

**GMVUAC SPECIAL MEETING
MAPLE VALLEY FIRE STATION CONFERENCE ROOM
NOVEMBER 18, 2019**

Notice of this meeting was timely announced at the November 4th Regular Council Meeting and also emailed to all Council and Committee members that met the requirements for holding a Special Meeting under the current GMVUAC Bylaws.

Council Members Present: Steve Hiester, Peter Rimbo, Andy McDonald, Rhys Sterling, Hank Haynes, Warren Iverson, Luke Hansen, Lorraine Blacklock, Sue Neuner

Quorum Established: Meeting called to order by Steve at 7:00 PM

Proxy Designations for Voting: Peter for Susan Harvey

Absent: LarKen Buchanan

Note for the Record: Council Member Bob Keller submitted his email notice of resignation to the Executive Committee effective November 18, 2019.

Other individuals present: Trip Hart (Enumclaw Plateau Community Association); Gwyn Vukich and Clarissa Metzler Cross (Green Valley/Lake Holm Association); Melissa Earl (Lumber House Brewery); Dane Scrimbollo (Four Horsemen Brewery).

Peter briefly explained the limited purpose of this meeting was to review and approve for submittal comments regarding the latest proposed Winery-Brewery-Distillery (WBD) Ordinance that is scheduled for public hearing before the KC Council at its December 4, 2019, meeting. Our Council comments, joined with those of other Unincorporated Area Councils (UACs) and Community Associations (CAs) are intended to be submitted to the KC Council prior to Thanksgiving. The latest draft of the proposed comments was emailed by Peter to all Council and Committee members, and to the other UACs and CAs earlier on November 18th.

At the suggestion of those in attendance and concurred-in by the Council, Peter read the latest draft and each subpart was open for discussion and suggested amendment. In so doing, there were several edits suggested and made to the text for the purpose of adding/deleting words, and correcting spelling and grammar, that made the comment letter and overall better and more understandable product.

The main topics of discussion of all present were the protection of WBDs as home occupations in the rural area, and a code enforcement program that was effective and properly applied with correct interpretation of the King County Code.

The former is an issue of great import to those in attendance. Dane recounted his several years of battling King County Code Enforcement over the issue of whether or not a brewery could legally be conducted as a home occupation in the rural area – the answer from the Hearing Examiner is “yes” – but Dane has been required to apply for a variety of permits – including change of use – in order to satisfy County staff who appear to be reluctant and/or unwilling to acknowledge the HE’s binding decision. Melissa also recounted her problems that led to bifurcating her brewery operation and opening an establishment in

Black Diamond in order to market her product brewed at her home. Dane noted that several other rural area small breweries have been put out of business due to County misapplication of the current Code. Concurrence of those in attendance was that current Code needs to be appropriately clarified to protect small WBD operations in the rural area – these businesses should be encouraged and protected, and not subject to arbitrary Code interpretations and disparate treatment – as Melissa explained, the proposed WBD Ordinance has an apparent bias towards discouraging small WBD operations while encouraging large operations that are inconsistent with the protection of the rural area. It was also noted and emphasized by Dane and Melissa that the proposed Business License requirement in the WBD Ordinance conflicts with State law, and is thus invalid and unenforceable. It was also observed that although King County Code does impose a business license requirement on several other specialty businesses, the WBD industry is unique in that it is subject to certain express pre-emptive provisions in RCW 66.08.120 that would render invalid a local license as a prerequisite to the sale of liquor by a WBD enterprise in the rural area.

The latter has been stymied by lack of adequate staff and budget coupled with a current Code that protects small business operations but is too open to arbitrary interpretation and unequal/selective application - this particular concern needs to be emphasized in our comment letter and made a high priority, rather than the County adopt a new and even more complex and complicated Code that arose from a local matter arising from the winery operations in the Sammamish Valley/Woodinville area. It was noted by several that the proposed Ordinance arose out of a special study conducted solely on the winery business, and did not in any way address the separate brewery and distillery operations that are drawn into and under the WBD Ordinance umbrella. It was emphasized that breweries cannot fairly and appropriately be included in a new regulatory program that is not grounded on any study or consideration whatsoever of a State-regulated enterprise which is unique and distinct from the studied winery operations.

Based on the foregoing issues raised and discussed, Peter incorporated into the draft comment letter the suggested errata, and also will include a rewording and reordering of several sections of the draft comment letter to better reflect the concerns voiced at this Special Meeting. Peter promised to make these changes and email a revised draft comment letter to all on Tuesday, November 19.

Following an extended discussion period, the following Motion was offered by Andy – as amended by Hank:

Moved to approve and to submit a final comment letter on the proposed WBD Ordinance to the King County Council, in advance of its December 4, 2019, public hearing, that is based on the latest draft of the letter that was emailed to all GMVUAC Members on November 18, 2019, as appropriately amended by Peter to include the changes made to it during the November 18th Special Meeting and also to include any timely changes subsequently suggested by other UACs and CAs that are not inconsistent with the draft comment letter as amended as a result of the Special Meeting.

Second by: Rhys

Approved: Unanimous

Although an Executive Committee was planned to follow the Special Meeting, there was no time in which to conduct it – deferred to the next Regular Council Meeting.

Special Meeting was adjourned by Chair Hiester at 9:25 PM. (Minutes by Sterling, Recording Secretary)