



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19721

**Proposed No.** 2023-0451.1

**Sponsors** Perry

1 AN ORDINANCE declaring a one-year moratorium  
 2 prohibiting the acceptance of applications for the  
 3 establishment of new or expansion of existing wineries,  
 4 breweries, distilleries, and remote tasting rooms, as primary  
 5 or accessory uses or as home occupations or home  
 6 industries; and prohibiting temporary use permits for  
 7 wineries, breweries, distilleries, and remote tasting rooms;  
 8 establishing a work plan; and declaring an emergency.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings:

11 A. King County has authority, pursuant to constitutional police powers, home  
 12 rule authority, and the Washington state Growth Management Act, chapter 36.70A RCW  
 13 ("GMA"), to establish a moratorium to preclude the acceptance of certain new  
 14 development applications and preclude the establishment of otherwise allowed uses while  
 15 the litigation is ongoing.

16 B. Ordinance 19030 established updated regulations for winery, brewery,  
 17 distillery facilities and remote tasting rooms in unincorporated King County.

18 C. Ordinance 19030 was challenged on State Environmental Policy Act, chapter  
 19 43.21C RCW ("SEPA") and GMA grounds by Friends of Sammamish Valley, a  
 20 Washington nonprofit corporation, A Farm in the Sammamish Valley, LLC, Marshal

Ordinance 19721

---

21 Leroy d/b/a Alki Market Garden, Eunomia Farms LLC, Olympic Nursery Inc., C-T  
22 Corp., Roots of Our Times Cooperative, Regeneration Farms LLC, Hollywood Hill  
23 Association, Terry and David R. Orkiolla, Judith Allen, and Futurewise to the Growth  
24 Management Hearings Board ("board") and designated as case number 20-3-0004c. On  
25 May 26, 2020, the board, in its Order on Dispositive Motions for Case No. 20-3-0004c  
26 ("the board's May 2020 order"), invalidated most of the substantive sections of Ordinance  
27 19030, including Sections 12 through 29, Section 31, and Map Amendments 1 and 2.  
28 Ordinance 19030, Sections 12 through 29, and Section 31 include definitions, zoning  
29 conditions, parking restrictions, temporary use permit clarifications, home occupation and  
30 home industry limitations, and a demonstration project.

31 D. With the board's invalidation of parts of Ordinance 19030, the uses that were  
32 defined and regulated as part of that ordinance, including winery, brewery, distillery  
33 facilities and remote tasting rooms, do not have clear regulations for residents and  
34 business owners to comply with, and the county does not have clear regulations to  
35 enforce. That lack of clarity exists for: wineries, breweries, distilleries, and remote  
36 tasting rooms that seek to locate or be established on a property as a primary or accessory  
37 use; wineries, breweries, distilleries, and remote tasting room home occupation and home  
38 industry; and wineries, breweries, distilleries, and remote tasting rooms that seek to apply  
39 for temporary use permits allowed by the King County Code.

40 E. In order to provide clarity to residents, business owners, and county permit  
41 review and code enforcement staff, the county declared a moratorium that prevents new  
42 or expansion of wineries, breweries, distilleries, and remote tasting rooms as primary or  
43 accessory uses, as home occupations, and as home industries from locating or being

---

Ordinance 19721

---

44 established in unincorporated King County, while the council and executive determined  
45 and carried out the next steps in responding to the board's May 2020 order. The  
46 moratorium was declared by Ordinance 19122, and was extended twice, with Ordinances  
47 19217 and 19290, as a result of ongoing litigation related to the board's May 2020 order.  
48 Ordinance 19290 expired December 23, 2021.

49 F. As part of a partial litigation settlement associated with the board's May 2020  
50 order, the county agreed to a new one-year moratorium. Ordinance 19309 adopted a one-  
51 year moratorium that commenced on December 23, 2021, and expired on December 23,  
52 2022.

53 G. After litigation related to the board's May 2020 order was remanded to the  
54 board for additional review, the board issued its Final Decision and Order on January 3,  
55 2022, and again invalidated Ordinance 19030, Sections 12 through 29, Section 31, and  
56 Map Amendments 1 and 2. The county appealed the board's January 3, 2022 Final  
57 Decision and Order, and the board's January 27, 2022, Order Nunc Pro Tunc Correcting  
58 Scrivener's Errors in Final Decision and Order, to Division I of the Washington state  
59 Court of Appeals.

60 H. The county adopted a new one-year moratorium with Ordinance 19550, that  
61 commenced on December 23, 2022, and expires on December 23, 2023. Ordinance  
62 19550 was adopted to prevent vesting of applications for winery, brewery, distillery uses  
63 during the Court of Appeals review of the litigation.

64 I. The Court of Appeals published an opinion on February 27, 2023, reversing the  
65 board's January 2022 order, and remanding it to the board with instructions to reinstate  
66 the SEPA determination of nonsignificance ("DNS") and enter a finding of GMA and

---

Ordinance 19721

---

67 SEPA compliance. The Friends of Sammamish Valley et al. and Futurewise filed a  
68 Motion for Reconsideration on March 20, 2023. The Court of Appeals published a new  
69 opinion on June 12, 2023, responding to the Motion for Reconsideration, again reversing  
70 the board's January 2022 order, and remanding it to the board with instructions to  
71 reinstate the DNS and enter a finding of GMA and SEPA compliance.

72 J. On September 8, 2022, following a compliance hearing, the board issued its  
73 Order Finding Continuing Noncompliance and Denying Motion to Rescind Invalidity.  
74 The September 8, 2022, order established a new compliance deadline of March 6, 2023.  
75 The county filed an appeal of the board's September 8, 2022, order to superior court,  
76 which was certified for direct review by the Court of Appeals in October 2022, and the  
77 Court of Appeals issued a stay on May 4, 2023, pending issuance of a mandate on the  
78 primary litigation. Until the Petitions for Review are acted on by the Washington state  
79 Supreme Court, the May 2023 Court of Appeals stay on the follow up appeal will remain  
80 in place; on April 20, 2023, the board, as part of a Second Order Finding Continuing  
81 Noncompliance and Order Granting Partial Stay, granted a stay holding the compliance  
82 calendar in abeyance until such time as the pending appeals are resolved or the board  
83 rescinds the board's April 2023 stay order.

84 K. On July 11 and 12, 2023, Futurewise and Friends of Sammamish Valley and  
85 affiliated groups, respectively, filed Petitions for Review with the Washington state  
86 Supreme Court. On December 5, 2023, the Washington state Supreme Court accepted  
87 review and will consider the case. The timing for a decision by the Washington state  
88 Supreme Court is unknown, but is likely to be up to twelve months and possibly longer.

89 L. It is in the public interest, and is the intent of the county, to declare and

---

Ordinance 19721

---

90 establish a moratorium on acceptance of applications for the establishment of new or  
91 expansion of existing wineries, breweries, distilleries, and remote tasting rooms for a  
92 one-year period in order to prevent unregulated development while substantive issues  
93 before the board and the Washington state Supreme Court are still unresolved.

94 M. It is necessary that this ordinance take effect immediately in order to avoid a  
95 rush of applications for wineries, breweries, distilleries, and remote tasting rooms, due to  
96 a lack of clarity over what regulations would apply.

97 SECTION 2. A. A one-year moratorium, commencing on December 23, 2023, is  
98 declared on the acceptance of applications for the establishment of those that are new, or  
99 expansion of those that are existing, including applications increasing their size or scope,  
100 for the following in unincorporated King County:

- 101 1. Wineries, breweries, distilleries;
- 102 2. Remote tasting rooms;
- 103 3. Winery, brewery, distillery, and remote tasting room home occupations and  
104 home industries; and
- 105 4. Temporary use permits for wineries, breweries, distilleries, and remote  
106 tasting room uses.

107 B. An application shall not be accepted and a building permit, occupancy permit,  
108 department of public health approval, and other development permits or approvals of any  
109 kind shall not be issued for any of the purposes or activities prohibited by the  
110 moratorium. Any applications for land use approvals or other permits that are accepted  
111 as a result of error or by use of vague or deceptive descriptions during the moratorium are  
112 null and void and without legal force or effect. All vested and otherwise lawfully

Ordinance 19721

---

113 established uses, structures, or other developments may continue to be maintained,  
114 repaired, and redeveloped consistent with K.C.C. 21A.32.020 through 21A.32.055, so  
115 long as the use is not expanded, under the terms of the land use regulations in place at the  
116 time the use was established.

117 SECTION 3. The definitions in this section apply throughout this ordinance  
118 unless the context clearly requires otherwise.

119 A. "Remote tasting room" means a facility that is required to be licensed by the  
120 Washington state Liquor and Cannabis Board including, but not limited to, the following  
121 non-retail liquor licenses: a craft distillery; a tasting room - additional location for a  
122 winery licensed as a domestic winery; or a microbrewery, including, but not limited to, a  
123 microbrewery operating in accordance with an off-site tavern license subject to the retail  
124 sale limitations for a microbrewery in WAC 314-20-015(1).

125 B. "Temporary use permit" is as defined in K.C.C. 21A.06.1275.

126 C. "Winery, brewery, distillery" means:

127 1. "Winery" means an establishment primarily engaged in one or more of the  
128 following:

129 a. growing grapes or fruit and manufacturing wine, cider, or brandies;

130 b. manufacturing wine, cider, or brandies from grapes and other fruits grown  
131 elsewhere; and

132 c. blending wines, cider, or brandies;

133 2. "Brewery" is as defined by SIC Industry No. 2082; and

134 3. "Distillery" is as defined by SIC Industry No. 2085.

135 D. "Winery, brewery, distillery, and remote tasting room home occupation and

Ordinance 19721

---

136 home industry" means a winery, brewery, distillery, or remote tasting room, or  
137 combination thereof, that is located in a dwelling unit or residential accessory building  
138 and meets the definition of home occupation in K.C.C. 21A.06.610 or the definition of  
139 home industry in K.C.C. 21A.06.605.

140 SECTION 4. During the moratorium under this ordinance, the executive shall  
141 complete a work plan for winery, brewery, distillery facility uses subject to this  
142 moratorium, and:

143 A. Brief the local services and land use committee or its successor, on the  
144 following topics, during a July 2024 committee meeting:

145 1. the current status of the litigation before the Washington state Supreme  
146 Court;

147 2. the current status of any existing code enforcement cases related to any use  
148 subject to this moratorium;

149 3. an evaluation of the efficacy of the increased penalty provisions adopted by  
150 Ordinance 19030 for uses subject to this moratorium; and

151 4. a recommendation on whether to extend the moratorium declared under this  
152 ordinance; and

153 B. If recommended under subsection A.4. of this section, transmit a proposed  
154 ordinance that extends the moratorium declared under this ordinance. The executive  
155 shall electronically file, no later than August 1, 2024, any transmittal required by this  
156 ordinance with the clerk of the council, who shall retain an electronic copy and provide  
157 an electronic copy to all councilmembers, the council chief of staff, and the lead staff for  
158 the local services and land use committee or its successor.

Ordinance 19721

---

159            **SECTION 5. Severability.** If any provision of this ordinance or its application to  
160 any person or circumstance is held invalid, the remainder of the ordinance or the  
161 application of the provision to other persons or circumstances is not affected.

162            **SECTION 6.**

163            A. The county finds as a fact and declares that an emergency exists and that this  
164 ordinance is necessary for the immediate preservation of public peace, health, or safety,  
165 or for the support of county government and its existing public institutions.

166            B. Enactment of this temporary moratorium as an emergency under Section  
167 230.30 of the King County Charter waives certain procedural requirements, including



Ordinance 19721

---

- 168 State Environmental Policy Act review under chapter 43.21C RCW and K.C.C. chapter  
169 20.44, notice to the state under RCW 36.70A.106, and published notice under K.C.C.  
170 20.18.110.

Ordinance 19721 was introduced on 12/12/2023 and passed by the Metropolitan King County Council on 12/12/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, McDermott, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:



E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:



8DE1BB375AD3422...

Melani Hay, Clerk of the Council

**Attachments:** None

**Certificate Of Completion**

Envelope Id: 661C01D7E57D4B6E8FD2DDC2B09ABEAE	Status: Completed
Subject: Complete with DocuSign: Ordinance 19721.docx	
Source Envelope:	
Document Pages: 9	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

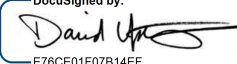
**Record Tracking**

Status: Original	Holder: Cherie Camp	Location: DocuSign
12/13/2023 2:00:20 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

**Signer Events**

Dave Upthegrove  
dave.upthegrove@kingcounty.gov  
Chair  
Security Level: Email, Account Authentication (None)

**Signature**

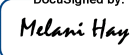
DocuSigned by:  
  
E76CE01F07B14EF...  
Signature Adoption: Uploaded Signature Image  
Using IP Address: 67.160.80.216

**Timestamp**

Sent: 12/13/2023 2:01:37 PM  
Viewed: 12/13/2023 3:42:54 PM  
Signed: 12/13/2023 3:45:20 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 12/13/2023 3:42:54 PM  
ID: 49d07a9c-42f4-44c1-b0c7-5d5302c12747

Melani Hay  
melani.hay@kingcounty.gov  
Clerk of the Council  
King County Council  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
8DE1BB375AD3422...  
Signature Adoption: Pre-selected Style  
Using IP Address: 73.157.65.139

Sent: 12/13/2023 3:45:21 PM  
Viewed: 12/14/2023 5:18:45 AM  
Signed: 12/14/2023 5:18:51 AM

**Electronic Record and Signature Disclosure:**  
Accepted: 9/30/2022 11:27:12 AM  
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
Envelope Sent	Hashed/Encrypted	12/13/2023 2:01:38 PM
Certified Delivered	Security Checked	12/14/2023 5:18:45 AM
Signing Complete	Security Checked	12/14/2023 5:18:51 AM
Completed	Security Checked	12/14/2023 5:18:51 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
-----------------------	---------------	-------------------

<b>Electronic Record and Signature Disclosure</b>
---

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact King County-Department of 02:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov)

### **To advise King County-Department of 02 of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from King County-Department of 02**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with King County-Department of 02**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.