

From: [Pedroza, Melani](#)
To: [Smith, Sara](#)
Cc: [Auzins, Erin](#); [Newman, Erica](#)
Subject: RE: Four Horseman Brewery
Date: Tuesday, June 12, 2018 9:32:18 AM

Hi Sara,

Ordinance 2018-0241 currently resides in PRE, so I'm adding Erica Newman and Erin Auzins to this email. Any further public comments can go to Erica for filing/distribution. Let me know if you need anything further from me.

Melani

From: Smith, Sara
Sent: Monday, June 11, 2018 3:26 PM
To: Pedroza, Melani <Melani.Pedroza@kingcounty.gov>
Subject: FW: Four Horseman Brewery

Melani:

Our constituent asked that his comments be forwarded to the "Hearing Office." I assume he means that he wants the comments forwarded to the other members or to whoever is collecting comments on the Winery and Brewery Ordinance. Do you have thoughts about how to fulfill his wish?

Thank you.

Sara R. Smith

Policy Director
King County Council District 7
Direct Line: 206-477-2196
Office Line: 206-477-1007
sara.smith@kingcounty.gov

From: howard esping [<mailto:wntrvet@yahoo.com>]
Sent: Monday, June 11, 2018 2:54 PM
To: Smith, Sara <Sara.Smith@kingcounty.gov>
Subject: Four Horseman Brewery

We are against having a brewery across the road from our quiet retirement neighborhood, the property they purchased from the state has a no legal access road, water, or power. None of the home owners want to give access to a brewery we also don't want more traffic and where there is alcohol served there are issues we do not want this in our neighborhood. There are also family's with children that come to

visit us and we do not want brewery traffic in our neighborhood. Also the wildlife we have in our area should not be disturbed.

Regards,
Howard Esping
253-631-3144
wtrvet@yahoo.com

PLEASE FORWARD THIS REQUEST TO THE HEARING OFFICE ON THIS ISSUE

Date Created:	June 1, 2018
Drafted by:	Dominique Torgerson
Sponsors:	

1 ...Title

2 AN ORDINANCE responding to the King County Sammamish Valley Wine and Beverage Study;
3 amending Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870,
4 Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 10870, Section 537, as amended,
5 and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120,
6 Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 15802, Section 5,
7 as amended, and K.C.C. 16.02.152, adding new sections to K.C.C. 21A.06.

8 ...Body

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 **SECTION 1. Findings:**

11 A. These regulatory changes are a response to the King County Sammamish Valley Wine
12 and Beverage Study that was released in September 2016. Those changes will help King County
13 prepare for and support the future of the adult beverage industry as it evolves in the region, while
14 adhering to the framework of the state Growth Management Act.

15 B. King County continues to support and foster agriculture, especially within the five
16 designated Agricultural Production Districts. King County also supports the adult beverage industry
17 and recognizes the need to establish a strong foundation for moving the industry into the future.

18 **NEW SECTION: SECTION 2:** There is hereby added to K.C.C chapter 21A.06 a new section to
19 read as follows:

20 **Brewery: An establishment licensed by the Washington State Liquor and Cannabis Board to**
21 **manufacture and sell beer and malt liquor.**

22 **NEW SECTION. SECTION 3.** There is hereby added to K.C.C. chapter 21A.06 a new section to
23 read as follows:

24 **Distillery: An establishment licensed by the Washington State Liquor and Cannabis Board to**
25 **manufacture and sell distilled spirits.**

26 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.06 a new section to
 27 read as follows:

28 WSLCB: Acronym for Washington State Liquor and Cannabis Board:

29 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06 a new section to
 30 read as follows:

31 Tasting Room: An establishment licensed by the Washington State Liquor and Cannabis Board as
 32 an “additional location” to operate a remote tasting area for a licensed winery, brewery or distillery,
 33 that is operating at a location other than the licensed production facility, for the purpose of retail sale
 34 and sampling of the licensed product.

35 SECTION 6. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby
 36 amended to read as follows:

37 A. Manufacturing 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 (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery/Distillery</u>	<u>P3, 12</u>			<u>P3,12</u>	<u>P3,12</u>							

38 B. Development conditions.

- 39 1. Repealed
- 40 2. Except Slaughterhouses.
- 41 3a. Limited to ~~wineries, SIC Industry No. 2081 Malt Beverages and SIC Industry~~
 42 ~~No. 2085 Distilled and Blended Liquors~~ winery, brewery, distillery on at least one acre in
 43 size;
- 44 ~~b. In the A zone, only allowed on sites where the primary use is SIC Industry~~
 45 ~~Group. No. 01 Growing and Harvesting Crops or No.02 Raising Livestock and Small Animals;~~

46 c. In the RA, A and UR zones, only allowed on lots of at least one acre ~~four and~~
47 ~~one half acres;~~

48 d. The total floor area of all enclosed structures devoted to a winery, brewery or
49 distillery shall not exceed 6,000 square feet from an aerial perspective i.e. building may be 12,000
50 square feet as long as no more than 6,000 surface area foot print is created from an aerial view and no
51 more than double the square footage surface area is viewable above ground, not including required
52 exits and access points, ~~devoted to all processing shall not exceed three thousand five hundred square~~
53 feet, unless located in a building designated historic under K.C.C. chapter 20.62.

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

58 f. In the A zones, Sixty percent or more of the products processed must be grown
59 in the Puget Sound counties the State of Washington and at least sixty percent of the total lot square
60 footage must be reserved for growing agricultural products or raising of livestock or small animals as
61 per SIC Industry No. 02. ~~At the time of initial application, the applicant shall submit a projection of~~
62 the source of products to be produced and;

63 g. Tasting and consumption of products produced on site may be provided in
64 accordance with state law. The area devoted to tasting shall be included in the floor area limitation in
65 subsection B.3.(e) d of this section. Hours of operation shall be applicable in accordance with state
66 law and local noise ordinance requirements.

67 h. Events during hours of operation as specified by state law and local noise
68 ordinances will not require a temporary use permit and do not count towards the 60 event limit as
69 specified in K.C.C. 21A.32.120. Events outside of normal hours of operation may be allowed with an
70 approved temporary use permit under K.C.C. 21A.32.

71 12.a Limited to ~~wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry~~
72 ~~No. 2085 Distilled and Blended Liquors;~~ winery, brewery or distillery uses on lots four and one half
73 acres or greater;

74 b.(1) Except as provided in subsection B. 12.b (2) of this section, the floor area of
75 structures for wineries, breweries and distilleries and any accessory uses shall not exceed a total
76 of ~~eight thousand square feet~~ 10,000 square feet from an aerial perspective, i.e. building may be 20,000
77 square feet as long as no more than a 10,000 surface area foot print is created from an aerial view, and
78 no more than double the square footage surface area is viewable above ground not including required
79 exits and access points. The floor area may be increased by up to an additional eight thousand square
80 feet of underground storage that is constructed completely below natural grade, not including required
81 exits and access points, if the underground storage is at least one foot below the surface and is not
82 visible above ground; and

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

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

90 d. Off-street parking is limited to one hundred and fifty percent of the minimum
91 requirement for wineries, breweries, or distilleries specified in K.C.C. 21A.18.030;

92 e. Structures and areas used for processing shall be set back a minimum distance
93 of ~~seventy-five~~ twenty-five feet from property lines adjacent to rural area and residential zones, unless
94 the processing is located in a building designated as historic resource under K.C.C. chapter 20.62;

95 f. The minimum site area is four and one-half acres. If the total aerial surface ~~floor~~
96 area for wineries, breweries, and distilleries and any accessory uses will exceed ~~six~~ ten thousand
97 square feet: ~~including underground storage:~~

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

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

101 g. The facility shall be limited to processing agricultural products and sixty percent
102 or more of the products processed must be grown in the State of Washington Puget Sound counties. At
103 the time of the initial application, the applicant shall submit a projection of the source of products to be
104 processed; and

105 h. Tasting of products produced on site may be provided in accordance with state
106 law. The area devoted to tasting shall be included in the floor area limitation in subsection B.12.b. of
107 this section.

108 SECTION 7, Ordinance 10870, section 536, as amended, and K.C.C. 21A.30.080 are hereby
109 amended to read as follows:

110 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one or more home
111 occupations as accessory activities, only if:

112 A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed
113 twenty percent of the floor area of the dwelling unit.

114 B. Areas within garages and storage buildings shall not be considered part of the dwelling unit
115 and may be used for activities associated with the home occupation;

116 C. All the activities of the home occupation or occupations shall be conducted indoors, except
117 for those related to growing or storing of plants used by the home occupation or occupations;

118 D. A home occupation or occupations is not limited in the number of employees that remain
119 off-site. No more than one nonresident employee shall be permitted to work on-site for the home
120 occupation or occupations;

121 E. The following uses, by the nature of their operation or investment, tend to increase beyond
122 the limits permitted for home occupations. Therefore, the following shall not be permitted as home
123 occupations:

- 124 1. Automobile, truck and heavy equipment repair;
- 125 2. Autobody work or painting;
- 126 3. Parking and storage of heavy equipment;
- 127 4. Storage of building materials for use on other properties;

- 128 5. Hotels, motels or organizational lodging;
- 129 6. Dry cleaning;
- 130 7. Towing services;
- 131 8. Trucking, storage or self service, except for parking or storage of one commercial
132 vehicle used in home occupation; and
- 133 9. Veterinary clinic; and
- 134 10. Recreational marijuana processor, recreational marijuana producer or
135 recreational marijuana retailer;

136 11. Winery, brewery, distillery and remote tasting rooms only allowed on lot sizes of
137 one acre or more, and may conduct operations according to what is allowed per state law, as long as
138 parking requirements can be accommodated on-site and production facility is located within the State
139 of Washington. On lots less than one acre, only production side for a winery, brewery distillery is
140 allowed as long as no on-site sales or services are rendered.

141 SECTION 8. Ordinance 15606, section 20, as amended and K.C.C. 21A.30.085 are hereby
142 amended to read as follows:

143 In the A, F and RA zones, residents of a dwelling unit may conduct one or more home
144 occupations as accessory activities, under the following provisions:

145 G. Sales are limited to:

- 146 1. Mail order sales;
- 147 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 148 3. Items accessory to a service provided to patrons who receive services on the premises;
- 149 4. Items grown, produced or fabricated on-site; ~~and~~

150 a. Tasting rooms for brewery, winery or distillery are allowed when production facility is
151 within the State of Washington

152 5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses
153 except for the following:

154 I. Customer visits and deliveries shall be limited to the hours of ~~8:00 a.m. to 7:00 p.m. on~~
155 ~~weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;~~ 8:00 a.m. to midnight Monday-Sunday, as long as
156 businesses operate within local noise ordinance regulations and do not cause visual or audible
157 disturbance to adjoining property neighbors.

158 SECTION 9, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are hereby
159 amended to read as follows:

160 G. Sales are limited to items produced on-site, except for items collected, traded and
161 occasionally sold by hobbyists, such as coins, stamps, and antiques;

162 1. Tasting rooms for brewery, winery, distillery are allowed when production facility is
163 within the State of Washington

164 SECTION 10, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are hereby
165 amended to read as follows:

166 Except as otherwise provided in this chapter or in K.C.C. 21A.45, temporary use permits
167 shall be limited in duration and frequency as follows:

168 A. The temporary use permit shall be effective for ~~one year~~ two years from the date of
169 issuance and may be renewed ~~annually~~ every two years (24 months) as provided in subsection D. of
170 this section;

171 B. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty
172 five day period. This requirement applies only to the days that the event or events actually take
173 place. ~~For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per~~
174 ~~month and all parking for the events must be accommodated on site;~~

175 C. The temporary use permit shall specify a date upon which the use shall be terminated and
176 removed; and

177 D. A temporary use permit may be renewed every two years (24 months) ~~annually~~ for up to
178 ~~a total of five consecutive years~~ as follows:

179 1. The applicant shall make a written request and pay the applicable permit
180 extension fees for the renewal of the temporary use permit at least seventy days before the end of the
181 permit period;

182 2. The department must determine that the temporary use is being conducted in
183 compliance with the conditions of the temporary use permit;

184 3. The department must determine that site conditions have not changed since the
185 original permit was issued; and

186 4. At least forty-five days before the end of the permit period, the department shall
187 notify property owners within five hundred feet of the property boundaries that a temporary use permit
188 extension has been requested and contact information to request additional information or to provide
189 comments on the proposed extension. (Ord. 17841 § 52, 2014: Ord. 17191 § 50, 2011: Ord. 16950 §
190 27, 2010: Ord. 15170 § 4, 2005: Ord. 14781 § 3, 2003: Ord. 10870 § 549, 1993).

191 SECTION 11: Ordinance 15802, Section 5, as amended, and K.C.C. 16.02.152 are hereby
192 amended to read as follows:

193 **General - Scope.** Section 101.2 of the International Building Code is not adopted and the
194 following is substituted:

195 Scope (IBC 101.2). The provisions of this code shall apply to the construction,
196 alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location,
197 maintenance, removal and demolition of every building or structure or any appurtenances connected or
198 attached to such buildings or structures.

199 **EXCEPTIONS:**

200 1. The provisions of the International Residential Code for One- and Two-Family
201 Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair,
202 equipment, use and occupancy, location, removal and demolition of detached one- and two-family
203 dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with

204 a separate means of egress and their accessory structures, including adult family homes, foster family
205 care homes and family day care homes licensed by the Washington state department of social and
206 health services

207 2. The provisions of the International Residential Code for One- and Two-Family
208 Dwellings shall apply to only dwelling unit ~~detached residential accessory~~ structures that are used for
209 home occupations and home industries that include offices, mercantile, food preparation for off-site
210 consumption, personal care salons and similar uses, if the home occupation or home industry is
211 subordinate to the primary residential use of the site and the total cumulative floor area devoted to the
212 home occupation or home industry in any dwelling unit ~~detached accessory~~ structure on-site is less
213 than or equal to 500 square feet (46.4m²).

214 NEW SECTION, SECTION 12. There is hereby added to K.C.C. chapter 21A.08 and 21A.30 a
215 new section to read as follows:

216 Any brewery, winery, distillery and tasting room (additional location) that received a
217 Washington State Liquor and Cannabis Board license to operate prior to December 31, 2018, and that
218 King County did not object to within the Washington State Liquor and Cannabis Board alcohol license
219 application process, shall be considered nonconforming and may remain in their current location,
220 subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses.

221 SECTION 13. Severability. If any provision of this ordinance or its application to any person or
222 circumstance is held invalid, the remainder of the ordinance or the application of the provision to other
223 persons or circumstances is not affected.