

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words “project,” “applicant,” and “property or site” should be read as “proposal,” “proponent,” and “affected geographic area,” respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

Amendments to King County Code related to wineries, breweries, distilleries, and remote tasting rooms, referred to as the “WBD ordinance” (originally adopted in 2019 as Ordinance 19030, which was substantially invalidated by the Growth Management Hearings Board).

2. Name of applicant:

The proposal was initiated by the King County Executive and King County Council.

3. Address and phone number of applicant and contact person:

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4. Date checklist prepared:

November 2, 2020.

5. Agency requesting checklist:

King County.

6. Proposed timing or schedule (including phasing, if applicable):

King County Council anticipates considering next steps regarding the WBD ordinance in early 2021.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

King County anticipates individual applications for licenses and permits, including conditional use and temporary use permits for wineries, breweries, distilleries (WBD facilities), and remote tasting rooms.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- SEPA checklist for Ordinance 19030 (April 9, 2019)
- Determination of Nonsignificance (DNS) for Ordinance 19030 (May 17, 2019)
- Memo to King County Council from the SEPA responsible official, confirming review of public comments and reaffirming the DNS for Ordinance 19030 (July 10, 2019)
- Sammamish Valley Area Wine and Beverage Industry Study (September 2016)
- King County Action Report, Sammamish Valley Winery and Beverage Study (April 26, 2018)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Numerous permit applications are pending for projects on properties within unincorporated King County, where the WBD ordinance would apply. In June 2020, the King County Council passed Ordinance 19122 that adopted a six-month moratorium on the acceptance of any permit applications for any new wineries, breweries, distilleries, or remote tasting rooms as a primary use, home occupation, or home industry; any expansion of such existing uses; and temporary use permits for those uses in unincorporated King County. As a result, there are no permits pending directly related to the ordinance.

10. List any government approvals or permits that will be needed for your proposal, if known.

Approval by the King County Council is the only government approval required for adoption of the WBD ordinance. Individual winery, brewery, and distillery facilities (WBD facilities) and remote tasting rooms would be subject to all applicable state and local permitting and licensing requirements.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The objective of the WBD ordinance is to amend the King County Code (KCC) regulations related to the adult beverage industry (including wineries, breweries, distilleries, cideries, and remote tasting rooms) in unincorporated King County, including more clearly defining those uses, where they are allowed, and the development standards that apply. To accomplish this objective, the WBD ordinance includes the following:

- Establishing a business license requirement for all wineries, breweries, distilleries, cideries, and remote tasting rooms, as well as for legal nonconforming home occupations and home industries.
- Adding new definitions for remote tasting room and WBD facility I, II, and III.
- Specifying new development standards for WBD facilities and remote tasting rooms, as allowed in each zone.
- Imposing new requirements in the Agricultural (A) zone for structures for non-agricultural uses to be located on lands unsuitable for agricultural purposes and limiting the amount of land that may be converted to a nonagricultural accessory use to one acre.
- Establishing impervious surface limits for WBD facility II and III in A and Rural Area (RA) zones that are as or more restrictive than existing limits. Maintains existing underlying code limitations for impervious surface for A, Community Business (CB), Regional Business (RB), and Industrial (I) zones.

- Allowing WBD facility II and III in the A zone only as an accessory use to an agricultural use. Regulations prior to Ordinance 19030 also allowed wineries, breweries, and distilleries as an accessory use to agricultural use in A zone and allowed larger wineries, breweries, and distilleries as a conditional use. Maintains that WBD II and III facilities are permitted as a conditional use in RA zones (a WBD II facility could be permitted without a conditional use permit in the RA zone if it has arterial access).
- Imposing a new requirement for WBD facility III to connect to an existing Group A water system.
- Reducing the minimum lot size for WBD facility II in the RA zone from 4.5 to 2.5 acres. Establishing a minimum lot size of 2.5 acres for WBD facility II in the A zone, whereas prior to Ordinance 19030, there was no minimum for smaller wineries, breweries, and distilleries in the A zone.
- Prohibiting WBD facilities and remote tasting rooms as home occupations and home industries. Existing home occupations and home industries that obtain a business license and demonstrate compliance with the King County Code provisions for home occupations and home industries prior to the adoption of Ordinance 19030, would be allowed to continue as legal nonconforming uses.
- Maintaining limited on-site tasting of products and retail sales only as accessory to production for WBD facility II and III.
- Prohibiting on-site tasting and retail sales at WBD facility I, which is allowed only in the RA zone.
- Imposing new limitations on the maximum area allowed for on-site tasting of products and sales to 30 percent of floor area for WBD facility II and III in the A and RA zones and to 1,500 square feet for WBD facility II and III in the I zone.
- In the A zone, modifying an existing requirement that 60 percent of the product processed at a winery be grown in Puget Sound counties to require that 60 percent of the product processed at WBD facilities be grown on-site.
- In the RA zone, removing requirement that 60 percent of the products to be processed at WBD be grown in Puget Sound counties.
- Imposing new hours of operation limitation for tasting and retail use for WBD facility II in A, RA, and RB zones and for WBD facility III in A, RA, Neighborhood Business (NB), CB, and RB zones.
- Requiring direct access to an arterial for WBD facility II and III in the A and RA zones, except for on Vashon-Maury Island and for WBD facility II permitted as a conditional use in the RA zone where access must be directly to and from a public roadway.
- Limiting the number of temporary use permits allowed for events for WBD facility II and III in A zones to two days per month and requiring that all parking be accommodated on site (identical to prior regulations for wineries in A or RA zones) or managed through a parking management plan.
- Adjusting limits on the number of temporary use permits for WBD facility II and III in the RA zone to 24 days per year (from two days per month for wineries, and from 60 days per year for breweries and distilleries) and also requiring that all parking be accommodated on site or managed through a parking management plan, whereas the KCC allows events requiring a temporary use permit up to 60 days per year for all other uses and wineries in other zones.
- Adding a new limit on the number of guests allowed for an event that requires a temporary use permit (subject to permit review and conditions, but no more than 150 guests for WBD facility II in A and RA zones and 250 guests for WBD facility III in A and RA zones) and requiring the consideration of occupancy and parking limitations during permit review.
- Continuing to allow events up to two days per year without a temporary use permit, with a new limit of 50 guests, for WBD facility I in RA zones, legal nonconforming home occupations, and legal nonconforming home industries.

- Allowing an estimated five WBD facility II and III in RA zones that meet certain criteria to hold events without a temporary use permit. These facilities would be required to have an active Washington State Liquor Control Board (WSLCB) production license for their current location as of the effective date of the WBD ordinance, be sited on a parcel eight acres or larger, and have direct access to a principal arterial or state highway. These facilities could not use amplified noise between 8:00 pm and noon and could have events no more than eight days per month on an annual average.
- Establishing Remote Tasting Room Demonstration Project Overlay A, which consists of 13 properties within the RA zone in Sammamish Valley adjacent to the Woodinville city limits, to evaluate the allowance and operation of remote tasting rooms with strict scope and scale limits.
- Allowing remote tasting rooms as a permitted use in CB and RB zones.
- Adding specific, increased citation penalties for violations related to WBD facility I, II, and III, and remote tasting rooms, including unapproved events.
- No longer allowing WBD facilities within the Urban Reserve (UR) zone.
- Eliminating Liquor Stores as a permitted use in the A, RA, UR, and NB zones.

The WBD ordinance would not change other existing regulations, including stormwater management, critical areas, and landscaping requirements, or make changes to special district overlays (SDOs), such as SO-120: Agricultural Production Buffer SDO, which imposes locational and open space requirements on new residential subdivisions in the agricultural production buffer special district overlay where the Demonstration Project area would be located.

Compliance with existing federal, state, and local regulations is presumed for purposes of this SEPA checklist, including compliance with the regulations in the WBD ordinance itself, as well as others such as those related to drinking water, stormwater, wastewater treatment and septic systems. Any noncompliant uses or structures would be subject to code enforcement and would not be considered an impact related to the WBD ordinance.

To the extent that any current winery, brewery or distillery related uses may not be in compliance with the zoning code in place prior to the adoption of Ordinance 19030, those uses would not be allowed under the WBD ordinance unless an applicant for a business license for a winery, brewery, distillery or remote tasting room could establish compliance with former code or meet the requirements of the WBD ordinance. If a use continues in violation of the WBD ordinance, the clarification to the regulations of these uses is intended to aid in code enforcement.

This SEPA checklist evaluates the WBD ordinance, which was adopted as Ordinance 19030. The King County Council could modify the WBD ordinance and still accomplish the proposal's objective. Depending on the modification, the likelihood, scale, or scope of potential impacts to various elements of the environment could be the same, greater, or less. A general discussion of the change in impacts associated with possible modifications to the WBD ordinance is discussed further in Part D of this checklist.

As would be the case for any non-project or project action that undergoes changes after the publication of a SEPA threshold determination, the King County Executive branch, which pursuant to KCC 20.44.020 is the Lead Agency for SEPA in King County, would evaluate any modifications that are proposed to be made to the WBD ordinance and would update this environmental review in the case that changes would result in greater or different impacts than those identified in this checklist. The timing of additional SEPA review process may vary depending on other variables, including future public processes.

Also, please see the following, which further describes the proposal and is attached to and incorporated into this checklist:

- **Attachment A – Comparison of the WBD Ordinance with Former Code**, which includes a summary of the regulations and the amendments in the WBD ordinance as well as a brief description of the expected impacts.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The WBD ordinance is a nonproject action that would apply to all of unincorporated King County, which totals 1,095,680 acres. Some provisions would apply only to particular areas, such as certain exceptions for Vashon-Maury Island and in the Demonstration Project area in the Sammamish Valley.

In general, King County is located in western Washington and includes 39 incorporated cities, including Seattle, Federal Way, Kirkland, and Bellevue. Approximately three-quarters of the County is unincorporated and includes areas primarily to the east of the County urban growth area boundary and the urban Puget Sound region, with the exception of Vashon-Maury Island located to the west and some isolated blocks of unincorporated area within the urban growth area.

Nearly 75 percent of unincorporated King County is zoned as Forest (F), particularly the eastern portion of the County. To the west, near the more urban incorporated areas of the County, the predominant zoning category is RA, with some areas zoned A, particularly in the area northeast of Sammamish Valley and the area northwest of Enumclaw. Smaller areas of residential, business, office, and industrial zoning are also located throughout unincorporated King County.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

Although the WBD ordinance is a nonproject action with no identifiable “site,” the ordinance applies to all of unincorporated King County, which includes areas that are flat, rolling, hilly, and steep slope. King County landforms include saltwater coastline, river floodplains, plateaus, slopes, and mountains, punctuated with lakes and streams.

b. What is the steepest slope on the site (approximate percent slope)?

Although the WBD ordinance is a nonproject action with no identifiable “site,” unincorporated King County includes 16,596 acres of steep slope critical areas. It is possible there may be steep slopes on properties where a WBD facility or remote tasting room is permitted. For example, potential steep slope hazard areas are located on several of the 13 parcels in Demonstration Project area. However, these steep slopes are not located on the developed portions of these parcels that would most likely be used for any remote tasting rooms. Any WBD facility or remote tasting room located on a parcel where steep slope is located would be subject to existing regulations and, for new development proposals, would be identified and addressed under existing regulations during permit review.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Although the WBD ordinance is a nonproject action with no identifiable “site,” soil in unincorporated King County generally reflects geologically recent glacial and alluvial (river and stream) activity as well as human activity. River valleys are generally occupied by poorly drained, silty loams that commonly have a substantial organic content. Soils on upland areas between valleys typically are coarser-grained sandy and gravelly sandy loams, but soils with high organic content do occur locally in these upland areas and along water bodies. Areas of unincorporated King County are classified as farmland of statewide importance, prime farmland, and prime farmland with conditions (which means that it is prime farmland if drained, irrigated, protected from flooding, or not frequently flooded). King County’s Farmland Preservation Program restricts use on participating property to agriculture or open space use and restricts activities that would impair the agricultural capability of the property.

In accordance with the State Growth Management Act (RCW 36.70A.170 and 36.70A.050), King County designated “agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other products.” The lands that meet these criteria are designated as an Agricultural Production District (APD), of which there are five in King County (Enumclaw, Snoqualmie, Upper Green River, Lower Green River, and Sammamish). No Farmland Preservation properties are located within the remote tasting Demonstration Project area and the Demonstration Project area is located outside the Sammamish APD.

Within an APD, the construction of a new WBD facility or the improvement of an existing facility allowed under the WBD ordinance may result in the removal of some of these soils. However, existing regulations regarding those soils, the prohibition on locating a WBD facility on prime agricultural soil, and limitations on square footage and impervious surfaces would limit such removal. Limiting the amount of land that may be converted to a nonagricultural accessory use to one acre would further protect APDs. See Attachment B (map of King County APD and farmland preservation property).

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Although the WBD ordinance is a nonproject action with no identifiable “site,” geologically hazardous areas, including landslide and erosion-prone areas, some abandoned mining areas, and seismic risk areas, exist within unincorporated King County. Landslide and erosion-prone areas are associated primarily with steep slopes. Hazardous mining areas that may be subject to surface subsidence are associated primarily with past coal mining that occurred in the area from Newcastle through Renton south to Black Diamond. There may be unstable soils on properties permitted for a WBD facility or tasting room. For example, several properties located within the Demonstration Project area include landslide-prone and erosion-prone areas. Any WBD facility or remote tasting room located on a parcel where landslide or erosion-prone areas exist would be subject to existing regulations and, for new uses, would be identified and addressed under existing regulations during permit review. The steep slope and erosion prone areas in the Demonstration Project area are identified on Attachment C.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Although the WBD ordinance is a nonproject action that would not directly authorize any fill, excavation, or grading, individual projects could include fill, excavation, or grading. All WBD facilities and remote tasting rooms would continue to be subject to existing development regulations related to stormwater management, impervious surfaces, critical areas, clearing and grading, or landscaping.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Although the WBD ordinance would not directly cause any erosion, potential erosion could result from clearing, construction or use of land for a WBD facility or remote tasting room. The WBD ordinance does not amend existing regulations on clearing, grading, or construction that could cause erosion. For example, the King County Surface Water Design Manual and KCC Chapter 21A.24, which regulates critical areas, would be unchanged by the WBD ordinance and apply to WBD facilities and tasting rooms.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Although the WBD ordinance would not have any direct impacts, the WBD ordinance adds new limitations on the amount of impervious surface allowed for WBD facilities in the A and RA zones to 25 percent or the maximum percentage identified in the zoning code, whichever is less.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Because the WBD ordinance is a nonproject action that would not have any direct impacts, no measures to control erosion or other impacts to the earth have been proposed. However, in addition to amendments in the WBD ordinance that limit impervious surface related to WBD uses, King County's existing regulations related to erosion and soils would apply to any development proposals for a WBD facility or tasting room.

The WBD ordinance maintains the existing requirement that structures and areas for nonagricultural winery, brewery, and distillery facility uses in the A zone cannot be located on areas with prime agricultural soils. In addition, the WBD ordinance provides that no more than one acre of agricultural land may be converted to a nonagricultural accessory use in the A zone. Adoption of the WBD ordinance would result in the same or more stringent development regulations for WBD facilities and tasting rooms than exist today.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Although the WBD ordinance is a nonproject action that would not result in any direct emissions to the air, the operation of some WBDs may result in emissions from equipment being used in growing and processing crops as well as during facility operation. For example, the process of alcoholic fermentation generates carbon dioxide emissions. Individual breweries permitted under the ordinance could also have off-site odors, particularly if they include a wastewater treatment system on site. The WBD ordinance would not modify any federal, state, or local codes that provide standards or controls for these types of emissions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The WBD ordinance is a nonproject action that would not be affected by off-site sources of emissions or odor and no known off-site sources of emissions or odor are likely to affect individual WBD facilities or remote tasting rooms.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Although the WBD ordinance is a nonproject action and would not have any direct impacts to air, any WBD facility or remote tasting room would be subject to existing regulations regarding emissions and reporting requirements. Additional federal, state, and local codes may provide standards and controls for these types of emissions and would not be modified by the WBD ordinance. As a result, no measures to reduce or control emissions or other potential impacts to air are proposed.

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” numerous streams, lakes, ponds, and wetlands are located within unincorporated King County. King County maintains an inventory of water bodies within unincorporated King County, which would be considered during development review; for WBD facilities or tasting rooms near those features, a critical areas report could be required.

Three streams run through the Demonstration Project area; a Class 2 stream through the northernmost parcel in the area and two Class 3 streams through three other parcels in the area (all shown on Attachment C). The Demonstration Project area is also in the vicinity of the Sammamish River, although it does not border the river directly and is not within the jurisdiction of the Shoreline Management Act.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Although the WBD ordinance is a nonproject action that would not directly require any work over, in, or adjacent to the described waters, state and local shoreline regulations would apply to any WBD facility within 200 feet of waters within unincorporated King County’s shoreline jurisdiction (60,451 acres in total countywide). Other development regulations, including critical areas regulations, concerning the protection of waterbodies may apply depending on the proximity of any development to non-shoreline waters.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Although the WBD ordinance is a nonproject action that would not have any direct impacts, individual WBD facilities, like any development in unincorporated King County, would be subject to all state, local, and federal regulations, including mitigation requirements, concerning fill or dredge material placed in or removed from surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

Although the WBD ordinance is a nonproject action that would not require any surface water withdrawals or diversions, individual WBD facilities would be subject to existing regulations concerning surface water diversions and withdrawals, including those regarding in-stream flows, if needed. There could be withdrawals of ground water as a result of the WBD ordinance to the extent that new WBD

facilities established under the ordinance utilize ground water as their water source, but the approximate quantities are unknown. WBD facility III would be required to connect to an existing Group A water system (as described in KCC 13.24.007) in the A and RA zones.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Although the WBD ordinance is a nonproject action with no identifiable “site,” several areas of unincorporated King County, where the WBD ordinance would apply, lie within a 100-year floodplain. WBD facilities would be subject to King County rules and limitations pertaining to floodplain development and fill. The tasting room Demonstration Project area is not located in a 100-year floodplain.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The development and operation of WBD facilities, like many other uses, could expose local waterways to fungicides, fertilizers, pesticides, and other byproducts of wine, beer, and liquor production. WBD facilities would be subject to existing state, local, and federal regulations concerning the protection of and discharge of waste materials to surface waters, including the state’s antidegradation standards. The WBD ordinance maintains the requirement that WBD uses shall comply with Washington State Department of Ecology and King County board of health regulations for water usage and wastewater disposal.

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Although the WBD ordinance is a nonproject action and would not directly involve any withdrawals of groundwater or discharge to groundwater, WBD facilities and remote tasting rooms could draw groundwater from a well for drinking water or other WBD purposes, but the approximate quantities are unknown. WBD facility III would be required to connect to an existing Group A water system (as described in KCC 13.24.007) in the A and RA zones. Any groundwater use or discharge to groundwater would be subject to all existing state, local, and federal regulations concerning groundwater removal and protection. Any remote tasting rooms permitted within the Demonstration Project area would fall under the authority of the Woodinville Water District.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Although the WBD ordinance is a nonproject action that would not result in any discharge of waste material into the ground, individual WBD facilities and tasting rooms may discharge waste material from septic tanks or other sources. Any WBD facilities and tasting rooms allowed under the ordinance would be required to treat and dispose of any waste in a manner compatible with state and local regulations. Specifically, all WBD facilities would be required to comply with Department of Ecology and King County Board of Health regulations for water use and wastewater disposal, which could include discharging treated wastewater into the ground after treatment in on-site septic systems. Waste materials generated at a WBD facility and subject to treatment regulations could include sewage and WBD process wastewater.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Although the WBD ordinance is a nonproject action that would not directly affect water runoff, individual WBD facilities and remote tasting rooms may result in some water runoff. The primary source of runoff for WBD facilities and tasting rooms would be stormwater. As with any development in unincorporated King County, on-site stormwater management for WBD facilities would need to comply with the King County Surface Water Design Manual, including applicable Best Management Practices (BMPs) for treatment and flow prior to discharge, and existing maximum impervious surface regulations. Further, the WBD ordinance limits impervious surface for WBD facilities in the A and RA zones to 25 percent or the maximum percentage identified in the zoning code, whichever is less. Adoption of the WBD ordinance would result in the same or more stringent development regulations for WBD facilities than exist today.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

Although the WBD ordinance is a nonproject action that would not directly result in any waste material entering ground or surface waters, WBD facilities may result in waste matter that could enter ground or surface waters. The development and operation of WBD facilities, like many other uses, could expose ground or surface water to waste materials, depending on their proximity. WBD facilities would be subject to existing state, local, and federal regulations concerning the protection of surface and ground water, which would be unchanged by the WBD ordinance.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” WBD facilities and remote tasting rooms allowed under the ordinance may involve crop changes, row patterns, tilling, irrigation changes, structures, and parking, which could affect drainage patterns on their respective sites. WBD facilities and tasting rooms would be subject to existing regulations related to drainage, which would be unchanged by the WBD ordinance.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

The WBD ordinance is a nonproject action that would not have any direct impacts to surface or ground water, runoff water, or drainage patterns. Existing federal, state and local regulations related to surface water discharge and withdrawal, groundwater discharge and withdrawal, runoff water (stormwater), and drainage would apply to any WBD facilities and remote tasting room uses allowed under the WBD ordinance. The WBD ordinance limits the amount of impervious surface in A and RA zones, which would reduce these potential impacts. No additional measures to reduce or control any potential surface, ground, and runoff water and drainage pattern impacts are proposed.

4. **Plants** [\[help\]](#)

a. **Check the types of vegetation found on the site:**

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

Although the WBD ordinance is a nonproject action with no identifiable “site,” unincorporated King County includes a variety of vegetation types on the various lands that the WBD amendments would apply to, including those listed above.

b. **What kind and amount of vegetation will be removed or altered?**

Although the WBD ordinance is a nonproject action that would not directly remove any vegetation, the development of individual WBD facilities and remote tasting rooms could include the removal or alteration of vegetation (potentially of the types identified in question 4.a). The kind and amount of vegetation that could be removed or altered is not known. WBD facilities and remote tasting rooms allowed under the WBD ordinance would be subject to existing state and local regulations that regulate vegetation removal or alteration, in the same manner as other uses.

c. **List threatened and endangered species known to be on or near the site.**

The WBD ordinance is a nonproject action with no identifiable “site.” There are no known federally listed threatened or endangered plant species in King County. However, there are several species in King County listed as threatened or endangered according to the Washington State Natural Heritage Program, including clubmoss mountain-heather, Kamchatka fritillary, Pacific peavine, white meconella, choriso bog-orchid, and little bluestem.

d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Although the WBD ordinance is a nonproject action with no identifiable “site,” landscaping, use of native plants, or other measures to preserve or enhance vegetation could be proposed for individual WBD facilities and tasting rooms. As with any development in unincorporated King County, WBD facilities and remote tasting rooms would be subject to existing regulations governing landscaping, use of native plants, and preservation of vegetation on their respective sites.

e. **List all noxious weeds and invasive species known to be on or near the site.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” a variety of noxious weeds and invasive species exist in unincorporated King County. Tansy ragwort has been identified within the Demonstration Project area. The WBD ordinance does not change any obligations to control noxious weeds identified by the King County Noxious Weed Control Board.

5. **Animals** [\[help\]](#)

a. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site.**

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Although the WBD ordinance is a nonproject action with no identifiable “site,” a variety of birds, mammals, and fish have been observed in unincorporated King County, including in the Demonstration Project area.

b. **List any threatened and endangered species known to be on or near the site.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” there are a number of threatened and endangered species in King County, according to, the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration. These species include the Canada lynx, gray wolf, grizzly bear, North American wolverine, marbled murrelet, northern spotted owl, streaked horned lark, yellow-billed cuckoo, Oregon spotted frog, bull trout, Puget Sound Chinook salmon, Puget Sound steelhead, bocaccio rockfish, yelloweye rockfish, southern resident killer whale, and humpback whale.

In addition to the federally listed species above, the Washington Department of Fish and Wildlife maintains a list of priority species for which conservation measures should be taken. State threatened and endangered species not included with the federally listed species include the western pond turtle and the fisher.

As with any development in unincorporated King County, WBD facilities and tasting rooms developed under this ordinance would have to comply with existing state, local, and federal regulations that protect these species.

c. **Is the site part of a migration route? If so, explain.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” King County is within the Pacific Flyway migratory pathway for birds, and there are numerous streams and water bodies within the County that serve as migration routes for fish. These water bodies could potentially be near or cross through sites where a WBD facility or remote tasting room would be allowed under the WBD ordinance.

d. **Proposed measures to preserve or enhance wildlife, if any:**

The WBD ordinance is a nonproject action and would not have any direct impacts to wildlife, so no measures to preserve or enhance wildlife are necessary. For any WBD facilities allowed under the ordinance, existing federal, state, and local wildlife regulations would apply.

e. **List any invasive animal species known to be on or near the site.**

Although the WBD ordinance is a nonproject action with no identifiable “site,” numerous invasive animal species are known to exist in unincorporated King County. Invasive species may be located on a site that could be used as a WBD facility or remote tasting room.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Although the WBD ordinance is a nonproject action that would not have any direct energy needs, any WBD facility or tasting room allowed under the ordinance would require energy for such things as lighting, heating/cooling, and operation of equipment. The cooling process required for wine-making can be a large contributor to energy use for a winery. Breweries too rely on energy consumption in all aspects of production. WBD facilities and tasting rooms would be subject to existing energy codes and regulations, like other uses.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Although the WBD ordinance is a nonproject action that would not have any direct impacts to the use of solar energy, WBD facilities and tasting rooms allowed under the ordinance are also unlikely to affect the potential use of solar energy by adjacent properties due to setback requirements that would be maintained by the WBD ordinance.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

Although the WBD ordinance is a nonproject action that would not have any direct impacts to energy use, and therefore no energy conservation features are included, WBD facilities or remote tasting rooms could include energy conservation features or other measures to reduce or control any energy impacts.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

Although the WBD ordinance is a nonproject action that would not directly cause any environmental health hazards, it is possible that a WBD facility or tasting room could result in exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste. To the extent any WBD facility or tasting room may create such exposure or risk, those hazards would be regulated by existing state and local regulations.

- 1) Describe any known or possible contamination at the site from present or past uses.**

Although the WBD ordinance is a nonproject action with no identifiable "site," sites with contamination exist within unincorporated King County where the WBD ordinance would apply, and where WBD facilities could be developed. According to the Washington Department of Ecology's "What's in My Neighborhood" database, no contaminated sites were identified within the Demonstration Project area.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Although the WBD ordinance is a nonproject action with no identifiable “site,” sites with hazardous chemicals/conditions exist within unincorporated King County and could be located on or near a site where a WBD facility or remote tasting room could be located. As with any development in unincorporated King County, a new WBD facility or remote tasting room would investigate the presence of hazardous chemicals/conditions, including hazardous liquid or gas transmission pipelines, as necessary prior to construction. Development would be subject to existing federal, state, and local regulations regarding chemical hazards and liquid and gas transmission pipelines.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Although the WBD ordinance is a nonproject action that would not include the storage, use, or production of any toxic or hazardous chemicals, the construction of WBD facilities could require the use of toxic or hazardous chemicals, such as gasoline or diesel fuel, to operate construction equipment. Individual WBD facilities would be required to store, use, and produce any toxic or hazardous chemicals, such as cleaning supplies, in accordance with applicable laws and regulations.

4) Describe special emergency services that might be required.

The WBD ordinance is a nonproject action that would not have any direct impacts and it is not anticipated that individual WBD facilities or tasting rooms allowed under the WBD ordinance would require special emergency services.

5) Proposed measures to reduce or control environmental health hazards, if any:

The WBD ordinance is a nonproject action that would not have any direct impact on the environment; so, no measures to reduce or control environmental health hazards are proposed. WBD facilities and tasting rooms would be required to meet all applicable regulations governing the storage, use, and disposal of contaminated, toxic, or hazardous materials that they are required to meet under existing regulations.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Various types of noise exist in the areas where the WBD ordinance would apply, including noise from traffic, operation of equipment, and more. These noise sources are not anticipated to affect the development of WBD facilities or tasting rooms.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Although the WBD ordinance is a nonproject action that would not have any direct noise impacts, WBD facilities and remote tasting rooms allowed under the ordinance may create some new types and levels of noise, such as through events. See Attachment A (Comparison of WBD Ordinance with former code) for additional information.

3) Proposed measures to reduce or control noise impacts, if any:

The WBD ordinance is a nonproject action that would not have any direct noise impacts. However, the adoption of the WBD ordinance would result in the same or more stringent regulations of noise related to WBD facilities than exist today. Noise from WBD facilities and remote tasting rooms would be subject to existing noise regulations, like all other land uses in unincorporated King County. KCC Chapter 12.86 (Noise Code) sets maximum sound levels for rural, residential, commercial, and industrial zones and prohibits public nuisance noise. In addition, the WBD ordinance sets operating hours for WBD facilities, limiting retail and tasting to Monday through Thursday 11:00 am to 7:00 pm and Friday through Sunday 11:00 am to 9:00 pm, which would limit noise outside those hours. The WBD ordinance also maintains the requirement that WBD facilities (and adds that parking facilities for WBDs must also meet this required setback) be located at least 75 feet from rural and residential zones, which could also reduce potential noise impacts to adjacent properties.

Noise impacts may be greater during events at WBD facilities and remote tasting rooms, which would also be regulated by the King County Noise Code. Except for a limited number of sites that may be allowed to have more events, the WBD ordinance limits the number of guests, as well as specific hours during which amplified noise may be used at certain WBD II and III facilities in RA zones, as compared to the code amended by Ordinance 19030, which may also reduce potential noise impacts.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Although the WBD ordinance is a nonproject action with no identifiable “site” and would not have any direct impacts on the current land uses on nearby or adjacent properties, the ordinance would change the uses allowed on certain properties by amending the King County Code land use tables. As a whole, unincorporated King County is predominantly forestland to the east and predominantly rural to the west, adjacent to more urban incorporated areas of the county, with agricultural areas between. The WBD ordinance does not change any of the land use designations or zoning classifications in unincorporated King County.

The WBD ordinance would set a minimum lot size for WBD facility II in A and RA zones to 2.5 acres and for WBD III in A and RA zones to 4.5 acres. This could result in fewer parcels where WBD facility II could be located in the A zone because the zoning code in place prior to Ordinance 19030 did not have a minimum lot size for this size of facility. Conversely, it could result in more parcels where WBD II could be located in the RA zone, as the minimum lot size under the prior code was 4.5 acres for this size of facility.

Please see Attachment A (Comparison of the WBD Ordinance with former code) for a detailed comparison of the changes to allowed uses in the WBD ordinance.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The WBD ordinance is a nonproject action with no identifiable “site” and would not have any direct impacts to working farmlands or forestlands. The WBD ordinance would not allow WBD facilities in the Forest Production District or F zone, consistent with existing zoning regulations. Existing limitations on properties enrolled in the Farmland Preservation Program would also apply to WBD facilities. Some sites where a WBD facility may be allowed could have been or may currently be used as working farmland, but

all retail and tasting use must be located on an area that is not prime agricultural soil. The WBD ordinance would also require that at least 60 percent of the products to be processed at a WBD facility in the A zone be grown on-site, whereas prior regulations only required that 60 percent of the products be grown in Puget Sound counties. In addition, the WBD ordinance limits the conversion of agricultural land to less than one acre for nonagricultural accessory uses. As a result, the WBD ordinance is likely to result in less conversion of use of agricultural land and protect the land in Agricultural Production Districts.

One parcel in the Demonstration Project area (at 148th Ave NE and NE 150th), is currently enrolled in the County's Public Benefit Rating System, which encourages voluntary resource conservation on private property through tax breaks. That parcel qualifies for the program based on the protection of several resources, including forestland, which may impose additional limitations on the use of that parcel for a remote tasting room and further limit impacts to forestland on that parcel if an individual remote tasting room were to be located there.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The WBD ordinance is a nonproject action that would not directly affect or be affected by the normal business operations of working farmland or forestland and WBD facilities and remote tasting rooms would not be allowed on forestland. On agricultural land, the WBD ordinance would not change the requirement that WBD facilities must be located at least 75 feet from rural and residential zones. The WBD ordinance would also limit hours of operation of retail and tasting, require on-site parking, and require access from an arterial to minimize traffic on local roads, all of which would minimize impacts to surrounding working farms. WBD facilities and remote tasting rooms may be affected by the normal business operations of surrounding farms, such as the application of pesticides, the odor from fertilizer, crop burning, and the use of farm equipment.

c. Describe any structures on the site.

Although the WBD ordinance is a nonproject action with no identifiable "site," various structures are located on parcels within unincorporated King County, where the WBD ordinance would apply.

d. Will any structures be demolished? If so, what?

Although the WBD ordinance is a nonproject action that would not directly result in any demolition, existing structures could be demolished as part of the development of any new WBD facilities or tasting rooms. The nature of and extent to which those structures could be demolished is unknown at this time and would be subject to all existing applicable regulations.

e. What is the current zoning classification of the site?

Although the WBD ordinance is a nonproject action with no identifiable "site," WBD facilities would be allowed in A, RA, NB, CB, RB, and I zones. Remote tasting rooms would be allowed in CB and RB zones in unincorporated King County; in the CB zone within the Fall City, Vashon, and Snoqualmie Pass Rural Towns; and on 13 parcels within RA zones as part of the time-limited Demonstration Project in the Sammamish Valley, outside of Woodinville. The County's zoning classifications are illustrated on Attachment D (King County Comprehensive Plan Land Use Map).

f. What is the current comprehensive plan designation of the site?

Although the WBD ordinance is a nonproject action with no identifiable "site," unincorporated King County includes a variety of land use designations to which the WBD ordinance would apply. A copy of the land use

designation map from the King County Comprehensive Plan, Attachment D, shows the agricultural, rural, and commercial designations where WBD facilities and tasting rooms could be allowed.

g. If applicable, what is the current shoreline master program designation of the site?

Although the WBD ordinance is a nonproject action with no identifiable “site,” unincorporated King County includes a variety of shoreline master program designations. Any WBD facility sited within or proximate to the County’s shoreline jurisdiction would need to comply with applicable shoreline regulations.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Although the WBD ordinance is a nonproject action with no identifiable “site,” portions of unincorporated King County are classified as critical areas where a WBD facility or tasting room may be allowed. Specifically, King County Code designates the following as critical areas: coal mine hazard areas, erosion hazard areas, flood hazard areas, coastal high hazard areas, channel migration zones, landslide hazard areas, seismic hazard areas, volcanic hazard areas, steep slope hazard areas, critical aquifer recharge areas, wetlands and wetland buffers, aquatic areas, and wildlife habitat networks and conservation areas. The Demonstration Project area includes erosion hazard areas, landslide hazard areas, seismic hazard areas, and steep slope hazard areas.

i. Approximately how many people would reside or work in the completed project?

Although the WBD ordinance is a nonproject action that would not directly result in a completed project where people would reside or work, people would work at existing or completed WBD facilities and tasting rooms. It is unknown how many people, if any, would reside at a WBD facility, or how many people would work at projects allowed under the WBD ordinance, but likely the fewest would work at WBD I facilities, more at WBD II facilities and remote tasting rooms, and the most at WBD III facilities. The number of employees would be dependent on the amount of on-site production and square footage of the facilities and tasting rooms.

j. Approximately how many people would the completed project displace?

Although the WBD ordinance is a nonproject action and would not directly result in any displacement, it is possible that projects allowed under the WBD ordinance could result in displacement. The likelihood of displacement would be similar to that of other nonresidential uses allowed under King County Code.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures to avoid or reduce displacement impacts are proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The WBD ordinance was drafted to be compatible with existing and projected land uses and plans. For example, as compared to the code that was in place at the time Ordinance 19030 was adopted, the WBD ordinance, among other things, would:

- Maintain limitations on the total amount of floor area that may be used by a WBD and further limit the floor area that may be used for tasting products and retail sales;
- Permit WBD II and III facilities only as accessory to agricultural use in A zones;

- Permit WBD III facilities only as a conditional use in both A and RA zones;
- Limit the conversion of agricultural land;
- Maintain and expand the zones in which the 75-foot setback requirement from rural and residential zones applies, and add that parking areas for WBD facilities must also meet this setback; and
- Limit remote tasting rooms in the RA zone to 13 properties adjacent to Woodinville, where these types of uses are already prevalent, for a potentially limited amount of time through Demonstration Project A.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

The WBD ordinance includes additional limits on the use of agricultural lands by WBD facilities as compared with the former code and includes localized sourcing and on-site production requirements of agricultural products used by WBD facilities within the Agricultural zone. These measures are intended to protect prime agricultural soils and support local agricultural production. WBD facilities are prohibited in forestlands.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Although the WBD ordinance is a nonproject action that will not have direct impacts to housing, the development of WBD facilities and tasting rooms under the WBD ordinance would not result in any additional units of housing above what might occur under the former code.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Neither the WBD ordinance itself or the development of WBD facilities and tasting rooms allowed under the ordinance would result in any greater elimination of housing than what might occur if the ordinance were not adopted.

c. Proposed measures to reduce or control housing impacts, if any:

No measures to reduce or control housing impacts are proposed.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The WBD ordinance is a nonproject action and does not directly involve the construction of any structures and does not regulate or change the height requirements of any structures or principal exterior building materials. The height and any exterior building material of any WBD facility or tasting room will be subject to existing regulations.

b. What views in the immediate vicinity would be altered or obstructed?

The WBD ordinance is a nonproject action that would not have any direct impacts to views and any WBD facility or tasting room allowed under the ordinance would not result in the alteration or obstruction of any views to a greater degree than any other development allowed under the former code.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Although the WBD ordinance is a nonproject action that would not have any direct impacts to views or aesthetics, the 75-foot setback requirement from rural and residential zones may reduce or control potential aesthetic impacts related to WBD facilities or remote tasting rooms.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The WBD ordinance is a nonproject action that would not directly cause any light or glare and any WBD facility or remote tasting room allowed under the ordinance would not produce any light or glare beyond other development allowed under the former code.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

The WBD ordinance is a nonproject action that would not have any direct impacts. As with any development in unincorporated King County, any WBD facility or remote tasting room would have to comply with existing development regulations, including any related to light and glare.

c. What existing off-site sources of light or glare may affect your proposal?

Various off-site sources of light or glare exist throughout unincorporated King County, but it is unlikely that any would affect a particular WBD facility or tasting room.

d. Proposed measures to reduce or control light and glare impacts, if any:

The WBD ordinance is a nonproject action that would not have any direct impacts. No additional measures to reduce or control light and glare impacts are proposed beyond existing development regulations.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

The WBD ordinance is a nonproject action with no identifiable “site.” A variety of designated and informal recreational opportunities exist in unincorporated King County where the WBD ordinance would apply. The Sammamish River Trail, the Tolt Pipeline Trail, the North Shore Athletic Fields, and other recreational resources are located in the vicinity of the Demonstration Project area.

d. Would the proposed project displace any existing recreational uses? If so, describe.

The WBD ordinance is a nonproject action that would not directly displace any existing recreational uses. The ordinance would not result in a greater displacement of recreational uses than what may otherwise occur under the former code.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The WBD ordinance is a nonproject action that would not have any direct impacts to recreation; no measures to reduce or control impacts on recreation are proposed. Enhancing the trail system in the Sammamish Valley to provide connections to major trail routes, such as the Sammamish River Trail, as proposed in the King County Action Report: Sammamish Valley Wine and Beverage Study Responses (April 26, 2018), could provide a recreational opportunity.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

The WBD ordinance is a nonproject action with no identifiable “site.” However, a variety of buildings, structures and sites within unincorporated King County are listed or eligible for listing in national, state, or local preservation registers and potentially on sites where an individual WBD use could be proposed. WBD facilities and remote tasting rooms would be required to comply with all federal, state, and local rules related to cultural resources. The WBD ordinance maintains that WBD II facilities in the A, RA, NB, and CB zones are allowed increased square footage (from 3,500 square feet to 5,000 or 7,000 square feet depending on the zone) if located in whole or in part in a structure designated as a historic resource under KCC 20.62.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The WBD ordinance is a nonproject action with no identifiable “site.” However, landmarks, features, or other evidence of Indian or historic use or occupation exist throughout unincorporated King County and potentially on sites where an individual WBD or remote tasting room use could be proposed. Projects permitted under the new regulations would be required to comply with federal, state, and local rules related to cultural resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The WBD ordinance is a nonproject action that will not have any direct impacts to historic and cultural resources. King County’s existing regulations related to cultural and historic resources would apply to any WBD facilities or remote tasting rooms, which could include consultation with tribes and associated agencies as well as use of archaeological surveys, GIS data, and historic maps to assess potential impacts to cultural and historic resources if needed.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

The WBD ordinance is a nonproject action that will not have any direct impacts to cultural or historic resources. However, King County's existing regulations related to avoidance, minimization of, or compensation for loss, changes to, and disturbances to cultural and historic resources would apply to any individual development proposals.

14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The WBD ordinance is a nonproject action with no identifiable "site." However, the WBD ordinance would apply to sites that are served by a variety of public streets and highways. The Demonstration Project area would be located in the vicinity of state routes and designated arterials. The WBD ordinance would impose arterial access requirements for WBD II facilities and WBD III facilities in A and RA zones with two exceptions: WBD II facilities in Vashon-Maury Island and countywide in the RA zone if access is requested from a public roadway rather than an arterial.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The WBD ordinance is a nonproject action with no identifiable "site." However, unincorporated King County is generally served by public transit. It is unknown how far the nearest transit stop would be for any future proposed WBD facility or tasting room. The nearest bus stops to the Demonstration Project area are approximately 1.5 miles to the north and 1.6 miles to the west.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Although the WBD ordinance is a nonproject action that would not have any direct impacts to parking, the ordinance would lower the minimum parking requirements in most instances, set limits on the number and location of parking areas, and require the number of parking spaces to be set by the conditional use permit review process in other instances.

In general, minimum parking requirements for WBD facilities would be 0.9 space per 1,000 square feet of manufacturing area and 1 space per 300 square feet of retail and tasting area, compared to the 1 per 50 square feet previously required for wineries. For WBD facilities in A and RA zones, the maximum off-street parking allowed would be 150 percent over the minimum requirement. In NB, CB, RB, and I zones, the maximum allowed would be 1 per 50 square feet of tasting and retail areas. For remote tasting rooms, a minimum of 1 per 300 square feet of tasting and retail areas would be required, which is the same as for other general services and retail uses, and the maximum off-street parking allowed would be 1 space per 50 square feet of tasting and retail areas.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Although the WBD ordinance is a nonproject action that would not directly involve any roadway, bicycle, or pedestrian improvements, improvements to existing roads, streets, or pedestrian or bicycle transportation may be associated with individual WBD facilities or tasting rooms under this ordinance. Improvements may also be required as mitigation for a new structure, as a condition on a conditional use permit, or if the development is located within a failing travel shed, which means that the area does not meet County travel time standards. Currently the only failing travel shed is located in the Green River Valley Agricultural District. Transportation review or mitigation would not be likely for a WBD use that only needs an operating license or a change of use, without any physical changes to the property.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The WBD ordinance is a nonproject action that would not have any direct impacts to transportation facilities. However, it is not anticipated that any WBD facility or remote tasting room developed under this ordinance would be directly accessed by water, rail, or air. Some visitors to WBD facilities or tasting rooms on Vashon-Maury Island would use the Washington State Ferry System to access the island before driving or walking to individual WBD facilities or tasting rooms.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

The WBD ordinance is a nonproject action that would not directly generate any vehicular trips. However, WBD facilities and remote tasting rooms allowed under the ordinance would generate vehicular trips in the same way as existing wineries, breweries, and distilleries. Although there is limited data available regarding the trip generation for these types of uses, it is anticipated that new adult beverage operations would generate vehicular trips for deliveries, employees, and customers. Data from the Institute of Transportation Engineers (ITE) trip generation manual suggests that an individual WBD facility would generate approximately 58 daily vehicular trips per day.¹ The peak volumes would likely be on weekends, particularly during special events. Weekday peak hours for these uses would not be anticipated to be during the typical peak commute period.

For events, trip generation would be expected to be higher. As currently required, for events that require a temporary use permit and meet certain trip generation thresholds, a transportation analysis could be required and the temporary use permit could be conditioned to reduce potential impacts.

The WBD ordinance would allow certain WBD facility II and III located on parcels eight acres or larger, with direct access to a principal arterial or state highway, to hold up to eight events per month on an annual average, without a temporary use permit. These are properties that already have production licenses from the state for WBD facilities. This could lead to a greater number and more frequent occurrence of events on these properties, which could mean greater periodic traffic congestion than would otherwise occur under the former code. Impacts from more frequent events could be reduced by further limiting the frequency, size, or hours allowed for events.

¹ This estimate is based on a “winery” use in a “rural area” as shown in the ITE online trip generation manual, located at <https://itetripgen.org/>.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Although the WBD ordinance would not have any direct impact on the movement of agricultural and forest products on roads or streets on the area, individual WBD facilities allowed under the ordinance could generate some additional traffic that could interfere with, affect, or be affected by the movement of agricultural and forest products. Because event traffic would likely occur during a different time period than the movement of agricultural and forest products, any potential impact would likely be minimal.

h. Proposed measures to reduce or control transportation impacts, if any:

The WBD ordinance is a nonproject action that would not have any direct impacts to transportation; so, no additional measures to reduce or control transportation impacts are proposed. WBD facilities and remote tasting rooms will be subject to existing zoning and development regulations, including, to the extent required, transportation analysis and mitigation.

For events allowed at WBD facilities, new limitations on the number of attendees at events may reduce potential traffic impacts. In addition, as part of a temporary use permit, the County could impose additional conditions, such as requiring parking or traffic control, or a transportation analysis and transportation mitigation (right-in, right-out requirements; shuttle from off-site parking area, etc.), that would reduce or control potential transportation impacts.

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Although the WBD ordinance is a nonproject action that would not directly result in an increased need for public services, emergency services, such as police and fire, would need to be available for WBD facilities and remote tasting rooms allowed under this ordinance, at a similar level to what is currently required in the affected zones.

b. Proposed measures to reduce or control direct impacts on public services, if any.

The WBD ordinance is a nonproject action that would not have any direct impacts to public services, so no additional measures to reduce or control impacts on public services are proposed.

16. Utilities [\[help\]](#)

a. ~~Circle utilities currently available at the site:~~

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Sites where a WBD facility or remote tasting room could be allowed under the ordinance would likely include electricity, water, refuse service, telephone, and septic system. Municipal sanitary sewer is not likely to be available in most rural and agricultural areas in unincorporated King County, with one notable exception for the Vashon and Snoqualmie Pass Rural Towns, which do have sanitary sewer service.

- i. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

WBD facility III would be required to connect to Group A water service in the A and RA zone. All other WBD facility types would be allowed to meet water needs with Group A or a smaller water supply systems. Given the lack of sanitary sewer in most rural and agricultural areas in unincorporated King County, most WBD facilities and remote tasting rooms are expected to be served via on-site septic systems per existing regulations. Remote tasting rooms in the Vashon and Snoqualmie Rural Towns would be served by sanitary sewer.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Erin Auzins

Name of signee Erin Auzins

Position and Agency/Organization Supervising Legislative Analyst, King County Council

Date Submitted: November 4, 2020

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The WBD ordinance would amend existing regulations for siting wineries, breweries, distilleries, and remote tasting rooms in unincorporated King County. Operation of WBD facilities could result in discharges to water; emissions to air; or production, storage, or release of toxic or hazardous substances similar to other agricultural and manufacturing processes in unincorporated King County. However, because these activities would be subject to existing federal, state, and local regulations that would not be amended by the WBD ordinance, WBD facilities developed under the ordinance are unlikely to increase those impacts above what might otherwise occur under the former code or from other uses allowed in unincorporated King County.

The development and operation of WBD facilities, like many other agricultural uses, could expose local waterways to fungicides, fertilizers, pesticides, and other byproducts of wine, beer, and liquor production.

WBD facilities would be subject to existing state, local, and federal regulations concerning the protection of and discharge of waste materials to surface waters, including the state's antidegradation standards. WBD facilities would also have to comply with Washington State Department of Ecology and King County Board of Health regulations for water usage and wastewater disposal, which could include discharging treated wastewater into the ground after treatment in on-site septic systems. Waste materials generated at a WBD facility and tasting rooms subject to treatment regulations could include sewage and WBD process wastewater.

Remote tasting rooms allowed under the WBD ordinance, including those allowed in the Demonstration Project area, would be particularly unlikely to increase discharges to water; emissions; or the production, storage, or release of toxic or hazardous substances above what might otherwise occur from uses allowed under the former code, as there would be no production or agricultural activity associated with them. Remote tasting rooms would also have to comply with Washington State Department of Ecology and King County Board of Health regulations for water usage and wastewater disposal, which could include discharging treated wastewater into the ground after treatment in on-site septic systems.

Events allowed at WBD facilities could produce noise, but it is not anticipated that this noise would be beyond what would otherwise be allowed under existing regulations; in addition, the WBD ordinance sets limits on the number of events, the hours of operation, and use of amplified noise that is, in some instances, even more restrictive than existing noise regulations.

Proposed measures to avoid or reduce such increases are:

The WBD ordinance includes measures that would avoid or reduce potential noise increases that may be associated with future WBD facilities and remote tasting rooms, which could limit noise impacts as compared with the code at the time Ordinance 19030 was adopted. For example, the WBD ordinance imposes a 75-foot setback requirement from rural and residential zones, size restrictions for retail and tasting areas and, for events, stricter limits on the number of events allowed, the amount of off-site parking available (unless additional off-site parking is allowed by an approved plan), and attendance as compared to the former code. Further, for events at certain WBD facility III on eight or more acres and meeting other criteria, the WBD ordinance restricts hours of operation and limits when amplified noise is allowed. Potential impacts could be further reduced by further limiting the number and frequency of events and removing the exemption from a temporary use permit for the WBD facilities on large (eight-acre or greater) parcels.

Existing regulations that aim to avoid or reduce increased discharges to water, emissions to air, and the production, storage, or release of toxic or hazardous substances would also apply to WBD facilities and remote tasting rooms and are not changed by the WBD ordinance.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

There are numerous plants, animals, fish, and marine life within unincorporated King County, but the WBD ordinance is unlikely to result in activities that would cause a greater impact to these resources than might otherwise occur under the former code because the regulations protecting those resources are not changed by the WBD ordinance.

The Sammamish River, a major migratory route for salmon, runs approximately three miles through existing farmland in the A zone between the cities of Woodinville and Redmond, and approximately 900 feet to the west of the properties included in the Demonstration Project area. The WBD ordinance and the allowance of remote tasting rooms in the Demonstration Project area are not anticipated to result in greater impacts to the Sammamish River, given the existing agricultural uses immediately adjacent to the river, the distance from the Demonstration Project area, and the limited impact of operating remote tasting rooms.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Existing regulations that protect and conserve plants, animals, fish, and marine life would apply to WBD facilities and remote tasting rooms and are not changed by the WBD ordinance, including the County's Shoreline and Critical Areas Code.

3. How would the proposal be likely to deplete energy or natural resources?

The WBD ordinance is unlikely to result in activities that would cause a significantly greater impact to these resources than might otherwise occur under the former code. For WBD facility II and III in A zone, 60 percent of the materials for production must be grown on-site, which could reduce the energy used to transport products to the WBD facility.

Proposed measures to protect or conserve energy and natural resources are:

Existing regulations that protect and conserve energy and natural resources would apply to WBD facilities and remote tasting rooms and are not changed by the WBD ordinance. Natural resources would be protected by the prohibition on locating non-agricultural uses associated with a WBD facility on prime agricultural soil and the limitation on conversion of agricultural land for non-agricultural accessory uses. Requiring smaller footprints and less impervious surface would reduce the depletion of energy or natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The WBD ordinance is unlikely to result in activities that would cause a greater impact to environmentally sensitive areas or areas designated as eligible or under study for governmental protection than might otherwise occur under the former code. Any facility developed under the WBD ordinance would be subject to the same development restrictions concerning environmentally sensitive areas as other allowable uses. Some of the 13 properties in the Demonstration Project area do include steep slope and landslide prone hazard areas, but existing limitations on construction in those areas would preclude or require mitigation for any additional impact to those sensitive areas. Also, limitations imposed on properties in the Farm Preservation Program would extend to any potential WBD facility proposed to locate on an enrolled property.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Existing regulations that protect such resources would apply to WBD facilities and remote tasting rooms and are not changed by the WBD ordinance. The WBD ordinance prohibition against locating WBD facilities on prime agricultural soils and the restriction on the conversion of more than one acre of agricultural land for nonagricultural accessory uses would protect prime farmlands and areas within APDs. Further reductions to lot coverage allowances or more strict restrictions on the use of historic or cultural sites, or of prime farmlands, could reduce the potential impact to these resources.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The WBD ordinance would affect land use by clarifying how WBD facilities and remote tasting room uses are regulated, limiting this type of use more than existing regulations in certain zones and allowing certain uses in areas/zones where they are currently prohibited. WBD facilities would be allowed in A, RA, NB, CB, RB, and I zones. Remote tasting rooms would be allowed in CB and RB zones in unincorporated King County; in the CB zone within the Fall City, Vashon, and Snoqualmie Pass Rural

Towns; and on 13 parcels within RA zones as part of the time-limited Demonstration Project in the Sammamish Valley, outside of Woodinville. Attachment A (Comparison of WBD Ordinance with former code) identifies the specific uses that were allowed where and the new uses where they may be prohibited.

As previously discussed, the WBD ordinance would exempt an estimated five existing WBD facility II and III in the RA zone from needing a temporary use permit for events, with some conditions.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The WBD ordinance is intended to avoid land use impacts by clarifying regulations for WBD facilities and remote tasting rooms and by imposing locational, temporal, and size restrictions, consistent with existing zoning and land uses.

As discussed above in response to question B.8.1 and shown in greater detail in Attachment A, the WBD ordinance was drafted to be compatible with existing and projected land uses and plans. For example, the WBD ordinance, among other things, would:

- Impose a new limitation on the total amount of floor area that may be used by a WBD facility as well as the floor area that may be used for tasting products and retail sales;
- Require that 60 percent of the products processed at WBD facilities in the A zone be grown on-site;
- Limit the conversion of agricultural land;
- Maintain the 75-foot setback requirement from rural and residential zones;
- Limit the number of days events are allowed; and
- Limit remote tasting rooms to 13 properties adjacent to Woodinville, where similar uses are already common, for a potentially limited amount of time (through Demonstration Project A) and in the CB and RB zones and in Fall City, Vashon, and Snoqualmie Pass Rural Towns.

Potential impacts to land use could be further reduced by prohibiting remote tasting rooms in the RA zone, greater limitations on the total amount of floor area that may be used by a WBD facility and the area that may be used for tasting products or retail sales, requiring greater setbacks, or restricting the number, size, or location of events at WBD facilities.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

WBD facilities and remote tasting rooms that would be allowed under the ordinance could increase demands on transportation and utilities in certain locations and at certain times. Demand may be greatest where more WBD facilities are likely to locate. For example, the WBD ordinance would allow more events to occur at certain existing WBD facilities and would allow remote tasting rooms in the Demonstration Project area, which would be a change from the code in place when Ordinance 19030 was adopted. However, it is important to note that several previously established tasting rooms already exist within the Demonstration Project area, in which the parcels have access to public arterials, primarily State Route 202.

The WBD ordinance is not anticipated to result in activities that would cause a greater demand on public services than what otherwise might occur under the former code.

Proposed measures to reduce or respond to such demand(s) are:

The WBD ordinance includes measures to reduce or respond to potential increased demands on transportation and utilities, including:

- Requiring that WBD facility II and III in the RA and A zones have direct access from an arterial, or, if allowed through a conditional use permit, direct access from a public roadway. (WBD facility II in the RA zone is exempt from this requirement on Vashon-Maury Island).
- Restricting the size and lowering the minimum parking requirements for retail and tasting room areas associated with WBD facilities.
- Requiring WBD facility III in A and RA zones to connect to a Group A water system, rather than creating a new permit-exempt well.

For WBD facility I and II the WBD ordinance maintains current development requirements pertaining to water resources. The remote tasting Demonstration Project area would be located within the boundaries of the Woodinville Water District, which could increase demand in that district to the extent that any new tasting rooms demand more water than uses that might have otherwise remained or get developed.

Other measures to reduce transportation impacts not included in the WBD ordinance that could be considered as a condition to a temporary use permit or conditional use permit, include requiring the use of shuttles from off-site parking areas, requiring right-in/right-out only ingress and egress from WBD facilities that surpass a certain threshold, or requiring formal transportation control plans for all events.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The WBD ordinance is consistent with local, state, and federal law requirements for the protection of the environment. Existing regulations related to the protection of the environment, including the County's Critical Areas Code, Shoreline Master Program, King County Code (particularly development regulations such as Title 9 Surface Water Management, Title 10 Solid Waste, Title 13 Water and Sewer Systems, Title 21A Zoning, and Title 23 Code Compliance), the Clean Air Act, the Clean Water Act, and others, are not amended by the WBD ordinance and would apply to any WBD facility or remote tasting room in the same way as other uses in unincorporated King County.