

FRIENDS OF SAMMAMISH VALLEY
<https://friendsofsammamishvalley.org/>

June 12, 2019

*HAND DELIVERED AT 6/12/19 PUBLIC HEARING ON PROPOSED SUBSTITUTE
ORDINANCE 2018-0241.2*

King County Council
516 Third Avenue
Seattle, WA 98104

Subject: Proposed zoning code amendments regulating wineries, breweries and distilleries

Dear Councilmembers:

Friends of Sammamish Valley submits the following testimony, including Exhibits 1-29, into the record of the public hearing on proposed substitute ordinance 2018-0241.2 that would amend the King County Zoning Code by revising regulations governing wineries, breweries and distilleries (“WBDs”), referred to herein as the “the Adult Beverage Ordinance” or “ the Proposed Ordinance”.

INTRODUCTION

Friends of Sammamish Valley (“FoSV”) is a group of local citizens, businesses and organizations whose goals are to protect the Sammamish Valley Agricultural Production District (“APD”), maintain the character of the surrounding Rural Area (“RA”) and preserve the rural lifestyle for local residents. FoSV works with and is supported by many environmental organizations and individuals. (See list of supporters and endorsers at **Exhibit 12**).

FoSV opposes the Proposed Ordinance because it allows the establishment of urban uses and commercial development within the APD and on residential zoned RA 2.5 land (1 residential unit per 5 acres)¹ that is intended to buffer farmland in the APD from upslope development. Retail and commercial buildings, parking lots, signage and outdoor lighting required for WBD tasting rooms and “event centers”, and the associated impacts (including runoff from impervious surfaces, traffic and noise) are urban uses with urban impacts that should be located within the Urban Growth Area where there is adequate land and infrastructure to accommodate those uses.

The Proposed Ordinance would allow sprawl development along a rural two-lane road (with no sidewalks and minimal shoulders) on land served only by septic systems and in several cases no on-site sanitary sewer system other than a holding tank. (See **Exhibit 11**.) The Proposed Ordinance is ostensibly intended to accommodate what might be termed “true” wineries, breweries and distilleries, but in reality would allow wine bars, taverns, and large-scale event centers to be sited on small lots located within the APD buffer area along the entire east side of the Sammamish Valley from NE 124th to the parcel immediately

¹ Although it is confusing RA-2.5 means “Rural Area, one DU per 5 acres (not a typo)”. (See Exhibit 2 - About King County zoning - General information about zoning codes for unincorporated King County.)

north of the PSE Power Line Easement (at approximately at NE 148th Street). There is more than adequate capacity for these urban businesses to operate legally in the surrounding cities of Woodinville, Redmond, Kirkland and Bothell.

The Sammamish Valley and surrounding Rural Area is a unique area where farming, a rural lifestyle and the wine industry can operate (and have for the most part) in symbiosis. Legal WBDs, which make up more than 95% of operating WBDs, are located within the City of Woodinville and unincorporated King County. These WBDs have been operating in conformance with applicable City and County laws and have been good neighbors to the surrounding residential communities. Unfortunately, the remaining 5% have operated illegally, some for more than 7 years, and these illegal WBDs have had significant negative impacts on the Sammamish Valley and the adjacent Rural residential communities. (See **Exhibit 7.**) The Proposed Ordinance would exacerbate these impacts and produce a wide range of negative consequences. The viability of farmland in the APD will be directly harmed by environmental impacts including increased runoff, decreased aquifer recharge, lighting inconsistent with raising crops and by dramatic increases in land costs that make it unaffordable to farmers. (See **Exhibits 10 and 17.**) Siting Urban uses in an APD buffer intended to protect our very limited agricultural resource lands is inherently inconsistent with the Growth Management Act and constitutes a de facto relocation of the Urban Growth Boundary without complying with the requirements of the King County Comprehensive Plan, the Countywide Planning Policies and the King County Code.

In addition to the legal issues associated with the Proposed Ordinance, converting these Rural Area lands to urban uses would be counterproductive to the success of the legal WBDs in the Woodinville wine area, which succeed in significant part because of the draw of the bucolic Sammamish Valley. The Sammamish Valley serves as an urban separator between the cities of Redmond, Woodinville and Kirkland, providing a rural oasis for visitors and residents alike. Urbanizing the Valley walls would destroy this rural character and would negatively impact the existing legal WBDs, as well the quality of life for local residents who have chosen to live in a rural area.

BACKGROUND OF PROPOSED ORDINANCE

A. Genesis of the Wine Study.

In 2010 and 2011 King County rejected proposals to expand the Urban Growth Area (UGA) adjacent to the City of Woodinville.² Rejection of these proposals did not put an end to efforts to expand commercial land uses into the Rural Area and APD.

In 2012, in response to continued pressure to expand commercial uses into the Rural Area, the King County Council directed the Executive to work with the City of Woodinville to form recommendations for “promoting the wine and agriculture industries”. (Excerpt from Ordinance 17485, **Exhibit 15**). The Council directed the Executive to consider . . .

² A chronology of events leading to the Proposed Ordinance is set out in the agenda packet for the Council LSRRB Committee meeting of March 11, 2019 attached at **Exhibit 15**.

Needed transportation infrastructure including traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and way finding;

The finite nature and value of agricultural soil resources and the agricultural potential of the APD;

The character of the surrounding rural area;

Vacant, buildable, and redevelopable land within the existing urban growth area;

Failing septic systems and pollution in the valley . . .

The process directed by the Council in 2012 somehow morphed into the “Wine Study”— a process that started and ended with the preconceived premise that regulations need to be “modernized” to legalize the renegade alcoholic beverage industry establishments that were operating illegally in the Sammamish Valley and the adjacent Rural Area along the east side of the Valley.

Many times, when something is new and special, the county has to adapt to how we’re going to deal with that. We are adjusting to what exists and putting parameters around it.

King County Council Member Kathy Lambert. (See **Exhibit 19**).

We are modernizing regulations to support our region’s thriving wineries, breweries, and distilleries while protecting the natural environment and rural integrity of unincorporated King County,” said Executive Constantine.

King County website on the Adult Beverage Ordinance.

Ironically, the product of the Wine Study—the Proposed Ordinance—would accomplish the objectives of the earlier proposals to expand the UGA without going through the required process or satisfying the required legal criteria for doing so. (See discussion in Section II of LEGAL ARGUMENTS, below).

B. Development of Bars, Nightclubs and Event Centers.

Throughout the multi-year process leading to the Proposed Ordinance, significant wine industry players continued to convert residential properties adjacent to and in the vicinity of the City of Woodinville Tourist District into “tasting rooms” that are indistinguishable from bars and nightclubs. (See photos and detailed discussion of business models in **Exhibit 22**.) They claim to be operating “wineries” in the Rural Area, but do not actually produce any wine. In actuality, they are bars, nightclubs and event centers drawing hundreds and sometimes thousands of party-goers. (See **Exhibit 6**.)

Greg Lill, founder and former operator of De Lille Cellars has been operating an event center and tasting room business on his Chateau DeLille Rural Area property for at least 15 years and has readily admitted that during those 15 years there has not been any wine production at the Chateau.³ The Publisher and

³ See Puget Sound Business Journal 9/21/18 “Partners launches consulting, event business”.

Market President of the Puget Sound Business Journal interviewed Mr. Lill and reported on the planned expansion of the Chateau's event center business operations by Mr. Lill and his wife:

The couple plan to expand Chateau Lill's events beyond weddings – every Saturday in 2019 is already booked – to outdoor movie nights with food trucks, corporate retreats and pop-up wine tastings.

(See **Exhibit 21**). Mr. Lill commented on the nature of business operations at the Chateau:

But for the last 15 years, there simply hasn't been enough space at the Woodinville chateau to produce wine, so the tasting room and event facility has been separate from the winery. It was already a stretch to call it a winery.

(See **Exhibits 19 and 21**.)

C. Code Enforcement.

When pressured by area residents and businesses faced with the impacts of the illegal bars and event centers, the County made some moves toward enforcement. A list of businesses that received citations for illegal operations and a map showing their locations are included in **Exhibit 21**.

These urban businesses need urban infrastructure and services including public sanitary sewer and storm drainage systems. Yet these systems do not exist in the Rural Area. As shown by Health Department and Code Enforcement records, Matthews Winery was cited in 2012 for illegally converting a recreational vehicle garage into a bar and event center, holding events and concerts in violation of zoning regulations, and violation of stormwater pollutant source control requirements beginning in 2006 that remained unresolved until 2015. (See **Exhibit 11**.) In order to comply with ground and surface water pollution regulations, the Matthews owners were forced to cease use of an inadequate septic tank-drainfield system, required to sign an agreement to connect to a public sewer system should one ever become available, and in the interim, were required to install a 3,000 gallon holding tank that provides no treatment whatsoever. Untreated sewage effluent drains into the tank and is pumped into a truck as frequently as every 3 days for removal and disposal off-site. The system plans specifically state "WINERY - NO PRODUCTION". Information provided to the septic holding tank system designer included the following:

We are going to get a port a potty for all our major events. We are also installing a new 1.3 gal toilet to help minimize volume treated now. We could also get port of potty [sic] to take some of the daily load that we experience now if we had to.

(**Exhibit 11**.) "A porta potty" proved to be an understatement. See photos of "porta potty row" employed to accommodate large crowds attending Matthews' events (**Exhibit 7**).

In what must be one of the strangest and obviously unlawful moves in County history, in 2016 the County, cowed by the violators, offered "settlement agreements" in exchange for promises not to expand their

illegal operations. (See Letter from Jim Chan, Assistant Director for Permitting dated January 11, 2016 at **Exhibit 27.**) With a wink and a nod, the County promised in the agreements:

In lieu of proceeding with standard enforcement processes described in the King County Code, business owners may continue their current operations during the study period and also while any resulting legislative changes are being considered by the King County Council

In exchange for a pass on code enforcement, business owners simply had to agree not to increase “regulatory non-compliance”, correct life safety issues, and

If there are any issues of non-compliance with Public Health-Seattle & King County food safety and on-site septic regulations, those will need to be addressed on a case-by-case basis through the County’s normal processes, which may result in either an approved permit or a variance to continue operating.

This agreement not to enforce the King County Code flatly violates KCC 21A.32.040:

Any use, structure or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to provisions of K.C.C. Title 23.

Meanwhile, while the County engaged in only sporadic, weak enforcement of zoning, these lucrative illegal businesses have continued to operate and expand in contravention of the settlement agreements. Some have flourished and expanded to the point of overwhelming adjacent residential neighborhoods with signage and crowds, and parking that has spilled onto farmland. (See **Exhibits 7 and 19.**)

D. The Proposed Ordinance.

Although the County rejected the 2010/2011 proposals to expand the UGA, fueled by advocacy on the part of a small handful of illegal wine tasting and event center operators, the County embarked on a path to permit “tasting rooms” that are indistinguishable from bars and nightclubs, and “wineries” that do not actually produce any wine, and instead, operate as event centers drawing hundreds and sometimes thousands of party goers. (See **Exhibits 19 and 21.**)

Following a yearlong study process, the Executive issued his recommended regulations. County Council committees went to work on the proposal, and grafted in huge concessions, tailor made to suit the violators (see **Exhibit 29**), resulting in the Proposed Ordinance now before the council that would accomplish the following violator friendly actions:

- The Proposed Ordinance legalizes the retail use “remote tasting rooms” in the Overlay A Rural Area. Any number of WBDs can jointly operate their bars in one tasting room facility.
- The Proposed Ordinance adopts vague and unenforceable definitions of WBDs. (See Proposed Ordinance Sections 14, 16 and 17.)

- Events centers at WBD facilities and remote tasting rooms can do any or all of the following upon issuance of a temporary use permit:

- o Exceed building occupancy
- o Extend events beyond regulated hours of operation
- o Exceed the maximum number of parking spaces allowed by the Code
- o Park off-site
- o Use portable toilets.
- o Stop traffic on public streets

- With a conditional use permit, a WBD II (which can be as large as 3,500 SF) in the Rural Area is only required to have “direct access to a public roadway” not an “Arterial”. A WBD II can thus route traffic through Rural Area residential neighborhoods.

- Minimum lot size required for a WBD II is reduced: The Ordinance includes a 56% reduction in the current minimum lot size required for a WBD II from 4.5 acres to 2.5 acres.

- Setbacks from Rural Area and Residential zoned property can be reduced from 75 feet to 25 feet through issuance of a conditional use permit for all WBDs. They just require screening.

- In the Overlay B Area, the permitting division may waive the development regulations established by KCC 21A.32.100 -140. These waivable regulations include:

- o The requirement to obtain a temporary use permit;
- o Duration and frequency of events;
- o The requirement for a determination that a use is being conducted in compliance with a permit as a condition of reissuance;
- o Notice of application or renewal to surrounding property owners;
- o Waiver of parking maximums for WBD IIIs. This is a permanent waiver through issuance of a conditional use permit. (This can also be done for other WBDs through a temporary use permit. See above).

- The Ordinance legalizes an unlimited amount of currently illegal parking on Agricultural land by “deeming” it a nonconforming use. (This nonsensical benefit is only extended to current violators.)

- The Ordinance protects industrial land at the expense of Agricultural and Rural Area land by legalizing adult beverage retail/commercial uses on Agricultural and Rural Area land in order to protect a “finite amount of industrial land”. It does this by legalizing smaller scale adult beverage industry uses . . . in more “aesthetically pleasing areas, where rural community consumers and a healthy population of visitors to the county’s many regional recreation and tourism opportunities can support economic success.”

- The Ordinance classifies WBD I as a Residential Accessory Use in Agricultural and Rural Areas. (Allowed for five years with a temporary use permit.)
 - o 20 parking spaces per 1,000 SF (1,500 sf max. size = 30 parking spaces)
 - o Unlimited parking for current violators—parking established by a violator is deemed a legal nonconforming use without regard to the number of spaces.
 - o No requirement to grow crops or raise livestock on the site.

SUMMARY OF LEGAL ARGUMENTS

- I. The Proposed Ordinance is Inconsistent with the Growth Management Act (GMA) and the King County Comprehensive Plan because the Allowed Uses Threaten the Viability of Agricultural Land and are Inconsistent with Rural Character.
- II. The Proposed Ordinance constitutes an Illegal De Facto Expansion of the Urban Growth Boundary without complying with the GMA, the KCCP and the King County Code.
- III. The County has Failed to Comply with the State Environmental Policy Act and Must Prepare an Environmental Impact Statement to Analyze the Probable Significant Adverse Impacts of the Proposed Ordinance.
- IV. The Proposed Ordinance Violates Chapter 21A.55 of the King County Code Governing Demonstration Projects.

LEGAL ARGUMENTS

I. THE PROPOSED ORDINANCE IS INCONSISTENT WITH THE GROWTH MANAGEMENT ACT AND THE KING COUNTY COMPREHENSIVE PLAN BECAUSE THE ALLOWED USES THREATEN THE VIABILITY OF AGRICULTURAL LAND AND ARE INCONSISTENT WITH RURAL CHARACTER.

A. The Growth Management Act requires that counties conserve Agricultural Land and protect the character of Rural Areas. Development regulations must be consistent with these requirements.

The Washington Supreme Court in *King County v. Central Puget Sound Growth Management Hearings Board, et al.*, 142 Wn. 2d 543 (2001) summarized the GMA provisions requiring the conservation of agricultural land, which include the obligation to ensure that uses adjacent to agricultural land do not interfere with their continued use for agricultural production.

. . . the agricultural lands provisions (RCW 36.70A.020(8), .060, and .170) direct counties and cities (1) to designate agricultural lands of long-term commercial significance; (2) to assure the conservation of agricultural land; (3) to assure that the use of adjacent lands does not interfere with their continued use for agricultural purposes; (4) to conserve agricultural land in order to maintain and enhance the agricultural industry; and (5) to discourage incompatible uses.

Historically, King County has in large part complied with the GMA mandates. Agricultural land in the Sammamish Valley is located within the Sammamish Valley APD and is zoned agricultural. King County adopted low density residential zoning for the east side of the Sammamish Valley (RA 2.5 which allows one residential dwelling unit per 5 acres). In 1997, the County added an additional layer of protection by adopting an overlay to ensure that the Valley walls would serve as a buffer against denser upslope development (SO-120 Agricultural Buffer Area Special District Overlay which replaced a similar P-Suffix condition). (See **Exhibit 8.**) However, the urban uses that would be allowed by the Proposed Ordinance are incompatible with and threaten viability of farming, by among other things, driving up the price of agricultural land.⁴

GMA also mandates the protection of the character of the Rural Area. The Washington State Supreme Court has emphasized the legal requirement to protect rural character:

The GMA provides counties with the discretion to designate an area as rural or to designate it differently to allow for increased growth and development. However, where a county, in its discretion, opts to designate land as part of its rural element, it must protect the character of the land as required by RCW 36.70A.070 (5) (c).

Kittitas County et al., Petitioners, v. The Eastern Washington Growth Management Hearings Board et al., Respondents, 172 Wn.2d 144 (2011).

The GMA requires that comprehensive plans, zoning and other development regulations must be consistent with the requirements to preserve Agricultural land and protect rural character:

*Any amendment or revisions to a comprehensive land use plan shall conform to this chapter [GMA] and **any change to development regulations shall be consistent with and implement the comprehensive plan.***

RCW 36.70A.130. (Emphasis added.)

The Proposed Ordinance would allow the expansion of illegal urban uses that have been allowed to exist (and illegally expand) over the last 10+ years⁵ due to the County's abysmal failure to code enforce. These

⁴ From the Puget Sound Business Journal 9/23/18 about the Proposed Ordinance:

Buyers and sellers are standing by. The owners of a four-acre equestrian property who listed it for \$6.5 million in May took it off the market in September to see what happens with the vote.

Teresa Leatham, the Keller Williams agent who listed the agricultural-zoned property, said her clients are retiring and plan to sell either way, but are holding out for a bigger payout from someone who wants to use the property for a wine-tasting business or event venue.

Leatham said she has other clients in the area who want to sell but are also waiting to see what happens. "There's definitely opportunity," she said.

⁵ From the Puget Sound Business Journal 9/23/18 about the Proposed Ordinance:

uses are euphemistically referred to as “wineries” and “tasting rooms” but in reality, they are not production facilities and operate as bars (complete with bands and dancing, selling all types of retail goods – including clothing) and event centers. (See **Exhibit 22.**) Allowing these urban retail/commercial uses to expand on APD agricultural lands and on low density RA 2.5 residential land (1 home per 5 acres), that is intended to serve as a buffer for the APD from the very types of urban uses being proposed, is a blatant violation of the GMA. These uses are not intended to benefit the abutting farms or low-density neighborhoods – they are intended to draw tourists from the region and beyond – including as a destination day trip for cruise ship tourists. (See policy recommendations of the King County Wine Study and Beverage Study, September 2017, policy 2.1.2).

B. The King County Comprehensive Plan (KCCP) requires that the County protect the Rural Area and Agricultural Land.

KCCP Chapter 3 “Rural Areas and Natural Resource Lands” addresses protection of Rural Areas and Natural Resource Lands (a term that includes Agricultural Lands). The KCCP contains strong policies designed to protect the character of the Rural Area as required by the GMA and include the following:

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 (citations omitted) . . . 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 . . .;*

DeLille Cellars co-founder Greg Lill, Matthews Winery owner Cliff Otis and other business leaders envision more. They presented the committee with a list of other changes they would like to see in the Sammamish Valley, including hotels, art galleries, restaurants, bike, rollerblade and kayak rentals, youth hostels and a passenger train station.

See **Exhibit 13** which includes the complete proposal addressed in the prior quote. The following additional business activities are intended to form “an Agritourist overlay similar to the Woodinville Tourist District”:

- Public concerts and theatrical events;
- Tourist related retail and commercial use, including miniature golf and delicatessens;
- Lodging facilities;
- Conference Centers

- b. *Commercial and noncommercial farming, forestry, fisheries, mining, home-occupations and home industries;*
- c. *Historic resources . . . ;*
- d. *Community small-town atmosphere, safety, and locally owned small businesses;*
- e. *Economically and fiscally healthy Rural Towns and Rural Neighborhood Commercial Centers . . . ;*
- 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.***

Within the Rural Area, three land use categories are primarily applied: Rural Area (encompassing the Rural 2.5, Rural 5, Rural 10, and Rural 20 zones), allowing a range of low-density residential developments, forestry, farming, livestock uses, recreation and a range of traditional rural uses; . . .

*While the Growth Management Act, the Countywide Planning Policies and King County's policies and regulations call for protecting the Rural Area by limiting housing densities, there are many other features in addition to density that characterize the Rural Area. **Some of the most important features include integration of housing with traditional rural uses such as forestry, farming and keeping of livestock; protection of streams, wetlands and wildlife habitat; preservation of open vistas, wooded areas and scenic roadways; and availability of and reliance on minimal public services. King County is committed to maintaining these features as well, and the policies in this chapter call for continuing and expanding upon these efforts.***

R-203 King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (Revised Code of Washington 36.70A.130(3)) and the Countywide Planning Policies.

(Emphasis added.)

Section D. of KCCP Chapter 3 addresses "Agriculture". The introductory language summarizes how King County will implement the GMA mandate to maintain and enhance agriculture stating:

This section focuses on the county's efforts to maintain and enhance commercial agriculture for the value of local produce, dairy products, specialty horticultural and energy crops, keeping

livestock, and for scenic and historic values. To meet the Growth Management Act requirement to maintain and enhance agriculture, a variety of methods and programs continue to be necessary.

The policies call for King County to:

- *Protect productive farmland by designation and zoning;*
- *Limit development to appropriately-scaled uses that are necessary to support commercial agriculture;*
- *Prevent or minimize land use conflicts between farming operations and adjacent land uses;*
- *Encourage and allow necessary infrastructure and services (markets, water, affordable housing, supply stores, technical services, tax incentives) that support commercial agriculture and contribute to growing, storing, processing, and distributing a local food supply and other horticultural and livestock activities;*
- *Support the economic development of the local food economy and improve access to healthy, affordable food;*
- *Continue to preserve farmland and develop additional mechanisms to maintain the affordability of farmland; and*
- *Encourage farming practices that conserve soils and protect water quality, fisheries, and wildlife.*

C. The Proposed Ordinance fails to preserve Agricultural Land and does not protect the character of the Rural Area because it promotes urban development that is intended to be a regional tourist destination.

1. Overlay A and Overlay B violate GMA and the KCCP.

The provisions of the Proposed Ordinance that create Overlay A and Overlay B specifically affect the Sammamish Valley Rural Area and violate the GMA mandates to protect Agricultural Land and Rural Areas.⁶ The KCCP designates the land extending east from the Sammamish Valley APD as RA 2.5 (one residential dwelling unit per 5 acres) to buffer the APD, limit sprawl, protect the rural character of the area and protect sensitive resources, such as groundwater recharge areas and watersheds. (See **Exhibit 2** and **Exhibit 8**.)

The Proposed Ordinance would launch an experiment by establishing two “demonstration projects” for the purpose of determining whether permitting and promoting the Rural Area and APD as a tourist destination for adult beverage-based uses and “special events” can be accomplished while “*maintaining the core functions and purposes of the Rural Area and Agricultural zones*”. This grand experiment is intended to “*boost agritourism*” – a term that is not defined in the Ordinance, but is generally viewed as

⁶ The proposed Ordinance proposes locating alcoholic beverage “tasting rooms” in “Overlay A” in the Sammamish Valley Rural Area and on Vashon Island in an area designated as Vashon Rural Town. Allowing drinking places such as wine, beer and liquor tasting rooms in a Rural Town with a range of business, commercial, office and industrial zoning is a far cry from allowing these uses in the Rural Area of the Sammamish Valley on RA-2.5 zoned land.

activities that promote farms and include participation in food/crop production, farm stands, corn mazes, and the like that will help supplement farm income⁷. No one can reasonably conclude that travelling to the Rural Area to patronize WBDs to drink, dance and hold office parties and similar activities will promote farming in the Sammamish Valley APD. The two demonstration districts are comprised of the RA 2.5 properties shown on the Overlay A and B maps (see **Exhibits 3 and 4**).

Sections 29 and 31 of the Proposed Ordinance, set out in full on Exhibit **26**, address the purposes and objectives of Overlay A and Overlay B. Instead of analyzing potential significant adverse impacts of the proposal as required by SEPA prior to adopting the overlays which will permit these activities, the County wants to allow entrepreneurs to establish these uses and try them out for a while to see if anything bad happens. The following excerpts demonstrate that the County is completely ignoring the GMA mandate to conserve agricultural land.

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

⁷ There is no one definition of "Agritourism". At its core the concept centers around tourists supporting farms by participating in farming activities that help sustain agriculture.

From the New York Times 9/23/07 'Down on the Farm with Your Sleeves Rolled Up':

Hoeing, seeding and picking may not sound like a holiday, yet the appeal of agritourism is gaining in the United States. More and more people want to see where their food comes from, and the same drive that leads them to visit farmers' markets or join community-supported agriculture farm-share programs draws them to the farm itself.

"I shop at the farmers' market, but I didn't really know how these people operate or how a farm functions," said Elizabeth Schafer, who works for a visual-effects company in Los Angeles and decided to visit Maverick Farms in Valle Crucis, N.C., after a year of working 50-to-60-hour weeks. "It definitely made me appreciate what needs to be accomplished to put food on the table."

The arrangement at Maverick Farms is simple: vacationers pay \$120 a night to stay in a room in the hosts' beautiful two-story, 125-year-old farmhouse, and they are also invited to work at harvesting, seeding and other chores. For each hour of labor, \$7 is deducted from the bill. Up to 25 percent of the bill can be worked off. At night, the farmers cook dinner from food they grew, and the guests/laborers are encouraged to join them. At the end of the stay, visitors can, if they like, leave a donation for the food they've eaten.

...

Duncan Hilchey, an agriculture development specialist at Cornell University in Ithaca, N.Y., attributes the growth of agritourism to globalization and urbanization.

"Farmers are realizing that food can be produced elsewhere cheaper," he said. "Adding education is a way to stay in business. As cities gobble up farmland, you're going to have to produce things that have more value."

2. ***Enable the county to determine if expanded adult beverage-based uses can be permitted while maintaining the core functions and purposes of the Rural Area and Agricultural zones;***

3. ***Determine the 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;***

Proposed Ordinance Lines 2035-2045. (Emphasis added.)

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 [sic] reputation as a food and adult beverage destination;*

2. ***Enable the county to determine if the number of special events held at adult beverage-facilities can be increased while maintaining the core functions and purposes of the Rural Area and Agricultural zones;***

3. ***Identify the impacts and benefits of adult beverage industry special events on Rural Area and Agricultural zoned communities including Agricultural Production Districts, properties where the demonstration projects are located, and surrounding areas;***

Proposed Ordinance Lines 2185-2194. (Emphasis added.)

Promoting the Sammamish Valley Rural Area as a regional tourist destination for alcoholic beverages and special events with all of the associated parking, lighting, noise and traffic cannot be reconciled with protecting rural character. The maps and photos attached as **Exhibit 5** and the video set out in **Exhibit 10** show the character of the Rural Area within the Overlay A and Overlay B districts. This is an area where Rural Area residential neighborhoods, prime farmlands, and the City of Woodinville's regional center for wine-oriented tourism all converge in a setting interspersed with environmentally sensitive natural features. (See **Exhibit 6** - Environmentally Critical Areas Map.) Photos of businesses that identify themselves as "tasting rooms" and "wineries" operating their businesses and holding "special events" in and adjacent to the proposed Overlay A and Overlay B areas are attached as **Exhibit 7**. These images and video demonstrate that destination tourist districts comprised of wine, beer and liquor bars and special event venues are incompatible with the rural character of the Sammamish Valley.

Converting the Sammamish Valley Rural Area into destination tourist areas focused on urban businesses serving alcoholic beverages and food, selling all types of merchandise including clothing, and conducting special events is inconsistent with the hallmarks of rural character:

- "open space, the natural landscape, and vegetation" will be displaced by parking areas, retail buildings and signage;

- tourist destination eating and drinking districts do not foster “traditional rural lifestyles”;
- “rural-based economies” are not based on tourist-oriented adult drinking districts and special event venues typically found in urban tourist and entertainment districts;
- retail eating and drinking businesses and special event venues do not provide “visual landscapes that are traditionally found in Rural Areas and communities”;
- use of land for retail drinking establishments and special event venues is not “compatible with the use of the land by wildlife and for fish”;
- a district of retail wine, beer and liquor sales and special event businesses increases rather than reduces “the inappropriate conversion of undeveloped land into sprawling, low-density development”;
- a concentrated district of wine, beer and liquor bars and special event venues creates need for extension of urban governmental services including sewers, storm drainage, gas lines, upgraded water service, sidewalks, traffic control, street widening, street lighting, police protection and code enforcement;
- a drinking and special event district disrupts rather than protects natural surface water flows, and ground and surface water discharge areas.

2. The Rural Area does not and will not have the urban services required to support the proposed urban businesses that would locate in Overlays A and B.

Businesses that would become legal in the Rural Area under the Ordinance require urban services. These urban land uses are currently prohibited in the Rural Area. Tourist destination food and alcohol sales businesses and special event centers need public sanitary sewer and storm drainage systems, but there are none in the Rural Area and none are allowed per the GMA, KCPP and Zoning Code. (See **Exhibit 11.**)

One of the challenges facing the county is to provide for a diversity of lifestyle choices while providing public services at rural levels. As the county recognizes a profound difference between the nature and character of unincorporated rural King County as compared to the urban areas, it is the intent of the county to continue to provide services at established rural levels that support and help maintain rural character.

KCCP – Rural Areas and Natural Resource Lands – Page 3-6.

These businesses need signage and outdoor lighting. Those locations that have installed lights and signs clash obtrusively with the undeveloped and non-commercial character of the area. (Note the photos in Exhibit 7 of extensive parking areas on Agricultural land opposite Matthews that show parking lot lighting erected on the farmland). Lighting interrupts darkness required for crop growth cycles. (See *Artificial light at night – the impact on plants and ecology*, and SEPA comment letter by Susan Boundy-Sanders, **Exhibit 9**).

The main north/south arterial traversing the Valley, a 2-lane road with no sidewalks and minimal shoulders, is already inadequate to handle existing traffic and is unsafe for pedestrians who park their vehicles and walk from venue to venue. The rural roads and other transportation facilities are not

intended to provide urban service levels that are required to accommodate urban uses. (See **Exhibit 11** and discussion of transportation and infrastructure in the King County Wine and Beverage Study.)

The Wine Study and the KCCP make it clear that no money is available to fund urban improvements in the Rural Area, and GMA and the KCCP policies reinforce that facilities and services in the Rural Area are to be maintained at a rural level. (See **Exhibit 11.**) Business operations that require an urban level of services are not allowed in the Rural Area. KCCP, Chapter 3 provides:

D. Nonresidential Uses

Although low-density residential development, farming and forestry are the primary uses in the Rural Area, some compatible public and private uses are appropriate and contribute to rural character. Compatible uses might include small, neighborhood churches, feed and grain stores, produce stands, forest product sales and home occupations such as woodcrafters, small day care facilities or veterinary services. In addition, it may be necessary to locate some public facilities in the Rural Area, such as utility installations that serve rural homes. Any allowed nonresidential uses should be designed to blend with rural residential development and resource uses.

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.

It is evident that that the Proposed Ordinance would allow the establishment of regional urban uses in the experimental special demonstration overlays that are inherently inconsistent with maintaining the core functions and purposes of the Rural Area and the APD. Allowing destination adult beverage business and special event centers on agricultural and RA-2.5 residential land and experimenting with changes in development regulations to see whether the “core functions and purposes of the Rural Area and Agricultural zones” can be maintained violate the GMA and KCCP imperatives to preserve the character of the Rural Area and protect Agricultural land. The GMA and KCCP do not permit counties to experiment with these protections—they mandate that these unique and valued land areas be preserved.

II. THE PROPOSED ORDINANCE CONSTITUTES A DE FACTO EXPANSION OF THE URBAN GROWTH AREA WITHOUT COMPLYING WITH THE GMA, THE KCCP AND THE KING COUNTY CODE.

A. The proposed Ordinance would illegally extend the Woodinville Tourist District into the Rural Area and Sammamish Valley APD.

The proposed Ordinance would extend the Woodinville Tourist District into the Rural Area by allowing urban retail/commercial land uses in the Sammamish Valley and along the east Valley wall. As plainly

stated in Sections 29 and 31 of the Ordinance (see **Exhibit 26**), the proposed Ordinance is intended to create a concentrated tasting room district similar to the adjacent City of Woodinville Tourist District. However, the Woodinville Tourist District is an urban area with urban services that accommodate urban uses.

It is obvious that the motivation to target the adjacent Rural Area and agricultural lands for the expansion of the adult beverage industry is its proximity to the Woodinville Wine and Tourist District. One of the fundamental purposes of the GMA is to prevent urban sprawl. RCW 36.70A.020 (2). The Urban Growth Boundary has been established for precisely that purpose – to prevent urban sprawl into the Rural Area.

The KCCP prohibits commercial development that draws customers from a broad region to the Rural Area. (See **Exhibit 11** which sets out KCCP policy restricting commercial businesses to local needs.) The Ordinance would illegally expand the urban area into the unincorporated Rural Area and APD in violation of the GMA and KCCP, including legalization of uses expressly intended to draw tourists and other customers from the region and beyond.

The Rural Area is intended to be permanent.

***R-203** King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (Revised Code of Washington 36.70A.130(3)) and the Countywide Planning Policies.*

If the County wishes to pursue moving the Urban Growth Boundary it must follow the requisite process, and satisfy applicable criteria, including the process and criteria established by Countywide Planning Policies DP-15 and DP-16. This process has not been followed and the criteria have not and cannot be satisfied.

The County has apparently forgotten that its last major attempt to permit uses incompatible with the GMA ended badly. In 1997 the King County Council amended the Comprehensive Plan to allow sports fields in the north part of the Sammamish Valley on Agricultural lands to accommodate a “growing demand for soccer and baseball fields”. The sports fields were ostensibly to be temporary and would revert to farmland when the land was needed for farming.

In litigation initiated and funded by concerned area residents and regional supporters of farmland preservation, many of whom are now members of FoSV, the State Supreme Court in *King County v. Central Puget Sound Growth Management Hearings Board, et al.*, 142 Wn.2d 543; 14 P.3d 133 (2000) 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 invalidating 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, and the land in question does not qualify for innovative zoning techniques under RCW 36.70A.177. 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.

We hereby reverse the trial court and reinstate the Board's decision invalidating the challenged amendments.

(Emphasis added.)

It is beyond comprehension that the County has again chosen to support the location of uses within the APD and in the adjacent APD buffer area that clearly are inconsistent with farming and will have deleterious impacts on the "limited, irreplaceable agricultural resource lands" of the Sammamish Valley.

B. There is more than ample available land for the continued expansion of the adult beverage business and related event center businesses within the surrounding cities.

The Proposed Ordinance is the product of intense lobbying on the part of individuals and companies who have established illegal uses in blatant disregard for the applicable laws. It is supported by land speculators who have grand plans to set up the Disney World of WBDs, complete with a myriad of urban activities in the Rural Area and APD. As noted previously, approximately 95% of the 130+ WBDs operating in the Woodinville area are operating legally. The violators not only chose to intentionally operate illegally – they are now being rewarded for failing to follow the law. Perhaps that is par for the course these days, but we have a Growth Management Act that prohibits these urban uses outside the Urban Growth Area. These operators can either bring their businesses into compliance with applicable laws or move into Woodinville or one of the adjacent cities. There is more than ample capacity to accommodate additional wine, beer and liquor sales and production, and special events inside the boundaries of the City of Woodinville, Redmond and Kirkland Urban Growth Areas. (See **Exhibits 16 and 25.**)

III. THE COUNTY HAS FAILED TO COMPLY WITH THE STATE ENVIRONMENTAL POLICY ACT AND MUST PREPARE AN ENVIRONMENTAL IMPACT STATEMENT TO ANALYZE THE PROBABLE SIGNIFICANT ADVERSE IMPACTS OF THE PROPOSED ORDINANCE.⁸

A. The DNS does not comply with the State Environmental Policy Act.

The determination of whether adoption of legislation is likely to result in significant environmental impacts is termed a “threshold determination” by the State Environmental Policy Act (SEPA). 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”. The SEPA Checklist used by the County in making its threshold determination in connection with the proposal to enact the Ordinance is attached in **Exhibit 9**. 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 does not comply with SEPA.

Under SEPA, proposals for legislation such as an ordinance amending zoning regulations are 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. (See **Exhibit 9** for a summary of case law on non-project actions). In the current context, this means that the County must analyze impacts of the identified types of businesses authorized by the Proposed Ordinance, and the development of land with structures and site improvements to support these types of business activities, prior to adopting the legislation. Required analysis includes considering how impacts can be avoided or mitigated.

The logic of the SEPA requirement to evaluate impacts of non-project 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 impacts 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 there is no meaningful environmental analysis “up front”, the ability to evaluate and avoid or mitigate cumulative impacts will be lost.

B. The information provided by the SEPA Checklist was misleading.

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

⁸ This section is comprised of excerpts from comments on the SEPA DNS submitted to the County on behalf of Friends of Sammamish Valley by Roberta Lewandowski. The full text of Ms. Lewandowski’s comments is attached at **Exhibit 9**.

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 reduce shoreline and land use impacts are:

None proposed.

The response fails to disclose that the Proposed Ordinance will unequivocally expand retail drinking place and/or liquor store uses termed "remote tasting rooms" into Rural Area zones where this use is currently unlawful and fails to disclose the impacts of expanding special event centers in the Rural Area. The Checklist responses do not disclose that these uses require urban services such as improved 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 present in the Rural Area. The Checklist does not disclose that the Countywide Planning Policies, King County Comprehensive Plan and Growth Management Act all provide that the County will not provide urban services and infrastructure in the Rural Area. There is no acknowledgement that the Proposed Ordinance will encourage expansion of these urban uses 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 Proposed 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.*

There is no doubt that creation of a such a destination tourist district will increase demands for transportation infrastructure and other urban infrastructure and services. An EIS would provide information about the magnitude of the increases, and options for mitigating the impacts. (See also the misleading messaging about the Proposed Ordinance communicated via King County web pages at **Exhibit 23.**)

C. An EIS must be prepared to comply with SEPA.

To fulfill the purposes and requirements of SEPA, King County must prepare an Environmental Impact Statement. 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 where this objective can be achieved with lesser environmental impacts than in the Sammamish Valley.

Perhaps the clearest way to understand why issuance of a 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 that the character of the APD and Rural Area be protected. 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. This after-the-fact approach, looking backward to discover environmental impacts, does not comply with either the spirit or the requirements of SEPA.

IV. THE ORDINANCE VIOLATES KC CHAPTER 21A.55 GOVERNING DEMONSTRATION PROJECTS.

Demonstration Projects are authorized and regulated by KCC Chapter 21A.55 and are intended to address potential changes to development standards such as building standards or site design, and to processes such as permit review. Allowing a change in permitted land uses within a zoning classification is not an authorized purpose of a demonstration project:

21A.55.010 Purpose. The purpose of this section is to provide for "demonstration projects" as a mechanism to test and evaluate alternative development standards and processes prior to amending King County policies and regulations. Alternative development standards might include standards affecting building and/or site design requirements. Alternative processes might include permit review prioritization, alternative review and revision scheduling, or staff and peer review practices. **All demonstration projects shall have broad public benefit through the testing of new development regulations and shall not be used solely to benefit individual property owners seeking relief from King County development standards. . . Demonstration projects shall be located in urban and/or rural areas which are deemed most suitable for the testing of the proposed alternative development regulations.** Within such areas development proposals may be undertaken to test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes.

(Emphasis added.)

The proposed demonstration project Overlays A and B are, in reality, a rezone. They authorize business uses not currently allowed by Rural Area zoning. Specifically, the Ordinance classifies remote tasting rooms as retail sales activities denominated "Eating and Drinking Places" or "Liquor Stores" in the permitted land uses charts. See KCC 21A.08.070. Eating and drinking places and Liquor Stores are allowed in commercial and industrial zones—not RA zones (with very limited exceptions in connection with public parks). The proposed ordinance will make remote tasting rooms permitted uses in the RA zone within the Overlay A area.

In the Overlay B area, nominal adult beverage production facilities that operate primarily as special event centers can gain a permanent, vested right to continue to operate in perpetuity upon receipt of a one-time issued conditional use permit. (See the discussion of authorization to waive the requirement of obtaining a temporary use permit available as part of the issuance of conditional use permits for WBD IIIs at pages 6-8, above.) Under current zoning, they receive only a temporary right to operate pursuant to an annual permit that may or may not be renewed, and that may be subjected to additional conditions as needed based on conflicts with surrounding land uses. This is a substantial change of permitted uses in the RA zone, not just a procedural change or modification of development standards authorized by KCC 21A.55. The lack of authorization for these purported demonstration projects is particularly evident where the

prime motivation for the ordinance is to benefit a small number of property owners who have devoted their properties to business uses that are not legal under current zoning.

The demonstration project overlays areas do not comport with the requirement that demonstration projects be located in urban and/or rural areas “deemed most suitable for the testing of the proposed alternative development regulations.” Overlay Areas A and B could not be more unsuitable for experimentation with the proposed remote tasting rooms and production facilities that in reality often serve as special event centers. These overlay areas are adjacent to the Sammamish Valley Agricultural Production District, and within the Rural Area intended to serve as a buffer for the Agricultural Production District. Perhaps the Overlay A located in the Rural Town of Vashon in which commercial and retail uses are allowed, could be justified as an area “most suitable” for the experiment. Certainly, the Sammamish Valley is not such a “most suitable” place. (See identification of the zoning classifications of land slated for Overlay A in Vashon, compared to the zoning classifications of land slated for Overlay A in the Sammamish Valley contained in **Exhibits 3 and 4.**)

The demonstration projects also violate KCC 21A.55.030 which provides:

21A.55.030 Demonstration project - general provisions.

- (a) The demonstration projects set forth in this chapter are the only authorized demonstration projects. New or amended demonstration projects to carry out new or different goals or policies shall be adopted as part of this chapter.
- (b) **Demonstration projects must be consistent with the King County Comprehensive Plan.** Designation of a demonstration project and its provisions to waive or modify development standards **must not require nor result in amendment of the comprehensive plan nor the comprehensive land use map.**

(Emphasis added.) The proposed demonstration projects are inconsistent with the Comprehensive Plan’s prohibition on land uses that are inconsistent with the rural character of the area. They conflict with the Comprehensive Plan’s protection of agricultural land and particularly the lands within the Agricultural Production District. Interjecting retail sales and event centers into the Rural Area adjacent to the APD changes hydrology to the detriment of farmland, increases traffic congestion, replaces open space with parking areas, adds commercial signage and fuels land speculation, pushing agricultural and rural land prices far beyond the level that allows farming, and other agricultural and rural uses. (**Exhibits 9, 17 and 18.**)

CONCLUSION

The Proposed Ordinance is a 125-page conglomeration of Code changes that contains multiple provisions that violate the GMA and the KCCP. The proposed location of urban retail/commercial adult beverage uses on agricultural land and in the Rural Area violates the County's obligation under GMA to conserve the valuable and irreplaceable agricultural lands of the Sammamish Valley and throughout the County, and its obligation to preserve the character of the Rural Area. Please vote no on the Proposed Ordinance or, at a minimum, vote to send the proposal back to the Executive for the preparation of an EIS.

Very truly yours,



Serena Glover
Executive Director, Friends of Sammamish Valley



Marsha Martin
Director, Friends of Sammamish Valley



Michael Tanksley
Director, Friends of Sammamish Valley

cc: King County Executive Dow Constantine