



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



September 4, 2019

The Honorable Joe McDermott, Chair – Committee of the Whole
King County Council
516 3rd Ave Room 1200
Seattle, Washington 98104

Dear Chair McDermott and King County Councilmembers:

Subject: Futurewise **CLARIFYING** comments on Proposed Ordinance 2018-0241.2 -
Regulations for Wineries, Breweries, and Distilleries.
Sent via email to: council@kingcounty.gov

Thank you for providing Futurewise the opportunity to clarify our letter dated June 6, 2019. After further review, we believe it is necessary to simplify our comments on a few key provisions. Under the current draft, Futurewise continues to recommend that the proposed ordinance not be adopted as written and suggest the below changes.

Agricultural Zones

King Country needs to protect agricultural lands and agricultural operations from nonagricultural uses. Therefore, we are opposed to including Winery/Brewery/Distillery Facility I that would allow for sourcing of products offsite to be used by the business for five years within the Agricultural zones which makes them nonagricultural uses.

Futurewise is opposed to Winery/Brewery/Distillery Facility IIs and IIIs in Agricultural zones as written. We appreciate the requirement that 60% of the products to be used by the business must be grown on-site, however further requirements should be included to adequately protect agricultural lands. The ordinance needs to require that the uses associated with the Winery/Brewery/Distillery Facility IIs and IIIs shall not convert more than one acre of agricultural land to nonagricultural uses as RCW 36.70A.177(3)(b)(ii) requires.

In addition, the proposed code does not provide consistency with the size, scale, and intensity of the existing agricultural use of the property as RCW 36.70A.177(3)(b)(ii) requires, as the allowed 3,500-foot buildings for the Winery/Brewery/Distillery Facility IIs and 8,000 to 16,000 square foot buildings for the Winery/Brewery/Distillery Facility IIIs are larger than many buildings in the Sammamish Valley Agricultural 10 zone and other agricultural zones.



The Winery/Brewery/Distillery Facility IIs and IIIs have limited protections for adjacent agricultural uses allowing setback to be reduced from 75 feet down to 25 feet. The setback only applies to “adjoining rural area and residential zones ...”, not agricultural uses. We believe that setbacks are needed to protect adjacent agricultural lands from encroachment and impacts.

Rural Zones

Futurewise is opposed to allowing remote tasting rooms in the rural area except for within designated Rural Towns; we also reluctantly support Demonstration Area A to legalize a number of the tasting rooms. We are opposed to Demonstration Area B as these are urban uses and shouldn't be allowed in the Rural Areas. Tasting rooms are not dependent upon being in a rural area or near resource lands, unlike a use that processes local agricultural products, as the Growth Management Act requires so they are not an appropriate rural use.

The Winery/Brewery/Distillery Facility IIs and IIIs proposed for the rural area are also not allowed rural uses as there is no requirement that they process local agricultural products. For these types of facilities to be allowed in rural areas, that they process agricultural products predominately from King County with some of the products processed from other nearby counties.

Water Availability

Group B water systems shouldn't be allowed to serve these uses. The Sammamish River is closed to new appropriations and permits for ground water appropriations are not allowed under WAC 173-508-030(1) and WAC 173-508-050. Allowing these uses, other than home occupations, to be served by Group B systems unless they have adequate water rights violates these requirements as well as reduces instream flows. Low flows reduce available instream habitat and contribute to higher temperatures adversely impact salmon production and salmon habitats.¹

Parking

We appreciate the update to limiting parking throughout the ordinance, but we oppose grandfathering in of existing parking.

Home Occupations

If a current home occupation is a legally existing licensed business under current code and have followed all the regulation to comply, we believe they should be able to continue operating

¹ 2016 *State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 111.

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under the current code. Futurewise is opposed to allowing a yearlong grace period to comply with code that will no longer exist with the passage of this ordinance.

Thank you for considering our comments. If you require additional information, please contact Bryce at telephone 253-249-4430 and email bryce@by-consulting.com.

Sincerely,



Bryce Yadon
Government Affairs Representative - Futurewise