

**Skagit County Planning Commission
Public Hearing and Deliberations: 2014 CPA – Birdsvew Brewery
September 1, 2015**

Commissioners: **Josh Axthelm, Chair**
 Keith Greenwood, Vice Chair (absent)
 Annie Lohman
 Tammy Candler
 Kevin Meenaghan
 Kathy Mitchell
 Amy Hughes

Staff: **Dale Pernula, Planning Director**
 Gary Christensen, Planning Manager

Public Remarks
Commenters: **Ellen Bynum, Friends of Skagit County**

Public Hearing
Commenters: **Mike Farthing**
 Jessie Mattingly
 Ellen Bynum, Friends of Skagit County

Others: **Wilfred Voigt, Applicant**

Chair Josh Axthelm: (gavel) Today is Tuesday, September the 1st and we call this meeting to order. Take a look at your agenda. We have Public Hearing. Oh, sorry, after Public Remarks we have the Public Hearing – sorry – Public Hearing on the Birdsvew Brewery and Deliberations, and that's pretty much it. So let's start with the Public Remarks. Do we have any general Public Remarks?

Ellen Bynum: Ellen Bynum, Friends of Skagit County, 110 North First, Mount Vernon. I wanted to take time today to give you a little briefing on the wetland mitigation banks. We have two in Skagit County. One of them is actually inside of the boundary of Mount Vernon, although it started out in the – as an ag land project in Skagit County. The second one's called the Clear Valley Environmental Bank, or Clear Valley Environmental Farm. It's called the Skagit Environmental Bank.

A wetland mitigation bank is a mechanism that private investors invest in in order to provide a supposedly comparable wetlands function for wetlands that are filled in the development of properties that are offsite. So this particular bank would have developers who are filling wetlands, including Department of Transportation and other entities, paying them for the privilege. They tend to – they should make \$31 million on the project, except that the project hasn't started yet.

Let me give you a little bit of timeline so you can understand what's going on. In June of 2006 Clear Valley applied to the Skagit County Planning Department for a shoreline substantial development permit, shorelines conditional use permit, and a grading permit for a wetlands mitigation bank. And the Department – Planning Department – issued a Determination of Nonsignificance under SEPA, and in March of 2008 Friends of Skagit County appealed the Determination of Nonsignificance. Our concern for this project is it's in the Nookachamps Valley. It serves – the land in the Nookachamps serves as flood storage for flood that happens when the Skagit River floods and it's a two-day storage area for water, which would protect Burlington and Mount Vernon. So that was part of our concern. We had other concerns. In April of 2008 Friends and other groups appealed the Planning Department's decision to issue the permits and forced a hearing before the Hearing Examiner. So we had appeals that lasted six days from July to September of 2008 and in January of 2009 the Hearing Examiner affirmed the Planning Department's decision by granting the grading and shorelines permits.

In February, after the Hearing Examiner denied Friends' request for reconsideration, Friends appealed the Hearing Examiner decision to the Board of County Commissioners. In July of 2009 the Commissioners adopted a resolution that dismissed Friends' SEPA appeal and remanded the permit appeals to the Hearing Examiner for reevaluation of potential impacts from flooding, drainage, and other sediments. You don't have to take notes. I'll e-mail you this timeline. September of 2009, following additional hearings, the Examiner's initial decision stands. The Hearing Examiner in December denied Friends' motion for reconsideration and a number of other things happened, and Friends actually appealed. We asked the Commissioners to consider invoking a thing called the "rule of necessity," which allowed governing bodies to make crucial decisions when it's in the public's best interest, and they declined to do so.

So we appealed – Friends appealed into the – under LUPA, which is the state Land Use Petition Act – into Skagit County Superior Court. All the Skagit County court judges recused themselves from hearing the appeal and it was heard in Whatcom Superior Court. The Department of Ecology approved Clear Valley's permits without ever reading or considering any timely new information which we had presented to them. In fact, they didn't even look at it until after they'd made their decision, had sent their letter. In March, the Whatcom County judge – of 2010 – the Whatcom judge dismissed our appeal under LUPA and about the – and dismissed the rule of necessity. In March of 2010, Friends appealed to the Shorelines Hearings Board and in April 7th of 2010 Friends and Clear Valley signed a settlement agreement that required payment of \$30,000 upon signing the settlement and \$200,000, which would be due when Clear Valley received its grading permit from Skagit County.

Chair Axthelm: Ellen, time's up. If you could summarize.

Ms. Bynum: Yeah, just have two more things. January 2014, Skagit County issued the grading permits and in August of – in August Clear Valley has applied for an NPDES permit of 2015, and we have also asked them to pay the 200,000 because the grading permits have already been issued and the NPDES permit is an advancement of the project.

I'll talk to you more about it when I know more about whether we're going to appeal or what we're going to do, and whether we get payment on that. But I just wanted a briefing for the people that didn't know anything about it. Thank you.

Chair Axthelm: Thank you. Are there any other comments from the public?

(silence)

Chair Axthelm: Seeing none, we'll move on to the next item on the agenda, the Public Hearing for the Birdsvew Brewery 2014 Comprehensive Plan Amendment. Any introduction from –

Gary Christensen: Good evening, Planning Commission members and members of the audience and those watching on TV or streaming video. Gary Christensen with the Department of Planning and Development Services.

For the record, I want to cite a staff report which has been provided to you, as well as the public, and it is regarding the Skagit County 2014 proposed amendments to the Comprehensive Plan and land use and zoning map. The staff report is dated August 13th of this year. Included in the staff report are a number of important notes or contents, that being the background, a summary of the proposal, an analysis, recommendation, as well as a consistency analysis with regard to the proposal and its effect on state statutes, the County's Comprehensive Plan, as well. There are also some components within the staff report that deal with kind of more process-related questions, an environmental review, as well as tonight's public hearing, the public comment period, and where members of the public can obtain copies of the proposal and how they may comment. Also included in the staff report are two exhibits. The first exhibit, Exhibit A, includes maps, aerial photos, a picture, and a site plan, and Exhibit B includes two sections of Skagit County Code chapter 14.16, the first of which deals with Small-Scale Recreation and Tourism, or SRT, and the second code is Small-Scale Businesses, or SSB.

I will be reading portions of the staff report and paraphrasing others, and so what I want to do, though, is begin with a little bit of background and kind of set the stage for tonight's public hearing.

This matter comes before you as part of action that the Board of County Commissioners took on December 15th of last year when they held a public hearing on the 2014 Annual Comprehensive Plan Amendment Docket Proposals. And they then deliberated later that month and in doing so on December 29th through Resolution R20140390, the Board of County Commissioners established the 2014 Comprehensive Plan docket. When they did that, they identified three different petitions. Two of them were non-County petitions and one was a County petition. The purpose of tonight's public hearing is to deal with one of those, which is the Wilfred Voigt Birdsvew Brewing Company to redesignate an approximate 12-acre parcel from Rural Reserve to Small-Scale Recreation and Tourism, or, as an alternative, a Small-Scale Business.

The two other petitions are simply just not ready and will either come before you later this year or will simply be rolled over into future Comprehensive Plan amendments. I should say one of them will likely come before you later this year. That's the Transfer of Development Rights program. The other, which is the City of Sedro-Woolley's petition to amend their urban growth area, will be rolled over into the 2016 Update, so that'll be something that comes before you next year. That'll be dealt with comprehensively with all the other Cities and Towns as we all try to meet and fulfill our GMA requirements.

Included in the staff report is the Department's recommendation, which is based on application material that the proponent submitted; additional research which the Department had conducted; an evaluation of the map amendment's consistency with relevant designation policies and criteria in the Comprehensive Plan, and also the provisions of Skagit County Code relating to land use designations. You will hold a public hearing at the conclusion of my presentation, likely then deliberate, and then forward a recommendation on to the Board of County Commissioners. We don't yet at this time know when the Board will take up your

recommendation because there're still some pending Comprehensive Plan amendment proposals which need to be taken care of before they can deal with all of those collectively at one time. We do expect, though, action by the Board of County Commissioners before the end of the year.

Again, this evening's public hearing is on the Birdsvew Brewing Company's request to redesignate an approximate 12-acre parcel from Rural Reserve to Small-Scale Recreation or Tourism, or, as an alternative, Small-Scale Business. The subject property is generally described as between the towns of Hamilton and Concrete, east of Lusk Road, west of Memory Lane, and south of and adjacent to SR 20. The Birdsvew Brewery is located onsite. The parcel P-number is 42797.

Analysis: The current Comprehensive Plan/Zoning designation is Rural Reserve. An existing business, Birdsvew Brewing Company, a family-owned and -operated brewery, is located on the property. Pursuant to Skagit County Code 14.16, Zoning, a restaurant and a bar is not allowed to locate and operate in a Rural Reserve zoning district. The existing business is currently operating as a nonconforming use. The proposed Comprehensive Plan/Zoning map amendment seeks to address the nonconforming use by redesignating the property to a rural commercial zoning district to allow for business growth and expansion.

In 2005, the business started as a brewery/tasting room and due to its success it has expanded over time to more closely resemble a brew pub and eatery. A rural commercial zoning designation would allow and meet several business desires: (1) the kitchen area and food selection could be expanded to better serve local and visiting patrons, especially during summertime peak demands when there is increased traffic on SR 20 as motorists, tourists, and vacationers travel east/west over the North Cascade Highway, and (2) the owner's business plan is to distribute statewide handcrafted bottled beer, and to meet production goals, onsite facilities may need to be enlarged.

In 2007, Skagit County updated the Comprehensive Plan and development regulations based on provisions of the Growth Management Act. Local governments must periodically update their comprehensive plans and development regulations to assure that they are consistent with state laws. Since then the County has experienced and begun to rebound from a devastating economic recession which has been felt nationwide. The circumstances then and now are vastly different. Comprehensive plan updates and amendments are to take into account a change of circumstances, and land use goals, policies, and designations may be changed to reflect these changed circumstances or to address new information. The Birdsvew Brewery business plan has changed due to its economic success and a rural commercial zoning designation will allow the business to flourish.

In the late 1990s, Skagit County undertook an extensive review of existing commercial and industrial uses and zoning in the rural area as part of its responsibility under the Growth Management Act. Skagit County's rural commercial and industrial zoning districts are currently compliant with the Growth Management Act. These rural commercial designations are shown on the Comprehensive Plan/Zoning map for existing land uses and provide designation criteria for proposed land uses. New rural commercial land use designations are addressed through annual or periodic comprehensive plan updates. And that is how this matter is now before you this evening.

On page 4 of the staff report you will find some narrative about the County's Comprehensive Plan. On page 4 it begins by describing what rural areas are and a term that you probably have

heard before, LAMIRDs, which are limited areas of more intensive rural development. There are some goals regarding LAMIRDs, as well as goals for rural commercial and industrial designations, which are stated in the Comprehensive Plan and are included in this staff report for your reflection and consideration.

Beginning on page 5 of the report, you'll find a description on Small-Scale Recreation and Tourism, what those designations allow, what the goal is, and the policies for that particular land use designation and zoning district.

On page 6, you will find narrative about Small-Scale Businesses, what kind of – what is allowed in that designation and zoning district, as well as the goal for that zoning district. Included are policies which pertain to rural and commercial business uses in that district as well.

On page 7, there's a recommendation from the Department. We, after review of information on file, the goals and policies of the Comprehensive Plan, are recommending that the request be approved for Small-Scale Recreation and Tourism based on the following Findings:

Number 1. There are no foreseen adverse impacts from the proposed map amendment. The existing business is compatible with surrounding rural land uses and is appropriately scaled and sized. Current and future business operations must be compliant with Skagit County Code for health, building, planning, and other land use and environmental permit requirements. Access permits for ingress and egress off of SR 20 is under the purview of the Washington State Department of Transportation.

Finding number 2. The business has operated for years and has received widespread community support. The Birdsvew Brewery owner sent a letter to 15 neighbors explaining the proposal and they were invited to an open house on July 7th of 2014. Overall, neighbors were supportive of the business. In addition, a petition was circulated by the proponent. In all, 452 signatures were obtained. The petition read "Birdsvew Brewing Company is seeking a commercial rezone to be approved by Skagit County. The Board of County Commissioners is seeking this rezone in order to expand the kitchen facilities and provide more menu item choices for local residents and visitors. Under our current zoning designation, the County does not allow any building expansion. The Board of County Commissioners must rezone in order to expand our kitchen. Please sign this petition to show Skagit County that our rezone would be beneficial to the upriver community, and that as a resident or visitor of Skagit County, you support the growth of Birdsvew Brewing Company!"

Finding number 3. The Birdsvew Brewing business is consistent with the County's Comprehensive Plan Small-Scale Recreation and Tourism designation criteria, and the Rural Element goals and policies.

Finding number 4. Allowing the proposed map amendment will legitimize a pre-existing, nonconforming use, create additional economic and job-related opportunities, allow for commercial business diversity in a rural setting, provide a continuing and expanded rural service for rural residents and visitors, and maintain rural character. Hops and barley, which are used in the brewing business, are grown on the site.

Finding number 5. Birdsvew Brewing serves the local rural community as well as the traveling public. It creates a unique gathering place for the upriver community and provides jobs for rural residents. The business caters year-round to tourists coming upriver for: eagle watching, snowmobiling, fishing, hiking, camping, swimming, and scenic drives. In addition, the business

hosts music events and has recreational outside activities onsite, such as horseshoes and other lawn games. The property is in close proximity to the Cascade Trail, the Washington State Rasar Park and campground, and the Skagit River. The business is strategically located alongside SR 20 and is within the Washington State North Cascades Loop scenic corridor – scenic highway corridor.

Finding number 6. The Birdsvew Brewery business will not create any new demands for public services and utilities.

Again, the Department reviewed this proposal and, based on its analysis and aforementioned findings, found that it is consistent with the Growth Management Act, the Skagit County Comprehensive Plan Rural Element, and Small-Scale Recreation and Tourism land use designation criteria. This action would also legitimize a pre-existing, nonconforming use.

The additional information in the staff report just is more procedural in nature and for the record establishes what it is that we've done. And as I mentioned earlier, you'll find a number of exhibits which include maps and pictures as well as two sections of Skagit County Code, which are the matters which are before you this evening.

So with that I have nothing more to add and can answer any questions, should you have any.

Annie Lohman: I have a question.

Chair Axthelm: Yeah, go ahead and open it up.

Ms. Lohman: Is the agriculture activity – the hops and the barley growing – still going to be an allowed use if you designate it as Small-Scale Tourist?

Mr. Christensen: Yes.

Ms. Lohman: It is an allowed use.

Mr. Christensen: Yes.

Ms. Lohman: Okay. Because I didn't see it in the list but I did want to make sure that we didn't put him in a different thing than the nonconforming.

Mr. Christensen: It would not be excluded.

Ms. Lohman: And they would be able to preserve their ongoing ag status then?

Mr. Christensen: Yes.

Ms. Lohman: Okay. I just want to make sure because you can't get it back once you lose it.

Mr. Christensen: It's part of their business plan and operations to be able to grow things onsite and then utilize that in their beer-making handcrafted business.

Ms. Lohman: And that zoning, though, will preserve that ability?

Mr. Christensen: Yes.

Ms. Lohman: Okay. That was my question.

Chair Axthelm: Any questions down there?

Tammy Candler: I have a question about the GMA. I noticed that the – I guess my only concern is if there *is* any inconsistency with the GMA. Your report says that it is, but could you elaborate on that a little bit?

Mr. Christensen: That it is consistent?

Ms. Candler: Yeah.

Mr. Christensen: Yeah. When the County adopted its Comprehensive Plan in 1997, there were certain provisions of the Comp Plan and its development regulations that were not consistent with GMA. So over many years we addressed those compliance issues, some of which were validity issues, and the Growth Hearings Board ultimately found that the County's actions were compliant with the Growth Management Act. So with that, the Comprehensive Plan as a whole is GMA-compliant. That's the first test. We passed that. The next test is to assure that when there are proposed changes to the County's Comprehensive Plan that those changes would also be compliant with the Act. And it's the Department's view, based on the Comprehensive Plan goals and policies and the nature of the proposal, that it is indeed consistent with the County's Comprehensive Plan with the designation of Small-Scale Recreation and Tourism. And those are probably further addressed through the specific policies in the staff report as well. Those I did not read but are included within the staff report.

Ms. Candler: I read that. Thank you.

Chair Axthelm: Kathy?

Kathy Mitchell: I'm fine.

Chair Axthelm: All right.

Ms. Lohman: For consistency's sake, how are you handling wineries and their tasting rooms? Is it – what triggers it to need to change?

Mr. Christensen: Really, in this particular instance it was the desire to be able to serve food. It went from really a beer-tasting establishment to an establishment that wants to be able to serve beer and other beverages as well as a full menu. So it becomes inasmuch as a restaurant as it was just a wine- or beer-tasting facility. With a wine- and beer-tasting facility you could have some incidentals like crackers and such, which would be complimentary to the tasting part of the business, but once you started having full menu selection and you could pick different types of foods, then it really begins to take on – based on provisions of the building code, more like an eatery or a restaurant. And that necessitates or requires that that kind of business be located in a zone where it would be allowed.

Ms. Lohman: So if it stayed as just a tasting room, it would have been perfectly allowed as an ag accessory use, right?

Mr. Christensen: Right.

Ms. Lohman: Okay.

Chair Axthelm: Was it approved when they went from the tasting room to adding the kitchen and the menu?

Mr. Christensen: Well, it's their desire to offer a full menu, a full selection of menu choices, that prompted their desire to pursue a Comp Plan amendment and a rezone. So we've had discussions with them for I want to say more than a year, and it does take some time. With Comp Plan amendments it's not you just apply whenever you want and you schedule the public hearing. There's a schedule and a timing and it needs to be docketed. So it's been a lengthy process but they are pursuing what they need to do to be able to take a pre-existing, nonconforming use and to legitimize it.

Chair Axthelm: Okay. Any other questions? So we'll go ahead and open it up for public comment. And if – is that speakers will have three minutes each, and if you'll state your name and your address.

Mike Farthing: Good evening. My name's Mike Farthing. I'm at 8144 Memory Lane, Concrete. Gary, would you be so kind as to put the map back up? Can you do that?

Mr. Christensen: Yes.

Mr. Farthing: I'd like for you to – good evening, Commissioners. If you'd be so kind as to look at the map behind you – or in front of you, I guess. Bill and Kris Voigt's property, the yellow piece of property – I live to the east, the white property next door, as well as Memory Lane, those properties. So I just wanted you to have a feeling as to where I'm located. I've been neighbors of the Voigts for many years. I'd like to say they are very good neighbors and friends. They have never – we've never had any issues with them at all. I've lived at that property since 1993 – about 23 years – have a fairly good history of what's gone on in the area. When we first moved there the zoning was one acre residential, which we had 14 acres. We looked seriously at developing the property. I went so far as to get all the permits. I put in an elaborate water system to serve 12 homes – had already, in fact, put the system in – put the road in, Memory Lane – did everything the County requested of us to develop one-acre residential sites. The Growth Management Board in 1997 said, We're going to change this to rural five-acre minimum. Sorry you spent all the money but too bad, you're out. We thought about it seriously – big chunk of change to throw away, but we decided we could live with the rural setting. I don't know if you've been to Memory Lane or not, but it's almost entirely in woods – a park. And we decided that, you know, we like the rural lifestyle, the peace and quiet living upriver, and we've made our home there for 23 years.

Again, I'd like to say we have very good neighbors with the Voigts. In fact, when they put in their brewery I thought to myself, Wow, they are pursuing the American dream. I mean, the family-owned and –operated business became very successful. It's definitely worth an applause because they have put a lot of time, effort, work into making it a really nice place; however, I do have a couple of concerns and a question and that's why I'm here – to tell everyone my concerns and ask the question in public. I could have gone to Bill and said, Bill, this is an issue I want to talk about but I didn't think that was appropriate. I think it should be out in the public where everybody can think about it, especially you as the Planning Commission.

Chair Axthelm: Could you hold on a second? His time is up. Would you like to give him some more time.

(sounds of assent from several Planning Commissioners)

Chair Axthelm: Okay.

Mr. Farthing: Okay, thank you very much. I will make this fairly quick but I don't that there's a lot of people that are going to speak and this is important. This is a part of our community's life, and that's why I told you a little history about the Growth Management Board and what they did to me. I won't go there anymore. But, okay, I have two concerns.

Chair Axthelm: ____ an additional two minutes? Could you get it within that time?

Mr. Farthing: If you can answer the question in two minutes. I don't think so, but.... Okay, my first concern is I recently read that the Skagit – or the Birdsvew Brewery is – their music venue is, like, the best in Skagit County. And I'm thinking to myself, you know, I could probably attest to that because I listen to every concert. Anyway, the concerts are put on outside and they are for charities usually, and who can go against, you know, a charity? They do a good job of putting that together. But it's loud and, as you can see, I live right out front of their amphitheater. And I'm there because I wanted some peace and quiet. And once in a while a charity music event, that's great. But I'm looking at this as, you know, they're number one in the county. This is going to end up being every Friday and Saturday afternoon and evening I'm going to be listening to these music events. Maybe not. And I'm sure that they have all the good intents and purposes for doing this. I'm not against that. But when it becomes a regular thing where, you know, you could come to it and listen and leave. I'm going to listen to it for seven hours on Saturday and I might listen to it for seven hours on Friday, you know, on and on. They may not have any intention whatsoever of doing this weekly or daily. I don't know. But once it's zoned Recreational, they're going to be able to do what they want. And, you know, my peace and quiet of rural life that I chose because the Growth Management Act wouldn't let *me* do anything with mine, that's an issue. That could be a problem. I can't hear the music that well, but I know that it's probably not what I would normally listen to a lot, you know? So it's – do I have to listen to this every week? I don't know.

And I'm going to make one quick last point. Okay, the other concern is if this is rezoned – and I'm sure Kris and Bill are going to do what they have said as far as they're not, you know, have some wild plan; however, they may not have that place, you know, forever. Eventually someone else will have it. Maybe their children, maybe they will sell it and someone else will move in and they'll want to put an off-road motorcycle racing track right next to my place.

Chair Axthelm: Mike, you've had six minutes.

Mr. Farthing: Well, that's – thank you.

Chair Axthelm: Would you please sum up?

Mr. Farthing: That's a concern. What's going to happen in the future? I don't know but I know that my rural lifestyle could be – and it may not be – but it could be affected.

Now my last question is, If you're expanding the brewery, the water to make the beer – and I know you make good beer – is going to increase.

Chair Axthelm: Mike, please –

Mr. Farthing: We have an inflow rule, because they took six of my water rights away.

Chair Axthelm: Mike –

Mr. Farthing: I'm sorry, but that's why I'm here. That's my question. Would you please answer that question? Maybe Dale Pernula could do it because I know he knows the answer to that.

Chair Axthelm: Thank you. Dale, do you know the answer?

Dale Pernula: To which question? The music question?

Mr. Farthing: Thank you. Dale, the question is water.

Mr. Pernula: Oh, the last one on water?

Mr. Farthing: Yeah, it's a big issue upriver. They've taken all of our water. I don't want to see, you know, him having to truck water in to make a good product; however, this are 6,000 properties up there that don't have their water any longer. I have six water rights that were taken. You can't have it anymore.

Chair Axthelm: Point of order. Mike?

Mr. Farthing: Okay, I'm sorry. It's just that this is, you know, a big concern and I don't want to see these guys not get their stuff, but... Dale, if you could answer that, or Gary probably knows the answer.

Chair Axthelm: Note that any comments you make from this point forward are not on the record.

Mr. Farthing: That's fine.

Chair Axthelm: You've had your time – exceeding time.

Mr. Farthing: All right.

Chair Axthelm: If I do – the problem is if we do it for you we have to do it for everybody, and that becomes extensive and you're taking advantage of that.

Mr. Farthing: Okay. Understood. Thank you.

Chair Axthelm: And your testimony is important. I don't have a problem with that. I just – there's a time and there's a place, and you have the ability to present or to submit written comments and we would like you to do that if you have _____. That time is over. Okay. The next? Is there any other public comment that we have?

Jessie Mattingly: Can I speak on behalf of the brewery? Hi, everyone. My name is Jessie Mattingly. My folks are Bill and Kris. They own the brewery. I work there on a daily basis and I'm very involved with it. We agree with the Department's recommendation for approval for you guys

to tell the Commissioners. We feel that our business would be hindered if we are not allowed to grow right now. We're at a standstill. We can't provide as much food as we need to. We can't provide as much beer as we need to. And so right now we're just kind of in this weird little spot where we have a great operation but we can't do anything more with it with how we're zoned. So that's what we're asking for, is the opportunity to be able to produce more beer. We have a distributor that wants more beer than we can give them, consumers that want to take home more beer than we can get them. So we're asking for that opportunity to grow.

To talk to Mike's point about the music, we have music once or twice a month. That's not going to change because, frankly, we can't afford it. We're so small we can't afford to pay bands twice every weekend. We, you know, are very aware of the noise and shut things down by nine o'clock if they're outside. So we want to be respectful neighbors and I hope that we continue to try that for you. So, yeah, during the summer months we do a lot of fund raisers. This coming Saturday we're having a fire relief benefit so, I'm sorry, there will be music during the day but it will be done by nine.

To your concern about somebody buying it down the road: You know, there's only so much we can do. If we're rezoned we can assure you that we're not going to be putting in a motor vehicle thing. Essentially it's up to the County whether to approve that if somebody else buys the property and wants to put in some race track. You know, I don't foresee that happening. It *is* a rural setting and it's very important, I think, to the whole county to keep that in a rural way.

So that's all I have. Thank you guys for your time. We were just really looking for an opportunity to be able to grow our business and reach our potential.

Ms. Bynum: Ellen Bynum, Friends of Skagit County. I just was reading an article that was done about the illegally permitted wine tasting venues in King County. They have 120 wine tasting areas and some of them have gone through the permitting process and have done that correctly and some of them have not. And so they're grappling with what they're going to do with that. It's kind of – and this is a question for Gary and a question for the Commissioners to consider. In my thinking about this in reference to the King County's problem, we have some venues that have been grandfathered in under various – in various zonings. The ones that I'm thinking of are in ag zone and not in Rural Reserve zone so it might be a little bit different situation for this. But it seems to me if there's a concern about expansion of the entertainment factor or something like that that you might want to consider zoning it SSB instead of SST. That's just a thought. I don't know the difference – I mean, I would have to go back and read the difference – but if there's any limitations on one and then the other that makes the neighbors more comfortable or would comply better with what the intent of rural lands zoning is, you might want to consider that.

The other concern that I have is that we do have lots of Rural Reserve-zoned land that was previously zoned agriculture in Skagit. There is some interest in rezoning that land as agriculture for agricultural use, and we don't have a zone for that because we took land that was zoned ag and we made it into rural zones when we passed the Growth Management Act. But if we were to re-appropriate that rural-zoned land as agriculture, how would that affect the business? So I'm hoping that the zoning can be most appropriate for accommodating what the business needs are but also being concerned about the 12 acres and how it could be used in the future. So I don't know that I have an answer to that but I just thought I'd bring that up, given that King County has had a huge issue with this. And I don't know what they'll end up doing. I thought when I read that article, Gee, Skagit did a pretty good job, because we didn't have 120

wineries! But, anyway, thank you for letting me comment. And I don't know if we can get an answer to the difference between the SST and the SSB or if that makes a difference. Thanks.

Chair Axthelm: Dale, would you like to address that at all?

Mr. Pernula: Actually you have a copy of both of those zones in your packet. You can compare the two. You can see that Small-Scale Recreation and Tourism is a little broader than the Small-Scale Business list of permitted uses.

Chair Axthelm: Do we have any other public comment today?

(silence)

Chair Axthelm: Okay, seeing none, we'll move on to the next item on the agenda unless – do we have any other questions?

(several Commissioners speaking inaudibly)

Chair Axthelm: Yeah, I guess that's technically required deliberations. We probably should. Is that all right?

Several Commissioners: Yeah.

Chair Axthelm: Move on to deliberations and then have their questions answered. So let's – that closes the public comment period of this hearing, or of the hearing, and moves on to deliberation.

Kevin Meenaghan: Would you like a motion?

Chair Axthelm: Sure. Is there one you'd like to make?

Mr. Meenaghan: Sure. I move that we concur with the analysis of findings presented in the August 13th staff report and recommend to the Board of County Commissioners that the 2014 Comprehensive Plan be amended to change the 12-acre parcel P42797, the Birdsvew Brewing Company, from Rural Reserve to Small-Scale Recreation and Tourism.

Chair Axthelm: Do we have a second?

Ms. Mitchell: Second.

Mr. Meenaghan: Discussion.

Chair Axthelm: Do we have any discussion on the motion?

Mr. Christensen: There was a motion and a second, correct?

Chair Axthelm: Yes.

Mr. Christensen: The second was whom?

Ms. Candler: Ms. Mitchell. Do you want to start?

Mr. Meenaghan: Sure. I guess to start I would – I'm a little bit curious if there is some kind of comment about the water topic that was brought up. There may not be but I'm just curious if there *is* an answer. I'm not even sure necessarily what the question was.

Mr. Christensen: Let me attempt to –

Mr. Meenaghan: And it may not have anything really to do with this Comprehensive Plan amendment, frankly.

Mr. Christensen: It doesn't and it doesn't.

Mr. Meenaghan: Okay.

Mr. Christensen: How's that for a response? A Comprehensive Plan designation or a zoning district will allow certain uses of the land and it will also preclude certain uses of the land by its very nature – that which is described in the Comprehensive Plan and as specified in the zoning ordinance or in the zoning district what uses are allowed outright, and which might be allowed is special uses. That said, there are a number of other requirements that landowners have to be able to attain to be able to actually exercise those development rights. Those can be meeting dimensional requirements. You have to have a certain minimum lot size. You have to meet setback requirements. You can't intrude into critical areas or you have to be able to mitigate project impacts. So you have to be able to have a water right or be able to have beneficial use of water. If you're a business and you're operating or providing a menu selection you have to have approval from the Health Department as to meeting food requirements and so forth. So whether there are issues about water or other types of uses, those are more or less addressed at the permitting stage. And really at the Comp Plan map amendment or rezone stage, you want to be more aware of, Is this a compatible use given its location and its proximity to other adjoining uses? That's really the level of review at this stage. It's not so much about the project or what could happen on that site, but rather, Is this a good location for those types of land uses?

So with regard to the water issue, if there are additional permits that are needed from the County they'll have to meet Skagit County Code requirements whether it be for menu selections or the types of foods that you're going to offer; whether or not you have adequate septic system or ways to deal with effluent; or whether you have adequate quantity and quality of water. So those are all dealt with at the permitting stage.

Mr. Meenaghan: Yep. So it's frankly irrelevant to the Comp Plan amendment that they're asking for.

Mr. Christensen: Yeah. We'll address those questions more at – should a change of occupancy permit be needed or if there's additional construction that goes on, then those are code requirements that have to be satisfied. It's just like access off of SR 20. That's not a County access permit. That's a Department of Transportation permit. So the very nature of this action – a Comp Plan amendment and a rezone – doesn't guarantee them anything hereafter other than just fulfilling and meeting those other code requirements.

Mr. Meenaghan: Okay, thanks.

Ms. Lohman: I have a question of Gary.

Chair Axthelm: Let's start at one end, and go ahead and start.

Amy Hughes: I'll pass.

Chair Axthelm: Okay. You go ahead, Annie.

Ms. Lohman: There's no option to just take out the – since it's more than 10 acres – it's 12 acres – can you, like, carve off the spot for the building and the brewery itself and leave the Rural Reserve for the rest of it, or is that *not* an option?

Mr. Christensen: Well, if you did, if you left 10 acres as the Small-Scale Recreation and Tourism, the remaining 2 acres then would be a substandard lot – a Rural Reserve spot.

Ms. Lohman: No, the opposite.

Mr. Christensen: How would the opposite –

Ms. Lohman: The building can't possibly be 10 acres.

Mr. Christensen: No, but it's a requirement that –

Ms. Lohman: Because the restaurant's not 10 acres, so if you had it on –

Mr. Christensen: You can have up to 20 acres of developable land within an SRT designation, so you can't have anything more than that. You can have something less.

Ms. Lohman: But I was asking if there were other options besides the SRT and the SSB.

Mr. Christensen: So redesignate a portion of the 12? So theoretically leave 5 acres as Rural Reserve and just rezone 7 acres as Small-Scale Recreation and Tourism?

Ms. Lohman: Is that a possibility or not?

Mr. Christensen: Well, that would leave then 5 acres – well, actually in the Rural Reserve it's a 10-acre minimum or they could do one per 5 with a CaRD.

Ms. Lohman: And that's the challenge, I guess, that I've noticed in our code. Like we have Rural Business, and when you read what could be allowed in Rural Business – but the door is slammed on any new people being ever Rural Business.

Mr. Christensen: Right.

Ms. Lohman: You have to already have been on the map when the map was drawn way back in the late '90s. And it seems like when you look at the list of activities, they fit exactly for Rural Business, for at least the brewery part. And then – and a lot of Rural Business it's a teeny, tiny spot and then the rest gets to stay in the rural designation, whatever it was. So they could have their ongoing ag and it would be – they'd be good to go. And yet it also has the caveat that if you ever had that zoning, heaven help you if you want to do something later and your business became obsolete. You have to go through a lot of work.

Mr. Christensen: Yeah.

Ms. Lohman: And the fear was at the time, and probably held by others now, is they're worried about sprawl and just checkerboarding the county with opportunity; however, here you have a situation that's a poster child of what's wrong with part of our code, because now we're trying to figure out how to take something that's arguably legitimate and cram it into things that maybe we didn't think about.

Mr. Christensen: Yeah. The reason why this doesn't fit Rural Business is because it's not a pre-1990 business.

Ms. Lohman: Right.

Mr. Christensen: And you don't have many rural commercial industrial designations that come before you. We are trying to rectify something that already exists. It kind of morphed into something else. So this is a use that's trying to become compliant with County Code so that it can expand. You would generally find these kinds of business activities locating – or if they were looking for a site and the business had not yet established, their first kind of priority would be look in a Rural Village; second, look in a Rural Center; and then third, as a last resort, some other rural area.

So that's how a business who wanted to locate in Skagit County – that's the process they would go through if they were looking for a new site. This is a property owner not looking for a new site. So we're trying to really just rectify something that's pre-existing that doesn't quite fit in the box like maybe we would like it to. But that said, the only way that they can really pursue their business plans is by giving them a zoning district which would enable them to do so.

Chair Axthelm: So the use that they have right now – because they were allowed to do the tasting room under the rules or – is that correct?

Mr. Christensen: Sorry?

Chair Axthelm: They were allowed to do the tasting room?

Mr. Christensen: Yes, under the rules of Rural Reserve.

Chair Axthelm: In expanding that, did they do that legally? Did they go through an approval process to get _____?

Mr. Christensen: They are now going through a process to legitimize their existing business.

Chair Axthelm: Okay. So they expanded it illegally. They operated that business illegally and now –

Mr. Christensen: Well, I don't know that they expanded illegally. I think perhaps they didn't know what their limitations were and now they're trying to legitimize it.

Chair Axthelm: Okay. I'm not trying to criminalize it. I'm just more understanding of whether it was properly approved or whether it was just – and it makes a difference to the people around them.

Mr. Christensen: We are going through a process now to enable them to do what it is that they want to do legally.

Chair Axthelm: Okay. Tammy?

Ms. Candler: Well, I –

Mr. Christensen: This is – if I may. I'm sorry to interrupt.

Ms. Candler: Go ahead. Sure.

Mr. Christensen: This is somewhat similar to, you know, somebody that starts a business in a garage and it's like a home occupation or something, and all of a sudden they become very successful. And it's like, Okay, now are we going to move into the city and start our business there or are we just going to be able to continue and expand onsite? So it's kind of similar to that. We had something that started out rather small with a good intention, and because of its success now it's created some problems and some issues that we're trying to address. So really the matter for you to decide is, Is this particular business in this location compatible and compliant with the County's Comprehensive Plan? And then their choices or the kinds of land use activities that would be allowed would be under either one of the zoning districts which they've applied for. We have selected one of those and made a recommendation. So you need to decide if you believe this is the right business at the right location based on the Comprehensive Plan goals and policies, and those kinds of land use activities that would be allowed under either zoning district.

Ms. Candler: Well, I have similar concerns actually to the gentleman who spoke first in that there seems to be an inherent unfairness in rezoning. He's *lost* rights. Others are *granted* rights. It seems to be a little bit arbitrary based on: This is a successful business as demonstrated. But what about – yeah – what about the neighbors? I'm a little bit concerned about that. The response, I guess, was that they're not going to have more than one or two concerts a month because they can't afford it, but would an expansion, in theory, bring more profit and ability to afford more concerts, separate from the fact that there's no requirement that they would maintain this business for any length of time. Or someday in the future another business could come in and have opportunities that these other neighbors *don't* have and that – there is some inherent unfairness in this that I am concerned about.

Ms. Mitchell: Can I say something?

Ms. Candler: I'm still gathering my thoughts – go ahead.

Ms. Mitchell: No, please go ahead.

Ms. Candler: No, no. I would like to just...

Ms. Mitchell: I understand what you're saying and I concur with that. There are inherent unfairnesses as time goes on. Just in our neighborhood, when we wanted to look at one of the properties that we wanted to buy we were told that if we built one of the properties that I really wanted we would have to put in a \$200,000 road to reach it. And it was required. And so, of course, we passed. There was no way that we could do that. And three years later somebody else comes in and buys it – bingo, bongo, bongo! – there they go. They can do whatever they wanted and it was just fine, with not the same restrictions. I don't understand why, who was told

what, but inherently there are, you know, changes, unfairness with different times, and things like that. And I do understand that but what I would say is what we have at the given time is right now is the time to look at what our laws are and what we can and can't do. And I also have concerns about the water issues but I think that does come up with permitting, like the guys had discussed over there. So I understand those kinds of things but, given the time and place, it's one of those things where for September 1st, 2015, this is what we've got on our plate. And even though I do understand that things can change three years from now or five years from now or something like that, then who's going to judge at that time. But I agree with you guys. I'd say that he was definitely treated unfairly – the neighbor – but with what we've got now this looks like it's reasonable at this point in time, unless you guys come up with something else.

Ms. Candler: Well, I have another thought on that. Mr. Christensen's – sort of the way that he phrased it was, Is this a good location for those types of land uses? And I think this has demonstrated to be a really good business. But he didn't say it that way. He said those *types* of land uses. And if you look at it that way, wouldn't the answer maybe be no? Because that area can't support those *types* of land uses. It can support this business. So that's my concern.

Mr. Meenaghan: What type of land uses?

Ms. Candler: Businesses.

Mr. Meenaghan: You're saying that *can't* support businesses?

Ms. Candler: I'm saying if you look at it as *types* of land uses versus this one use for these particular owners. This area's not supposed to be for this. These types of businesses are supposed to be someplace else. I mean, I'm not saying *supposed to*. I'm saying in the last plan, or whenever this was planned. So you've got 'these types of land uses' – is different, I think, separate from 'this particular business is really working in this location right now'. The rest of it is residences, it looks like to me.

Ms. Lohman: Mr. Chairman? I guess I – it kind of feeds right into Gary's analogy of using a startup garage space business that morphs into something. I don't really have a lot of comfort in that because a lot of things can start out in a garage that you don't want in the particular area. I mean, it could be a whole host of different ideas that people have, and what happens is they start out in the incubator stage and then they have to move to somewhere else where it *is* appropriate. And we have made countless other people do exactly that. And for me, when I'm reading a proposal it has to survive into the future but it also has to be replicable. Somebody else coming in the door tomorrow that has a similar idea, can they go through the same hoop and get to the same place? And if the answer is this is a one-off, then we need to examine how to make it not be a one-off – that it can be reproducible. And I'm struggling when you call it Small-Scale Recreation. There's other elements in their thing. You said that they couldn't expand their kitchen because it's not listed. Well, ag is not listed legitimately as Small-Scale Tourism and I'm struggling with that, yet in Rural Reserve you can do ag accessory uses which include tourist activities and the supporting ag tourism. So I've thought about, Well, how can you stretch that box? Because you are certainly stretching this Small-Scale Tourism and Recreation box pretty far, in my opinion.

Mr. Meenaghan: Mr. Chair? I do not agree with that because I think this is a great recreation and tourism destination. It's a great stop on the highway. It's a great stop two miles from Rasar State Park. It's a great stop for people heading up over the mountains. So there is both

recreation and tourism, and that goal of economic vitality in that area upriver that we're focusing on, that we talk about all the time. So I think this meets all of those requirements.

Ms. Candler: I agree to a certain extent, other than specific location.

Ms. Lohman: Meaning?

Ms. Candler: Well, a business like this is great upriver, but where?

Chair Axthelm: Well, if you look along that road there are areas that have little pop-up businesses. And I think a lot of them seem to be centered around more industrial or forestry – what was forestry-centered industry before. But that's changed. And so you go through those communities and they're empty. There's nothing in them. It's really too bad that they weren't relocating to those locations to bring some vitality back up into those, instead of an area that's – at this point – is primarily – well, with the exception of operating the businesses they have – is primarily residential.

Ms. Candler: That's my point exactly.

Chair Axthelm: But on the other hand, I don't want to – I mean, I think it's important for us to embrace some changes, and like it says in – the Growth Management even allows for that – is that as things change, those areas where they had them before are no longer an area that really supports it, and this has started to be an area to support it. So it's, Where do you draw that line between pushing the residential and having a commercial use?

Ms. Mitchell: The thing with the noise, Gary and Dale, the question about that reminds me of one of the issues for the Longhorn Café in Edison. Do you remember that big hullabaloo a few years ago? How was that settled? Because this could be the same thing. But wouldn't – don't we have some sort of ordinances for that?

Mr. Pernula: We do. We have some performance standards, section 14.16.840, under Performance standards, and it provides some noise standards for various zones. And I could give those to you, but for the commercial zones it has a Class B EDNA, and there are standards for those.

Ms. Candler: But it's kind of like – do you remember when the restaurants used to have smoking sections? If you were in the smoking section and you didn't want to be near smoking, you could move – they could literally move you one table over. You could still be sitting next to someone who was in the smoking section. That, you know, was not much comfort in that. But... I mean, I know it's a good business. I just – I do have some concerns.

Ms. Lohman: That's what make this so tough, is because here is something that the local folks around there seem to really support, and they're probably very nice people, but zoning isn't fair.

Ms. Mitchell: No, it's not and – you know the speed track up on – is it Highway 9?

Mr. Meenaghan: Yeah, Skagit Speedway.

Ms. Mitchell: Well, I think you guys know where we live on the other side of Chuckanut Mountain on the water side. We can hear that on Saturdays.

Ms. Candler: It's actually old 99. I live over by 9 and I can hear it sometimes.

Ms. Mitchell: So sound travels different because of the way the atmosphere is at the time, the amount of moisture, the time of day – all those kinds of things – the heat, the cold. Sound travels different things. So there will be some days where it'll be noisy, though some days when it's not so noisy. And this comes back down to we do have ordinances that apply. It's just like people that complain about the train noises. Sometimes they're loud. Sometimes they're not. And when it comes back down to the fairness of zoning, really, is anything really fair? But it sounds like even the community came forward with the signatures on the petitions to say that they thought that this was a good business there and would encourage it to come around. And back to the GMA, the GMA has places to encourage the businesses that are trying to support. So, yes, there's going to be a tradeoff here and there. That's what we're here for. And so far at this point, I can't speak for anybody else but given this point in time for what we know now I do think it's a fair tradeoff.

Chair Axthelm: Amy, do you have a comment?

Ms. Hughes: As we go forward with the Highway 20 corridor, this could become an issue time and time again. Is there a way in the Comprehensive Plan overview that we start to tidy this up rather than hit it every single time?

Mr. Christensen: Right. And what I glossed over was the County Comprehensive Plan goals and policies. And, really, as you struggle to try to answer some of your questions, that's where you really need to turn to is, What are the goals and what are the policies that have been established that are to guide you in your decision-making or in forming a recommendation? And because I did gloss over that, let me read that to you because I think it will help maybe answer your question. And sometimes these things are not just black and white. There's a gray area. There is a bit of subjectivity and so sometimes you just have to decide, you know, well, it meets these policies – maybe not all the policies but you believe that it is in the public's general interest to either approve or deny. So there's a judgment call that ultimately you have to make. But you should base your decision-making and ultimately your recommendation on the Comprehensive Plan goals and policies. So let me –

Chair Axthelm: Gary, one question before that.

Mr. Christensen: Yeah.

Chair Axthelm: Is public comment – did we get any public comment other than what we heard?

Mr. Christensen: No public – no written comments were submitted.

Chair Axthelm: No written – okay. And was there any previous hearings or meetings where that was brought up?

Mr. Christensen: Well, I did in the staff report refer to the proponent having an open house and inviting neighbors over, and then there was a petition with 452 signatures, which presumably all were in support.

Chair Axthelm: And those could – in those situations they could be biased, so I just wanted – is there any public meeting that was – where opinions were voiced?

Mr. Christensen: Other than what I alluded to in the staff report that was in the record, I'm not aware of any.

Chair Axthelm: Okay. Thank you. Sorry.

Mr. Christensen: So let me – on page 4 of the staff report you'll find that a goal for rural commercial and industrial designation is to "Support the rural economy by fostering opportunities for rural-based employment, home businesses, natural resource-related industries, and economic diversification in tourism and recreation, of an appropriate size and scale to maintain rural character." So that's the goal that you have for any rural or commercial uses outside of urban growth areas and not on any natural resource lands.

Furthermore, the Comp Plan reads "New rural commercial and industrial uses are to be located in designated commercial areas to avoid the proliferation of commercial businesses throughout the rural area," i.e., up and down Highway 20 or scattered here, there, or everywhere. "To encourage efficient use of land, priority" considerations "will be given to the siting of new rural commercial and industrial uses in areas of existing development. In order of priority, these are Rural Villages," then there're "existing Rural Centers, followed by already-developed sites in the rural area, and...lastly by wholly undeveloped sites in the rural area."

So that's your kind of priority ranking where you would prefer to see these located. Now not everything always fits in a nice square box. The Birdsvew Brewery is not a new use looking for a property, but rather a pre-existing use. So that is a bit of an anomaly. That kind of changes the view of this particular request because it's not as if it's a landowner that wants to start a new business or somebody who wants to buy some property and start a new business. It's simply trying to expand an existing business to meet their business plan needs and desires.

Now if you turn the page on to page 5 you'll find really what Small-Scale Recreation and Tourism is. And there is a goal as well as some policies, so these are what you should be reviewing and basing your decision on. I mean, do they meet all of them or some of them or none of them? That's kind of what you're trying to balance here: Is – in your opinion – is this a proposal that satisfies the goals and the policies in the Comp Plan and would meet those of a zoning district?

So certainly when you look at Small-Scale Recreation and Tourism, these are where recreational opportunities and scenic and natural amenities would diversify the economy of rural Skagit County by allowing small-scale recreational and tourist uses in an environmentally sensitive manner. So there certainly has been information in the record that indicates that this particular area, which is along a scenic highway; its close proximity to a state park; the biggest river that empties into the Puget Sound; it's on its way to Cascade National Park and up and over the mountains. But then again you might say, Well, isn't that much of the valley upriver? Doesn't it *all* have kind of those amenities and scenic values? Yes, it does. But that said, you need to decide whether you believe that this particular site and this business in this location is compatible and meets policies of the Comprehensive Plan. So there is some judgment and maybe even some subjectivity to this. You know, you need to kind of try to balance this based on the facts that are in the record; the policies that are in the Comprehensive Plan; that this is an existing business that wants to expand. And then you just need to make a decision based on that information and put it in the form of a recommendation to the Board of County Commissioners.

Ms. Hughes: I'd like to keep going.

Mr. Christensen: Yeah.

Ms. Hughes: So then there's that part that talks about up to 20 acres can be developed. In this community that's very, very rural, if you were to develop the whole 12 acres that would be a big difference than the front part.

Mr. Christensen: Yep.

Ms. Hughes: And then I'm kind of tying this to our ag zones where you have to build your property – your new house – up towards the road. Is that a factor in the future for Highway 20 that should be considered to protect those rural areas that are around these places?

Mr. Christensen: Well, certainly if you look at all of the uses that would be allowed under a Small-Scale Recreation and Tourism, it would suggest or perhaps allow a lot more use of that land than is now projected or planned for. So there is the potential for some additional impacts, whether it be this business simply growing or a change in ownership and some other use that wants to come in and do something that's allowed under that zone. It really doesn't become a pub and an eatery anymore. It becomes a destination overnight lodging facility, which would be allowable under that zone. So if you are concerned about the acreage I suppose you could limit the rezone to something smaller than the 12 acres, which may be more of an envelope around just the existing brewery, and view that as a – kind of a mitigation. It wouldn't be a condition because it's really a decision to try to minimize the overall impact on the area by just having a smaller area that could have the commercial establishment. I don't know how that fits with the landowner's business plans, whether – you may want to ask them. I think it would be appropriate to see if they can visualize their business plans on acreage smaller than the 12 acres that they now presently have.

Ms. Candler: So can I ask a follow-up to that? What would that be? Like splitting it into 5 and 7 –

Mr. Christensen: Well, I think that would be a question best asked of them because they know what their footprint is and where their expansions might – how much they have for parking, whether they want to expand their facility, whether there are some adjoining outside acreage where they have their music festival. There is a site plan, which is attached, and –

Ms. Candler: Before we ask them I have a question for you, because when Annie asked that question earlier you thought that splitting it up would cause substandard size lot sizes and things like that. So what – the question, I think, is for you is: How would they be allowed to split it? How small can it get? I think I heard the other gentleman talk about 5 acres but I'm not sure if that applies to this.

Mr. Christensen: Well, they could have a smaller area zoned for Rural Commercial with the remaining acreage then left as Rural Reserve with development rights to be determined on that Rural Reserve. It may be that there would be some limitations. It may not be a buildable lot in terms of a single-family residence because it could be substandard. But it would limit the Rural Commercial development to only a portion of the 12 acres.

Ms. Lohman: Because their residence is already on that parcel, isn't it? In the back there?

Ms. Mitchell: Is it okay – is it okay to ask another question? For this business model that you have – I don't know what it's like other than as presented here – when people come to visit your place, would it be somewhat like an orchard is where it goes beyond where the eatery place would be when people would be wandering the grounds to the hops area – things like an orchard would? Or would they really just be staying right where –

Mr. Christensen: They probably need to get up to the microphone.

Wilfred Voigt: The reason I grow the hops and the barley – because I want people to know what it looks like and I want to be able to see it. I want them to be able to see what I do and where it comes from. I don't have a problem with making it smaller. You know, I don't have a vision of using that 12 acres to build this massive brewery. That's not my intention. My intention is just to be able to grow the business somewhat so I could pass it on to my family. That's really all I want to do. I want to be on everybody's good side here. That's why we're here. And I have no problem with splitting it up if you deem that to be the best thing to do. I don't care about that. I don't need 12 acres for a brewery! I truly don't.

Ms. Candler: Can I interrupt you? Sir, do you know how – I see a picture here. Do you know where your house – is there – how many acres –

(several people in the background are speaking at the same time)

Ms. Candler: What I'm trying to figure out is how far back on this property –

Chair Axthelm: _____ be an open discussion like this? Is that all right with everybody? I just want to make sure that's – you're in line with that.

(sounds of assent from several Commissioners)

Mr. Voigt: You can see where our brewery is. Our house is directly behind that. You can see off to the right where my row of hops are, and my barley patch is just north of that right in there. It didn't do too good this year. But that's basically our footprint right there. The open area back there next to it, we use that for parking when we have our fundraisers. The field in the back is all open and we do nothing with that. My shop is behind my house. That's where we store all our barley. That's where I have my other equipment, my crushing equipment. And the rest is all trees growing there and grass. And to be honest with you, where we are now is fine with me. I mean, I don't need a huge – what really we want to do is just be able to make it legitimate. I mean, we've been doing this for, well, several years now and we just want to be on the good side of everybody. We don't want to be an enemy to anybody.

Ms. Candler: Where is the concert venue?

Ms. Mattingly: So there *is* no concert venue. Yeah, it's a tiny little stage in the back of the beer garden.

Mr. Voigt: Right behind that, right behind there we have a trailer set up and that's where we usually – we have the bands play when we have outdoor music. The majority of our music is inside the building. The biggest building is where we have our – and we don't have music every Friday, every Saturday. We have music maybe once or twice a month and it's usually inside the building.

Ms. Hughes: Was there a plan for a bigger distillery/brewery to be built?

Mr. Voigt: No.

Ms. Hughes: No. Okay, so it's just the existing.

Mr. Voigt: Yeah, the only thing if we were going to grow would be we need more cooler space, which is probably under 200 square feet.

Ms. Hughes: Okay, but it's not like a warehouse?

Mr. Voigt: No, no.

Ms. Hughes: You don't take tours through?

Mr. Voigt: No, I've got my shop in the back that I – like I said, I store my grain back there. I've got other things stored back there. If we need any kind of storage space, it's already there. I don't need any more than what we already have.

Ms. Lohman: Are you malting there?

Mr. Voigt: Pardon me?

Ms. Lohman: Are you malting your barley?

Mr. Voigt: No, we're not malting it. No. I store my grain back there and we go back and crush it and bring it to the brewery. No, we're not able to malt our barley yet. But I don't think that's going to happen because that takes a whole lot of money and we don't have that. We'll let somebody else worry about that.

Chair Axthelm: Is there a potential of taking the property and zoning – not splitting it, but zoning the front portion of the property for one particular zone and then leaving the back portion as it currently is? So that it limits that growth. I think the large – it's a little overwhelming with a large parcel of property and the potential of it to be developed to that extent.

Mr. Pernula: You're talking about having one lot with split zoning?

Chair Axthelm: Yes.

Mr. Pernula: I don't think that's been our practice in Skagit County. Gary may have some – know some examples of where it has been done.

Chair Axthelm: On west side.

Mr. Christensen: I'm sorry I stepped out. I went to get a pointer so that we can all kind of see. Is there some discussion about perhaps reducing the 12 acres to just that portion of the property, which might be able to allow the business to be separated off the larger parent parcel and allowing the residence then to stay in a Rural Reserve designation?

Ms. Lohman: Well, that's what my question was at the beginning, because then you could keep, say – the minimum in Rural Reserve, isn't it 10?

Mr. Christensen: Right. Right.

Ms. Lohman: You could –

Chair Axthelm: On west side it's going out on towards Anacortes. That's the way some of the properties are there. The first 200 feet are zoned commercial and then the back stays rural.

Mr. Christensen: Yeah. So I don't know whether it's three acres or some distance back here. I guess what we would want to do is just – is it to try to have that line be closer to the residences or closer to the business in trying to separate the two? Or just right in the middle? Does that make sense?

Ms. Hughes: Well, it seems for generations in the future the two might separate if –

Mr. Christensen: Yes. So if –

Ms. Hughes: – somebody keeps the house and the property, then you've got the business up front.

Mr. Christensen: Right. If we were to allow the front portion of the property kind of parallel to SR 20 here to come back some distance off the highway and then run parallel to the highway and include whatever acreage that is, and then the remaining portion just stay as Rural Reserve?

Ms. Lohman: Well, part of it too is a lot of this is you get this but it's still contingent on whether you get your Health Department water permit.

Mr. Christensen: Yes. Yes.

Ms. Lohman: And so, okay, we go to all this trouble and if we just redesignate the entire thing and the plan falls apart, well, there's no mechanism then to go back. It's done.

Mr. Meenaghan: ___ a Comp Plan amendment.

Ms. Lohman: Yeah, I mean, you'd have to – and I think that's why some of us are hesitant here.

Mr. Voigt: Well, our – if this would help any – our well, we had – when we started the brewery – we had to become a public water system and we're a Type A right now. We serve the brewery and we serve my house, and that's where all the water goes – either the brewery or the house. That's it. And, of course, watering the hops, too.

Ms. Candler: What year did you start?

Mr. Voigt: 2006 we opened.

Ms. Candler: You said you had to go onto public water at that time?

Mr. Voigt: Well, there was a system up there. We could have possibly hooked up to it but it was too cost-prohibitive for us to do and we already had the well. And so that's why we went with the public well. We have a meter on it and we test it every month because we have the restaurant there also.

Ms. Lohman: So you developed your water as a water system.

Mr. Voigt: Yes, it is. Yeah.

Ms. Lohman: So it's not just an exempt well.

Mr. Voigt: No, it's a public system. Yeah.

Ms. Mitchell: So does that idea seem workable?

Mr. Christensen: Yes. I don't know how we would describe that area if it's, you know, just a line that runs parallel to SR 20 somewhere between both the residence and the business. And that area adjacent to SR 20 would go to SRT and the remaining portion of the parent parcel would remain as Rural Reserve.

Ms. Candler: Or were you thinking about doing two acres? Two acres because it leaves 10. But I don't know if that would give them enough room.

Ms. Lohman: Well, we can't measure on the picture because we don't know the scale.

Mr. Pernula: Why don't you give us a direction of what you would like us to do? We can't take this forward to the Board of County Commissioners until we put a full package of – including the other two Comprehensive Plan amendments that were docketed. We can work with the applicant, see if we can come up with something that approximates what you are suggesting, and we'll bring it back. Then I think we can do some further deliberations and come up with a recommendation at that time.

Mr. Christensen: Yeah.

Ms. Candler: I would like to see a delineation on a map of what a two-acre parcel – where that would cut.

Mr. Christensen: Yeah.

Chair Axthelm: You know, one of the concerns I have is that we have the public hearing, we have the owners are in favor of it, and the other public that was here was not in favor of it that spoke up. We have no other public comment except – well, Ellen Bynum, as well, who also appears to be against the proposal – or changing it.

Ms. Bynum: I'm just questioning ___ judgment.

Chair Axthelm: Yeah. So we don't really have a clear break on what – you know, we have your opinion, which is approve it – the Planning Department's recommendation to approve – but it seems to me the public is cut on that. I mean it's split right down the middle at the moment.

Mr. Pernula: Okay, I think I could make a couple of comments on that. One is –

Unidentified female voice in the audience: Would they be truthful, sir? Would they be truthful?

Mr. Pernula: My comments?

Same unidentified female voice: Yes.

Mr. Pernula: Yes.

Same unidentified female voice: Because the statements that were made earlier were absolutely not. They were not truthful. I'm sorry but I'm sitting here and I listen to this and – I apologize for interrupting.

Chair Axthelm: If you will just sit down. Thank you. And then just as a reminder: Unless we approach you –

Same unidentified female voice: I'm sorry.

Chair Axthelm: I'm sorry and I know it's important to you but _____. Okay.

Mr. Pernula: Well, you took the comments. You're concerned about having the large area of acreage rezoned so you're limiting that area. I don't think that there's a problem with limiting it because it has less impacts than what you were originally considering. The other thing is that if you wish you could continue the hearing to the next hearing, as well.

Ms. Lohman: I think that's what we should do.

Ms. Candler: I have one more question that's sort of off-topic but....I may have this wrong. If – let's say this business, for whatever reasons, ceases to operate and another property owner applies for a business permit. Assuming that they're a conforming use, there's not much – is there a review process of that that goes beyond – I mean, we're doing all this review because it's a zoning change. But if it were just a new business permit for a track or any other business, that is something that the County just issues a permit for, right? So there wouldn't be –

Mr. Christensen: Anything that is listed as a permitted use in the code would be just administratively reviewed by the Department. No public hearing's required. It would not be a matter that would go to the Hearing Examiner, nor would it go back before you.

Ms. Candler: And I'm assuming that the Department would have to have a good reason to deny a permit like that because –

Mr. Christensen: There would have to be some code requirements that could not be satisfied.

Ms. Candler: Okay. Thank you.

Ms. Hughes: On to the next thing. The background packet that you gave us, I had a concern that there were a lot of "none known at this time" answers, and specifically you asked about noise and – let me see if I can find it. Yeah: "What types and levels of noise would be created by or associated with – indicate the hours," and it was "does not apply." So do we need to get down to that issue and make a deliberation regarding that?

Mr. Christensen: Under the code, there are not provisions that limit the hours of operation for businesses in Skagit County that are permitted outright. So it would only be like through a Hearing Examiner Special Use where you'd have restrictions on hours of operation or days of the week. Again, when you're looking at a Comp Plan or a rezone it's really not about the

business that's allowed, but rather is this a compatible use in this area. You're not doing project review. It just so happens that you have a project before you. But you really need to think of this as not only this project but other types of projects that would be allowed under that code. And so you might want to place a condition on hours of operation which could be very pertinent to *this* business but might not be to somebody who wanted to come in and operate a lodging business.

Mr. Pernula: I could probably add something to that from the noise ordinance. It refers to the state statutes. What you have is an EDNA classification. That's the Environmental Designation for Noise Abatement. You have a noise source class. It would be a Class B and the receiving property would be a Class A. When you have a Class B source with a Class A receiving, the maximum decibel level that's allowed is 57, but then from 10 p.m. to 7 a.m. it has to be reduced by 10 decibels, or down to 47 decibels. So it is related to the time of day or night.

Ms. Hughes: Because at some point in this deliberation I thought that we had talked about the difference between tourism and business – that that would make a difference.

Mr. Christensen: Yes. I mean I think part of what makes this site desirable is that it does serve the travelling public. It does serve people not only upriver – local residents – but also people who are on their way to some destination. It's kind of somewhere in between. It is a place where you can stop and have a beverage and a meal, or it is a place that you might go to and listen to music and entertainment. So when you look at the rural goals and policies, those are certainly some policies and goals that you want to try to meet and obtain, and there is – so it really comes down to: Is this an appropriate place for a business to locate? There are certainly other places it could, but the question before you today is based on the Comp Plan goals and policies. Can you find support for this business at this location?

Chair Axthelm: Okay. So, Gary, you've been in this area quite a while. As you go up that road, both sides of the road there's little shops, there's little businesses in the middle of residential all the way up and down the road. Are those – how are those zoned?

Mr. Christensen: Most of those are probably Rural Business. They've been here for decades. We really have not seen, with the adoption of GMA, much Rural Commercial redesignating. You had one just not long ago out by Farmhouse Inn. But you just do not find much in terms of Rural Commercial proposals coming forward in unincorporated Skagit County today. It just – it hasn't happened. Some of that may have been due to economic times but certainly the circumstances have changed. And this is a business that has outgrown its place and wants to continue to operate here, and so the decision for you is: Is this an appropriate place for it?

Chair Axthelm: And that's kind of what I'm getting at, is that going with the character out here, even though it's rural there are business at different spots along it. Unlike an area where it all develops as a big commercial area, this in that way is in character with what – with the road, with the area, because that's the way the businesses go, is they're just little businesses and I think a lot of them, I would suspect, were mom-and-pop industries where the residences were behind them and the business was in front. So – but on the other hand what we don't – in my opinion, what I don't want to encourage is a full expansion beyond those means to make it more commercial than what that rural character is.

Mr. Christensen: Right. So if I heard you correctly, certainly the existing development pattern over time has been kind of representative of development up and down Highway 20 and not necessarily aggregated all in one place but here and there, and that this is really similar to some of the earlier development patterns that have occurred over time. I think that's fair to recognize

that. I think that's a good finding. I think you also want to be, though, cognizant and aware of what happens if you start to get more and more of these. There are some guiding principles and policies that perhaps would guide you to suggest that more development of this nature might be better located in its aggregate form or in close proximity to other areas to avoid spot zones. But in this particular case, based on proper findings, you can find this proposal consistent with the County's Comp Plan goals and policies, and in particular, I think, if you were to limit the acreage that's being rezoned.

Ms. Mitchell: So from what we've heard so far does it sound like the people want to continue this and see what it would look like if some acreage closer to the road was delineated?

Ms. Lohman: Well, before we get to that I had another question and another thought. Because I remember when we were looking at the marijuana thing and I dialed down into the weeds on all the different zonings and Rural Centers in particular. And I don't see restaurants and pubs in the list for Recreation and Small-Scale Tourism specifically.

Ms. Candler: It's there. It's (g), (2)(g), page 14.

Ms. Lohman: Let me look.

Ms. Mitchell: So that's one of the reasons it does say –

Ms. Lohman: Okay, restaurants. Okay. I was looking for that specifically because I didn't see it in Small-Scale Business so you really can't use Small-Scale Business. But then when you look at Rural Center and the way they describe their property, it almost sounds like it could – because there are some very tiny designations called Rural Center. Are we allowed to have a *new* Rural Center?

Mr. Christensen: Well, Rural Centers are typically more than one rural business.

Ms. Lohman: But I saw some upriver in particular that – there was one, I mean, it was tiny.

Mr. Christensen: Yeah. Or it's areas where you envision – I mean, we've not done any new Rural Commercial zones. We've –

Ms. Lohman: But my reason for asking is when you look at the zoning map – the Comp Plan map – all around this property or in close proximity to this property is a lot of Rural Intermediate. And I noticed a lot of the tiniest Rural Centers, if you designated something it tended to be surrounded by Rural Intermediate or something similar, or Rural Reserve. And so my question is, Is that a possibility?

Ms. Mitchell: Is it possible some of those Rural Centers – I know what you're talking about because they're all over the place.

Ms. Lohman: Because when you look at the purpose – because they are serving a lot of their local people there, but when you read the purpose it says the purpose – “The Rural Center zone recognizes centers or clusters of small retail and service businesses which serve a limited area and rural population outside of established urban growth areas and Rural Villages as designated by the Comp Plan. Rural Centers are intended to serve, to a limited extent, the travelling public at existing crossroads.” It almost seems like that's what been created maybe accidentally.

Mr. Christensen: Well, I would view Rural Centers as something other than a parcel along Highway 20. It really is more of a crossroad or where you might have several types of businesses that are located in close proximity. I think at one time we thought of Birdsvew as being a Rural Center. It really requires, I think, more than just a single proposal or plan. It's really more of an area designation, like a Rural Village. If you look at the hierarchy, you've got Rural Villages, which is like Big Lake – it's a large area – then Rural Centers are somewhat smaller than Rural Villages, and then you have a number of rural commercial uses that are primarily for a business, but not necessarily a cluster or many or an area.

Ms. Mitchell: Can I make a comment? With that, maybe somewhat we're saying with some of those little islands of Rural Centers, if you will, that are out there from times past, maybe some of those – I don't know; I wasn't around here long enough – but maybe some of those were some areas that were literally Centers that have changed. Because we know that's happened all up in our area. They were a Center at one point but they're not now and that's why some of them look so isolated.

Mr. Christensen: Most of the rural commercial zones that exist today are because there was an existing business. There's been very few, if any at all, rezones to commercial use in unincorporated Skagit County. They just have not been proposed. There's just not much new business that's proposed that would require a Comp Plan amendment and a rezone. There are rural commercial uses that are allowed by special use permit in a zone, but those are matters that don't come before you. They are kind of unique rural business opportunities that have been allowed in various zones by special use permit. But there just have been very few rural commercial Comp Plan and/or zoning redesignations over the past couple decades.

Chair Axthelm: Well, Commissioners, I'd like you to look at that on page 14. You have the Small-Scale Recreation and Tourism. You know, I had a hard time looking down with not necessarily zoning but uses of properties in this area. You know, you have bed and breakfast up there. There's cabins – spotted cabins, and some of them may not be as a rental facility but the nature of it. You have, you know, campgrounds that are spotted around; institutional camps and retreats – there's a few of those along that road that I notice all the time; and then off-road vehicle use – I'm not sure if any of that's legal but I know that's what some of the areas are used for. It didn't appear to be a fit but yet now – and, of course, item (g).

Ms. Candler: And looking at the list, I feel like it fits better than the other.

(sounds of assent from several Commissioners)

Chair Axthelm: Yeah, because the other one –

Ms. Lohman: Well, Small-Scale Business, it doesn't.

Chair Axthelm: Yeah, it did seem more towards the center instead of out in the middle of the country.

Ms. Lohman: Because it says – it has small retail and service business provided that sales are limited to products produced primarily onsite.

Ms. Mitchell: So considering what this is, it seems to fit pretty well.

Chair Axthelm: Does anybody want to say a motion or do we want to –

Ms. Candler: I have a motion.

Chair Axthelm: That's right. Correct. Could you restate the motion?

Mr. Meenaghan: No. My motion stands. So we either –

Chair Axthelm: No.

Mr. Meenaghan: You wanted me to restate it?

Chair Axthelm: Yeah, yeah, repeat it so we remember what it was. In your words.

Mr. Meenaghan: Absolutely. So my motion was –

Chair Axthelm: I'm not asking you to reconsider. I'm asking you just to restate it for our benefit.

Mr. Meenaghan: My motion was to concur with the recommendations of the staff report of 13 August and recommend to the Board of County Commissioners that we amend the 2014 Comp Plan to make the Birdsvew Brewing Company, a 12-acre plot – let me read the number here – P42797, and to change that from Rural Reserve to Small-Scale Recreation and Tourism.

Chair Axthelm: Okay, and we had a second.

Mr. Meenaghan: Kathy seconded it.

Ms. Mitchell: Is it appropriate to amend that now that we've had discussion or not?

Mr. Meenaghan: So I don't think we're at the point where we know what we would amend it to. We talked about splitting it up and we talked about having the owners possibly look at what we would split it to. So until we figure that out, we can either vote on this motion or we let it stand and come back to it.

Ms. Lohman: Mm-hmm, mm-hmm. I agree.

Ms. Candler: I agree because we can't really move to amend it.

Chair Axthelm: Because if we vote on the motion then we can also then go into some of those changes at that point.

Mr. Meenaghan: So we could vote on it and –

Ms. Lohman: I think we're asking for more information.

Mr. Meenaghan: Yeah.

Ms. Candler: I'm not – I don't think we should vote tonight, just because if they come back and two acres cuts through the building then we're not going to vote for that, you know. So we're just not ready.

Mr. Meenaghan: Right. Exactly.

Ms. Mitchell: So for all the discussion so far, am I correct in stating that we would like to see what it would look like to have a front portion – Gary, we don't know how far – for a certain designation at this point, to see something like that. So if we could continue this....

Chair Axthelm: Actually if we vote on the motion that will enable us to move forward. It doesn't mean that that motion is....

Mr. Meenaghan: It means the motion's still on the table even if we adjourn and come back to it next time.

Several Commissioners: Yeah.

Mr. Meenaghan: And, you know, I guess, Mr. Chair, I would like to know, Does ___ revisiting this, does that meet – I mean, does that sound okay to you, the owners? Is that reasonable?

The Voigts: Yeah.

Mr. Voigt: We're not going anywhere.

Mr. Meenaghan: And I don't want this to turn into Bayview Ridge, okay?

Chair Axthelm: And I think we're giving it due process on the other gentleman that was here – is the fact we're looking at it and it's not just going to be a simple – oh, there you are back there, yeah – is that we want to discuss this and make sure it's the right thing.

Ms. Candler: Or if there's a way that we can minimize impacts to neighbors.

Chair Axthelm: So we have a motion and a second. So we can vote on the motion?

Ms. Lohman: To postpone deliberations?

Mr. Christensen: Can staff make a suggestion here?

Chair Axthelm: Yes.

Mr. Christensen: To facilitate where I think you're going with this, we believe that it'd be advisable for you to continue the public hearing to your next regular scheduled meeting. You can leave your motion as tabled and you can take that back up when we reconvene. And in the meantime, the Department can work with the proponent and see if there is some solution that we can bring back to you which would redesignate a smaller portion than what has originally been proposed.

Chair Axthelm: Could we give you – I think if we'd like to have any questions answered, now would be the time to pose those direct. Now that we've figured out what it's all about, are there any direct questions we want answered before the next meeting?

Ms. Candler: Other than just what he said as far as working with the property owner to see where a good delineation would be?

Chair Axthelm: I'd like to see what some of the other zoning is of some of the commercial properties – not commercial – the similar uses along this highway. How were those set up? Do they have split zoning or are they zoned continuously all the way back? And what is their zoning?

Ms. Lohman: Well, you can see that yourself on the Comp Plan.

Chair Axthelm: And I think that kind of sets precedence for this property, is if some of those don't work because they might have been a single-family business; the family didn't want to do it anymore but the building's still there. This is a very similar situation. Because that way the property doesn't get sold separately. It stays as a property. If the family doesn't want to do it anymore that business wouldn't get separated off as a separate business necessarily. It would still retain its rural character.

Ms. Lohman: I think you're going further than we can.

Chair Axthelm: What do you mean?

Ms. Lohman: I don't think you can zone like that.

Chair Axthelm: That's what I'm asking.

Ms. Candler: That's what we're proposing.

Chair Axthelm: That's what I'm asking. And it's been done because I know going out on west side that's the way the properties are zoned, is they're zoned half of the parcels are zoned. So the first 200 feet is a commercial and after that is rural.

Mr. Christensen: So if I understand, what we will be looking at is splitting the zoning there to allow some rural commercial up along Highway 20, with the residence on the back portion of the parcel being left as Rural Reserve.

Chair Axthelm: Suggestion. Or look at the other parcels and see how they're –

Mr. Christensen: Well, we will look at – and I also understood your question or comment to be, What are the other zoning districts and uses along SR 20 that would be similar in nature, as part of trying to decide if this is similar to existing land use patterns?

Chair Axthelm: Mm-hmm. I think that would keep that growth – the hesitation I seem to feel is that there's – is that if we rezone it this way it could go all the way back into the rural area back – to the back of the parcel, where this limits it to a smaller development.

Mr. Christensen: Yeah. I think we're all saying it a bit differently but I think we all mean the same thing.

Chair Axthelm: Any other questions ____?

Ms. Candler: I have a question I'm still not 100% clear on even if we would even want to do this. But is it possible to rezone with a reversion clause – contingencies that we could put in place that would cause it to be –

Mr. Christensen: We'll check with legal counsel, because Skagit County has done that previously and we have gotten away from it. So concomitant rezoning or contract rezoning has been employed and utilized previously but legal counsel has advised against that practice more recently.

Ms. Candler: Do you know what the downside is or why they are advising against it?

Mr. Christensen: It just becomes an administrative nightmare to try to remember all of those over time, and when you do countywide updates there's always exceptions because there are underlying conditions on property.

Chair Axthelm: Well, and you take –

Ms. Candler: And that's kind of the opposite of a plan, I think!

Mr. Christensen: Yeah.

Ms. Candler: Okay.

Chair Axthelm: Yeah, and you take like farmland or something and you change the use of it and use a portion of it, it's really hard to reclaim it to back to what it was, as well. Like this situation – you know, there's some impervious surfaces there. It won't ever be back to farmland because of that.

Ms. Lohman: Well, and that's the thing, is certain activities that you are allowed to do is once you rezone them they're precluded from the future, and you also give up certain activities that you're allowed to do when you do the rezone. So it's not just simply, Well, this will fit a certain scenario that's kind of fluid.

Mr. Christensen: Yeah, there has been a policy, if not a code, that has said on new commercial rezones if the proposal is not acted on within three years, then it will revert back to its underlying zoning. That's a policy and code that we have thought about changing through the 2016 Update. It was primarily thought that that would help deal with speculation, that you just wouldn't have a lot of rezoning going on and then no development following it. But we just really do not see any rezoning going on in unincorporated Skagit County that's for rural commercial or industrial uses. So it has not been a deterrent or it just simply hasn't – it hasn't achieved what we thought it would because there just isn't any kind of action. So I don't – that wouldn't really apply here because you already have a business that exists.

Ms. Candler: I'm in favor of tabling it.

Ms. Lohman: Well, isn't the – I think it's proper to say you're going to postpone it to whatever date, because if you table it doesn't it kill it? Under Robert's?

Mr. Christensen: Yeah, you want to – you should make a motion to continue – we would advise – the public hearing to your next regular scheduled meeting date, which – do we know what that is?

Mr. Pernula: Yes, that would be September 15.

Mr. Christensen: At 6 p.m. in this room.

Mr. Meenaghan: And can we have that put together by that – in two weeks?

Mr. Christensen: Yes.

Mr. Meenaghan: Okay.

Chair Axthelm: So somebody make that motion.

Mr. Meenaghan: I move that we postpone the deliberations and extend the public hearing until our regularly scheduled meeting of September 15th at 6 p.m.

Ms. Candler: I'll second the motion.

Chair Axthelm: Okay, all those in favor, say "aye."

Ms. Lohman, Ms. Mitchell, Mr. Meenaghan, Ms. Hughes, Ms. Candler and Chair Axthelm: Aye.

Chair Axthelm: All those opposed, say "nay."

(silence)

Chair Axthelm: The ayes have it. Unanimous. The motion is postponed till the next meeting.

Okay, so moving on to the next portion of our meeting is the Department Update.

Mr. Pernula: Okay, the first thing I'm going to hand out some flyers about the Comprehensive Plan Community Workshops that are coming up. There are four of those that are scheduled. So the first one will be Tuesday, September 22nd at Fidalgo Elementary School. It's from 5:30 to 8. As on our other workshops, the first half-hour will be kind of an open house, with more formal presentations and public input from 6 to 8.

October 8 is at Concrete High School Commons.

October 27 will be at Big Lake. Don't have a specific location yet.

And on November 10th it will be at the Edison Elementary School.

We're putting out notice so that the Planning Commission members can all attend. It's not required. I would suggest that if it's in the district that you're representing that you try to make an effort to attend that particular workshop.

A couple other things – the status of some of the other projects: The big one that we've been working on in addition to the Comprehensive Plan Update is the Shoreline Master Program. It has been delayed by about two months and there was a reason for that, but it's back on track now and progress is being made, and as soon as we get some drafts back we will be getting those to you.

On the 2015 Comprehensive Plan Amendment Docket, it's a fairly lengthy list of potential items, including some that include some UGA amendments. That docket will be considered by the Board of County Commissioners probably in October. Those that include urban growth area

establishments or expansions will go to the GMA Steering Committee later this month, and those recommendations will go to the Board when those items are considered for docketing.

I mentioned the next meeting is September 15th. As you know, Birdsvew Brewery will be on that agenda. We'll put some information together on that. There will also be a work session that's been scheduled on what's now called Conservation Development Incentives, or we've been calling it TDR in the past; however, it does include some additional issues – so the name change.

On October 6th, your first meeting in October, what we have on your agenda so far is the Capital Facilities Plan for this year.

And that's just an update on various projects and where they're at. That's all I have.

Chair Axthelm: Okay. How's Betsy doing?

Mr. Pernula: Doing well. She's doing very well for a week or so.

Chair Axthelm: Okay. Any other discussion from the Planning Commissioners?

Ms. Hughes: Are these all the meetings that are scheduled or will there be more?

Mr. Pernula: Those are the only ones that we have where we're actually going out in the communities and holding workshops in other areas. Those are the only ones that we've scheduled.

Ms. Hughes: So is there any organization amongst us so there's one of us at each of those? Like up at Concrete I know that in area 3 we're kind of short right now, so should we have –

Mr. Pernula: That's a good point – yeah.

Ms. Hughes: At that point, we could ___ that out.

Chair Axthelm: Perhaps. As far as availability. _____.

Ms. Hughes: Yeah. And then we all can attend? It's not supposed to be –

Mr. Pernula: We're going to put out the notice so that you can attend under the Open Meetings Act. And the notice will say that there won't be any action taken or anything like that, but you would be able to meet.

Chair Axthelm: Okay. Any comments, announcements otherwise from the Commission?

(silence)

Mr. Meenaghan: I move that we adjourn.

Ms. Lohman: Second.

Chair Axthelm: All those in favor, say "aye."

Ms. Lohman, Mr. Meenaghan, Chair Axthelm, Ms. Hughes, Ms. Mitchell and Ms. Candler: Aye.

Chair Axthelm: (gavel) The meeting is adjourned.