



The Sammamish Valley is home to a collection of farms, wineries and tasting rooms. File photo

King County continues to grapple with alcohol rules in rural areas

Much of the debate surrounds wineries, breweries and distilleries operating as retail businesses.

By [Conor Wilson](#)

Tuesday, April 19, 2022 3:30pm [NEWS & COMMENT](#)

After failing in 2019, the King County Council is making a second effort to regulate wineries, breweries and distilleries in unincorporated areas of King County — a near decade-long process that has created a murky situation for both farming advocates and business owners.

In 2019, the King County Council passed what's colloquially known as the Adult Beverage Ordinance. It's a policy that was intended to provide clarity about where, and under what circumstances, wineries, breweries and distilleries could operate in rural and agricultural areas in unincorporated King County.

That 2019 ordinance was appealed by conservation nonprofits Friends of the Sammamish Valley and Futurewise on the grounds that it violated the state's Growth Management Act and State Environmental Policy Act.

Following a lengthy two-year legal battle, the ordinance was twice invalidated, then sent back to the county council, which is now tasked with bringing it into compliance by July 1.

From the perspective of rural land advocates, much of the debate surrounds whether wineries, breweries and distilleries should be permitted to operate as retail businesses in rural areas if they do not grow any of the product they sell onsite. They have concerns that opening up the space to "urban retail" could lead to sprawl and the destruction of rural areas and farmlands.

"It's not really about wineries," said Serena Glover, executive director of the Friends group. "It's about the commercial development of the less expensive rural areas and farmland."

Glover said the rural area is designated for low-density housing, protection of critical areas, wildlife habitat and open spaces. She said there's fears that allowing retail space in rural areas will lead to a trickle effect, causing urban sprawl alongside severe environmental degradation in an area that doesn't have the water or sewer infrastructure to support a large increase in traffic.

Glover points to the Kent and North Creek Valleys as other examples of farmland lost to urban sprawl and commercial development.

"[The] GMA was a promise to the citizens of the state of Washington to protect the rural areas and the resource lands," she said. "That's what the elected leaders are supposed to do and yet they're not doing it."

'These fights never end'

Sammamish Valley — an unincorporated area near Woodinville — has seen a significant increase in wineries and served as ground zero for this most recent debate after residents began filing complaints with the county in 2014.

Those complaints mostly centered on the retail portions of these businesses. Residents said the wineries are functioning more as bars than outlets for agriculture,

Over the last decade, however, the county often neglected to enforce those requirements or raise objections as wineries, breweries and distilleries legally obtained permits to open in rural areas without objection from the county.

That's what happened to Dominique Torgerson, co-owner of Four Horsemen Brewing in unincorporated Kent. She alongside her brother and co-owner, Dane, have been active in fighting the ordinance since it was first introduced and said there's uncertainty going forward.

Torgerson said after the siblings got all their permits in order in 2014 — including from the county. They were closed down two years later, after being told they were in violation of zoning code. Another year later, having gone to a hearing examiner, they were allowed once again to sell the beer they made onsite.

"We got that approval and they wanted to go back on it," she said. "It was crazy."

Torgerson said their business is defined as "value added agriculture" and is frustrated that the county doesn't see them as agriculture. She said there was also a sentiment that the county council wasn't listening to those in the beverage industry.

"They don't see us as agricultural even though we almost exclusively are," she said. "Our business is 100% tied to agriculture."

The issue is more expensive than just the Sammamish Valley, however, and dates back to at least the early 2000s, according to Ken Konigsmark, a 40-year Issaquah resident and former president of the Issaquah Alps Trails Club.

Konigsmark said there has been increasing pressure over the last two decades from Eastern Washington wineries to open up rural areas in King County for retail outlets to take advantage of the area's high population and wealth.

"There are constant efforts from lobbyists, industry and others to undo the Growth Management Act to open up King County's rural area to let in business and housing and create sprawl," he said. "It's an ongoing constant battle. These fights never end."

In 2003, Konigsmark said, there was an effort to create what he calls "Napa Valley of the North" in the Snoqualmie Valley. This, he said, was a blatant effort by Eastern Washington wineries to create retail and commercial "boutique winery" outlets and events centers in the rural areas in violation of the GMA.

“It was sold under the false pretense that because it’s grapes and wine, it benefits agriculture in King County,” he said. “The plan was just to truck wine over the pass.”

Before 2003, King County prohibited wineries and other adult beverage makers from selling products that weren’t grown in King County. That policy harmed producers because growing grapes and barley are more difficult on the western side of the state.

That rule was changed to allow some wiggle room intended to provide economic benefit, but the code still required that all products sold on rural and agricultural lands be produced onsite while at least 60% of the crop used in production had to be grown onsite.

Following complaints raised by those in the Sammamish Valley in 2014, King County Executive Dow Constantine stepped in and agreed to allow the wineries in violation to stay in business while the county conducted a \$75,000 study of the Sammamish Valley region and worked toward a solution.

In 2019, the county council passed a new code, which regulated wineries, breweries and distilleries in both rural and agricultural zones across all of unincorporated King County.

The proposal reduced the number of properties that could open a winery, brewery or distillery by adding property size and setback restrictions and eliminating wineries and breweries as home occupations. It also notably removed requirements for wineries, breweries and distilleries in the rural zoned areas that required product to be grown onsite.

Although Friends and Futurewise filed suit over this, businesses were seemingly also not thrilled, contending the problem was reflective only of issues happening in one part of the county.

“The work they had done for the Sammamish Valley was all of a sudden, this was being proposed to apply to all of unincorporated King County,” said Scott Greenberg, owner of Convergence Zone Cellars, a winery he runs out of his house in rural unincorporated North Bend.

“Those of us in the rest of King County had no input and frankly no knowledge that this was even occurring,” he said. “To me that was a real negative that tainted the whole process.”

Greenberg, a retired city planner, said he hasn’t seen the county identify a problem outside of the Sammamish Valley. He said that little of the input made by business owners outside of the study was considered and the policy wasn’t favorable to small wineries.

“When I was a city planner and somebody proposed some regulation or policy, I would often ask what’s the problem we’re trying to solve,” he said. “Maybe there’s a problem in the Sammamish Valley, but I don’t see a problem with the rest of the county.”

Although Greenberg’s winery is grandfathered in under the new proposal, if he were to start today, he wouldn’t be able to open his winery because home-based occupations are restricted under the plan.

“If someone wants to start a winery, maybe they’re just making a barrel or two of wine, and they don’t want to start leasing space — they can’t,” he said.

Samantha Kent, co-founder of Orenda Winery in Carnation, said their business — a home occupation that is on land zoned for agriculture — won’t be impacted by the new ordinance. But they have concerns about how it will impact others.

“We count ourselves lucky to have been established before these regulations,” she said. “They bring uncertainty for startup wineries going forward.”

The new proposal, on which the King County Council Local Services Committee is expected to vote on April 26, eliminates all wineries, breweries and distilleries in agricultural zones. A county spokesperson said those currently in business will be able to apply for nonconforming status. It also adds additional water and wastewater requirements.

It keeps many of the same policies adopted in the 2019 ordinance and does not go back to requiring adult beverage producers to grow a portion of their product they sell onsite and continues to allow them to import alcohol produced elsewhere.

King Councilmember Sarah Perry, the chair of the Local Services Committee and representative for a majority of the county's rural areas, said through a spokesperson that she remains deeply committed to protecting agricultural and rural lands .

"My goal is that we come to some resolution around land use concerns between the environmental, agricultural, and wine producing communities that allow us to move forward with enforceable codes for the protection of all," she said.

Talk to us

Please share your story tips by emailing editor@seattleweekly.com.