

## **Skagit County Planning Commission's Recorded Motion Regarding a 2014 Proposed Amendment to the Comprehensive Plan, and Land Use and Zoning Map (Voigt, Birdsview Brewery PL14-0288)**

<b>Proposal publish date:</b>	August 13, 2015
<b>Proposal name:</b>	2014 Proposed Amendment to the Comprehensive Plan, and Land Use and Zoning Map (Voigt, Birdsview Brewery PL14-0288)
<b>Documents available at:</b>	Comprehensive Plan Amendment Docket 2014
<b>Public hearing body:</b>	Skagit County Planning Commission
<b>Public hearing date:</b>	Tuesday, September 1, 2015, at 6 p.m., and Tuesday, September 15, 2015
<b>Written comment deadline:</b>	Tuesday, September 15, 2015, at conclusion of public hearing
<b>PC deliberations:</b>	Tuesday, September 15, 2015

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

### **Findings of Fact and Reasons for Action**

1. Pursuant to requirements of the Growth Management Act (RCW 36.70A), Skagit County adopted an updated and revised Comprehensive Plan in 1997 and since then the Comprehensive Plan has been periodically amended to address local "changing circumstances," and statutory requirements.
2. In 2005, the Birdsview Brewing Company 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. The existing business is currently operating as a non-conforming use. The proposed comprehensive plan/zoning map amendment seeks to address the non-conforming use by re-designating the property to a rural commercial zoning district to allow for business growth and expansion. The Birdsview Brewery business plan has changed due to its economic success and a rural commercial zoning designation will allow the business to flourish.
3. The Rural Area provides a choice of living environments and rural and natural resource-related economic activities through a mix of large lots, conservation and reserve development (CaRD) land divisions, and limited areas of more intensive rural development. Amendments to the Growth Management Act adopted in 1997 as part of ESB 6094 established that "*the rural element may allow for limited areas of more intensive rural development...*" or LAMIRDs (RCW 36.70A.070(5)(d)). Small scale recreational or tourist uses and isolated small-scale business are specifically identified and contemplated under a LAMIRD designation.

4. Allowing the proposed map amendment will legitimize a, non-conforming 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 for demonstration purposes.
5. While the Planning Commission generally does not support legitimizing non-conforming uses, the proximity of the business to an established rural community and within a short distance to existing rural businesses supports this designation.
6. 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 on site, such as horseshoes and other lawn games. The property is in close proximity to the Cascade Trail, the Washington State Raser Park and campground, and the Skagit River. The business is strategically located adjacent to SR 20, and is within the Washington State North Cascade Loop scenic highway corridor.
7. The business has operated for years and has received widespread community support. The Birdsvew Brewery owners sent a letter to 15 neighbors explaining the proposal and they were invited to an open house on July 7, 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 re-zone to be approved by Skagit County. BBC is seeking this re-zone 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, BBC must re-zone in order to expand our kitchen. Please sign this petition to show Skagit County that our re-zone 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!"
8. The Planning Commission continued the September 1 public hearing to September 15, 2015, to allow for additional public comment and to address the following items: protection of rural character; wide variety of uses allowed under the a rural commercial zone, noise impacts from pub/restaurant, and live music; spot zoning, other rural commercial uses along SR 20; and, contract rezoning (concomitant agreements). The Supplemental Staff Report (September 8, 2015) addressed these items. Public testimony and written correspondence was overwhelmingly in support of the proposal. One adjacent neighbor identified a land use conflict regarding noise when music festivals and charitable events are held outside. Birdsvew Brewery hosts about 4-6 of these music festivals and charitable events annually.
9. The existing business, Birdsvew Brewing, is compatible with surrounding rural land uses, provided that: it is appropriately scaled and sized, and limited to 2 acres along SR 20 (see Exhibit A); and, current and future business operations remain compliant with Skagit County Code for health, building, planning, noise and other land use and environmental permit requirements. The allowable land uses are prescribed in Skagit County Code 14.16.130, Small-Scale Recreation and Tourism (SRT), or as might be hereafter amended.

10. Skagit County does not regulate music outright, other than noise emissions, within permitted rural commercial businesses. If music festivals or charitable events are occasionally held outside, then in zones where it may be allowed a Special Use permit is required for Temporary Events. Special Use permits address how many events may be allowed in a year, parking, nuisances, and lighting. Additional conditions may be required through the permit and environmental review process to address potential impacts. The Birdsvew Brewery must obtain a Special Use permit for outdoor music festivals, charitable events, or the like.
11. The Birdsvew Brewery business will not create any new demands for public services and utilities.
12. The Birdsvew Brewery business is consistent with Skagit County Comprehensive Plan Small-Scale Recreation and Tourism (SRT) designation criteria, and Rural Element goals and policies, and the public interest is served with the map amendments.
13. Previous documents may have inadvertently referred to this petition under the file number PL12-0268. For the record, the correct petition file number is PL14-0288.

**Recommendation**

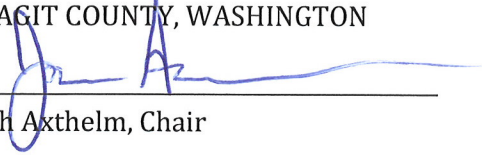
The Planning Commission recommends to the Board of County Commissioners that that the Wilfred Voigt (Birdsvew Brewing Company) proposal, to redesignate an approximate 2 acre parcel from Rural Reserve (RRv) to Small-Scale Recreation and Tourism (SRT) (PL14-0288)) based on the Staff Report (August 13, 2015) and the Supplemental Staff Report (September 8, 2015), and the aforementioned Findings of Fact and Reasons for Action be **APPROVED** based on the following vote:

This recommendation approved on September 15, 2015:

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Josh Axthelm, Chair	✓			
Keith Greenwood, Vice Chair	✓			
Amy Hughes	✓			
Annie Lohman	✓			
Kathy Mitchell	✓			
Kevin Meenaghan	✓			
Tammy Candler	✓			
<b>Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

This recorded motion approved by the Planning Commission on October 6, 2015.

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

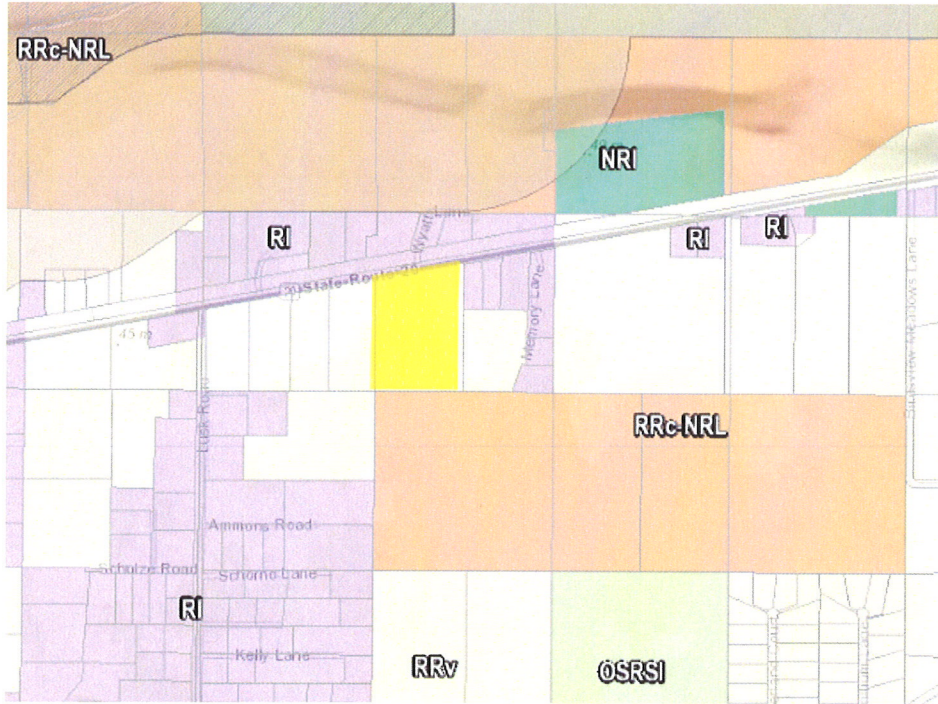
  
\_\_\_\_\_  
Josh Axthelm, Chair

10/6/2015  
Date

  
\_\_\_\_\_  
Dale Pernula, Secretary

10/6/15  
Date

# EXHIBIT A



*Comprehensive Plan/Zoning Map*



*Aerial Photo*



Approximate 2 acre parcel (outlined in blue) of the 12 acre parcel which is recommended for Small Scale Recreation and Tourism (SRT)