

Dow Constantine, King County Executive

Diane Carlson, Director of Regional Initiatives

Karen Wolf, Senior Policy Analyst, FAICP

8 June 2017

Dear Executive Constantine, Ms. Carlson, and Ms. Wolf:

Thank you for the opportunity to comment on the Public Review Draft of the Sammamish Valley Wine and Beverage Study (SVWBS).

Context

The comments in this letter draw upon Woodinville's Resolution 483, which has the overall goals of strengthening protections for farms, farmers, and farmability in the Sammamish Valley. Resolution 483 supports these goals on their own merits, and because the Sammamish Valley in its current form is the setting that attracts wine tourists to the area.

Our comments also reflect the fact that over 95% of Woodinville's wine producers and tasting rooms are operating legally inside city limits. Woodinville, Bothell, Redmond, and Kirkland are all willing and able to host additional wineries and tasting rooms—not to mention the many wineries located in Seattle's industrial districts. When done at a distance from the vineyard, wine production and retail sales are fundamentally urban activities. We ask you to bear in mind that incorporated cities around the Sammamish Valley have the space and infrastructure, and are the appropriate location, for these businesses.

King County's overview Web page for the SVWBS wisely phrases the first objective of the study as,

"Support agriculture and nurture the burgeoning wine and beverage industry in King County."

Other documents truncate this to a more context-free objective:

"Nurture the burgeoning wine and beverage industry in King County."

We urge you to bear in mind that farmland does not have the mobility that every one of the wineries affected by the study has demonstrated. Wineries can and do and have moved; farmland cannot. We propose that wineries should defer to farms, not the other way around. We are uncomfortable with recommendations (and omissions) in the draft that impose damage on farmland with no accompanying proposals for prevention or mitigation of that damage.

We are disappointed that nothing in the Public Review Draft strengthens protections for farmland; in fact, the County's proposals are likely to make farming non-viable in the Sammamish Valley by drowning and polluting crop land, and fueling land speculation that makes farmland too expensive for farmers.

One more point of context before we present our specific comments: Comments in this document are mutually inconsistent. Overall, Woodinville's preference would be that King County codes be more protective of farms, not less, and that King County step up its code enforcement. However, since the Public Review Draft contains proposals of ways in which the code might be relaxed, we also comment on the specifics of the draft report. To be clear, we regard the proposed relaxations as damaging to farms, farmers, and farmability, and therefore damaging to the long-term health of wine tourism in the Sammamish Valley. We oppose enactment of these changes, but if the County Council decides to loosen protections we propose modifications to make the changes less destructive to Sammamish Valley agriculture. However, we also reserve the right to challenge any changes.

Our top recommendation: Farms in the valley, wine tourism in cities

Overall, our concern with the draft recommendations in the SVWBS is that they disregard the fundamental purposes of zoning, the Urban Growth Boundary, and the Growth Management Act. Despite the fact that over 95% of wineries and tasting rooms in Woodinville Wine Country are operating legally inside city limits, King County proposes to reward the scofflaw behavior of a few rogue operations by relaxing zoning codes to accommodate them. In the process, it unnecessarily endangers farming in the Sammamish Valley.

King County's purpose statement for Rural zoning includes the following language:

21A.04.060 Rural area zone. "... minimize land use conflicts with nearby agricultural ... sites ... Allowing ... tourism and recreation uses that can be supported by rural service levels and that are compatible with rural character ... "

In the King County zoning code, a reader must bypass urban reserve, urban residential, neighborhood business, and community business zones before landing on a zoning designation with a purpose statement that includes production, a regional customer base, and the transit and pedestrian facilities requested by stakeholders:

21A.04.110 Regional business zone. "A. The purpose of the regional business zone (RB) is to provide for the broadest mix of comparison retail, wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas ...
1. Encouraging compact development that is supportive of transit and pedestrian travel..."

This gap of four zoning designations between Rural Area zoning and Regional Business demonstrates just how far out of kilter the proposed zoning changes are.

In addition, the parcels that are proposed for overlays in the draft are already in an overlay that was created to protect farmland. The purpose statement for SO-120 states,

“The purpose of the agricultural production buffer special district overlay is to provide a buffer between agricultural and upslope residential land uses.”

The overlays overreach

Woodinville is concerned about the large geographic extent of the overlays proposed in the draft, and the description of them as a “pilot project.”

The tasting rooms with existing code complaints already serve as a pilot, and amply demonstrate the problems with conducting urban activities in a rural zone. Runoff from the Matthews tasting room and event center damages Tonnemaker’s fields; runoff makes land at the Root Connection too wet and polluted for food crops; vehicles and pedestrians come into conflict on rural roads; parking is inadequate and the parking that does exist creates more runoff onto farmland.

If King County believes that a “real” pilot study needs to be done in addition to the de facto study that rogue tasting rooms have already conducted, we strongly urge a greatly reduced geographic extent.

Line-by-line comments

As mentioned previously, Woodinville supports stronger, not weaker, protections on rural land uphill of the Sammamish Valley APD. However, given that King County is considering stripping down the protections, we offer the following specific comments.

Section	Recommendation
Throughout	“Site” and “lot” seem to be used interchangeably. Formally, it appears both refer to parcels. Standardization and strict use of language would reduce ambiguity.
Stakeholder recommendation 1.1.1: Enforcement	Woodinville does not support a peer-to-peer compliance “charm school” for existing violators, nor do we support a six-month compliance period for achieving voluntary compliance. Code enforcement complaints go back as far as 2011. we interpret this extended period of violation as indication that the violators are not amenable to peer guidance. Nor do we believe that an additional six months is needed beyond the years of which these businesses have already been beneficiaries. A peer-to-peer guide may be effective for new businesses, however.

<p>Demonstration Overlay A map</p>	<p>The four northernmost parcels do not have direct access to an arterial. Woodinville recommends removing them from the overlay.</p>
<p>Demonstration Overlay B map</p>	<p>Woodinville believes this overlay is far more extensive and potentially damaging to farms than is needed for a “demonstration” or “pilot.” If King County does not feel that the damage already done by existing code violators adequately demonstrates the damage to agriculture, Woodinville recommends a much smaller geographic extent of this overlay, with thorough monitoring to assess damage as a result of overdevelopment upslope of the farmland.</p>
<p>21A.06.1427A Winery Brewery Distillery Facility I 21A.06.1427B Winery Brewery Distillery Facility II definitions</p>	<p>Several points:</p> <ul style="list-style-type: none"> • The WBD I and II definitions are identical. Definitions should include what distinguishes one from the other (lot size?). • Conversations with LCCB suggest that requiring production to maintain a producer’s license will be mostly complaint driven. Who enforces complaints if a business uses a production license but no longer produces? This seems to be no improvement over the current system and might be worse, since state and county would both be involved. • To qualify as a winery, “production” seems to be a loose concept in both the state regulations and county proposal. A minimum threshold should be established to prevent abuse – e.g., so that “wine production” is more than a bottle tucked away “aging” in a dusty corner, or a barrel brought in once a year to let a few people work a corking machine. • In addition, for what’s allowed to be sold, Woodinville recommends setting a minimum threshold for sales of product produced at the site, especially because all the wineries with open code complaints openly state that most or all of their production is in eastern Washington. For example, if only 2% of the wine sold at a “winery” was produced

	<p>at that winery and the rest comes from eastern Washington, is that enough?</p>
<p>21A.06.1427C Remote Tasting Room definition</p>	<p>The phrasing, “A 1000-square-foot or smaller facility ... operating at a location other than the licensed winery” begs the question, if it’s 1001 square feet but does the same thing, what is it? Rephrasing the definition, or putting size limits in a more relevant place, may be helpful. (21A.08.070.28.c may do the job)</p>
<p>21A.08.070.28 Retail uses – Remote Tasting Room – P28 (applies to Rural Area zone)</p>	<p>d. The four northernmost parcels in Overlay A do not have direct arterial access. We recommend removing them from the overlay. e. Big parking lots generate excessive runoff. i. Business should obtain and maintain an adult beverage business license. i. and j. Thank you for helpfully referring to requirements like liquor license that are more fully covered elsewhere. To that end, please also consider:</p> <ul style="list-style-type: none"> • i. Businesses should not only obtain, but maintain an adult beverage license. • k. No storm water shall leave the parcel. • l. No sanitary sewer. • m. Pumping and trucking of waste is likely to be needed. <p>In addition, please also consider protections not mentioned in the draft:</p> <ul style="list-style-type: none"> • n. No artificial exterior lighting within 150 feet of crops or Ag zoning during growing season (March 1 to October 31). • o. No use of well water in business activities. • p. Maintain setback of 75 feet from parcels under 2.5 acres and from overlay boundary.
<p>21A.08.080.28 Winery Brewery Distillery I – P3 (applies to Agricultural, Rural Area, and Urban Reserve zones)</p>	<p>e. Structures and areas used for processing shall maintain a minimum distance of twenty-five feet from interior property lines adjoining <u>other parcels that are in Overlays A or B and are at least 2.5 acres in size; structures and areas used for processing shall maintain a minimum distance of seventy-five feet from overlay boundaries and from other parcels that are less than 2.5 acres in size.</u> h. Note that “direct access to an arterial” excludes four parcels east of the Hollywood corner.</p>

	<p>j. Businesses should obtain <u>and maintain</u> an adult beverage license.</p> <p>l. No storm water shall leave the parcel.</p> <p>m. No artificial exterior lighting within 150 feet of crops or Ag zoning during growing season (March 1 to October 31).</p> <p>n. No use of well or groundwater in the conduct of business (save the water for farms).</p>
21A.08.080.28 Winery Brewery Distillery II – C12 (applies to Rural Area zone)	<p>c. No use of well or groundwater in the course of business (save the water for farms).</p> <p>e. Setbacks 25 feet from other overlay parcels at least 2.5 acres in size; setbacks 75 feet from smaller parcels and from the overlay boundary.</p> <p>h. Requirement for direct access to arterial excludes four parcels east of the Hollywood corner.</p> <p>k. No storm water shall leave the parcel.</p> <p>l. No artificial exterior lighting within 150 feet of crops or Ag zoning during the growing season (March 1 to October 31).</p>
21A.08.080.28 Winery Brewery Distillery I – P17 (applies to Neighborhood Business and Community Business zones)	<p>c. Keep the existing 75-foot setback from RA and R zones.</p> <p>e. Must obtain <u>and maintain</u> an adult beverage business license.</p> <p>f. No storm water shall leave the site.</p> <p>g. No artificial exterior lighting on parcels within 150 feet of crops or Ag zoning during growing season (March 1 through October 31).</p> <p>h. No use of well or groundwater in the course of business.</p>
21A.08.080.28 Winery Brewery Distillery I – P28 (applies to Regional Business and Industrial zones)	<p>a. Must obtain <u>and maintain</u> an adult beverage business license.</p>

Things we appreciate

There are several things we appreciate in the draft, and we do not want them to go unnoticed.

- The prohibition against amplified sound is very helpful for maintaining rural character, and for generating the “romantic” atmosphere that the businesses claim to want.

- Thank you for not allowing wineries, breweries, and distilleries as Home Occupation or Home Industry businesses. Woodinville has experienced firsthand the difficulty in establishing what constitutes a “home;” we are grateful to not have this ambiguity in land use code.
- We appreciate the proposal for Agricultural Production District and Farmland Preservation Program signage.