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BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
CENTRAL PUGET SOUND REGION

FRIENDS OF SAMMAMISH VALLEY, a  
Washington nonprofit corporation, A Farm in  
the Sammamish Valley LLC, Marshall Leroy  
d/b/a Alki Market Garden, Eunomia Farms LLC  
, Olympic Nursery Inc., C-T Corp. , Roots of  
Our Times Cooperative, Regeneration Farm  
LLC, Hollywood Hill Association, Terry and  
David R. Orkiolla, and Judith Allen,

Petitioners,

V.

KING COUNTY,

Respondent.

NO.

PETITION FOR REVIEW

**I. PETITIONERS**

A. The lead petitioner for this Petition for Review (PFR) is Friends of Sammamish Valley (FOSV), a Washington nonprofit corporation, with the following mailing address for purposes of this proceeding:

Friends of Sammamish Valley  
14241 NE Woodinville-Duvall Rd, #428  
Woodinville WA 98072

B. Additional Co-Petitioners are:

- A Farm in the Sammamish Valley LLC
- Marshall Leroy d/b/a Alki Market Garden
- Eunomia Farms LLC

- 1 • Olympic Nursery Inc.
- 2 • C-T Corp.
- 3 • Roots of Our Times Cooperative
- 4 • Regeneration Farm LLC
- 5 • Hollywood Hill Association
- 6 • Terry and David R. Orkiolla
- 7 • Judith Allen

8  
9 C. The following attorneys represent all Petitioners and should be copied on all  
10 matters:

11 Peter Eglick  
12 Josh Whited  
13 Eglick & Whited  
14 1000 Second Ave  
15 Suite 3130  
16 Seattle, WA 98104  
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19 CC: phelan@ewlaw.net

## 20 **II. THE CHALLENGED ACTIONS**

21 1. This PFR challenges King County Ordinance 19030, which was passed by the  
22 King County Council on a 5 to 4 vote, which went into effect on December 20, 2019 after the  
23 County Executive declined to sign it, and on which the notice of adoption was published on  
24 January 8, 2020.

25 2. Ordinance 19030, as described in its prefatory sections amends various land  
26 use and other regulatory provisions of the King County Code (KCC) including, inter alia,  
KCC: 6.01.150; 21A.08.080 and .090; 21A.18.130; 21A.18.030; 21A.30.085; 21A.30.090;  
21A.32.100, .110, .120; 21A.38.260; 23.32.010; as well as adding new sections to KCC Ch.  
21A.55, KCC Title 6, and repealing KCC 21A.06.1427.

1           3.       The effect of Ordinance 19030 is to open King County lands designated as  
2 Rural Area and as Agricultural Production to impacts from urban-type commercial uses. In  
3 the name of “agritourism,” it defines as “wineries, breweries and distilleries” land uses that in  
4 fact operate as bars, nightclubs and event centers. The Ordinance facilitates expansion of  
5 these urban uses and their impacts onto lands that lack the urban infrastructure and services  
6 these uses require. It unleashes expansion of urban commercial uses in areas that are less  
7 expensive due to the lack of urban infrastructure and services, fostering sprawl outside of  
8 Urban Growth Areas and rural and agricultural land conversion that the Growth Management  
9 Act (GMA) was adopted to preclude.

10  
11           4.       The Sammamish Valley Agricultural Production District (APD) and adjacent  
12 Rural Area buffer are particularly impacted. There, the County has in recent years permitted  
13 businesses to operate illegally as bars, nightclubs and event centers. These uses sell wine, beer  
14 or distilled spirits produced elsewhere, while producing little or no product on-site. Ordinance  
15 19030 purports to legitimize these uses by branding them variously as “remote tasting rooms”  
16 (within the “Demonstration Area” established by the Ordinance), “wineries”, “breweries”,  
17 “distilleries” and/or “event centers,” treating them as appropriate Agricultural and/or Rural  
18 Area uses despite clear conflicts with the GMA and King County Comprehensive Plan  
19 (KCCP), and internal King County Code conflicts. Ordinance 19030 adopts the pretense that  
20 the uses and sales that it permits at these facilities are part of “tastings” or “temporary special  
21 events” without requiring that products at these events be produced by the facilities on-site. It  
22 promotes sprawl through urban use burdens and pressure on APD and Rural Areas where real  
23 estate is cheaper and overhead is lower. In the Sammamish Valley, it effectively converts  
24 such areas into de facto replications, outside of the urban area, of the City of Woodinville’s  
25 urban “Woodinville Wine Country.”  
26

1           5.       Ordinance 19030’s impermissibility under the GMA does not just derive from  
2 its provisions affecting the Sammamish Valley APD and Rural Areas. Rural Areas throughout  
3 the County will be opened up to purported “wineries”, “breweries”, “distilleries” and/or  
4 “event centers” by Code changes including reduction in minimum lot size to 2.5 acres and re-  
5 definitions that permit sales of product produced elsewhere.

6           6.       This PFR also challenges the County’s adoption of Ordinance 19030 based on  
7 an inaccurate State Environmental Policy Act (SEPA) Environmental Checklist and on a  
8 SEPA Determination of NonSignificance (DNS) which assumed that there was no need for  
9 preparation of an environmental impact statement (EIS) for a purported “nonproject action.”  
10 Because the County’s error in issuing the SEPA DNS is so fundamental, Petitioners may  
11 request at the Prehearing Conference that the Board entertain a dispositive motion on SEPA  
12 compliance.

13           7.       The following exhibits are attached to this PFR and incorporated hereon by  
14 reference:

- 15  
16           Exhibit A:   List of Applicable King County Comprehensive Plan  
17                           Definitions and Cited Policies
- 18           Exhibit B:   King County Department of Local Services – Permitting  
19                           Division – State Environmental Policy Act (SEPA) – Non-  
20                           Project Action – Determination of Non-Significance (DNS),  
                         dated April 26, 2019
- 21           Exhibit C:   SEPA Environmental Checklist, dated April 24, 2019
- 22           Exhibit D:   Futurewise Comments on the SEPA DNS for Proposed  
23                           Ordinance 2018-0241.2, dated May 17, 2019
- 24           Exhibit E:   Friends of Sammamish Valley Comments Concerning SEPA  
25                           DNS for Proposed Ordinance 2018-0241.2
- 26           Exhibit F:   Memorandum of Barbara Lau, MA, MBA, CRL, re King  
                         County SEPA Compliance – Ordinance 2018-0241, dated May  
                         16, 2019



1 Exhibit G: Memorandum of Roberta Lewandowski re King County SEPA  
2 Compliance – Adult Beverage Ordinance, dated May 16, 2019

3 Exhibit H: Letter from Peter J. Eglick of Eglick & Whited PLLC, Attorney  
4 for Friends of Sammamish Valley re Friends of Sammamish  
5 Valley Comments Concerning Proposed Ordinance 2018-  
6 0241.2 – Regulations for Wineries, Breweries and Distilleries,  
7 dated May 17, 2019

8 Exhibit I: King County Ordinance 19030 (Proposed No. 2018-0241.4)

9 Exhibit J: The Seattle Times Affidavit of Publication, dated January 8,  
10 2020

### 11 III. DETAILED STATEMENT OF THE ISSUES

12 1. By permitting nonagricultural accessory uses on agricultural lands of long-term  
13 significance in a manner and with facilities that would interfere with and not support the  
14 continuation of the overall agricultural use of the property and neighboring properties:

15 a. Does Ordinance 19030 fail to be guided by RCW 36.70A.020(1), (2), (8),  
16 (10), and (12) (see WAC 365-196-815) and does it violate the GMA duty  
17 to protect in, e.g., RCW 36.70A.060(1) and the standards in RCW  
18 36.70A.177?

19 b. Does Ordinance 19030 fail to implement, and is it inconsistent with,  
20 KCCP<sup>1</sup> Policies RP-202, RP-203, RP-206, R-201, R-202, R-204, R-205, R-  
21 301, R-303, R-324, R-336, R-402, R-403, R-606, R-607, R-642, R-643, R-  
22 647, R-649, R-655, E-445, E-497, T-202, T-208, T-209, F-209, I-504, U-  
23 149, applicable KCCP definitions, and does it violate the consistency  
24 requirement in, e.g., RCW 36.70A.130(1)(d)?

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<sup>1</sup> To facilitate the Prehearing Conference, an attached exhibit presents applicable KCCP definitions and cited KCCP Policies.

1           2.     By permitting urban-type commercial uses and facilities within Rural Area  
2 SO-120 APD buffers:

3           a.     Does Ordinance 19030 fail to comply with the requirements of RCW  
4                 36.70A.060 and RCW 36.70A.177 to assure conservation of agricultural  
5                 resource lands?

6           b.     Does Ordinance 19030 fail to implement and is it inconsistent with KCCP  
7                 Policies RP-202, RP-203, RP-206, R-201, R-202, R-204, R-205, R-301, R-  
8                 303, R-324, R-336, R-402, R-403, R-606, R-607, R-642, R-643, R-647, R-  
9                 649, R-655, E-445, E-497, T-202, T-208, T-209, F-209, I-504, U-149,  
10                applicable KCCP definitions, and does it violate the consistency  
11                requirement in, e.g., RCW 36.70A.130(1)(d)?  
12

13           3.     Does Ordinance 19030, by adopting development regulations that fail to  
14                 implement, and that are inconsistent with King County Agricultural Production Buffer SO-  
15                 120 and King County Code Section 21A.38.130 and by, e.g., permitting a destination tourist  
16                 food and alcoholic beverage district on land that is designated to serve as buffer for the  
17                 Sammamish Valley Agricultural Production District, fail to implement and is it inconsistent  
18                 with KCCP Policies RP-202, RP-203, RP-206, R-201, R-202, R-204, R-205, R-301, R-303,  
19                 R-324, R-336, R-402, R-403, R-606, R-607, R-642, R-643, R-647, R-649, R-655, E-445, E-  
20                 497, T-202, T-208, T-209, F-209, I-504, U-149, applicable KCCP definitions, and does it  
21                 violate the consistency requirement in, e.g., RCW 36.70A.130(1)(d)?  
22

23           4.     Does Ordinance 19030, by converting the designated Agricultural Production  
24                 District and its Rural Area buffers into an experimental district “to determine the impacts and  
25                 benefits of the adult beverage industry on Rural and Agricultural zoned areas,” fail to be  
26

1 guided by RCW 36.70A.020(1), (2), (8), and (10), does it fail to implement and is it  
2 inconsistent with KCCP Policies RP-202, RP-203, RP-206, R-201, R-202, R-204, R-205, R-  
3 301, R-303, R-324, R-336, R-402, R-403, R-606, R-607, R-642, R-643, R-647, R-649, R-655,  
4 E-445, E-497, T-202, T-208, T-209, F-209, I-504, U-149, and applicable KCCP definitions,  
5 does it violate the conformance and consistency requirements in, e.g., RCW 36.70A.130(1),  
6 and does it violate RCW 36.70A.060(1), RCW 36.70A.110(1), and RCW 36.70A.170?

7  
8 5. Does Ordinance 19030, by allowing Rural Area destination tourist food and  
9 alcoholic beverage venues for the conduct of adult beverage business high attendance events,  
10 by allowing adult beverage businesses that are essentially regional retail facilities in the Rural  
11 Areas, and by encouraging retail businesses in the Rural Area by reducing the minimum lot  
12 size for many of these facilities to 2.5 acres and incorporating definitional provisions that  
13 permit sales of product produced elsewhere, fail to be guided by RCW 36.70A.020 (1), (2),  
14 (8), and (10), and does it fail to implement and is it inconsistent with KCCP Policies for, inter  
15 alia, avoidance of sprawl, limitation of nonresidential uses and protection and enhancement of  
16 rural character and agricultural areas including RP-202, RP-203, RP-206, R-201, R-202, R-  
17 204, R-205, R-301, R-303, R-324, R-336, R-402, R-403, R-606, R-607, R-642, R-643, R-647,  
18 R-649, R-655, E-445, E-497, T-202, T-208, T-209, F-209, I-504, U-149, applicable KCCP  
19 definitions, and does it violate the consistency requirement in, e.g., RCW 36.70A.130(1)(d)?

20  
21 6. Does Ordinance 19030 violate RCW 36.70A.070(5)(c) and RCW  
22 36.70A.110(1) by failing to contain rural development, assure visual compatibility, reduce  
23 inappropriate conversion, protect critical areas, and protect against conflicts with the use of  
24 agricultural lands?  
25  
26

1           7.     Is Ordinance 19030’s establishment of an experimental overlay demonstration  
2 area inconsistent with KCC requirements for demonstration projects, including but not limited  
3 to KCC 21A.55.030.B, is it inconsistent with and does it fail to implement KCCP I-504 and  
4 KCC 21A.32.040, and does it violate the consistency and implementation requirement in  
5 36.70A.130(1) because, although it purports to establish a temporary “demonstration project”  
6 pursuant to KCC Ch. 21A.55, in fact it assures the indefinite continuation of rogue illegal uses  
7 regardless of the outcome of the purported “demonstration”?

8  
9           8.     Does Ordinance 19030, by allowing uses characterized by the County as  
10 unlawful to continue to operate unlawfully “for a minimum of twelve months after the  
11 effective date of this Ordinance”, as stated in Ordinance 19030 Finding AA, fail to implement  
12 and is it inconsistent with KCCP Policy I-504, and KCC 21A.32.040, and does it violate  
13 GMA consistency and implementation requirements including, e.g., RCW 36.7A.070, and  
14 RCW 36.70A.130(1)(d)?

15  
16           9.     Did King County fail to comply with SEPA, RCW Ch. 43.21C, and its  
17 regulations, WAC Ch. 197-11, including but not limited to: WAC 197-11-055(2); 197-11-  
18 060; 197-11-080; 197-11-100; 197-11-315; 197-11-330; 197-11-340; and 197-11-960:

- 19           a.     By failing to conduct actual SEPA review at the earliest possible time and  
20                 instead issuing a DNS that continued King County’s multi-year deferral of  
21                 SEPA review?
- 22           b.     By issuing a DNS based on an inadequate and inaccurate SEPA Checklist  
23                 that failed to recognize significant adverse impacts and, inter alia,  
24                 assuming they were balanced out by purported benefits of the proposal?  
25  
26



- 1 c. By issuing a DNS despite the fact that there are significant unmitigated  
2 adverse impacts associated with the Ordinance?
- 3 d. By concluding that an EIS was not required on the basis that adoption of  
4 Ordinance 19030 was a “non-project action?”
- 5 e. By failing to recognize how the proposal would be likely to affect  
6 environmentally sensitive areas?
- 7 f. By failing to recognize how the proposal would be likely to adversely  
8 affect land use, including whether it would allow or encourage land uses  
9 incompatible with existing plans, policies and Code?
- 10 g. By failing to recognize how the proposal would be likely to increase  
11 demands on transportation or public services and utilities?
- 12 h. By failing to identify how the proposal would conflict with laws or  
13 requirements for the protection of the environment?
- 14 i. By failing to acknowledge the impacts of the proposal in allowing  
15 continuation of land uses with a history of generating significant adverse  
16 environmental impacts while operating illegally?
- 17
- 18

19 10. Petitioners hereby incorporate by reference all issues raised by other petitions  
20 concerning Ordinance 19030.

#### 21 **IV. STANDING**

22 1. FOSV, including its directors, staff, representatives, and supporters/members  
23 have diligently and actively participated in County discussions and proceedings culminating  
24 in the County Council’s adoption of Ordinance 19030 by a 5-4 vote in December, 2019.  
25 FOSV’s participation has been extensive, including submission of detailed written comments  
26

1 (including by email and letter), presentation of testimony at every public hearing and public  
2 meeting as well as correspondence and meetings with individual County staff persons and  
3 Councilmembers. See RCW 36.70A.280(2).

4 2. FOSV, including its directors, staff, representatives, and supporters/members  
5 submitted detailed written comments in response to the County's proposed SEPA DNS,  
6 explaining the impacts of the proposal and why the County's refusal to prepare an EIS was  
7 legally and factually erroneous.  
8

9 3. FOSV, including its directors, staff, representatives, and supporters/members  
10 use and enjoy the areas impacted by the Ordinance provisions daily, including particularly  
11 those in the Sammamish Valley. Their use and enjoyment of their own properties as well as of  
12 adjacent Sammamish Valley Rural and Agricultural areas, are directly impacted by the  
13 significant impacts associated with and increased by adoption of Ordinance 19030 including:  
14 traffic; unsafe conditions (for both drivers and pedestrians); usurpation of rural and  
15 agricultural uses and buffers; polluted runoff harming farms, watersheds, streams, and rivers;  
16 land compaction; inadequate septic facilities; and inhibition of use of farmland for fresh food  
17 production. They are therefore aggrieved and adversely affected by adoption of Ordinance  
18 19030 and all adoptions and actions related to it.  
19

20 4. Co-Petitioners also participated before the County, commenting on what  
21 became Ordinance 19030. The east side of SR 202 is dedicated under the King County Code  
22 as a farmland protection area (SO-120 buffer) with substantial limitations on impervious  
23 surfaces. Existing commercial activities already illegally violate these restrictions and  
24 Ordinance 19030 will exacerbate the attendant harm through soil compaction, polluted runoff,  
25 ground water contamination, and alteration of the sensitive hydrology of the Valley. All co-  
26

1 petitioner farms are on the Sammamish Valley floor, which is downslope from the  
2 commercial activities across the street. They are adjacent to SR 202 (Redmond-Woodinville  
3 Rd) or immediately west of other farms adjacent to the road. They are all across the street  
4 from or in close proximity to commercial activities generated by either the Ordinance 19030  
5 “Demonstration Area” or “event centers” or “wineries, breweries, distilleries” venues.

6 5. Co-Petitioner Hollywood Hill Association (HHA) members are residents who  
7 live nearby in the RA area east of Hwy 202 and who are directly impacted by the harms  
8 described in this section.

9 6. Petitioner members/supporters live nearby, own businesses in and around the  
10 Sammamish Valley and/or use the Valley for recreation and/or rely on the Valley’s farms and  
11 agricultural uses for food and agricultural/horticultural plant materials. All the co-petitioners  
12 are harmed when these farm uses are adversely affected.

13 7. All co-petitioners are also harmed by the visual blight and loss of rural  
14 character through parking lots, commercials signs, commercial lighting inconsistent with  
15 growing crops, crowds, porta potties, food trucks and delivery trucks attendant to the uses  
16 allowed by Ordinance 19030.

17 8. Co-Petitioner agricultural users will be directly harmed by polluted runoff  
18 from upslope commercial uses, large parking lots for such uses, as well as their compaction of  
19 soils. Water running off from upslope travels in and through streams and drainage swales  
20 along the east side of SR 502, carrying pollutants from cars and commercial activities.  
21 Culverts under SR 202 carry the runoff into several streams that head west across the  
22 farmland and into the Sammamish River, polluting not only the farms (many of which are  
23 organic) but also the watershed that then runs into the Sound. Excess water rushing downhill  
24  
25  
26

1 during rainy periods from upslope also waterlogs farmland. In addition, agricultural uses are  
2 harmed by urban commercial type-uses' reliance under Ordinance 19030 on septic systems.  
3 Such septic systems, often originally designed and installed for modest rural uses, are  
4 inadequate to serve the commercial-type destination locations authorized under Ordinance  
5 19030, leading to ground water contamination and adverse impacts on area wells.

6 9. Co-Petitioners Orkilla's and Judy Allen live immediately upslope and east  
7 from illegally operating urban commercial-type uses that would be allowed to continue under  
8 Ordinance 19030. They both would be directly harmed by the impacts of substandard human  
9 waste handling and septic systems, noise, traffic, odors, and visual blight attendant to such  
10 uses.  
11

12 10. All co-petitioners use SR 202, running north-south, which is an I-405 bypass.  
13 Traffic is already severely problematic on SR 202 and Ordinance 19030's legitimization of  
14 so-called "agritourism" uses will increase that harm. The use of unprotected roads and  
15 shoulders by pedestrians causes unsafe traffic and driving conditions, including on SR 202  
16 where there are no sidewalks or street lighting. The use of farmland for parking, as well as use  
17 of parking areas designated for ball fields, Sammamish Valley trail access, and the Tolt  
18 Pipeline trail also directly impacts co-petitioners.  
19

20 11. Co-Petitioner uses, particularly farm uses, are also specifically and directly  
21 harmed by Ordinance 19030 which makes Agricultural land and Rural Areas available for  
22 other, "higher" uses, thereby fostering increases in the prices of Agricultural land and its  
23 Rural Area buffers and reducing the economic viability of agricultural and rural uses.  
24 Ordinance 19030 exacerbates the pressure for conversion of Agricultural and Rural Areas  
25 because land in such areas is less expensive than legitimate commercial areas that are required  
26

1 to have commercial infrastructure, creating an incentive for inappropriate businesses to move  
2 into Rural Area neighborhoods.

3 **V. ESTIMATED TIME REQUIRED FOR HEARING ON THE MERITS**

4 Petitioners estimate that the hearing in this matter will last at least 6 hours (excluding  
5 any recess for lunch and breaks).

6 **VI. RELIEF SOUGHT**

7  
8 1. Petitioners request as relief that the Board issue a Final Decision and Order  
9 (FDO) to the effect that Ordinance 19030 and its related changes and actions are not guided  
10 by GMA goals and violate GMA requirements, and that the Board therefore remand the  
11 matter back to the County for compliance action; and

12 2. Petitioners request as relief that the Board issue an FDO to the effect that  
13 Ordinance 19030 and its related changes and actions were adopted in violation of SEPA and  
14 that an EIS must be prepared before such adoption may validly occur; and

15 3. Petitioners request that the Board issue a Determination of Invalidity for  
16 Ordinance 19030 and all related changes and actions on the basis that they substantially  
17 interfere with fulfillment of the goals of the GMA through the GMA-related defects and flaws  
18 described throughout this PFR, as well as through the violation of SEPA.  
19

20 The Petitioners have read the Petition for Review and believe the contents to be true.

21 Dated this 4<sup>th</sup> day of March, 2020.

22  
23 EGLICK & WHITED PLLC

24 

25 By \_\_\_\_\_

26 Peter J. Eglick, WSBA No. 8809

Joshua A. Whited, WSBA No. 30509

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7 CC: [phelan@ewlaw.net](mailto:phelan@ewlaw.net)  
8 Attorneys for Petitioners

9 List of Exhibits:

- 10 Exhibit A: List of Applicable King County Comprehensive Plan Definitions and Cited  
11 Policies
- 12 Exhibit B: King County Department of Local Services – Permitting Division – State  
13 Environmental Policy Act (SEPA) – Non-Project Action – Determination of  
14 Non-Significance (DNS), dated April 26, 2019
- 15 Exhibit C: SEPA Environmental Checklist, dated April 24, 2019
- 16 Exhibit D: Futurewise Comments on the SEPA DNS for Proposed Ordinance 2018-  
17 0241.2, dated May 17, 2019
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19 Proposed Ordinance 2018-0241.2
- 20 Exhibit F: Memorandum of Barbara Lau, MA, MBA, CRL, re King County SEPA  
21 Compliance – Ordinance 2018-0241, dated May 16, 2019
- 22 Exhibit G: Memorandum of Roberta Lewandowski re King County SEPA Compliance –  
23 Adult Beverage Ordinance, dated May 16, 2019
- 24 Exhibit H: Letter from Peter J. Eglick of Eglick & Whited PLLC, Attorney for Friends of  
25 Sammamish Valley re Friends of Sammamish Valley Comments Concerning  
26 Proposed Ordinance 2018-0241.2 – Regulations for Wineries, Breweries and  
Distilleries, dated May 17, 2019
- Exhibit I: King County Ordinance 19030 (Proposed No. 2018-0241.4)
- Exhibit J: The Seattle Times Affidavit of Publication, dated January 8, 2020

## **Exhibit A**

### **List of Applicable King County Comprehensive Plan Definitions and Cited Policies**

## LIST OF APPLICABLE KING COUNTY COMPREHENSIVE PLAN DEFINITIONS AND CITED POLICIES

### POLICIES:

**RP-202** King County shall pursue opportunities to preserve and maintain remaining high priority forest, agriculture and other open space lands.

**RP-203** King County shall continue to support the reduction of sprawl by focusing growth and future development in the Urban Growth Area, consistent with adopted growth targets.

**RP-206** King County will protect, restore and enhance its natural resources and environment, encourage sustainable agriculture and forestry, reduce climate pollution and prepare for the effects of climate change, including consideration of the inequities and disparities that may be caused by climate change.

**R-201** It is a fundamental objective of the King County Comprehensive Plan to maintain the character of its designated Rural Area. The Growth Management Act specifies the rural element of comprehensive plans include measures that apply to rural development and protect the rural character of the area (Revised Code of Washington 36.70A.070 (5)). The Growth Management Act defines rural character as it relates to land use and development patterns (Revised Code of Washington 36.70A.030 (15)). This definition can be found in the Glossary of this Plan. Rural development can consist of a variety of uses that are consistent with the preservation of rural character and the requirements of the rural element. In order to implement Growth Management Act, it is necessary to define the development patterns that are considered rural, historical or traditional and do not encourage urban growth or create pressure for urban facilities and service.

Therefore, King County's land use regulations and development standards shall protect and enhance the following attributes associated with rural character and the Rural Area:

- a. The natural environment, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies including Puget Sound and natural drainage systems and their riparian corridors;
- b. Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries;
- c. Historic resources, historical character and continuity important to local communities, as well as archaeological and cultural sites important to tribes;
- d. Community small-town atmosphere, safety, and locally owned small businesses;



- e. Economically and fiscally healthy Rural Towns and Rural Neighborhood Commercial Centers with clearly defined identities compatible with adjacent rural, agricultural, forestry and mining uses;
- f. Regionally significant parks, trails and open space;
- g. A variety of low-density housing choices compatible with adjacent farming, forestry and mining and not needing urban facilities and services;
- h. Traditional rural land uses of a size and scale that blend with historic rural development; and
- i. Rural uses that do not include primarily urban-serving facilities.

**R-202** The Rural Area geography shown on the King County Comprehensive Plan Land Use Map include areas that are rural in character and meet one or more of the following criteria:

- a. Opportunities exist for significant commercial or noncommercial farming and forestry (large-scale farms and forest lands are designated as Resource Lands);
- b. The area will help buffer nearby Natural Resource Lands from conflicting urban uses;
- c. The area is contiguous to other lands in the Rural Area, Resource Lands or large, predominantly environmentally critical areas;
- d. There are major physical barriers to providing urban services at reasonable cost, or such areas will help foster more logical boundaries for urban public services and infrastructure;
- e. The area is not needed for the foreseeable future that is well beyond the 20-year forecast period to provide capacity for population or employment growth;
- f. The area has outstanding scenic, historic, environmental, resource or aesthetic values that can best be protected by a rural designation; or
- g. Significant environmental constraints make the area generally unsuitable for intensive urban development.

**R-204** Farming and forestry are vital to the preservation of rural King County and should be encouraged throughout the Rural Area. King County should encourage the retention of existing and establishment of new rural resource-based uses, with appropriate site management that protects habitat resources. King County's regulation of farming, keeping of livestock, and forestry in the Rural Area should be consistent with these guiding principles:

- a. Homeowner covenants for new subdivisions and short subdivisions in the Rural Area should not restrict farming and forestry;

- b. Development regulations for resource-based activities should be tailored to support the resource use and its level of impact;
- c. Agricultural and silvicultural management practices should not be construed as public nuisances when carried on in compliance with applicable regulations, even though they may impact nearby residences; and
- d. County environmental standards for forestry and agriculture should protect environmental quality, especially in relation to water and fisheries resources, while encouraging forestry and farming.

**R-205** Uses related to and appropriate for the Rural Area include those relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location.

**R-301** A low growth rate is desirable for the Rural Area, including Rural Towns and Rural Neighborhood Commercial Centers, to comply with the State Growth Management Act, continue preventing sprawl and the overburdening of rural services, reduce the need for capital expenditures for rural roads, maintain rural character, protect the environment and reduce transportation-related greenhouse gas emissions. All possible tools may be used to limit growth in the Rural Area. Appropriate tools include land use designations, development regulations, level of service standards and incentives.

**R-303** Rural Area zoned properties should have low residential densities that can be sustained by minimal infrastructure improvements such as septic systems and rural roads, should cause minimal environmental degradation and impacts to significant historic resources, and that will not cumulatively create the future necessity or expectation of urban levels of services.

**R-324** Nonresidential uses in the Rural Area shall be limited to those that:

- a. Provide convenient local products and services for nearby residents;
- b. Require location in a Rural Area;
- c. Support natural resource-based industries;
- d. Provide adaptive reuse of significant historic resources; or
- e. Provide recreational and tourism opportunities that are compatible with the surrounding Rural Area.

These uses shall be sited, sized and landscaped to complement rural character as defined in policy R-101 and R-201, prevent impacts to the environment and function with rural services including on-site wastewater disposal.

**R-336** King County shall continue to support the rural development standards that have been established to protect the natural environment by addressing seasonal and maximum clearing limits, impervious surface limits and resource-based practices. Stormwater management practices should be implemented that emphasize preservation of natural drainage systems, protect water quality and natural hydrology of surface waters and groundwater. Rural development standards should also, where feasible, incorporate and encourage Low Impact Design principles for managing stormwater onsite by minimizing impervious surfaces, preserving onsite hydrology, retaining native vegetation and forest cover, capturing and reusing rainwater, controlling pollution at the source, and protecting groundwater. King County shall take care that requirements for onsite stormwater management complement requirements for onsite wastewater management.

**R-402** Public spending priorities for facilities and services within the Rural Area and Natural Resource Lands should be as follows:

- a. First, to maintain existing facilities and services that protect public health and safety;
- b. Second, to upgrade facilities and services when needed to correct level of service deficiencies without unnecessarily creating additional capacity for new growth; and
- c. Third, to support sustainable economic development that is sized and scaled at levels appropriate for Rural Areas and Natural Resource Lands and does not foster urbanization.

**R-403** In the Rural Area and Natural Resource Lands, standards and plans for utility service should be consistent with long-term, low-density development and resource industries. Utility facilities that serve the Urban Growth Area but must be located in the Rural Area or on Natural Resource Lands (for example, a pipeline from a municipal watershed) should be designed and scaled to serve primarily the Urban Growth Area. Sewers needed to serve previously established urban “islands,” Cities in the Rural Area, Rural Towns, or new or existing schools pursuant to R-327 and F-264 shall be tightlined and have access restrictions precluding service to other lands in the Rural Area and Natural Resource Lands.

**R-606** Farm lands, forest lands and mineral resources shall be conserved for productive use through the use of Designated Agricultural and Forest Production Districts and Designated Mineral Resource Sites where the principal and preferred land uses will be commercial resource management activities, and by the designation of appropriate compatible uses on adjacent Rural Area and urban lands.

**R-607** Land uses, utilities and transportation facilities within and adjacent to Designated Agricultural and Forest Production Districts and Designated Mineral Resource Sites, shall be sited and designed to ensure compatibility with resource management.

**R-642** King County shall continue to implement the objectives of the Farmland Preservation Program. Protection of property purchased under the Farmland Preservation Program shall be a high priority when balancing conflicting interests such as locating transportation, active recreation, utility facilities, or other uses that could have an adverse impact on farm operations. King County shall use the Transfer of Development Rights Program as another tool to preserve farmland.

**R-643** Agricultural Production Districts are blocks of contiguous farmlands where agriculture is supported through the protection of agricultural soils and related support services and activities. Roads and natural features are appropriate boundaries for Agricultural Production Districts to reduce the possibility of conflicts with adjacent land uses.

**R-647** Agriculture should be the principal land use in the Agricultural Production Districts. Permanent new construction within districts shall be sited to prevent conflicts with commercial farming or other agricultural uses, and nonagricultural uses shall be limited. New development shall not disrupt agriculture operations and shall have a scale compatible with an active farming district.

**R-649** Agriculture must remain the predominant use in any Agricultural Production District and aquatic habitat or floodplain restoration projects, as well as, King County mitigation reserves program projects shall not reduce the ability to farm in the Agricultural Production District. Therefore, until the county implements the watershed planning process described in R-650, such projects are allowed only when supported by owners of the land where the proposed project is to be sited. Criteria to be considered:

- a. For a project proposed to be sited on lands that are unsuitable for direct agricultural production purposes, such as portions of property that have not historically been farmed due to soil conditions or frequent flooding, and which cannot be returned to productivity by drainage maintenance, or
- b. For a project proposed to be sited on lands suitable for direct agricultural production:
  - (1) there are no unsuitable lands available that meet the technical or locational needs of the proposed project, and
  - (2) the project is included in, or consistent with, an approved Water Resources Inventory Area Salmon Recovery Plan, Farm Management Plan, Flood Hazard Management Plan or other similar watershed scale plan; or the project would not reduce the baseline agricultural productivity within the Agricultural Production District.

**R-655** Public services and utilities within and adjacent to Agricultural Production Districts shall be designed to support agriculture and minimize significant adverse impacts on agriculture and to maintain total farmland acreage and the area's historic agricultural character:

- a. Whenever feasible, water lines, sewer lines and other public facilities should avoid crossing Agricultural Production Districts. Installation should be timed to minimize negative impacts on seasonal agricultural practices;
- b. Road projects planned for the Agricultural Production Districts, including additional roads or the widening of roads, should be limited to those that are needed for safety or infrastructure preservation and that benefit agricultural uses. Where possible, arterials should be routed around the Agricultural Production Districts. Roads that cross Agricultural Production Districts should be aligned, designed, signed and maintained to minimize negative impacts on agriculture, and to support farm traffic; and
- c. In cases when public or privately owned facilities meeting regional needs must intrude into Agricultural Production Districts, they should be built and located to minimize disruption of agricultural activity.

**E-445** Stormwater runoff shall be managed through a variety of methods, with the goal of protecting surface water quality, in-stream flows, and aquatic habitat; promoting groundwater recharge while protecting groundwater quality; reducing the risk of flooding; protecting public safety and properties; and enhancing the viability of agricultural lands.

**E-497** King County should protect groundwater in the Rural Area by:

- a. Preferring land uses that retain a high ratio of permeable to impermeable surface area, and that maintain and/or augment the natural soil's infiltration capacity and treatment capability for groundwater;
- b. Evaluating impacts on groundwater, where appropriate, during review of commercial, industrial and residential subdivision development projects that are proposed to be located within critical aquifer recharge areas, and, where appropriate, requiring mitigation for anticipated groundwater impacts to domestic water supply resulting from these projects; and
- c. Requiring standards for maximum vegetation clearing limits, impervious surface limits, and, where appropriate, infiltration of surface water.

**T-202** As resources allow, King County's transportation investments in Rural Areas and Natural Resource Lands should emphasize maintaining and preserving safe road infrastructure that is compatible with the preservation of rural character and does not promote urban or unplanned growth.

**T-208** King County shall not add any new arterial capacity in the Rural Area or Natural Resource Lands, except for segments of rural regional corridors that pass through Rural Areas and Natural Resource Lands to accommodate levels of traffic between urban areas. Rural regional corridors shall be identified in the Transportation Needs Report (Appendix C) and shall meet all of the following criteria: a. Connects one urban area to another, or to a highway of statewide significance that provides such connection, by traversing the Rural Area and Natural Resource Lands; b. Classified as a principal arterial; c. Carries high traffic volumes (at least 15,000 average daily traffic); and d. At least half of P.M. peak trips on the corridor are traveling to cities or other counties.

**T-209** King County shall avoid construction of major roads and capacity expansion on existing roads in Rural Areas and Natural Resource Lands. Where increased roadway capacity is warranted to support safe and efficient travel through Rural Areas and Natural Resource Lands, appropriate rural development regulations and strong commitments to access management should be in place prior to authorizing such capacity expansion in order to prevent unplanned growth in these areas.

**F-209** In the Rural Area and Natural Resource Lands, services provided by agencies should support a rural level of development and support service that meets the needs of the community and not facilitate urbanization.

**I-504** King County shall enforce its land use and environmental regulations by pursuing code enforcement complaints and by providing oversight during the process of site development on all sites for which it issues permits.

**U-149** New facilities and businesses that draw from throughout the region, such as large retail uses, large public assembly facilities and institutions of higher education should locate in the Urban Growth Area.

## **DEFINITIONS:**

**Agricultural activities** Agricultural activities means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

**Agricultural Production Districts (APD)** The Growth Management Act requires cities and counties to designate, where appropriate, agricultural lands that are not characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. The comprehensive plan designates Agricultural Production Districts where the principal land use should be agriculture. Lands within Agricultural Production Districts should remain in parcels large enough for commercial agriculture. (See Chapter 3: Rural Areas and Natural Resource Lands.)

**Agricultural products** Agricultural products include, but are not limited to: horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock, including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

**Enhance** Enhance means to increase or improve one or more of the functions, attributes, or values that an ecosystem or environmental feature possesses. (See Chapter 5: Environment).

**Protect** Protect means to keep from harm, attack, injury, or destruction; to maintain the integrity of, especially through environmental care.

**Rural Area zoning** The Rural Area zone refers to the Rural Area 2.5, Rural Area 5, Rural Area 10 and Rural Area 20 zoning categories. This zoning is meant to provide an area-wide, long-term, rural character and to minimize land use conflicts with nearby agricultural, forest or mineral extraction production districts. These purposes are accomplished by: 1) limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and are able to be adequately supported by rural service levels; 2) allowing small scale farming and forestry activities and tourism and recreation uses which can be supported by rural service levels and which are compatible with rural character; and 3) increasing required setbacks to minimize conflicts with adjacent agriculture, forest or mineral zones.

**Rural Character** Rural character refers to the pattern of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in Rural Areas;
- (c) That provide visual landscapes that are traditionally found in Rural Areas and communities;

- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas



## **Exhibit B**

**King County Department of Local Services – Permitting  
Division – State Environmental Policy Act (SEPA) – Non-  
Project Action – Determination of Non-Significance (DNS),  
dated April 26, 2019**



# King County

Department of Local Services – Permitting Division

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## State Environmental Policy Act (SEPA)

### Non-Project Action

### Determination of Non-Significance (DNS)

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**Name of Proposal:** Proposed Ordinance 2018-0241.2 - Regulations for Wineries, Breweries and Distilleries.

**Description of Proposal:** Amending King County's land use and zoning standards concerning wineries, breweries, distilleries and similar adult beverage uses. Proposed regulations affect definitions, zoning designations where uses are allowed, identifying different scales and types of uses, establishing permitting thresholds. Regulations affecting access, setbacks, lot sizes, parking and requirements for production facilities and tasting rooms. Proposed regulations establishing demonstration projects locations and criteria.

Establishing business licensing regulations. Modifying citation penalties for wineries, breweries, distilleries and remote tasting rooms.

Additional information about the proposal can be found here:  
<https://www.kingcounty.gov/council/issues/winery-code.aspx>

**Proponent/Contact:** King County Council:  
Erin Auzins, Supervising Legislative Analyst  
516 Third Ave., Rm 1200  
Seattle, WA 98104  
206-477-0687

King County Executive:  
Karen Wolf, Sr. Policy Analyst  
401 Fifth Ave, Suite 800  
Seattle, WA 98104  
206-263-9649

**Location of Proposal:** Unincorporated areas of King County

**Lead Agency:** King County Department of Local Services – Permitting Div.

**Responsible Official:** Ty Peterson  
**Position/Title:** Product Line Manager- Commercial

**Address/Phone** 35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266  
206-477-0449

**Threshold Determination**

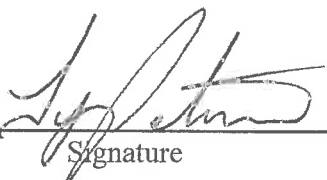
The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment. This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11, after reviewing the environmental checklist and other information on file with the lead agency, considering the extent to which the proposed action will cause adverse environmental effects in excess of those created by existing regulations, and considering mitigation measures which the agency or the proponent will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal and conclude the proposed action will not have a significant impact to current or continued use of the environment. THIS INFORMATION IS AVAILABLE TO THE PUBLIC ON REQUEST (for a nominal copying fee or by email).

THIS DETERMINATION OF NON-SIGNIFICANCE (DNS) is issued under Washington Administrative Code (WAC) 197-11-340(2). The lead agency will not act on this proposal until after **May 17<sup>th</sup>, 2019**. Comments must be received by King County Department of Local Services – Permitting Division prior to **4:00 PM** on that date.

For additional information, please contact the proponent’s contact or the responsible official listed above.

**Address for comments:** King County Department of Local Services –  
Permitting Division)  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065-9266  
ATTN: Ty Peterson 206-477-0449  
E-mail: Ty.peterson@kingcounty.gov

**Public Hearing:** A public hearing on proposed Ordinance No. 2018-0241.2 will be held before the Metropolitan King County Council, Room 1001, King County Courthouse, Seattle, Washington, on the **12th day of June, 2019**. Information on the public hearing can be found here after the first week of May, 2019 [https://www.kingcounty.gov/council/clerk/ordinances\\_advertised.aspx](https://www.kingcounty.gov/council/clerk/ordinances_advertised.aspx)

  
\_\_\_\_\_  
Signature

APRIL 26, 2019  
Date

**Exhibit C**

**SEPA Environmental Checklist, dated April 24, 2019**

# 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:

Proposed Ordinance 2018-0241.2 – Regulations for wineries, breweries, and distilleries

2. Name of applicant:

Proposed Ordinance 2018-0241.2 was initiated by the King County Executive and was amended by the King County Council

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

Contact information for the King County Council is as follows:

Erin Auzins, Supervising Legislative Analyst  
516 Third Ave, Rm 1200  
Seattle, WA 98104  
206-477-0687

Contact information for the King County Executive is as follows:

Karen Wolf, Sr. Policy Analyst  
401 Fifth Ave, Suite 800  
Seattle, WA 98104  
206-263-9649

4. Date checklist prepared:

April 9, 2019

5. Agency requesting checklist:

King County

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

The King County Council is scheduled to hold a public hearing on Proposed Ordinance 2018-0241.2 on June 12, 2019. The Council may make a final decision on the proposed ordinance on that day.

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

Yes. Applications for the proposed Demonstration Projects must be submitted within three years from the effective date of the proposed ordinance. Starting one year after the effective date of the proposed ordinance and each year for four years thereafter, the King County Executive will prepare and submit evaluations of the facilities permitted in accordance with the proposed Demonstration Projects to the King County Council.

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

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In addition to the information noted below, previous environmental studies inform the county's review of these proposed regulations. A list of these studies can be found in the Determination of Nonsignificance for the 2018 Amendments to the King County Comprehensive Plan, and the Adoption of Existing Environmental Documents

## SEPA Checklist

Sammamish Valley Area Wine and Beverage Industry Study, September 2016

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

King County Action Report, Sammamish Valley Winery and Beverage Study, April 26, 2018

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Sammamish-Study-Area/Exec-Recommend/WineryReport-041618.ashx?la=en>

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.

Adopting the proposed legislation / regulations is nonproject action. Many properties within King County have pending permit applications for a variety of things that could be impacted by the proposed legislation.

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

- SEPA Determination
- King County Council Ordinance adoption

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.)

Proposed Ordinance 2018-0241 would modify existing zoning regulations for wineries, breweries and distilleries by:

- Establishing a business license requirement for wineries, breweries, distilleries, cideries, remote tasting rooms, and nonconforming home occupation and home industries.
- Establishing new definitions for remote tasting room; winery, brewery, distillery (WBD) facility I, II and III; WBD facility I interim use permit.
- Adding WBD I as a residential accessory use in the Residential Land Use Table. This use would be allowed in the Rural Area zones, either outright or with a conditional use permit, subject to development conditions, and would replace and place additional scope and scale limitations on the current home occupation and home industry code allowances applicable to wineries, breweries, and distilleries. No events requiring a Temporary Use Permit would be allowed. Product tastings would be allowed only by appointment. Building square footage would be limited to 1500 square feet.
- Adding WBD I as a residential and agricultural accessory use in the Residential Land Use Table. In the Agricultural zone the WBD I use would be allowed to be established only as a time-limited interim use, subject to development conditions, within five years of the effective

date of the ordinance, and would be allowed to continue under the WBD I classification for no more than five years from initial permit approval. WBD I would replace, and place additional scope and scale limitations on, current home occupation/home industry code allowances applicable to wineries, breweries, and distilleries. In the Agricultural zone no events or product tastings would be allowed. A regional sourcing product content rule would be imposed. Building square footage would be limited to 1500 square feet. Arterial access would be required.

- Adding remote tasting room as a permitted use in the Retail Land Use Table. This use would be allowed in the Regional Business and Community Business zones, subject to development conditions.
- Reclassifying WBD II on the Manufacturing Land Use Table. The WBD II classification would replace the existing Winery/Brewery/Distillery classification as currently allowed in the Agriculture, Rural Area, Neighborhood Business, Community Business, Regional Business and Industrial zones, either outright or with a conditional use permit, and subject to development conditions. Development conditions regulating Rural Area zone WBD II product content source limitations would be relaxed and the minimum lot size decreased from 4.5 acres to 2.5 acres. Development conditions regulating Agricultural zone product content source limitations would be tightened, replacing a 60% regional source rule with a 60% grown on site rule. The minimum lot size for a WBD II in the Agricultural zone would be increased from a no minimum in current code to a 2.5 acre minimum and an arterial access condition would be added. An hours of operation limitation for on-site tasting rooms would be added. Existing development conditions related to building square footage, water, parking, access and setbacks would be either maintained or tightened. In the Rural Area and Agricultural zones setbacks would be allowed to be adjusted with a conditional use permit.
- Reclassifying WBD III on the Manufacturing Land Use Table. The WBD III classification would replace the current code classification for larger winery/brewery/distillery uses. The WBD III use would continue to be allowed with similar or tightened development conditions in the Agriculture, Rural Area, Neighborhood Business, Community Business, Regional Business and Industrial zones, and would continue to require a conditional use permit. An access condition would be added. An hours of operation limitation would be added for on-site tasting rooms.
- Adding a minimum parking ratio for remote tasting rooms.
- Modifying the minimum parking ratio for WBD II and III.
- Prohibiting WBD facilities and remote tasting room uses as home occupations and home industries, and providing a timeline for existing home based businesses to be considered legally nonconforming. Prohibiting tasting for WBD I facilities in the Sammamish Valley and its Rural Area uplands.
- Establishing specific criteria for when a WBD or remote tasting room special event requires a temporary use permit.
- Establishing limitations on the size of special events for WBD facilities in the Agriculture and Rural Area zones.
- Establishing a limited remote tasting room demonstration project on Highway 202 within a Rural Area zoned area near the Woodinville city limits, the Community Business zone in the Vashon Rural Town and the Community Business zone in the Fall City Rural Town.
- Establishing a special event demonstration project, within a Rural Area zoned area south of the Woodinville city limits.
- Establishing specific citation penalties for WBD facilities and remote tasting rooms.
- Requiring a follow up report from the County Executive to analyze the efficacy of the regulations.
- Repeals existing definition of winery, removes outdated cross-references to the previously existing regulations, and makes technical edits.



Amendments that may be considered for adoption by the Council on May 15, 2019 or thereafter that may lack sufficient detail for full evaluation include:

- Removing the Vashon Rural Town and Fall City Rural Town from the remote tasting room demonstration project, and modifying Property Specific Condition VS-P29: Vashon Town Plan - Restricted Uses for CB Zoned Properties (<https://www.kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/Psuffix/Vashon/VS-P29.aspx>) and Special District Overlay SO-260: Fall City Business District SDO (<https://www.kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/SDO/SO-260.aspx>) to allow remote tasting rooms consistent with the allowances for other Community Business zoned properties in unincorporated King County.
- Reviewing and modifying the regulations based on the purpose and requirements of Special District SO-120: Agricultural Production Buffer SDO (<https://www.kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/SDO/SO-120.aspx>).
- Otherwise modifying the development conditions regarding access, setbacks and minimum lot size for Vashon-Maury Island.
- Adding a demonstration project for accessory winery uses in the Agricultural zone.
- Otherwise modifying the development conditions for WBD facilities in the Agricultural zone.
- Modifying the allowance for underground storage for WBD III.

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.

This is non-project action. The proposed ordinance is not site specific and would apply throughout unincorporated King County.

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

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

a. General description of the site:

Not applicable for this nonproject action; all of these features are in unincorporated King County.

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

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

Not applicable for this nonproject action.

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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

## 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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

### 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.

Not applicable for this nonproject action. These features exist within unincorporated King County.

- 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.

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

#### 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.

Not applicable for this nonproject action. Development conditions related to ground water withdrawals will either be tightened or the existing regulation will remain.

- 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.

Not applicable for this nonproject action. No regulations governing waste disposal will be amended by the proposal.

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.

Not applicable for this nonproject action. Impervious surfaces resulting from development associated with the new regulations would comply with the King County Surface Water Design manual and existing maximum impervious regulations.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action. Impervious surfaces resulting from development associated with the new regulations would comply with the King County Surface Water Design manual and existing maximum impervious regulations.

#### 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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action. There are noxious weeds within unincorporated King County.

#### 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 \_\_\_\_\_

Not applicable for this nonproject action. A variety of birds, animals, fish and other species are found in unincorporated King County.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

## 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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

- 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:

Not applicable for this nonproject action.

## 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.

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

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

- 4) Describe special emergency services that might be required.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

**b. Noise**

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

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action. Proposed legislation would create additional limits on noise-intensive aspects of WBD uses by adding specific limits on tasting room hours and special events.

**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.

Not applicable for this nonproject action. There are a range of resource, rural, and urban land uses throughout unincorporated King County. This proposal would apply throughout unincorporated King County in applicable zoning districts.

- 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?

Not applicable for this nonproject action. Portions of unincorporated King County are used for agricultural and forestry uses. This proposal would apply to all of the unincorporated area, although winery, brewery, and distillery uses are not permitted in the Forest Production District and Forest zone. This proposal would tighten existing development conditions applicable to WBD uses in Agricultural zones.

- 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:

Not applicable for this nonproject action. This proposal would tighten existing development conditions applicable to WBD uses in Agricultural zones. It does not include any development conditions specifically related to crop production.

- c. Describe any structures on the site.

Not applicable for this nonproject action. This proposal maintains existing or adds new building square footage limitations for most WBD uses, and eliminates existing home occupation/home industry allowances for WBD uses which lack a specific maximum for building square footage.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action. Winery, brewery, and distillery uses would be allowed in Agricultural, Rural Area, Neighborhood Business, Community Business, Regional Business, and Industrial zones. Remote tasting rooms would be permitted in the Community Business and Regional Business zones, and within three demonstration project areas in the Rural Area zone of the Sammamish Valley and Community Business zoning within the Fall City Rural Town and Vashon Rural Town.

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

Not applicable for this nonproject action. Winery, brewery, and distillery uses would be allowed in urban, rural, and agricultural land uses.

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

Not applicable for this nonproject action. This proposal would apply to areas regulated under the Shoreline Master Program.

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

Not applicable for this nonproject action. Critical areas are designated throughout unincorporated King County. No change to critical area regulations is proposed.

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

Not applicable for this nonproject action.



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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

The proposed regulations appropriately regulate WBD land uses consistent with the Comprehensive Plan. The proposal will go through environmental review and a public hearing process, before being acted on by the King County Council.

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

Not applicable for this nonproject action. The proposed regulations under consideration include limits on use of agricultural lands and includes localized sourcing requirements of agricultural products used in the WBD land use operations occurring on Agricultural lands.

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

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

Not applicable for this nonproject action.

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

None proposed for this nonproject action.

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

## 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?

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

None proposed for this nonproject action. The proposal aims to protect and enhance Rural Area zone and Agricultural zone aesthetic values.

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

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

None proposed for this nonproject action.

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

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

Not applicable for this nonproject action. There are a variety of recreational opportunities in unincorporated King County. The proposal aims to protect and enhance recreational opportunities created by code compliant WBD uses in unincorporated King County.

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

Not applicable for this nonproject action

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

Not applicable for this nonproject action. The proposal aims to protect and enhance recreational opportunities created by code compliant WBD uses in unincorporated King County.

**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.

Not applicable for this nonproject action. There are historic sites throughout unincorporated King County.

- 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.

Not applicable for this nonproject action. No cultural resources will be impacted by the proposed ordinances, as no construction or alteration to the environment is proposed as part of this proposal. 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.

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action.

#### **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.

Not applicable for this nonproject action. The proposal would be effective throughout unincorporated King County. Demonstration projects A and B are located in vicinity of state routes or designated arterials. The proposal imposes arterial access requirements on some WBD uses, and aims to limit traffic impacts.

- 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?

Not applicable for this nonproject action. Transit service is provided by several agencies in unincorporated King County.

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

Not applicable for this nonproject action. The proposal would maintain existing development requirements in most instances, set limits on parking areas, and allow the number of parking spaces to be set by the conditional use permit review process for others.

- 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).

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

- 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?

Not applicable for this nonproject action.

- 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.

Not applicable for this nonproject action

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

Not applicable for this nonproject action.

## **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.

Not applicable for this nonproject action.

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

Not applicable for this nonproject action.

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

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

Not applicable for this nonproject action. These utilities are all found throughout unincorporated King County. Most WBD businesses in rural unincorporated King County do not have access to sanitary sewer and therefore utilize septic systems. The proposal is likely to either maintain existing regulations applicable to water system usage, or to place additional limits on water access.

- c. 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.

Not applicable for this nonproject action.

**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: \_\_\_\_\_

Name of signee \_\_\_\_\_

Position and Agency/Organization \_\_\_\_\_

Date Submitted: \_\_\_\_\_

*Karen Wold*  
\_\_\_\_\_  
*Karen Wold*  
\_\_\_\_\_  
*Sr. Policy Analyst*  
\_\_\_\_\_  
*4/24/19*  
\_\_\_\_\_

## ***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 proposal generally increases the regulations on winery, brewery, and distillery uses, and is not expected to increase discharges to water, emissions to air or production of toxic or hazardous substances. Additionally, these uses are regulated under the County's noise code, and noise impacts are expected to be sufficiently regulated by the adopted ordinance. The proposed ordinance will improve the clarity of the regulations and increase citation penalties for winery, brewery, and distillery uses, which will result in better compliance and also clearer guidance for code enforcement. The proposed ordinance also establishes a business license for all winery, brewery, and distillery uses that will enable the county to better monitor these facilities. Further, the ordinance requires these businesses to be located with direct access to an arterial. The ordinance increases the regulations within the Agriculture zones by requiring, for most facilities, that at least 60% of the product produced be grown on-site rather than within the region.

Proposed measures to avoid or reduce such increases are:

None proposed. Existing regulation on these types of activities would remain effective either through King County, State or Federal regulations.

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

The proposal is not likely to affect plants, animals, fish, or marine life.

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

None proposed beyond existing applicable development regulations for shorelines, critical areas, surface water management, zoning and those for impervious surfaces and parking maximums.

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

The proposal is not likely to deplete energy or natural resources.

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

None proposed

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 proposal is not likely to 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.

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

The proposal increases the regulations on lands with Agriculture Zoning including lands within the Agricultural Production Districts by requiring that at least 60% of the product produced on-site be grown on-site as compared to the current standard that requires that 60% of the product be grown in the region.

The proposal does not alter existing regulatory protections for critical areas, shorelines, surface water management or related regulations.

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 proposal does not expand winery, brewery, and distillery uses to new zoning districts within unincorporated King County and seeks to balance Comprehensive Plan policies for preserving rural character while providing limited scale economic activities.

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

None proposed

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

The proposal is not expected to increase demands on transportation or on public services and utilities.

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

- Require that some types of winery, brewery, and distillery facilities have direct access from an arterial unless reviewed as part of a conditional use permit

- Established hours of operation
- Require larger operations to connect to a Group A water system or an existing Group B system if a Group A water system is not available rather than creating a new permit exempt well, or maintain current development requirements pertaining to water resources.
- Augment code enforcement resources during a transition period to the new regulations

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

The proposal is not expected to conflict with, or change, any requirements for protection of the environment.



## **Exhibit D**

**Futurewise Comments on the SEPA DNS for Proposed  
Ordinance 2018-0241.2, dated May 17, 2019**



816 Second Ave, Suite 200, Seattle, WA 98104  
p. (206) 343-0681  
futurewise.org

May 17, 2019

Mr. Ty Peterson, Product Line Manager – Commercial  
King County Department of Local Services Permitting Division  
35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266

Dear Mr. Peterson:

**Subject: Futurewise comments on the SEPA DNS for Proposed Ordinance 2018-0241.2 - Regulations for Wineries, Breweries, and Distilleries.**

Sent via email to: [ty.peterson@kingcounty.gov](mailto:ty.peterson@kingcounty.gov) and by U.S. Mail

Thank you for the opportunity to comment on the SEPA Determination of Nonsignificance (DNS) issued by King County for the proposed ordinance noted above. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including King County King County, which is the site of our statewide main office. This comment letter concerns specifically the County SEPA DNS; we will have previously testified on this ordinance and will have additional comments on the substance of the Ordinance as the review process continues.

The DNS is based on a SEPA Checklist that justifies deferring acknowledgment and analysis of impacts by labelling the County action “nonproject.” This is a fundamental error.<sup>1</sup> The error both violates SEPA and represents a fatal deficit in the County’s Growth Management Act compliance.

Further, the Ordinance is multi-faceted, with some aspects much more specific than the “non-project” label pretends. This includes for example the Ordinance’s “demonstration” areas and special Code provisions for them. These aspects at least should have been addressed by the SEPA Checklist and Threshold Determination and should have resulted in a Determination of Significance and examination in an Environmental Impact Statement. One example of the serious adverse environmental impacts of the “demonstration” areas is that they are in an area that is closed to water appropriations.<sup>2</sup> However, the uses in the “demonstration” areas are not required to connect to water providers with existing water rights or to mitigate their impacts on surface and ground water flows. Any new wells in the “demonstration” areas or additional withdrawals from existing wells will

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<sup>1</sup> See, e.g., *Olympians v. City of Olympia*, Growth Management Hearings Board Case No. 19-2-0002c, Order Denying Motion to Dismiss, Allowing Supplementation of the Record, Granting Summary Judgment, and Deferring Consideration of Invalidity (March 29, 2019) (and cases cited therein).

<sup>2</sup> WAC 173-508-030(1) & WAC 173-508-050).

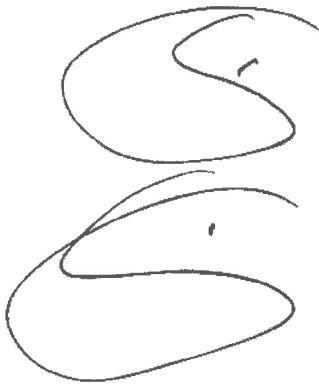
Mr. Ty Peterson RE: DNS for Proposed Ordinance 2018-0241.2  
May 17, 2019  
Page 2

contribute to low flows that adversely affect salmon in the Sammamish River and will contribute to larger adverse impacts throughout the Lake Washington system.<sup>3</sup>

Finally, to avoid overburdening the record with redundant comments while ensuring that our concerns are on the record, Futurewise notes its agreement with the comments concerning the SEPA DNS submitted by Friends of the Sammamish Valley.<sup>4</sup>

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 or email [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,

A handwritten signature in black ink, consisting of two large, stylized, overlapping loops that resemble the letters 'S' and 'T'.

Tim Trohimovich, AICP  
**Director of Planning & Law**

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<sup>3</sup> 2016 *State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 111 last accessed on May 17, 2019 at: <https://nwifc.org/publications/state-of-our-watersheds/>

<sup>4</sup> See *Buck v. City of Shoreline*, No. 66423-9-I (Div. 1, April 2, 2012) (unpublished).

**Exhibit E**

**Friends of Sammamish Valley Comments Concerning SEPA  
DNS for Proposed Ordinance 2018-0241.2**

*Via Email (ty.peterson@kingcounty.gov)*

Ty Peterson  
Product Line Manager – Commercial  
King County Department of Local Services Permitting Division  
35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266

RE: Friends of Sammamish Valley Comments Concerning SEPA DNS for  
Proposed Ordinance 2018-0241.2 - Regulations for Wineries,  
Breweries and Distilleries

Dear Mr. Peterson:

I am writing on behalf of Friends of Sammamish Valley to provide comments in response to the King County SEPA DNS dated April 26, 2019 issued in connection with proposed Ordinance 2018-0241.2 (the Ordinance). Friends of Sammamish Valley is a Washington nonprofit corporation comprised of citizens, businesses and organizations with the shared goals of protecting the Sammamish Valley Agricultural Production District (APD) and Sammamish Valley watershed, maintaining the character of the surrounding Rural Area, and preserving the rural lifestyle for local residents.

FoSV's members reside and do business in areas that will be directly affected by the zoning changes set out in the Ordinance. We have firsthand knowledge of negative environmental impacts that have arisen from illegal land uses and business activities in our community that the Ordinance would legalize and further expand. Our position is that, by electing to forgo preparation of an environmental impact statement (EIS), the County has failed to meet its obligations under SEPA. We ask that the DNS be withdrawn and that an EIS be prepared.

A primary function of SEPA is to ensure that decision makers and the public are informed of the environmental impacts that are likely to occur as the result of proposed governmental actions. The information provided by an EIS enables citizens to participate more effectively in the legislative process. An EIS enables decision makers to understand the consequences of adopting proposed legislation.

An EIS must include consideration of alternatives that would have lesser environmental impacts. The requirement to consider alternatives through preparation of an EIS is particularly important in this case where the primary objectives of the Sept 2016 Sammamish Valley Wine and Beverage Study were to develop policy and code recommendations for King County to consider in addressing the wine industry as it has evolved in the county based on the following guiding principles:

- Nurture the burgeoning wine and beverage industry in King County;
- Improve the interface of wine-related businesses with the surrounding communities;
- and

- Honor the requirements of the state Growth Management Act and the policies of the county's Comprehensive Plan as they relate to urban growth areas, farmland preservation, and to rural areas.

There are many approaches to achieving these objectives. While the Sammamish Valley's rare combination of natural resources and environmentally critical areas, surrounded by thriving urban areas, provides the cornerstone for the unique success of the Woodinville Wine Country experience and provides a showcase for successful applications of the principles of the GMA, these factors also render the Valley susceptible to impacts of high intensity land uses and to pressures to convert open space, farmlands and rural areas to more intense uses. An EIS would ask and answer the question: "what other areas in the County could serve to nurture the burgeoning wine and beverage industry in King County with lesser impacts to farmland and other environmentally critical areas throughout the County?"

FoSV has asked former City of Redmond Planning Director and Responsible SEPA Official, Roberta Lewandowski, to address the obligations SEPA places on King County in the context of the proposed Ordinance and to comment on whether those obligations have been fulfilled. We have asked Barbara Lau, an educator and environmental scientist, to discuss some of the likely environmental impacts of the proposed ordinance. And we have asked land use attorney, Peter Eglick, to provide his comments in response to the DNS. We have attached the responses provided by Ms. Lewandowski and Ms. Lau. Mr. Eglick will submit his comments by separate email. We incorporate the discussion and comments provided by each of these three representatives of FoSV into the comments submitted by FoSV in response to the DNS.

Sincerely,

Serena Glover  
ED, Friends of Sammamish Valley  
425-985-2992  
GoFoSV.org

**Exhibit F**

**Memorandum of Barbara Lau, MA, MBA, CRL, re King  
County SEPA Compliance – Ordinance 2018-0241,  
dated May 16, 2019**

To: Serena Glover, Executive Director, Friends of Sammamish Valley  
From: Barbara Lau, MA, MBA, CRL  
Date: May 16, 2019  
Subject: King County SEPA Compliance – Ordinance 2018-0241

**Introduction.** You have asked me to draw upon my education and professional experience to comment on environmental impacts that are likely to result from land development and business operations that would be allowed by the proposed Adult Beverage Ordinance 2018-0241.2 (Ordinance). My education includes earning Bachelors and Masters degrees in Geography, both from the University of California, Los Angeles. My studies included a thesis in hydrology and erosion. I have completed course work and attained certification in climate change science from Cornell University.

My professional experience includes working in the position of Environmental Scientist with a major engineering firm where I prepared SEPA Checklists, Environmental Impact Statements and other regulatory documents. My professional work experience also includes work as the Environmental Compliance Specialist/Permitting Coordinator for an environmental law firm where I prepared environmental compliance documents and led environmental consultant teams preparing expert testimony, regulatory compliance actions, and mitigation. I have been active on a volunteer basis in multiple environmental and land use issues regionally and with a focus on the Sammamish Valley.

**Environmental Impacts.** As explained below, adoption of the Ordinance will legalize existing illegal business activities and authorize new land development and business activities that will cause significant environmental impacts. Under SEPA, impacts are “significant” if they will have more than a moderate effect upon the environment. The “environment” includes both the natural environment and the built environment. The thousands of homes in the rural residential neighborhoods that comprise the predominant land use in most of King County’s Rural Areas are included in the term “built environment”.

Impacts on the environment include increased demands for governmental facilities and services. “Facilities” include transportation infrastructure such as roads, signalization, sidewalks, and street lighting. This term includes utilities such as sanitary sewer and stormwater detention, treatment and conveyance systems. “Services” includes police, fire and emergency medical services.

Inconsistencies with land use regulations, adopted land use policies and plans such as the Growth Management Act (GMA), Countywide Planning Policies (CPP) and the King County Comprehensive Plan (KCCP) are red flags indicating environmental impacts. These fundamental regulations and plans comprise an interrelated system that has been implemented to minimize environmental impacts from land uses and development. Actions that are inconsistent with these regulations, policies and plans require environmental analysis.

In the context of a public proposal for a program or legislation (a “nonproject action”), analysis of environmental impacts must first include disclosure of impacts and then consideration of how impacts can be avoided or lessened (“mitigated”) through alternatives to the proposal that could meet some or all of the objectives of the proposal with lesser environmental impacts.

The Ordinance identifies the objectives of supporting the adult beverage industry and fostering food and drink related tourism. However, the SEPA Checklist and DNS issued by King County do not acknowledge the impacts that even at this “nonproject” stage can be predicted as, for



example, associated with such increased "tourism." The resulting failure to require an EIS deprives the public, contrary to SEPA, of analysis of alternative locations for tourist destinations that are likely to incur less negative environmental impacts than the areas targeted by the Ordinance. This is particularly apt in the case of a proposal to allow retail and commercial business activities and related land development in Rural and Agricultural areas such as the Sammamish Valley.

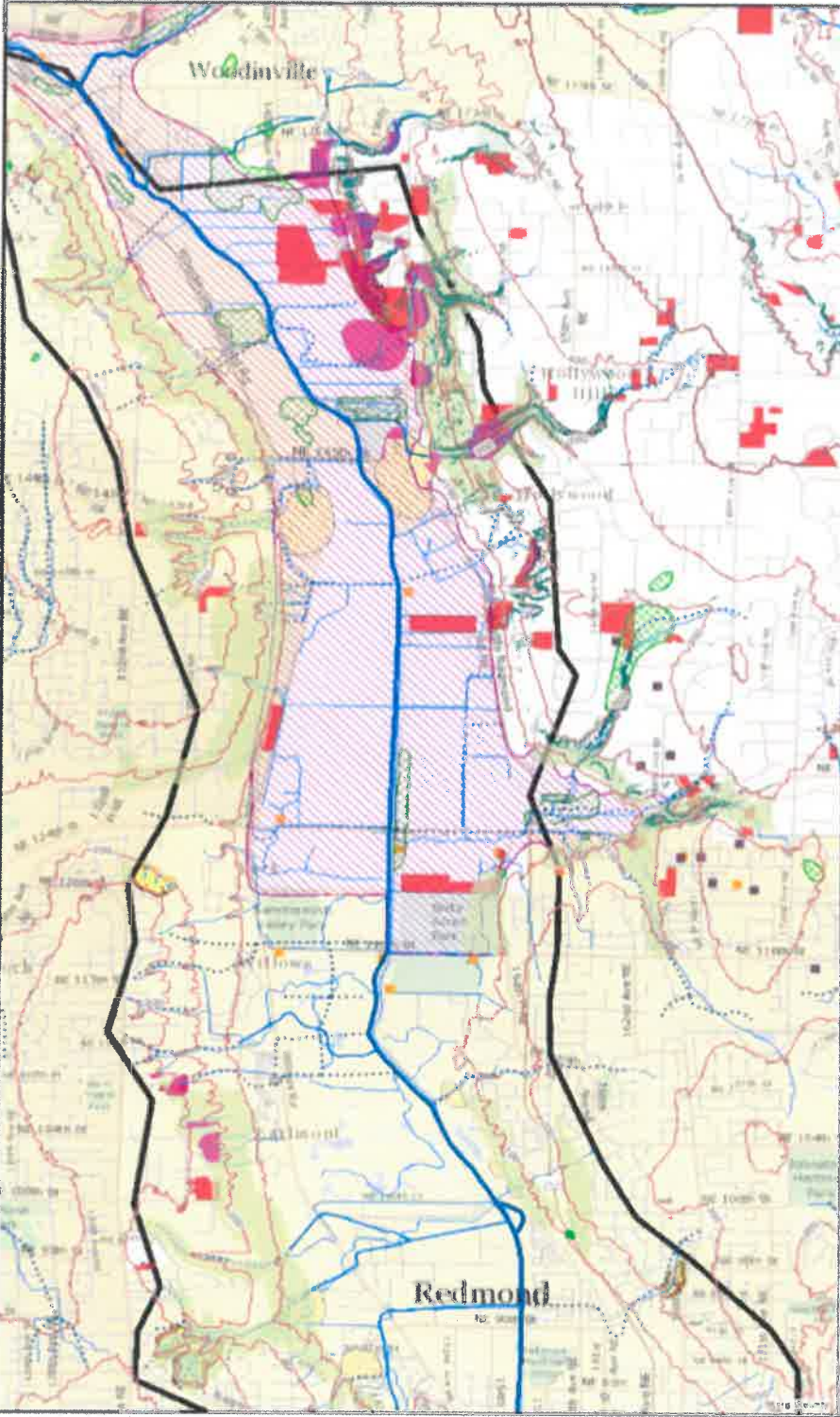
### **Impacts on the Sammamish Valley Ecosystem**

The Ordinance promotes transformation of substantial portions of the Sammamish Valley Ecosystem into a food and adult beverage-oriented tourist destination. The Sammamish Valley Ecosystem is the entire broad Sammamish River Valley trough, steep sloped bluff hillsides, and upland plateaus. This is an area where a major migratory salmon river, Rural Area residential neighborhoods, prime farmlands, and, in the north end, a city regional center for wine-oriented tourism converge in a setting interspersed with environmentally sensitive natural features. The environmentally sensitive features within the eastern steeped slope Rural Area bluffs are protected by the county by a Special Overlay 120 (SO-120) designation and are within the Rural Area Buffer to the Agricultural valley.

Given the complex and sensitive nature of the Sammamish Valley ecosystem, it is particularly important that environmental impacts of this proposed governmental action—adoption of significant changes in the Zoning Code—be fully analyzed and considered in decision making.

A map identifying environmentally sensitive areas in the portion of the Sammamish Valley targeted for creation of a tourist destination area is set forth on the following page.

# King County iMap Sam Valley S

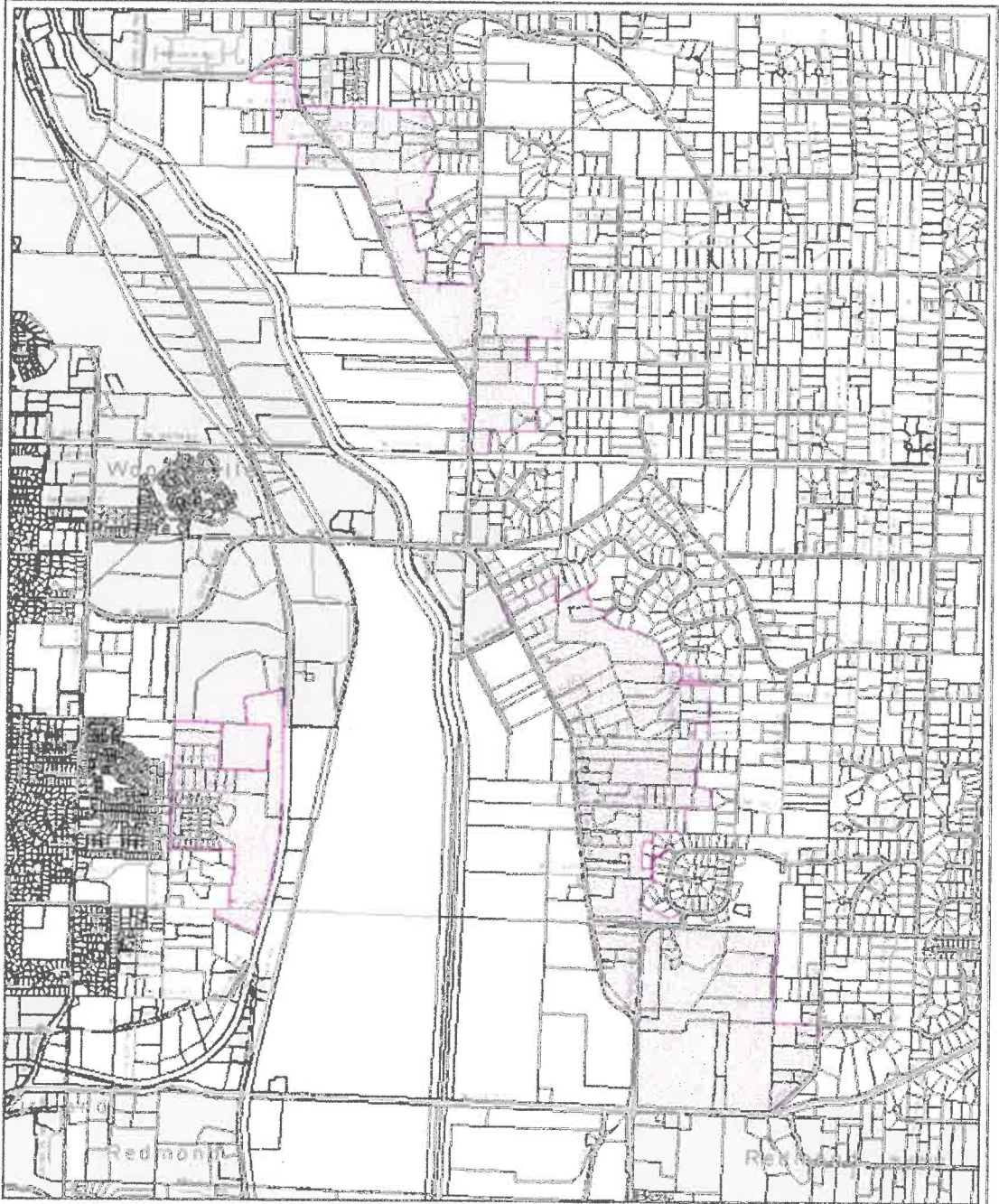


- Legend**
- Index contours - 500 foot
  - contours - 100 foot
  - Potential landslide hazard areas (2016 see explanation →)
  - Potential steep slope hazard areas (2016 see explanation →)
  - Erosion hazard (1990 SAO)
  - Seismic hazard (1990 SAO)
  - Coal mine hazard (1990 SAO)
  - Stream (1990 SAO)
    - class 1
    - class 3 perennial
    - class 2 salmonid
    - class 3
    - unclassified
  - Wetland (1990 SAO)
  - Sensitive area noise on 73a
  - Groundwater quality sampling sites
    - group A wells
    - group B wells
    - group D wells
  - Streams
  - Study Limits
  - Historical Landslides
  - Lowland fans
  - Alpine fans less likely subject to debris flows
  - Alpine fans more likely subject to debris flows
  - Rock fall potential
  - Rock avalanche deposit
  - Watersheds (paths that water can travel downhill)
  - Top of landslide along river (where bottom of slide is likely subject to erosion by a river)
  - Stagnant water
  - Closed depressions (where water may pond)
  - Landslide outline (polygon contains all features of deep-seated landslide)
  - Top of main landslide (all the slopes on top of a slide)
  - Top of internal landslides (all the slopes on top of a smaller slide within a larger slide)
  - Headscarp and flanks (all the slopes on top and side of a slide)
  - Landslide body (where debris from a slide has gone)
  - Potential roadways
  - hazard areas (2016)

The information included on this map has been compiled by King County and others. Some of the data and subjects change without notice. King County is not responsible for errors or omissions or for any consequences arising from the use of the information. This document is not intended to be used as a basis for any legal action. King County does not warrant any liability for any person, firm, or corporation that relies on the information contained in this map. All rights reserved. King County is not responsible for any liability for any person, firm, or corporation that relies on the information contained in this map. All rights reserved.

The proposed Ordinance would allow Wineries, Breweries, Distilleries (WBDs), remote tasting rooms and event centers on steep sloped hillside Rural Area Buffer land, in addition to Winery, Brewery, Distillery, (WBD) development on Agricultural land in the Valley floor. Demonstration Project Areas A and B would be imposed directly on top of the King County Special District Overlay 120 (SO-120). The purpose of SO-120 is to provide a buffer between farmland in the APD and upslope land uses.

The SO-120 Agricultural Buffer Area Special District Overlay is depicted on the map on the following page.



**SO-120: Agricultural Buffer Area  
Special District Overlay**

 Special District Overlay

 Allag County

1,000 100 0 1,000  
feet



The land included in “Demonstration Area A” and “Demonstration Area B” is nearly coextensive with the Agricultural Buffer Area Special District Overlay 120. The following description of the purpose of the buffer appears on the DPR website:

***SO-120: Agricultural Production Buffer SDO***

***An agricultural production buffer special district overlay provides a buffer between agricultural and upslope residential land uses.***

***Development Condition Text***

***21A.38.130 Special district overlay - agricultural production buffer.***

*A. The purpose of the agricultural production buffer special district overlay is to provide a buffer between agricultural and upslope residential land uses. An agricultural production buffer special district overlay shall only be established in areas adjacent to an agricultural production district and zoned RA.*

*B. The following development standard shall apply to residential subdivisions locating in an agricultural production buffer special district overlay: **Lots shall be clustered in accordance with K.C.C. 21A.14.040 and at least seventy-five percent of a site shall remain as open space, unless greater lot area is required by the Seattle-King County department of public health.** (Ord. 15032 § 50, 2004; Ord. 12823 § 8, 1997).*

One way the SO-120 Rural Area Buffer provides environmental protection to the Sammamish Valley Agricultural Production District (APD) is by strictly limiting impervious surfaces in the Buffer area such that 75% of development sites must be open space. All water discharges from the uplands and from the SO-120 Rural Area Buffer area flow to the Sammamish Valley Floor. The Rural Area Buffer is necessary to protect the Valley floor from the erosion and deposition of sediments from the Valley bluffs and from changes in the surface and groundwater hydrology flowing to the Sammamish River.

Currently, precipitation falls on largely undisturbed slopes and slowly recharges the groundwater. This existing condition generally does not create Valley flooding, stream erosion or sediment deposition. Allowing commercial, urban development in the specially designated SO-120 Buffer to the Agricultural Lands will change the hydrology and water quality in the Rural Buffer Area and the Agricultural Land.

The Ordinance allows large parking lots and impervious surface areas in Rural Areas, including on the steep slopes of the SO-120 buffer to the Sammamish Valley APD. Most, if not all, of the current unlawful remote tasting room and event center sites have no stormwater or surface water catchment systems. None are served by a public sewer system. Several current violators have asphalt parking lots, downslope of the steep slopes that are within feet of channelized streams flowing directly into the Sammamish River.

Inadequately served sites such as these contaminate surface waters, overland flow, down gradient soils and multiple water bodies. For example, the creek on the Matthews property, parcel 152605-9092 (an illegally operating drinking establishment), runs down slope on the property, and alongside their parking lot and road frontage. This creek picks up toxics and

debris from the parking lot on the Matthews property as overland flows off the impervious surfaces are heated as water rushes over the compacted and impervious building and parking lot surfaces. The overland flow is deposited into the creek which flows directly into the Sammamish River from the Matthews property by way of the Tonnemaker Farm which grows organic produce. It contributes to heating of the Sammamish River, which is used by five migrating salmonid species. These salmonids need clean, cool water to travel to/from their natal streams.

Site development to support the uses allowed by the Ordinance will significantly reduce effectiveness of the SO-120 Rural Area Buffer. The more impervious surface and more compaction from vehicles traveling and parking on former open spaces that occurs, the more changes the hydrology of the Valley will be impacted. The SEPA Checklist does not acknowledge or address this at all, but the Ordinance will encourage commercial development that will increase impervious surfaces above ground, contributing to fast moving, increased volumes of surface and overland runoff.

Additionally, the SO-120 Rural Area Buffer helps to maintain the water quality in the Sammamish River. The Sammamish River serves as an important migratory corridor for fish that spawn in its tributaries. Salmonid species known or expected to be present in the river at least seasonally include Chinook salmon, Coho salmon, Sockeye salmon, as well as Kokanee, Steelhead, and Cutthroat trout. Chinook salmon and Steelhead Trout are listed as threatened under the Endangered Species Act. These species travel to/from spawning and rearing habitats, using the Sammamish River as a major migratory route.

### **Environmentally Sensitive Areas**

The steep valley bluffs of the Sammamish Valley (Rural Area Buffer) include areas designated as Environmentally Sensitive Areas including areas of steep slope, erosion, landslide, wetland and seismic hazards.

*Under the Growth Management Act (GMA), local jurisdictions must protect environmentally critical areas and designate natural resource lands (e.g., forest, agricultural, and mineral areas) and urban growth areas, which identify where urban growth and development may occur. The 2017 Salmon Recovery Plan calls for managing growth in a way that minimizes negative impacts to salmon. This includes maintaining existing UGA boundaries, unless altering the boundary would be beneficial to salmon.*

Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan 10-year Update, pg.44.

Drainage from the eastern upland plateaus has created more than eleven mapped, perennial small creeks cutting down the Valley slopes. These creeks and other seeps all drain into the Valley and converge with the Sammamish River. Several, including Gold Creek and Tributary 0095, support fish populations. Derby Creek is considered to be an important source of cool water for the Sammamish River system. Cutthroat trout are known to use Derby Creek.

The Ordinance directly harms the fishery resources by increasing warm, impervious surfaces leading to hot, toxic increased runoff and sedimentation during rainfall events. Currently, several illegal remote tasting rooms and event centers have parking lots within five feet of Derby Creek and other direct tributaries to the Sammamish River with no storm water pollution

prevention controls. Even with such controls, which are imperfect, water contamination impacts associated with such uses as the Ordinance would allow threatens the salmon, and other fish, aquatic and avian species frequenting the area.

The 2017 Salmon Recovery Plan Update included an inventory of salmon enhancement projects along the stretch of the Sammamish River directly impacted by increased impervious surface area upon the SO-120 Rural Area Buffer. The inventory list four projects directly related to three of the eleven tributaries from the SO-120 Rural Area Buffer and a fourth in the Sammamish River. The cost to tax payers for two of the projects was over \$2.2 million.

The Derby Creek Enhancement Project has been classified as a high-priority restoration action in the Lake Washington/Cedar/Sammamish watershed for more than a decade. The project is listed in the October 2017 10-year update of the Water Resource Inventory Area (WRIA) 8 Chinook Salmon Conservation Plan, which notes that the project would implement recovery strategies related to thermal stress, riparian vegetation, and passage barriers. The project is also listed in the current Four-Year Work Plan, which identifies the highest-priority, most ready-to-implement projects. The project, which is scheduled to begin work shortly, will remove or reduce impediments to fish migration and would improve fish habitat.

In addition to Sammamish River enhancement projects, there are many more enhancements in the Sammamish River WRIA 8 watershed aimed at salmon recovery. The Bear Creek/Cottage Lake Creek system, a tributary to the Sammamish River is the primary spawning tributary for the naturally produced portion of the Sammamish River Chinook salmon population. Issaquah Creek, Evans Creek and the Issaquah Hatchery all rear salmonids which must travel to/from these natal streams through the Sammamish River.

The Ordinance would legalize existing, and encourage new, commercial development and business activities that run counter to the objectives of public investments in these enhancement projects.

The Ordinance also incentivizes creation of subsurface storage rooms both in the SO-120 Rural Area Buffer and on the Agricultural Land. Groundwater is typically recharged through the slow percolation of precipitation into the soil. Thus, in the undisturbed steep Valley slopes, the precipitation soaks into the soils and slowly makes its way down gradient or to the natural streams originating on the slopes. Instead, with increased impervious surfaces, the runoff washes down into the Valley, and waterlogs the soils during the rainy season. However, by late summer this also creates a water deficit because groundwater has not been recharged by percolation. Thus, the farmlands are negatively impacted with waterlogged soils in the spring during crucial planting time, and also in late summer due to the need for irrigation. The removal of soils for the underground storage space further complicates this situation because subsurface water is blocked and forced to travel around the structures, thereby creating wetter and drier pockets down gradient.

Remote tasting room and event center structures, paved land areas, and unpaved but compacted land such as parking areas, will harm the farmland below. Rainfall from the upland slopes races off roofs and parking lots, heating the water and washing toxics and debris directly down gradient and onto the farmland and into the Sammamish River. This water rushes down into the Valley, turning the soil into unworkable muck. The result is waterlogged soils and increased soil toxicity. In addition, both the speed and intensity of the overland surface water decreases once it reaches the Valley floor leading to ponding water on soils from overland

flows. In the streams, the erosive nature upstream of the faster moving water erodes stream banks and, reaching the Valley floor, increases sedimentation in the Sammamish River.

### **Lack of Wastewater Treatment Facilities**

The Rural Area Buffer land is not served by a sanitary sewer system. Sewer systems cannot legally be extended into Rural Areas. The increase in effluent from new construction within the SO 120 Rural Area Buffer, even assuming all regulations can be, and in fact are complied with, and the continued overuse of the old septic systems in former old single-family homes that have been, or could be, converted to remote tasting rooms and event centers, is of particular concern. Several of the current violating "tasting room/bars" must pump their inadequate household septic system tanks weekly. These systems can leach and/or overflow excess effluent into the groundwater, swamping the Valley farm soils. The Ordinance sets up a situation that is likely to be impossible to rectify. It aims to legalize businesses operated by violators on undersized lots and/or served by old residential septic systems, with the assumption that current Health Department standards for on-site sewage disposal can and will be complied with. In fact, given the volumes of effluent generated by special events and bars, compliance in terms of functioning on-site drain field systems may not be possible for many of the existing and potential sites.

Casa Feliciano remote tasting room (parcel 3407700006) is an example of an illegal drinking establishment operating in an old converted home. It is located in a home built in the 1920s. King County Public Health department does not have records of any upgrades to the septic system during the period the Health Department has been keeping records (at least 40 years). Other illegal remote tasting rooms in homes built in the 1920s include Cougar Crest, Forgeron and Cave B.

Septic systems on these old lots were designed, sized and constructed for domestic use. Commercial uses located on lots with deficient septic systems tend to pump excess effluent into the drain fields, which become waterlogged and further increase subsurface water flow down gradient to the creeks and farmlands. Failed septic systems leach excess or inadequately treated wastewater into the groundwater, causing contamination of the Valley groundwater, which can spread into the Sammamish River. This condition is very harmful during the winter when the already waterlogged soils and soil microbes do not have capacity for excess effluent. In the summer, septic system effluents may replace some of the previously clean groundwater.

Commercial uses often generate wastewater volumes that exceed the capacity of old, domestic on-site septic drain fields. For example, King County Public Health records indicate Matthews was required to cease using its drain field in 2016. At that time, the drain field served the Matthews drinking establishment, a converted RV storage garage that is located across the street from Tonnemaker's organic farm. Matthews is now required to collect sewage waste in a 1,500 gallon holding tank that must be pumped and trucked to a disposal facility, reportedly as frequently as every three days. No on-site drain field or other treatment is provided. Failure to empty the holding tank will result in raw sewage overflow. This facility, which refers to itself as a "winery," is in fact not allowed to engage in any wine production per conditions of their septic plan approval. Similar situations are likely to occur if other WBDs or event centers are built in the SO-120 Rural Area Buffer.

Thus, the septic issues will remain with the legalization of WBDs, tasting rooms and event centers, especially if the violating properties are allowed to remain on their inadequate systems.



The septic issues alone are cause to remove the Demonstration Project Overlays A and B for remote tasting rooms and event centers from the SO-120 Agricultural Buffer area.

### **Countywide Impacts to Farmland and Rural Areas.**

Many of the provisions of the Ordinance will apply Countywide. For example, the definitions of “winery”, “brewery” and “distillery” are so vague they allow virtually any business that has tenuous connections with actual production to claim to fit these definitions, and thus be allowed to primarily engage in retail service and sales of alcoholic beverages and in many cases to operate a special event center. An EIS is needed to quantify the impacts to the prime farmland of the Agricultural Production Districts (APDs), not only in the Sammamish River Valley, but also the North and South Snoqualmie River Valley APDs, Upper and Lower Green River Valley APDs and the Enumclaw Plateau, in addition to the Rural Area that serves as buffers to these APDs. More than 4,500 acres in the Snoqualmie watershed have been protected through the Farmland Preservation Program. The Ordinance affects all of Rural Area and Agricultural zoned lands in King County including the potential to impact the environmentally sensitive areas, threatened and endangered species that are associated with the prime farmlands in the APDs.

### **Rivers and Watersheds County-Wide**

Under the Growth Management Act (GMA), local jurisdictions must protect critical areas and designate natural resource lands (e.g., forest, agricultural, and mineral areas) and urban growth areas, which identify where urban growth and development may occur. The KCCP calls for managing growth in a way that minimizes negative impacts to salmon. This includes maintaining existing UGA boundaries. An EIS is needed to address the adverse impacts of the Ordinance to the rivers and watersheds within the Rural Areas and the King County Agricultural Production Districts (APDs). Four of the-APDs provide fish and wildlife habitats, including threatened species habitat for Chinook Salmon and Steelhead Trout. These include the Sammamish Valley APD, the North and South Snoqualmie APDs, and the Upper and Lower Green River APDs

Commercial business development that will be made legal by the Ordinance will impact the Snoqualmie River, which meanders 43 miles from near the town of Snoqualmie to its confluence with the Skykomish River, through both the North and South Snoqualmie APDs.

The Snoqualmie River supports wild runs of Coho, Chinook, Pink, Chum and Steelhead. In the 1980's, the Snohomish watershed (which includes the Snoqualmie and Skykomish watersheds) supported one third of the wild Coho salmon entering Puget Sound on an annual basis. The overwhelming majority of chinook that return to spawn in the Snoqualmie basin belong to the Snohomish Fall chinook stock.

The Sammamish and Cedar Rivers are within WRIA 8 and are Tier 1 areas “based on watershed condition and fish use. Tier 1 areas are the highest priority habitats for protection/restoration, and include primary spawning areas, as well as migratory and rearing corridors. The Cedar and Sammamish rivers, Bear and Issaquah creeks, and shores of lakes Lake Sammamish, are classified as Tier 1. The Cedar River is considered the highest priority Tier 1 area because it includes spawning and rearing areas for the Cedar River salmonid population, which supports the largest number of natural-origin Chinook salmon in the watershed. With its tributaries, it is also the sole spawning area for the Cedar population.” Much of the Cedar River

watershed is within the Rural Area zoning impacted by the Ordinance. (Lake Washington /Cedar/ Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan 10-year Update pg. 24)

**Conclusion.**

As explained above, the hydrology of the SO-120 Rural Area Buffer is not conducive to its designation in the proposed Ordinance as Demonstration Areas A and B for intense commercial development. While the effect of the Ordinance is particularly evident with respect to the Sammamish Valley, it will create significant adverse environmental impacts County-wide. An EIS is needed to determine the impacts created by the Ordinance to all Rural Areas and Agricultural Lands throughout King County.

## **Exhibit G**

**Memorandum of Roberta Lewandowski re King County  
SEPA Compliance – Adult Beverage Ordinance,  
dated May 16, 2019**

To: Serena Glover, Executive Director, Friends of Sammamish Valley  
From: Roberta Lewandowski  
Date: May 16, 2019  
Subject: King County SEPA Compliance – Adult Beverage Ordinance

Based on my professional experience as former Planning Director and SEPA Responsible Official for the City of Redmond, you have asked me to address the question of whether the issuance of a Determination of Nonsignificance (DNS) by King County in connection with the proposed adoption of the Adult Beverage Ordinance (the Ordinance) is a proper implementation of SEPA. I will first describe my relevant Redmond professional experience and then I will explain why I have concluded that the King County DNS is not appropriate.

#### **Related Professional Experience.**

I served as Planning Director for the City of Redmond for 16 years. I was responsible for comprehensive land use planning, including compliance with the Growth Management Act (GMA) and the Countywide Planning Policies (CPP). Along with the Director of Public Works, I served as Redmond's SEPA Responsible Official. In that capacity, I was responsible for ensuring the City complied with the State Environmental Policy Act (SEPA). I participated in making hundreds of SEPA threshold determinations.

My responsibilities as Planning Director for Redmond included coordination with King County and the surrounding cities on regional planning issues and land use and environmental issues involving the Sammamish Valley APD, including the Sammamish River and tributary rivers and streams flowing from the surrounding Rural Areas.

#### **The DNS Is Not a Proper Implementation of SEPA.**

In this case, King County has misunderstood the manner in which SEPA applies to a proposal to amend the King County's Zoning Code. Under SEPA, proposals for legislation such as an ordinance amending zoning regulations may be defined as a governmental "nonproject actions". While in many cases the information available about impacts of nonproject actions is less specific than in the case of project specific proposals such as a real estate development project on a specific site ("project action"), nevertheless SEPA requires that the impacts of activities authorized by the legislation be evaluated prior to adopting the legislation. In this context, this means that the impacts of the identified types of businesses, and the development of land with structures and site improvements to support these types of business activities, must be analyzed prior to adopting the legislation.

The logic of the SEPA requirement to evaluate impacts of nonproject actions is apparent. The objective is to provide information on impacts to legislators and the public to enable decisions to be made in the process of formulating legislation that take environmental impact into account. SEPA requires that the cumulative impacts of multiple individual activities, such as multiple development projects and/or the conduct of multiple individual businesses authorized

by a zoning code amendment, be evaluated prior to adopting legislation that would authorize the activities. If no meaningful environmental analysis is conducted “up front”, the ability to evaluate and avoid or mitigate cumulative impacts before it is too late is lost.

The determination of whether adoption of the legislation is likely to result in significant environmental impacts is termed a SEPA “threshold determination”. The primary means of making a threshold determination is to analyze information provided in response to a series of questions set out in a form known as the “SEPA Checklist”. I have reviewed the SEPA Checklist used by the County in making its threshold determination on the Ordinance. It is evident from reviewing the Checklist that the King County representatives charged with implementing SEPA provided virtually no information requested by the SEPA Checklist. The response to virtually all questions on the main portion of the Checklist was “not applicable for this nonproject action”. This is not compliant with SEPA.

The SEPA Checklist includes a “supplemental sheet” for nonproject actions. The supplemental sheet must be completed in addition to, not in lieu of, the main portion of the Checklist. While the County provided more verbiage in its responses to the questions in this part of the form, many of the responses are incomplete, misleading or incorrect. For example, Question 5 reads:

*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 response states:

*The proposal does not expand winery, brewery, and distillery uses to new zoning districts within unincorporated King County and seeks to balance Comprehensive Plan policies for preserving rural character while providing limited scale economic activities.*

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

*None proposed.*

The response fails to disclose that the Ordinance will expand retail drinking place uses termed “remote tasting rooms” into Rural Area zones where this use is currently unlawful or the impacts of expanding special event centers in the Rural Area. The Checklist responses do not disclose that these uses often depend upon and create pressure for require urban services, typically considered urban, such as improved/higher capacity streets and pedestrian facilities, sewers, storm drainage, parking areas, lighting, and increased police, fire and emergency medical services. These urban services and infrastructure are not typically present in the Rural Area and under the GMA are not supposed to be. The Checklist does not disclose that the Countywide Planning Policies, King County Comprehensive Plan precluding urban services and infrastructure in the Rural Area and does not acknowledge the potential impacts of inserting land uses that increase demands on such services and infrastructure outside of the Urban Growth Boundary into the Rural Area.

Supplemental Question 6 states:

*How would the proposal be likely to increase demands on transportation of public services and utilities?*

The response states:

*The proposal is not expected to increase demands on transportation or public services and utilities.*

Yet, the Ordinance targets the Rural Area and Agricultural Production District for development as a destination for tourist retail activities:

*Section 29. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:*

*A. The purpose of remote tasting room demonstration project A is to:*  
*1. Support agriculture and synergistic development of mixed use adult beverage facilities in order to boost agritourism and the areas' reputations as food and adult beverage destinations;*

*. . . .*

*Section 31. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:*

*A. The purpose of the special events demonstration project B is to:*  
*1. Support agriculture and synergistic development of adult beverage facilities in order to boost agritourism and the Sammamish valley's reputation as a food and adult beverage destination.*

As discussed in the memo provided by Barbara Lau that accompanies these comments, the Sammamish Valley is a particularly poor choice for a place to promote development allowed by the Ordinance. The proposed Ordinance would have the effect of extending the Woodinville Tourist District into the Rural Area, adjacent to the APD, by allowing tourist destination drinking places and special event businesses to expand into the two overlay districts extending along highways from the Tourist District. The system of rural roads in the Sammamish Valley is currently congested. Tourist oriented eating and drinking places and event centers draw significant volumes of auto traffic and require large parking areas. These impacts should have been identified, disclosed, quantified and considered.

There is a history of stormwater runoff from Rural Area hillsides making portions of the APD too wet for farming. The overlay districts are placed on hillside slopes that have been given a special zoning overlay designation to buffer the APD including special restrictions to limit stormwater impacts. Yet the impacts of more retail and commercial development in the form of remote tasting rooms and special event centers include increased stormwater runoff from parking areas, drives and new buildings. Increased impervious surfaces reduce groundwater recharge, increase surface water pollution and raise water temperature in streams that are detrimental to fish. The responses in the SEPA Checklist should clearly disclose that the tourist oriented, strip

commercial development fostered by the Ordinance will conflict with the Countywide Planning Policies, the KCCP, and the GMA which all mandate protection for the APD, Rural Area and environmentally critical areas found in the Sammamish Valley.

To fulfill the purposes and requirements of SEPA, King County must prepare an Environmental Impact Statement (EIS). One of the fundamental functions of an EIS is to evaluate alternatives that may have lesser environmental impacts. SEPA recognizes that the same action taken at one location may have much greater environmental impact than if undertaken at another location. The objective of fostering a tourist destination based on adult beverage sales and related events should be evaluated in terms of whether and where this objective can be achieved with lesser environmental impacts and interference with the GMA than in the Sammamish Valley, such as within a city or its Urban Growth Boundary.

Perhaps the clearest way to understand why issuance of the DNS is fundamentally noncompliant with SEPA is to examine the language of the Ordinance. At Section 29, the purposes of the remote tasting room demonstration project A are stated to include:

2. *Enable the county to determine if expanded adult beverage-based uses can be permitted while maintaining the core functions of the Rural Area and Agricultural zones;*
3. *Determine the impacts and benefits of the adult beverage industry on Rural Area and Agricultural zoned areas, including the impacts and benefits of the industry on Agricultural Production Districts and including those properties where the demonstration project sites are located and the surrounding areas;*

The GMA mandates protection for the character of the APD and Rural Area. The Countywide Planning Policies and the King County Comprehensive Plan impose the same requirement. The proposed Ordinance would flatly conflict with this requirement by not assuring protections of the APD and Rural character. Instead, the County is attempting to see how far it can go in introducing urban uses into the Rural Area before the breaking point is reached—the point at which “the core functions of the Rural Area and Agricultural Zones” can no longer be maintained. The Ordinance will set in place an experiment to determine what impacts will result from allowing these uses in the Rural Area and whether they will disrupt the fundamental protections in place for the Rural Area and APD. The Ordinance turns SEPA upside down. Instead of complying with the requirements of SEPA that identification and analysis of environmental impacts take place early in the process of adopting proposed zoning regulations, the Ordinance calls for a wait and see approach.

The Ordinance will put in place an experiment to determine what impacts will result from allowing these uses in the Rural Area and whether they will disrupt the fundamental protections in place for the Rural Area and APD. Only following development and establishment of businesses in the APD and Rural Area as allowed by the Ordinance will the County “[d]etermine the impacts and benefits of the adult beverage industry on the Rural Area and Agricultural Production Districts . . . .” This after-the-fact approach, looking backward to discover environmental impacts, does not comply with either the spirit or the requirements of SEPA. Nor is it possible to reverse the impacts of development once it is already in place, thus making compliance with SEPA all the more important.

The Ordinance specifically targets the Sammamish Valley extending north from the City of Redmond to Woodinville for development of the Tourist destination. The Ordinance would assign two “Special Demonstration Project Overlay” designations to the Rural Area hillsides on the east side of the Valley. The overlay areas are shown on attached Overlay A Map and Overlay B Map. Many aspects of the Ordinance would also affect the Agricultural land adjacent to the Rural Area. Pursuant to the GMA and Countywide Planning Policies, King County has designated these farmlands as agricultural lands of long-term significance and they have been designated as the Sammamish Valley Agricultural Production District as shown on the attached APD Map.

I am very familiar with this unique area. It would be difficult to find an area where the impacts of fostering a tourist destination for adult beverage drinking and special event centers would be more profound. The Washington State Supreme Court recognized the unique and threatened nature of the Sammamish Valley in its landmark decision establishing that preservation of Agricultural land is a paramount and mandatory requirement of the GMA, not a competing objective to be balanced with other GMA objectives. In *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543; 14 P.3d 133 (2000), the Washington State Supreme Court ruled that the GMA mandate that agricultural land be protected is paramount to competing interests such as the need for recreational land. The Supreme Court upheld the Growth Management Hearings Board order that invalidated the King County Comprehensive Plan and zoning amendments that would have allowed use of agricultural land for sports fields stating:

*The soils of the Sammamish Valley APD have the unique characteristics of prime farmland. The APD includes some of the most productive agricultural land in the state, but it is also among the areas most impacted by rapid population growth and development. Even though the properties in this case lie in the APD, there is pressure to convert the land to nonagricultural uses. . . .*

*When read together, RCW 36.70A.020(8), .060(1), and .170 evidence a legislative mandate for the conservation of agricultural land. Further, RCW 36.70A.177 must be interpreted to harmonize with that mandate. Nothing in the Act permits recreational facilities to supplant agricultural uses on designated lands with prime soils for agriculture.*

*The County's amendments, which allow active recreational uses on designated agricultural lands, do not comply with the GMA . . . . Although the GMA encourages recreational uses of land, there is no conservation mandate for recreational use as with agricultural use. In this case, the GMA mandates conservation of the APD's limited, irreplaceable agricultural resource lands. There are still thousands of acres suitable for athletic fields--outside the APDs.*

The King County Comprehensive Plan (KCCP) designates the land extending east from the Sammamish Valley APD as “Rural Area” to buffer the APD, limit sprawl, protect the rural character of the area and protect sensitive resources, such as groundwater recharge areas and watersheds. The Ordinance would legalize and encourage “remote tasting rooms” in the area designated Overlay A and “event centers” in the area designated Overlay B. These uses require



urban services and draw customers from a wide region. Approximately seven business currently operate in violation of zoning in this area, most have converted former residential structures to business use. These businesses devote substantial portions of their sites to parking. They have insufficient septic capacity to handle large crowds and no storm water management. They clearly generate significant traffic. If adopted, the Ordinance will make these retail uses legal in the Rural Area and will allow others to be established. The SEPA Checklist discloses no data and devotes no analysis to these uses.

The GMA mandates that counties designate Rural Areas in their comprehensive plans to serve as buffers to resource lands. The GMA mandates that county comprehensive land use plans preserve the character of Rural Areas and that development regulations (including zoning) implement and be consistent with the comprehensive plan. The Ordinance will legalize and allow for more remote tasting rooms and special event centers in the Rural Area. In terms of land use impacts, remote tasting rooms are bars or taverns. Bars and taverns are classified as the land use "eating and drinking places" by the King County Zoning Code. This use is classified as a retail use per King County's zoning code permitted land use charts. Eating and drinking places are allowed in commercial zones. They are not allowed in Rural Area and Agricultural zones.

On sites in the area designated "Overlay B" portion of the Rural Area buffer, the Ordinance would legalize and encourage businesses referred to as "special event centers". Special event centers will be permitted in connection with a business activity defined very loosely by the Ordinance as a "winery", "brewery" or "distillery" (W/B/D). The business conducted by special event centers is hosting social and business gatherings for groups of up to 250 people such as weddings, \_\_\_\_\_. Event centers typically serve food and alcoholic beverages.

As noted, approximately seven businesses currently operate tasting room and/or event centers in violation of zoning in this area. If adopted, the Ordinance will make these retail and special event uses legal in the Rural Area.

### **Conclusion.**

For the reasons stated above, and based on my knowledge as described above and my experience as a SEPA Responsible Official and as a Planning Director working with GMA, a Determination of Significance (DS) SEPA threshold determination should have been issued for for the proposed Ordinance. The failure to do so and the County's issuance of its cursory DNS shortchanges the public and substantially interferes with implementing the goals and policies of the GMA. If the Ordinance is not itself withdrawn, further consideration should only occur after preparation of an Environmental Impact Statement, including an analysis of potential alternative locations for the Overlay A and Overlay B areas.

## **Exhibit H**

**Letter from Peter J. Eglick of Eglick & Whited PLLC,  
Attorney for Friends of Sammamish Valley re Friends of  
Sammamish Valley Comments Concerning Proposed  
Ordinance 2018-0241.2 – Regulations for Wineries,  
Breweries and Distilleries, dated May 17, 2019**



**Peter J. Eglick**  
eglick@ewlaw.net

May 17, 2019

*Via Email (ty.peterson@kingcounty.gov) and U.S. Mail*

Ty Peterson  
Product Line Manager – Commercial  
King County Department of Local Services Permitting Division  
35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98065-9266

RE: Friends of Sammamish Valley Comments Concerning  
Proposed Ordinance 2018-0241.2 - Regulations for Wineries,  
Breweries and Distilleries

Dear Mr. Peterson:

This office represents Friends of Sammamish Valley (FOSV) and submits these comments on the SEPA DNS issued by the County for “Proposed Ordinance 2018-0241.2 - Regulations for Wineries, Breweries and Distilleries.”

FOSV has submitted under separate cover comments from its Executive Director which include an explanation of FOSV’s interest and standing to comment. FOSV has also already submitted comments from qualified experts in the field, including a former local government Planning Director /SEPA Responsible Official. This letter supplements those submissions and repeats FOSV’s request that the County withdraw the DNS and instead issue a Determination of Significance, conduct rigorous scoping, and then go about the necessary work of preparing an Environmental Impact Statement (EIS). Continuing on the current shortcut approach may seem “efficient” now. However, cutting SEPA corners in circumstances such as these will in the end prove counter-productive and drastically inconsistent with the County’s obligations under the Growth Management Act (GMA). An explanation follows.

The County’s DNS may in part be a result of the Frankenstein nature of the Ordinance, a ninety-five page conglomeration of Code changes and proposed actions. Due to its organization and sprawling content, the Ordinance is an inherent obstacle to informed public participation and Councilmember review. It may have been easier for County staff to demur on properly completing the SEPA Checklist rather than to forthrightly disclose the impacts potentially associated with the Ordinance.

The DNS assumes that no EIS is necessary because the Ordinance is entirely “nonproject” in nature. However, the Ordinance explicitly establishes at least two “projects” (not “nonprojects”) in explicitly designated areas. With the site areas and nature of the uses known, SEPA review of impacts is required now, before Ordinance adoption, of these projects’ likely significant adverse impacts.

As the Court of Appeals held in Magnolia Neighborhood Planning Council v. City of Seattle, 155 Wash. App. 305, 230 P.3d 190 (2010) in explaining how SEPA applies to nonproject actions:

[T]he proposed land use related action approved in the FLRP [Fort Lawton Master Plan] does not evade SEPA review simply because the approval of the FLRP does not result in immediate land use changes. Indeed, as Magnolia argues, this is precisely the type of government decision that would have the “snowballing effect” described in Black Diamond [King County v. Boundary Review Board, 122 Wn.2d 648, 860 P.2d 1024 (1993)] if pushed through the LRA application process without SEPA review. Additionally, as Magnolia points out, the FLRP is actually more precise and definite than the plan at issue in Black Diamond. In Black Diamond, there was no pending development proposal other than a preferred use as “ ‘[s]ingle family residential’ ” or “ ‘Residential/Golf Course Community.’ ” But here, the proposal in the FLRP was very detailed and included the number of residential units approved, the layout of the uses, and information indicating potential environmental impacts. Additionally, the City’s approval of the FLRP has a greater binding effect than the annexation decision in Black Diamond; as the parties acknowledged at oral argument, once adopted by the federal government as a condition of transfer of the ARC property, it will bind the City as to its use of that property.

See Spokane Cty. v. E. Wash. Growth Mgmt. Hearings Bd., 160 Wash. App. 274, 250 P.3d 1050 (2011).

The Washington Supreme Court’s Black Diamond decision, cited in Magnolia, rejected a Determination of Nonsignificance for an annexation, far more aptly characterized as “non project” than any component of the Ordinance at issue here. Further, with regard to certain components of the Ordinance here, such as the two “projects” the Ordinance calls out, the uses and the sites/impact areas are known. Labelling a use or project as “demonstration” or “temporary” does not insulate them from SEPA review, particularly when the demonstration will last for years with no assured termination thereafter.

The Washington Supreme Court’s decision in King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd., 142 Wash. 2d 543, 14 P.3d 133 (2000) also applies. Its affirmation of a GMA mandate for protection of agricultural lands cannot be satisfied by assuming that demonstration “projects” or even “nonproject” actions affecting rural areas are not associated with adverse

EGLICK & WHITED PLLC  
May 17, 2019

Page 3

impacts on agricultural lands and uses. Per the Supreme Court, the pretense that a use is “temporary” or potentially terminable after a period of years makes no difference.

Neither the GMA itself nor the Supreme Court’s decision in King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd. allow for the adoption without examination of potential impacts and close review under the GMA of a development regulation that would effectively authorize de-designation or subtraction of agricultural lands as supposedly “unsuitable.” A DNS on the balkanization of agricultural lands, without any Checklist disclosure of the location, soils, and quantity of such lands is an impermissibly blindered rollback of the GMA mandates and protections.

FOSV has explained identified in other comments the flaws in the Ordinances fundamental definitions and mechanisms. These will not be repeated here. But each carries with it associated impacts which the County Checklist and DNS ignore. Therefore, in summary, the DNS should be withdrawn and a DS requiring preparation of an EIS for use by the County Council and the public should be prepared.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'PJ Eglick', written in a cursive style.

Peter J. Eglick  
Attorney for Friends of Sammamish Valley

cc: client

**Exhibit I**

**King County Ordinance 19030 (Proposed No. 2018-0241.4)**



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19030

**Proposed No.** 2018-0241.4

**Sponsors** Lambert

1 AN ORDINANCE relating to planning and permitting;  
2 amending Ordinance 1888, Article III, Section 5, as  
3 amended, and K.C.C. 6.01.150, Ordinance 10870, Section  
4 334, as amended, and K.C.C. 21A.08.070, Ordinance  
5 10870, Section 335, as amended, and K.C.C. 21A.08.080,  
6 Ordinance 10870, Section 336, as amended, and K.C.C.  
7 21A.08.090, Ordinance 10870, Section 407, as amended,  
8 and K.C.C. 21A.18.030, Ordinance 10870, Section 536, as  
9 amended, and K.C.C. 21A.30.080, Ordinance 15606,  
10 Section 20, as amended, and K.C.C. 21A.30.085,  
11 Ordinance 10870, Section 537, as amended, and K.C.C.  
12 21A.30.090, Ordinance 10870, Section 547, as amended,  
13 and K.C.C. 21A.32.100, Ordinance 10870, Section 548, as  
14 amended, and K.C.C. 21A.32.110, Ordinance 10870,  
15 Section 549, as amended, and K.C.C. 21A.32.120,  
16 Ordinance 17485, Section 43, and K.C.C. 21A.38.260 and  
17 Ordinance 13623, Section 37, as amended, and K.C.C.  
18 23.32.010, adding new sections to K.C.C. chapter 21A.06,  
19 adding a new section to K.C.C. chapter 21A.55, adding a

20 new chapter to K.C.C. Title 6, repealing Ordinance 15974,  
21 Section 5, and K.C.C. 21A.06.1427 and prescribing  
22 penalties.

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 SECTION 1. Findings:

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

28 B. The existing regulations for wineries and breweries were last substantively  
29 amended by Ordinance 14781 in 2003. Distilleries were added as a permitted use, with  
30 the same development conditions as wineries and breweries, with Ordinance 17539 in  
31 2013. No other substantive regulatory changes for wineries, breweries and distilleries  
32 (collectively "the adult beverage industry") have occurred since 2003. Since that time  
33 King County has encountered unprecedented economic and population growth, resulting  
34 in major changes to the adult beverage industry and causing concerns about land  
35 speculation in some areas of the county, while leaving others in need of economic  
36 stimulation.

37 C. Population growth, combined with the growing popularity of small producers  
38 and local sourcing within the adult beverage industry has created a need for: clarification  
39 regarding core industry functions versus other types of more intensive on-site special  
40 events that may help a developing business thrive and consideration of the planning  
41 requirements of the Growth Management Act, including economic growth, rural  
42 character and protection for water resources and Agricultural and Industrial zoned areas.



43 Changes in state regulations have also occurred, driving a need to bring adult beverage  
44 industry development regulations up to date with state licensing allowances. In particular,  
45 a state winery allowance for off-site tasting created confusion for business owners  
46 regarding the interplay between state licensing requirements and county land use  
47 regulations.

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

54 E. The changes made by this ordinance will help King County to prepare for and  
55 support the future of the adult beverage industry as it evolves in the region, to better  
56 implement and comply with the policies of the King County Comprehensive Plan  
57 ("Comprehensive Plan" or "Plan"), Countywide Planning Policies and the Growth  
58 Management Act, and to minimize the ambiguities in existing development regulations  
59 that were identified in the study period. The changes are intended to improve clarity,  
60 administrative efficiencies and enforceability while avoiding confusion for the industry  
61 users that may have been caused by lack of consistency with state regulatory systems.  
62 The ordinance adds additional protection for the Agricultural zone and provides guidance  
63 on enhancing economic activity in the Rural Area zones while also honoring and  
64 protecting rural character.

65 F. King County continues to support and foster agriculture, especially within the

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

77 G. Consistent with Comprehensive Plan policies R-610, R-615, R-663 and R-  
78 677b, the adult beverage industry uses allowed by the ordinance support development of  
79 new markets for local agricultural products and help ensure that agricultural production  
80 districts continue to be economically viable and farmed into the future. By promoting  
81 complimentary relationships with the adult beverage industry, these regulations will help  
82 to improve access to locally grown agricultural products throughout King County.

83 H. Economic development polices in the Comprehensive Plan, including ED-  
84 102, ED-103 and ED-106 recognize that the Rural Area and Natural Resource Lands  
85 have a role in economic activity in the county. The ordinance aims to implement these  
86 Comprehensive Plan policies and is focused on protecting the economic value of the  
87 natural environment through traditional land use controls such as minimum lot size  
88 limitations and structural and other impervious surface limitations in Rural Area and

89 Agricultural zones. The ordinance creates space for new kinds of small, limited-scope  
90 businesses, such as tasting rooms, and small wineries, breweries and distilleries that are  
91 visually compatible with rural character and provide cultural opportunities to enhance the  
92 region's quality of life and economic vitality.

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

112 aesthetic which helps both industries grow.

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

128           K. Comprehensive Plan Policy ED-212 states "King County shall encourage and  
129 support community based and community led efforts to support and retain existing small  
130 businesses." Although rapid industry growth has resulted in some adult beverage  
131 businesses becoming incompatible with rural character, this ordinance honors the  
132 sometimes competing Comprehensive Plan policies to support and retain existing small  
133 businesses with equally important policy to protect rural character by setting clear scope  
134 and size limits to protect the Agricultural zone and Rural Area zone. In the specific case

135 of the previously untested remote tasting room use, which was recently created within  
136 state licensing provisions, the ordinance allows some small businesses to continue within  
137 limited rural area demonstration projects but also makes space available for remote  
138 tasting rooms in Community Business and Regional Business zones for those businesses  
139 that wish to expand their scope.

140 L. The Growth Management Act requires that rural development be contained  
141 and controlled to ensure the protection of rural character, assure the visual compatibility  
142 of rural development with the surrounding Rural Area and Natural Resource Lands,  
143 protect environmentally critical areas and habitat, and protect against conflicts with  
144 natural resource uses, such as farming, forestry and mining. Proximity to existing  
145 agricultural uses and rural area recreational destinations provide the raw materials and  
146 customer base to allow traditional small-scale adult beverage industry uses to thrive. The  
147 adult beverage industry relies on all of these elements to succeed. For example, the  
148 definition of agriculture in the Growth Management Act includes viticulture, an essential  
149 component of a winery use. Viticulture, and agricultural practices related to brewery and  
150 distillery uses and their associated processing and sales activities, are all examples of  
151 activities the Comprehensive Plan requires the county to protect.

152 M. The Comprehensive Plan describes rural character and notes that King  
153 County "recognizes that each of its rural communities has distinct and unique  
154 characteristics." For instance, "residents of Vashon-Maury Island, accessible only by  
155 ferry, sea or air, enjoy an island's leisurely and scenic lifestyle", while "[i]n the  
156 Snoqualmie Valley, farming is still the mainstay". The Sammamish valley, which was a  
157 study area during development of this ordinance, has its own distinctively rural character,

158 despite its close proximity to urban incorporated areas and to the city of Woodinville's  
159 popular, concentrated winery district. Some of the regulations adopted as part of this  
160 ordinance, such as the various allowances for on-site tasting and retail sales associated  
161 with winery, brewery, distillery production facilities, vary across the different rural  
162 communities in unincorporated King County. Individual rural communities take different  
163 positions and have different priorities, and this is reflected in some of the regulations;  
164 however, generally a countywide lens was used for analyzing potential regulatory  
165 impacts on the wider rural area and natural resource lands.

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

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

178 P. The county is required to balance protecting rural character and agricultural  
179 resources in diverse communities, with creating space for rural industries to thrive within  
180 those communities. Existing and proposed regulations of the adult beverage industry are

181 designed for a size and scale appropriate for the rural communities they are located in,  
182 and add protections for the Agriculture zone and agricultural production district as well  
183 as measures that enhance enforceability of the regulations. This ordinance aims to  
184 implement Comprehensive Plan Policy R-204, which encourages "the retention of  
185 existing and establishment of new rural resource-based uses, with appropriate site  
186 management and that protects habitat resources" and Comprehensive Plan Policy R-205  
187 which states that uses "relating to agriculture, forestry, mineral extraction, and fisheries,  
188 such as the raising of livestock, growing of crops, creating value-added products, and sale  
189 of agricultural products; small-scale cottage industries; and recreational and small-scale  
190 tourism uses that rely on a rural location" are appropriate in the Rural Area zones.

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

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

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

218 T. Other development regulations, including stormwater management,  
219 impervious surface, critical areas and landscaping requirements, remain in place and are  
220 unchanged by this ordinance.

221 U. Existing special district overlays and property-specific development  
222 conditions are in effect and add additional layers of regulation on development within  
223 specific areas of the county. One special district overlay ("SDO") that has been the  
224 subject of public comment is SO-120: Agricultural Production Buffer SDO. SO-120  
225 applies to portions of the Sammamish valley with Rural Area zoning, and its purpose is  
226 "to provide a buffer between agricultural and upslope residential uses." SO-120 requires



227 clustering of residential subdivisions and imposes a minimum seventy-five percent open  
228 space requirement on all such developments. That SDO will remain in place and will  
229 continue to apply to residential subdivisions. Additionally, this ordinance limits  
230 impervious surface maximums for winery, brewery, distillery facilities in the A and RA  
231 zones to twenty five percent, or the percentage identified in the zoning code, whichever is  
232 less, to be consistent with rural character.

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

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

239 X. K.C.C. chapter 21A.55 authorizes demonstration projects, "as a mechanism to  
240 test and evaluate alternative development standards and processes before amending King  
241 County policies and regulations." One demonstration project is established by this  
242 ordinance. The demonstration project evaluates the presence of remote tasting rooms in  
243 Rural Area zoned land in the Sammamish valley. The demonstration project is located in  
244 an area where businesses are supported by nearby small-scale agriculture and proximity  
245 to consumers, and relies on a pastoral setting and a rural sense of community for  
246 economic viability and traditional rural-based activities. The criteria for site selection for  
247 the demonstration project is based on existing levels of development on the property, lot  
248 size, current zoning, proximity to Agricultural zoned areas and agricultural production  
249 districts, proximity to local and rural industry-supportive uses and to areas in need of

250 economic stimulus and availability of arterial access. Those criteria implement  
251 Comprehensive Plan policy direction to protect agricultural lands and rural character, and  
252 to provide rural economic opportunities. State Route 202 is a designated arterial designed  
253 to carry significant traffic loads and is not expected to reflect measurable impacts over  
254 loads already generated by existing Rural Area residents and businesses or related to the  
255 demonstration project. The selected location is an ideal place to test the demonstration  
256 project's ability to support businesses that are primarily nonurban in nature, to evaluate  
257 the benefits and to test impact mitigation strategies before adopting potential countywide  
258 regulations.

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

270         Z. The Comprehensive Plan states that "[t]he purposes of Rural Town  
271 designations within the Comprehensive Plan are to recognize existing concentrations of  
272 higher density and economic activity in Rural Areas and to allow modest growth of

273 residential and economic uses to keep them economically viable into the future."  
274 Comprehensive Plan Policy R-507 states, in part, "Rural Towns serve as activity centers  
275 for the Rural Area and Natural Resource Lands and may be served by a range of utilities  
276 and services, and may include several or all of the following land uses, if supported by  
277 necessary utilities and other services and if scaled and designed to protect rural character:  
278 a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and  
279 Natural Resource Lands population...c. Other retail, commercial, and industrial uses,  
280 such as resource industries, tourism, commercial recreation, and light industry." Remote  
281 tasting rooms are similar to other, more intensive uses contained within the stated  
282 categories and may be appropriately located in Rural Towns. Other Community Business  
283 and Regional Business zones, outside of Rural Towns, are located within the urban  
284 growth area or have access to an arterial.

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

293 SECTION 2. Ordinance 1888, Article III, Section 5, as amended, and K.C.C.  
294 6.01.150 are hereby amended to read as follows:

295 A. The office of the hearing examiner is designated to hear appeals by parties

296 aggrieved by actions of the director pursuant to any business license ordinance. The  
297 examiner may adopt reasonable rules or regulations for conducting its business. Copies of  
298 all rules and regulations adopted by the examiner shall be delivered to the director, who  
299 shall make them freely accessible to the public. All decisions and findings of the examiner  
300 shall be rendered to the appellant in writing, with a copy to the director.

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

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

309 1. A heading in the words: "Before the Office of the Hearing Examiner";

310 2. A caption reading: "Appeal of ....." giving the names of all appellants  
311 participating in the appeal;

312 3. A brief statement setting forth the legal interest of each of the appellants in the  
313 business or entertainment involved in the notice and order;

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

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

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

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

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

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

333           F. Only those matters or issues specifically raised by the appellant in the written  
334 notice of appeal shall be considered in the hearing of the appeal.

335           G. Failure of any person to file an appeal in accordance with this section shall  
336 constitute a waiver of the person's right to an administrative hearing and adjudication of the  
337 notice and order, or any portion thereof.

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

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

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

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

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

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

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

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

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

363           An application for an adult beverage business license or license renewal must be  
364 submitted in the name of the person, the persons or the entity proposing to operate the

365 business. The application shall be signed by each person, or a responsible principal or  
366 officer of the entity proposing to operate the business, certified as true under penalty of  
367 perjury. All applications shall be submitted on a form supplied by the director, and shall  
368 include the following:

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

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

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

379           D. For businesses in the A zone, a signed statement that at least sixty percent of  
380 the products to be used by the business are grown on-site, as prescribed under K.C.C.  
381 21A.08.030 and 21A.08.080; and

382           E. For any adult beverage businesses attempting to demonstrate legal  
383 nonconforming use status under section 11.B. of this ordinance, operating under an active  
384 Washington state Liquor and Cannabis Board production license issued for their current  
385 location before the effective date of this ordinance, and where King County did not object  
386 to the location during the Washington state Liquor and Cannabis Board license  
387 application process, documentation sufficient to establish that the requirements of K.C.C.

388 Title 21A have been met, and documentation of the county's response to the notice of  
389 application, if any.

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

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

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

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

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

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



411 of the business license. An adult beverage business license renewal expires one year  
412 from the previous license's expiration date.

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

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

419 B. For any adult beverage businesses operating under an active Washington state  
420 Liquor and Cannabis Board production license issued for their current location before the  
421 effective date of this ordinance, and where King County did not object to the location  
422 during the Washington state Liquor and Cannabis Board license application process, if all  
423 other requirements of this chapter are met, the director shall approve the first adult  
424 beverage business license. The first business license shall be valid for six months from  
425 the date of issuance. The first business license may be extended, at no charge to the  
426 applicant, for an additional six months, if the director determines that the business  
427 operator has taken substantial steps to document compliance with K.C.C. Title 21A.  
428 Subsequent business licenses or renewals for such locations shall only be approved by the  
429 director if:

- 430 1. The requirements to establish a legal nonconforming use have been met;
- 431 2. The applicant has otherwise established a vested legal nonconforming use;
- 432 3. The director determines that the business operator has taken substantial steps  
433 to document compliance with K.C.C. Title 21A; or

434 4. If the business has come into conformance with the winery, brewery,  
435 distillery facility I, II or III or remote tasting room regulations adopted in K.C.C.  
436 21A.08.070, 21A.08.080 or section 28 of this ordinance.

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

439 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter  
440 21A.06 a new section to read as follows:

441 Remote tasting room: A small facility licensed by the Washington state Liquor  
442 and Cannabis Board and limited to the following non-retail liquor licenses: a Craft  
443 Distillery; a Tasting Room - Additional Location for a winery licensed as a Domestic  
444 Winery; or a Microbrewery, including, but not limited to, a Microbrewery operating in  
445 accordance with an off-site tavern license subject to the retail sale limitations for a  
446 Microbrewery in WAC 314-20-015(1). "Remote tasting room" does not include any  
447 additional privileges allowed for such licenses or approvals or any use that would require  
448 a license under chapter 314-02 WAC, except as specifically set forth in this chapter.

449 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter  
450 21A.06 a new section to read as follows:

451 Winery, brewery, distillery facility I: A very small-scale production facility  
452 licensed by the state of Washington to produce adult beverages such as wine, cider, beer  
453 and distilled spirits, and that includes an adult beverage production use such as crushing,  
454 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery  
455 facility I may include additional production-related uses such as vineyards, orchards,  
456 wine cellars or similar product-storage areas as authorized by state law. On-site tasting

457 of products or retail sales are not allowed. "Winery, brewery, distillery facility I" does  
458 not include any retail liquor licenses that would be authorized by chapter 314-02 WAC.

459 NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter  
460 21A.06 a new section to read as follows:

461 Winery, brewery, distillery facility II: A small-scale production facility licensed  
462 by the state of Washington to produce adult beverages such as wine, cider, beer and  
463 distilled spirits and that includes an adult beverage production use such as crushing,  
464 fermentation, distilling, barrel or tank aging, and finishing. A winery, brewery, distillery  
465 facility II may include additional production-related uses such as vineyards, orchards,  
466 wine cellars or similar product-storage areas as authorized by state law, on-site tasting of  
467 products and sales as authorized by state law and sales of merchandise related to products  
468 available for tasting as authorized by state law. "Winery, brewery, distillery facility II"  
469 does not include any retail liquor licenses that would be authorized by chapter 314-02  
470 WAC.

471 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter  
472 21A.06 a new section to read as follows:

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

480 authorized by state law. "Winery, brewery, distillery facility III" does not include any  
 481 retail liquor licenses that would be authorized by chapter 314-02 WAC.

482 SECTION 17. Ordinance 10870, Section 334, as amended, and K.C.C.

483 21A.08.070 are hereby amended to read as follows:

484 A. Retail land uses.

P-Permitted Use C- Conditional Use S- Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24

Ordinance 19030

	Market												
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations							P	P	P			P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places			P21	C19		P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room			P13						P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores	((P13))		((P13))	((P13))				((P13))	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22

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*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

485 B. Development conditions.

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

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

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

489 thousand five hundred square feet may be allowed. Greenhouses used for the display of  
490 merchandise other than plants shall be considered part of the covered sales area.

491 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not  
492 considered part of the covered sales area;

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

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

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

496           2. Only hardware stores.

497           3.a. Limited to products grown on site.

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

499           4. No permanent structures or signs.

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

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

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

505           8. Excluding retail sale of trucks exceeding one-ton capacity.

506           9. Only the sale of new or reconditioned automobile supplies is permitted.

507           10. Excluding SIC Industry No. 5813-Drinking Places.

508           11. No outside storage of fuel trucks and equipment.

509           12. Excluding vehicle and livestock auctions.

510           13. ~~((Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,~~

511 ~~and limited to sales of products produced on site and incidental items where the majority~~

512 ~~of sales are generated from products produced on-site))~~ Permitted as part of the  
513 demonstration project authorized by section 28 of this ordinance.

514 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to  
515 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.  
516 21A.12.230; and

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

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

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

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

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

528 17. Repealed.

529 18. Repealed.

530 19. Only as:

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

534 b. an accessory use to a recreation or multiuse park, limited to a total floor area



535 of three thousand five hundred square feet.

536 20. Only as:

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

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

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

542 22. Only as an accessory use to:

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

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

546 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC  
547 Industry No. 2431-Millwork and;

548 a. limited to lumber milled on site; and

549 b. the covered sales area is limited to two thousand square feet. The covered  
550 sales area does not include covered areas used to display only milled lumber.

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

554 25. Limited to sites located within the urban growth area and:

555 a. The sales area shall be limited to three hundred square feet and must be  
556 removed each evening;

557 b. There must be legal parking that is easily available for customers; and

558           c. The site must be in an area that is easily accessible to the public, will  
559 accommodate multiple shoppers at one time and does not infringe on neighboring  
560 properties.

561           26.a. Per lot, limited to a maximum aggregated total of two thousand square feet  
562 of gross floor area devoted to, and in support of, the retail sale of marijuana.

563           b. Notwithstanding subsection B.26.a. of this section, the maximum  
564 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana  
565 may be increased to up to three thousand square feet if the retail outlet devotes at least  
566 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and  
567 the operator maintains a current medical marijuana endorsement issued by the  
568 Washington state Liquor and Cannabis Board.

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

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

578           (1) if a complete conditional use permit application for the proposed retail  
579 marijuana use was not submitted, or if more than one conditional use permit application  
580 became or was deemed complete on the same date, then the director shall determine

581 compliance based on the date the Washington state Liquor and Cannabis Board issues a  
582 Notice of Marijuana Application to King County;

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

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

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

600           e. Retail marijuana businesses licensed by the Washington state Liquor and  
601 Cannabis Board and operating within one thousand feet of each other as of August 14,  
602 2016, and retail marijuana businesses that do not require a permit issued by King County,  
603 that received a Washington state Liquor and Cannabis Board license to operate in a

604 location within one thousand feet of another licensed retail marijuana business prior to  
605 August 14, 2016, and that King County did not object to within the Washington state  
606 Liquor and Cannabis Board marijuana license application process, shall be considered  
607 nonconforming and may remain in their current location, subject to the provisions of  
608 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

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

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

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

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

624 (1) if a complete conditional use permit application for the proposed retail  
625 marijuana use was not submitted, or if more than one conditional use permit application  
626 became or was deemed complete on the same date, then the director shall determine

627 compliance based on the date the Washington state Liquor and Cannabis Board issues a  
628 Notice of Marijuana Application to King County;

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

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

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

646           c. Retail marijuana businesses licensed by the Washington state Liquor and  
647 Cannabis Board and operating within one thousand feet of each other as of August 14,  
648 2016, and retail marijuana businesses that do not require a permit issued by King County,  
649 that received a Washington state Liquor and Cannabis Board license to operate in a

650 location within one thousand feet of another licensed retail marijuana business prior to  
 651 August 14, 2016, and that King County did not object to within the Washington state  
 652 Liquor and Cannabis Board marijuana license application process, shall be considered  
 653 nonconforming and may remain in their current location, subject to the provisions of  
 654 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

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

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

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

661 SECTION 18. Ordinance 10870, Section 335, as amended, and K.C.C.  
 662 21A.08.080 are hereby amended to read as follows:

P-Permitted Use C- Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	Winery/ Brewery/ Distillery Facility 1				P32								
*((2082 2085))	Winery/ Brewery/	P3 ((C-2))			P3 C((42))	((P3))			P17	P17	P29		P31

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	Distillery Facility II				30							
*	Winery/ Brewery/ Distillery Facility III	C12			C12				C29	C29	C29	C31
*	Materials Processing Facility		P13 C	P14 C15	P16 C							P
22	Textile Mill Products											C
23	Apparel and other Textile Products									C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6	P
25	Furniture and Fixtures		P19		P19						C	P
26	Paper and Allied Products											C
27	Printing and Publishing							P7	P7	P7C	P7 C	P
*	Marijuana Processor I	P20			P27				P21 C22	P21 C22		
*	Marijuana Processor II								P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products											C
2911	Petroleum											C





	Missile and Space Vehicle Parts													
379	Miscellaneous Transportation Vehicles													C
38	Measuring and Controlling Instruments										C	C	P	
39	Miscellaneous Light Manufacturing										C		P	
*	Motor Vehicle and Bicycle Manufacturing													C
*	Aircraft, Ship and Boat Building												PI0 C	
7534	Tire Retreading										C		P	
781-82	Movie Production/Di stribution										P		P	

663 B. Development conditions.

664 1. Repealed.

665 2. Except slaughterhouses.

666 3.a. (~~Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~

667 ~~Industry No. 2085-Distilled and Blended Liquors;~~

668 b.) In the A zone, only allowed on sites where the primary use is SIC Industry

669 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small

670 Animals;

671 ~~((e. In the RA and UR zones,))~~ b. ((e)) Only allowed on lots of at least ((four))  
672 two and one-half acres, except that this requirement shall not apply on Vashon-Maury  
673 Island to winery, brewery or distillery business locations in use and licensed to produce  
674 by the Washington state Liquor and Cannabis Board before January 1, 2019, and that in  
675 the RA zone, for sites that contain a building designated as historic resource under K.C.C.  
676 chapter 20.62, only allowed on lots of at least two acres;

677 ~~((d.))~~ c. The aggregated floor area ((devoted to all processing)) of structures  
678 and areas for winery, brewery, distillery facility uses shall not exceed three thousand five  
679 hundred square feet, unless located in ((a building)) whole or in part in a structure  
680 designated as historic resource under K.C.C. chapter 20.62, in which case the aggregated  
681 floor area of structures and areas devoted to winery, brewery, distillery facility uses shall  
682 not exceed seven thousand square feet in the RA zone and five thousand square feet in  
683 the A zone. Decks that are not occupied and not open to the public are excluded from the  
684 calculation for maximum aggregated floor area;

685 ~~((e.))~~ d. Structures and parking areas ((used)) for ((processing)) winery,  
686 brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet  
687 from interior property lines adjoining rural area and residential zones, unless located in a  
688 building designated as historic resource under K.C.C. chapter 20.62, except that on  
689 Vashon-Maury Island this setback requirement shall not apply to structures and parking  
690 areas in use on the date of adoption of this ordinance by existing winery, brewery or  
691 distillery business locations licensed to produce by the Washington state Liquor and  
692 Cannabis Board before January 1, 2019;

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

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

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

709           h. Tasting and retail sales of products produced on-site may occur only as  
710 accessory to the primary winery, brewery, distillery production use and may be provided  
711 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
712 limited to no more than thirty percent of the aggregated floor area and shall be included  
713 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation  
714 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury  
715 Island to winery, brewery, or distillery business locations in use and licensed to produce

716 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites  
717 in the RA zone that contain a building designated as historic resource under K.C.C.  
718 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-  
719 site is allowed subject to the restrictions described in this subsection B.3. Hours of  
720 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,  
721 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through  
722 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to  
723 11:00 a.m. through 9:00 p.m.;

724 i. Access to the site shall be directly to and from an arterial roadway, except  
725 that this requirement shall not apply on Vashon-Maury Island to winery, brewery,  
726 distillery facility business locations in use and licensed to produce by the Washington  
727 state Liquor and Cannabis Board before January 1, 2019;

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

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

733 l. Events may be allowed with an approved temporary use permit under K.C.C.  
734 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

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

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

741 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.  
742 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the  
743 minimum site area is four and one-half acres.

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

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

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

748 9. Only within enclosed buildings.

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

750 11. For I-zoned sites located outside the urban growth area designated by the  
751 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
752 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
753 rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

758 b.~~((1) Except as provided in subsection B.12.b.(2) of this section, t))~~The  
759 aggregated floor area of structures and areas for ((wineries, breweries and distilleries and  
760 any accessory)) winery, brewery, distillery facility uses shall not exceed a total of eight  
761 thousand square feet. ((The floor area may be increased by up to an additional eight

762 thousand square feet of underground storage that is constructed completely below natural  
763 grade, not including required exits and access points, if the underground storage is at least  
764 one foot below the surface and is not visible above ground)) Decks that are not occupied  
765 and not open to the public are excluded from the calculation for maximum aggregated  
766 floor area; ((and

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

770 c. Only allowed on lots of at least four and one-half acres. If the aggregated  
771 floor area of structures for winery, brewery, distillery uses exceeds six thousand square  
772 feet, the minimum site area shall be ten acres;

773 d. Wineries, breweries and distilleries shall comply with Washington state  
774 Department of Ecology and King County board of health regulations for water usage and  
775 wastewater disposal(~~(Wineries, breweries and distilleries using water from exempt~~  
776 ~~wells shall install a water meter;~~

777 ~~d. Off-street parking is limited to one hundred and fifty percent of the~~  
778 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~  
779 ~~21A.18.034)), and must connect to an existing Group A water system. The definitions  
780 and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of  
781 water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

782 e. Structures and parking areas ((used for processing)) for winery, brewery  
783 distillery facility uses shall ((be set back)) maintain a minimum distance of seventy-five  
784 feet from interior property lines ((adjacent to)) adjoining rural area and residential zones,

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785 unless ~~((the processing is))~~ located in a building designated as historic resource under  
786 K.C.C. chapter 20.62;

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

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

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

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

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

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

808 a nonagricultural accessory use:

809 i. Tasting and retail sales of products produced on-site may occur only as  
810 accessory to the primary winery, brewery, distillery production use and may be provided  
811 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
812 limited to no more than thirty percent of the aggregated floor area and shall be included  
813 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.  
814 Incidental retail sales of merchandise related to the products produced on-site is allowed  
815 subject to the restrictions described in this subsection. Hours of operation for on-site  
816 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and  
817 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and  
818 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.  
819 through 9:00 p.m.;

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

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

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

827 m. Events may be allowed with an approved temporary use permit under  
828 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;  
829 and

830 n. The impervious surface associated with the winery, brewery, distillery



831 facility use shall not exceed twenty-five percent of the site, or the maximum impervious  
832 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
833 whichever is less.

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

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

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

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

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

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

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

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

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

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

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

865            ~~d-))~~ c. Tasting and retail sale of products produced on-site, and merchandise  
866 related to the products produced on-site, may be provided in accordance with state law.  
867 The area devoted to on-site tasting or retail sales shall be included in the aggregated floor  
868 area limitation in subsection B.((18.b-))17.a. of this section;

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

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

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

876            18. Limited to:

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

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

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

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

885 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to  
886 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

892 b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

946 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
947 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
948 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
949 are imported onto the site; and

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

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

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

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

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

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

968           c. Per lot, limited to a maximum aggregate total of thirty thousand square feet

969 of gross floor area devoted to, and in support of, the processing of marijuana together  
970 with any separately authorized production of marijuana.

971           27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury  
972 Island, that do not require a conditional use permit issued by King County, that receive a  
973 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
974 and that King County did not object to within the Washington state Liquor and Cannabis  
975 Board marijuana license application process, shall be considered nonconforming as to  
976 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through  
977 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

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

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

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

1000           c. For winery, brewery, distillery facility uses that do not require a conditional  
1001 use permit, off-street parking for the tasting and retail areas shall be limited to a  
1002 maximum of one space per fifty square feet of tasting and retail areas. For winery,  
1003 brewery, distillery facility uses that do require a conditional use permit, off-street parking  
1004 maximums shall be determined through the conditional use permit process, and off-street  
1005 parking for the tasting and retail areas should be limited to a maximum of one space per  
1006 fifty square feet of tasting and retail areas:

1007           d. The business operator shall obtain an adult beverage business license in  
1008 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
1009 ordinance); and

1010           e. Events may be allowed with an approved temporary use permit under  
1011 K.C.C. chapter 21A.32.

1012           30.a. Only allowed on lots of at least two and one-half acres;

1013           b. The aggregated floor area of structures and areas for winery, brewery,  
1014 distillery facility uses shall not exceed three thousand five hundred square feet, unless



1015 located in whole or in part in a structure designated as historic resource under K.C.C.  
1016 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to  
1017 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks  
1018 that are not occupied and not open to the public are excluded from the calculation for  
1019 maximum aggregated floor area;

1020 c. Structures and parking areas for winery, brewery, distillery facility uses  
1021 shall maintain a minimum distance of seventy-five feet from interior property lines  
1022 adjoining rural area and residential zones, unless located in a building designated as  
1023 historic resource under K.C.C. chapter 20.62;

1024 d. Tasting and retail sales of products produced on-site may only occur as  
1025 accessory to the primary winery, brewery, distillery production use and may be provided  
1026 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
1027 limited to no more than thirty percent of the aggregated floor area and shall be included  
1028 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental  
1029 retail sales of merchandise related to the products produced on-site is allowed subject to  
1030 the restrictions described in this subsection. Hours of operation for on-site tasting of  
1031 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
1032 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
1033 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
1034 p.m.;

1035 e. Access to the site shall be directly to and from a public roadway;

1036 f. Off-street parking is limited to a maximum of one hundred fifty percent of  
1037 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1038           g. The business operator shall obtain an adult beverage business license in  
1039 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
1040 ordinance);

1041           h. Events may be allowed with an approved temporary use permit under  
1042 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

1043           i. At least two stages of production of wine, beer, cider or distilled spirits, such  
1044 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
1045 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
1046 least one of the stages of production occurring on-site shall include crushing, fermenting  
1047 or distilling; and

1048           j. The impervious surface associated with the winery, brewery, distillery  
1049 facility use shall not exceed twenty-five percent of the site, or the maximum impervious  
1050 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
1051 whichever is less.

1052           31.a. Limited to businesses with non-retail brewery and distillery production  
1053 licenses from the Washington state Liquor and Cannabis board. Wineries and remote  
1054 tasting rooms for wineries shall not be allowed;

1055           b. Tasting and retail sale of products produced on-site and merchandise related  
1056 to the products produced on-site may be provided in accordance with state law. The area  
1057 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred  
1058 square feet;

1059           c. Structures and parking areas for brewery and distillery facility uses shall  
1060 maintain a minimum distance of seventy-five feet from interior property lines adjoining

1061 rural area and residential zones, unless located in a building designated as historic  
1062 resource under K.C.C. chapter 20.62;

1063 d. For brewery and distillery facility uses that do not require a conditional use  
1064 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of  
1065 one space per fifty square feet of tasting and retail areas. For brewery and distillery  
1066 facility uses that do require a conditional use permit, off-street parking maximums shall  
1067 be determined through the conditional use permit process, and off-street parking for the  
1068 tasting and retail areas should be limited to a maximum of one space per fifty square feet  
1069 of tasting and retail areas;

1070 e. The business operator shall obtain an adult beverage business license in  
1071 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
1072 ordinance); and

1073 f. Events may be allowed with an approved temporary use permit under K.C.C.  
1074 chapter 21A.32.

1075 32.a. The aggregated floor area of structures and areas for winery, brewery,  
1076 distillery facility uses shall not exceed one thousand five hundred square feet;

1077 b. Structures and parking areas for winery, brewery, distillery facility uses  
1078 shall maintain a minimum distance of seventy-five feet from interior property lines  
1079 adjoining rural area and residential zones, unless located in a building designated as  
1080 historic resource under K.C.C. chapter 20.62;

1081 c. One on-site parking stall shall be allowed for the winery, brewery, distillery  
1082 facility I use;

1083 d. The business operator shall obtain an adult beverage business license in

1084 accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of this  
 1085 ordinance);

1086 e. At least two stages of production of wine, beer, cider or distilled spirits, such  
 1087 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
 1088 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
 1089 least one of the stages of production occurring on-site shall include crushing, fermenting  
 1090 or distilling;

1091 f. No product tasting or retail sales shall be allowed on-site;

1092 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

1093 h. The impervious surface associated with the winery, brewery, distillery  
 1094 facility use shall not exceed twenty-five percent of the site or the maximum impervious  
 1095 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
 1096 whichever is less.

1097 SECTION 19. Ordinance 10870, Section 336, as amended, and K.C.C.  
 1098 21A.08.090 are hereby amended to read as follows:

1099 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
	<b>AGRICULTURE:</b>												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P

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*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	Marijuana producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
<b>FORESTRY:</b>													
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
<b>FISH AND WILDLIFE MANAGEMENT:</b>													
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
<b>MINERAL:</b>													
10,12,14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
<b>ACCESSORY USES:</b>													
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4

*	Farm Worker Housing	P14			P14									
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- 1100 B. Development conditions.
- 1101 1. May be further subject to K.C.C. chapter 21A.25.
- 1102 2. Only forest research conducted within an enclosed building.
- 1103 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 1104 4. Excluding housing for agricultural workers.
- 1105 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1106 with mineral extraction or processing operation.
- 1107 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 1108 7. Only in conjunction with a mineral extraction site plan approved in
- 1109 accordance with K.C.C. chapter 21A.22.
- 1110 8. Only on the same lot or same group of lots under common ownership or
- 1111 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1112 long-term lease or an easement:
- 1113 a. as accessory to a primary mineral extraction use;
- 1114 b. as a continuation of a mineral processing only for that period to complete
- 1115 delivery of products or projects under contract at the end of a mineral extraction; or
- 1116 c. for a public works project under a temporary grading permit issued in
- 1117 accordance with K.C.C. 16.82.152.
- 1118 9. Limited to mineral extraction and processing:
- 1119 a. on a lot or group of lots under common ownership or documented legal control,
- 1120 which includes but is not limited to, fee simple ownership, a long-term lease or an
- 1121 easement;

1122           b. that are located greater than one-quarter mile from an established residence;

1123    and

1124           c. that do not use local access streets that abut lots developed for residential

1125    use.

1126           10. Agriculture training facilities are allowed only as an accessory to existing  
1127    agricultural uses and are subject to the following conditions:

1128           a. The impervious surface associated with the agriculture training facilities  
1129    shall comprise not more than ten percent of the allowable impervious surface permitted  
1130    under K.C.C. 21A.12.040;

1131           b. New or the expansion of existing structures, or other site improvements,  
1132    shall not be located on class 1, 2 or 3 soils;

1133           c. The director may require reuse of surplus structures to the maximum extent  
1134    practical;

1135           d. The director may require the clustering of new structures with existing  
1136    structures;

1137           e. New structures or other site improvements shall be set back a minimum  
1138    distance of seventy-five feet from property lines adjoining rural area and residential  
1139    zones;

1140           f. Bulk and design of structures shall be compatible with the architectural style  
1141    of the surrounding agricultural community;

1142           g. New sewers shall not be extended to the site;

1143           h. Traffic generated shall not impede the safe and efficient movement of  
1144    agricultural vehicles, nor shall it require capacity improvements to rural roads;

1145 i. Agriculture training facilities may be used to provide educational services to  
1146 the surrounding rural/agricultural community or for community events. Property owners  
1147 may be required to obtain a temporary use permit for community events in accordance  
1148 with K.C.C. chapter 21A.32;

1149 j. Use of lodging and food service facilities shall be limited only to activities  
1150 conducted in conjunction with training and education programs or community events  
1151 held on site;

1152 k. Incidental uses, such as office and storage, shall be limited to those that  
1153 directly support education and training activities or farm operations; and

1154 l. The King County agriculture commission shall be notified of and have an  
1155 opportunity to comment upon all proposed agriculture training facilities during the permit  
1156 process in accordance with K.C.C. chapter 21A.40.

1157 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
1158 uses after reclamation in accordance with an approved reclamation plan.

1159 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1160 oriented activities. In addition, activities that place minimal stress on the site's  
1161 agricultural resources or activities that are compatible with agriculture are permitted.

1162 (1) passive recreation;

1163 (2) training of individuals who will work at the camp;

1164 (3) special events for families of the campers; and

1165 (4) agriculture education for youth.

1166 b. Outside the camp center, as provided for in subsection B.12.e. of this  
1167 section, camp activities shall not preclude the use of the site for agriculture and



1168 agricultural related activities, such as the processing of local food to create value-added  
1169 products and the refrigeration and storage of local agricultural products. The camp shall  
1170 be managed to coexist with agriculture and agricultural activities both onsite and in the  
1171 surrounding area.

1172 c. A farm plan shall be required for commercial agricultural production to  
1173 ensure adherence to best management practices and soil conservation.

1174 d.(1) The minimum site area shall be five hundred acres. Unless the property  
1175 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1176 of this section, a minimum of five hundred acres of the site must be owned by a single  
1177 individual, corporation, partnership or other legal entity and must remain under the  
1178 ownership of a single individual, corporation, partnership or other legal entity for the  
1179 duration of the operation of the camp.

1180 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1181 owner from selling or transferring the development rights for a portion or all of the site to  
1182 the King County farmland preservation program or, if the development rights are  
1183 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1184 e. The impervious surface associated with the camp shall comprise not more  
1185 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1186 f. Structures for living quarters, dining facilities, medical facilities and other  
1187 nonagricultural camp activities shall be located in a camp center. The camp center shall  
1188 be no more than fifty acres and shall depicted on a site plan. New structures for  
1189 nonagricultural camp activities shall be clustered with existing structures;

1190 g. To the extent practicable, existing structures shall be reused. The applicant

1191 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1192 cannot be practicably accommodated within an existing structure on the site, though  
1193 cabins for campers shall be permitted only if they do not already exist on site;

1194           h. Camp facilities may be used to provide agricultural educational services to  
1195 the surrounding rural and agricultural community or for community events. If required  
1196 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1197 community events;

1198           i. Lodging and food service facilities shall only be used for activities related to  
1199 the camp or for agricultural education programs or community events held on site;

1200           j. Incidental uses, such as office and storage, shall be limited to those that  
1201 directly support camp activities, farm operations or agricultural education programs;

1202           k. New nonagricultural camp structures and site improvements shall maintain a  
1203 minimum set-back of seventy-five feet from property lines adjoining rural area and  
1204 residential zones;

1205           l. Except for legal nonconforming structures existing as of January 1, 2007,  
1206 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1207 a scale to serve overnight camp users;

1208           m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1209 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1210 and site improvements located within two hundred feet of an adjacent rural area and  
1211 residential zoned property not associated with the camp;

1212           n. New sewers shall not be extended to the site;

1213           o. The total number of persons staying overnight shall not exceed three

1214 hundred;

1215 p. The length of stay for any individual overnight camper, not including camp  
1216 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1217 q. Traffic generated by camp activities shall not impede the safe and efficient  
1218 movement of agricultural vehicles nor shall it require capacity improvements to rural  
1219 roads;

1220 r. If the site is adjacent to an arterial roadway, access to the site shall be  
1221 directly onto the arterial unless the county road engineer determines that direct access is  
1222 unsafe;

1223 s. If direct access to the site is via local access streets, transportation  
1224 management measures shall be used to minimize adverse traffic impacts;

1225 t. Camp recreational activities shall not involve the use of motor vehicles  
1226 unless the motor vehicles are part of an agricultural activity or are being used for the  
1227 transportation of campers, camp personnel or the families of campers. Camp personnel  
1228 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
1229 motorized personal mobility devices are allowed; and

1230 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
1231 light away from any adjacent property.

1232 13. Limited to digester receiving plant and animal and other organic waste from  
1233 agricultural activities, and including electrical generation, as follows:

1234 a. the digester must be included as part of a Washington state Department of  
1235 Agriculture approved dairy nutrient plan;

1236 b. the digester must process at least seventy percent livestock manure or other

1237 agricultural organic material from farms in the vicinity, by volume;

1238           c. imported organic waste-derived material, such as food processing waste,  
1239 may be processed in the digester for the purpose of increasing methane gas production for  
1240 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
1241 and

1242           d. the use must be accessory to an operating dairy or livestock operation.

1243           14. Farm worker housing. Either:

1244           a. Temporary farm worker housing subject to the following conditions:

1245               (1) The housing must be licensed by the Washington state Department of  
1246 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1247               (2) Water supply and sewage disposal systems must be approved by the  
1248 Seattle King County department of health;

1249               (3) To the maximum extent practical, the housing should be located on  
1250 nonfarmable areas that are already disturbed and should not be located in the floodplain  
1251 or in a critical area or critical area buffer; and

1252               (4) The property owner shall file with the department of executive services,  
1253 records and licensing services division, a notice approved by the department identifying  
1254 the housing as temporary farm worker housing and that the housing shall be occupied  
1255 only by agricultural employees and their families while employed by the owner or  
1256 operator or on a nearby farm. The notice shall run with the land; or

1257           b. Housing for agricultural employees who are employed by the owner or  
1258 operator of the farm year-round as follows:

1259               (1) Not more than:

1260 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1261 (b) two agricultural employee dwelling units on a site of at least twenty  
1262 acres and less than fifty acres;

1263 (c) three agricultural employee dwelling units on a site of at least fifty acres  
1264 and less than one-hundred acres; and

1265 (d) four agricultural employee dwelling units on a site of at least one-  
1266 hundred acres, and one additional agricultural employee dwelling unit for each additional  
1267 one hundred acres thereafter;

1268 (2) If the primary use of the site changes to a nonagricultural use, all  
1269 agricultural employee dwelling units shall be removed;

1270 (3) The applicant shall file with the department of executive services, records  
1271 and licensing services division, a notice approved by the department that identifies the  
1272 agricultural employee dwelling units as accessory and that the dwelling units shall only  
1273 be occupied by agricultural employees who are employed by the owner or operator year-  
1274 round. The notice shall run with the land. The applicant shall submit to the department  
1275 proof that the notice was filed with the department of executive services, records and  
1276 licensing services division, before the department approves any permit for the  
1277 construction of agricultural employee dwelling units;

1278 (4) An agricultural employee dwelling unit shall not exceed a floor area of  
1279 one thousand square feet and may be occupied by no more than eight unrelated  
1280 agricultural employees;

1281 (5) To the maximum extent practical, the housing should be located on  
1282 nonfarmable areas that are already disturbed;

1283                   (6) One off-street parking space shall be provided for each agricultural  
1284 employee dwelling unit; and

1285                   (7) The agricultural employee dwelling units shall be constructed in  
1286 compliance with K.C.C. Title 16.

1287                   15. Marijuana production by marijuana producers licensed by the Washington  
1288 state Liquor and Cannabis Board is subject to the following standards:

1289                   a. Only allowed on lots of at least four and one-half acres;

1290                   b. With a lighting plan, only if required by and that complies with K.C.C.  
1291 21A.12.220.G.;

1292                   c. Only with documentation that the operator has applied for a Puget Sound  
1293 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1294 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1295 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1296 are imported onto the site;

1297                   d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1298 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1299 subject to the size limitations in subsection B.15.e. of this section;

1300                   e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1301 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1302 aggregated total of two thousand square feet and shall be located within a fenced area or  
1303 marijuana greenhouse that is no more than ten percent larger than that combined area, or  
1304 may occur in nondwelling unit structures that exist as of October 1, 2013;

1305                   f. Outdoor production area fencing as required by the Washington state Liquor

1306 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1307 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
1308 feet; and

1309 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
1310 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
1311 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1312 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
1313 B.22. of this section.

1314 16. Marijuana production by marijuana producers licensed by the Washington  
1315 state Liquor and Cannabis Board is subject to the following standards:

1316 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
1317 that do not require a conditional use permit issued by King County, that receive a  
1318 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
1319 and that King County did not object to within the Washington state Liquor and Cannabis  
1320 Board marijuana license application process, shall be considered nonconforming as to  
1321 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020  
1322 through 21A.32.075 for nonconforming uses;

1323 b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1324 21A.12.220.G.;

1325 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1326 Island;

1327 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1328 except on Vashon-Maury Island;

1329 e. Only with documentation that the operator has applied for a Puget Sound  
1330 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1331 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1332 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1333 are imported onto the site;

1334 f. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1335 within nondwelling unit structures that exist as of October 1, 2013, subject to the size  
1336 limitations in subsection B.16.g. of this section; and

1337 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1338 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1339 aggregated total of two thousand square feet and shall be located within a fenced area or  
1340 marijuana greenhouse, that is no more than ten percent larger than that combined area, or  
1341 may occur in nondwelling unit structures that exist as of October 1, 2013;

1342 h. Outdoor production area fencing as required by the Washington state Liquor  
1343 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback  
1344 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback  
1345 of one hundred fifty feet from any existing residence; and

1346 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
1347 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
1348 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
1349 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1350 17. Marijuana production by marijuana producers licensed by the Washington  
1351 state Liquor and Cannabis Board is subject to the following standards:



1352           a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
1353 Island;

1354           b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
1355 except on Vashon-Maury Island;

1356           c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
1357 21A.12.220.G.;

1358           d. Only with documentation that the operator has applied for a Puget Sound  
1359 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1360 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1361 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1362 are imported onto the site;

1363           e. Production is limited to outdoor and indoor within marijuana greenhouses  
1364 subject to the size limitations in subsection B.17.f. of this section;

1365           f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1366 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
1367 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
1368 marijuana greenhouse that is no more than ten percent larger than that combined area;  
1369 and

1370           g. Outdoor production area fencing as required by the Washington state Liquor  
1371 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
1372 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback  
1373 of one hundred fifty feet from any existing residence.

1374           18.a. Production is limited to indoor only;

1375           b. With a lighting plan only as required by and that complies with K.C.C.  
1376 21A.12.220.G.;

1377           c. Only with documentation that the operator has applied for a Puget Sound  
1378 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1379 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1380 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1381 are imported onto the site; and

1382           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1383 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1384 aggregated total of two thousand square feet and shall be located within a building or  
1385 tenant space that is no more than ten percent larger than the plant canopy and separately  
1386 authorized processing area; and

1387           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
1388 every marijuana-related entity occupying space in addition to the two-thousand-square  
1389 foot threshold area on that parcel shall obtain a conditional use permit as set forth in  
1390 subsection B.19. of this section.

1391           19.a. Production is limited to indoor only;

1392           b. With a lighting plan only as required by and that complies with K.C.C.  
1393 21A.12.220.G.;

1394           c. Only with documentation that the operator has applied for a Puget Sound  
1395 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1396 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1397 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1398 are imported onto the site; and

1399           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1400 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1401 aggregated total of thirty thousand square feet and shall be located within a building or  
1402 tenant space that is no more than ten percent larger than the plant canopy and separately  
1403 authorized processing area.

1404           20.a. Production is limited to indoor only;

1405           b. With a lighting plan only as required by and that complies with K.C.C.  
1406 21A.12.220.G.;

1407           c. Only with documentation that the operator has applied for a Puget Sound  
1408 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
1409 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
1410 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
1411 are imported onto the site;

1412           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
1413 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
1414 aggregated total of two thousand square feet and shall be located within a building or  
1415 tenant space that is no more than ten percent larger than the plant canopy and separately  
1416 authorized processing area; and

1417           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
1418 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
1419 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
1420 B.21. of this section.

1421           21.a. Production is limited to indoor only;

1422           b. With a lighting plan only as required by and that complies with K.C.C.

1423   21A.12.220.G.;

1424           c. Only with documentation that the operator has applied for a Puget Sound

1425 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1426 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1427 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1428 are imported onto the site; and

1429           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

1430 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

1431 aggregated total of thirty thousand square feet and shall be located within a building or

1432 tenant space that is no more than ten percent larger than the plant canopy and separately

1433 authorized processing area.

1434           22. Marijuana production by marijuana producers licensed by the Washington

1435 state Liquor and Cannabis Board is subject to the following standards:

1436           a. With a lighting plan only as required by and that complies with K.C.C.

1437   21A.12.220.G.;

1438           b. Only allowed on lots of at least four and one-half acres;

1439           c. Only with documentation that the operator has applied for a Puget Sound

1440 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1441 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1442 Clean Air Agency Notice of Construction Permit be approved before marijuana products

1443 are imported onto the site;

1444 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
1445 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
1446 subject to the size limitations in subsection B.22. e. and f. of this section;

1447 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC  
1448 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall  
1449 be limited to a maximum aggregated total of five thousand square feet and shall be  
1450 located within a fenced area or marijuana greenhouse that is no more than ten percent  
1451 larger than that combined area, or may occur in nondwelling unit structures that exist as  
1452 of October 1, 2013;

1453 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-  
1454 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
1455 limited to a maximum aggregated total of ten thousand square feet, and shall be located  
1456 within a fenced area or marijuana greenhouse that is no more than ten percent larger than  
1457 that combined area, or may occur in nondwelling unit structures that exist as of October  
1458 1, 2013; and

1459 g. Outdoor production area fencing as required by the Washington state Liquor  
1460 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
1461 maintain a minimum street setback of fifty feet and a minimum interior setback of one  
1462 hundred feet, and a minimum setback of one hundred fifty feet from any existing  
1463 residence.

1464 23. The storage and processing of non-manufactured source separated organic  
1465 waste that originates from agricultural operations and that does not originate from the  
1466 site, if:

- 1467           a. agricultural is the primary use of the site;
- 1468           b. the storage and processing are in accordance with best management
- 1469 practices included in an approved farm plan; and
- 1470           c. except for areas used for manure storage, the areas used for storage and
- 1471 processing do not exceed three acres and ten percent of the site.

1472           24.a. For activities relating to the processing of crops or livestock for

1473 commercial purposes, including associated activities such as warehousing, storage,

1474 including refrigeration, and other similar activities and excluding ((wineries, SIC Industry

1475 No. 2085—Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages))

1476 winery, brewery, distillery facility I, II and III and remote tasting room:

1477           (1) limited to agricultural products and sixty percent or more of the products

1478 processed must be grown in the Puget Sound counties. At the time of initial application,

1479 the applicant shall submit a projection of the source of products to be produced;

1480           (2) in the RA and UR zones, only allowed on sites of at least four and one-

1481 half acres;

1482           (3) (a) as a permitted use, the floor area devoted to all processing shall not

1483 exceed two thousand square feet, unless located in a building designated as an historic

1484 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as

1485 established in K.C.C. 21A.42.300, may review and approve an increase in the processing

1486 floor area as follows: up to three thousand five hundred square feet of floor area may be

1487 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

1488 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in

1489 the A zone; and

1490 (b) as a permitted use, the floor area devoted to all warehousing,  
1491 refrigeration, storage or other similar activities shall not exceed two thousand square feet,  
1492 unless located in a building designated as historic resource under K.C.C. chapter 20.62.  
1493 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may  
1494 review and approve an increase of up to three thousand five hundred square feet of floor  
1495 area devoted to all warehouseing, storage, including refrigeration, or other similar  
1496 activities in the RA zones or on farms less than thirty-five acres located in the A zones or  
1497 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

1498 (4) in the A zone, structures and areas used for processing, warehousing,  
1499 refrigeration, storage and other similar activities shall be located on portions of  
1500 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1501 the already developed portion of such agricultural lands that are not available for direct  
1502 agricultural production, or areas without prime agricultural soils; and

1503 (5) structures and areas used for processing, warehousing, storage, including  
1504 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
1505 five feet from property lines adjoining rural area and residential zones, unless located in a  
1506 building designated as historic resource under K.C.C. chapter 20.62.

1507 b. For activities relating to the retail sale of agricultural products, except  
1508 livestock:

1509 (1) sales shall be limited to agricultural products and locally made arts and  
1510 crafts;

1511 (2) in the RA and UR zones, only allowed on sites at least four and one-  
1512 half acres;

1513                   (3) as a permitted use, the covered sales area shall not exceed two thousand  
1514 square feet, unless located in a building designated as a historic resource under K.C.C.  
1515 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
1516 21A.42.300, may review and approve an increase of up to three thousand five hundred  
1517 square feet of covered sales area;

1518                   (4) forty percent or more of the gross sales of agricultural product sold  
1519 through the store must be sold by the producers of primary agricultural products;

1520                   (5) sixty percent or more of the gross sales of agricultural products sold  
1521 through the store shall be derived from products grown or produced in the Puget Sound  
1522 counties. At the time of the initial application, the applicant shall submit a reasonable  
1523 projection of the source of product sales;

1524                   (6) tasting of products, in accordance with applicable health regulations, is  
1525 allowed;

1526                   (7) storage areas for agricultural products may be included in a farm store  
1527 structure or in any accessory building; and

1528                   (8) outside lighting is permitted if there is no off-site glare.

1529                   c. Retail sales of livestock is permitted only as accessory to raising livestock.

1530                   d. Farm operations, including equipment repair and related facilities, except  
1531 that:

1532                   (1) the repair of tools and machinery is limited to those necessary for the  
1533 operation of a farm or forest;

1534                   (2) in the RA and UR zones, only allowed on sites of at least four and one-  
1535 half acres;



1536           (3) the size of the total repair use is limited to one percent of the farm size in  
1537 the A zone, and up to one percent of the size in other zones, up to a maximum of five  
1538 thousand square feet unless located within an existing farm structure, including but not  
1539 limited to barns, existing as of December 31, 2003; and

1540           (4) Equipment repair shall not be permitted in the Forest zone.

1541           e. The agricultural technical review committee, as established in K.C.C.  
1542 21A.42.300, may review and approve reductions of minimum site sizes in the rural and  
1543 residential zones and minimum setbacks from rural and residential zones.

1544           25. The department may review and approve establishment of agricultural  
1545 support services in accordance with the code compliance review process in K.C.C.

1546 21A.42.300 only if:

1547           a. project is sited on lands that are unsuitable for direct agricultural production  
1548 based on size, soil conditions or other factors and cannot be returned to productivity by  
1549 drainage maintenance; and

1550           b. the proposed use is allowed under any Farmland Preservation Program  
1551 conservation easement and zoning development standards.

1552           26. The agricultural technical review committee, as established in K.C.C.  
1553 21A.42.300, may review and approve establishment of agricultural support services only  
1554 if the project site:

1555           a. adjoins or is within six hundred sixty feet of the agricultural production  
1556 district;

1557           b. has direct vehicular access to the agricultural production district;

1558           c. except for farmworker housing, does not use local access streets that abut

1559 lots developed for residential use; and

1560 b. has a minimum lot size of four and one-half acres.

1561 27. The agricultural technical review committee, as established in K.C.C.

1562 21A.42.300, may review and approve establishment of agricultural support services only

1563 if the project site:

1564 a. is outside the urban growth area,

1565 b. adjoins or is within six hundred sixty feet of the agricultural production

1566 district,

1567 c. has direct vehicular access to the agricultural production district,

1568 d. except for farmworker housing, does not use local access streets that abut

1569 lots developed for residential use; and

1570 e. has a minimum lot size of four and one-half acres.

1571 28. Only allowed on properties that are outside the urban growth area.

1572 SECTION 20. Ordinance 10870, Section 407, as amended, and K.C.C.

1573 21A.18.030 are hereby amended to read as follows:

1574 A. Except as modified in K.C.C. 21A.18.070. B((-)), through D., off-street

1575 parking areas shall contain at a minimum the number of parking spaces as stipulated in

1576 the following table. Off-street parking ratios expressed as number of spaces per square

1577 feet means the usable or net square footage of floor area, exclusive of non-public areas.

1578 Non-public areas include but are not limited to building maintenance areas, storage areas,

1579 closets or restrooms. If the formula for determining the number of off-street parking

1580 spaces results in a fraction, the number of off-street parking spaces shall be rounded to

1581 the nearest whole number with fractions of 0.50 or greater rounding up and fractions

1582 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	

Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes

Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of

	waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay

Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
<u>Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas</u>
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	0.9 per 1,000 square feet
<u>Winery/Brewery/Distillery Facility II and III</u>	<u>0.9 per 1,000 square feet, plus 1 per ((50)) 300 square feet of tasting and retail areas</u>
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

1583 B. An applicant may request a modification of the minimum required number of  
 1584 parking spaces by providing that parking demand can be met with a reduced parking  
 1585 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
 1586 the minimum required number of spaces.

1587 C. When the county has received a shell building permit application, off-street

1588 parking requirements shall be based on the possible tenant improvements or uses  
1589 authorized by the zone designation and compatible with the limitations of the shell  
1590 permit. When the range of possible uses result in different parking requirements, the  
1591 director will establish the amount of parking based on a likely range of uses.

1592 D. Where other provisions of this code stipulate maximum parking allowed or  
1593 reduced minimum parking requirements, those provisions shall apply.

1594 E. In any development required to provide six or more parking spaces, bicycle  
1595 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
1596 facilities unless otherwise specified.

1597 1. Off-street parking areas shall contain at least one bicycle parking space for  
1598 every twelve spaces required for motor vehicles except as follows:

1599 a. The director may reduce bike rack parking facilities for patrons when it is  
1600 demonstrated that bicycle activity will not occur at that location.

1601 b. The director may require additional spaces when it is determined that the  
1602 use or its location will generate a high volume of bicycle activity. Such a determination  
1603 will include but not be limited to the following uses:

1604 (1) Park/playfield,

1605 (2) Marina,

1606 (3) Library/museum/arboretum,

1607 (4) Elementary/secondary school,

1608 (5) Sports club, or

1609 (6) Retail business (when located along a developed bicycle trail or

1610 designated bicycle route).



1611           2. Bicycle facilities for patrons shall be located within 100 feet of the building  
1612 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
1613 structure attached to the pavement.

1614           3. All bicycle parking and storage shall be located in safe, visible areas that do  
1615 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

1616           4. When more than ten people are employed on site, enclosed locker-type  
1617 parking facilities for employees shall be provided. The director shall allocate the  
1618 required number of parking spaces between bike rack parking and enclosed locker-type  
1619 parking facilities.

1620           5. One indoor bicycle storage space shall be provided for every two dwelling  
1621 units in townhouse and apartment residential uses, unless individual garages are provided  
1622 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
1623 storage facilities are available to all residents.

1624           SECTION 21. Ordinance 10870, Section 536, as amended, and K.C.C.

1625 21A.30.080 are hereby amended to read as follows:

1626           In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct  
1627 one or more home occupations as accessory activities, only if:

1628           A. The total floor area of the dwelling unit devoted to all home occupations shall  
1629 not exceed twenty percent of the floor area of the dwelling unit.

1630           B. Areas within garages and storage buildings shall not be considered part of the  
1631 dwelling unit and may be used for activities associated with the home occupation;

1632           C. All the activities of the home occupation or occupations shall be conducted  
1633 indoors, except for those related to growing or storing of plants used by the home

1634 occupation or occupations;

1635 D. A home occupation or occupations is not limited in the number of employees  
1636 that remain off-site. No more than one nonresident employee shall be permitted to work  
1637 on-site for the home occupation or occupations;

1638 E. The following uses, by the nature of their operation or investment, tend to  
1639 increase beyond the limits permitted for home occupations. Therefore, the following  
1640 shall not be permitted as home occupations:

- 1641 1. Automobile, truck and heavy equipment repair;
- 1642 2. ~~((Autobody))~~ Auto body work or painting;
- 1643 3. Parking and storage of heavy equipment;
- 1644 4. Storage of building materials for use on other properties;
- 1645 5. Hotels, motels or organizational lodging;
- 1646 6. Dry cleaning;
- 1647 7. Towing services;
- 1648 8. Trucking, storage or self service, except for parking or storage of one  
1649 commercial vehicle used in home occupation; ~~((and))~~
- 1650 9. Veterinary clinic; ~~((and))~~
- 1651 10. Recreational marijuana processor, recreational marijuana producer or  
1652 recreational marijuana retailer; and
- 1653 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,  
1654 except that home occupation adult beverage businesses operating under an active  
1655 Washington state Liquor and Cannabis Board production license issued for their current  
1656 location before the effective date of this ordinance, and where King County did not object

1657 to the location during the Washington state Liquor and Cannabis Board license  
1658 application process, shall be considered legally nonconforming and allowed to remain in  
1659 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in  
1660 compliance with this section as of the effective date of this ordinance. Such  
1661 nonconforming businesses shall remain subject to all other requirements of this section  
1662 and other applicable state and local regulations. The resident operator of a  
1663 nonconforming winery, brewery or distillery home occupation shall obtain an adult  
1664 beverage business license in accordance with K.C.C. chapter 6.xx (the new chapter  
1665 created in section 3 of this ordinance);

1666 F. In addition to required parking for the dwelling unit, on-site parking is  
1667 provided as follows:

- 1668 1. One stall for each nonresident employed by the home occupations; and
- 1669 2. One stall for patrons when services are rendered on-site;

1670 G. Sales are limited to:

- 1671 1. Mail order sales;
- 1672 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

1673 and

- 1674 3. Items accessory to a service provided to patrons who receive services on the  
1675 premises;

1676 H. On-site services to patrons are arranged by appointment;

1677 I. The home occupation or occupations use or store a vehicle for pickup of  
1678 materials used by the home occupation or occupations or the distribution of products  
1679 from the site, only if:

- 1680           1. No more than one such a vehicle is allowed; and
- 1681           2. The vehicle is not stored within any required setback areas of the lot or on
- 1682 adjacent streets; and
- 1683           3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
- 1684 one ton;
- 1685           J. The home occupation or occupations do not:
- 1686           1. Use electrical or mechanical equipment that results in a change to the
- 1687 occupancy type of the structure or structures used for the home occupation or
- 1688 occupations; or
- 1689           2. Cause visual or audible interference in radio or television receivers, or
- 1690 electronic equipment located off-premises or fluctuations in line voltage off-premises;
- 1691 ~~((and))~~
- 1692           K. There shall be no exterior evidence of a home occupation, other than growing
- 1693 or storing of plants under subsection C. of this section or a permitted sign, that would
- 1694 cause the premises to differ from its residential character. Exterior evidence includes, but
- 1695 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as
- 1696 determined by using normal senses from any lot line or on average increase vehicular
- 1697 traffic by more than four additional vehicles at any given time;
- 1698           L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
- 1699 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
- 1700           M. Uses not allowed as home occupations may be allowed as a home industry
- 1701 under K.C.C. 21A.30.090.
- 1702           SECTION 22. Ordinance 15606, Section 20, as amended, and K.C.C.
-

1703 21A.30.085 are hereby amended to read as follows:

1704           In the A, F and RA zones, residents of a dwelling unit may conduct one or more  
1705 home occupations as accessory activities, under the following provisions:

1706           A. The total floor area of the dwelling unit devoted to all home occupations shall  
1707 not exceed twenty percent of the dwelling unit.

1708           B. Areas within garages and storage buildings shall not be considered part of the  
1709 dwelling unit and may be used for activities associated with the home occupation;

1710           C. Total outdoor area of all home occupations shall be permitted as follows:

1711                 1. For any lot less than one acre: Four hundred forty square feet; and

1712                 2. For lots one acre or greater: One percent of the area of the lot, up to a  
1713 maximum of five thousand square feet.

1714           D. Outdoor storage areas and parking areas related to home occupations shall be:

1715                 1. No less than twenty-five feet from any property line; and

1716                 2. Screened along the portions of such areas that can be seen from an adjacent  
1717 parcel or roadway by the:

1718                     a. planting of Type II landscape buffering; or

1719                     b. use of existing vegetation that meets or can be augmented with additional  
1720 plantings to meet the intent of Type II landscaping((-));

1721           E. A home occupation or occupations is not limited in the number of employees

1722 that remain off-site. Regardless of the number of home occupations, the number of

1723 nonresident employees is limited to no more than three who work on-site at the same

1724 time and no more than three who report to the site but primarily provide services off-

1725 site((-));

1726 F. In addition to required parking for the dwelling unit, on-site parking is  
1727 provided as follows:

- 1728 1. One stall for each nonresident employed on-site; and
- 1729 2. One stall for patrons when services are rendered on-site;

1730 G. Sales are limited to:

- 1731 1. Mail order sales;
- 1732 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 1733 3. Items accessory to a service provided to patrons who receive services on the  
1734 premises;
- 1735 4. Items grown, produced or fabricated on-site; and
- 1736 5. On sites five acres or larger, items that support agriculture, equestrian or

1737 forestry uses except for the following:

- 1738 a. motor vehicles and parts (North American Industrial Classification System  
1739 ("NAICS" Code 441);
- 1740 b. electronics and appliances (NAICS Code 443); and
- 1741 c. building material and garden equipments and supplies (NAICS Code 444);

1742 H. The home occupation or occupations do not:

- 1743 1. Use electrical or mechanical equipment that results in a change to the  
1744 occupancy type of the structure or structures used for the home occupation or  
1745 occupations;
- 1746 2. Cause visual or audible interference in radio or television receivers, or  
1747 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 1748 3. Increase average vehicular traffic by more than four additional vehicles at any

1749 given time;

1750 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
1751 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1752 J. The following uses, by the nature of their operation or investment, tend to  
1753 increase beyond the limits permitted for home occupations. Therefore, the following  
1754 shall not be permitted as home occupations:

1755 1. Hotels, motels or organizational lodging;

1756 2. Dry cleaning((:));

1757 3. Automotive towing services, automotive wrecking services and tow-in  
1758 parking lots; ((and))

1759 4. Recreational marijuana processor, recreational marijuana producer or  
1760 recreational marijuana retailer((-)); and

1761 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,  
1762 except that home occupation adult beverage businesses operating under an active  
1763 Washington state Liquor and Cannabis Board production license issued for their current  
1764 location before the effective date of this ordinance, and where King County did not object  
1765 to the location during the Washington state Liquor and Cannabis Board license  
1766 application process, shall be considered legally nonconforming and allowed to remain in  
1767 their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in  
1768 compliance with this section as of the effective date of this ordinance. Such  
1769 nonconforming businesses shall remain subject to all other requirements of this section  
1770 and all applicable state and local regulations. The resident operator of a nonconforming  
1771 home occupation winery, brewery or distillery shall obtain an adult beverage business

1772 license in accordance with K.C.C. chapter 6.xx (the new chapter created in section 3 of  
1773 this ordinance);

1774 K. Uses not allowed as home occupation may be allowed as a home industry  
1775 under K.C.C. chapter 21A.30; and

1776 L. The home occupation or occupations may use or store vehicles, as follows:

1777 1. The total number of vehicles for all home occupations shall be:

1778 a. for any lot five acres or less: two;

1779 b. for lots greater than five acres: three; and

1780 c. for lots greater than ten acres: four;

1781 2. The vehicles are not stored within any required setback areas of the lot or on  
1782 adjacent streets; and

1783 3. The parking area for the vehicles shall not be considered part of the outdoor  
1784 storage area provided for in subsection C. of this section.

1785 SECTION 23. Ordinance 10870, Section 537, as amended, and K.C.C.

1786 21A.30.090 are hereby amended to read as follows:

1787 A resident may establish a home industry as an accessory activity, as follows:

1788 A. The site area is one acre or greater;

1789 B. The area of the dwelling unit used for the home industry does not exceed fifty  
1790 percent of the floor area of the dwelling unit.

1791 C. Areas within attached garages and storage buildings shall not be considered  
1792 part of the dwelling unit for purposes of calculating allowable home industry area but  
1793 may be used for storage of goods associated with the home industry;

1794 D. No more than six nonresidents who work on-site at the time;



1795 E. In addition to required parking for the dwelling unit, on-site parking is  
1796 provided as follows:

- 1797 1. One stall for each nonresident employee of the home industry; and
- 1798 2. One stall for customer parking;

1799 F. Additional customer parking shall be calculated for areas devoted to the home  
1800 industry at the rate of one stall per:

- 1801 1. One thousand square feet of building floor area; and
- 1802 2. Two thousand square feet of outdoor work or storage area;

1803 G. Sales are limited to items produced on-site, except for items collected, traded  
1804 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

1805 H. Ten feet of Type I landscaping are provided around portions of parking and  
1806 outside storage areas that are otherwise visible from adjacent properties or public rights-  
1807 of-way;

1808 I. The department ensures compatibility of the home industry by:

1809 1. Limiting the type and size of equipment used by the home industry to those  
1810 that are compatible with the surrounding neighborhood;

1811 2. Providing for setbacks or screening as needed to protect adjacent residential  
1812 properties;

1813 3. Specifying hours of operation;

1814 4. Determining acceptable levels of outdoor lighting; and

1815 5. Requiring sound level tests for activities determined to produce sound levels  
1816 that may be in excess of those in K.C.C. chapter 12.88; ((and))

1817 J. Recreational marijuana processors, recreational marijuana producers and

1818 recreational marijuana retailers shall not be allowed as home industry; and

1819 K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall  
1820 not be allowed as home industry, except that home industry adult beverage businesses  
1821 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit  
1822 application before the effective date of this ordinance shall be considered legally  
1823 nonconforming and allowed to remain in their current location subject to K.C.C.  
1824 21A.32.020 through 21A.32.075. Such nonconforming businesses remain subject to all  
1825 other requirements of this section and all applicable state and local regulations. The  
1826 resident operator of a nonconforming winery, brewery or distillery home industry shall  
1827 obtain an adult beverage business license in accordance with K.C.C. chapter 6.xx (the  
1828 new chapter created in section 3 of this ordinance).

1829 SECTION 24. Ordinance 10870, Section 547, as amended, and K.C.C.  
1830 21A.32.100 are hereby amended to read as follows:

1831 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be  
1832 required for any of the following:

1833 A. A use not otherwise permitted in the zone that can be made compatible for a  
1834 period of up to sixty days a year; ~~((or))~~

1835 B. The expansion of an established use that:

1836 1. Is otherwise allowed in the zone;

1837 2. Is not inconsistent with the original land use approval;

1838 3. Exceeds the scope of the original land use approval; and

1839 4. Can be made compatible with the zone for a period of up to sixty days a year;

1840 or

- 1841            C. Events at a winery, brewery, distillery facility or remote tasting room that  
1842 include one or more of the following activities:
- 1843            1. Exceeds the permitted building occupancy;  
1844            2. Utilizes portable toilets;  
1845            3. Utilizes parking that exceeds the maximum number of spaces allowed by this  
1846 title on-site or utilizes off-site parking;
- 1847            4. Utilizes temporary stages;  
1848            5. Utilizes temporary tents or canopies that require a permit;  
1849            6. Requires traffic control for public rights-of-way; or  
1850            7. Extends beyond allowed hours of operation.

1851            SECTION 25. Ordinance 10870, Section 548, as amended, and K.C.C.  
1852 21A.32.110 are hereby amended to read as follows:

1853            A. The following uses shall be exempt from requirements for a temporary use  
1854 permit when located in the RB, CB, NB, O((;)) or I zones for the time period specified  
1855 below:

- 1856            1. Uses not to exceed a total of thirty days each calendar year:
- 1857                a. Christmas tree lots;
- 1858                b. Fireworks stands; and
- 1859                c. Produce stands.
- 1860            2. Uses not to exceed a total of fourteen days each calendar year:
- 1861                a. Amusement rides, carnivals((;)) or circuses;
- 1862                b. Community festivals; and
- 1863                c. Parking lot sales.

1864 B. Any use not exceeding a cumulative total of two days each calendar year shall  
1865 be exempt from requirements for a temporary use permit.

1866 C. Any community event held in a park and not exceeding a period of seven days  
1867 shall be exempt from requirements for a temporary use permit.

1868 D. Christmas tree sales not exceeding a total of 30 days each calendar year when  
1869 located on Rural Area (RA) zoned property with legally established non-residential uses  
1870 shall be exempt from requirements for a temporary use permit.

1871 E.1. Events at a winery, brewery, distillery facility II or III shall not require a  
1872 temporary use permit if:

1873 a. The business is operating under an active Washington state Liquor and  
1874 Cannabis Board production license issued for their current location before the effective  
1875 date of this ordinance, and where King County did not object to the location during the  
1876 Washington state Liquor and Cannabis Board license application process;

1877 b. The parcel is at least eight acres in size;

1878 c. The structures used for the event maintain a setback of at least one hundred  
1879 fifty feet from interior property lines;

1880 d. The parcel is located in the RA zone;

1881 e. The parcel has access directly from and to a principal arterial or state  
1882 highway;

1883 f. The event does not use amplified sound outdoors before 12:00 p.m. or after  
1884 8:00 p.m.

1885 2. Events that meet the provisions in this subsection E. shall not be subject to  
1886 the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than

1887 an annual average of eight days per month.

1888 SECTION 26. Ordinance 10870, Section 549, as amended, and K.C.C.

1889 21A.32.120 are hereby amended to read as follows:

1890 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

1891 temporary use permits shall be limited in duration and frequency as follows:

1892 A. The temporary use permit shall be effective for one year from the date of  
1893 issuance and may be renewed annually as provided in subsection D. of this section;

1894 B.1. The temporary use shall not exceed a total of sixty days in any three-  
1895 hundred( ~~and~~)-sixty-five-day period. This (~~requirement~~) subsection B.1. applies only  
1896 to the days that the event or events actually take place.

1897 2. For a winery, brewery, distillery facility II and III in the A (~~or RA~~)  
1898 zone(~~s~~), the temporary use shall not exceed a total of two events per month and all  
1899 event parking (~~for the events~~) must be accommodated on-site or managed through a  
1900 parking management plan approved by the director. This subsection B.2. applies only to  
1901 the days that the event or events actually take place.

1902 3. For a winery, brewery, distillery facility II and III in the RA zone, the  
1903 temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-  
1904 five-day period and all event parking must be accommodated on-site or managed through  
1905 a parking management plan approved by the director. This subsection B.3. applies only  
1906 to the days that the event or events actually take place.

1907 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition  
1908 to all other relevant facts, the department shall consider building occupancy and parking  
1909 limitations during permit review, and shall condition the number of guests allowed for a

1910 temporary use based on those limitations. The department shall not authorize attendance  
1911 of more than one hundred fifty guests.

1912 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition  
1913 to all other relevant facts, the department shall consider building occupancy and parking  
1914 limitations during permit review, and shall condition the number of guests allowed for a  
1915 temporary use based on those limitations. The department shall not authorize attendance  
1916 of more than two hundred fifty guests.

1917 6. Events for any winery, brewery, distillery facility I in the RA zone, any  
1918 nonconforming winery, brewery, distillery facility home occupation, or any  
1919 nonconforming winery, brewery, distillery facility home industry shall be limited to two  
1920 per year, and limited to a maximum of fifty guests. If the event complies with this  
1921 subsection B.6., a temporary use permit is not required for a special event for a winery,  
1922 brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,  
1923 brewery, distillery facility or a nonconforming home industry winery, brewery, distillery  
1924 facility.

1925 7. For a winery, brewery, distillery facility II and III in the RA zone, events  
1926 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use  
1927 permit shall not be subject to the provisions of this section;

1928 C. The temporary use permit shall specify a date upon which the use shall be  
1929 terminated and removed; and

1930 D. A temporary use permit may be renewed annually for up to a total of five  
1931 consecutive years as follows:

1932 1. The applicant shall make a written request and pay the applicable permit

1933 extension fees for renewal of the temporary use permit at least seventy days before the  
1934 end of the permit period;

1935           2. The department must determine that the temporary use is being conducted in  
1936 compliance with the conditions of the temporary use permit;

1937           3. The department must determine that site conditions have not changed since  
1938 the original temporary permit was issued; and

1939           4. At least forty-five days before the end of the permit period, the department  
1940 shall notify property owners within five hundred feet of the property boundaries that a  
1941 temporary use permit extension has been requested and contact information to request  
1942 additional information or to provide comments on the proposed extension.

1943           SECTION 27. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are hereby  
1944 amended to read as follows:

1945           A. The purpose of the Fall City business district special district overlay is to allow  
1946 commercial development in Fall City to occur with on-site septic systems until such time as  
1947 an alternative wastewater system is available. The special district shall only be established  
1948 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to  
1949 other rural commercial centers.

1950           B. The standards of this title and other county codes shall be applicable to  
1951 development within the Fall City business district special district overlay except as follows:

1952           1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
1953 with the following:

1954           a. Residential land uses as set forth in K.C.C. 21A.08.030:

1955           i. As a permitted use:

- 1956 (A) Multifamily residential units shall only be allowed on the upper floors of  
1957 buildings; and
- 1958 (B) Home occupations under K.C.C. chapter 21A.30;
- 1959 ii. As a conditional use:
- 1960 (A) Bed and Breakfast (five rooms maximum); and
- 1961 (B) Hotel/Motel.
- 1962 b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:
- 1963 i. As a permitted use:
- 1964 (A) Library;
- 1965 (B) Museum; and
- 1966 (C) Arboretum.
- 1967 ii. As a conditional use:
- 1968 (A) Sports Club/Fitness Center;
- 1969 (B) Amusement/Recreation Services/Arcades (Indoor);
- 1970 (C) Bowling Center
- 1971 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 1972 i. As a permitted use:
- 1973 (A) General Personal Services, except escort services;
- 1974 (B) Funeral Home;
- 1975 (C) Appliance/Equipment Repair;
- 1976 (D) Medical or Dental Office/Outpatient Clinic;
- 1977 (E) Medical or Dental Lab;
- 1978 (F) Day Care I;



- 1979 (G) Day Care II;
- 1980 (H) Veterinary Clinic;
- 1981 (I) Social Services;
- 1982 (J) Animal Specialty Services;
- 1983 (K) Artist Studios;
- 1984 (L) Nursing and Personal Care Facilities;
- 1985 ii. As a conditional use:
- 1986 (A) Theater (Movie or Live Performance);
- 1987 (B) Religious Use;
- 1988 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 1989 i. As a permitted use:
- 1990 (A) General Business Service;
- 1991 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 1992 ii. As a conditional use:
- 1993 (A) Public Agency or Utility Office;
- 1994 (B) Police Substation;
- 1995 (C) Fire Station;
- 1996 (D) Utility Facility;
- 1997 (E) Self Service Storage;
- 1998 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 1999 i. As a permitted use on the ground floor:
- 2000 (A) Food Store;
- 2001 (B) Drug Store/Pharmacy;

2002 (C) Retail Store: includes florist, book store, apparel and accessories store,  
2003 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video  
2004 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,  
2005 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-  
2006 only retail);

2007 (D) Eating and Drinking Places, including coffee shops and bakeries;

2008 (E) Remote tasting rooms.

2009 ii. As a conditional use:

2010 (A) Liquor Store or Retail Store Selling Alcohol;

2011 (B) Hardware/Building Supply Store;

2012 (C) Nursery/Garden Center;

2013 (D) Department Store;

2014 (E) Auto Dealers (indoor sales rooms only);

2015 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

2016 g. Resource land uses as set forth in K.C.C. 21A.08.090:

2017 i. As a permitted use:

2018 (A) Solar photovoltaic/solar thermal energy systems;

2019 (B) Private storm water management facilities;

2020 (C) Growing and Harvesting Crops (within rear/internal side yards or roof  
2021 gardens, and with organic methods only);

2022 (D) Raising Livestock and Small Animals (per the requirements of Section  
2023 21A.30 of the Zoning Code)

2024 ii. As a conditional use: Wind Turbines

2025 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:  
2026 Communication Facility.

2027 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except  
2028 as follows:

2029 a. Residential density is limited to six dwelling units per acre. For any building  
2030 with more than ten dwelling units, at least ten percent of the dwelling units shall be  
2031 classified as affordable under 21A.34.040F.1;

2032 b. Buildings are limited to two floors, plus an optional basement;

2033 c. The elevation of the ground floor may be elevated a maximum of six feet  
2034 above the average grade of the site along the front facade of the building;

2035 d. If the ground floor is designed to accommodate non-residential uses, the  
2036 elevation of the ground floor should be placed near the elevation of the sidewalk to  
2037 minimize the need for stairs and ADA ramps;

2038 e. If the ground floor is designed to accommodate non-residential space, the  
2039 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

2040 f. Building height shall not exceed forty feet, as measured from the average  
2041 grade of the site along the front facade of the building.

2042 SECTION 28. The King County executive shall conduct a demonstration project  
2043 to create and evaluate a remote tasting room demonstration project A as provided for in,  
2044 and consistent with, section 29 of this ordinance.

2045 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter  
2046 21A.55 a new section to read as follows:

2047 A. The purpose of the remote tasting room demonstration project A is to:

2048           1. Support agriculture and synergistic development of mixed use adult beverage  
2049 facilities in order to boost agritourism and the area's reputation as food and adult-  
2050 beverage destination;

2051           2. Enable the county to evaluate how expanded adult beverage-based uses can  
2052 be permitted while maintaining the core functions and purposes of the Rural Area and  
2053 Agricultural zones;

2054           3. Determine the benefits and evaluate strategies to mitigate impacts of the adult  
2055 beverage industry on Rural Area and Agricultural zoned areas, including the impacts and  
2056 benefits of the industry on Agricultural Production Districts, and including those  
2057 properties where the demonstration project sites are located and the surrounding areas;

2058           4. Provide an opportunity for additional exposure for locally sourced and  
2059 produced agricultural products; and

2060           5. Identify and evaluate potential changes to countywide land use regulations to  
2061 support the development of additional areas of unincorporated King County that may  
2062 benefit from growth in agritourism.

2063           B. The demonstration project shall only be implemented on the sites identified in  
2064 Attachment A to this ordinance.

2065           C. The use that the permitting division may approve under the remote tasting  
2066 room demonstration project A shall include only "remote tasting room" as defined in  
2067 section 13 of this ordinance.

2068           D.1. An application for a remote tasting room under this section may be  
2069 submitted in conjunction with an application for an adult beverage business license or a  
2070 building permit.

2071           2. Requests shall be submitted to the permitting division in writing, together  
2072 with any supporting documentation and must illustrate how the proposal meets the  
2073 criteria in subsection F. of this section.

2074           3. An application for a remote tasting room under this section shall be reviewed  
2075 as a Type I land use decision in accordance with K.C.C. 20.20.020.

2076           E. The department of local services, permitting division, shall administer the  
2077 demonstration project, and shall approve or deny a remote tasting room application under  
2078 this section based upon compliance with subsection F. of this section. Approval or denial  
2079 of a remote tasting room application shall not be construed as applying to any other  
2080 development application either within the demonstration project area or elsewhere in the  
2081 county.

2082           F.1. A remote tasting room under this section may be approved, subject to the  
2083 following:

2084           a. One or more winery, brewery, distillery facility I, II or III may operate  
2085 within one remote tasting room;

2086           b. The aggregated total space devoted to remote tasting room activities shall be  
2087 limited to one thousand square feet of gross floor area, not including areas devoted to  
2088 storage, restrooms, and similar nonpublic areas;

2089           c. Notwithstanding subsection F.1.b. of this section, an additional five hundred  
2090 square feet of immediately adjacent outdoor space may be used for tasting, subject to  
2091 applicable state regulations limiting sale, service and consumption of alcoholic  
2092 beverages;

2093           d. Incidental retail sales of products and merchandise related to the products

2094 being tasted is allowed;

2095 e. The hours of operation for the tasting room shall be limited as follows:

2096 Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to  
2097 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours  
2098 shall be limited to 11:00 a.m. through 9:00 p.m.;

2099 f. The applicant and any additional business operators using the remote tasting  
2100 room shall obtain an adult beverage business license in accordance with K.C.C. chapter  
2101 6.xx (the new chapter created in section 3 of this ordinance);

2102 g. Each remote tasting room business operator using the remote tasting room  
2103 shall have proof of Washington state Liquor and Cannabis Board approval;

2104 h. Special events shall not exceed two per year regardless as to the number of  
2105 operators using the tasting room, and shall be limited to no more than fifty guests. As  
2106 long as the special events comply with this section, a temporary use permit is not  
2107 required;

2108 i. Off-street parking shall be provided in accordance with the parking ratios  
2109 for remote tasting room uses in K.C.C. 21A.18.030. Off-Street parking is limited to a  
2110 maximum of one space per fifty square feet of tasting and retail areas; and

2111 j. The use shall be consistent with general health, safety and public welfare  
2112 standards, and shall not violate state or federal law.

2113 2. This section supersedes other variance, modification or waiver criteria of  
2114 K.C.C. Title 21A.

2115 3. Remote tasting room uses approved in accordance with this section may  
2116 continue as long as an underlying business license or renewal is maintained, and subject

2117 to the nonconformance provisions of K.C.C. chapter 21A.32.

2118 G. Demonstration project applications shall be accepted by the permitting  
2119 division for three years from the effective date of this ordinance. Complete applications  
2120 submitted before the end of the three years shall be reviewed and decided on by the  
2121 permitting division.

2122 H. Starting one year after the effective date of this ordinance, and each year for  
2123 four years thereafter, the executive shall prepare preliminary evaluations of remote  
2124 tasting room demonstration project A. The executive shall post these preliminary  
2125 evaluation reports to the department of local services, permitting division, website, and  
2126 provide electronic notice of the posting to the clerk of the council, who shall retain the  
2127 original email and provide an electronic copy to all councilmembers, the council chief of  
2128 staff and the lead staff for the local services, regional roads and bridges committee or its  
2129 successor. These preliminary evaluation reports shall include:

2130 1. A list of remote tasting room demonstration project applications submitted,  
2131 reviewed and decided, including the date of original submittal, date of complete  
2132 application and date and type of final decision whether approved or denied; and

2133 2. A list of code compliance complaints under Title 23, if any, related to the  
2134 applications received and approved or the demonstration project that were opened or  
2135 initiated in the prior year, and their current status.

2136 I.1. Within ninety days of five years after the effective date of this ordinance, the  
2137 permitting division shall prepare a draft final evaluation and proposed permanent code  
2138 changes that includes the information compiled under subsection H. of this section, and  
2139 an evaluation of whether the purposes under subsection A. of this section have been

2140 fulfilled by the demonstration project.

2141           2. The draft final report required in subsection J. of this section and proposed  
2142 permanent code changes shall be done in conjunction with the efficacy evaluation and  
2143 proposed code changes required by section 32 of this ordinance.

2144           J. The permitting division shall include a public comment period for the  
2145 permitting division's draft final evaluation described in subsection I. of this section. The  
2146 public comment period shall last at least forty-five days beginning with the date of  
2147 publication in the newspapers of record for the demonstration project areas identified in  
2148 Attachment A to this ordinance. As part of the public comment period, the permitting  
2149 division shall:

2150           1. Publish notice of the draft final evaluation's availability in each newspaper of  
2151 record, including locations where the draft final evaluation is available;

2152           2. Send notice and request for comment to the water districts for the  
2153 demonstration project areas identified in Attachment A to this ordinance;

2154           3. Request comments from any developer that has applied for approval under  
2155 the demonstration project;

2156           4. Provide a copy at the local libraries for the demonstration project areas  
2157 identified in Attachment A to this ordinance;

2158           5. Post an electronic copy on the permitting division's website; and

2159           6. Send electronic notice to the clerk of the council, who shall retain the original  
2160 email and provide an electronic copy to all councilmembers, the council chief of staff and  
2161 the lead staff for the local services, regional roads and bridges committee, or its  
2162 successor.



2163 K. After the public comment period has ended, the permitting division shall  
2164 prepare a final evaluation of the remote tasting room demonstration project A,  
2165 incorporating or responding to the comments received. Within sixty days of the end of  
2166 the public comment period, the executive shall file a final evaluation report, a motion that  
2167 should accept the report, and an ordinance that implements any proposed permanent code  
2168 changes.

2169 L. The final report and proposed legislation shall be filed in the form of a paper  
2170 original and an electronic copy with the clerk of the council, who shall retain the original  
2171 and provide an electronic copy to all councilmembers, the council chief of staff and the  
2172 lead staff for the local services, regional roads and bridges committee, or its successor.

2173 SECTION 30. Ordinance 13623, Section 37, as amended, and K.C.C. 23.32.010  
2174 are hereby amended to read as follows:

2175 A.1. Civil fines and civil penalties for civil code violations shall be imposed for  
2176 remedial purposes and shall be assessed for each violation identified in a citation, notice  
2177 and order, voluntary compliance agreement or stop work order pursuant to the following  
2178 schedule:

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

(1) with no previous similar code violations \$100

(2) with no previous code violations of K.C.C. chapter 12.86 \$125

within the past twelve months

(3) with one previous code violation of K.C.C. chapter 12.86 \$250

within the past twelve months

(4) with one or more previous similar code violations, or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months \$500

(5) with two or more previous violations of K.C.C. Title 10, or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months Double the rate of the previous penalty

b. citations for violations of winery, brewery, distillery facility I, II and III and remote tasting room zoning conditions, including but not limited to unapproved events;

(1) with no previous similar code violations within the past twelve months; \$500

(2) with one or more previous similar code violations within the past twelve months; \$1,000

c. violation of notice and orders and stop work orders:

(1) stop work order basic penalty \$500

(2) voluntary compliance agreement and notice and order basic penalty \$25

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

(a) public health risk \$15

(b) environmental damage risk \$15

(c) damage to property risk \$15

(d) one previous similar code violation \$25

(e) two previous similar code violations \$50

(f) three or more previous similar code violations \$75

(g) economic benefit to person responsible for violation \$25

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

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

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

(2) second reinspection, which shall occur no sooner than \$300  
fourteen days following the first reinspection

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

(4) reinspection after the third reinspection, which shall only be \$450  
conducted immediately preceding an administrative or court  
ordered abatement or at the direction of the prosecuting attorney for  
the purpose of presenting evidence in the course of litigation or  
administrative hearing against the person responsible for code  
compliance

2179 2. For the purposes of this section, previous similar code violations that can  
2180 serve as a basis for a higher level of civil penalties include violations of the same chapter  
2181 of the King County Code. Any citation, stop work order or notice and order previously  
2182 issued by the department shall not constitute a previous code violation for the purposes of  
2183 this section if that stop work order or notice and order was appealed and subsequently  
2184 reversed.

2185           B. The penalties assessed pursuant to this section for any failure to comply with a  
2186 notice and order or voluntary compliance agreement shall be assessed daily, according to  
2187 the schedule in subsection A of this section, for the first thirty days following the date the  
2188 notice and order or voluntary compliance agreement required the code violations to have  
2189 been cured. If after thirty days the person responsible for code compliance has failed to  
2190 satisfy the notice and order or voluntary compliance agreement, penalties shall be  
2191 assessed daily at a rate of double the rate for the first thirty days. Penalties may be  
2192 assessed daily until the person responsible for code compliance has fully complied with  
2193 the notice and order.

2194           C. Penalties based on violation of a stop work order shall be assessed, according  
2195 to the schedule in subsection A. of this section, for each day the department determines  
2196 that work or activity was done in violation of the stop work order.

2197           D. Citations and cleanup restitution payments shall only be subject to a one-time  
2198 civil penalty.

2199           E. The director may suspend the imposition of additional civil penalties if the  
2200 person responsible for code compliance has entered into a voluntary compliance  
2201 agreement. If the person responsible for code compliance enters into a voluntary  
2202 compliance agreement and cures the code violations, the director may also waive all or  
2203 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall  
2204 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any  
2205 necessary permits applied for are denied, canceled or not pursued, or if corrective action  
2206 identified in the voluntary compliance agreement is not completed as specified.

2207           F. The civil penalties in this section are in addition to, and not in lieu of, any

2208 penalties, sanctions, restitution or fines provided for in any other provisions of law.

2209         SECTION 31. Map Amendment #2 is hereby adopted, as shown in Attachment B  
2210 to this ordinance.

2211         SECTION 32. A. The executive shall transmit a an efficacy evaluation report,  
2212 proposed motion and proposed ordinance that evaluates the efficacy of the regulations for  
2213 adult beverage businesses, including winery, brewery, distillery facilities, remote tasting  
2214 rooms and nonconforming home occupations and home industries, adopted as part of this  
2215 ordinance, and any recommended changes to the regulations and the rationale for those  
2216 recommended changes. The efficacy evaluation report shall include, at a minimum:

2217             1. A list of all adult beverage businesses with valid business licenses as of five  
2218 years from the effective date of this ordinance;

2219             2. A list of adult beverage businesses permit applications submitted, reviewed  
2220 and decided in the prior five years, including the date of original submittal, date of  
2221 complete application, date and type of final decision whether approved or denied and  
2222 categorization of typical conditions were applied;

2223             3. A list of all code enforcement complaints filed against adult beverage  
2224 businesses over the prior five years, including the final resolution of resolved cases and  
2225 the status of open cases; and

2226             4. An evaluation of and recommendations for changes to the following  
2227 development conditions, if any, and the rationale for the proposed change or for  
2228 maintaining the development condition as adopted by this ordinance:

2229                 a. Citation and civil fine structure adopted in K.C.C. 23.32.010 for adult  
2230 beverage businesses;

2231           b. Parking requirements, including the minimum required and the maximum  
2232 allowed;

2233           c. Hours of operation for tasting rooms associated with production facilities  
2234 and remote tasting rooms;

2235           d. Temporary use permit criteria related to special events for adult beverage  
2236 businesses, including the criteria for and minimum requirements of and obtaining a  
2237 temporary use permit established in K.C.C. 21A.32.100 and 21A.32.120, and the public  
2238 notice requirements; and

2239           e. Product content requirement in the A zone, including the growth on-site  
2240 requirements and the agricultural accessory use language adopted by this ordinance.

2241           B. This efficacy evaluation report shall have a public comment period in  
2242 conjunction with that required for the final evaluation in section 29 of this ordinance.

2243           C. The efficacy evaluation report and proposed ordinance shall be transmitted to  
2244 the council with a motion that should accept the report and a proposed ordinance making  
2245 recommended code changes, concurrently with the final evaluations required in section  
2246 29 of this ordinance, in the form of a paper original and an electronic copy to the clerk of  
2247 the council, who shall retain the original and provide an electronic copy to all  
2248 councilmembers, the council chief of staff and the lead staff for the local services,  
2249 regional roads and bridges committee, or its successor.

2250           SECTION 33. Severability. If any provision of this ordinance or its application

2251 to any person or circumstance is held invalid, the remainder of the ordinance or the  
2252 application of the provision to other persons or circumstances is not affected.  
2253

Ordinance 19030 was introduced on 4/30/2018 and hearing held/closed and passed as amended by the Metropolitan King County Council on 12/4/2019, by the following vote:

Yes: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott and Ms. Balducci

No: 4 - Mr. Gossett, Mr. Dembowski, Mr. Upthegrove and Ms. Kohl-Welles



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

RECEIVED  
2019 DEC 19 PM 4: 22  
CLERK  
KING COUNTY COUNCIL

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019.

DEEMED ENACTED WITHOUT  
COUNTY EXECUTIVE'S SIGNATURE

DATED: December 19, 2019

Dow Constantine, County Executive

Attachments: A. Map Amendment #1-Remote Tasting Room Demonstration Project A dated September 16, 2019, B. Map Amendment #2- Modifying P-Suffix VS-P29 Vashon Town Plan – Restricted Uses for CB Zoned Properties

**Map Amendment # 1- Remote Tasting Room Demonstration Project A**

**Sammamish Valley near the City of Woodinville**

**AMENDMENT TO THE KING COUNTY ZONING ATLAS**

---

Amend Sections 14 and 23, Township 26, Range 5, as follows:

**ZONING**








Apply the Demonstration Project (-DPA) established in Ordinance XXXXX (Proposed Ordinance 2018-0241), Section 28 and 29, to the following parcels. Make no other changes to the land use designation or zoning:

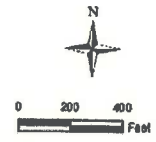
Parcel	Current Zoning	Area
2481600120	RA-2.5	Sammamish Valley
3404700026	RA-2.5	Sammamish Valley
3404700027	RA-2.5	Sammamish Valley
3404700030	RA-2.5-SO	Sammamish Valley
3404700031	RA-2.5-SO	Sammamish Valley
3404700035	RA-2.5-SO	Sammamish Valley
3404700040	RA-2.5-SO	Sammamish Valley
3404700041	RA-2.5-SO	Sammamish Valley
3404700043	RA-2.5-SO	Sammamish Valley
3404700050	RA-2.5-SO	Sammamish Valley
3404700055	RA-2.5-SO	Sammamish Valley
3404700057	RA-2.5-SO	Sammamish Valley
3407700006	RA-2.5-SO	Sammamish Valley

**Effect:** Amends the zoning atlas to apply the Remote Tasting Room Demonstration Project A to all or a portion of 13 parcels within the Sammamish Valley near the City of Woodinville.

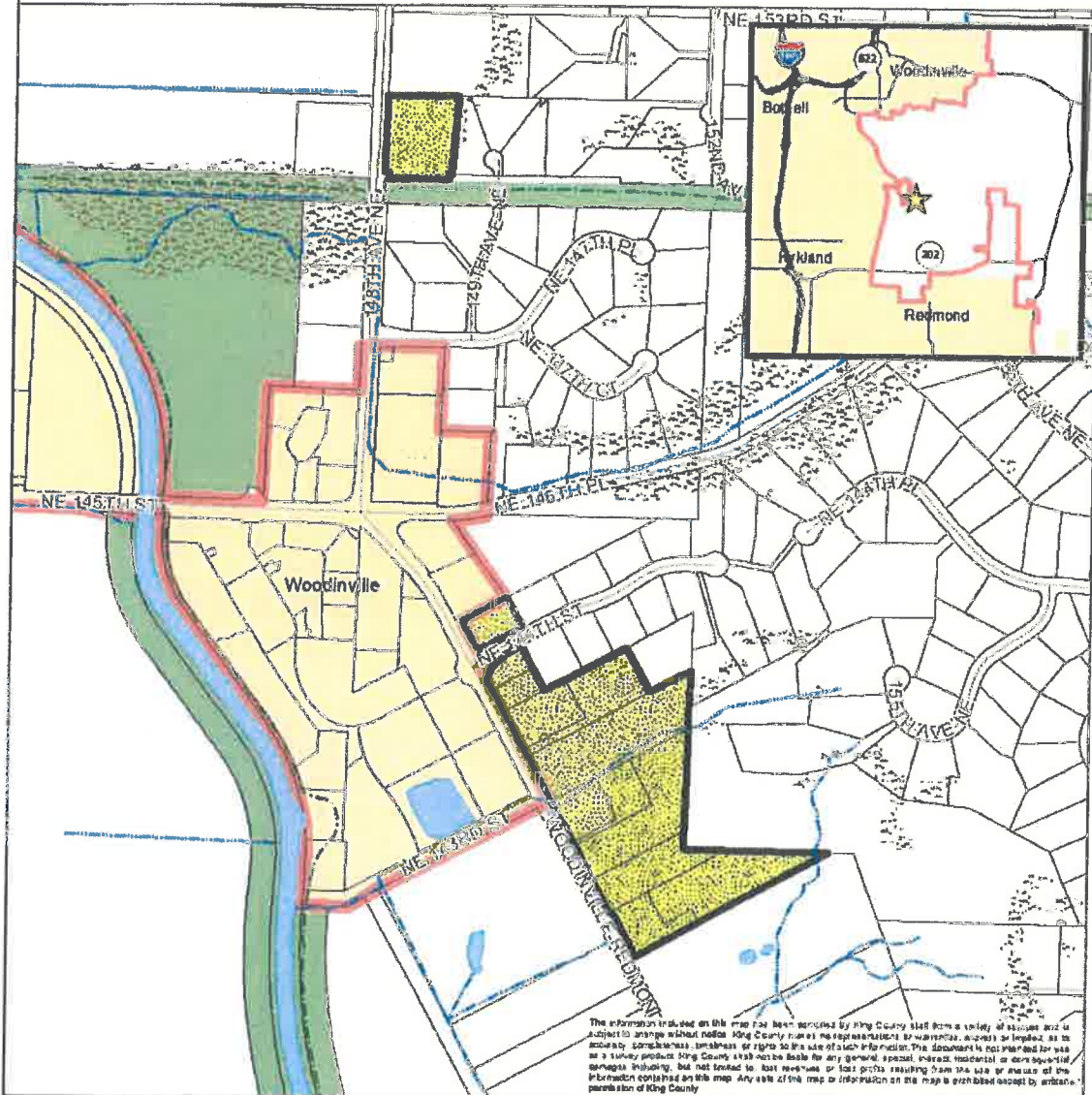


# Demonstration Project Overlay A: Sammamish Valley

-  Demonstration Overlay A
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



Date: 3/4/2019



The information included on this map has been provided by King County staff from a variety of sources and is subject to change without notice. King County makes no representation or warranty, express or implied, as to accuracy, completeness, timeliness or right to the use of such information. The document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental or consequential damages, including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on the map is prohibited except by written permission of King County.

1  
2 **Map Amendment # 2 - VS-P29 Vashon Town Plan – Restricted Uses for CB**  
3 **Zoned Properties**

4  
5  
6  
7 **Vashon Rural Town Community Business Zoning**  
8  
9

10  
11 AMENDMENT TO THE KING COUNTY ZONING ATLAS

12  
13 Amend Sections 29, 30, 31 and 32, Township 23, Range 3, and Sections 3, 5 and 6,  
14 Township 22, Range 3, as follows:

15  
16 **ZONING**  
17

18 Modify Property Specific Development Standard VS-P29 to read:

19  
20 "Restricted Uses for Community Business-Zoned Properties - P-suffix condition (Source:  
21 Vashon Town Plan - Ordinance 12395, August 12, 1996, as amended)

22 Property with Community Business zoning shall be restricted to the following specific land  
23 uses as set forth in Chapter K.C.C. 21A.08.

24 For any use requiring a Conditional Use Permit that is located on property listed by the  
25 Washington State Department of Ecology as a known or suspected contaminated site, the  
26 Conditional Use Permit shall be conditioned to ensure that the property owner obtains and  
27 submits a No Further Action letter for the subject property or demonstrates that timely progress  
28 is being made toward obtaining a No Further Action letter. If the property owner does not  
29 demonstrate timely progress towards obtaining a No Further Action letter, the permit conditions  
30 shall be enforced, up to a potential revocation of the Conditional Use Permit.  
31

32 **Residential Land Uses**

33 **DWELLING UNITS, TYPES:** Townhouse; Apartment\*\*.

34 **GROUP RESIDENCES:** Community residential facility -I; Community residential facility - II;  
35 Senior citizen assisted housing.

36 **ACCESSORY USES:** Home occupation.

37 **TEMPORARY LODGING:** Hotel/Motel, Bed and breakfast guesthouse.

38 **Recreational/Cultural Land Uses**

- 39 PARK/RECREATION: Park
- 40 AMUSEMENT/ENTERTAINMENT: Theater, Plays/Theatrical production, Bowling center,  
41 Sports club.
- 42 CULTURAL: Library, Museum, Arboretum, Conference Center
- 43 General Services Land Uses
- 44 PERSONAL SERVICES: General Personal Service; Funeral Home/Crematory; Day care I; Day  
45 care II; Veterinary Clinic; Automotive repair; Miscellaneous repair; Churches, synagogue,  
46 temple; Social Services; Kennel or Cattery.
- 47 HEALTH SERVICES: Office/Outpatient Clinic; Nursing and personal care facilities; Hospital;  
48 Medical/Dental Lab.
- 49 EDUCATION SERVICES: Secondary or High School; Specialized Instruction School; Interim  
50 Recycling Facility.
- 51 Government/Business Service Land Uses
- 52 GOVERNMENT SERVICES: Public agency or utility office; Police Facility; Utility Facility;  
53 Private Stormwater Management Facility.
- 54 BUSINESS SERVICES: Individual Transportation and Taxi; Trucking and courier Service;  
55 Self-service Storage; Passenger Transportation Service; Telegraph and other Communications  
56 (excluding towers); General Business Service; Professional Office; Miscellaneous Equipment  
57 Rental; Automotive Parking; Commercial/Industrial Accessory Uses (Administrative. offices,  
58 employee exercise & food service facilities, storage of agricultural raw materials or products  
59 manufactured on site, owner/caretaker residence, grounds maintenance).
- 60 RETAIL/WHOLESALE LAND USES:
- 61 Building, Hardware and Garden Materials; Department and Variety Store; Food Stores; Auto  
62 Supply Stores; Apparel and Accessory Stores; Furniture and Home Furnishings Stores; Eating  
63 and Drinking Places; Remote Tasting Rooms; Drug Stores; Liquor Stores; Uses Goods:  
64 Antiques/Secondhand Shops; Sporting Goods and related Stores; Book, Stationery, Video and  
65 Art Supply Stores; Jewelry Stores; Hobby, Toy Game Shops; Photographic and Electronic  
66 Shops; Fabric Shops; Florist Shops; Personal Medical Supply Stores; Pet Shops.
- 67 Recreational marijuana retailer, subject to K.C.C. 21A.08.070 and applicable state law.
- 68 MANUFACTURING LAND USES:
- 69 Recreational marijuana processor I, subject to K.C.C. 21A.08.080 and applicable state law.
- 70 Printing and Publishing.
- 71 Wineries, Breweries and Distilleries, subject to K.C.C. 21A.08.080
- 72 RESOURCE LAND USES:
- 73 Recreational marijuana producer, subject to K.C.C. 21A.08.90 and applicable state law.
- 74 REGIONAL LAND USES:

75 Wastewater Treatment Facility; Transit Park and Ride Lot.  
76 \*\*Residential density for mixed use development in Community Business zone shall not exceed  
77 eight units per acre."  
78  
79 P-suffix condition VS-P29 applies to the following parcel numbers. No changes to the  
80 geography of VS-P29 are included in this amendment.  
81

Parcels List
0522039017
0522039123
0522039145
0522039166
0622039016
0622039079
0622039080
0622039082
0622039083
0622039090
0622039094
0622039095
0622039100
0622039110
2846200005
2846200010
2846200025
2846200030
2846200040
2846200050
2846200065
2846200070
2846200075
2846200080
2846200085
2846200086
2846200090
2846200092
2846200100
2846200105
2846200110
2846200115
2923039068

2923039094
2923039106
2923039113
2923039114
2923039121
2923039135
2923039136
2923039147
2923039158
2923039160
2923039161
2923039183
2923039198
2923039291
2923039295
3023039036
3023039039
3023039041
3023039050
3023039051
3023039054
3023039056
3023039061
3023039062
3023039073
3023039090
3023039097
3023039108
3023039111
3023039122
3023039125
3023039160
3023039161
3023039187
3023039204
3123039004
3123039010
3123039011
3123039028
3123039030
3123039033

3123039035
3123039041
3123039053
3123039055
3123039059
3123039061
3123039067
3123039071
3123039072
3123039074
3123039075
3123039086
3123039087
3123039088
3123039107
3123039126
3123039130
3123039131
3123039134
3123039135
3123039166
3223039016
3223039017
3223039018
3223039019
3223039020
3223039021
3223039022
3223039023
3223039024
3223039048
3223039076
3223039083
3223039091
3223039092
3223039103
3223039112
3223039113
3223039114
3223039133
3223039195

8883500000
8884400010
8884400020

82  
83  
84  
85

For the following parcels, the existing and modified P-suffix condition only apply to the portion of the property zoned CB:

Parcel List
0522039015
0522039018
0522039052
0622039004
0622039148
3023039096
3123039031
3123039128
3123039132

86  
87  
88  
89  
90  
91

**Effect:** Amends Property Specific Development Standard (P-Suffix) VS-P29 to allow remote tasting rooms in the CB zoned property in the Vashon Rural Town. No other changes are made to the P-Suffix, and no modifications are made to the properties this P-Suffix applies to.

# Map Amendment #2 – P-Suffix VS-P29

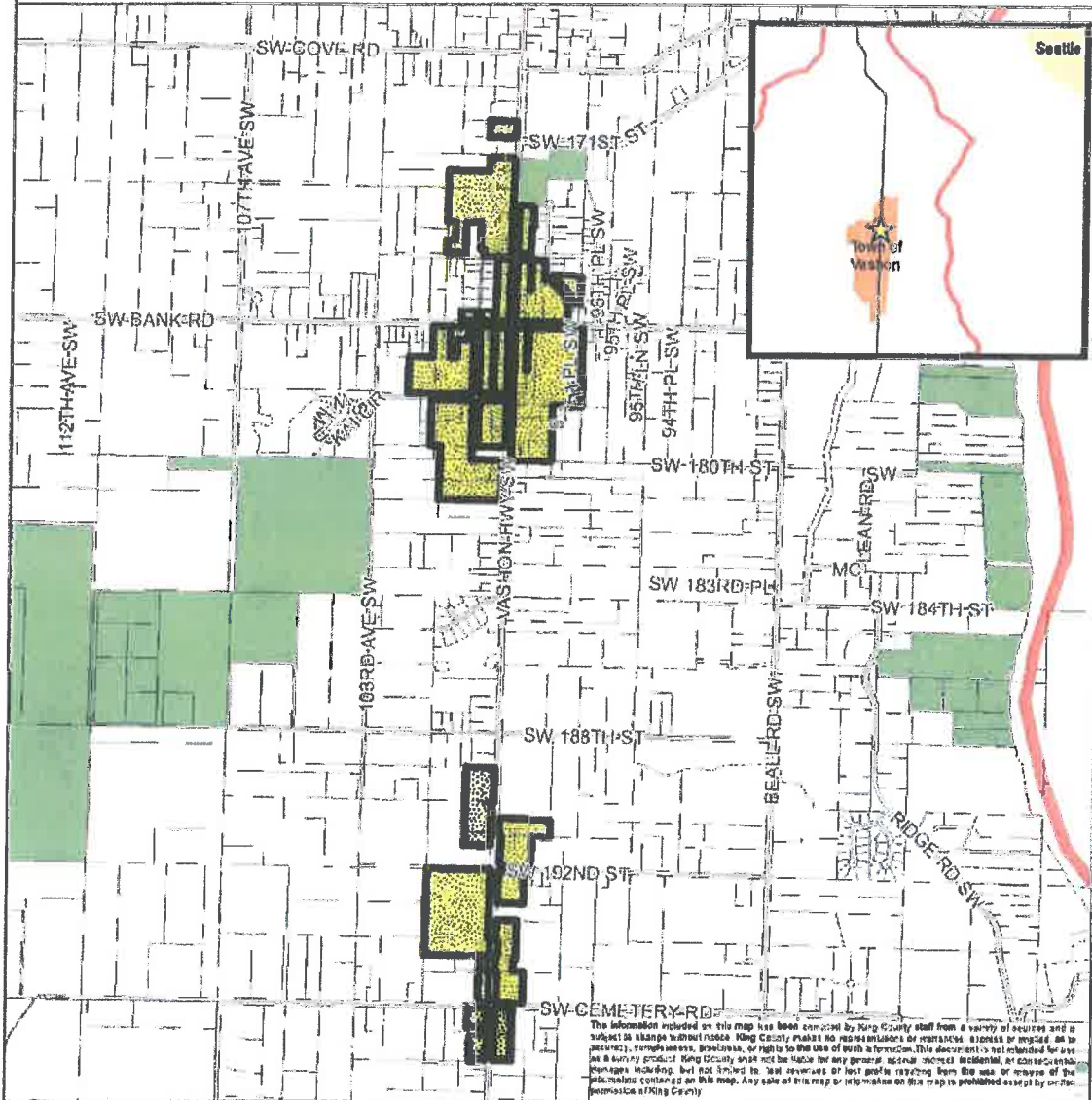
-  VS-P29
-  Parcels
-  Urban Growth Boundary
-  Incorporated Area
-  Parks & Open Space
-  Regional Trails
-  Railroads
-  Waterbodies
-  Streams
-  Wetland & Steep Slope



0 200 400 800 1200  
Feet



Date: 9/9/2019



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## Allende, Angel

---

**From:** Moore, Kendall  
**Sent:** Saturday, December 21, 2019 12:29 PM  
**To:** cherrie.camp@kingcounty.gov; Allende, Angel; Pedroza, Melani  
**Subject:** Fwd: Ordinance 19030

Fyi

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Huston, Jennifer" <Jennifer.Huston@kingcounty.gov>  
**Date:** 12/20/19 2:53 PM (GMT-08:00)  
**To:** "Moore, Kendall" <Kendall.Moore@kingcounty.gov>  
**Cc:** "Braddock, Shannon" <Shannon.Braddock@kingcounty.gov>, "Peterson Horner, Elka" <epetersonhorner@kingcounty.gov>  
**Subject:** Ordinance 19030

Hi Kendall,

Shannon is out of the office today, so asked me to follow up with you.

This email is to confirm that Ordinance 19030 is intended to be enacted without Executive signature.

Thank you.

Best,

Jenny

---  
Jenny Huston  
Deputy Director of Government Relations  
Office of King County Executive Dow Constantine  
206-263-9625 (Office)  
206-693-9264 (Mobile)  
[jennifer.huston@kingcounty.gov](mailto:jennifer.huston@kingcounty.gov)

**Exhibit J**

**The Seattle Times Affidavit of Publication,  
dated January 8, 2020**

# The Seattle Times

RECEIVED  
2020 JAN 16 AM 8:41  
KING COUNTY COUNCIL

King County Council  
Clerk of the Council  
516 3rd Ave Rm 1200

Seattle, WA 98104-2312

Re: Advertiser Account # 100948

Agency Account #: 0

Ad #: 926672

Agency Name:

## Affidavit of Publication

STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	01/08/20

Agent Sharon Seligman Signature Sharon Seligman

**DEBBIE COLLANTES**  
Notary Public  
State of Washington  
License Number 197558  
My Commission Expires  
February 15, 2022

Subscribed and sworn to before me on 01/08/2020

DATE  
Debbie Collantes  
**Debbie Collantes**

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

# The Seattle Times

Re: Advertiser Account # 100948

Ad #: 926672

Agency Account #: 0

Agency Name:

## AD TEXT

### METROPOLITAN KING COUNTY COUNCIL NOTICE OF ADOPTION

#### Ordinance 19030

NOTICE IS HEREBY GIVEN that the Metropolitan King County Council (the Council) held a public hearing in the Council Chambers on the 10th Floor of the King County Courthouse (516 Third Avenue, Seattle, WA) on Wednesday, December 4, 2019, beginning at 9:30 A.M. The purpose of this public hearing was to consider adoption of Proposed Ordinance 2018-0241 (Ordinance 19030), an ordinance relating to the County's development regulations. The Council then adopted this Ordinance at that same meeting.

#### SUMMARY:

Ordinance 19030 amended the King County development regulations related to wineries, breweries and distilleries. Detailed information on this ordinance is available in the Clerk of the Council's office, King County Courthouse, 516 3rd Avenue, Room 1200, Seattle, WA. It is available on the Internet at [http://www.kingcounty.gov/council/clerk/notice\\_enactment.aspx](http://www.kingcounty.gov/council/clerk/notice_enactment.aspx). The complete text is also available on the Internet at

<https://mbr.rfgi.search.kingcounty.gov/legislationDetail.aspx?ID=388927&CUID=1061-0048-ADP-1926-AF8A-AF39AD27628&Customs=ID/Text&Search=2018-0241> and

<https://www.kingcounty.gov/council/legislation/code.aspx>.

Dated at Seattle, Washington, this 8th day of January, 2020.

METROPOLITAN  
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Melani Pedroza  
Clerk of the Council

RECEIVED  
2020 JAN 16 AM 8:40  
CLERK  
KING COUNTY COUNCIL