

Possible discussion points for code changes

Some things in the zoning codes I think we should address:

- Change Winery (& possibly Brewery since Western WA is a Hops producer) to an Agricultural related industry compared to industrial
- Better define a Winery, Brewery to include sizes?
- Define Tasting room?
- Remove the requirement for, "Sixty percent or more of the products processed must be grown in the Puget Sound counties"
- Reduce Lot size requirement to 2.5 acres (or less). Maybe tie this to size definition of winery, for instance if we define a small winery it could be allowed in 2.5 but larger winery maybe it is 5 acres?
- Possibly let wineries who are small register as a Home Based Industry, instead of home based business without a conditional use permit?
- We should look at an overlay option similar to what Benton County did for Red Mountain AVA for Sammamish valley.

From my analysis of 5 other WA state counties and the start of investigation of Yamhill Oregon county I would propose a few changes so far:

- Better interactive search engine then King County is using. The search engine the other counties has makes finding data pretty easy 😊
- Change winery from industrial to agricultural. 3 of the 5 WA counties define wineries as either "Farm product processing" or "Agricultural related industry" and all counties and Oregon allow them in agriculture areas
- Remove the 60% grapes come from Puget sound. Besides the fact that Puget Sound area is not a great grape growing area, this rule does not help King County in any way and no other county mention of restricting where you can get your grapes. If we want to promote WA wines, we should limit it to WA State not Puget Sound.
- Most counties and Oregon allow wineries on small acreage rural and agriculture lots
- In most counties & in Oregon, wineries are allowed to perform other ancillary uses like, events, weddings, etc....
- In most cases even if not called out specifically as a permitted use you can fall under the counties specific Home Occupation rules, some of which do allow for both sales and signage (usually non-lit signs though)
- Couple of counties really do define a lot of beverage type businesses pretty well

Data and Links section: (requirements as applicable to Wineries/breweries):

Yamhill County Oregon: (<http://www.co.yamhill.or.us/planning>)

(My Observation): I still have a lot of reading and review to do for Yamhill County but it looks like Yamhill county went through a lot of the growing pains we (King County) are going through about 20 years ago. Since the zoning rules are so different then what we do in WA, I had a conversation with the Director of Planning & Development of Yamhill County. He was kind enough to point me to the State laws that outline what can be done with regards to wineries and how they are permitted (below is the list of references). The conversation was interesting because they had a lot of the same conversations we are having now, like:

- *Wineries were defining as industrial should they be agricultural?*
- *What ancillary uses can be performed in a winery?*
- *For wineries that don't meet state size requirements or county ordinance requirements do we allow them and how?*

Today though wineries are allowed primarily in agricultural districts and they have revised the state law to allow for a Agri-Tourism provision that does a lot of what we would be looking to do. Also in talking with the director he mentioned that in most (if not all) cases wineries that don't meet the minimum acreage limit they are allowed under conditional use permits.

Oregon References:

- County Planning; Zoning; Housing Codes (<http://www.oregonlaws.org/ors/chapter/215>)
- Winery (<http://www.oregonlaws.org/ors/215.452>)
- Large Winery (<http://www.oregonlaws.org/ors/215.453>)
- Lawful continuation of certain winery-related uses or structures (<http://www.oregonlaws.org/ors/215.454>)

(https://www.municode.com/library/wa/walla_walla_county/codes/code_of_ordinances):

- **17.08.194 - Distillery, production facility:** A distillery is a facility which produces by distillation spirits for consumption; the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sales and samples shall not be permitted.

- o (Note 3 referenced below) 3. See [Chapter 17.22](#) for winery development standards.

[illegible]

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
* Winery Type I	P3	P3	P3	P3	P3	P3	P3	P3		
* Winery Type II	P3	P3	P3	P3	P3	P3	P3	P3		

Franklin County Codes:

(https://www.municode.com/library/wa/franklin_county/codes/code_of_ordinances):

- Chapter 17.06 – Definitions
 - **17.06.610 - Micro-brewery:** "Micro-brewery" means a business engaged in the production of beer and licensed by the Washington State Liquor Board as a B1 domestic brewery, producing less than sixty thousand (60,000) barrels annually.
 - **17.06.620 - Micro-winery:** "Micro-winery" means a business licensed by the Washington State Liquor Board as a W1 winery, producing less than ninety-nine thousand nine hundred ninety-nine (99,999) liters annually.
 - **17.06.970 - Winery/distillery/brewery:** "Winery/distillery/brewery" means a facility for the production and/or packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premises.
- **Chapter 17.10 - AP-20 & AP-40 AGRICULTURAL PRODUCTION ZONE**
 - **17.10.020 & 17.12.020 - Permitted uses:** H. Winery/distillery/brewery
 - **17.10.040 & 17.12.040 - Conditional uses:** P. Ancillary services, such as tasting rooms/facilities and event centers associated with a winery/distillery/brewery
- **Chapter 17.14 - RR-1, RR-5, RC-5 RURAL RESIDENTIAL ZONE**
 - **17.14.020, 17.16.020 & 17.20.020 - Permitted uses.** Winery/distillery/brewery
 - **17.14.040, 17.16.040 & 17.20.040 - Conditional uses** Ancillary services, such as tasting rooms/facilities and event centers associated with a winery/distillery/brewery

Snohomish County codes:

(<http://www.codepublishing.com/WA/SnohomishCounty/>):

(My Observation): *Snohomish county has not really defined a lot when it comes to beverages or wineries (similar to King County) but wine production is mentioned in the zoning codes under:*

- [Chapter 30.91F "F" DEFINITIONS](#)
 - **30.91F.160 Farm product processing:** Farm product processing" means the alteration or modification, for the purpose of storage, transport, or sale, of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product shall be the principal ingredient or component. The addition of elements necessary for the long-term storage or stability of the product shall not be considered farm product processing, provided that this addition does not alter the agricultural product from its original constitution or state. **Farm product processing includes the production of wine.** Farm product processing shall not include the operation of a stockyard or slaughter house.

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Farm Product Processing											
Up to 5,000 sq ft	P	P	P115	P			P	P		P	
Over 5,000 sq ft 94	A	A	A115	A			A	A		A	

Type of Use	Other Zone					
	SA-1	RC	RU	R20,000	R12,500	WFB
Farm Product Processing						
Up to 5,000 sq ft		P	A			
Over 5,000 sq ft 94		P				

- [Chapter 30.91H "H" DEFINITIONS](#)

- **Winemaking**, also allowed under **Home occupation**: "Home occupation" means an occupation conducted within a dwelling unit by a member or members of a family residing therein under the conditions outlined in SCC [30.22.130](#)(11). A home occupation may also be conducted within a residential accessory building and/or an attached garage within certain rural and resource zones in accordance with SCC [30.22.130](#)(64) or (84).

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LD	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BPL ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹
Home Occupation 11	P	P	P	P	P	P	P		P	P					P	P

- (2) Winemaking in detached accessory structures shall be permitted as a home occupation in the R 9,600 zone, provided that the winery complies with the following:
 - (a) The home occupant operates under and maintains annual renewals of a valid domestic winery license originally issued by the Washington Department of Licensing, Business and Professionals Division pursuant to the rules and regulations of the state Liquor Control Board before November 1, 2003;
 - (b) The existing detached accessory structure is located on a lot at least 0.5 acres in size;
 - (c) The accessory structure does not exceed 2,500 square feet in gross floor area;
 - (d) The accessory structure meets a minimum setback of five feet from the property line;
 - (e) The accessory structure meets a building separation of at least 10 feet;
 - (f) The winery complies with subsection (1)(f) of this section. The remaining provisions of subsection (1) of this section do not apply.
 - (g) Temporary outside storage of materials and equipment used in the production and transport of wine is outside of the setback area; and
 - (h) A certificate of occupancy is obtained from the department. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060
 - (g) Temporary outside storage of materials and equipment used in the production and transport of wine is outside of the setback area; and
 - (h) A certificate of occupancy is obtained from the department. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060.
- (3) Use of accessory buildings. Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:
 - The provisions of subsections (1)(a), (c), (d), and (f) of this section shall be met;
 - A minimum lot size of one acre is required;
 - SCC Table [30.28.050](#)(3)(c) identifies the maximum allowable, combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size; except that in the rural business zone the requirements of the table shall not apply, and a maximum allowable combined accessory building and attached garage area of 1,000 square feet shall be permitted, and the minimum building setback from adjacent residentially-zoned property shall be 30 feet.

Table 30.28.050(3)(c)
HOME OCCUPATION
MAXIMUM FLOOR AREA/MINIMUM BUILDING SETBACK

	One acre	Two acre	Three acre	Four acre	Five or more acres
Area (sq. ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹
Home Occupation <u>11</u>	P	P	P	P	P	P	P		P	P						P	P

Benton County zoning codes

(<http://www.co.benton.wa.us/pView.aspx?id=1422&catid=45>):

(My Observation): Benton County is not nearly as defined as Yakima County & definitions are closer to that of King County

- Terms are defined in [Chapter 11.04 Purpose and Definitions](#)
 - **Wineries/breweries is defined as:** (166) "Wineries/Breweries" means facilities where fruit or other products are processed into wine or spirits and related storage, bottling, shipping, sampling, tasting and sale of such.
 - **"Agricultural Related Industry" is defined as:**
 - (a) Packaging Plants - may include but are not limited to the following activities: washing, sorting, crating, and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agriculture product remains essentially unaltered. Does not include processing activities, or slaughter houses, animal reduction yards, and tallow works.
 - **(b) Processing Plants - may include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product.** Does not include slaughter houses or rendering plants.
 - c) Storage Facilities - may include those activities which involve the warehousing of processed and/or packaged agricultural products.
- Zoning for RL (Rural Lands) 1, 5, 20 (do not talk below about [RL-20](#)) & GMAAD, none of these are actual reflections of actual plot sizes. As best I can tell they are reflection of rough size and density of area.
 - [RL-1](#): The purpose of the Rural Lands One Acre District (RL-1) is to provide for the appropriate development within areas where past actions have created smaller parcel

sizes than generally allowed in the Rural Lands Five Acre District (RL-5) or that are adjacent to Urban Growth Areas (UGAs) given that these areas are considered limited areas of more intensive rural development as allowed under RCW 36.70A.070.

- **(My Observation):** *Looks like only way to operate a wineries/breweries would be under the home occupation articles. However, they differ in that you can have a sign (non-lit and no greater than 4x4 & maximum height of 6 ft. above ground), you can sell products, have a noise limit, & requires a permit from the Planning Department.*
- **RL-5:** he Rural Lands Five Acre District (RL5) is designed to enhance and preserve Benton County's rural character, which includes: rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural homesites on which a limited range of agricultural activities may be conducted.
 - Wineries/Breweries; provided structures used as part of the operation of the winery/brewery collectively do not exceed three thousand (3,000) square feet in size
 - Wineries/Breweries; not meeting the above requirements can also apply for a conditional use permit
- **GMAAD:** The purpose of this chapter is to meet the minimum requirements of the State Growth Management Act (Chapter 36.70A RCW) that mandates the designation and protection of agricultural lands of long term commercial significance. The chapter protects the GMA Agricultural District (GMAAD) and the activities therein by limiting non-agricultural uses in the district to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes. The chapter encourages the siting of allowable residential density into clustered enclaves to afford land owners economic value from non-farm residential development. This chapter is intended to work in conjunction with Chapter 14.05 BCC entitled "Right to Farm" which protects normal agricultural activities from nuisance complaints.
 - Allowed: **Agricultural related industries** as defined under Chapter 11.04 BCC, including but not limited to wineries/breweries.
- **(My Observation):** *Benton County did a special Sub Area plan for Red Mountain area: [Red Mountain AVA Master Site Plan - Sub Area Plan to the Comprehensive Plan](#). (<http://www.co.benton.wa.us/pview.aspx?id=4835&catID=45>) Is that possible option for Sammamish valley area?*

Yakima County district codes:

(<http://www.codepublishing.com/WA/YakimaCounty/>):

(My Observation): *This county has defined a lot and it looks like their zoning is mainly based on access to paved road, access to water, & fire districts*

- Terms are defined **[Chapter 19.01 GENERAL PROVISIONS](#)**
 - **"Agricultural Related Industry" is defined as:**

- Packing plants – may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered.
 - Processing plants – may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product, including wineries.
 - (3) Storage facilities – include bin storage lots, controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products. (This definition does not include processing activities or slaughter houses, animal reduction yards and tallow works.)
- **Beverage industries:** “Beverage industries” means the production, processing and/or packaging of milk, soft drinks, fruit juices and other drinks.
- **brewery, Domestic:** “Brewery, domestic” means a facility where sixty thousand barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms. (Definition based on RCW [66.24.240](#)(1).)
- **brewery, Micro:** “Brewery, micro” means a facility where less than sixty thousand barrels of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms. (Based on RCW [66.24.244](#)(1).)
- **Distillery:** “Distillery” means a facility where more than 60,000 gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms. (Based on RCW [66.24.140](#)(1)).
- **Distillery, craft:** “Distillery, craft” means a facility where 60,000 gallons or less of spirits are processed and manufactured per year. A craft distillery can include fields, tasting and sales rooms. (Based on RCW [66.24.140](#)(1))
- **Tasting room:** “Tasting room” means a facility at which guests may sample and purchase alcoholic beverages and where retail sales of merchandise related to the products being tasted are sold. Level 1 food service may be offered, subject to Yakima Health District licensing, not to exceed the terms of the development authorization and zoning district
- **Winery:** “Winery” means an agriculturally related industrial facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation or commercial zoning district where the winery is located.
- Allowable Land Use Table is located at [19.14.010](#)

(My Observation): To understand the table, you need to review each of the zoning districts because it defines Types

1 – 4 which are the level of review/approval processes to be allowed:

- Zone definitions of below are:
 - AG → Agriculture Districts ([19.11.010](#))
 - R/ELDP-40 → Rural Districts ([19.11.030](#))
 - RS → Rural Settlement District ([19.11.040](#))
 - SCC, LCC, GC → Urban Commercial Districts ([19.13.020](#))
 - M-1, M-2 → Light Industrial and Heavy Industrial Districts ([19.13.030](#))
- Beverage industry*, not including wineries:
 - Type 1 → M-1 & M2
 - Type 2 → RS & GC
- Brewery, domestic*:
 - Type 1 → AG, M-1, & M-2
 - Type 2 → RS & GC
 - Type 3 → R/ELDP 40
- Brewery, micro*:
 - Type 1 → AG, M-1, GC & M-2
 - Type 2 → RS
 - Type 3 → R/ELDP 40
- Distillery*, craft:
 - Type 1 → AG, M-1, GC & M-2
 - Type 2 → RS
 - Type 3 → R/ELDP 40
- Distillery*:
 - Type 1 → AG, M-1, & M-2
 - Type 2 → RS & GC
 - Type 3 → R/ELDP 40
- Taverns*, bars, dance establishments, tasting rooms:
 - Type 1 → LCC
 - Type 2 → RS, SCC, GC, & M-1
 - Type 3 → B-2
- Winery*:
 - Type 1 → AG, M-1, & M-2
 - Type 2 → RS

Type 3 → R/ELDP 40 *& GC