled under subsection H. of this section, and
an evaluation of whether the purposes under subsection A. of this section have been
fulfilled by the demonstration project.

2. The draft final report required in subsection J. of this section and proposed
permanent code changes shall be done in conjunction with the efficacy evaluation and
proposed code changes required by section 31 of this ordinance.

J. The permitting division shall include a public comment period for the
permitting division's draft final evaluation described in subsection I. of this section. The
public comment period shall last at least forty-five days beginning with the date of
publication in the newspapers of record for the demonstration project areas identified in
Attachment A to this ordinance. As part of the public comment period, the permitting
division shall:

1. Publish notice of the draft final evaluation's availability in each newspaper of
record, including locations where the draft final evaluation is available;

2. Send notice and request for comment to the water districts for the
demonstration project areas identified in Attachment A to this ordinance;

3. Request comments from any developer that has applied for approval under
the demonstration project;

4. Provide a copy at the local libraries for the demonstration project areas
identified in Attachment A to this ordinance;
5. Post an electronic copy on the permitting division's website; and

6. Send electronic notice to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

K. After the public comment period has ended, the permitting division shall prepare a final evaluation of the remote tasting room demonstration project A, incorporating or responding to the comments received. Within sixty days of the end of the public comment period, the executive shall file a final evaluation report, a motion that should accept the report, and an ordinance that implements any proposed permanent code changes.

L. The final report and proposed legislation shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

SECTION 29. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010 are hereby amended to read as follows:

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

a. citations, except for winery, brewery, distillery facility I, II and III 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 within the past twelve months: $500 \\
(2) with one or more previous similar code violations within the past twelve months: $1,000 \\

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

(1) stop work order basic penalty $500 \\
(2) voluntary compliance agreement and notice and order basic penalty $25
(3) additional initial penalties may be added in the following amounts for violations where there is:

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

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

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

(1) first reinspection, which shall occur no sooner than $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 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

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

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

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

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

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

SECTION 30. Map Amendment #2 is hereby adopted, as shown in Attachment B to this ordinance.

SECTION 31. A. The executive shall transmit a an efficacy evaluation report, proposed motion and proposed ordinance that evaluates the efficacy of the regulations for adult beverage businesses, including winery, brewery, distillery facilities, remote tasting rooms and nonconforming home occupations and home industries, adopted as part of this ordinance, and any recommended changes to the regulations and the rationale for those recommended changes. The efficacy evaluation report shall include, at a minimum:

1. A list of all adult beverage businesses with valid business licenses as of five years from the effective date of this ordinance;

2. A list of adult beverage businesses permit applications submitted, reviewed and decided in the prior five years, including the date of original submittal, date of
complete application, date and type of final decision whether approved or denied and
categorization of typical conditions were applied;

3. A list of all code enforcement complaints filed against adult beverage
businesses over the prior five years, including the final resolution of resolved cases and
the status of open cases; and

4. An evaluation of and recommendations for changes to the following
development conditions, if any, and the rationale for the proposed change or for
maintaining the development condition as adopted by this ordinance:

a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult
beverage businesses;

b. Parking requirements, including the minimum required and the maximum
allowed;

c. Hours of operation for tasting rooms associated with production facilities
and remote tasting rooms;

d. Temporary use permit criteria related to special events for adult beverage
businesses, including the criteria for and minimum requirements of and obtaining a
temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public
notice requirements; and

e. Product content requirement in the A zone, including the growth on-site
requirements and the agricultural accessory use language adopted by this ordinance.

B. This efficacy evaluation report shall have a public comment period in
conjunction with that required for the final evaluation in section 28 of this ordinance.

C. The efficacy evaluation report and proposed ordinance shall be transmitted to
the council with a motion that should accept the report and a proposed ordinance making recommended code changes, concurrently with the final evaluations required in section 28 of this ordinance, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

SECTION 32. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project A dated September 16, 2019

The clerk of the council is instructed to insert the final enactment number in Attachment A where the Proposed Ordinance number is referenced.

Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated March 11, 2019, and insert Attachment B, Map Amendment #2- Modifying P-Suffix VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

**EFFECT:** This striking amendment makes substantive, clarifying and technical changes, including:

**Substantive/Policy Changes**
1. WBD I Interim Use in the A zone is removed from the permitted use tables. Associated changes to business license requirements, definitions, special events/TUP, and evaluation are also removed.

2. Modifies the business license section to:
   a. Allow existing businesses, subject to criteria, to establish their previous compliance with the zoning code in order to obtain legal nonconforming status. These businesses are required to submit documentation with their first business license. The first business license will be good for six months, with a six month extension possible if they have made progress in demonstrating past compliance.
   b. Give Permitting the authority to deny a business license based on noncompliance with the Zoning Code.
   c. Modify the appeal period for business licenses to be consistent with other kinds of zoning appeals.

3. WBD I in RA zone:
   a. Use is moved from a residential accessory use to a permitted use in the Manufacturing Land Use Table.
   b. Reference to "nonresident employee" removed.
   c. Allows one parking stall on-site.
   d. Prohibits on-site sales and tasting.
   e. Provides additional clarification for special events – 2 per year, maximum 50 guests, no permit required.

4. WBD II and III
   a. In A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses.
   b. In A and RA zones:
      i. Limits on-site tasting and retail sales to 15% of the aggregated floor area.
      ii. Requires that access be from an arterial (or public roadway for WBD II in RA zone with a CUP).
      iii. Sets maximum parking at 150% of the minimum required.
      iv. Removes language regarding nonconforming status of existing parking spaces.
      v. For WBD III, eliminates allowance for 8,000 square feet of underground storage.
      vi. For WBD III, removes allowance to connect to a Group B water system. Only Group a water system connection would be allowed.

5. All WBDs:
   a. Removes option to reduce 75' setback from RA and R zones to 25' with screening and a CUP.
   b. In A and RA zones
      i. Requires one of the two stages of production to be crushing, fermenting, or distilling.
      ii. Limits impervious surface to a maximum of 25%, or the maximum allowed by the underlying zoning, whichever is less.

6. Home Occupations and Home Industries:
a. Allows the existing business with a liquor license from the state LCB as of
   the effective date of this ordinance (rather than January 1, 2019) to have
   the opportunity to demonstrate nonconformance.

b. Tightens language to avoid loopholes.

c. Removes language allowing businesses 1-year to come into conformance
   with home occupation or home industry standards.

d. Removes language for home industries to obtain legal nonconforming
   status, and recognizes that vested CUP applications should be treated as
   nonconforming (if approved).

7. Modifies the Fall City business district overlay to allow remote tasting rooms on
   the ground floor of the CB zoned land in the Fall City Rural Town.

8. Remote tasting room demonstration project A:

   a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from
      demonstration project.

   b. Clarify the purpose section, business license requirements, and special
      event allowance.

   c. Modifies evaluation requirements to

      i. Eliminate requirement for annual transmittal to Council. Post to
         website instead with email to clerk of the Council.

      ii. Adds requirements in annual evaluation to include date of
         submittal, complete application, and decision date and type

      iii. Removes requirements in annual evaluation for reporting on
         comments made by the community, known interactions between
         demonstration project applicants and nearby agricultural users and
         land, inventory of available properties, and recommended code
         changes

      iv. For final evaluation, require that the evaluation include whether the
         purposes of the demonstration project have been fulfilled by the
         demonstration project, and recommended permanent code changes.

9. Eliminates special event demonstration project B.

10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in
    the Vashon Rural Town.

11. Modifications to efficacy evaluation:

   a. Include evaluation of regulations on existing businesses – including
      information on businesses licenses, permit applications, and code
      enforcement complaints/violations.

   b. Include recommended code changes to development conditions, including
      citation and civil infractions, parking, hours of operation for tasting rooms,
      temporary use permits for special events, and product content
      requirements for the A zone.

   c. Removes evaluation of the impact of urban uses within UGA have on rural
      character of adjacent rural areas outside the UGA

   d. Specifies that public comment period for the efficacy evaluation occur in
      conjunction with the public comment period for the remote tasting room
      demonstration project.
Clarifying

12. Modifications to Findings:
   a. Reflect other substantive changes and add additional context.
   b. Adds new Findings regarding water use, retail sales and tasting, and special district overlays.


14. WBDs in A zone: adds in missing language so that WBD III in A zone are allowed as an accessory to a primary agricultural use.

15. Industrial zone: clarifies that wineries are not allowed.

16. For criteria of events that require a temporary use permit, clarify that events that require traffic control or extend beyond allowed hours of operation will require a temporary use permit.

17. For citations, clarifies the timeframe (1 year) for citing a first time violation, rather than subsequent violations.

Technical

18. Corrects references to King County Comprehensive Plan Policies.

19. Corrects capitalization, punctuation, and typographical errors.

20. Makes code reviser edits.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Rationale</th>
<th>Location in CM Balducci’s S1 of 9/16/2019</th>
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</table>
| Remove Overlay A                          | **Remove Overlay A from the ordinance.**  
Overlay A is urban uses—drinking establishments—on Rural land; it violates the letter and spirit of the GMA and CPPs. In Overlay A and surroundings, creating the overlay rewards violators and invites more to join them. Compounding the evil, all applicants accepted into Overlay A during the 3-year entry period are grandfathered as permanent nonconforming uses (lines 2041-2043). Countywide, creating the overlay clearly signals the County’s softening resolve, and puts all land outside the UGB at risk for speculation. | Pages 113-114, Sections 27-28, Lines 1968-2098 |
| Definitions and permitted uses for WBD I, II, and III: Make them mutually consistent, and set a meaningful steps-of-production threshold to qualify as a winery | **Fix several problems with definitions and permitted uses, and the correspondence between them.**  
**First, note that what some are referring to as “definition” of a winery is actually several lists of permitted uses.** The paragraphs below distinguish between the two sections.  
**Consistency:** Definitions call for only one production step; permitted uses call for two production steps. These should be resolved to be mutually consistent.  
**Raise production steps requirement:** Set a higher requirement for the number of steps of production so that the winery meets a common-sense understanding of actually being a production winery. We recommend crushing, fermenting, and barrel or tank aging. Avoid vague, undefined terms such as “finishing” that are easy to abuse.  
**“Such as” loophole:** The “such as” language in the definitions and permitted uses of WBD I, II, and III in the striker allows an applicant to, essentially, identify or invent their own production steps. The definition should specify steps of production that impartial professionals would agree are steps in winemaking, brewing, or manufacture of distilled spirits.  
**Lack of minima:** The lack of quantitative thresholds in the definitions allow a barrel in the corner to satisfy “fermentation” and “aging,” or a bottle in a cupboard to satisfy “fermentation” and “finishing.” This is a clear invitation to violators to create sham wineries. Definitions should reflect a common-sense understanding of the quantities produced at a genuine production winery. | Definitions: Lines 433-463, Permitted uses: Lines 672-676, 760-769, 1009-1012, 1052-1055 |
| Sales should be limited to products produced on-site | **Require product sold to be produced on-site, currently found in 21A.08.070.B.13 and 21A.08.080.B.3.g.:** In the definitions and permitted uses, the requirement for on-site production is removed for the RA zone, which makes the ordinance weaker than existing code. Keep the requirement that the product sold at this site is produced at this site.  
**“Related merchandise” loophole:** In both RA and A zones, the draft ordinance allows “Incidental retail sales of merchandise related to the products produced on-site . . .” This is a clear invitation to sell any product that can be remotely tied to those dusty barrels of wine in the corner. The vagueness of this language should be restored to the current requirement that products sold at this site are produced at this site. The goal is to allow a winery to sell its own product, and simultaneously to prevent exploitation by sham wineries and drinking establishments. | Related merchandise loophole: Lines 687-689, 781-782, 994-996 |
| --- | --- | --- |
| Remove grandfathering | Grandfathering should be eliminated from the ordinance. Grandfathering takes two principal forms:  
- Lines 1619-1631 grandfather current violators who meet certain criteria.  
- Lines 2041-2043 permanently grandfather all entrants to Overlay A.  
Grandfathering rewards violators, and as a result encourages future violations. Thus, it fuels the land speculation that is already a serious problem. | Lines 1619-1631, 2041-2043 |
| Define “event” and bring parameters into consistency with rural character, fire codes, etc. | (The proposed code does not provide a definition; it gives permitted use parameters for an undefined term.)  
**Definition:** “Event” should be defined, not just parameterized, because events, in contrast with random retail traffic, have different impacts in terms of traffic pulses, inebriated drivers and pedestrians, parking needs, demand for toileting facilities, amplified sound. Woodinville’s letter and Resolution 532 provide suggested elements of a definition.  
**Parameters:**  
- Events should not be allowed to exceed the building occupancy set per fire codes. The County cannot, and should not, encourage businesses to risk the life and safety of persons.  
- Events should not be allowed to extend beyond allowed hours of operation. In combination with the unlimited events provided for in this amendment, this provision merely sets up 24/7 nightclubs in the RA and A zones of King County.  
- Events should never be allowed to park cars in excess of parking spaces permitted under parking code. This encourages hardscaping, soil compaction, and polluted runoff onto agricultural land.  
- Requiring a TUP only if the event “Requires traffic control for public rights-of-way” encourages businesses to not provide traffic control. This is an unacceptable disservice to local residents and commuters.  
**Duration:** The above are parameters for a temporary use permit, with duration of a full year. This is hardly temporary, especially given the extraordinary entitlements that this section explicitly confers upon WBDs. | Pages 90-91  
Lines 1806-1816 |
| **Reduce events to “rural” size and frequency** | **Set event limits (frequency and size) that are consistent with rural character.**  
24 events per year, and up to 250 guests per event, are not rural in character. Woodinville’s recommendation is that “rural” is no more than 60 guests per event for RA and A zones, and 6 events per year for RA and 2 events per year for A Zone, regardless of the size of the winery. | Lines 1831-1853 |
| **Rescind CM Dunn’s Amendment 3, Event exception for certain parcels 8 acres or more** | **Description from the amendment:**  
“EFFECT: This amendment would add an exemption from TUP requirements for special events at WBD II and IIIs in the RA zone, subject to criteria listed below. Such events would not be subject to the limitations on events for WBDs found in K.C.C. 21A.32.120. The criteria for this exemption are:**  
- Only applies to existing WBDs with a production liquor license  
- The parcel is at least 8 acres in size  
- Structures for the event are at least 150’ from interior property lines  
- The parcel use a principal arterial  
- There is no amplified sound outdoors between 8:00 p.m. and 12:00 p.m.”  
**Rationale:**  
- This amendment opens up RA-zoned parcels over 8 acres in size (currently or as aggregated in the future) and located on a principal arterial to unlimited events, for up to 250 guests per event. Large frequent events are not Rural in character; the ordinance should limit event size and frequency to recognizably rural amounts.  
- The amendment requires the parcel to be on a principal arterial but (contrary to the staff summary above) does not restrict access to the principal arterial nor does it require the parcel even to use the principal arterial for access. The ordinance should require access from the principal arterial.  
- The amendment allows outdoor amplified sound from noon to 8:00pm every day. Outdoor amplified sound is not rural in character and should not be permitted.  
- WS LCB has not heeded a municipality’s zoning for about 5 years. I will research this next week, but I’m not sure the LCB even asks any more. | CM Dunn’s Amendment 3, file name 6. 2018-0241.2 - Amendment 3 |
| **Fine a wider range of undesirable activities, scale the fines, and increase fines for repeat infractions** | **The fine structure should scale with the size of the infraction by means of fines per person, per bottle, per ticket, per vehicle, etc.**  
The fine structure should also escalate much higher for repeated infractions, into the tens of thousands of dollars for a repeat, large violator.  
These changes ensure that the biggest violators incur the highest fines, and create a fine structure that results in meaningful deterrence for the biggest violators (which is not the case with the striker’s fine structure). | Pages 103-104  
Section 29  
Line 2104 |
| **Commercial activities should use public utility water, not well water** | **Water supply should not only hook up, but should be required to be used for commercial activities.** | Lines 746-748 |
| Building sizes | Cap building size limits to be consistent with rural character. Limits in Balducci striker:  
**WBD I** (RA P32), lines 1041-1042: 1500 square feet  
**WBD II** (RA and A P3), lines 656-662: 3500 square feet, 5000 for historic, unoccupied decks excluded  
**WBD II** (RA C30), lines 979-985: 3500 square ft, 5000 for historic, unoccupied decks excluded  
<table>
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<tbody>
<tr>
<td>Percent tasting area (CM Lambert amendment .5)</td>
<td>Amendment raised tasting limit in WBDs from 15% to 30% of building. Current code does not limit tasting area, but does limit tasting to product produced on-site.</td>
</tr>
<tr>
<td>Hours</td>
<td>Tasting room hours during commute times are unacceptably disruptive to local residents and commuters, and real tasting rooms nationwide typically are open during work hours for the wine maker, not bar hours. Reduce tasting hours to end by 5:00pm on weekdays.</td>
</tr>
</tbody>
</table>
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

I live in Duvall where the Snoqualmie Valley has upheld the agricultural designation of the valley, preserving prime farmland for future generations. It is ludicrous that the law was not enforced in the Sammamish Valley when the law was so blatantly disregarded for years and now the King County Council is backtracking to make it seem like a few rules need to be amended to protect the perpetrators.

I know the Woodinville wine tasting business brings in huge revenue from in and out of state to the area as well as the eastside wineries. I love wine and go to the tasting rooms with local and out of town friends. That doesn't mean I support a disregard for the laws. The Sammamish Valley should remain an agricultural area and the few lawbreakers should have to move even if King County has to eat crow for not enforcing the law at the outset. Try driving on the Redmond - Woodinville Rd on a busy weekend, it's dangerous on the one lane road where
cars are trying to turn, some slamming on brakes because they don't know where they are going. Excusing the lawbreakers and now permitting even more development is not thought out at all and illegal. Thank you

Sincerely,
Sue Juhre
13308 280th Ave NE
Duvall, WA 98019
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please save our little slice of farmland.

Please VOTE NO on Ordinance 2018-0241.

Thank you for listening.

Jeanne Long

Sincerely,
Jeanne Long
18006 NE 138th Pl
Redmond, WA 98052
King County Councilmembers,

Please accept the attached Written Testimony for the subject Council Public Hearing to take place on December 4, 2019, from King County Rural Area Unincorporated Area Councils (UACs) / Associations: Enumclaw Plateau Community Association (EPCA); Greater Maple Valley UAC (GMVUAC); Green Valley/Lake Holm Association (GV/LHA); and Upper Bear Creek UAC (UBCUAC). We represent much of the King County’s Rural Area from the Snohomish County line to the Pierce County line.

We thank you for your careful consideration of our Written Testimony and the thorough research behind it.

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

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

Please consider our shared environment before printing.
November 21, 2019

Comments

EPCA, GMVUAC, GV/LHA, and UBCUAC
November 21, 2019

To:  King County Council: Claudia Balducci claudia.balducci@kingcounty.gov; Rod Dembowski
rod.dembowski@kingcounty.gov; Jean Kohl-Welles jeanne.kohl-welles@kingcounty.gov; Reagan Dunn
reagan.dunn@kingcounty.gov; Kathy Lambert kathy.lambert@kingcounty.gov; Dave Upthegrove
Dave.Upthegrove@kingcounty.gov; Larry Gossett Larry.Gossett@kingcounty.gov; Joe McDermott
joe.mcdermott@kingcounty.gov; and Pete von Reichbauer Pete.vonReichbauer@kingcounty.gov

Re: Striker to Proposed Ordinance 2018-0241.2, Dated September 16, 2019: Update to development
regulations for wineries, breweries, and distilleries (WBDs)

Honorable King County Councilmembers,

EXECUTIVE SUMMARY

Please accept the detailed comments herein on the subject Striker from the following King County (KC)
Rural Area Unincorporated Area Councils (UACs) and Unincorporated Area Associations (UAAs): Enumclaw
Plateau Community Association (EPCA); Greater Maple Valley UAC (GMVUAC); Green Valley/Lake Holm
Association (GV/LHA); and Upper Bear Creek UAC (UBCUAC). We represent much of KC’s Rural Area from
the Snohomish County line to the Pierce County line.

The proposed Ordinance, in its current form, will have sweeping long-term consequences throughout King
County’s Rural Area. Rural Area citizens do not want to see Retail Establishments such as Remote Tasting
Rooms, Winery/Brewery/Distillery (WBD) facilities operating as Bars and/or Event Centers, etc. that will result
in major impacts to rural character and quality of life.

The proposed Ordinance has gone through many iterations, resulting in unnecessary complexities, flaws,
and loopholes. Consequently, we call on the Council to reject the proposed Ordinance outright and for the
County to implement the simplest and best solution—enforce current County Code.

INTRODUCTION

Our UACs/UAAs individually and collectively research, prepare, and present win-win-win solutions on
issues of interest to KC’s Rural Area residents and businesses. In the case of the proposed Ordinance, in light
of its potential far-reaching influence and importance, we worked collaboratively to provide you these
comments, which are intended to update our past collective comments over the past 2 1/2 years to the:
Council on 6/12/19; Council’s Local Services, Regional Roads & Bridges (LSRR&B) Committee on 11/9/18;
and Council’s Planning, Rural Service, & Environment (PRE) Committee on 6/6/17.

Unfortunately, many of the same flaws remain that have been enumerated in the past in our writings and by
many members of the Public. We call on the Council to carefully consider the concerns, conclusions, and
recommendation we detail herein.

BACKGROUND

The genesis of all the time and effort the Council has put into this endeavor is the past and ongoing abuses
of County code by certain business and/or landowners in the Sammamish Valley’s Rural Area and protected
Agricultural Production Districts (APDs). Clearly, the desire of certain property owners in this small area of the
county to expand the commercial uses of their property far beyond that envisioned under KC’s Comprehensive
Plan (KCCP) and contrary to the purpose and intent of the Rural Area and APDs firmly must be dealt with,
while maintaining the rights and interests of legally operating business owners.

As the Council knows, King County can manage where such facilities may be located—either as
Residential (Home Occupation and/or Home Industry) or Manufacturing land uses under its existing regulatory
authority (see, e.g., KC Hearing Examiner’s decision in the Four Horsemen Brewery appeal, File #
PREA170313; 10/3/18).

The bottom line comes down to a very simple question: Why is the County proposing a massive regulatory
program to address a problem that it literally created, and further exacerbated, through inconsistent code
enforcement?

CONCERNS

We see several concerns regarding the proposed Ordinance:
The County’s stated intent for this Ordinance is to clarify existing code, but this is not achieved. The proposed Ordinance is far more complex, unnecessarily so, than existing code, thus making it more opaque and all the harder to interpret and to administer. Sales would no longer be limited to products produced on-site (ref.: County Code 21A.08.070 Retail land uses), thus opening the door for bars, taverns, and liquor stores to be sited across the County’s Rural Area and APDs. Existing code is clear in that WBDs are legal and limited in what they can sell to what is produced on site.

Instead of preventing large growth, this allows for larger operations, not smaller in the Rural Area and APDs.

Events cannot be allowed to be so large and occur so frequently (e.g., up to 24 large events annually for WBD Facilities II and III) that all semblance of Rural Area character is diminished for residents and visitors alike. Such major events directly impact traffic, parking, safety, quality of life, etc. Exempting Special Events from Temporary-Use Permits (TUPs), through Councilman Dunn’s Amendment (adopted at the 10/7/19 Committee-of-the-Whole Committee meeting), sets a bad precedent and could encourage further code violations, such as unlimited events throughout the Rural Area. In fact, the proposed Amendment itself appears to violate the State’s Growth Management Act (GMA) by placing a completely incompatible use in the Rural Area. The language that “(t)he parcel use a principal arterial” is too loose and can be interpreted that “principal arterials” will be used somewhere along the way to travel to and from the event. Even if tightened, at some time in the future, when (not if) the County’s Department of Local Services, Roads Division, updates its arterial maps and definitions, lower level roads could be elevated to “principal arterials,” thus opening up even more of the Rural Area to such unlimited events. Consequently, Councilman Dunn’s Amendment should be removed.

Key definitions (e.g., “production,” “finishing,” “grandfathering,” etc.) are described in such a way as to be open to wide interpretations and will surely lead to future legal battles. For example, “production” should be defined as all the steps to produce the final product. It should be made clear that a “winery,” as applied by these codes relating to the Rural Areas, refers to a “production winery”—thus, all 3 steps the State Liquor & Cannabis Board (LCB) identifies with wine production should be required to occur on-site: “Crushing,” “Fermentation,” and “Barrel or Tank Aging.”

Ingredient sourcing requirements for WBD facilities on A-zoned parcels has been improved to state 60% must be grown on-site. However, it does not provide any mechanism for verification and we know of none that exists for this purpose—current code states: “60% from Puget Sound counties.”

Demonstration Projects & Overlays (DPOs) are not warranted, nor necessary, and, as such, should be eliminated. They serve no useful purpose and threaten the Rural Area and APDs by allowing activities not generally conducive to preserving Rural Character and protecting agricultural lands.

LEGAL ISSUES
As written, there are several specific State and County legal issues that render the entire proposed Ordinance both invalid and unenforceable. While it is true local WBD facility regulations must be consistent with and implement the KCCP and Countywide Planning Policies under the GMA, such regulations must not conflict with other State general laws including those set forth in Title 66 RCW—Alcoholic Beverage Control.

The proposed Ordinance runs afoul of Title 66 RCW and the State Constitution because its requirement that every WBD facility in the unincorporated area must obtain a KC business license is: (a) expressly preempted by RCW 66.08.120; (b) a violation of WA Const. Art. XI, Sect. 11, because a local WBD facility is prohibited from operating without a local license and is subject, in its absence, to both civil and criminal fines and penalties; and (c) an invalid exercise of regulatory authority as prohibiting an act expressly permitted by State law (i.e., the sale of liquor produced on-site by a State-licensed facility). Because the business license is an integral part of the proposed Ordinance and its regulatory program, the Ordinance itself fails to stand apart from it and is invalid in toto.

CONCLUSIONS
The proposed Ordinance (including Councilman Dunn’s Amendment) does not solve the problems it was originally intended to address. Consequently, it will not protect Rural Area and APD lands from excessively commercialized retail and industrial uses and will result in:
(1) Increased traffic on roads the County already does not have the funds to maintain;

(2) Creation of parking woes on rural and agricultural lands;

(3) Safety issues for pedestrians, bicyclists, and motorists along winding, narrow one-lane roads;

(4) Unmitigated damaging water runoff; and

(5) Unwarranted lighting and noise pollution.

We find the proposed Ordinance is worse than existing KC Code. It contains assertions that it will add “additional protection for the Agricultural zone” and enhance “economic activity in the Rural Area zones while honoring and protecting rural character.” This is not the case! In fact, a few of the things it actually will do are:

(1) Eliminate future WBD facilities as either a Home Occupation or Home Industry;

(2) Remove the Retail Sales provision limited to products produced on-site;

(3) Enable Special Event Centers to evade important regulations;

(4) Establish very vague definitions associated with WBD facilities;

(5) Establish poor access requirements and increase rural traffic;

(6) For WBD facilities change Rural Area minimum lot size and increase allowable building sizes;

(7) For some WBD facilities provide permanent waivers for parking requirements; and

(8) Permanently convert 13 Rural Area parcels to retail urban-use drinking establishments (DPO A).

Each of these—either standing alone or taken together—will result in benefit to the few and hardship for the many. Why would the County even consider enacting such an Ordinance? Further, why would the County, in trying to solve a problem it created in the Sammamish Valley by both misinterpretation of code and inconsistent code enforcement, and which easily can be solved by enforcing existing KC Code, enact a “solution” that will impact the entire Rural Area?

RECOMMENDATION

The Council should reject the proposed Ordinance.

We desire to continue an open and meaningful dialogue with the Council, the Executive’s Office, and other County officials. Thank you for your careful consideration of our comments.

Bob Meeks  Steve Hiester  Gwyn Vukich  Nancy Stafford
bobmeeks100@gmail.com  steve.Hiester@oldcastle.com  gvukich@msn.com  nm.staff@outlook.com
President, EPCA  Chair, GMVUAC  President, GV/LHA  Chair, UBCUAC

cc: Dow Constantine, KC Executive: dow.Constantine@kingcounty.gov
John Taylor, Director, KC Dept. of Local Services (DLS): john.taylor@kingcounty.gov
David Daw, External Relations Manager, KC Community Service Areas: ddaw@kingcounty.gov
Jim Chan, Asst. Director, KC DLS Permitting: jim.chan@kingcounty.gov
Karen Wolf, Sr. Policy Analyst, KCEO/PSB: karen.wolf@kingcounty.gov
Ivan Miller, KC Comprehensive Planning Manager: ivan.miller@kingcounty.gov
Erin Auzins, Supervising Legislative Analyst, KC Council Policy Staff: erin.Auzins@kingcounty.gov
Melani Pedroza, Clerk of the Council: clerk.council@kingcounty.gov
Dear Supervising Legislative Analyst Erin Auzins,

What are you doing destroying our lands so a handful of people that broke the law and sold goods in the wrong zone can make money? They can work in a legal zone, but you think money is more important than our land, our pristine land the reason we all live here.

Very disappointed that you lack sense of justice with your need to have alcohol and oil drippy cars and a few illegal businesses survive.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable. It is vague only if you want it to be by twisting what few $$ you want over the priceless value of the land. Think about, folks are drawn to drink there due to the beauty of the land.

But soon you will have destroyed that and the cheap strip will be like drinking at a local club

Might as well go to a downtown club in the future as it is a safer drive home after drinking.

Please VOTE NO on Ordinance 2018-0241.

When your children are adults and our Sammamish Valley is nothing but strung white lights and fruity fermentation wine aromas and people are bored with the trend of partying at cheap boutiques...they will have you to thank for this destroyed land.

Sadly, you will be on the wrong side of history (for some of you, again)

Sincerely,
Shelly Bowman
6605 146TH AVE NE
REDMOND, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Donna Jennings
13841 173rd Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

Please protect remaining existing farm land in Sammamish Valley and the valuable rural resource it provides by VOTING AGAINST this proposed ordinance.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
melinda bronsdon
12229 ne 64th st
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Do not let this happen!

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

JIM MCROBERTS
5430 LAKE WASHINGTON BLVD SE
BELLEVUE, WA 98006
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Vandana Datye
14101 177th court ne
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

To all KC council members

There has always been pressure to allow retail and commercial development in the Sammamish Valley. I thought the agricultural lands and open space there were protected from such activity but now the push to develop is before you again. Do not let it happen. Do not let the rural valley be slowly destroyed, as the Kent Valley was. Wine tasting shops and retailers should situate themselves in areas zoned for that, and if they are presently operating illegally, they should be forced to move. Slowly the retail/commercial development will ruin the amazing valley. Keeping it pristine is of more value to the general public than some wineries. Keep money out of your decision.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Nona Ganz
10207 NE 112th St
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Johnson Dawn
16902 NE 131st Place
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Nate Waddoups
16015 NE 44th Court
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

In addition to the above information I want to add that the traffic situation in the subject area is already unacceptable; southbound Redmond Woodinville Road in the morning is backed up for up to 3 miles and the same is true for the northbound traffic in the afternoon. In addition, afternoon and evening traffic on 124th Street across the Sammamish Valley is backed up 1-2 miles to the Kirkland side caused by all the cars trying to turn north of Redmond Woodinville Road. Check it out.

Sincerely,
Erik Houser
18601 NE 133rd Street
WOODINVILLE, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Alyse De Kraker
15216 NE 156 th ST
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Teresa Mathiesen
18107 96th ave ne, apt 8
bothell, WA 98011
Dear Supervising Legislative Analyst Erin Auzins,

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The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Julia Craig
13031 NE 184th Place
Bothell, WA 98011
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Andrew Brinkhaus
18100 NE 95th St Apt ii1041
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Richard Corroone
16707 NE 139th Pl
Woodinville, WA 98072
From: Diane Berger <dianeberger108@gmail.com>
Sent: Monday, November 25, 2019 7:37 AM
To: Auzins, Erin
Subject: The problem is NOT in the current code. It’s in the failure to enforce it. Vote NO on 2018-0241.

Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Diane Berger
3401 W. Government Way
Seattle, WA 98199
Auzins, Erin

From: Communications, Comments
Sent: Monday, November 25, 2019 9:37 AM
To: Auzins, Erin
Subject: FW: Restriction on Woodinville area wineries

-----Original Message-----
From: Maria Valdesuso <mariavaldesuso@hotmail.com>
Sent: Saturday, November 23, 2019 8:09 AM
To: Communications, Comments <council@kingcounty.gov>
Subject: Restriction on Woodinville area wineries

council@kingcounty.gov
Basic message is to eliminate the significant restrictions on allowable parking and simply use standard codes which provide up to 25% of the property for impervious surface which takes into account both the building and parking areas. Simple. Just require the properties don’t exceed that.

Thank you!
Maria Valdesuso
1505 90th Pl. N. E.
Clyde Hill, Wa 98004
Mariavaldesuso@hotmail.com
Sent from my iPhone
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Don Toenyan
15309 NE 160th St
Woodinville, WA 98072
Dear Council Members,

As an affected business owner, I am appalled at the “showdown” that Councilmember Balducci is trying to stage that upends much of the hard work and negotiations accomplished over the last three years.

Please read my attached letter, it contains many valid reasons to not let this last-minute striker amendment stand.

Sincerely,

Deborah Hansen
Owner and Winemaker
Cougar Crest Estate Winery
50 Frenchtown Road
Walla Walla, WA 99362
Cell 509.520.2545
Office 509.529.5980
Deborah K. Hansen  
Cougar Crest Estate Winery  
50 Frenchtown Road  
Walla Walla, WA 99362

King County Council

Dear Councilmembers,

As a winery owner with a remote tasting room in Overlay A, I have spent many days in the last three years going to council meetings, hearings, and community meetings to make sure my voice was heard and my view represented. In 2016, King County paid $75,000 for a consultant to research a report with policy recommendations about businesses in unincorporated King County. Over the last three years the Council members and Committee members have spent many hours dealing with differing proposals and negotiating a solution for the businesses that want to operate in King County, that allows business to thrive while preserving the open space and farmland.

The “Balducci strikers” seek to abruptly change three year’s worth of work, eliminating many of the negotiated provisions. Ms. Balducci seems to believe that her opinions are more important than those of everyone who has contributed their time and experience to this effort over the last three years. In addition, she wants to rush these changes through quickly without further public input. Her changes are very one sided, and reflect the desires of the people who don’t want anyone to do business in unincorporated King County, especially wineries and tasting rooms.

The Staff Report of the Planning, Rural Service and Environmental Committee dated November 28, 2018, noted that 50 of the 54 businesses operating in King County were in non-compliance with current County regulations. Even with the proposed regulation updates in that report, the County estimated 24 of those 50 businesses, a whopping 48%, would have to downsize or close because they would not be able to comply with the proposed regulations. With the Balducci strikers, this number will greatly exceed 50% of the businesses that will be unable to comply.

At the most recent public hearing on June 12, 2019 there were more than 100 people who commented on these same proposals, only one of them actually was a farmer in King County. The rest were local people who believe the landscape around their homes should never be allowed to change and environmental groups who also don’t want any changes to the current landscape. They cite land use goals promulgated 40 years ago as the standard we should continue to abide by. In reality they all believe in NIMBY—Not In My Back Yard. The Balducci strikers are a blatant concession to these two groups and their anti-business, prohibitionist goals.
I see four key issues the Balducci strikers are using to cripple the ability to have a business in King County. First, the elimination of most onsite parking for WBD’s. Many businesses already have some onsite parking, these changes would eliminate most of that, and worsen the parking situation in the winery district. This is discriminatory and singles out wineries for special limits. There is no allowance for how many parking spots will be needed by employees. This is an intentional attempt to hurt these wineries. Not only that, it will increase the complaining by our adversaries about the amount of cars parking on the street. The facilities that already have onsite parking should be grandfathered in to reduce the complaints about parking on the street, and there should not be a maximum number of parking spaces.

The second issue is establishing heavier penalties for Wineries, Breweries, and Distilleries than for other businesses. These excessive, neo-prohibitionist penalties compared to other types of businesses are discriminatory and will not likely survive a legal challenge. As a winery owner, this tells me that my business is not appreciated, and King County would prefer I take my business elsewhere.

Third, limiting the amount of retail space to 15% for WBD’s. Based on the already limited size of the allowed total square footage, this is prohibitively small and incompatible with selling to consumers, which is the lifeblood of small wineries.

Fourth, Demonstration Project A applications are a Type 1 land use decision and the applicant does not have any right to appeal if their application is denied. This could lead to arbitrary, capricious, and inconsistent decisions being made. Applications for Remote tasting rooms should be a Type 2 land use decision with the same right to appeal as all the other applicants.

At this juncture, there shouldn’t be last-minute, unilateral changes to the work that has been accomplished over the last three years. I strongly urge the Councilmembers to not be swayed from the planning and recommendations of their own hearings and their own consultants, based on a last-minute attempt by a single councilmember who has been influenced by a handful of vocal complainers.

Respectfully,

[Signature]

Deborah K. Hansen
Owner and Winemaker
Cougar Crest Estate Winery
Walla Walla, WA 99362
Dear Councilmember,

I know many of you have been working very hard for a long time to revise the Adult Beverage Ordinance—but unfortunately what you have before you now only makes the situation worse for Rural and Agricultural Areas that are supposed to be protected forever by the Growth Management Act.

These lands are unique areas for productive agriculture—much needed in the future because of the increased population influx into the area—and once polluted or built over, are irrecoverable. There are many many other non-rural/agricultural areas available in nearby cities for wineries, breweries, distilleries and event centers that do not meet the current code. The problem is not the current code, but the lack of enforcement of the current code that has benefited illegal businesses for a number of years now.

Please refer to [https://friendsofsammamishvalley.org/rebuttal](https://friendsofsammamishvalley.org/rebuttal) – the letter sent to the Council in rebuttal to the proposed ordinance on November 10th. This contains extremely important and detailed background and information on the flaws and incredibly negative effects of the proposed ordinance revisions.

You are in a position to be good stewards of our very important rural and agricultural heritage. Please take the responsibility for saving these unique and valuable areas.

Please VOTE NO on this revision—and put resources into enforcing the current code rather than opening up the Sammamish Valley and other rural and agricultural areas to non GMA-compatible businesses.

Sincerely yours,

Ann Haldeman

13822 173rd Ave NE

Redmond, WA 98052-2149

P.S. Below is a brief summary of the issues with this situation, but I encourage you, to check out the letter mentioned above at [https://friendsofsammamishvalley.org/rebuttal](https://friendsofsammamishvalley.org/rebuttal):

**RE: The Problem is NOT the current code—it is the failure to enforce it. VOTE NO on 2018-0241**

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.
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Furthermore, the WBD exposes our children to the traffic and possible tipsy personnel in the open spaces farming area already overcrowded. It is a safety hazard to traverse the roundabout trying to go east up the hill. Finally, we the people decided to keep the open space passed into law almost 40 years ago. We need to honor the law as it exists. The whole of Woodinville both the town and the surrounding community needs to preserve its theme "City living country style." Better to know the community that way that to become a less desirable motto like "Government approved booze style." We live here preserve what we have, enforce the law as it exists. Step up!!!

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Glen Manheim
Dear Supervising Legislative Analyst Erin Auzins,

I have been a resident of the Hollywood Hill since 1981. I have seen our valley and the surrounding area go through a lot of changes in this time. Many of these changes I have supported. But, enough is enough. It is time for all concerned to appreciate that we do not need to fix something that is not broken. There is plenty of current legal space available to utilize. It is time to stop this pursuit of unnecessary development.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Eugene Mazzola
14208 160th Avenue NE
Woodinville, WA 98072
From: Mike Helbock <medicme@me.com>
Sent: Wednesday, November 27, 2019 7:39 AM
To: Balducci, Claudia; McDermott, Joe; Dembowski, Rod; Kohl-Welles, Jeanne; Dunn, Reagan; Lambert, Kathy; Upthegrove, Dave; Gossett, Larry; von Reichbauer, Pete
Cc: Constantine, Dow; Taylor, John - Dir; Wolf, Karen; Miller, Ivan; Auzins, Erin
Subject: DO NOT alter the current land use ordinance in Woodinville

I am COMPLETELY opposed to altering the current land use ordinance to allow “WINE drinkers to occupy the farmland of the Woodinville valley.
I am a 45 year resident here and this will completely destroy the “country feel” that we have enjoyed for decades!

Please, please consider maintaining the current laws….. and prohibit store-front businesses and wine sellers to occupy the valley floor!

Regards,
Mike

Mike Helbock M.I.C.P., NR-P, SEI
Director - Emergency Medical Trainers & Consultants
Senior Faculty - Seattle/King County Resuscitation Academy
Clinical Educator - Prehospital Medicine
University of Washington School of Medicine
Division of Emergency Medicine
Seattle, Washington
medicme@me.com
206.948.1153
Winery Code:

FromUser: Guy Dunn

EMail: gwdunn@earthlink.net

addr1: 15050 Ne 144st Street

city: Redmond

state: WA

zip: 98052

MessageText:
Concerning the Sammamish Valley Winery property listed Proposed Ordinance 2018-0241.2, we are in favor of allowing demonstrations projects to go forward.

With the exception of the parcels at the extreme southern end of the Demonstration Projects in the Sammamish section, (NE 124th Street north to where 156th Ave NE turns off the Woodenville - Redmond Road), the land shifts from the Sammamish Slough flood plain to Glacial Moraines hillsides. These are less conducive to agricultural activities due to the change in soils and the pitch of the hillsides, than the flat Alluvial & Loam soils that you find on the west side of the Woodenville-Redmond Rd. And those southern most parcels are already used as a nursery similar to several business on the west side of the Woodenville-Redmond Road across from the project area.

Since these projects are not on prime agricultural lands, they are not "stealing" Ag use in favor of tourism. The fact that they overlook real farm lands lend to the experience of visiting these businesses which create their products from farming, albeit farming not on the valley floor. But it reminds us of the rich farming that takes place across the entire state. Bringing some of the bounty of eastern Washington over the Cascades right into Puget Sound for us to enjoy right here in King County.

The Ag tourism has increased the tax revenue for the County and the neighboring cities, and has allowed for increased spending on capital improvements in the area. These Ag tourism businesses in this demonstration project anchor the 100 plus businesses in the winery, food, distillery and brewery sector surrounding the greater Woodenville area.

For our family and how we live, we find these businesses to be good neighbors and increase our appreciation of where we live. And were a strong asset for our decision to live were we do.

Thank you for your attention.
Sincerely,

Guy W Dunn
-----Original Message-----
From: Communications, Comments <council@kingcounty.gov>
Sent: Wednesday, November 27, 2019 11:09 AM
To: Auzins, Erin <Erin.Auzins@kingcounty.gov>
Subject: Form submission from: https://www.kingcounty.gov/council/issues/winery-code.aspx

Submitted at 11:09:08 AM, on Wednesday, November 27, 2019

Winery_Code:

FromUser: Guy Dunn

EMail: gwdunn@earthlink.net

addr1: 15050 Ne 144st Street

city: Redmond

state: WA

zip: 98052

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For our family and how we live, we find these businesses to be good neighbors and increase our appreciation of where we live. And were a strong asset for our decision to live were we do.

Thank you for your attention.

Sincerely,

Guy W Dunn
King County Council and other King County Officials -

I have been a resident on Hollywood Hill in Woodinville for 32 years. My husband and I moved here because we both worked in the city of Seattle, and because we valued the rural nature of this area and have enjoyed our life here for many years. Although my husband has passed, I continue to enjoy the rural lifestyle here, and look forward to many more years in my home and this area.

While I have witnessed growth and some nice improvements to the area, I have also observed growth that is not in keeping with the rural nature of the area. I am particularly concerned about the businesses that have operated illegally (e.g., Feliciano, Matthews, French Bakery) with no enforced compliance by King County. I am actually quite appalled that King County has failed to uphold the zoning laws that clearly show where businesses can be established and where they cannot. Code violations should be taken seriously and action taken to remedy.

As nice as it is to have so many wineries and tasting rooms in the area, I am pleased that the majority of them are within the City of Woodinville (and operating legally). It is a treat to show off the area to out-of-town and other guests. But I will not and do not support the businesses who are operating illegally and who seem to flaunt that fact. If they are allowed to continue, others will follow, traffic will increase with no suitable remedy and eventually the rural way of life that we enjoy, and most importantly, the farmers who also call this valley home, will be either forced to move or go out of business.

A vote AGAINST the above beverage ordinance scheduled for December 4 is critical to maintaining the rural way of life for residents, farmers and LEGALLY established businesses in this Sammamish Valley. I implore you to vote AGAINST the ordinance and to ENFORCE the zoning laws in existence. Don't be sorry later that you didn't take the appropriate action now to preserve this area. Once it's gone, there's no getting it back!

While I unfortunately will not be able to attend the Dec. 4, 2019, meeting, I want to have my voice counted as a long-time resident of this area and a very concerned citizen.

Thank you.

Marilyn Iverson
Woodinville, WA
Dear Supervising Legislative Analyst Erin Auzins,

I am a relatively new resident to the King County Area, having moved here in 2012 from Chicago. I truly enjoy and cherish the ability to define what is farmland and rural, and what is the urban sprawl encroaching.

We, in the seattle area, love to talk "local" and "farm-to-table" even winery to table-----but we have to understand that we also have to defend and protect those rural/farm areas so close to us---that make local real.

We are building everywhere. I understand the need for housing panic---and affordable housing at best. But we have to be firm in keeping our character and our promise to our future generations. Keep what little we have left. Maintain the necessary mix of urban and rural. Wineries can and will find alternate places to market their product. They are just currently caught up in the convenience of location.

Please look carefully at the failure to enforce the current code and interpret it as it was written. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

Remote tasting rooms should not be permitted in the Rural Area. Let's be firm in our enforcement of quality. Let's not be influenced by the money behind the madness. Let's think of the future generations and try to find a balance. The balance is already there. Let's keep the balance.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
judith beto
10104 NE 62nd Street
Kirkland, WA 98033
Dear Supervising Legislative Analyst Erin Auzins,

I was raised in North Africa, Algiers. My parents were refugees from the communist regime in Russia, having lost all the lands which had been in my family for generations. I came to the states in 1948 hoping to again recapture what was taken from my family by a thoughtless and cruel government. This, our Woodinville land in the US, is American soil.

We have had our land used as the land commissioner/assessor has it lawfully zoned...open space/agriculture. We are raising cattle and feed the homeless from our large garden we tend to throughout the year. In addition we pay our fair share of taxes and do not try "to get out of paying" these taxes.

Please let us keep our zoning and the farm ambiance in the Sammamish Valley? There is not much Open Space left in King County.

Below is a very good explanation:

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and
legally operating businesses are already well documented.

Please let us continue to grow our cattle and feed the homeless from our large garden?

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Igor Gladstone
16511 ne 145th
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Claire Thomas
13653 Woodinville-Redmond Rd
Redmond, WY 98052
I have spent decades supporting protection of farmland in King County. The Sammamish Valley is probably the best agricultural soil in King County. It is a small district and therefore buffering it is important. I have followed much of the back and forth and most of it still makes little sense to me. Why not at least enforce the existing regulations as a start? What has happened has shown little respect for those who are operating within the rules, the agricultural community and the rural residents nearby and instead appears to enable the offenders. It is so hard to see this any other way. The Land Conservation Initiative seeks to finish the job of protecting our Agricultural districts and lands. If passed in its current form, this Ordinance will drive speculative land values and make implementing the LCI more difficult and expensive. Ironically it is the protected land that creates the views that the wineries and drinking establishments want to look out at. I can imagine a similar frenzy on the Enumclaw Plateau someday where the views of Mt. Rainier across protected farmland are breathtaking.

The simplest and clearest way I can express my position is to ask you to support the position of Friends of the Sammamish Valley and their proposed changes to King County Beverage Ordinance 2018-0241 which I have endorsed.

Please look carefully and support these well thought out proposals.

Thank you,
Terry Lavender
17304 208th Ave. N.E.
Woodinville, WA 98077
425 788 2304
Tlavender2@frontier.com
Dear Supervising Legislative Analyst Erin Auzins,

Please consider carefully any changes to the code and impacts on traffic, noise, pollution and general degradation of the rural sense of feel of this area they will have. Once out, the genie does not go back in the bottle.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

SUSAN HARP
13017 176TH PL NE
REDMOND WA 98052, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is wrong.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Kate Conant
9433 NE 129th Pl
Kirkland, WA 98034
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Gary Luhm
9433 NE 129th Pl
KIRKLAND, WA 98034
Winery Code:

FromUser: Stephanie Young

EMail: Stephlkings@hotmail.com

daddr1: 15403 NE 198th st

city: Woodinville

state: Wa

zip: 98072

MessageText: The current regulations are not being enforced and code is being ignored. How will the new rules be enforced, and how will this ruling support the local agriculture and ensure the wineries SUPPORT the agriculture?
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Ann Pasley
13838 162nd Ave NE
Woodinville, WA 98072
I am writing in support of the Proposed Ordinance 2018-0241 that has been put together by the King County Executive’s office and transmitted for vote this week by the Council.

Change is always occurring. You can either plan ahead and take reasonable steps to work with change while preserving aspects of the current state that are important to retain, or you can live in the past and have change thrust upon you when there are no other options available. As I am in favor of the ordinance 2018-0241 and I advocate for planning ahead with reasonable steps.

I have shared my opinions with the smaller group that initially looked at this ordinance. I believe that this ordinance accepts that there are pragmatic uses for the land based on what has occurred in the past decade, which twenty years ago no one could foresee. Ordinance 2018-0241 provides those in King County with well-defined land uses that add to the community in meaningful ways. It provides more viable economic options to properties with rising assessments and thus taxes, without sacrificing the agricultural integrity of the area. My concern is that if we only allow established agricultural uses and single family dwellings, in another decade the only owners of these parcels will be large corporate agriculture ventures, who can offset some of the costs of these parcels with other properties in their portfolios. Instead of small businesses the properties along 140th Place NE would be owned by one or two business.

Many on the opposing side of this issue, like to bring up many creative arguments, mostly around change. Increased traffic, which they fail to mention that most of the increased traffic is actually traversing from north of Woodinville to Redmond, where high technology, not wineries, is the major change agent. That is the same high technology industry that has been an economic engine to the King County for more than two decades and has made Woodinville a rather desirable place to live for many in that industry. It is entirely hypocritical for them to say that Monday through Friday traffic is fine, just don’t allow increased traffic on the weekends.

Woodinville itself is growing, both in the downtown core and the tourist district. 140th Place NE is the stretch of road in unincorporated King County sandwiched in between. I live on this road and I have seen a lot of change, change that started long before the wineries, distilleries and tasting rooms. I live on the most direct path between the downtown core and the tourist district; and between Woodinville and Redmond. That is not going to change. Only allowing agricultural and single family residences along the road will not stop the change. Ordinance 2018-2041, does allow for more defined options to deal with and be part of the change that is impacting our area.

Ordinance 2018-2041 does not sacrifice our agricultural lands. Period. It actually does more to protect them by providing other revenue streams outside of crops and nurseries, which in turn can keep these parcels in the hands of small business owners.

Many in the community actually support these uses. There may be a vocal minority who profess that everyone is up in arms about this ordinance. Watch what they do, not what they say.
King County is changing. Woodinville is changing. Gone are the lumber mills (it is mostly 2nd generation trees in the area). Likewise are the dairy farms and chicken farms that replaced the lumber mills. Those gave way to housing developments, whose new owners were happy about that change. The house I live in is more than 100 years old. It is on the remaining part of what was once a large parcel. The family built the house I live in by hand, and three generations lived under one roof. They were farmers and had a dairy business. Back in their day they had to stop traffic on 140th Place NE to move the cows from the pastures on the west side of the road to the milk barn on the east side of the road. Imagine that happening nowadays. As times changed they sold off some of the property to a wealthy man who wanted to make a private area, much like a theme park for his family. That gave way to what is now a tennis, fitness and golf business (no there is no agricultural purpose). My point is that change occurs and often in ways that can’t be seen. Ordinance 2018-2041 is not perfect, yet in its imperfection it attempts to look ahead and provide reasonable uses while protecting aspects that are important to retain.

I love where I live. I am also not afraid of change. I want landowners to have a say through elected officials on reasonable changes that will give our parcels a greater ability to continue to be part of and add to the community where we live.

Thank you for your time and consideration.

Sincerely,
Sean Gallagher
Dear Mr. Constantine,

Orca Conservancy strongly opposes Ordinance 2018-0241. We respectfully request that before King County City Council approves said ordinance, they instead issue a full environmental review to include impact considerations on the river(s), salmon, storm water runoff, water temperatures, and ecosystem.

Please accept the attached as our official comment on Sammamish Valley Land Use Code | King County Ordinance 2018-0241.

Thank you,

Shari

Shari Tarantino
President, Board of Directors
M: (206) 379-0331
orcaconservancy.org
November 25, 2019

Sent via electronic email to: kcexec@kingcounty.gov, rod.dembowski@kingcounty.gov, reagan.dunn@kingcounty.gov, pete.vonreichbauer@kingcounty.gov, larry.gossett@kingcounty.gov, kathy.lambert@kingcounty.gov, joe.mcdermott@kingcounty.gov, jeanne.kohl-welles@kingcounty.gov, dave.upthegrove@kingcounty.gov, claudia.balducci@kingcounty.gov, erin.auzins@kingcounty.gov, karen.wolf@kingcounty.gov

Dow Constantine
King County Executive
401 5th Ave., Suite 800
Seattle, WA 98104

RE: Opposition of Sammamish Valley Land Use Code | King County Ordinance 2018-0241

Dear Mr. Constantine,

Orca Conservancy and its 30,000+ members and supporters stand in opposition of King County Ordinance 2018-0241.

Orca Conservancy is a volunteer 501c3 Washington State nonprofit working on behalf of Orcinus orca the killer whale, and protecting the wild places on which it depends. Our urgent attention is on the 73 remaining critically endangered Southern Resident killer whales (SRKWs) that inhabit the waters of Washington State and who rely on healthy, wild Chinook salmon populations for their survival. Orca Conservancy also works towards increasing prey resources, reducing the accumulation of marine toxins, including the destruction of salmon spawning and nearshore habitats; nurseries of the Salish Sea.

First and foremost, there has been NO State Environmental Policy Act (SEPA) to determine the impact to King County. Instead, King County issued a Determination of Non-Significance (DNS) on their own SEPA checklist WITHOUT an environmental study.

SEPA rules direct state and local agencies to:

- Consider environmental information (impacts, alternatives, and mitigation) before committing to a particular course of action.

Orca Conservancy • PO Box 16628 • Seattle, WA 98116
• Identify and evaluate probable impacts, alternatives and mitigation measures, emphasizing important environmental impacts and alternatives (including cumulative, short-term, long-term, direct and indirect impacts).
• Encourage public involvement in decisions.
• Prepare environmental documents that are concise, clear, and to the point.
• Integrate SEPA with existing agency planning and licensing procedures so procedures run concurrently rather than consecutively.
• Integrate SEPA with agency activities at the earliest possible time to ensure planning and decisions reflect environmental values, avoid delays later in the process, and seek to resolve potential problems.

As one of the largest regional governments in the United States and the most populous county in Washington, King County bears responsibility to restore and protect the natural resources that the Southern Resident killer whales depend on.

Currently, the proposed Ordinance 2018-0241 (Winery/Brewery/Distillery Regulations) seeks to allow unlimited events with excess parking on rural parcels leading to overland pollution, surface water pollution, ground water pollution, trash, noise, etc. This will then be disrupting streams and rivers and further degrading water quality that our endangered aquatic species such as Chinook salmon rely on for migration within the Snoqualmie, Cedar and Sammamish Rivers.

Rebuilding stream habitats for our endangered Salmonid species which travel to and from spawning and rearing habitats, the Issaquah hatchery, and by using the Sammamish River as a major migratory route must be a mandatory and funded action. Restoration is not only vital, it is less expensive than when done in urban areas.

It’s extremely frustrating to be working towards Salmonid recovery -- with the greater goal of assisting with the endangered Southern Resident killer whale recovery -- only to be met with an ordinance that goes against everything the Growth Management Act (GMA) was designed to protect.

The Sammamish River corridor is very similar to the story of many of our urban streams and urban rivers. We are dealing with a watershed where more than half the aquatic habitat has been lost. Currently, the in-stream conditions lack necessary diversity, and the channels and the substrates have been altered and no longer suitable for spawning habitat in many of the areas. Water temperatures are elevated along with nutrients and pollutants. Flows have been altered from flooding in the winters and lower water levels during the summers – all of which impact our fish and wildlife species.1 While many of these fish are returning to the Issaquah hatchery, if we continue with the current trajectory the majority of these fish will continue to die due to a continued increase of poor conditions in fresh water before these fish even have a chance in reaching the ocean.2

“King County is committed to protecting and restoring clean water and healthy habitat in support of whale recovery. We are continuing to make significant investments in land and water conservation, habitat restoration, wastewater treatment, storm water management and pollution clean-up. In addition to our long-
term commitment to salmon recovery, the primary food source of the Southern Resident killer whales, King County is accelerating habitat protection through our 30-year Land Conservation Initiative, the Fish Passage Restoration Program, investing in forest health, and partnering with other local governments and Tribes to strengthen climate resiliency of our natural systems.”

In closing, Orca Conservancy strongly opposes Ordinance 2018-0241. We request that before King County City Council approves this ordinance they instead issue a full environmental review which includes impact considerations on the river, salmon, storm water runoff, water temperatures, and ecosystem.

Sincerely,

Shari L. Tarantino
President

\(^{1}\) 2019, November 7. Dow Constantine, King County Executive. Public comment, SRKW expansion of critical habitat.

Orca Conservancy • PO Box 16628 • Seattle, WA 98116
Dear Councilmembers:

Please see the attached comment letter regarding proposed changes to Ordinance 2018-1241. Should you have any questions or concerns, please do not hesitate to contact me at (206)297-7002 ext 114 or by email at alyssa@pugetsoundkeeper.org. I will be out of the office for the holiday, returning Monday 12/2. Thank you for your consideration, and happy holidays!

Regards,

Alyssa Barton
(she/her/hers)
Policy Manager
Puget Soundkeeper Alliance
130 Nickerson Street, Suite 107
Seattle, WA 98109
(206) 297-7002 x114
alyssa@pugetsoundkeeper.org
www.pugetsoundkeeper.org
November 27, 2019

King County Council  
516 Third Ave, Room 1200  
Seattle, WA 98104  
By email: council@kingcounty.gov

Re: Ordinance 2018-0241

Dear Councilmembers McDermott, Reichbauer, Dunn, Kohl-Welles, Gossett, Dembowski, Upthegrove, Lambert, and Balducci:

Puget Soundkeeper’s mission is to protect and preserve the waters of Puget Sound, from snowcaps to whitecaps. We are committed to stopping water pollution at the source so that one day, all of our waters will be swimmable, fishable, and drinkable. Soundkeeper has a long history of deep engagement on stormwater pollution, including advocating for stormwater solutions.

Stormwater is the number one vector for toxic pollution resulting from every day activities that threatens Puget Sound. A single paved acre in Seattle results in a million gallons of stormwater runoff annually. With an average annual rainfall at SeaTac airport of 38.2-inches, the Puget Sound basin sees an average of more than 370 billion gallons of stormwater runoff from impervious surfaces each year. The Department of Ecology estimated that, each year, between 14 – 94 million pounds total of toxic pollution enters Puget Sound via stormwater. Of this toxic pollution, between 13-92 million pounds (over 90%) is in the form of oil or grease, and specifically, 7.9 – 55 million (58%) is petroleum. These toxic chemicals can kill coho salmon within hours of exposure, a condition now called Urban Runoff Mortality Syndrome, or “URMS.” Toxic pollution not only impacts salmon, but our endangered Southern Resident Killer

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Whales as well – toxic contamination has been identified as one of the three primary threats to their continued survival.4

Despite the severity of our regions stormwater pollution problem, recent research demonstrates that filtering polluted stormwater runoff through a soil column of sand, compost and bark, can reduce salmon prespawn mortality (URMS) – in one study, it resulted in 100% survival of exposed juvenile coho. The soil filtration also prevented reproductive damage to tiny insects salmon eat.5 Strategically including or incorporating certain soil mixes, native vegetation and trees into developed landscapes results in capturing and infiltrating polluted runoff from rooftops, driveways, and other hard surfaces, preventing pollution from entering surface waters. This type of green infrastructure - including raingardens, filter strips, or riparian buffers - is the way of the future.

Recognizing that green infrastructure is the best method of treating and slowing polluted stormwater runoff, as a result of Soundkeeper and People for Puget Sound’s appeal of the 2007 Western Washington Phase I and II Municipal stormwater permits, the Pollution Control Hearings Board required permittees to adopt ordinances implementing Low Impact Development techniques as the preferred and commonly used approach. Ecology recently reissued the municipal stormwater permits in 2019. Phase I Permittees are now required to implement a program for Structural Stormwater Controls as part of their Stormwater Management Program (SWMP). Ecology aims this program toward retrofitting existing developed areas.6

Furthermore, one of the most important factors that can affect the quality of a surface-water body is the land use within its watershed. A number of studies have shown that the density of population and housing can affect the concentration of chloride, nitrate, and a variety of pesticides in streams that drain urban and suburban settings.7

Agricultural stormwater can cause surface and groundwater pollution. Explicitly exempted from coverage by the Clean Water Act, agricultural non-point source pollution (other than stormwater runoff from Concentrated Animal Feeding Operations, or “CAFOs”) is the leading source of water pollution to our nations rivers, streams and lakes. Conversions of wetlands to crop production and irrigation water diversions have brought many wildlife species to the verge of extinction. However, many farmers are also conservationists who by implementing best management practices, can and do protect water quality and wildlife habitat. Sustainable local farms can provide safe and healthy food alternatives for communities in Puget Sound while stimulating the economy.

7 http://www.waterencyclopedia.com/La-Mi/Land-Use-and-Water-Quality.html
We support policies that protect agricultural lands from urbanization, as doing so protects against urban sprawl, encourages cities to become denser and more efficient, and preserves open space. We encourage the Council to act consistently with the County’s policy of protecting the environment and rural integrity of unincorporated King County. We are concerned that Ordinance 2018-0241 may have unintended consequences: namely, that proposed revisions may open the door to more (both more intense and more frequent) commercial uses in protected agricultural areas in unincorporated King County, inviting additional development and with it, the risk of additional toxic stormwater pollution and resulting degraded water quality.

The Sammamish River is a migration corridor for Sockeye, Coho, and most importantly, threatened Chinook salmon. The majority of these fish will die due to poor conditions in fresh water before even reaching the ocean. One significant problem is high temperatures and toxic runoff in the Sammamish River. The Sammamish Valley offers a critical place where habitat restoration could take place at a lower cost than in urban, developed areas. By further developing the Sammamish Valley, particularly in protected agricultural areas, adding additional impervious surfaces, conditions will likely deteriorate further for salmon. King County has made salmon recovery a priority, and many salmon restoration projects along the Sammamish River are already underway. We would ask that any code changes carefully consider these investments to ensure that they are not put at risk, which would not only jeopardize investments made in salmon recovery by tax-payers, but put salmon at greater risk. As such, we respectfully request that a full environmental review be conducted on the potential impacts of this ordinance before a final decision is made.

Thank you for the opportunity to comment on Ordinance 2018-0241. We look forward to continuing to engage with the Council on issues impacting water quality and salmon habitat.

Sincerely,

Alyssa Barton
Policy Manager
Puget Soundkeeper

Cc:

joe.mcdermott@kingcounty.gov
Pete.vonReichbauer@kingcounty.gov
reagan.dunn@kingcounty.gov
jeanne.kohl-welles@kingcounty.gov
Larry.Gossett@kingcounty.gov
rod.dembowski@kingcounty.gov
Dave.Upthegrove@kingcounty.gov
kathy.lambert@kingcounty.gov
claudia.balducci@kingcounty.gov
I have been a resident of unincorporated King County for more than 30 years. My husband and I are in our 60's and really enjoy a Friday night out at Matthews Winery.

We like going there because the music ends at 9:30 and we can be home nice and early. We like going there because it is a nice classy venue. We like going there because many of our friends and neighbors are there also. We have no interest in going to a bar for live dance music. Bars are late night drunk fests often times and not our style at all.

I know that a vote is coming soon that may end our Friday nights. There is really no other venue near us that can offer a similar experience so I am hoping some kind of compromise can be found. Please consider all options. I know there are many differing opinions but hope this email encourages a resolution that can be positive for all sides.

Thank you for considering the desires of all your constituents.

Kris Lowe
-----Original Message-----
From: Carol Dema <demacarol@gmail.com>
Sent: Wednesday, November 27, 2019 8:36 PM
To: Communications, Comments <council@kingcounty.gov>
Subject: Woodinville winery parking

Please just use the standard parking for the wineries. They are so important to us and provide a wonderful environment for visitors. You should not be punishing them in anyway… This is insane to destroy business that brings so much to the community.
Carol dema

Sent from my iPhone
Dear King County Council,

I am writing in support of the Proposed Ordinance 2018-0241 that was put together by the King County Executive’s office and transmitted for vote this week by the Council.

I have followed the detailed research and efforts of the Council to take public comments into consideration when developing this transmittal and believe that the Executive’s office has developed a well-thought out solution for the area in which I live.

I have lived in my home in the Hollywood Hill area for almost 25 years, and during that time Woodinville has changed greatly. In my opinion the wineries, breweries and distilleries have enhanced our area and introduced vibrancy and growing tourism draws that we lacked before these businesses arrived.

While I can understand Hollywood Hill Association’s (HHA) concern about the Agricultural overlay of the valley, I don’t believe that the adult beverage businesses that have set up residency over the past few years have done anything but enhance our area. What I like about the proposed solution is that it sets out parameters for these businesses and additional businesses of this type, and by doing so will both allow for a strong and growing tourist industry while still protect our agricultural land. The risk to me is not the inevitable growth along the valley corridor, but not having regulations in place to help preserve this important asset.

For those of you who might not have personally visited this area, along the west side of 140th Place NE that the Hollywood Hill Association is stating is at-risk agricultural land lie a large multi-building tennis facility/gym, a large church with a paved parking lot, a multi-use/2 story child care facility, and multiple other smaller businesses, most of which have paved non-permeable parking lots, and all on the valley side designated Ag land.

On the east side, which is included in Hollywood Hill, lie Matthews and various sizes of residential lots, including my house. If controlled use of these lots is allowed in the general form that Matthews has done, it’s hard to believe that they would be anything but an asset to the area. For the record the east side of the road in the stretch between the tourist district and downtown Woodinville has far fewer businesses and those that exist blend into the rural landscape better than the many that lie on the agricultural side of the road. The arguments that Hollywood Hill Association members make about the potential development along this road make no sense given what already exists.

Additionally in past letters to the Council I have indicated that Matthews Winery has been nothing but a positive business to have along this road ~ their business does not create additional noise nor add interruptive traffic like Hollywood Hill Association claims. They have created large planting
areas and are pretty to drive by and visit for tourists. In general the claim that HHA makes about the negative consequences of the wineries could be negated just by visiting this business. Hollywood Hill Association is well funded, vocal, and very well organized. They have organized a bus to transport protestors to Tuesday’s meeting in order to create the most vocal pushback possible regarding the winery ordinance. I find it unfortunate that what I read in emails from this group regarding the proposed ordinance often misrepresents facts to support the points that HHA wants to make, not necessarily the actual impacts, and I’m not sure how much the organization’s points are questioned by those who read the emails.

It is my hope that the Council will continue to look ahead at what is best not only for Woodinville but our region in general and not let the insistence of a minority group overpower the vision our area needs to move forward and grow. The adult beverage industry has already had a significant positive economic impact on this area and I believe has the potential to grow significantly given both opportunities and guidelines. It will continue to make Woodinville a desirable tourist destination for both locals and visitors from out of town and allowing it to grow makes sense.

Thank you for your time.

Sincerely,
Alisa Bell
Woodinville, WA.
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Philip Haldeman
13822 173rd Ave NE
Redmond, WA 98052
Dear Supervising Legislative Analyst Erin Auzins,

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Jo Blue
15920 198th Pl NE
Woodinville, WA 98077
I have been a farmer and farm manager in the Sammamish Valley for over 30 years. There are specific reasons why I am opposed to Ordinance 2018-0241.

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. This has resulted in one-fourth of our acreage now being too wet to farm. Since our average annual production of vegetables on this farm is 11,250 pounds per acre, this means that 45,000 pounds (22.5 tons) of much needed food production has been lost – forever.

This valley is classified by the USDA as “one of the 10 most fertile valleys in the United States” There are approximately 300 acres of Farmland Preservation Property in the Sammamish Valley. If farmed to its full potential, the land could produce 6 million pounds of produce annually, enough to provide more than 60,000 people 100 pounds of vegetables per year.

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. Part of the requirements under this program are that the land must be farmed. However, if it cannot be safely farmed because of pollution, farmer groups have a very good position to present to court and declare that “farming is no longer a viable use”. There is precedent for that.

We started farming this land in 1986 and were the second CSA project in the United States. It took upwards of 10 years to clear the land and bring it back to health after decades of chemical pollution.

Now we can offer some of the healthiest organic produce to the residents of this area. Member families receive an average of 22 pounds per week or over 460 pounds during the season. Our farm can serve up to 400 families plus we average over 8 tons donated to charitable organizations annually.

How can we do this? It’s not just the 12 hour days, the dedicated crew, the learning and experimenting – none of this would be possible if it were not for the incredible soil! There are underground artesian streams, then a layer of perfectly preserved forest floor leaves, then 3 inches of volcanic ash (provides astonishing nutritional value to our vegetables) which is all topped with up to 12 inches of topsoil. This is why the Sammamish Valley is considered one of the 10 most fertile valleys in the United States. There is very little of it left.

In the past 20 years, there has been an influx of new farmers coming into the valley. We are faced with daily challenges of flooding (from current run-off) weather changes, early frosts, unseasonable cold or heat, smoke pollution – well, that is just a few. We also make very little money.

We are survivors. But one thing we cannot survive is the loss of our land to polluted wells (over loaded leaking septic systems) toxic run-off, (parking lots, increased roof square footage) and increased flooding from higher density zoning. Our fragile eco-system cannot survive either. We are at a critical point now. Loss of native bees and other beneficial
insects has been a problem for the past 5 years, as well as decrease of many bird species. The Sammamish River is not really “Salmon Friendly”. More businesses and housing in areas surrounding agricultural areas has always brought these problems.

People who think that this Ordinance will not eventually destroy the resource we have here are refusing to take into account historical data, and are more interested in their special interests than saving what voters of the County have repeatedly stated by their votes, from the Farmland Preservation Program, voting down annexation (not once but twice), and protesting proposed Urban Growth Boundary changes.

You would think that we would all want to protect lands we will need to feed us, just like we want clean air and water. Since the 1960’s, those who came before you recognized the importance of saving some of the agricultural lands for the future. What will be your legacy?
Please, please vote no!
Sincerely,
Claire Thomas

President
Roots of Our Time Cooperative Inc.
www.rootconnection.com
President
The C-T Management Corporation
President Emeritus
Farms For Life
www.farms4life.org
Farm Production Advisor
21 Acres
Farm Manager
Farm Acquisition Research and Management LLC
(South 47 Farm)
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You would think that we would all want to protect lands we will need to feed us, just like we want clean air and water. Since the 1960’s, those who came before you recognized the importance of saving some of the agricultural lands for the future. What will be your legacy?

Please, please vote no!

Sincerely,
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www.rootconnection.com
President
The C-T Management Corporation
President Emeritus
Farms For Life
www.farms4life.org
Farm Production Advisor
21 Acres
Farm Manager
Farm Acquisition Research and Management LLC
(South 47 Farm)

Sent from Mail for Windows 10
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Kelly Lloyd
12711 NE 170TH LN
WOODINVILLE, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

Dear Council Members,

Please protect the Sammamish Valley and VOTE NO on Ordinance 2018-0241.

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Thank you for your time!

Sincerely,
Holly Rennhack
17106 123 PL NE, Q101
Bothell, WA 98011
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Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Beth Lehman-Brooks
15720 158th Ave NE
Woodinville, WA 98072
To: King County Council Members

As a paying property tax citizen I am deeply concerned about King County councils actions against the existing wineries. These are owned by hard working members and citizens of King County. Please be fair and reasonable. Parking at the wineries needs to be available to visitors of the properties. I find your vision for the well liked and enjoyable use of outdoor and indoor activities for families and adult only very short sided. How nice for residents and visitors to have these business provide enjoyable open space for families to enjoy picnic areas and events for adults and again families. Current parking code allows for families and groups to access these business. Please allow the current standard of Up to 25% of the property for impervious surface to be used for buildings and parking.

Why does the county want to take away good and healthy business. I also have a friend who owns property in Skykomish. What you are doing to property owners in that part of the county is terrible also.

You council members are ridiculous. (Sorry to say that but frustration can be very honest). Do something positive for hard working business owners. Quit trying to make it harder for hard working business owners. The majority of tax payers and business owners are the people paying your salaries. It’s easy for these No growth /save the land citizens to shout out for no more progress etc but they should try getting the facts correct.

I encourage you to let the codes stand as is. Do the right thing. Let the wineries be a wonderful part of the county. They are doing nothing wrong!!! The council needs to vote to support the hard working citizens and owners of the county wineries. The county should be proud of all the positive and goodwill that these businesses bring to our county. And the tax revenue that pays for salaries of law enforcement, of road work and health care and support for those in need. And etc etc

Thank you and I look forward to seeing the council vote to keep current code in place.

Barbara Young
3615 91 st ave me
Bellevue wa. 98004
Sent from my iPhone
Dear King County Council Members,

Please take time to read the attached letter concerning the proposed Adult Beverage Ordinance 2018-0241 when considering whether to approve the ordinance or to continue studying the issues and requiring an Environmental Impact Statement.

Respectfully submitted,
Susan Wilkins
December 2, 2019

RE: Adult Beverage Ordinance 2018-0241

Dear Councilmembers:

Thank you for the opportunity to comment on the proposed Adult Beverage Ordinance 2018-0241. As the president of Water Tenders, the oldest environmental advocacy group in King County, I am writing to express concern about the unintended consequences of the proposed Beverage Ordinance on the Agricultural Production and Rural Area Zones in the Sammamish Valley as well as the effect that the ordinance would have on the Bear Creek Basin and all environmentally sensitive areas in King County.

First, I want to review how the Council got to this point of considering such a significant decision. When the Growth Management Act was passed in 1990, King County drew Urban Growth Boundary lines that delineated where growth would be concentrated. Lines were drawn around cities and towns where growth would be concentrated. Areas outside the Urban Growth Boundary were supposed to have limited development. Cities created comprehensive plans and zoning codes that governed how, where and when development would occur.

With the understanding/assumption that intensive construction and development would only occur within the cities inside the UGB where the comprehensive plans and zoning codes would address development issues, the King County Code was written without significant or adequate regulations for land use development in rural zones. Ultimately, the King County Code does not have adequate planning authority or regulations to address the intensive development in the rural areas that will occur along SR202 as a result of the Adult Beverage Ordinance 2018-0241.

After the passage of the Growth Management Act in 1990, the boundary line for the City of Woodinville was drawn to include areas far to the south of the city center where two well-established wineries, the Columbia Winery and the Ste. Michelle Winery, had been operating for years. The historic Hollywood Schoolhouse area on the southeast was also included in Woodinville's boundaries because it already had a business district.

The City of Woodinville was responsible for providing all urban services (water, sewer, police, fire, traffic control, public bus transportation and surface water management) to land parcels, residents and businesses inside the city limits and Urban Growth Boundary. Agricultural District and the Rural Areas would not receive urban services specifically because they were located outside the UGB.
WASHINGTON HAS BECOME A MAJOR GROWER OF GRAPES
FOR HIGH QUALITY WINE PRODUCTION

Eastern Washington is recognized as a fantastic grape growing region with its combination of long sunny days, cool nights and unique acidic glacial soil. It has been compared to the wine-growing regions of France. Grapes are grown along the Columbia River and then sent to the Woodinville area wineries for fermenting and processing. **Over the past 30 years, more than 100 wineries, breweries and distilleries with associated tasting rooms have located inside the City of Woodinville and the area has become a tourist destination known for its wineries and tasting rooms. These businesses that are numerous, well established and thriving.**

Unfortunately, in addition to the 100+ wineries, breweries and distilleries that have located inside the Woodinville City Limits, since 2005 or 2006 several home-based wineries (red boxes) were established on the east side of SR202 between Woodinville and Redmond. These wineries were a permitted use when they were in an owner-occupied residence as was the case when they first started operating. However, eight of the home-based wineries moved their wine production off-site and began acting as tasting rooms, retail sales locations and event venues for large parties and gatherings. Code violation complaints were filed with King County and, in response the businesses demanded that they should be allowed to continue operations.

Rather than telling the businesses that they were out of compliance and needed to shut down, King County commissioned the **2016 King County Sammamish Valley Wine and Beverage Study** that focused on the agricultural and rural parcels along SR202 in the Sammamish Valley area from Woodinville to North Redmond.

The **2016 King County Wine and Beverage Study** did not acknowledge the significant number of wineries, breweries and distilleries (100+) that were established and operating inside the City of Woodinville. The consultants who wrote the study mainly...
focused on the agricultural land along the Sammamish River and the hillside to the east of SR202 between the Hollywood Hill roundabout and the city limit of Redmond to the south. The Study excluded standards that an Environmental Impact Study would cover such as surface water management and contamination from uncontrolled run-off and/or septic overflow, loss of agricultural production zones and traffic impacts. Additionally, the study did not consider the impact of creating tasting rooms and event centers in RA zones and Agricultural lands located in other areas of King County with significant RA and Agricultural zoning. As a result of the Study, Overlay Projects A and B were proposed that will create major event venues and tasting rooms on the east side of SR202 in the RA zone.

Demonstration Project Overlay A for the Sammamish Valley would allow **Tasting Rooms** on five parcels that currently have pending code violations including Castillo de Feliciano (340770-0006), Cougar Crest (340470-0027), Cave B (340470-0026), Forgerson Cellars (340470-0030), and Sky River Mead (340470-0040). These parcels are outside the Urban Growth Boundary and have no access to municipal services. Moreover, it should be obvious that Demonstration Project Overlay A amends the King County Code to legitimize these previously illegally operating businesses.

It should also be noted that the parcels on the steep hillside on the east side of SR202 (Redmond-Woodinville Rd) are zoned "SO-120: Agricultural Production Buffer" with the intent that the zoning should minimize the impact of development to the adjacent agricultural land along the Sammamish River. 21A.38.130 states that the purpose of the agricultural production buffer is to provide a buffer between agricultural and upslope residential land uses. Tasting rooms and events centers are commercial activities (and under 2018-0241 would require a business license.)
Demonstration Project Overlay B in the Sammamish Valley for Special Events will rezone all parcels on the east side of SR202 (Redmond-Woodinville Rd) between the Woodinville City Limits at the Hollywood roundabout to the Redmond City Limits at NE 124th Street and allow Special Events. Only parcels larger than 5 acres are supposed to be eligible for the Special Event designation, but it must be recognized that lot line revisions could easily create many additional 5-acre parcels by combining smaller adjacent parcels.

It also must be noted that all land along the east side or SR202 is steep and any development would create run-off and flooding in the agricultural bottomland that would not be contained or mitigated.

Additionally, because this area was never intended for site planning or significant development, there is no section of the King County Code that could oversee development of the in the RA or A zones for the proposed WDB businesses (i.e. there is no way to require storm water vaults for contaminated run-off from parking lots, no provision to require traffic turn lanes or traffic lights, no access to the municipal sewer system for large events with 125+ people, etc.)
More troubling about the Adult Beverage Ordinance 2018-0241 are the changes to the "Product Content" and minimum lot size requirement for Wineries, Breweries and Distilleries located in the Rural Area. (See staff file "2018-0241_Att5_Council_staff_summary_matrix _substantive_changes" - Table 2 for Rural Area Zone.) The existing code requires that 60% of products processed must be from Puget Sound Counties. Since grapes for wine production cannot be grown in any county bordering Puget Sound (because it is too cold and wet), local wine production in the RA zone is not economically viable and simply doesn't occur although it is currently technically allowed. With the elimination of the 60% local product requirement, grapes grown in Eastern Washington can be transported to wineries in King County for winemaking at any site larger than 2.5 acres (reduced from the 4.5 acre minimum) and zoned RA. Thousands of acres of RA land will become available for wine production and wine tasting rooms - creating land disturbances, traffic, run-off and all other degradation that come with commercial development even on a limited scale. *The magnitude of these simple code changes cannot be understated.*

On a certain level, the Adult Beverage Ordinance 2018-0241 attempts to address the hurdles faced by Adult Beverage businesses trying to manufacture wine and spirits in unincorporated King County. The many complicated and frustrating requirements and restrictions that businesses are encountering are meant to protect the rural environment and concentrate development inside the Urban Growth Boundary. The exorbitantly high cost of land in the UGB makes locating in the rural areas attractive to businesses; however, it undermines the intent of the Growth Management Act.

Many successful and thriving winery, distillery and brewery operations have located inside of Woodinville city limits. The county-wide rezoning of RA parcels for use as wineries, breweries, distilleries and events centers should not be approved by this ordinance without further in-depth study to understand the effects across the entire county - from rural Redmond, to rural Kent/Auburn, to Enumclaw-Greenwater, to Snoqualmie Pass and to Skykomish. We need to carefully consider the effects of this ordinance.

I implore all members of the King County Council to reject Ordinance 2018-0241 unless an Environmental Impact Study is done to consider all potential effects and alternatives.

Respectfully submitted,
Susan Wilkins
President, Water Tenders 2017-2020
Dear Supervising Legislative Analyst Erin Auzins,

Note: I cannot make the public hearing tomorrow. Please take these comments as my public testimony. Thank you.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Stephanie Roche
6405 Phinney Ave N Apt L
Seattle, WA 98103
Submitted at 9:03:13 AM, on Tuesday, December 3, 2019

Winery_Code:

FromUser: Dave Richards

EMail: djrtuna@gmail.com

addr1: 16208 NE 145th st

city: Woodinville

state: Wa

zip: 98072

MessageText: I'm asking that Ordinance 2018-0241 receive a No vote. Rural lands need to remain rural. No more development on said farm lands. Keep wineries and distilleries within the city boundaries not on our already shrinking farmlands.
Re: King County Beverage Ordinance 2018-0241.3

Dear King County Councilmembers,

Thank you for taking comments on the Sammamish Valley land use code regarding remote tasting rooms.

These comments are in reference to the King County Beverage Ordinance 2018-0241 and are sent on behalf of Whale Scout, a local non-profit organization dedicated to protecting Pacific Northwest whales through land-based conservation experiences.

Whale Scout has worked for several years to restore salmon habitat to ensure prey abundance critical for the survival of endangered Southern Resident Killer Whales. Our volunteers are involved at restoration sites throughout King County and, especially, in the Sammamish Valley. Working with partners, we have transformed streamside properties, such as one on Bear Creek near Avondale Road. We have removed invasive overgrowth and planted hundreds of native shrubs and trees. We routinely perform water quality testing at this creek, and we are continually reminded of the crucial role returning salmonids play not only for struggling orcas and the web of many other animals, but also for the marine derived nutrients carried to riparian hedgerows and the myriad pollinators reliant on these hedgerows, which, in turn support nearby farms.

Whale Scout work parties routinely fill to capacity, are increasingly diverse, and typically include middle school students, high school interns, and parents with young children. All have an interest in salmon species and the recovery of the Southern Resident orca population and recognize that land-use and water quality in the Sammamish River Basin are directly linked to the survival of both.

Whale Scout is based in Woodinville and, along with the public, supports farms and open space. We are concerned that the Adult Beverage Ordinance under consideration by the King County Council would open rural areas of the Sammamish Valley to sprawl and commercialization with significant further degradation to the Sammamish River ecosystem that we work hard to restore. Whale Scout respectfully requests that full environmental reviews be considered, that the intent of the Growth Management Act be respected, and that protections are in place to provide riparian buffers and zoning that safeguard the Sammamish Valley and prevent disruptions to our neighborhoods, farmlands, and natural habitats.

Respectfully,

Whitney Neugebauer
Director, Whale Scout
P.O. Box 426
Woodinville, WA 98072

Whale Scout is a member of the Orca Salmon Alliance
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Chris Porter
17426 NE 140th Place
Redmond, WA 98052
Auzins, Erin

From: Communications, Comments
Sent: Tuesday, December 3, 2019 4:57 PM
To: Auzins, Erin
Subject: Form submission from: https://www.kingcounty.gov/council/issues/winery-code.aspx

Submitted at 4:57:22 PM, on Tuesday, December 3, 2019

Winery_Code:

FromUser: Citizens’ Alliance for Property Rights

EMail: cindy@capr.us

addr1: 718 Griffin Ave # 7

city: Enumclaw

state: WA

zip: 98022

MessageText: King County has been working on creating ordinance 2018-0241.2
https://www.kingcounty.gov/~/media/Council/documents/Issues/winery/may/2018-0241-2PublicHearingNotice.ashx?la=en related to regulation of Winery, Brewery, and Distillery businesses in King County. The activities of these small businesses located in rural King County are all in compliance with State regulations, but King County has endeavored to endlessly create a document of over 300 pages on exactly what can an cannot be done within the County for these small businesses.

With heavy handed diligence, King County is determined to solve problems that do not exist as neighbors to businesses are united in the concept that business interests and opportunity should exist in rural King County. Therein lies the problem as individual district representatives carve out exceptions for their own districts leaving the citizens of King County with an inequal application of law: Establishing carve outs for some rural areas, near Woodinville, Vashon, Fall City. While subjecting rural and agricultural use area to conditional use permits with time limits and other prohibitive development conditions. The development conditions address: minimum lot sizes, maximum building sizes, parameters for on-site sales and tasting, water connection, access requirements, product content, production requirements, facility location on agricultural lands, maximum parking, and setbacks from Rural Area and Residential zones.

Partisan politics have been well inserted into the decisions being made regarding this ordinance. The county should be promoting these businesses not hindering their ability to do business - this is harming the counties rural business tax income revenue. The county rural road capital budget is being depleted, yet, while eliminating revenue with over-reaching regulation the county at the same time creates non-sense regulation reading all these businesses must have access from a "main arterial street".

Here is a listing of problems with this proposed ordinance:

Citations for Wineries and Breweries are double that than for any other similar application of law. Proposed is $500 for a first violation and $1000 for a second. The ordinance is in conflict with state law as to how it interprets and regulates "satellite" operations of these businesses.
https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapp.leg.wa.gov%2FRCW%2Fdefault.aspx%3Fcite%3D66.08.120&data=02%7C01%7CErin.Auzins%40kingcounty.gov%7C0a2a3206b718474f3d4a08d77854ecc1%7Cb
Wineries and Breweries are to only sell what is manufactured on site, this is wrong, retail should be allowed to be split from the manufacturing as it is allowed by State Law. On rural ag land, these businesses would have to grow 60% of what is used in their products or not exist, shouldn’t the county be enhancing ag opportunity? This is also completely unreasonable and unattainable as wine grapes do not grow well on this side of the state. We should not create regulations that are literally impossible to follow.

Shouldn't existing businesses be vested in what they already do in keeping with State Code? The ordinance will eliminate a brewery to function as a home business, and unreasonably limit operating hours.

The proposed ordinance will effectively eliminate many small businesses that produce craft brews and wines, this is an exaction, the taking of the use of property through regulation. Rural and agricultural businesses should be supported in King County.

Prohibiting WBD facilities and remote tasting room uses as home occupations and home industries, and providing a timeline for existing home based businesses to be considered legally nonconforming.

CAPR Urges the King County Council to reconsider the contradictory and over-burdensome ordinance and create an ordinance that will evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

This significant ordinance (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program. The least burdensome alternatives have not been considered and this ordinance will have the effect of unequally applying different standards on different individuals within the county.

We have heard from many related businesses and from many individual citizens expressing outrage and dissatisfaction with their county government in their consideration and reading of the ordinance.

Thank you,
Cindy Alia
Citizens' Alliance for Property Rights
Dear Councilmembers:

You have previously received emails with the following scenarios of how the proposed beverage ordinance, 2018-0241, can be implemented. The purpose of this email is to expand on how the ordinance creates loopholes that allow for uses that, I believe, are outside the County Council's collective intent.

You have received the following scenarios in previous emails:

Scenario: I own a big winery, Winery X, in Walla Walla that makes great wine. Ordinance passes. I go get another winery license for Winery Y (cheap $200 easy paperwork process) for my A zoned parcel in the Sammamish Valley. I plant a few grapes out back. I “make wine” from those grapes. I could actually really make a tiny batch of wine or I could pretend to and just bring in a barrel to “ferment and age” and say I am making wine from those grapes (who would know as I’m only making a tiny bit.) Either way I can then truck in bottles from my real winery X in Walla Walla and sell them along with the wine that I “make” onsite at sham winery Y.

The key here is State liquor law allows wineries to cross sell if the ownership structure is the same. So if I have a real winery in Walla Walla and I set up a sham winery here under same ownership, I can use my sham winery as a sales outlet for my real winery. State law permits cross selling. The Ordinance specifically references state law, only requires me to “ferment and age” which I can do in a barrel, and doesn’t prevent me from trucking in bottles from elsewhere.

This is what Milo — the illegal coffee shop/bakery on A land that just recently set up sales of wine and distilled spirits — is doing to get legal.

If I want to do a sham winery in the RA its even easier. Since I don’t have to grow anything onsite, all I have to do is store a barrel that is “fermenting and aging” (that I bring in from my Walla Walla winery), and I can truck in bottled wine from Walla Walla. This is exactly what Matthews is doing today and how they will be fully legitimizied by the Ordinance.

The lines of code -- "in accordance with state law" -- that allow the cross-selling described in
these scenarios are lines 685, 778, and 1022 of the attached draft of the ordinance.

The parts of the ordinance that allow ***sham wineries*** with just a barrel in the corner
"fermenting and aging" come from lines 433-463, 672-676, 760-769, 1009-1012, and 1052-1055. The "sham winery" loopholes arise from:

- Only requiring one (definitions) or two (permitted uses) steps of production to qualify as a winery.
- Including as permitted steps of production terms that are non-standard or vague ('finishing'), or self-identified ("such as").
- Failing to specify a minimum level of production on-site, or even a minimum proportion of on-site sales that are on-site production. To be clear, I believe that the willingness to abuse King County's rules has been shown to be so high that the only reasonable approach for RA and A zones is to allow only sales of products produced on-site.

Compounding the problem even further, loopholes and inconsistencies in the definitions and permitted uses allow not only cross-selling of non-on-site-produced alcohol, but also sale of ***"merchandise related to the products produced on-site.***" Imagine: furniture, travel, tobacco, food, clothing -- there is almost no limit to the products that King County's violator-friendly code enforcement organization will feel compelled to interpret as "merchandise related" to alcoholic beverages. This language appears in lines 687-689, 781-782, and 994-996.

These are just some of the problems generated by loopholes in the ordinance -- loopholes which, as Serena Glover pointed out yesterday, current violators are aware of and apparently poised to take advantage of.

Please remember that there is ***NO INJUNCTIVE RELIEF*** for this ordinance, and it ***grandfathers abusers***, in at least two ways that are covered in the attached matrix of problems remaining in the ordinance.

Please vote NO on Ordinance 2018-0241.

Susan Boundy-Sanders
sbsand@hotmail.com
425.591.3672
17859 149th Ave NE
Woodinville, WA
98072-6202
Boundy-Sanders.com

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Begin forwarded message:
From: Serena Glover <serena@allenglover.com>
Subject: Incorrect info on sales of alcohol in A and RA zones
Date: December 2, 2019 at 11:41:32 AM PST
To: rod.dembowski@kingcounty.gov

Chair Dembowski,

Friends of Sammamish Valley were recently told by Balducci’s office that because sales of alcohol produced offsite are not specifically listed in permitted use charts, they are therefore not allowed in RA and A zoned WBDs. This is incorrect. Under the normal rule - not listed, not permitted - would resolve the issue, EXCEPT that in the Proposed Ordinance the definition of the land use includes sales as permitted by state law. The land use chart identifies the use as a permitted use (and in certain cases a conditional use). So, sales as permitted by State law are permitted. It is because of what state law allows that we have a massive disconnect.

What the Proposed Ordinance really allows is:

Scenario: I own a big winery, Winery X, in Walla Walla that makes great wine. Ordinance passes. I go get another winery license for Winery Y (cheap $200 easy paperwork process) for my A zoned parcel in the Sammamish Valley. I plant a few grapes out back. I “make wine” from those grapes. I could actually really make a tiny batch of wine or I could pretend to and just bring in a barrel to “ferment and age” and say I am making wine from those grapes (who would know as I’m only making a tiny bit.) Either way I can then truck in bottles from my real winery X in Walla Walla and sell them along with the wine that I “make” onsite at sham winery Y.

The key here is State liquor law allows wineries to cross sell if the ownership structure is the same. So if I have a real winery in Walla Walla and I set up a sham winery here under same ownership, I can use my sham winery as a sales outlet for my real winery. State law permits cross selling. The Ordinance specifically references state law, only requires me to “ferment and age” which I can do in a barrel, and doesn’t prevent me from trucking in bottles from elsewhere.

This is what Milo — the illegal coffee shop/bakery on A land that just recently set up sales of wine and distilled spirits— is doing to get legal.

If I want to do a sham winery in the RA its even easier. Since I don’t have to grow anything onsite, all I have to do is store a barrel that is “fermenting and aging” (that I bring in from my Walla Walla winery), and I can truck in bottled wine from Walla Walla. This is exactly what Matthews is doing today and how they will be fully legitimized by the Ordinance.

WBD businesses want and need retail distribution in KC. The above scenario is how they are going to get it, and cheaply. In the Proposed Ordinance they can do this across 2.5 acre parcels (itself an expansion) and up, on arterials (vaguely
defined), throughout the County in RA and A zones. Just buy or rent a house on some rural arterial and you are good to go. Less cost because there is no commercial infrastructure, like you have to pay for in the urban areas (cities). And way fewer permitting costs and hassles.

**Do you want to allow the above scenario?**

The violators already fully understand the scenario I describe above. Matthews has previously discussed it in email with the Ordinance sponsors (attached). Milo and Matthews are already implementing this scenario and more will come if the Proposed Ordinance passes.

Retail sales of alcohol produced elsewhere is NOT allowed today at RA and A zoned WBDs. The Proposed Ordinance allows this retail scenario, in several ways. Most egregiously through the sham WBD scenario above, but also through Overlay A and the Dunn amendment. Recent language added to “tighten up” these uses, such as allowable retail square footage, parking ratios, lot line setbacks, etc, only reinforce the point that the County is allowing a new retail use in the RA and A and then attempting to mitigate damages by adding some restrictions on the use. Those restrictions are meaningless without addressing the main issue regarding sales of alcohol produced elsewhere. Further, the restrictions are unenforceable. Who is going to check on Matthews at 9pm on a Friday night to see if they are only using 30% of their building? Who is going to stop a customer from leaving the 500 sq ft outdoor space allowed for a Remote Tasting Room? And in a world of dedicated alcohol shuttles (the Sammamish Valley has one), Lyft and Uber, parking ratios are window dressing.

Add restrictions to a brand new retail use, that significantly alters decades of land use policy in the RA and A, is not “tightening up” existing code. These retail uses should not be allowed in the RA and A in the first place, as per existing code. The long list of organizations, businesses, and people who are opposed to the Ordinance see it for what it is. That is why opposition to the Ordinance continues to increase.

The action the County needs to take right now is to vote NO on the Proposed Ordinance and enforce existing code.

Thank you,

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0241, VERSION

On page 2, beginning on line 20, strike everything through page 127, line 2449, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Growth Management Act, including RCW 36.70A.130, requires that King County take action to review, and if needed, revise its Comprehensive Plan and development regulations implementing the Comprehensive Plan.

B. The existing regulations for wineries and breweries were last substantively amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with the same development conditions as wineries and breweries, with Ordinance 17539 in 2013. No other substantive regulatory changes for wineries, breweries and distilleries (collectively "the adult beverage industry") have occurred since 2003. Since that time King County has encountered unprecedented economic and population growth, resulting in major changes to the adult beverage industry and causing concerns about land speculation in some areas of the county, while leaving others in need of economic stimulation.
C. Population growth, combined with the growing popularity of small producers and local sourcing within the adult beverage industry has created a need for: clarification regarding core industry functions versus other types of more intensive on-site special events that may help a developing business thrive and consideration of the planning requirements of the Growth Management Act, including economic growth, rural character and protection for water resources and Agricultural and Industrial zoned areas. Changes in state regulations have also occurred, driving a need to bring adult beverage industry development regulations up to date with state licensing allowances. In particular, a state winery allowance for off-site tasting created confusion for business owners regarding the interplay between state licensing requirements and county land use regulations.

D. This ordinance follows a multiyear study of the adult beverage industry, which included the 2016 King County Sammamish Valley Wine and Beverage Study. The study period was necessary to evaluate existing zoning regulations for the adult beverage industry in light of changes in industry practices, state licensing allowances and the growing popularity of adult beverage industry across King County and the state of Washington.

E. The changes made by this ordinance will help King County to prepare for and support the future of the adult beverage industry as it evolves in the region, to better implement and comply with the policies of the King County Comprehensive Plan ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth Management Act, and to minimize the ambiguities in existing development regulations that were identified in the study period. The changes are intended to improve clarity,
administrative efficiencies and enforceability while avoiding confusion for the industry users that may have been caused by lack of consistency with state regulatory systems. The ordinance adds additional protection for the Agricultural zone and provides guidance on enhancing economic activity in the Rural Area zones while also honoring and protecting rural character.

F. King County continues to support and foster agriculture, especially within the five designated Agricultural Production Districts. King County also supports the adult beverage industry and recognizes the synergistic relationship between the agricultural and the adult beverage industries. The ordinance aims to establish a strong foundation for moving both industries into the future. There is a historical and continuing crossover between the agricultural industry and the adult beverage industry, including factors such as agricultural uses providing aesthetic value and raw materials that support the adult beverage industry; and the exposure, opportunity and market demand for agricultural products that the adult beverage industry provides for the agricultural industry. This ordinance recognizes competing and complimentary interests between the two industries, and aims to provide a balance consistent with the Growth Management Act and the Comprehensive Plan.

G. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-677b, the adult beverage industry uses allowed by the ordinance support development of new markets for local agricultural products and help ensure that agricultural production districts continue to be economically viable and farmed into the future. By promoting complimentary relationships with the adult beverage industry, these regulations will help to improve access to locally grown agricultural products throughout King County.
H. Economic development policies in the Comprehensive Plan, including ED-102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands have a role in economic activity in the county. The ordinance aims to implement these Comprehensive Plan policies and is focused on protecting the economic value of the natural environment through traditional land use controls such as minimum lot size limitations and structural and other impervious surface limitations in Rural Area and Agricultural zones. The ordinance creates space for new kinds of small, limited-scope businesses, such as tasting rooms, and small wineries, breweries and distilleries that are visually compatible with rural character and provide cultural opportunities to enhance the region's quality of life and economic vitality.

I. Comprehensive Plan policies ED-601 through ED-606, which are part of the rural economic strategies plan, call for a "sustainable and vibrant rural economy that allows rural residents to live and work throughout the Rural Area and Natural Resource Lands." By creating clear direction regarding scope and intensity limits for adult beverage industry uses, this ordinance protects rural character while encouraging new economic and employment opportunities for rural residents. The Comprehensive Plan "recognizes the value of home-based business, recreation and tourism, and commercial and industrial clusters for their ability to provide job opportunities in the Rural Area and Natural Resource Lands, and help sustain the rural economic base." This ordinance takes advantage of the existing, organically developing adult beverage industry to implement this policy in a variety of ways. The plan directs the county to explore opportunities to support agricultural tourism and to encourage value-added programs related to the production of food specifically including specialty beverages such as beer, distilled
beverages, and wine in the county. The ordinance carefully follows this directive, and
was developed over several years as the county considered existing and proposed
regulations, balancing the differing needs and emerging trends of the agricultural and
adult beverage businesses. The ordinance adds flexibility, maintains or reduces existing
size and scale limits on adult beverage industry uses in the Agricultural zone and the rural
area and adds new limits to enhance open and green space values and preserve the natural
aesthetic which helps both industries grow.

J. The Comprehensive Plan addresses the Growth Management Act's requirement
to plan for industrial uses. Plan Policy ED-211 encourages the county to "support
programs and strategies to preserve and plan for an adequate supply of industrial and
commercial land," including through "[p]reventing the encroachment of non-industrial
uses on industrially-zoned land and the rezoning of industrial land to other uses." This
ordinance recognizes that although King County has a finite amount of industrial land
available, at their highest levels of intensity, some adult beverage businesses can grow to
a level of mechanization, volume and intensity suited for the Industrial zone, but avoids
funneling smaller, less mechanized, community-serving businesses into the county's
limited Industrial zoned areas. Those smaller scale adult beverage industry uses are
appropriately placed in more aesthetically pleasing areas, where rural community
consumers and a healthy population of visitors to the county's many regional recreation
and tourism opportunities can support economic success. This ordinance aims to avoid
bringing low-impact, low-intensity adult beverage uses into limited Industrial zone
spaces that are reserved for more intensive industrial uses.

K. Comprehensive Plan Policy ED-212 states "King County shall encourage and
support community based and community led efforts to support and retain existing small
businesses." Although rapid industry growth has resulted in some adult beverage
businesses becoming incompatible with rural character, this ordinance honors the
sometimes competing Comprehensive Plan policies to support and retain existing small
businesses with equally important policy to protect rural character by setting clear scope
and size limits to protect the Agricultural zone and Rural Area zone. In the specific case
of the previously untested remote tasting room use, which was recently created within
state licensing provisions, the ordinance allows some small businesses to continue within
limited rural area demonstration projects but also makes space available for remote
tasting rooms in Community Business and Regional Business zones for those businesses
that wish to expand their scope.

L. The Growth Management Act requires that rural development be contained
and controlled to ensure the protection of rural character, assure the visual compatibility
of rural development with the surrounding Rural Area and Natural Resource Lands,
protect environmentally critical areas and habitat, and protect against conflicts with
natural resource uses, such as farming, forestry and mining. Proximity to existing
agricultural uses and rural area recreational destinations provide the raw materials and
customer base to allow traditional small-scale adult beverage industry uses to thrive. The
adult beverage industry relies on all of these elements to succeed. For example, the
definition of agriculture in the Growth Management Act includes viticulture, an essential
component of a winery use. Viticulture, and agricultural practices related to brewery and
distillery uses and their associated processing and sales activities, are all examples of
activities the Comprehensive Plan requires the county to protect.
M. The Comprehensive Plan describes rural character and notes that King County "recognizes that each of its rural communities has distinct and unique characteristics." For instance, "residents of Vashon-Maury Island, accessible only by ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "in the Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a study area during development of this ordinance, has its own distinctively rural character, despite its close proximity to urban incorporated areas and to the city of Woodinville's popular, concentrated winery district. Some of the regulations adopted as part of this ordinance, such as the various allowances for on-site tasting and retail sales associated with winery, brewery, distillery production facilities, vary across the different rural communities in unincorporated King County. Individual rural communities take different positions and have different priorities, and this is reflected in some of the regulations; however, generally a countywide lens was used for analyzing potential regulatory impacts on the wider rural area and natural resource lands.

N. Comprehensive Plan Policy R-201 defines the characteristics of rural character and the rural area. Four of these characteristics are particularly relevant to the changes made in this ordinance: "b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries," "d. Community small-town atmosphere, safety, and locally owned small businesses," "h. Traditional rural land uses of a size and scale that blend with historic rural development," and "i. Rural uses that do not include primarily urban-serving facilities."

O. Public testimony on this ordinance was consistent with Comprehensive Plan policy goals and included discussion of adult beverage industry uses as being community
gathering places, rural residents' desire to take advantage of economic opportunities
created by the adult beverage industry and the need for solid customer bases to allow
small businesses to thrive.

P. The county is required to balance protecting rural character and agricultural
resources in diverse communities, with creating space for rural industries to thrive within
those communities. Existing and proposed regulations of the adult beverage industry are
designed for a size and scale appropriate for the rural communities they are located in,
and add protections for the Agriculture zone and agricultural production district as well
as measures that enhance enforceability of the regulations. This ordinance aims to
implement Comprehensive Plan Policy R-204, which encourages "the retention of
existing and establishment of new rural resource-based uses, with appropriate site
management and that protects habitat resources" and Comprehensive Plan Policy R-205
which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries,
such as the raising of livestock, growing of crops, creating value-added products, and sale
of agricultural products; small-scale cottage industries; and recreational and small-scale
tourism uses that rely on a rural location" are appropriate in the Rural Area zones.

Q. Comprehensive Plan Policy R-324 describes the type of nonresidential use
appropriate for the Rural Area. These include uses that "[p]rovide convenient local
products and services for nearby residents," "[r]equire location in a Rural Area,
"[s]upport natural resource-based industries" or "[p]rovide recreational and tourism
opportunities that are compatible with the surrounding Rural Area," as long as the use is
"sited, sized and landscaped to complement rural character" and "prevent impacts to the
environment and function with rural services including on-site wastewater disposal."
This ordinance implements the plan by creating clear regulations for the adult beverage industry, requiring uses to be sited, sized and landscaped to complement rural character, and by creating a business license so adult beverage industry uses can be better evaluated. Adult beverage uses provide convenient local products for rural residents, support agricultural resource-based industries, and provide new regional recreational and tourism opportunities.

R. The King County Code establishes standards for water facilities in K.C.C. Title 13. In part, those standards prioritize connection to Group A water systems, then to Group B water systems, followed by use of private wells, subject to specified criteria. As part of this ordinance, winery, brewery, distillery facility III uses in the A and RA zones are required to connect to a Group A water system. The requirement modifies a previously existing regulation for larger wineries, breweries and distilleries and replaces it with a clear standard that improves enforceability.

S. This ordinance protects the Rural Area and Agricultural zones by limiting on-site tasting of products and retail sales for winery, brewery, distillery manufacturing uses, and by allowing on-site tasting of products and retail sales only as accessory to production. This ordinance places a fifteen percent maximum on spaces devoted to on-site tasting of products and retail sales, in order to prevent potential traffic and noise sometimes associated with those uses, and to prevent the more intensive impacts that they can have on rural character and the agricultural production districts.

T. Other development regulations, including stormwater management, impervious surface, critical areas and landscaping requirements, remain in place and are unchanged by this ordinance.
U. Existing special district overlays and property-specific development conditions are in effect and add additional layers of regulation on development within specific areas of the county. One special district overlay ("SDO") that has been the subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is "to provide a buffer between agricultural and upslope residential uses." SO-120 requires clustering of residential subdivisions and imposes a minimum seventy-five percent open space requirement on all such developments. That SDO will remain in place and will continue to apply to residential subdivisions. Additionally, this ordinance limits impervious surface maximums for winery, brewery, distillery facilities in the A and RA zones to twenty five percent, or the percentage identified in the zoning code, whichever is less, to be consistent with rural character.

V. During the study period preceding adoption of this ordinance, many adult beverage industry uses were found to be unaware of local health and building codes.

W. This ordinance establishes a business license for the adult beverage industry to provide greater certainty about where adult beverage uses are located, so that King County agencies can more easily educate business owners and verify that they are in compliance with county land use, health and safety regulations.

X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations." One demonstration project is established by this ordinance. The demonstration project evaluates the presence of remote tasting rooms in Rural Area zoned land in the Sammamish valley. The demonstration project is located in
an area where businesses are supported by nearby small-scale agriculture and proximity to consumers, and relies on a pastoral setting and a rural sense of community for economic viability and traditional rural-based activities. The criteria for site selection for the demonstration project is based on existing levels of development on the property, lot size, current zoning, proximity to Agricultural zoned areas and agricultural production districts, proximity to local and rural industry-supportive uses and to areas in need of economic stimulus and availability of arterial access. Those criteria implement Comprehensive Plan policy direction to protect agricultural lands and rural character, and to provide rural economic opportunities. State Route 202 is a designated arterial designed to carry significant traffic loads and is not expected to reflect measurable impacts over loads already generated by existing Rural Area residents and businesses or related to the demonstration project. The selected location is an ideal place to test the demonstration project's ability to support businesses that are primarily nonurban in nature, to evaluate the benefits and to test impact mitigation strategies before adopting potential countywide regulations.

Y. Public testimony on this ordinance included discussion of congestion on local roads caused by population growth. With that concern in mind, the ordinance requires the largest winery, brewery, distillery facilities to be sited where there is direct access to an arterial, and that remote tasting rooms be tested where related vehicle trips will be directed to an existing state highway. Comprehensive Plan Policy T-310 states "[s]tate highway facilities and arterial roads are designed to accommodate higher traffic volumes, at higher speeds than local roads," and the county should "encourage such traffic to use highways or arterials whenever possible." This ordinance implements the plan's directive
by requiring larger or previously untested uses to utilize arterial roads. Further, the
parcels chosen for the remote tasting room demonstration project A in the Sammamish
valley are located directly on an arterial.

Z. The Comprehensive Plan states that "[t]he purposes of Rural Town
designations within the Comprehensive Plan are to recognize existing concentrations of
higher density and economic activity in Rural Areas and to allow modest growth of
residential and economic uses to keep them economically viable into the future."
Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers
for the Rural Area and Natural Resource Lands and may be served by a range of utilities
and services, and may include several or all of the following land uses, if supported by
necessary utilities and other services and if scaled and designed to protect rural character:
a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and
Natural Resource Lands population…c. Other retail, commercial, and industrial uses,
such as resource industries, tourism, commercial recreation, and light industry." Remote
tasting rooms are similar to other, more intensive uses contained within the stated
categories and may be appropriately located in Rural Towns. Other Community Business
and Regional Business zones, outside of Rural Towns, are located within the urban
growth area or have access to an arterial.

AA. The county is committed to providing fair, accurate and consistent
enforcement of the regulations adopted by this ordinance. The executive expects to
engage on-call consultants to conduct outreach and provide technical assistance to
businesses required to comply with the new regulations. It is anticipated that some
businesses may take several months to come into compliance. For businesses
progressing toward compliance with the ordinance, the county does not intend to begin
enforcement proceedings for a minimum of twelve months after the effective date of this
ordinance.

SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.
6.01.150 are hereby amended to read as follows:

A. The office of the hearing examiner is designated to hear appeals by parties
aggrieved by actions of the director pursuant to any business license ordinance. The
examiner may adopt reasonable rules or regulations for conducting its business. Copies of
all rules and regulations adopted by the examiner shall be delivered to the director, who
shall make them freely accessible to the public. All decisions and findings of the examiner
shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under K.C.C. chapter 6.64 and adult beverage
businesses appeals under K.C.C. chapter 6.xx (the chapter created by section 3 of this
ordinance) shall be filed in accordance with K.C.C. 20.22.080 and the hearing process
conducted in accordance with K.C.C. chapter 20.22. Subsections C. through H. of this
section do not apply to this subsection B.

C. Any person entitled to service under K.C.C. 6.01.130 may appeal any notice and
order or any action of the director by filing at the office of the director within seven days
from the date of service of such order, a written appeal containing;

1. A heading in the words: "Before the Office of the Hearing Examiner";

2. A caption reading: "Appeal of .........." giving the names of all appellants
participating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the
business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested,
together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why
it is claimed the protested order or action should be reversed, modified or otherwise set
aside;

6. The signatures of all parties named as appellants, and their official mailing
addresses; and

7. The verification (by declaration under penalty of perjury) of at least one
appellant as to the truth of the matters stated in the appeal.

D. As soon as practicable after receiving the written appeal, the examiner shall fix
a date, time and place for the hearing of the appeal. The date shall be neither less than ten
days nor more than sixty days from the date the appeal was filed with the director. Written
notice of the time and place of the hearing shall be given at least ten days before the date of
the hearing to each appellant by the examiner either by causing a copy of the notice to be
delivered to the appellant personally or by mailing a copy thereof, postage prepaid,
addressed to the appellant at the appellant’s address shown on the appeal.

E. At the hearing the appellant shall be entitled to appear in person and be
represented by counsel and offer such evidence as is pertinent and material to the action of
the director.

F. Only those matters or issues specifically raised by the appellant in the written
notice of appeal shall be considered in the hearing of the appeal.
G. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

H. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

SECTION 3. Sections 4 through 11 of this ordinance should constitute a new chapter in K.C.C. Title 6.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

For the purpose of this chapter, unless the context clearly requires otherwise, "adult beverage business" means a winery, brewery, distillery or cidery, and remote tasting rooms for any of those businesses. A nonconforming home occupation and a nonconforming home industry is an "adult beverage business" for the purposes of this section.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 7. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

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

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

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

D. For businesses in the A zone, a signed statement that at least sixty percent of the products to be used by the business are grown on-site, as prescribed under K.C.C.
E. For any adult beverage businesses attempting to demonstrate legal nonconforming use status under section 11.B. of this ordinance, operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, documentation sufficient to establish that the requirements of K.C.C. Title 21A have been met, and documentation of the county's response to the notice of application, if any.

NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

The director shall deny, suspend or revoke a license issued under this chapter if the Washington state Liquor and Cannabis Board does not issue a license to the business, or if the department of local services, permitting division receives notice that the state license issued to the business is suspended or revoked, or was not reissued, or if, after an investigation, the director determines that the proposed business location does not comply with K.C.C. Title 21A. A business owner whose application for a business license has been denied or whose license has been suspended or revoked may appeal the decision to
the office of the hearing examiner in accordance with K.C.C. 6.01.150.

NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

NEW SECTION. SECTION 11. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

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

B. For any adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, if all other requirements of this chapter are met, the director shall approve the first adult beverage business license. The first business license shall be valid for six months from the date of issuance. The first business license may be extended, at no charge to the applicant, for an additional six months, if the director determines that the business
operator has taken substantial steps to document compliance with K.C.C. Title 21A.

Subsequent business licenses or renewals for such locations shall only be approved by the director if:

1. The requirements to establish a legal nonconforming use have been met;
2. The applicant has otherwise established a vested legal nonconforming use;
3. The director determines that the business operator has taken substantial steps to document compliance with K.C.C. Title 21A; or
4. If the business has come into conformance with the winery, brewery, distillery facility I, II or III or remote tasting room regulations adopted in K.C.C. 21A.08.070, 21A.08.080 or section 28 of this ordinance.

SECTION 12. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427 are each hereby repealed.

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

Remote tasting room: 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.

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

Winery, brewery, distillery facility I: A very small-scale production facility licensed by the state of Washington to produce adult beverages such as wine, cider, beer and distilled spirits, and that includes an adult beverage production use such as crushing, fermentation, distilling, 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 tasting of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

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

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

Winery, brewery, distillery facility 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, distilling, 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 tasting of products 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.

NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter

21A.06 a new section to read as follows:
Winery, brewery, distillery facility III: 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, distilling, 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 tasting of products 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.

SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are hereby amended to read as follows:

A. Retail land uses.

<table>
<thead>
<tr>
<th>SIC#</th>
<th>SPECIFIC LAND USE</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tr>
<td></td>
<td>Building Materials and Hardware Stores</td>
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<tr>
<td></td>
<td>Retail Nursery, Garden Center and Farm Supply Stores</td>
<td>P1 C1</td>
<td>P1 C1</td>
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<tr>
<td>*</td>
<td>Forest</td>
<td>P3 P4</td>
<td>P3 and 4</td>
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<td>Products Sales</td>
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<tr>
<td>Department and Variety Stores</td>
<td>C14a</td>
<td>P14</td>
<td>P5</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Food Stores</td>
<td>C15a</td>
<td>P15</td>
<td>P</td>
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<tr>
<td>Farmers Market</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
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<tr>
<td>Motor Vehicle and Boat Dealers</td>
<td>P8</td>
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<tr>
<td>Auto Supply Stores</td>
<td>P9</td>
<td>P9</td>
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<td>Gasoline Service Stations</td>
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<td>Apparel and Accessory Stores</td>
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<td>Furniture and Home Furnishings Stores</td>
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<tr>
<td>Eating and Drinking Places</td>
<td>P21</td>
<td>C19</td>
<td>P20</td>
<td>C16</td>
<td>P20</td>
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<tr>
<td>Remote Tasting Room</td>
<td>P13</td>
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<td>Drug Stores</td>
<td>P26</td>
<td>C27</td>
<td>P26</td>
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<td>Marijuana retailer</td>
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<td>Liquor Stores</td>
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<td>Sporting Goods and Related Stores</td>
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<td>Book, Stationery, Video and Art Supply Stores</td>
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<td>Jewelry Stores</td>
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<td>Monuments, Tombstones, and Gravestones</td>
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<td>Hobby, Toy, Game Shops</td>
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<td>Photographic and Electronic Shops</td>
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<td>Fabric Shops</td>
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<td>598</td>
<td>Fuel Dealers</td>
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<td>Florist Shops</td>
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<td>Personal Medical Supply Stores</td>
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<td>Pet Shops</td>
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<td>Bulk Retail</td>
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<td>*</td>
<td>Auction</td>
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- 23 -
B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area.

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

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

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of five thousand square feet of gross floor area.

7. (Repealed) Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas.

8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.


11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. ((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site)) Permitted as part of the demonstration project authorized by section 28 of this ordinance.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

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

15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and

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

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

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

17. Repealed.
18. Repealed.

19. Only as:
   a. an accessory use to a permitted manufacturing or retail land use, limited to
      espresso stands to include sales of beverages and incidental food items, and not to include
      drive-through sales; or
   b. an accessory use to a recreation or multiuse park, limited to a total floor area
      of three thousand five hundred square feet.

20. Only as:
   a. an accessory use to a recreation or multiuse park; or
   b. an accessory use to a park and limited to a total floor area of one thousand
      five hundred square feet.

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

22. Only as an accessory use to:
   a. a large active recreation and multiuse park in the urban growth area; or
   b. a park, or a recreation or multiuse park in the RA zones, and limited to a
      total floor area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
    Industry No. 2431-Millwork and;
   a. limited to lumber milled on site; and
   b. the covered sales area is limited to two thousand square feet. The covered
      sales area does not include covered areas used to display only milled lumber.

24. Requires at least five farmers selling their own products at each market and
the annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

25. Limited to sites located within the urban growth area and:
   a. The sales area shall be limited to three hundred square feet and must be removed each evening;
   b. There must be legal parking that is easily available for customers; and
   c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.
   b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.
   c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.
   d. Whether a new retail marijuana activity complies with this locational
requirement shall be determined based on the date a conditional use permit application submitted to the department of local services, permitting division, became or was deemed complete, and:

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

and

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

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

SECTION 18. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

<table>
<thead>
<tr>
<th>P-Permitted Use</th>
<th>RESOURCE</th>
<th>RURAL</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL/INDUSTRIAL</th>
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<tbody>
<tr>
<td>C-Conditional Use</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>S-Special Use</td>
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<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>A</th>
<th>F</th>
<th>M</th>
<th>RA</th>
<th>UR</th>
<th>R1</th>
<th>R12</th>
<th>CN</th>
<th>CB</th>
<th>RB</th>
<th>O</th>
<th>I (11)</th>
</tr>
</thead>
</table>

- 31 -
<table>
<thead>
<tr>
<th></th>
<th>Food and Kindred Products (28)</th>
<th></th>
<th></th>
<th>P2</th>
<th>P2</th>
<th>P2</th>
<th>P2 C</th>
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<tbody>
<tr>
<td></td>
<td>Winery/Brewery/ Distillery Facility I</td>
<td></td>
<td></td>
<td></td>
<td>P32</td>
<td></td>
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<tr>
<td>*</td>
<td>Winery/Brewery/ Distillery Facility II (C12)</td>
<td>P3</td>
<td>P3</td>
<td>P17</td>
<td>P17</td>
<td>P29</td>
<td>P31</td>
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<tr>
<td></td>
<td>Materials Processing Facility</td>
<td>P13 C</td>
<td>P14 C15</td>
<td>P16 C</td>
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<td>Textile Mill Products</td>
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<tr>
<td></td>
<td>Apparel and other Textile Products</td>
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<td>C</td>
<td>P</td>
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<td></td>
<td>Wood Products, except furniture</td>
<td>P4 P18</td>
<td>P4 P18 C5</td>
<td>P4</td>
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<td>C6</td>
<td>P</td>
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<td></td>
<td>Furniture and Fixtures</td>
<td>P19</td>
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<td></td>
<td>C</td>
<td>P</td>
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<td></td>
<td>Paper and Allied Products</td>
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<td>C</td>
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<td></td>
<td>Printing and Publishing</td>
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<td>P7</td>
<td>P7C</td>
<td>P7</td>
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<td>*</td>
<td>Marijuana Processor I</td>
<td>P27</td>
<td></td>
<td>P21 C22</td>
<td>P21 C22</td>
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<td>*</td>
<td>Marijuana Processor II</td>
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<td>P23 C24</td>
<td>P23 C24</td>
<td>P25 C26</td>
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<tr>
<td>28</td>
<td>Chemicals and Allied Products</td>
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<td>2911</td>
<td>Petroleum Refining and Related Industries</td>
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<td></td>
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<tr>
<td>30</td>
<td>Rubber and Misc. Plastics Products</td>
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</tbody>
</table>
|---|---|---
| 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 |

B. Development conditions.

1. Repealed.
2. Except slaughterhouses.

3.a. (Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

((c. In the RA and UR zones, o))b. Only allowed on lots of at least ((four)) two and one-half acres;

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

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

((f.)) e. In the A zone, ((S))sixty percent or more of the products processed must be grown ((in the Puget Sound counties)) on-site. At the time of the initial application under K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be
produced; (and

g-) f. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;

g. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;
i. Access to the site shall be directly to and from an arterial roadway;

j. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

k. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance):

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

m. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A, or 21A.12.040.A,, whichever is less.

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

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


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

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


10. Limited to boat building of craft not exceeding forty-eight feet in length.
11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12.a. (Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors) In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

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

c. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the minimum site area shall be ten acres;
d. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries, breweries and distilleries using water from exempt wells shall install a water meter;

d. Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries, breweries or distilleries specified in K.C.C. 24A.18.030), and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

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

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

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

g. The facility shall be limited to processing agricultural products and) In the A zone, sixty percent or more of the products processed must be grown (in the Puget Sound counties) on-site. At the time of the initial application under K.C.C. chapter 6.xx
(the new chapter created in section 3 of this ordinance), the applicant shall submit a projection of the source of products to be processed; ((and))

  g. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of on-site production shall include crushing, fermenting or distilling;

  h. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils. No more than one acre of agricultural land may be converted to a nonagricultural accessory use:

    i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

    Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
through 9:00 p.m.;

j. Access to the site shall be directly to and from an arterial roadway;

k. Off-street parking maximums shall be determined through the conditional
use permit process, and should not be more than one hundred fifty percent of the
minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

l. The business operator shall obtain an adult beverage business license in
accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this
ordinance);

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

n. The impervious surface associated with the winery, brewery, distillery
facility use shall not exceed twenty-five percent of the site, or the maximum impervious
surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
whichever is less.

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

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

17.a. (Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors;)

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

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

d.)) c. Tasting and retail sale of products produced on-site, and merchandise
related to the products produced on-site, may be provided in accordance with state law.

The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.((18.b.))17.a. of this section;

d. Off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas;

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and

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

18. Limited to:

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

Millwork, as follows:

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

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

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

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

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An
adequate turn around shall be provided on-site to prevent vehicles from backing out on to
the roadway that the driveway accesses; and
(6) Outside lighting is limited to avoid off-site glare; and
b. SIC Industry No. 2411-Logging.
19. Limited to manufacture of custom made wood furniture or cabinets.
20.a. Only allowed on lots of at least four and one-half acres;
b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;
c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
e. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
21.a. Only in the CB and RB zones located outside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and

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

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

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

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

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

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

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

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

d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.24. of this section.

24.a. Only in the CB and RB zones located inside the urban growth area;
b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site; and
d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet.

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

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


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

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

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

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

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

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

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

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

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

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

29. a. Tasting and retail sales of products produced on-site, and merchandise related to the products produced on-site, may be provided in accordance with state law;

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

c. For winery, brewery, distillery facility uses that do not require a conditional use permit, off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas. For winery, brewery, distillery facility uses that do require a conditional use permit, off-street parking
maximums shall be determined through the conditional use permit process, and off-street parking for the tasting and retail areas should be limited to a maximum of one space per fifty square feet of tasting and retail areas;

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and

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

30.a. Only allowed on lots of at least two and one-half acres;

b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

d. Tasting and retail sales of products produced on-site may only occur as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be
limited to no more than fifteen percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

e. Access to the site shall be directly to and from a public roadway;

f. Off-street parking is limited to a maximum of one hundred fifty percent of the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

g. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

i. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling; and

j. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious

31. a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;

b. Tasting and retail sale of products produced on-site and merchandise related to the products produced on-site may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square feet;

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

d. For brewery and distillery facility uses that do not require a conditional use permit, off-street parking for the tasting and retail areas shall be limited to a maximum of one space per fifty square feet of tasting and retail areas. For brewery and distillery facility uses that do require a conditional use permit, off-street parking maximums shall be determined through the conditional use permit process, and off-street parking for the tasting and retail areas should be limited to a maximum of one space per fifty square feet of tasting and retail areas;

e. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance); and
f. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32.

32.a. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed one thousand five hundred square feet;

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

c. One on-site parking stall shall be allowed for the winery, brewery, distillery facility use;

d. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

e. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;

f. No product tasting or retail sales shall be allowed on-site;

g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

h. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
whichever is less.

SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are hereby amended to read as follows:

A. Resource land uses.

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<th>SIC#</th>
<th>SPECIFIC LAND USE</th>
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<td>A</td>
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</table>

### ACCESSORY USES:

| *    | Resource Accessory Uses                   | P | P | P | P | P | P |
|      | Farm Worker Housing                       | P | P | P | P | P | P |

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B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.

2. Only forest research conducted within an enclosed building.

3. Farm residences in accordance with K.C.C. 21A.08.030.

4. Excluding housing for agricultural workers.

5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.


7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.

8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
a. as accessory to a primary mineral extraction use;
b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.

9. Limited to mineral extraction and processing:
a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
b. that are located greater than one-quarter mile from an established residence; and
c. that do not use local access streets that abut lots developed for residential use.

10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:
a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
c. The director may require reuse of surplus structures to the maximum extent practical;
d. The director may require the clustering of new structures with existing
e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones;

f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;

g. New sewers shall not be extended to the site;

h. Traffic generated shall not impede the safe and efficient movement of agricultural vehicles, nor shall it require capacity improvements to rural roads;

i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;

j. Use of lodging and food service facilities shall be limited only to activities conducted in conjunction with training and education programs or community events held on site;

k. Incidental uses, such as office and storage, shall be limited to those that directly support education and training activities or farm operations; and

l. The King County agriculture commission shall be notified of and have an opportunity to comment upon all proposed agriculture training facilities during the permit process in accordance with K.C.C. chapter 21A.40.

11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation in accordance with an approved reclamation plan.
12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted. (1) passive recreation; (2) training of individuals who will work at the camp; (3) special events for families of the campers; and (4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.

d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to
the King County farmland preservation program or, if the development rights are
extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

e. The impervious surface associated with the camp shall comprise not more
than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

f. Structures for living quarters, dining facilities, medical facilities and other
nonagricultural camp activities shall be located in a camp center. The camp center shall
be no more than fifty acres and shall depicted on a site plan. New structures for
nonagricultural camp activities shall be clustered with existing structures;

g. To the extent practicable, existing structures shall be reused. The applicant
shall demonstrate to the director that a new structure for nonagricultural camp activities
cannot be practicably accommodated within an existing structure on the site, though
cabins for campers shall be permitted only if they do not already exist on site;

h. Camp facilities may be used to provide agricultural educational services to
the surrounding rural and agricultural community or for community events. If required
by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
community events;

i. Lodging and food service facilities shall only be used for activities related to
the camp or for agricultural education programs or community events held on site;

j. Incidental uses, such as office and storage, shall be limited to those that
directly support camp activities, farm operations or agricultural education programs;

k. New nonagricultural camp structures and site improvements shall maintain a
minimum set-back of seventy-five feet from property lines adjoining rural area and
residential zones;
1. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;

m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent rural area and residential zoned property not associated with the camp;

n. New sewers shall not be extended to the site;

o. The total number of persons staying overnight shall not exceed three hundred;

p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;

s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel
may use motor vehicles for the operation and maintenance of the facility. Client-specific
motorized personal mobility devices are allowed; and

u. Lights to illuminate the camp or its structures shall be arranged to reflect the
light away from any adjacent property.

13. Limited to digester receiving plant and animal and other organic waste from
agricultural activities, and including electrical generation, as follows:

a. the digester must be included as part of a Washington state Department of
Agriculture approved dairy nutrient plan;

b. the digester must process at least seventy percent livestock manure or other
agricultural organic material from farms in the vicinity, by volume;

c. imported organic waste-derived material, such as food processing waste,
may be processed in the digester for the purpose of increasing methane gas production for
beneficial use, but not shall exceed thirty percent of volume processed by the digester;

and

d. the use must be accessory to an operating dairy or livestock operation.

14. Farm worker housing. Either:

a. Temporary farm worker housing subject to the following conditions:

(1) The housing must be licensed by the Washington state Department of
Health under chapter 70.114A RCW and chapter 246-358 WAC;

(2) Water supply and sewage disposal systems must be approved by the
Seattle King County department of health;

(3) To the maximum extent practical, the housing should be located on
nonfarmable areas that are already disturbed and should not be located in the floodplain
(4) The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the housing as temporary farm worker housing and that the housing shall be occupied only by agricultural employees and their families while employed by the owner or operator or on a nearby farm. The notice shall run with the land; or

b. Housing for agricultural employees who are employed by the owner or operator of the farm year-round as follows:

(1) Not more than:

(a) one agricultural employee dwelling unit on a site less than twenty acres;

(b) two agricultural employee dwelling units on a site of at least twenty acres and less than fifty acres;

(c) three agricultural employee dwelling units on a site of at least fifty acres and less than one-hundred acres; and

(d) four agricultural employee dwelling units on a site of at least one-hundred acres, and one additional agricultural employee dwelling unit for each additional one hundred acres thereafter;

(2) If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;

(3) The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-
round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;

(4) An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;

(5) To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed;

(6) One off-street parking space shall be provided for each agricultural employee dwelling unit; and

(7) The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.

15. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

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

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

c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and
g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

16. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis
Board marijuana license application process, shall be considered nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

c. Only allowed on lots of at least four and one-half acres on Vashon-Maury Island;

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

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

f. Production is limited to outdoor, indoor within marijuana greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.16.g. of this section; and

g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a fenced area or marijuana greenhouse, that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

h. Outdoor production area fencing as required by the Washington state Liquor
and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback of one hundred fifty feet from any existing residence; and

i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

17. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

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

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

c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

e. Production is limited to outdoor and indoor within marijuana greenhouses subject to the size limitations in subsection B.17.f. of this section;

f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
aggregated total of thirty thousand square feet and shall be located within a fenced area or
marijuana greenhouse that is no more than ten percent larger than that combined area;
and

g. Outdoor production area fencing as required by the Washington state Liquor
and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
of one hundred fifty feet from any existing residence.

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

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
aggregated total of two thousand square feet and shall be located within a building or
tenant space that is no more than ten percent larger than the plant canopy and separately
authorized processing area; and

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
every marijuana-related entity occupying space in addition to the two-thousand-square
foot threshold area on that parcel shall obtain a conditional use permit as set forth in subsection B.19. of this section.

19.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area.

20.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area; and

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.21. of this section.

21.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area.

22. Marijuana production by marijuana producers licensed by the Washington
state Liquor and Cannabis Board is subject to the following standards:

a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of five thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of ten thousand square feet, and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October
1. 2013; and

g. Outdoor production area fencing as required by the Washington state Liquor
and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
maintain a minimum street setback of fifty feet and a minimum interior setback of one
hundred feet, and a minimum setback of one hundred fifty feet from any existing
residence.

23. The storage and processing of non-manufactured source separated organic
waste that originates from agricultural operations and that does not originate from the
site, if:

a. agricultural is the primary use of the site;

b. the storage and processing are in accordance with best management
practices included in an approved farm plan; and

c. except for areas used for manure storage, the areas used for storage and
processing do not exceed three acres and ten percent of the site.

24.a. For activities relating to the processing of crops or livestock for
commercial purposes, including associated activities such as warehousing, storage,
including refrigeration, and other similar activities and excluding ((wineries, SIC Industry
No. 2085 — Distilled and Blended Liquors and SIC Industry No. 2082 — Malt Beverages))
winery, brewery, distillery facility I, II and III and remote tasting room:

(1) limited to agricultural products and sixty percent or more of the products
processed must be grown in the Puget Sound counties. At the time of initial application,
the applicant shall submit a projection of the source of products to be produced;

(2) in the RA and UR zones, only allowed on sites of at least four and one-
(3) (a) as a permitted use, the floor area devoted to all processing shall not exceed two thousand square feet, unless located in a building designated as an historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase in the processing floor area as follows: up to three thousand five hundred square feet of floor area may be devoted to all processing in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone; and

(b) as a permitted use, the floor area devoted to all warehousing, refrigeration, storage or other similar activities shall not exceed two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of floor area devoted to all warehousing, storage, including refrigeration, or other similar activities in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

(4) in the A zone, structures and areas used for processing, warehousing, refrigeration, storage and other similar activities shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

(5) structures and areas used for processing, warehousing, storage, including
refrigeration, and other similar activities shall maintain a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62.

b. For activities relating to the retail sale of agricultural products, except livestock:

(1) sales shall be limited to agricultural products and locally made arts and crafts;

(2) in the RA and UR zones, only allowed on sites at least four and one-half acres;

(3) as a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of covered sales area;

(4) forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;

(5) sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

(6) tasting of products, in accordance with applicable health regulations, is allowed;

(7) storage areas for agricultural products may be included in a farm store
structure or in any accessory building; and

(8) outside lighting is permitted if there is no off-site glare.

c. Retail sales of livestock is permitted only as accessory to raising livestock.

d. Farm operations, including equipment repair and related facilities, except that:

(1) the repair of tools and machinery is limited to those necessary for the operation of a farm or forest;

(2) in the RA and UR zones, only allowed on sites of at least four and one-half acres;

(3) the size of the total repair use is limited to one percent of the farm size in the A zone, and up to one percent of the size in other zones, up to a maximum of five thousand square feet unless located within an existing farm structure, including but not limited to barns, existing as of December 31, 2003; and

(4) Equipment repair shall not be permitted in the Forest zone.

e. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve reductions of minimum site sizes in the rural and residential zones and minimum setbacks from rural and residential zones.

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C. 21A.42.300 only if:

a. project is sited on lands that are unsuitable for direct agricultural production based on size, soil conditions or other factors and cannot be returned to productivity by drainage maintenance; and
b. the proposed use is allowed under any Farmland Preservation Program conservation easement and zoning development standards.

26. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

a. adjoins or is within six hundred sixty feet of the agricultural production district;

b. has direct vehicular access to the agricultural production district;

c. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and

b. has a minimum lot size of four and one-half acres.

27. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

a. is outside the urban growth area,

b. adjoins or is within six hundred sixty feet of the agricultural production district,

c. has direct vehicular access to the agricultural production district,

d. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and

e. has a minimum lot size of four and one-half acres.

28. Only allowed on properties that are outside the urban growth area.

SECTION 20. Ordinance 10870, Section 407, as amended, and K.C.C.
21A.18.030 are hereby amended to read as follows:

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

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

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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation/culture uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Bowling center</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Golf course</td>
<td>3 per hole, plus 1 per 300 square feet of club house facilities</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>4 per tennis court plus 1 per 300 square feet of clubhouse facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Park/playfield/paintball</td>
<td>(director)</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 3 fixed seats</td>
</tr>
<tr>
<td>Conference center</td>
<td>1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.</td>
</tr>
<tr>
<td>LAND USE</td>
<td>MINIMUM PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td><strong>GENERAL SERVICES (K.C.C. 21A.08.050.A):</strong></td>
<td></td>
</tr>
<tr>
<td>General services uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Funeral home/Crematory</td>
<td>1 per 50 square feet of chapel area</td>
</tr>
<tr>
<td>Daycare I</td>
<td>2 per facility</td>
</tr>
<tr>
<td>Daycare II</td>
<td>2 per facility, plus 1 space for each 20 children</td>
</tr>
<tr>
<td>Churches, synagogue, temple</td>
<td>1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes</td>
</tr>
<tr>
<td>Outpatient and Veterinary clinic offices</td>
<td>1 per 300 square feet of office, labs and examination rooms</td>
</tr>
<tr>
<td>Nursing and personal care Facilities</td>
<td>1 per 4 beds</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>Secondary schools</td>
<td></td>
</tr>
<tr>
<td>Middle/junior high schools</td>
<td>1 per classroom, plus 1 per 50 students</td>
</tr>
<tr>
<td>High schools</td>
<td>1 per classroom, plus 1 per 10 students</td>
</tr>
<tr>
<td>High schools with stadiums</td>
<td>greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Vocational schools</td>
<td>1 per classroom, plus 1 per five students</td>
</tr>
<tr>
<td>Specialized instruction Schools</td>
<td>1 per classroom, plus 1 per two students</td>
</tr>
<tr>
<td>Artist Studios</td>
<td>.9 per 1,000 square feet of area used for studios</td>
</tr>
</tbody>
</table>

**GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):**

<table>
<thead>
<tr>
<th>Government/business services uses:</th>
<th>1 per 300 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Public agency yard</td>
<td>1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas</td>
</tr>
<tr>
<td>Public agency archives</td>
<td>0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas</td>
</tr>
<tr>
<td>Courts</td>
<td>3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas</td>
</tr>
<tr>
<td>Police facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Fire facility</td>
<td>(director)</td>
</tr>
<tr>
<td>Construction and trade</td>
<td>1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area</td>
</tr>
<tr>
<td>Service Type</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Warehousing and storage</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Self-service storage</td>
<td>1 per 3,500 square feet of storage area, plus 2 for any resident director's unit</td>
</tr>
<tr>
<td>Outdoor advertising services</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area</td>
</tr>
<tr>
<td>Heavy equipment repair</td>
<td>1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

**LAND USE**

**MINIMUM PARKING SPACES REQUIRED**

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail trade uses:</td>
<td>1 per 300 square feet</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
</tr>
<tr>
<td>Food stores, less than 15,000 square feet</td>
<td>3 plus 1 per 350 square feet</td>
</tr>
<tr>
<td>Gasoline service stations w/o grocery</td>
<td>3 per facility, plus 1 per service bay</td>
</tr>
<tr>
<td>Gasoline service stations w/grocery, no service bays</td>
<td>1 per facility, plus 1 per 300 square feet of store</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 75 square feet in dining or lounge areas</td>
</tr>
<tr>
<td>Remote tasting rooms</td>
<td>1 per 300 square feet of tasting and retail areas</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>0.9 per 1000 square feet</td>
</tr>
<tr>
<td>Retail and wholesale trade mixed use</td>
<td>1 per 300 square feet</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Manufacturing uses</th>
<th>0.9 per 1,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winery/Brewery/Distillery Facility II and III</td>
<td>0.9 per 1,000 square feet, plus 1 per ((50)) 300 square feet of tasting and retail areas</td>
</tr>
</tbody>
</table>

**RESOURCES (K.C.C. 21A.08.090.A):**

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

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

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

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

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

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

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

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

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

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

(1) Park/playfield,

(2) Marina,

(3) Library/museum/arboretum,

(4) Elementary/secondary school,

(5) Sports club, or

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

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

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

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

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

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

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

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

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

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

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

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

1. Automobile, truck and heavy equipment repair;
2. ((Autobody)) Auto body work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services;
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation; ((and))
9. Veterinary clinic; ((and))
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in
their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and other applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home occupation shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

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

1. One stall for each nonresident employed by the home occupations; and
2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

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

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

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

1. No more than one such a vehicle is allowed; and
2. The vehicle is not stored within any required setback areas of the lot or on
adjacent streets; and

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

one ton;

J. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the

occupancy type of the structure or structures used for the home occupation or

occupations; or

2. Cause visual or audible interference in radio or television receivers, or

electronic equipment located off-premises or fluctuations in line voltage off-premises;

K. There shall be no exterior evidence of a home occupation, other than growing

or storing of plants under subsection C. of this section or a permitted sign, that would

cause the premises to differ from its residential character. Exterior evidence includes, but

is not limited to, lighting, the generation or emission of noise, fumes or vibrations as

determined by using normal senses from any lot line or on average increase vehicular

traffic by more than four additional vehicles at any given time;

L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

M. Uses not allowed as home occupations may be allowed as a home industry

under K.C.C. 21A.30.090.

SECTION 22. Ordinance 15606, Section 20, as amended, and K.C.C.

21A.30.085 are hereby amended to read as follows:

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

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

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

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

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

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

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:
1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;
G. Sales are limited to:
   1. Mail order sales;
   2. Telephone, Internet or other electronic commerce sales with off-site delivery;
   3. Items accessory to a service provided to patrons who receive services on the premises;
   4. Items grown, produced or fabricated on-site; and
   5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:
a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);
b. electronics and appliances (NAICS Code 443); and
c. building material and garden equipments and supplies (NAICS Code 444);
H. The home occupation or occupations do not:
   1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
   2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
   3. Increase average vehicular traffic by more than four additional vehicles at any given time;
I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

1. Hotels, motels or organizational lodging;
2. Dry cleaning;
3. Automotive towing services, automotive wrecking services and tow-in parking lots; and
4. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer; and
5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before the effective date of this ordinance, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of the effective date of this ordinance. Such nonconforming businesses shall remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming home occupation winery, brewery or distillery shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);
K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and

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

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

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

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

SECTION 23. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby amended to read as follows:

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

A. The site area is one acre or greater;

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

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

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

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

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

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

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

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

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

K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
not be allowed as home industry, except that home industry adult beverage businesses that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit application before the effective date of this ordinance shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all other requirements of this section and all applicable state and local regulations. The resident operator of a nonconforming winery, brewery or distillery home industry shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance).

SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.

21A.32.100 are hereby amended to read as follows:

Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for any of the following:

A. A use not otherwise permitted in the zone that can be made compatible for a period of up to sixty days a year; ((or))

B. The expansion of an established use that:

1. Is otherwise allowed in the zone;

2. Is not inconsistent with the original land use approval;

3. Exceeds the scope of the original land use approval; and

4. Can be made compatible with the zone for a period of up to sixty days a year;

or

C. Events at a winery, brewery, distillery facility or remote tasting room that include one or more of the following activities:
1. Exceeds the permitted building occupancy;
2. Utilizes portable toilets;
3. Utilizes parking that exceeds the maximum number of spaces allowed by this title on-site or utilizes off-site parking;
4. Utilizes temporary stages;
5. Utilizes temporary tents or canopies that require a permit;
6. Requires traffic control for public rights-of-way; or
7. Extends beyond allowed hours of operation.

SECTION 25. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby amended to read as follows:

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

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

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

2. For a winery, brewery, distillery facility II and III in the A (or RA) zone((s)), the temporary use shall not exceed a total of two events per month and all event parking ((for the events)) must be accommodated on-site or managed through a parking management plan approved by the director. This subsection B.2. applies only to the days that the event or events actually take place.

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

4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than one hundred fifty guests.

5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to all other relevant facts, the department shall consider building occupancy and parking limitations during permit review, and shall condition the number of guests allowed for a temporary use based on those limitations. The department shall not authorize attendance of more than two hundred fifty guests.

6. Events for any winery, brewery, distillery facility I in the RA zone, any nonconforming winery, brewery, distillery facility home occupation, or any nonconforming winery, brewery, distillery facility home industry shall be limited to two per year, and limited to a maximum of fifty guests. If the event complies with this subsection B.6., a temporary use permit is not required for a special event for a winery, brewery, distillery facility I in the RA zone, a nonconforming home occupation winery, brewery, distillery facility or a nonconforming home industry winery, brewery, distillery facility;

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

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

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

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

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

SECTION 26. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby amended to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:
1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

   i. As a permitted use:

      (A) Multifamily residential units shall only be allowed on the upper floors of buildings; and

      (B) Home occupations under K.C.C. chapter 21A.30;

   ii. As a conditional use:

      (A) Bed and Breakfast (five rooms maximum); and

      (B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

   i. As a permitted use:

      (A) Library;

      (B) Museum; and

      (C) Arboretum.

   ii. As a conditional use:

      (A) Sports Club/Fitness Center;

      (B) Amusement/Recreation Services/Arcades (Indoor);

      (C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

   i. As a permitted use:

      (A) General Personal Services, except escort services;

      (B) Funeral Home;
(C) Appliance/Equipment Repair;
(D) Medical or Dental Office/Outpatient Clinic;
(E) Medical or Dental Lab;
(F) Day Care I;
(G) Day Care II;
(H) Veterinary Clinic;
(I) Social Services;
(J) Animal Specialty Services;
(K) Artist Studios;
(L) Nursing and Personal Care Facilities;

ii. As a conditional use:

(A) Theater (Movie or Live Performance);
(B) Religious Use;

d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

i. As a permitted use:

(A) General Business Service;
(B) Professional Office: Bank, Credit Union, Insurance Office.

ii. As a conditional use:

(A) Public Agency or Utility Office;
(B) Police Substation;
(C) Fire Station;
(D) Utility Facility;
(E) Self Service Storage;
e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

(A) Food Store;
(B) Drug Store/Pharmacy;
(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries;
(E) Remote tasting rooms.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;
(B) Hardware/Building Supply Store;
(C) Nursery/Garden Center;
(D) Department Store;
(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;
(B) Private storm water management facilities;
(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

a. Residential density is limited to six dwelling units per acre. For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1;

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non-residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps;

e. If the ground floor is designed to accommodate non-residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

SECTION 27. The King County executive shall conduct a demonstration project
NEW SECTION.  SECTION 28. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

A. The purpose of the remote tasting room demonstration project A is to:

1. Support agriculture and synergistic development of mixed use adult beverage facilities in order to boost agritourism and the area's reputation as food and adult-beverage destination;

2. Enable the county to evaluate how expanded adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural zones;

3. Determine the benefits and evaluate strategies to mitigate impacts of the adult beverage industry on Rural Area and Agricultural zoned areas, including the impacts and benefits of the industry on Agricultural Production Districts, and including those properties where the demonstration project sites are located and the surrounding areas;

4. Provide an opportunity for additional exposure for locally sourced and produced agricultural products; and

5. Identify and evaluate potential changes to countywide land use regulations to support the development of additional areas of unincorporated King County that may benefit from growth in agritourism.

B. The demonstration project shall only be implemented on the sites identified in Attachment A to this ordinance.

C. The use that the permitting division may approve under the remote tasting
room demonstration project A shall include only "remote tasting room" as defined in section 13 of this ordinance.

D.1. An application for a remote tasting room under this section may be submitted in conjunction with an application for an adult beverage business license or a building permit.

2. Requests shall be submitted to the permitting division in writing, together with any supporting documentation and must illustrate how the proposal meets the criteria in subsection F. of this section.

3. An application for a remote tasting room under this section shall be reviewed as a Type I land use decision in accordance with K.C.C. 20.20.020.

E. The department of local services, permitting division, shall administer the demonstration project, and shall approve or deny a remote tasting room application under this section based upon compliance with subsection F. of this section. Approval or denial of a remote tasting room application shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

F.1. A remote tasting room under this section may be approved, subject to the following:

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

b. The aggregated total space devoted to remote tasting room activities shall be limited to one thousand square feet of gross floor area, not including areas devoted to storage, restrooms, and similar nonpublic areas;
c. Notwithstanding subsection F.1.b. of this section, an additional five hundred square feet of immediately adjacent outdoor space may be used for tasting, subject to applicable state regulations limiting sale, service and consumption of alcoholic beverages;

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

e. The hours of operation for the tasting room shall be limited as follows:

Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

f. The applicant and any additional business operators using the remote tasting room shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this ordinance);

g. Each remote tasting room business operator using the remote tasting room shall have proof of Washington state Liquor and Cannabis Board approval;

h. Special events shall not exceed two per year regardless as to the number of operators using the tasting room, and shall be limited to no more than fifty guests. As long as the special events comply with this section, a temporary use permit is not required;

i. Off-street parking shall be provided in accordance with the parking ratios for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas; and

j. The use shall be consistent with general health, safety and public welfare
standards, and shall not violate state or federal law.

2. This section supersedes other variance, modification or waiver criteria of K.C.C. Title 21A.

3. Remote tasting room uses approved in accordance with this section may continue as long as an underlying business license or renewal is maintained, and subject to the nonconformance provisions of K.C.C. chapter 21A.32.

G. Demonstration project applications shall be accepted by the permitting division for three years from the effective date of this ordinance. Complete applications submitted before the end of the three years shall be reviewed and decided on by the permitting division.

H. Starting one year after the effective date of this ordinance, and each year for four years thereafter, the executive shall prepare preliminary evaluations of remote tasting room demonstration project A. The executive shall post these preliminary evaluation reports to the department of local services, permitting division, website, and provide electronic notice of the posting to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee or its successor. These preliminary evaluation reports shall include:

1. A list of remote tasting room demonstration project applications submitted, reviewed and decided, including the date of original submittal, date of complete application and date and type of final decision whether approved or denied; and

2. A list of code compliance complaints under Title 23, if any, related to the applications received and approved or the demonstration project that were opened or
initiated in the prior year, and their current status.

I.1. Within ninety days of five years after the effective date of this ordinance, the permitting division shall prepare a draft final evaluation and proposed permanent code changes that includes the information compiled under subsection H. of this section, and an evaluation of whether the purposes under subsection A. of this section have been fulfilled by the demonstration project.

2. The draft final report required in subsection J. of this section and proposed permanent code changes shall be done in conjunction with the efficacy evaluation and proposed code changes required by section 31 of this ordinance.

J. The permitting division shall include a public comment period for the permitting division's draft final evaluation described in subsection I. of this section. The public comment period shall last at least forty-five days beginning with the date of publication in the newspapers of record for the demonstration project areas identified in Attachment A to this ordinance. As part of the public comment period, the permitting division shall:

1. Publish notice of the draft final evaluation's availability in each newspaper of record, including locations where the draft final evaluation is available;

2. Send notice and request for comment to the water districts for the demonstration project areas identified in Attachment A to this ordinance;

3. Request comments from any developer that has applied for approval under the demonstration project;

4. Provide a copy at the local libraries for the demonstration project areas identified in Attachment A to this ordinance;
5. Post an electronic copy on the permitting division's website; and

6. Send electronic notice to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

K. After the public comment period has ended, the permitting division shall prepare a final evaluation of the remote tasting room demonstration project A, incorporating or responding to the comments received. Within sixty days of the end of the public comment period, the executive shall file a final evaluation report, a motion that should accept the report, and an ordinance that implements any proposed permanent code changes.

L. The final report and proposed legislation shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

SECTION 29. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010 are hereby amended to read as follows:

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

a. citations, except for winery, brewery, distillery facility I, II and III 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 within the past twelve months: $500
   (2) with one or more previous similar code violations within the past twelve months: $1,000

c. violation of notice and orders and stop work orders:
   (1) stop work order basic penalty $500
   (2) voluntary compliance agreement and notice and order basic penalty $25
(3) additional initial penalties may be added in the following amounts for violations where there is:

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

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

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

(1) first reinspection, which shall occur no sooner than $150

(2) second reinspection, which shall occur no sooner than $300 fourteen days following the first reinspection

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

(4) reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative
or court ordered abatement or at the direction of the
prosecuting attorney for the purpose of presenting evidence in
the course of litigation or administrative hearing against the
person responsible for code compliance

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

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

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

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

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

SECTION 30. Map Amendment #2 is hereby adopted, as shown in Attachment B to this ordinance.

SECTION 31. A. The executive shall transmit a an efficacy evaluation report, proposed motion and proposed ordinance that evaluates the efficacy of the regulations for adult beverage businesses, including winery, brewery, distillery facilities, remote tasting rooms and nonconforming home occupations and home industries, adopted as part of this ordinance, and any recommended changes to the regulations and the rationale for those recommended changes. The efficacy evaluation report shall include, at a minimum:

1. A list of all adult beverage businesses with valid business licenses as of five years from the effective date of this ordinance;

2. A list of adult beverage businesses permit applications submitted, reviewed and decided in the prior five years, including the date of original submittal, date of...
complete application, date and type of final decision whether approved or denied and
categorization of typical conditions were applied;

3. A list of all code enforcement complaints filed against adult beverage
businesses over the prior five years, including the final resolution of resolved cases and
the status of open cases; and

4. An evaluation of and recommendations for changes to the following
development conditions, if any, and the rationale for the proposed change or for
maintaining the development condition as adopted by this ordinance:

a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult
beverage businesses;

b. Parking requirements, including the minimum required and the maximum
allowed;

c. Hours of operation for tasting rooms associated with production facilities
and remote tasting rooms;

d. Temporary use permit criteria related to special events for adult beverage
businesses, including the criteria for and minimum requirements of and obtaining a
temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public
notice requirements; and

e. Product content requirement in the A zone, including the growth on-site
requirements and the agricultural accessory use language adopted by this ordinance.

B. This efficacy evaluation report shall have a public comment period in
conjunction with that required for the final evaluation in section 28 of this ordinance.

C. The efficacy evaluation report and proposed ordinance shall be transmitted to
the council with a motion that should accept the report and a proposed ordinance making recommended code changes, concurrently with the final evaluations required in section 28 of this ordinance, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services, regional roads and bridges committee, or its successor.

SECTION 32. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project A dated March 11, 2019, and insert Attachment A, Map Amendment #1-Remote Tasting Room Demonstration Project A dated September 16, 2019

The clerk of the council is instructed to insert the final enactment number in Attachment A where the Proposed Ordinance number is referenced.

Strike Attachment B, Map Amendment #2-Special Event Demonstration Project B dated March 11, 2019, and insert Attachment B, Map Amendment #2- Modifying P-Suffix VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

EFFECT: This striking amendment makes substantive, clarifying and technical changes, including:

Substantive/Policy Changes
1. WBD I Interim Use in the A zone is removed from the permitted use tables. Associated changes to business license requirements, definitions, special events/TUP, and evaluation are also removed.

2. Modifies the business license section to:
   a. Allow existing businesses, subject to criteria, to establish their previous compliance with the zoning code in order to obtain legal nonconforming status. These businesses are required to submit documentation with their first business license. The first business license will be good for six months, with a six month extension possible if they have made progress in demonstrating past compliance.
   b. Give Permitting the authority to deny a business license based on noncompliance with the Zoning Code.
   c. Modify the appeal period for business licenses to be consistent with other kinds of zoning appeals.

3. WBD I in RA zone:
   a. Use is moved from a residential accessory use to a permitted use in the Manufacturing Land Use Table.
   b. Reference to "nonresident employee" removed.
   c. Allows one parking stall on-site.
   d. Prohibits on-site sales and tasting.
   e. Provides additional clarification for special events – 2 per year, maximum 50 guests, no permit required.

4. WBD II and III
   a. In A zone, limits conversion of agricultural land to less than 1 acre for nonagricultural accessory uses.
   b. In A and RA zones:
      i. Limits on-site tasting and retail sales to 15% of the aggregated floor area.
      ii. Requires that access be from an arterial (or public roadway for WBD II in RA zone with a CUP).
      iii. Sets maximum parking at 150% of the minimum required.
      iv. Removes language regarding nonconforming status of existing parking spaces.
      v. For WBD III, eliminates allowance for 8,000 square feet of underground storage.
      vi. For WBD III, removes allowance to connect to a Group B water system. Only Group a water system connection would be allowed.

5. All WBDs:
   a. Removes option to reduce 75' setback from RA and R zones to 25' with screening and a CUP.
   b. In A and RA zones
      i. Requires one of the two stages of production to be crushing, fermenting, or distilling.
      ii. Limits impervious surface to a maximum of 25%, or the maximum allowed by the underlying zoning, whichever is less.

6. Home Occupations and Home Industries:
a. Allows the existing business with a liquor license from the state LCB as of
the effective date of this ordinance (rather than January 1, 2019) to have
the opportunity to demonstrate nonconformance.
b. Tightens language to avoid loopholes.
c. Removes language allowing businesses 1-year to come into conformance
with home occupation or home industry standards.
d. Removes language for home industries to obtain legal nonconforming
status, and recognizes that vested CUP applications should be treated as
nonconforming (if approved).
7. Modifies the Fall City business district overlay to allow remote tasting rooms on
the ground floor of the CB zoned land in the Fall City Rural Town.
8. Remote tasting room demonstration project A:
a. Remove Vashon Rural Town and Fall City Rural Town CB zoning from
demonstration project.
b. Clarify the purpose section, business license requirements, and special
event allowance.
c. Modifies evaluation requirements to
   i. Eliminate requirement for annual transmittal to Council. Post to
      website instead with email to clerk of the Council.
   ii. Adds requirements in annual evaluation to include date of
      submittal, complete application, and decision date and type
   iii. Removes requirements in annual evaluation for reporting on
      comments made by the community, known interactions between
      demonstration project applicants and nearby agricultural users and
      land, inventory of available properties, and recommended code
      changes
   iv. For final evaluation, require that the evaluation include whether the
      purposes of the demonstration project have been fulfilled by the
demonstration project, and recommended permanent code changes.
9. Eliminates special event demonstration project B.
10. Modifies VS-P29, allowing remote tasting rooms as a permitted use in CB zone in
    the Vashon Rural Town.
11. Modifications to efficacy evaluation:
a. Include evaluation of regulations on existing businesses – including
    information on businesses licenses, permit applications, and code
    enforcement complaints/violations.
b. Include recommended code changes to development conditions, including
    citation and civil infractions, parking, hours of operation for tasting rooms,
temporary use permits for special events, and product content
requirements for the A zone.
c. Removes evaluation of the impact of urban uses within UGA have on rural
character of adjacent rural areas outside the UGA
 d. Specifies that public comment period for the efficacy evaluation occur in
conjunction with the public comment period for the remote tasting room
demonstration project.
12. Modifications to Findings:
   a. Reflect other substantive changes and add additional context.
   b. Adds new Findings regarding water use, retail sales and tasting, and special district overlays.
14. WBDs in A zone: adds in missing language so that WBD III in A zone are allowed as an accessory to a primary agricultural use.
15. Industrial zone: clarifies that wineries are not allowed.
16. For criteria of events that require a temporary use permit, clarify that events that require traffic control or extend beyond allowed hours of operation will require a temporary use permit.
17. For citations, clarifies the timeframe (1 year) for citing a first time violation, rather than subsequent violations.
18. Corrects references to King County Comprehensive Plan Policies.
19. Corrects capitalization, punctuation, and typographical errors.
20. Makes code reviser edits.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Rationale</th>
<th>Location in CM Balducci’s S1 of 9/16/2019</th>
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<tbody>
<tr>
<td>Remove Overlay A</td>
<td>Remove Overlay A from the ordinance. Overlay A is urban uses—drinking establishments—on Rural land; it violates the letter and spirit of the GMA and CPPs. In Overlay A and surroundings, creating the overlay rewards violators and invites more to join them. Compounding the evil, all applicants accepted into Overlay A during the 3-year entry period are grandfathered as permanent nonconforming uses (lines 2041-2043). Countywide, creating the overlay clearly signals the County’s softening resolve, and puts all land outside the UGB at risk for speculation.</td>
<td>Pages 113-114, Sections 27-28, Lines 1968-2098</td>
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<tr>
<td>Definitions and permitted uses for WBD I, II, and III: Make them mutually consistent, and set a meaningful steps-of-production threshold to qualify as a winery</td>
<td>Fix several problems with definitions and permitted uses, and the correspondence between them. <strong>First, note that what some are referring to as “definition” of a winery is actually several lists of permitted uses.</strong> The paragraphs below distinguish between the two sections. <strong>Consistency:</strong> Definitions call for only one production step; permitted uses call for two production steps. These should be resolved to be mutually consistent. <strong>Raise production steps requirement:</strong> Set a higher requirement for the number of steps of production so that the winery meets a common-sense understanding of actually being a production winery. We recommend crushing, fermenting, and barrel or tank aging. Avoid vague, undefined terms such as “finishing” that are easy to abuse. <strong>“Such as” loophole:</strong> The “such as” language in the definitions and permitted uses of WBD I, II, and III in the striker allows an applicant to, essentially, identify or invent their own production steps. The definition should specify steps of production that impartial professionals would agree are steps in winemaking, brewing, or manufacture of distilled spirits. <strong>Lack of minima:</strong> The lack of quantitative thresholds in the definitions allow a barrel in the corner to satisfy “fermentation” and “aging,” or a bottle in a cupboard to satisfy “fermentation” and “finishing.” This is a clear invitation to violators to create sham wineries. Definitions should reflect a common-sense understanding of the quantities produced at a genuine production winery.</td>
<td>Definitions: Lines 433-463, Permitted uses: Lines 672-676, 760-769, 1009-1012, 1052-1055</td>
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| Sales should be limited to products produced on-site | **Require product sold to be produced on-site, currently found in 21A.08.070.B.13 and 21A.08.080.B.3.g.:** In the definitions and permitted uses, the requirement for on-site production is removed for the RA zone, which makes the ordinance weaker than existing code. Keep the requirement that the product sold at this site is produced at this site.  
**“Related merchandise” loophole:** In both RA and A zones, the draft ordinance allows “Incidental retail sales of merchandise related to the products produced on-site . . .” This is a clear invitation to sell any product that can be remotely tied to those dusty barrels of wine in the corner. The vagueness of this language should be restored to the current requirement that products sold at this site are produced at this site. The goal is to allow a winery to sell its own product, and simultaneously to prevent exploitation by sham wineries and drinking establishments. | Related merchandise loophole: Lines 687-689, 781-782, 994-996 |
|---|---|---|
| Remove grandfathering | Grandfathering should be eliminated from the ordinance. Grandfathering takes two principal forms:  
- Lines 1619-1631 grandfather current violators who meet certain criteria.  
- Lines 2041-2043 permanently grandfather all entrants to Overlay A.  
Grandfathering rewards violators, and as a result encourages future violations. Thus, it fuels the land speculation that is already a serious problem. | Lines 1619-1631, 2041-2043 |
| Define “event” and bring parameters into consistency with rural character, fire codes, etc. | (The proposed code does not provide a definition; it gives permitted use parameters for an undefined term.)  
**Definition:** “Event” should be defined, not just parameterized, because events, in contrast with random retail traffic, have different impacts in terms of traffic pulses, inebriated drivers and pedestrians, parking needs, demand for toileting facilities, amplified sound. Woodinville’s letter and Resolution 532 provide suggested elements of a definition.  
**Parameters:**  
- Events should not be allowed to exceed the building occupancy set per fire codes. The County cannot, and should not, encourage businesses to risk the life and safety of persons.  
- Events should not be allowed to extend beyond allowed hours of operation. In combination with the unlimited events provided for in this amendment, this provision merely sets up 24/7 nightclubs in the RA and A zones of King County.  
- Events should never be allowed to park cars in excess of parking spaces permitted under parking code. This encourages hardscaping, soil compaction, and polluted runoff onto agricultural land.  
- Requiring a TUP only if the event “Requires traffic control for public rights-of-way” encourages businesses to not provide traffic control. This is an unacceptable disservice to local residents and commuters.  
**Duration:** The above are parameters for a temporary use permit, with duration of a full year. This is hardly temporary, especially given the extraordinary entitlements that this section explicitly confers upon WBDs. | Pages 90-91 Lines 1806-1816 |
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<tr>
<th>Topic</th>
<th>Description</th>
<th>Lines/Reference</th>
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<tr>
<td>Reduce events to “rural” size and frequency</td>
<td>Set event limits (frequency and size) that are consistent with rural character. 24 events per year, and up to 250 guests per event, are not rural in character. Woodinville’s recommendation is that “rural” is no more than 60 guests per event for RA and A zones, and 6 events per year for RA and 2 events per year for A Zone, regardless of the size of the winery.</td>
<td>Lines 1831-1853</td>
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| Rescind CM Dunn’s Amendment 3, Event exception for certain parcels   | **Description from the amendment:**  “EFFECT: This amendment would add an exemption from TUP requirements for special events at WBD II and IIIs in the RA zone, subject to criteria listed below. Such events would not be subject to the limitations on events for WBDs found in K.C.C. 21A.32.120. The criteria for this exemption are:**  
  - Only applies to existing WBDs with a production liquor license  
  - The parcel is at least 8 acres in size  
  - Structures for the event are at least 150’ from interior property lines  
  - The parcel use a principal arterial [this mischaracterizes ordinance text]  
  - There is no amplified sound outdoors between 8:00 p.m. and 12:00 p.m.”  
  
**Rationale:**  
  - This amendment opens up RA-zoned parcels over 8 acres in size (currently or as aggregated in the future) and located on a principal arterial to unlimited events, for up to 250 guests per event. Large frequent events are not Rural in character; the ordinance should limit event size and frequency to recognizably rural amounts.  
  - The amendment requires the parcel to be on a principal arterial but (contrary to the staff summary above) does not restrict access to the principal arterial nor does it require the parcel even to use the principal arterial for access. The ordinance should require access from the principal arterial.  
  - The amendment allows outdoor amplified sound from noon to 8:00 pm every day. Outdoor amplified sound is not rural in character and should not be permitted.  
  - WS LCB has not heeded a municipality’s zoning for about 5 years. I will research this next week, but I’m not sure the LCB even asks any more.  
                                                                 | CM Dunn’s Amendment 3, file name 6. 2018-0241.2 - Amendment 3                                                                                                                                                                                                                                                                                                                                                                                                  |
| Fine a wider range of undesirable activities, scale the fines, and    | The fine structure should scale with the size of the infraction by means of fines per person, per bottle, per ticket, per vehicle, etc.  
  increase fines for repeat infractions                               | Pages 103-104  
  Section 29  
  Line 2104                                                                                                                                                                                                                                                                                                                                                           |
| Do not invite conversion of agricultural land                        | The ordinance states, “No more than one acre of agricultural land may be converted to a nonagricultural accessory use.” One acre is far too much land to invite speculators to convert to an “accessory use,” especially given the small size of many agricultural parcels.                                                                                                                                                                                                                                                                                             | Page 39  
  Line 774                                                                                                                                                                                                                                                                                                                                                           |
<table>
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<tr>
<th><strong>Commercial activities should use public utility water, not well water</strong></th>
<th>Water supply should not only hook up, but should be <strong>required to be used</strong> for commercial activities.</th>
<th>Lines 746-748</th>
</tr>
</thead>
</table>
| **Building sizes** | Cap building size limits to be consistent with rural character. Limits in Balducci striker:  
**WBD I** (RA P32), lines 1041-1042: 1500 square feet  
**WBD II** (RA and A P3), lines 656-662: 3500 square feet, 5000 for historic, unoccupied decks excluded  
**WBD II** (RA C30), lines 979-985: 3500 square ft, 5000 for historic, unoccupied decks excluded  
| **Percent tasting area**  
(CM Lambert amendment .5) | Amendment raised tasting limit in WBDs from 15% to 30% of building. Current code does not limit tasting area, but does limit tasting to product produced on-site. | Page 35, Lines 685-687 CM Lambert amendment .5 |
| **Hours** | Tasting room hours during commute times are unacceptably disruptive to local residents and commuters, and real tasting rooms nationwide typically are open during work hours for the wine maker, not bar hours.  
Reduce tasting hours to end by 5:00pm on weekdays. | Page 35, Lines 689-693, 782-786, 996-1000 |
| **Parking ratios** | Limited to 150% of minimum in KCC 21A.18.030.  
Impervious surface limited to 25% of site or KCC 21A.12.030.A or 21A.12.040.A, whichever is less.  
Dear Supervising Legislative Analyst Erin Auzins,

Distinguished Council Members,

Is it not obvious that agricultural farm lands in the Sammamish Valley need further protections from a robust wine industry in our region? Are there any Council Members that are concerned with the loss of rural lands and open space in this era of mounting climate threats and loss of protected lands to farm?

I am a local business woman in the City of Woodinville. I own a Quilt Shop at the central roundabout and have operated here for the last 18 years. I pay the big bucks to be in the City but would rather be on less expensive county lands and take the chance that King County would not interfere in my operating a business in rural lands, because of zoning. That would increase my bottom line but it sure would not increase my peace of mind because I see that it is rapidly threatened by speculators that are sitting on the side lines, just waiting to snatch up cheap county land land (by comparison) because there are no protections or code enforcements. Shame.

I urge you to vote NO. In this day of climate change and loosening of environmental protections, it is critical that you act to save the rural ag lands in King County, now more than ever before. The Wine Industry is thriving in Woodinville, as in our state. I know, they are my neighbors. I see it every day. We, in the City of Woodinville, are blessed with services and codes that support our businesses. It is critical that King County support and protect the ag and farm lands.

I would humbly ask that Council Member Balducci, take the initiative and place even stricter protections on the rural ag lands in King County. If you're going to loosen the codes for wine violators then double down on farm protection. Be the vote that makes a real impact.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,
Susan Webster
14450 Woodinville Redmond Road NE, Suite 103
Woodinville, WA 98072
Winery Code:

MessageText: This is totally unnecessary and destructive to local businesses. Please kill this ordinance.

User IP Address: 10.84.2.22
User Software Client: Mozilla/5.0 (iPhone; CPU iPhone OS 13_1_3 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Mobile/15E148
[FBAN/FBIOS;FBDV/iPhone10,1;FBMD/iPhone;FBSN/iOS;FBSV/13.1.3;FBSS/2;FBID/phone;FBLC/en_US;FBOP/5;FBCR/Verizon]
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

john shephard
17324 185th ave ne
Woodinville, WA 98072
Dear Supervising Legislative Analyst Erin Auzins,

I didn’t know it was possible to be more disappointed in King County than I am at this proposal.

I moved to the Cottage Lake area because of what it is now. It’s a rural environment where we can all enjoy the diverse wildlife, a long quiet walk, and be removed from the stresses of urban life. I feel this acutely as an employee of Harborview Medical Center.

In this commercial society rampant with poor health outcomes and income inequality, the last thing we need is more retail development in the few remaining quiet spaces. Natural spaces are a critical asset to communities in fostering better mental health and places to be physically active. As we push them out farther and farther, we decrease access to those in our county who rely on public transit to get out to natural spaces. You may not be the representative of a rural district, but I assure you, voting yes would be a disservice to those you claim to serve.

For once, listen to all of your constituents, not just the ones with deep pockets and promises of new tax revenue. Enforce the current code. Have the courage to tell the wineries in violation of the code to become compliant. Protect our salmon streams by not paving over our undeveloped lands. Stop prioritizing sales tax over small family farms. (Those who work the land certainly care more about our ecosystem than wineries spraying weed and feed on their pristine lawns). Development cannot be undone.

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” Remote tasting rooms should not be permitted in the Rural Area in the first place unless wine is being made onsite.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.
Do the right thing. Please VOTE NO on Ordinance 2018-0241.

Respectfully,
Sarah Brolliar

Sincerely,
Sarah Brolliar
16236 190th Ave NE
Woodinville, WA 98072
For the Adult Beverage Ordinance record.

Thanks

Begin forwarded message:

From: Serena Glover <serena@allenglover.com>
Subject: Re: Sammamish Valley Land Speculation Increasing, Not Decreasing
Date: December 3, 2019 at 9:41:47 AM PST
To: Krista Camenzind <Krista.Camenzind@kingcounty.gov>
Cc: "Balducci, Claudia" <Claudia.Balducci@kingcounty.gov>

I also meant to add on the first point that the Proposed Ordinance is definitely driving speculation in the Sammamish Valley. It’s all anyone talks about out here. It’s in the Real Estate listings. Its in every conversation between violators, farmers, and local citizens. No one out here— the people who actually live and work in the Sammamish Valley and know what is actually going on— believes for one nanosecond that the Ordinance is not driving rampant speculation in the Sammamish Valley.

I do fully recognize that you did not originally sponsor this Ordinance. We all know who drove this effort. I also acknowledge the hard work and efforts you made to try to fix it. But unfortunately, the most egregious issues did not get fixed and we are still left with an Ordinance today that will have a profound negative impact on many constituencies across the County, only rewards a handful of violators and speculators—most of whom are in the Sammamish Valley and have already publicly and clearly stated their intent to commercialize the Valley— and will lead to nothing but more legal action and ongoing issues with code enforcement. As many of my colleagues have said to me, the lipstick didn’t fix this pig.

- Serena

On Dec 3, 2019, at 9:29 AM, Serena Glover <serena@allenglover.com> wrote:

Krista,

I am going to respectfully disagree with your first two points, based on facts.

(1) The current code is crystal clear. No sales of alcohol not produced on site. That solves all issues with 10 of the 12 violators. All but a couple of home
occ in the Black Diamond area. The issue is the county did not enforce the clear rule already on the books.

(2) You are incorrect about cross selling. The law clearly allows winery to winery cross selling. There is much consolidation of wineries under umbrella orgs across the industry and they cross sell all the time. Just take a trip to Walla Walla and you will see this.

We are in a world today where in the RA they have to source 60% of grapes from puget sound counties, have to have 4.5 acres and can only sell what they produce onsite. This combination of regulations has kept most wineries out of the RA and farmland. We have Betz (Sammamish Valley RA) and I believe Cherry Valley (in Duvall RA) as the only real producers in the RA, besides a couple of really small home occupations that are causing no problems. (Betz is also causing no problems, for the record).

This Ordinance opens up all 2.5+ acre RA and A properties across the county on arterials (loosely defined and subject to change). With no 60% requirement in the RA, the ability to bring in bottles from offsite, and the need to only “ferment and age” in a barrel, the Ordinance opens the County to an onslaught of businesses whose main purpose is to SELL alcohol, not make it. The demand for these sales outlets is enormous. As a winery business (I am an investor in this space so do understand something of the businesses decisions), why would I pay way more for a retail outlet inside the UGA when I can get one for cheap in the RA? I won’t. I’d rent some cheap house in the RA, probably along a valley bottom arterial road. Sammamish Valley is preference of course, but I would look elsewhere too for cheap locations. Most likely those main arterial locations will be in the valley bottoms near to farmland.

**This part of the Ordinance has a profound impact on the County.** That is why so many people are fighting it. This set of regulations, coupled with Overlay A and the Dunn amendment, means the Sammamish Valley is certainly lost to development. **Why do you think there are so many different constituencies fighting this so hard?** We all have a million other things to do. But we (the orgs, businesses and people who again and again have spent significant time and money fighting this Ordinance) understand the negative impacts.

(3) I can’t comment on the legal aspect of Home Occ as there is no time for attorneys and its not been a focus for us. We have no home occ issues in the Sammamish Valley. Of the 12 current violators, verified recently with DPER, only 1 for sure and maybe 2 (I think the second one already self corrected) in the Black Diamond area are impacted. But I will say we have no disagreement with you on cleaning up the home occ issues. But you do not need to open the whole county to sham wineries and de-facto extend the Woodinville tourist district down 202 to accomplish that.

- Serena
Serena,

I’m rolling a couple emails into one response.

Speculation – Claudia agrees that this is a major issue in the Valley and elsewhere in King County. It’s fair to say that there are multiple factors driving speculation, not least of which is the astronomical increase in property values throughout King County in the last decade. The WBD code alone cannot stop speculation altogether. However, having clear rules in place that people can follow and Permitting can enforce will help dampen some of the wishful thinking that seems to be happening among some property owners. I have experience with developers coming to me seeking help interpreting the rules in a way that favors them. Help I did not provide. Because the rules are unclear now it allows them to think they can find a way to develop their property in ways contrary to GMA. Although it is complex, the proposed code provides more clear rules than we have today.

“Cross Selling” – yes, the State law allows wineries to sell their product at a location different from where it is produced. It is important to note that the intent of the law and associated regulations is that the second site is a remote tasting room, not another production facility.

Home Occupations – your attachment “FoSV Response Letter to Adult Beverage Ordinance 2018-0241” asserts that the County can simply enforce existing home occupation rules and solve the problem. The section of the code you cite is incorrect. 21A.30.080 applies to Residential (R), not Rural Area (RA) zoning. 21A.30.085 applies to the RA zone and it allows for more intense and extensive activity under the umbrella of home occupations than are allowed in the R zone. In particular, retail sales are allowed. This is an existing loophole that has been very difficult to enforce because it involves going into people’s homes and has caused trouble in various parts of the County. The proposed change closes this loophole by not allowing WBDs to be home occupations and instead creates the WBD I category as a small scale option that does not allow retail sales or tasting in the RA or Ag zones.

Best,

Krista

From: Serena Glover <serena@allenglover.com>
Sent: Monday, December 2, 2019 4:03 PM
To: Balducci, Claudia <Claudia.Balducci@kingcounty.gov>
Cc: Camenzind, Krista <Krista.Camenzind@kingcounty.gov>
Subject: Sammamish Valley Land Speculation Increasing, Not Decreasing

CM Balducci,

In a recent reply to FoSV member Andrew Ely you wrote,
"Since the main area of angst seems to be around a fear that the code will prompt a major expansion of businesses in the unincorporated area: we’ve already seen one owner of land in the Sammamish Valley abandon longstanding plans to try to build a winery. That owner has sold his property. Another owner of a going concern in the area also sold his property after sending me a message complaining about the previous, compromise code proposal, which would have been more flexible for businesses. A third property owner who has been talking about a number of development ideas in this area, including a possible winery, has not been able to advance their plans and is unlikely to be able to do so. Finally, other existing businesses have either communicated directly or their customers have communicated, that the proposed code will cause their wine businesses to go out of business. The evidence I have seen, even before adoption of the code, suggests my conclusion that this approach will reduce activity in the unincorporated Sammamish Valley is correct. Of course, activity may morph and shift over time, but the immediate reaction has been a change toward less growth in the unincorporated area."

Unfortunately, this is absolutely not true. Illegal uses and speculation in the Sammamish Valley are increasing. There has not been a reduction of illegal or commercial activity in the Sammamish Valley since the S2 striker was unveiled. Here is a partial list of what is really happening in the Sammamish Valley since inception of S2 striker:

1. Yes, Brian Ross (a developer) sold his APD farmland zoned property. But, the family who bought it immediately started parking cars on the farmland, for the event center business two doors down. They stopped when informed they couldn’t park cars on farmland. Now they are bringing in a whole bunch of fill dirt to the front of the property and its not clear what they are planning. But it doesn’t look like farming.

2. Yes, Sal Leone (Silver Lake, Fish Brewing), operating illegally in the RA sold his offending property. But he sold it to Tenhulzen a local remodeling and development company. Tenhulzen told me directly they plan to continue Sal’s operations “as is”. They told another FoSV member (I paraphrase) that we should just give up because the County is going to roll over on the Sammamish Valley and it is going to be commercialized. The Tenhulzen family has no intent to live at this RA location.

3. Icarus Holding (aka Milo) who is running an illegal bakery and coffee shop in the APD has recently expanded his retail operations. He now also has a wine and distilled spirits retail outlet at the same location and
put up huge signs and a gate that are out of compliance with signage limitations. Milo also owns another piece of A zoned property in the SV.

4. A new property just went on the market in the RA just above the Valley at 16408 Northeast 143rd Street. Advertised for tasting room.

5. A property was on the market this summer at 13020 Woodinville Redmond Rd NE, Redmond, WA. Sammamish Valley Wine Study referenced as well as commercial opportunity. This RA parcel is immediately across from farmland in the SO-120 Buffer.

6. An APD farmland property at 13229 Woodinville-Redmond Rd NE was on the market, asking $6.25m for 4 acres. The owners took it off the market but told us they would put it back on as soon as the Proposed Ordinance passes.

7. TRF Equities (a developer who built part of Woodinville) continue to escalate commercial operations for their development business on the two RA parcels they purchased adjacent to the APD. They have lobbied the city of Woodinville for annexation as well.

8. The current violators have all been expanding their businesses over the last few months. Cave B advertised jewelery and clothing sales all summer long. Feliciana is now parking cars at another property down the road and running a shuttle bus. People walk along the side of the road to get to Feliciana as well. Cougar Crest put up illegal signs. Forgeron expanded their impervious surfaces and parking area. The property owners at Sky Mead are putting in new trenches and drainage, and its not clear as to why or whether it has been permitted as this is also in SO-120 buffer. Matthews continues to increase violations across too many categories to enumerate here.

9. Another couple with an event business and part ownership in an Eastern WA winery are on temporary hold with their plan to spend $500k to convert a barn on their RA SO-120 property into an event center for their business. They are waiting for Ordinance passage.

This is just a start on the list. I’m sure there is much more we don’t know. But to say that speculation is decreasing in the Sammamish Valley is simply not true. I hope the information above will help clarify that what may seem like good news (the departure of Brian Ross and Sal Leone) is not really good news, and furthermore there are many other speculative and illegal activities.

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
GoFoSV.org
For the Adult Beverage Ordinance record. Thanks

Begin forwarded message:

From: Serena Glover <serena@allenglover.com>
Subject: Re: WBD Retail Sales Legal Review
Date: December 2, 2019 at 8:55:44 AM PST
To: Krista Camenzind <Krista.Camenzind@kingcounty.gov>
Cc: "Balducci, Claudia" <Claudia.Balducci@kingcounty.gov>

Hi Krista,

We understand how the zoning code works. You are correct that under the normal rule - not listed, not permitted - would resolve the issue, **EXCEPT in the Proposed Ordinance the definition of the land use includes sales as permitted by state law.** The land use chart identifies the use as a permitted use (and in certain cases a conditional use). So, sales as permitted by State law are permitted. It is because of what state law allows that we have a massive disconnect.

I encourage you to focus on the issue of state licensed cross selling of alcohol and the scenario that will allow. Talking about dump trucks, trampolines and airplanes is a complete distraction.

The Proposed Ordinance really allows:

*Scenario:* I own a big winery, Winery X, in Walla Walla that makes great wine. Ordinance passes. I go get another winery license for Winery Y (cheap $200 easy paperwork process) for my A zoned parcel in the Sammamish Valley. I plant a few grapes out back. I “make wine” from those grapes. I could actually really make a tiny batch of wine or I could pretend to and just bring in a barrel to “ferment and age” and say I am making wine from those grapes (who would know as I’m only making a tiny bit.) Either way I can then truck in bottles from my real winery X in Walla Walla and sell them along with the wine that I “make” onsite at sham winery Y.

*The key here is State liquor law allows wineries to cross sell if the ownership structure is the same. So if I have a real winery in Walla Walla and I set up a sham winery here under same ownership, I can use my sham winery as a sales outlet for my real winery. State law permits cross selling. The Ordinance specifically references state law, only requires me to “ferment and age” which I can do in a barrel, and doesn’t prevent me from trucking in bottles from elsewhere.*
This is what Milo (the illegal coffee shop/bakery on A land that just recently set up sales of wine and distilled spirits) is doing to get legal.

If I want to do a sham winery in the RA its even easier. Since I don’t have to grow anything onsite, all I have to do is store a barrel that is “fermenting and aging” (that I bring in from my Walla Walla winery), and I can truck in bottled wine from Walla Walla. This is exactly what Matthews is doing today and how they will be fully legitimizized by the Ordinance.

WBD businesses want and need retail distribution in KC. The above scenario is how they are going to get it, and cheaply. In the Proposed Ordinance they can do this across 2.5 acre parcels (itself an expansion) and up, on arterials (vaguely defined), throughout the County in RA and A zones. Just buy or rent a house on some rural arterial and you are good to go. Less cost because there is no commercial infrastructure, like you have to pay for in the urban areas (cities). And way fewer permitting costs and hassles.

We have three very experienced land use attorneys working with us. I stand by their assessment of the legal language. We can provide a much more detailed legal analysis if so requested.

From my own non-legal perspective, I note that we’ve been talking about this issue with the Proposed Ordinance sponsors for 18 months. In all that time, not once did anyone in the County actually clarify what they really wanted to allow. Do you want to allow the above scenario? It seems by now that if you didn’t really want this scenario, someone would have clearly said so, and amended the two sentences in the Proposed Ordinance we suggested in order to resolve the issue.

I also want to remind you that the violators already fully understand the scenario I describe above. Matthews has previously discussed it in email with the sponsors (attached). Milo and Matthews are already implementing this scenario and more will come if the Proposed Ordinance passes.

Retail sales of alcohol produced elsewhere is NOT allowed today at RA and A zoned WBDs. The Proposed Ordinance allows this retail scenario, in several ways. Most egregiously through the sham WBD scenario above, but also through Overlay A and the Dunn amendment. Recent language added to “tighten up” these uses, such as allowable retail square footage, parking ratios, lot line setbacks, etc, only reinforce the point that the County is allowing a new retail use in the RA and A and then attempting to mitigate damages by adding some restrictions on the use. Those restrictions are meaningless without addressing the main issue regarding sales of alcohol produced elsewhere. Further, the restrictions are unenforceable. Who is going to check on Matthews at 9pm on a Friday night to see if they are only using 30% of their building? Who is going to stop a customer from leaving the 500 sq ft outdoor space allowed for a Remote Tasting Room? And in a world of dedicated alcohol shuttles (the Sammamish Valley has one), Lyft and Uber, parking ratios are window dressing.

Add restrictions to a brand new retail use, that significantly alters decades of land use policy in the RA and A, is not “tightening up” existing code. These retail uses should not be allowed in the RA and A in the first place, as per existing code. The long list of organizations, businesses, and people who are opposed to the Ordinance see it for what it is. That is why opposition to the Ordinance continues to increase.

The action the County needs to take right now is to enforce existing code.
Thank you,

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992

On Nov 26, 2019, at 10:18 AM, Camenzind, Krista
<Krista.Camenzind@kingcounty.gov> wrote:

Hi Serena,

I took a look at the document you sent and it's important to note that under the King County Zoning Code, uses that are not specifically authorized in the zoning tables are not allowed. See KCC 21A.08.020.B, KCC 21A.08.025. The proposed zoning conditions also do not address retail sales of cattle, trampolines, dump trucks, or airplanes. By the applied logic in the document you sent a winery could therefore engage in retail sales of any of those things because they are not explicitly prohibited. That is not how the KC zoning code works (or the rules of statutory construction for that matter). If the code had to list out every activity that was not allowed in a zone it would be incredibly unwieldy.

I hope this response allays your concerns.

Krista

From: Serena Glover <serena@allenglover.com>
Sent: Thursday, November 21, 2019 3:26 PM
To: Camenzind, Krista <Kysta.Camenzind@kingcounty.gov>
Cc: Balducci, Claudia <Claudia.Balducci@kingcounty.gov>
Subject: WBD Retail Sales Legal Review

Krista, thank you for your time today on the phone. Per our conversation I have attached a legal review (done by FoSV land use attorneys) of the language around retail sales for both on-site and off-site consumption at production WBDs. Note that this review does not include remote tasting rooms.

I’ve had a half dozen attorneys look at this language, three of whom specialize in land use. All agree that in existing code today, wineries, breweries and distilleries in RA and A zones can sell for either on-site or off-site consumption only what they produce/manufacture on-site. In the Proposed Ordinance the language that specifies you can only sell for off-site consumption what is produced on-site has been removed. The language around on-site consumption is vague.
The result is WBDs that produce elsewhere (mostly in Eastern WA) will be able to truck in beverages from elsewhere and use their RA properties as a retail outlet. Some are already doing this—it’s an existing and real scenario. The pressure from the beverage industry is for retail space, not production space. If the Ordinance passes as written the effect will be adult beverage retail outlets throughout the RA.

The question is, do you really intend to allow expansion of retail sales to product trucked in from somewhere else at WBDs located in the RA and A? That is definitely not allowed under the current code.

Thank you for your consideration,

Serena Glover  
ED, Friends of Sammamish Valley  
425-985-2992
Kathy and Claudia,
THANK YOU SO MUCH! This ordinance is a compromise on so many levels. Thank you for managing thru all the tension!
Absolutely an awesome job of good policy making for sure by both of you!
Bottom line.. We are very happy that the Adult Beverage Ordinance [S2] was voted up to KC Council [without recommendation] for ultimate review and approval. [4-0] Let’s drive this process to closure in the next 60-90 days.
Couple of suggestions:
First, Legal ➔ I would get a final determination on the legality of the Ordinance vs the GMA and COMP plan.
The opposition has there rational. You need one for the KC Council to review. It would add more legitimacy to what you are going to vote on. It would forever shutdown that Argument. This would be critical because FoSV folks are really planning on suing. Your legal departments opinion would be golden right now. Think about it.
Second, Road Show ➔ I would setup a road show to visit EVERY district at least once to have the opportunity to explain this ordinance to everyone concerned. FoSV fears about development in the Samm Valley are completely unfounded. There are NO wineries now in the AG zone, this is going to stay that way giving all the restrictions in S2.
Third, Hours ➔ I would extend hours from 11 – 7pm Monday – Thursday to 11-9pm [especially in the summertime] and from 11am to 9pm to 11am to 11pm on the weekends [Friday – Sunday]. The more time we are open, the more Sales Tax revenue for King County plus its just what our customers want. Leisurly fun in the evenings.
Fourth, Roads ➔ The TransPO [Kirkland] transportation study that was done using Matthews, indicated 99% of traffic 8am to 5pm went between Redmond and Woodinville and visa versa. We had no concurrence issues whatsoever at that time. DPER has this study. The TRAFFIC issues are not because of wineries 9am to 5pm on 140th.
We do however need better and wider roads. I would levy an admissions tax for each winery and tasting room to be used for bonds for infrastructure road and bridge projects. It may not fund all of them, but it would make a dent. More thinking perhaps on this might lead to a solution. We have to do something to help address this problem
Fifth, Production ➔ we can choose fermentation and barrel aging. So we are good. My understanding is that we don’t need to have hundreds barrels in our building for every vintage in order to taste wine. All we need is a representative sample of a red and white wine. This was good with WSLCB and TTB. Please clarify the “you can only taste what you produce on site”. We
produce a small batch of wine now. Please reassure us that this is ok and will scale into the future.
Sixth, **Pathway to compliance** please give us as much time as possible & please define a pathway timetable that is reasonable. Our civil engineering firm says that it may be 2-3 years to get thru all the DPER twists and turns. I need probably a year to just get “a good plan” together given all the constraints of commercial land use and commercial building codes.
Finally, Here are the latest totals from our petition as they keep building now at **4,236 supporters**.
We have 200-300 paper ones as well from our tasting room. All good feedback to add to this mix.
Looking forward to seeing this process completed. Honestly it’s a huge win for everyone concerned.
Respectfully,
**Cliff Otis**
Partner
Matthews + **Tenor**
16116 140th Pl NE Woodinville, WA 98072
O: 425.487.9810 | C: 425-442-8390
[matthewswinery.com](http://matthewswinery.com) | [tenorwines.com](http://tenorwines.com)

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My family owns a winery located in the Woodinville area of rural King County. King County should be voting soon on what to do with zoning codes impacting businesses like ours. We hope they modify and update the zoning codes to allow for tasting rooms of our size to operate on certain rural-residential parcels along main arterials.
For the Adult Beverage Ordinance record.

Thanks

Begin forwarded message:

From: Serena Glover <serena@allenglover.com>
Subject: Splitting the Baby
Date: October 7, 2019 at 10:42:30 AM PDT
To: Claudia.Balducci@kingcounty.gov, rod.dembowski@kingcounty.gov, jeanne.kohl-welles@kingcounty.gov, jpe.mcdermott@kingcounty.gov, dave.upthegrove@kingcounty.gov
Cc: "Camenzind, Krista" <Krista.Camenzind@kingcounty.gov>, Garrett Holbrook <Garrett.Holbrook@kingcounty.gov>, "Cooper, Adam" <Adam.Cooper@kingcounty.gov>, Casey Bloom <Casey.Bloom@kingcounty.gov>, Zoe Mullendore <zoe.mullendore@kingcounty.gov>

The Adult Beverage Ordinance striker on the table today contains 'political concessions' that open the Sammamish Valley to retail drinking establishments by way of DPO A and murky definitions and permitted uses on WBDs. It attempts to mitigate the damage of what are commercial businesses operating in the RA without proper infrastructure by limiting their activities through restrictions on parking, building sizes, outdoor space and hours.

An approach that splits the baby by letting commercial development in with some restrictions will lead to endless code enforcement battles. The violators claim they can’t work within the restrictions - you’ve heard this directly from them. And they won’t. Because what we already know about the 8 violators in the Sammamish Valley is they won’t do anything to reduce their profits. Time and again they have pushed the boundaries of their businesses with repeated violations. They have violated the terms of their early 2016 settlement letters by increasing activities such as parking, size of crowds and sales of other retail goods.

What the Ordinance leaves us with is commercial development in a sensitive farmland buffer area where no commercial infrastructure exists. Then throw in a complaint driven code enforcement system, some murky code language, de minimis fines, and a handful of restrictions such as limits on square footage of retail space which are basically impossible to maintain in real time with customers on site. The result is these violators will keep growing, 8 more retail operations will be allowed in via DPO A, additional speculators will be encouraged to violate causing more land price speculation, and the environmental and public health and safety issues will only increase. We will never be able to stop this onslaught on the Sammamish Valley.
The environment operates on its own immutable laws and can’t work around the political concessions contained in the Ordinance. Because you’ve not done an EIS you have no idea about the Valley’s hydrology or other negative impacts created by the violators and expansion in this Ordinance. You’ve ignored the pleas from farm businesses, environmental organizations, and those of us who live here who already know the damage occurring to the farmland and watershed. The APD and watershed can’t continue to withstand this pressure.

The demand to locate adult beverage retail outlets in King County is huge and growing. Most want to be in the Woodinville area. You have one chance to get this right and the time is now. There is no Mulligan on development. Clear legislation from the Council that locates all retail drinking establishments with no production into the Urban Area is the only way to protect the Sammamish Valley.

If you adopt this striker with a "split the baby” approach you will lose the Sammamish Valley. That will be your legacy. Make no mistake about it.

** Political concessions referenced in the opening sentence:

DPO A rewards 5 violators under the guise of a “demonstration.” We already have all the data on what happens when commercial businesses are located in the RA where no commercial infrastructure exists. No demonstration is needed.

DPO A contains 13 parcels, extending south well past the last violator. Why 8 more and why in that direction? It turns out the southernmost parcel in DPO A is owned by Greg Lill. The same person with repeated violations on another property in the Valley - Chateau Lill. The same person who proposed to KC Council in July 2017 a new commercial zone on top of the SV APD, laying bare his ambitions for development of the Valley. Is the DPO A boundary a coincidence?

The WBD definitions now require 2 stages of production. For a winery one stage is “fermenting”. Unfortunately this does nothing to stop sham wineries. Cliff and Diane Otis have 2 barrels in their back left closet of their Matthews retail outlet. Those barrels are “fermenting and aging.” Under the current striker this type of sham operation will be totally legal. Is this what you really want? Wineries should really make wine, which means conducting all stages of production.

The violators signed settlement letters in early 2016. That letter acknowledged code complaints, said they were free from enforcement during the study period, required they didn’t increase activities, and required they comply with KC code once legislation was complete. It also gave them the opportunity to prove they were legal prior to the settlement letter. They all got a free hall pass for 3 years. All of them violated the letter and increased activities. You own them nothing.

The 8 violators in the Sammamish Valley have no production on site. The current King County has very clear language about this use. Under 21A.08.070 Retail Land Uses, P13 it says: 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site. Limited to sales of products produced on site. None of them produce on site. They should have been told to move or start production long ago. Saying that the current code isn’t clear on this particular use and further saying the current striker tightens the rules is flat our incorrect. The current striker will allow all these violators and more
to operate retail outlets in the valley. They current code does not. You just need to enforce the
code you already have. None of the violators were legal under the existing KC code. You owe
them nothing.

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
GoFOSV.rog
For the Adult Beverage Ordinance record. Thanks

Begin forwarded message:

From: Serena Glover <serena@allenglover.com>
Subject: Fwd: New Data on the Adult Beverage Ordinance
Date: November 11, 2019 at 10:31:23 AM PST
To: "Camenzind, Krista" <Krista.Camenzind@kingcounty.gov>

Krista, I meant to copy you on this.

Thank you,

Serena Glover

Begin forwarded message:

From: Serena Glover <serena@allenglover.com>
Subject: New Data on the Adult Beverage Ordinance
Date: November 11, 2019 at 9:30:46 AM PST
To: Claudia.Balducci@kingcounty.gov

CM Balducci,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable. The premise that Proposed Ordinance 2018-0241 “tightens-up” current code is also flawed. Unfortunately, some comments made during the Oct 7, 2019 COW meeting tend to accept these premises, which on closer examination are not supported by facts or data.

The following memo contains the facts and data to show that both premises are incorrect.

I recognize you have worked very hard to try to wrangle this Ordinance into an acceptable place and realize you basically inherited an ordinance that was sponsored by someone else. I heard you are not interested in any further amendments or meetings, but were willing to listen to new facts, so I present them here.

We may perhaps disagree on vision or on policies to achieve that vision. But we should not be disagreeing on core facts, based on the
language in the current code and the proposed ordinance.

This ordinance will have a profound impact on how the adult beverage industry evolves in concert with the environment, farmland and rural areas in King County. I hope we can be in agreement on facts before the vote.

I would appreciate an opportunity to discuss this with you before the next Council meeting on the Ordinance. I would like to at least understand whether you agree with the facts presented or if not, where our data is flawed. Please let me know if that is possible.

Thank you,

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
Memo To: Chair Dembowski and King County Councilmembers  
CC: Executive Dow Constantine, Erin Auzins, Karen Wolfe  
From: Friends of Sammamish Valley  
Date: November 10, 2019  
RE: WBDs: The “Problem” is Enforcement – Not the Current Code

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable. The premise that Proposed Ordinance 2018-0241 “tightens-up” current code is also flawed. Unfortunately, some comments made during the Oct 7, 2019 COW meeting tend to accept these premises, which on closer examination are not supported by facts or data. (Exhibit D).

The problem is not in the current code; it’s in the failure to enforce it.

**Existing code for adult beverage businesses is clear.** (Exhibit A). Specifically, code states: “sales are limited to products produced on-site.” The eight Sammamish Valley violators all truck in product from their production facilities in Eastern Washington or elsewhere. None of them produce on site.

**Code enforcement can deal with the eight Sammamish Valley violators using this one clause alone. A new ordinance is not needed.**

**Home occupation code complaints can also be dealt with using existing code.** Some home occupation breweries in the South Sound have generated complaints because on-site drinking has grown to a scale that disrupts neighbors. Home occupation requirements that “sales of on-site services to patrons are arranged by appointment” and “one parking stall for patrons when services are rendered on-site” and “closing hours of 5pm on weekdays and 7pm on weekends” are sufficient to contain a small Rural Area home occupation brewery from turning into a full-scale pub. (Exhibit A).

Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code.

**Under the guise of “tightening up” code, the Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments – businesses not allowed under the current code.** It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. (Exhibit B). The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA. (Exhibit C).

The Proposed Ordinance also increases WBD building sizes and reduces WBD minimum lot size from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage. (Exhibit B). A new analysis conducted on just one square mile of Rural Area reveals that 40 parcels could be converted to WBDs with up to 328,500 sq. ft. of alcohol production and sales space. (Exhibit F). The impact of the Proposed Ordinance throughout King County Rural and Agricultural Areas is significant.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms are not allowed at all under the existing code and should not be permitted in the Rural Area in the first
place. Not to mention that of some of these constraints are extremely difficult to enforce once customers are on-site.

The Proposed Ordinance is completely inconsistent with decades of carefully upheld land use policy. It rewards a handful of persistent violators, some of whom have already proposed even broader commercial development for the Sammamish Valley farmland. (Exhibit E). **Rewarding violators drives further land speculation. The County must take a very strong stand against the violators and speculators by upholding the Urban Growth Boundary, or our farmland and Rural Area buffers will be lost forever.**

There may be some room for limited discrete improvements in the current code. **But a 100+ page, extremely confusing Ordinance that in effect opens up Rural and Agricultural Areas to retail development does not improve the current code.** Nor does it solve the real problem – lack of code enforcement.

Numerous constituencies including farmers, environmental organizations, legally operating businesses and residents from throughout the County have extensively documented all the negative impacts of the current violators and the Proposed Ordinance. **Adoption of the Proposed Ordinance could cause much harm before a court or the Growth Management Hearings Board would be able to intervene.**

**Please vote NO on the Proposed Ordinance.**
Exhibit A: Current King County Zoning

Definitions

“Wineries”, “Breweries” and “Distilleries” are defined, classified and regulated as manufacturing facilities. The primary activity of these facilities is manufacturing of wine, beer and distilled spirits. Any winery, brewery or distillery that requires a conditional use permit is “limited to processing agricultural products”.

Zoning Conditions

Businesses manufacturing wine, beer, and liquor (“Adult Beverages”) on Rural and Agricultural sites must meet certain conditions:

- On sites zoned Agricultural, manufacturing of Adult Beverages is allowed only as an accessory use. The primary use of the site must be farming or raising livestock. An “accessory use” is defined as being subordinate and incidental to the primary use.
- In both Rural and Agricultural Areas, floor area of structures used for processing may not exceed 3,500 square feet unless a conditional use permit is obtained. The area devoted to tasting shall be included in the floor area limitation.
- In Rural Areas the minimum lot size is 4.5 acres for facilities up to 3,500 square feet.
- Sixty percent or more of the products processed on Rural and Agricultural sites must be grown in Puget Sound counties.
- Whenever a conditional use permit is required, the following conditions must be met:
  - If the total floor area of structures exceeds 6,000 square feet in Rural and Agricultural Areas:
    - The minimum site size (two or more lots under common ownership) is ten acres; and
    - At least two and one-half acres of the site must be used for growing agricultural products.
  - The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in Puget Sound Counties.
  - Except on Vashon-Maury Island, the total maximum floor area for processing and all accessory uses is 8,000 square feet. A below-grade basement up to 8,000 square feet is also allowed. (Structure size limits exclude historic structures). On Vashon-Maury Island the floor area for processing and all accessory uses, including below-grade basements is limited to a total of 6,000 square feet (total above and below-grade).
  - Off-street parking is limited to one hundred and fifty percent of the minimum requirement. The minimum requirement is 0.9 of a space per 1,000 square feet of manufacturing area, plus 1 space per 50 square feet of tasting area.
Structures and areas used for processing must be set back a minimum of seventy-five feet from property lines adjacent to rural area and residential zones (excluding historic structures).

**Tastings and Sales**

- Manufacturing facilities may offer tastings of beverages produced on site. Beverages produced elsewhere may not be served.

- Manufacturing facilities are limited to sales of products produced on-site for consumption off site as an accessory use to the primary manufacturing land use. “Accessory Use” is defined as an activity that is subordinate and incidental to the primary manufacturing activity. Beverages produced elsewhere may not be sold.

**Sanitation and Water Use**

- Wineries, breweries and distilleries must comply with all health, water and wastewater regulations:

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

**Winery Special Events on Agricultural and Rural Sites**

- Limited to two events per month.
- All parking must be accommodated on site.
- A temporary use permit is required.

**Home Occupation**

Under King County Code, section 21A.30.080 the following restrictions, among others, apply to home occupation businesses in the Rural zone:

- No more than one nonresident employee shall be permitted to work on-site for the home occupation or occupations;
- In addition to required parking for the dwelling unit [the homeowners], on-site parking is provided as follows:
  
  - One stall for each nonresident employed by the home occupations; and
  - One stall for patrons when services are rendered on-site;
- There shall be no exterior evidence of a home occupation, other than growing or storing of plants or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;
- Sales are limited to:
  
  - Mail order sales;
- Telephone, Internet or other electronic commerce sales with off-site delivery; and
- Items accessory to a service provided to patrons who receive services on the premises;
- On-site services to patrons are arranged by appointment;

- Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends
Exhibit B: Ordinance Expands Alcohol Sales onto Rural and Agricultural Lands

Despite claims by King County to the contrary, the Proposed Ordinance does not “tighten up” regulations on alcohol sales and production. In fact, it significantly relaxes regulations in the current code as follows:

- The Ordinance legalizes retail “Remote Tasting Rooms” in Demonstration Project Overlay A, in the Sammamish Valley Rural Area.

This particular location could not be worse as it already serves as an ecological buffer for the farmland, protecting it from runoff from upslope residential activities and requiring 75% non-impervious surface. (SO-120 Agricultural Production District Overlay). Any number of WBDs can jointly operate their bars in one remote tasting room facility. These facilities have no production and are purely retail sales outlets. The name “Tasting” is a misnomer, as they can serve alcohol by the glass and bottle. “Demonstration Project” is also a misnomer as these locations become legally non-conforming after 5 years and are permanent.

It appears the primary reason for Overlay A is to legitimize five of the eight Sammamish Valley violators (Casa Felciana, Cougar Crest, Cave B, Forgeron, and Sky Mead). Yet, Overlay A contains 13 parcels and extends south well past the violators’ sites along Redmond-Woodinville Road. Are the Councilmembers aware that the southern-most parcel – a single family home – is owned by Greg Lill? Mr. Lill has proposed large-scale development of the Sammamish Valley (Exhibit E). His existing event center business in the Rural Area, Chateau Lill, directly benefits from the Proposed Ordinance, and the gerrymandered boundary obviously benefits him. It appears Overlay A has been tailored to facilitate expansion of Mr. Lill’s retail drinking establishment operations in the Rural Area, or at a minimum it certainly gives that impression.

- The Ordinance legalizes sham WBDs that really operate as retail bars with no production.

Until recently, wineries actually made wine, through all the steps of the production cycle: from crushing the grapes, to fermenting the grapes, blending and bottling. The same has been true for breweries and distilleries. And anyone who has walked into an actual winery, brewery, or distillery knows these manufacturing facilities use up lots of space for equipment.

But that is not the scenario the Proposed Ordinance legitimizes. A new “sham winery acting as a bar” business model has emerged.

One business in the Sammamish Valley Rural Area – Matthews – has decided to call itself a winery even though it only stores a couple of barrels in a back closet. Matthews is owned by Diane and Cliff Otis. Cliff is also a co-author on the proposed large-scale development of the Sammamish Valley. (Exhibit E). All their wine is trucked in from their state-of-the-art winery in Walla Walla. They use all their space in the Sammamish Valley location for a retail bar, as there is no manufacturing equipment. They serve wine by the glass and bottle, have live music and dancing, and bring food trucks and other entertainment on-site. They’ve been referred to online as a nightclub and they’re packed on a typical Friday night. They’ve recently served over 400 customers in just one day.

All of this is occurring in a location with no commercial infrastructure – no sidewalks, lighting, or turn lanes, and with no urban sewer hookup, but only grossly undersized holding tanks with no septic drain
field whatsoever. The majority of their property serves as a parking lot, severely compacting the soils. This property sits in the SO-120 buffer zone, which is supposed to be rural land with 75% impervious soils, in order to protect downslope farmland from toxic runoff. Immediately across the road is an active organic vegetable farm.

Matthews has invented a new business model – a sham winery acting as a bar – which the County hasn’t had to deal with before. Today, the King County code classifies alcoholic beverage production as a manufacturing activity. Sales of beverages are an ancillary activity. Under current code, sales are limited to sales of products produced on-site.

The Proposed Ordinance removes the sentence on WBD manufacturing facilities in the current code that says they are “limited to sales of products produced on-site and incidental items where the majority of sales are generated from products produced on-site.” This sentence has been replaced with language that says: “tasting and retail sales of products produced on-site may occur...” The devil is always in the details. The new language does not specifically limit sales to products produced on-site and leaves the origin of some products open to possible interpretation. Why is the current, perfectly clear language being changed?

The Proposed Ordinance also attempts to redefine production by stating that a WBD must “conduct two stages of production such as crushing, fermentation, distilling, barrel or tank aging, and finishing. At least one of the stages of on-site production shall include crushing, fermenting, or distilling.” With this definition a winery can “ferment and finish” or “ferment and age” or “ferment and make up whatever stage they want to” and satisfy the definition. Wine can be fermented and aged in a barrel. Throw a couple of barrels in the back, truck in wine from elsewhere by arguing that is not dis-allowed in the Proposed Ordinance, and a sham winery is legal. This is exactly what Matthews is doing today and their operation will be legitimized under the Proposed Ordinance.

Most WBD businesses are looking for retail distribution in King County, not locations for production. Most will keep production in Eastern WA near to their source materials (e.g., grapes, grains) due to cost and quality reasons. KC legitimizes sham wineries in the Proposed Ordinance through the loopholes described above which generates a significant negative impact across 2.5 and 4.5-acre properties throughout rural King County. In a recent analysis of just one square mile of Rural Area near Redmond, it was determined that 40 parcels could be converted to WBDs, resulting in up to 328,500 sq ft of commercial space related to alcohol. In just one square mile. Within Rural Area neighborhoods. (Exhibit F) This can happen all over rural King County.

Over the last 18 months numerous organizations and individuals have repeatedly pointed out to the County that they need to require all stages of beverage production and limit sales and tastings to products produced on-site in order to prevent legitimizing WBD retail outlets across King County Rural and Agricultural Areas. If the Council does not fix the WBD definitions in the Proposed Ordinance the County will legitimize Matthews and the many new sham WBDs who will certainly follow this new business model.

- The Ordinance allows WBDs on 8+ acres an unlimited number of events with no mitigation process.
Today, WBDs are limited to 2 events per month and they must get at Temporary Use Permit (TUP), a process which allows for some input from the community and requires renewal that could be denied if the use is deemed inappropriate for the location. Temporary use permits are just that — temporary. They are not intended to permanently authorize a business activity that is not allowed by the applicable zoning. Under the current zoning code, TUPs must be renewed annually and the maximum number of consecutive renewals is five.

The Proposed Ordinance allows WBDs with an existing state liquor license for a Rural Area site that is eight acres or larger, to waive the TUP process, subject to certain setbacks and other restrictions. This means these businesses can permanently conduct an unlimited number of events, with up to 250 guests, with no process in place to review or mitigate uses that are incompatible with the surrounding area. Together with the loopholes in the WBD definitions described above, this really means that full-on event centers with no beverage production will be legitimized.

The waiver of the TUP requirement, added on at the last minute in the most recent KC Committee of the Whole (COW) meeting, is clearly designed for one business — Chateau Lill (owners: Greg & Stacy Lill) — a Sammamish Valley event center violator. At least four other locations may also be legitimized by this provision.

- **The Ordinance reduces the minimum lot size required for a WBD and increases the building sizes and allowed parking in the Rural Area and Agricultural zones**

The Ordinance includes a 44% reduction in the current minimum lot size required for a WBD from 4.5 acres in RA and A to 2.5 acres. Allowed building sizes are increased from 3,500 sq ft to 6,000 sq ft on 4.5-acre properties. The 3,500 sq ft buildings previously allowed on 4.5 acres are now allowed on 2.5 acres. Because parking lot size is tied to the size of the building, parking lot sizes also increase throughout the Rural Area and Agricultural zones. By reducing the lot size and increasing building sizes the Proposed Ordinance inappropriately increases the density of manufacturing activities, and with the fundamental flaws in the WBD definitions, retail outlets as well, in Rural and Agricultural Areas.
Exhibit C: Ordinance Incompatible with Infrastructure and Land Use Policies

If adopted, the proposed Adult Beverage Ordinance would allow businesses selling alcoholic beverages to expand into Rural and Agricultural Areas. The Ordinance will fundamentally change our system of land use regulation in King County by expanding impacts generated by retail facilities, customers, and traffic beyond Urban Areas onto Agricultural Lands and into Rural Communities.

- It will create needs in Rural and Agricultural Areas for sewer, water and stormwater facilities; require expanded streets and sidewalks; and increase needs for law enforcement.
- These needs for urban services exceed the capacity of the minimal public services and infrastructure provided in Agricultural and Rural Communities.
- Expanding retail activities outside of Urban Areas will require increased public spending on infrastructure and services that the County cannot afford, and that is contrary to the express policy stated in the KCCP that services should be kept at rural levels.

This fundamental expansion of land use impacts to Agricultural and Rural Areas is incompatible with the character and natural environment of these communities. If adopted, the repercussions of the Adult Beverage Ordinance will violate SEPA, the GMA, Countywide Planning Policies and the King County Comprehensive Plan, all of which mandate that the County preserve Agricultural Lands and protect natural systems and Rural character.
Exhibit D: Select Comments from 10/7/19 COW Meeting and Rebuttal

A recording of the KC Committee of the Whole (COW) meeting on October 7, 2019 is available at http://king.granicus.com/MediaPlayer.php?view_id=4&clip_id=7737. Councilmembers deliberated on the Ordinance starting at 1:14:58 on the recording. Below are some highlights from that discussion and a response to some of the more relevant statements.

CM Upthegrove asked what “allowable retail uses” in the RA and A zones are under current code and whether products are “required to be manufactured on-site.” Council Central Staff Erin Auzins confirmed for wine and beer that products are currently “limited to sales of products produced on-site.” Her response is consistent with the assertion we make throughout this document.

In a discussion of her amendment to increase the allowable “tasting” space in a WBD from 15% to 30%, CM Lambert said that in the original Executive version of the Proposed Ordinance a WBD owner “can use 100% in your property” [for tasting, of the square footage allowed for your WBD]. She argued going from 100% to 15% was too radical and that 30% was more reasonable.

Her argument is completely flawed and highlights a fundamental disconnect in the discussion. The Executive version does not say that 100% of a production facility can be used for tasting. No WBD today, under the current code, can dedicate 100% of their facility to retail tasting space. They need to actually produce alcoholic beverages because they can only sell what they produce on-site, and sales is an ancillary use to manufacturing the product. Production of alcoholic beverage requires large equipment which takes up lots of room. Anyone who has ever visited a real WBD knows this. The Executive version also requires that WBDs manufacture alcoholic beverages. CM Lambert can only be referring to the code violator Matthews as her baseline. Matthews illegally uses 100% of their space as a retail drinking establishment and event center. Starting with 100% as a baseline for the argument is nonsensical.

Her argument is completely flawed and highlights a fundamental disconnect in the discussion. The Executive version does not say that 100% of a production facility can be used for tasting. No WBD today, under the current code, can dedicate 100% of their facility to retail tasting space. They need to actually produce alcoholic beverages because they can only sell what they produce on-site, and sales is an ancillary use to manufacturing the product. Production of alcoholic beverage requires large equipment which takes up lots of room. Anyone who has ever visited a real WBD knows this. The Executive version also requires that WBDs manufacture alcoholic beverages. CM Lambert can only be referring to the code violator Matthews as her baseline. Matthews illegally uses 100% of their space as a retail drinking establishment and event center. Starting with 100% as a baseline for the argument is nonsensical.

In her closing remarks CM Balducci said that it is time to move on and make a decision about the Ordinance. She continued to say that “anything we do with an Ordinance we can change with an Ordinance”, implying if we don’t get it right in this ordinance we can fix it with another one later. This is unfortunately and tragically untrue when it comes to land use and allowing commercial development in Rural and Agricultural Areas. Once land is paved over, it is paved over forever. There is no going back.

CM Balducci said, “we know what the on-the-ground impacts are of the current code. You can go out there and see it.” Again, this presumes the problem is with the current code. The “on-the-ground impacts” we see are created by code violators, illegally operating in disregard of the current code. The problem is lack of code enforcement of the current code, not the code itself, as discussed elsewhere in this document. This particular comment highlights another fundamental disconnect within the entire Proposed Ordinance discussion.

CM Balducci commented on some feedback she has received from the code enforcement division, as it related to the current code. She said she heard that “if the current code were enforced, winery and adult beverage businesses would not be required to conduct any stage of production of their product on-site.” While it is true that the current code does not specifically spell out which or how many stages of production are required to manufacture an adult beverage, the code does very clearly say that sales are limited to products produced on-site. So, if a WBD business is not actually making adult beverages on site, then it will have nothing to sell. Furthermore, sales are allowed only as an ancillary use to the
primary manufacturing activity. The problem is not that the existing code doesn't spell out the stages of production. The real problem is that the code enforcement division, for reasons that are unknown, did not use the on-site production requirement in the existing code to deal with businesses that are not producing and are very clearly trucking in product from elsewhere to sell.

CM Balducci stated that she believes a large part of the challenge [with negative impacts] in the Sammamish Valley is due to the presence of the City of Woodinville Tourist District, which lies in the middle of the Valley. What she failed to acknowledge, or perhaps recognize, is the fact that the Tourist District has commercial infrastructure. It is hooked up to the public sewer system, it has 3 roundabouts for ingress/egress, sidewalks and lighting. The hotel planned for development will also have underground parking. Comparing the impacts of urban use development in the Rural Area to similar development in a commercial area has to take into consideration the available infrastructure, or lack thereof.

The Tourist District is inside the Urban Growth Area (city). The Sammamish Valley RA and A lands do in fact abut this District. CM Balducci implies in her continued comments on the Tourist District that because its impacts are so great, the impacts created in the Rural Area by the Proposed Ordinance are minor in comparison, and that the Proposed Ordinance is “fair and balanced”. First, this ignores the point about infrastructure mentioned above, which greatly mitigates the impact of the Tourist District. More worrying, it ignores the whole point of the Growth Management Act which carves out specific areas for development within the Urban Growth Area (UGA), as delineated by the Urban Growth Boundary. Just because rural land is on the edge of the UGA where denser development exists, does not mean that less impactful urban use development on the rural land is OK. In fact, the opposite is true. The Urban Growth Boundary was put in place to prevent exactly this kind of “trickle, trickle” urban sprawl development.

CM Balducci stated that SEPA analysis is not required when proposed code is “more restrictive” than current code...as the rationale for why no environmental impact study was completed. The Proposed Ordinance allows remote tasting rooms in the Rural Area, WBDs on 2.5 acres, and unlimited number of events at certain WBDs. None of this is allowed under current code. The Proposed Ordinance is not more restrictive. She also said, in so many words, she doesn't believe there is going to be any significant environmental impacts from this Ordinance. She did not provide any evidence to support her claims. A SEPA analysis is a requirement for expansion of this nature in order to determine what, if any, environmental impacts will occur with changes to land use.
Exhibit E: Violators Commercial Vision for the Sammamish Valley

This recommendation is part of a submission to the King County PRE Committee Meeting on July 17, 2017. It was submitted by the names below, some of whom are Sammamish Valley violators, and is on the public record at https://www.kingcounty.gov/council/committees/Planning_Rural_Service_and_Environment.aspx

Recommendation for Sammamish Valley (area along Hwy 202/148th)

Because the Sammamish Valley is such a unique area, unincorporated county land surrounded by major municipalities and Sammamish Valley’s Agricultural Protection District, we believe you may need finer controls over what is allowed in this area. So, along with the definition and building further from the code changes noted above, we believe to really take advantage of the uniqueness the Sammamish valley, King County should really consider creating a Tourist overlay for this area.

We would recommend creating an Agritourist overlay similar to the Woodinville Tourist District:

- Stand-Alone, Wineries, breweries, distilleries, and other agricultural food stores including fruit and vegetable stands including administrative offices, grounds maintenance, gardens, visitor services, retail outlets primarily for products produced, public concerts, theatrical events, restaurants, as well as tastings events and facilities (remote tasting rooms). No restrictions on where product is grown or produced.
- Manufacture of arts and crafts provided at least 10% of floor area is devoted to retail.
- Manufacture of bakery, confectionary and other specialty food and kindred products provided that at least 10% of the products manufactured on site must be sold on site.
- Tourist related retail and commercial use; bike shops, miniature golf, delicatessens, art/northwest craft shops, and food stores limited to NAICS 4452.
- Theaters, museums, and outdoor performance centers with limitations
- Lodging facilities including but not limited to, bed and breakfast guest houses, lodges and inns, youth hostels, and campgrounds with limitations.
- Conference Centers
- Passenger Train Stations
- Parks, trails and recreation services providing rental of bicycles, roller skates or blades, canoes, kayaks, rowboats, and floatation devices
- Restaurants except drive-through facilities
- Antique stores and bookstores
- Art dealers and galleries

Roger Porter – Cherry Valley Winery
Cliff Otis – Matthews Winery & Tenor Wines
Greg Lill – Delille Cellars
Larry Lindvig – Pleasant Hill Cellars
Bob Spencer – Cinq Cellars

Also in support:
Paul & Kay Talbott – Owners of “Sky River Mead” property on Woodinville Redmond Rd.
Exhibit F: Ordinance Impact on One Square Mile of Rural Area

Impacts of KC Ord 2018-0241.3 on Rural Area Arterials, example
RA Lots on Rural Area Arterials greater than 2.5 acres*

Novelty Hill - 208th Ave NE - Union Hill -196th Ave Ne WBD II &III lots
Road Distance Approximately 4 miles, Area 1 square mile

WBD II lots 2.5-4.5 acres (3,500 sf structure), WBD III lots = 4.5 to 10 acres (6,000 sf structure);
greater than 10 acres (8,000 sf structure)

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<th>Acreage*</th>
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RA lots on Segment > 2.5 acres 15  98,500

208th Ave NE between Novelty Hill and Union Hill

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RA lots on Segment > 2.5 acres 15  98,500
### Union Hill Rd Frontage - between 208th Ave NE and 196th Ave NE

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RA lots on Segment > 2.5 acres: 6 acres | 52,500

### 196th Ave NE - between Union Hill and Novelty Hill

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RA lots on Segment > 2.5 acres: 6 acres | 46,000

**Total Properties**: 40

**Total Potential Commercial Space**: 328,500

*Data Source: King County Imap, Department of Assessments, property detail

$ Table illustrates potential for simplest subdivision for properties greater than 10 acres.
Krista, thank you for your time today on the phone. Per our conversation I have attached a legal review (done by FoSV land use attorneys) of the language around retail sales for both on-site and off-site consumption at production WBDs. Note that this review does not include remote tasting rooms.

I’ve had a half dozen attorneys look at this language, three of whom specialize in land use. All agree that in existing code today, wineries, breweries and distilleries in RA and A zones can sell for either on-site or off-site consumption only what they produce/manufacture on-site. In the Proposed Ordinance the language that specifies you can only sell for off-site consumption what is produced on-site has been removed. The language around on-site consumption is vague.

The result is WBDs that produce elsewhere (mostly in Eastern WA) will be able to truck in beverages from elsewhere and use their RA properties as a retail outlet. Some are already doing this—it’s an existing and real scenario. The pressure from the beverage industry is for retail space, not production space. If the Ordinance passes as written the effect will be adult beverage retail outlets throughout the RA.

The question is, do you really intend to allow expansion of retail sales to product trucked in from somewhere else at WBDs located in the RA and A? That is definitely not allowed under the current code.

Thank you for your consideration,

Serena Glover
ED, Friends of Sammamish Valley
425-985-2992
To: King County Councilmembers  
From: Friends of Sammamish Valley  
Date: November 19, 2019  
RE: Adult Beverage Ordinance 2018-0241

**The Current King County Code Limits Sales by Wineries, Breweries and Distilleries to Beverages Produced On-Site. The Adult Beverage Ordinance Greatly Expands Authority to Engage In Retail Sales Regardless of Where the Product was Manufactured.**

The current King County Code limits retail sales and tastings conducted by wineries, breweries and distilleries at their manufacturing facilities to products they actually produce on site:

> Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.

KCC 21A.08.070 B. 13.

The Ordinance would replace the “products produced on-site” limitation by adopting new definitions for land uses termed “Winery, Brewery and Distillery Facility II” and “Winery, Brewery and Distillery Facility III.” The new definitions allow retail sales by WBDs regardless of where the products were manufactured, similar to sales by typical bars and taverns:

> A winery, brewery, distillery facility [II and III] may include . . . on-site tasting of products and sales as authorized by state law and sales of merchandise related to products available for tasting as authorized by state law.

9/16/9 Balducci Striker, Sections 15 and 16.

The reader of these definitions would have to be an expert in state liquor law to begin to know what they mean. We contacted the experts at the State Liquor and Cannabis Board. We were advised that State law allows the sale of alcoholic beverages at wineries, breweries and distilleries by the glass and bottle for consumption on the site, and by the bottle and case to take away for consumption elsewhere, without regard as to whether the product was produced on or off site. The only restriction is that the beverages sold must have been produced by a manufacturer licensed with the same corporate ownership structure. For example, if a location is selling Winery 1 wines, then that location must be under the same ownership as the Winery 1 manufacturing location. In addition, according to state law, the retail location can sell alcoholic beverages from any manufacturer that has the same corporate structure. For example, if Winery 1 and Winery 2 have the same corporate ownership structure, then they can cross sell each other’s wines, regardless of manufacturing or retail locations.

The Ordinance also includes the following ambiguous section in the development conditions placed on manufacturing uses:
Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law.

The section does not address products produced off-site. As set forth above, the land uses defined as “winery, brewery and distillery II and III” include the right to sell products “as authorized by state law” which include products produced off-site. This section does not purport to regulate sale of products produced off-site. At best, the Ordinance is highly ambiguous with loopholes large enough to drive wine and beer delivery trucks through. At worst, the legal effect of the Ordinance is to treat the sale of products produced off-site as a component of the use that is allowed in Agriculture and Rural Area zones.

Some operators of currently illegal businesses argue that if state law allows WBDs to sell alcoholic beverages and merchandise regardless of where they have been produced, then this is what they are entitled to do on King County Agricultural and Rural Area land. This is patently false. The State Liquor and Cannabis Board does not have power to dictate land use regulation to the King County Council. The Council has a choice. The County has authority to reduce the scope of retail sales allowed at WBD facilities in King County Agricultural and Rural Areas to limit land use impacts. This is exactly the point explained by the King County Hearing Examiner in his Report and Decision in the appeal by Four Horsemen Brewery dated October 3, 2018:

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 breweyer 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.

At best, the proposed Adult Beverage Ordinance is ambiguous as to the type of retail sales allowed by Winery, Brewery and Distillery Facility II and III land uses. FoSV’s position is that, to minimize the land use impacts of wineries, breweries and distilleries in Agricultural and Rural Areas, sales should be limited to products produced on site. That restriction is clear in the current King County Code.

If the Ordinance is adopted as-is, the Council will be making a choice to significantly expand retail sales in Agricultural and Rural Areas by allowing wineries, breweries and distilleries to operate as sales outlets for off-site manufacturing facilities. Note that in the case of the new Ordinance definition of “Winery, Brewery, Distillery I,” adoption of the Ordinance will result in the opposite choice to narrow permitted sales activity through language that is crystal clear:

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1 This language appears in the Balducci Striker, Section 18 dealing with manufacturing land uses. It is a part of development conditions 3,12 and 30.
If you agree that retail sales by WBDs should be limited to products produced on-site:

- The manufacturing land uses development conditions 3 h. and 30 d. (WBD II), and 12. i. (WBD III), must be revised to read as follows:\(^2\):

  *Tasting and retail sales of products produced on-site only may occur only as accessory to the primary winery, brewery, and distillery production use. On-site tasting and retail sales of products produced off-site are not allowed.*

  and

- The pertinent portions of the definitions of WBD II and III must be revised to read as follows:\(^3\):

  *A winery, brewery, distillery facility [II] [III] may include additional production-related uses such as vineyards, orchards, wine cellars or similar product-storage areas and on-site tasting and sale of products produced on-site only. On-site tasting or retail sales of products produced off-site shall not be allowed. “Winery, brewery, distillery facility [II] [III]” does not include any activity permitted pursuant to a retail liquor license authorized by Chapter 314-02 WAC.*

\(^2\) Revisions required to Balducci striker, in Section 18, lines 683-685; lines 776-78; and lines 990-992.

\(^3\) Revisions required to Balducci striker, in Section 15, lines 448-452; and Section 16, lines 460-463.
Dear Supervising Legislative Analyst Erin Auzins,

The foundational premise for “updating” the winery, brewery, distillery land use code is flawed, based on a false narrative that current code is vague and unenforceable.

The problem is NOT in the current code; it’s in the failure to enforce it. Only twelve beverage industry businesses county-wide have active complaints, and all can be dealt with using existing code. Proposed Ordinance 2018-0241 is unnecessary.

The premise that the Proposed Ordinance “tightens-up” current code is also flawed.

The Proposed Ordinance actually opens up the Rural and Agricultural Areas to retail drinking establishments - businesses not allowed under the current code. It does so through Overlay A, fundamental flaws in the definitions and permitted uses of WBDs, and event centers. The commercial infrastructure needed for these retail establishments does not exist in the Rural and Agricultural Areas, is unaffordable, and is expressly against the County’s Comprehensive Plan and the GMA.

In addition, WBD building sizes are increased and minimum lot sizes are reduced from 4.5 to 2.5 acres, opening up many more parcels throughout the county for WBD usage.

The Proposed Ordinance attempts to mitigate the damages from harmful expansion of retail uses into the Rural and Agricultural Areas by including some “tightening-up constraints.” For example, a remote tasting room is limited to 500 sq. ft. of outdoor space for retail drinking area. Remote tasting rooms should not be permitted in the Rural Area in the first place.

The Proposed Ordinance is unnecessary and rewards a handful of commercial violators and speculators. The extensive list of negative impacts to farms, the watershed, rural area residents, nearby urban residents, and legally operating businesses are already well documented.

Please VOTE NO on Ordinance 2018-0241.

Sincerely,

Tony Meier
13704 175th Ct NE
Redmond, WA 98052
Dear King County City Councilmen and Councilwomen tomorrow you are set to vote on the proposed Ordinance #2018-0241. The King County Sammamish Valley Wine and Beverage Study. I hope you will reconsider your vote, and vote against opening up the rural land in King Co.

This has the potential to and will open up a broad swath of rural land to urban use retail and commercial businesses in areas that are meant to be protected. This rural land is part of the natural beauty that the PNW and King County are known for, it is also the land that feeds into the Puget Sound and Salish Sea filled with run off, and that flows into Rivers that flow into the waters that our wild Salmon live and breed in. Our very unique water ways are known for the Southern Resident Killer whales, J,K,and L pods live only here, and depend on the resources that live and benefit from these rural lands.

Having lived in King County for over 5 years I hope that you can help protect this land, and Stand up for the rivers, the wild salmon populations and critically endangered Southern Resident killer whales, and reconsider your vote on this Ordinance, and Vote NO against opening up the rural land in King County to urbanization.

Thank you very much for hearing me, and all the work you do for the County. I hope for the best result!

Ann Armstrong.