

Chairman Day read the following into record:

**B. Bhakta Farms:** Request for major site plan and special exception use approval for a farm based rum distillery (agricultural industry) with associated accessory residential units. Bhakta Farms, LLC, Owner. Mills, Short & Associates, LLC, Agent. Zoning: A-2, Agricultural-2 (up to 1 unit per 10 acres). Land Use Designation: AG-2, Agriculture-2 (up to 1 unit per 10 acres). [SP-SE-20-07-26 / 2004020221-86955] **(Quasi-Judicial)**

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

Mr. Brandon Creagan, IRC Senior Planner, reviewed information regarding Bhakta Farms, LLC's request for major site plan and special exception use approval for a farm based rum distillery with associated rental units and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Creagan described the special exception process and said that staff has determined the project is appropriate and meets the land use criteria. Mr. Creagan noted there are two public hearings scheduled; one taking place tonight and one at the BCC at a later date. Mr. Creagan explained that tonight the Planning and Zoning Commission is asked to make their recommendation to the BCC for an approval request, an approval request with conditions, or a denial request for the plan.

Mr. Creagan showed an aerial map and described the site location is a 900 acre farm located in the A-2 zoning district west of Interstate 95, north of the intersection of Route 60 and 130<sup>th</sup> Avenue. Mr. Creagan ended his presentation by recommending the Planning and Zoning Commission recommend the BCC grant major site plan and special exception approval for the proposed Bhakta Farms, LLC distillery with conditions listed in the staff report.

The commissioners inquired about the necessity of the proposed residential housing units. Mr. Sweeney responded by explaining there is not a change in zoning, but that a special exception approval is being granted for the distillery portion of the agricultural industry and that the residential units are considered a related use or accessory. Mr. Sweeney said that the 3 employee housing units and 4 guest cottages planned are not intended for rental or vacation purposes, and noted that A-2 zoning allows 1 unit per 10 acres. When asked if the expansion of housing would be possible, Mr. Sweeney responded it would not be allowed without a revision of the site plan.

Chairman Day asked if the distillery operation would be similar to a winery and whether or not tours, tastings, or a gift shop ...etc. would be allowed. Deputy County Attorney Mr. William DeBraal clarified that any business taking place on site would have to be directly related to the distillery activities.

Mr. Mucher asked about the number of employees and if there would be seasonal workers for the sugar cane farm mentioned. Mr. Sweeney said the applicant has grown some test crops but it is still unknown. Mr. Polackwich asked if the definition of "agricultural

component” is being expanded for agricultural industry, noting the rationale in the memorandum is that the components of sugar cane and fruit fields are being implemented into the project but that it seems far beyond components such as packing houses and stockyards. Mr. Sweeney responded by saying he doesn't feel the allowance is being expanded, noting the scale of the project being a 900 acre farm that is devoting 180 acres to the distillery and production operation. Mr. Polackwich asked if alcohol could be served on the site. Mr. Sweeney said he was unsure and that the issue of whether or not spirits can be served on site is determined by State law. Mr. Sweeney noted that if the site were to try to operate as a bar it would be considered a completely different use and would no longer be considered an agricultural industry as it is under the current proposal. The condition of whether or not to allow served alcohol was discussed.

Mr. Phil Matson clarified the proposal before the commission is not for a bar but for an agritourism type industry. Mr. DeBraal reiterated that any activity taking place on site would have to be related to the approved industry and pointed out that a bar is a commercial business with specific zoning regulations that would not be allowed in an agriculturally zoned area. In response to concern about the planned guest and entertainment areas, Mr. Sweeney explained the intent is to entertain guests and clients of the distillery business.

Chairman Day opened the item for public comment.

Mr. Leo Gibson spoke and explained he has worked for Mr. Bhakta for ten years. Mr. Gibson said they currently have a similar farm based distillery in Vermont and explained the business is a processed food crop. In regard to the housing proposed, Mr. Gibson explained it would be for marketing associates and stockholders to show them the product and operation of the farm. Mr. Gibson said their product will be at an ultra-high price point and described the distillery as a smaller farm-based distillation operation that will have an onsite tasting room. Mr. Gibson explained they have a small scale vision of preserving the farm and catering to an upscale clientele. Mr. Gibson said that the operation doesn't require a large number of employees and that in terms of the residential units planned, expansion is not anticipated. Mr. Gibson encouraged the commissioners to visit the Whistle Pig Farm in Shoreham, Vermont to see their farm in operation.

Mr. Mucher asked about the existing use of the property. Mr. Gibson responded that they currently have some cattle and gave some history of the lands use and previous owners. Mr. Polackwich asked if the distilling process produces any odor. Mr. Gibson said very little, and that would probably not be detectible outside of the boundaries of the farm.

Resident Lex Kromhout spoke and said that he is not opposed to what is planned but that he shares some of the concerns expressed by the commissioners. Mr. Kromhout asked what would happen with the special exception if the crop could not meet the needs of the distillery, for example, if the sugar cane crop froze. Mr. Kromhout also expressed concern about odors asked if constraints should be set in place if it were to become a problem. In regard to the guest houses, Mr. Kromhout noted they would be about ¼ mile from his property. Mr. Kromhout expressed concern about his continued peaceful enjoyment of

the privacy and quiet of his land. Mr. Kromhout said he has concerns about noise from parties and that he would like the agricultural area preserved. Mr. Kromhout asked if the cottages planned are being treated as single-family units and noted there is potential for more with the 1-10 units allowed in the existing zoning. Mr. Kromhout again expressed that he enjoys his privacy and doesn't want noise from parties or odors nearby. Mr. Kromhout also commented on the high speed of traffic on SR 60 west of I-95 with there being little patrolling for speed enforcement.

Mrs. Malinda Kromhout spoke and said that she can see the proposed site from her barn apartment kitchen window. Mrs. Kromhout said that, like her husband, she was curious to know if there would be any odor emitted from the distillery and also asked about the height of the buildings. Mr. Sweeney responded that the 35 height limitation applies and the architecture of the office component is approximately 25 feet and that the residential units proposed are single story. Mrs. Kromhout asked if the cottages are going to be classified as single-family residences. Mr. DeBraal responded they would be permitted as a single-family residence and noted that IRC does not have a code designation for a cottage, nor any requirement about how many people can live in a single-family house. Mr. Stewart pointed out the cottages planned are ancillary structures to the distillery operation.

Ms. Melissa St. Anne Mittag asked about the square footage of the planned distillery and questioned if there should be a one-time restriction on the square footage. Mr. Sweeney responded that the distillery building planned will be 5,625 square feet and that the larger structures are for barrel storage. Mr. Sweeney explained that the site plan itself is controlling, meaning that if they wanted to expand the distillery or barrel storage by more than 10% the applicant would have to go through the entire approval process again including more public hearings.

Chairman Day closed the item for public comment.

There was discussion among the commissioners expressing concern the project operation will be as described and whether or not there should be some conditions being that it is a special exception application. Mr. DeBraal commented that Code Enforcement would be responsible for any site plan or noise violations. Mr. Polackwich said that he thinks it would be appropriate to put some conditions in place being the special exception use ordinance speaks to that point. Mr. Sweeney noted the agricultural district has existing noise and odor restrictions. Mr. Sweeney also explained that once the site plan and use is set it cannot be arbitrarily altered and that operational characteristics are controlled by existing code.

Mr. Gibson commented that in regard to their existing distillery in Vermont, they have not had any code enforcement action or neighbor complaints. In response to a question about number of employees, Mr. Gibson said he anticipates it will scale based upon the success of the business but that it is not initially labor intensive.

Attachment 1

Mr. Landers asked about where the sugar cane will be grown and if there would potentially be burning. Mr. Sweeney said that he does not believe the scale of growth requires burning. Mr. Sweeney said that they have grown test crops and the applicant feels confident they can yield needed amounts to produce their product.

Chairman Day called for a Motion.

**ON MOTION BY Todd Brognano, SECONDED BY Jordan Stewart. Alan Polackwich OPPOSED. The members voted (6-1) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.**

### **Commissioners Matters**

There were none.

### **Planning Matters**

Mr. Sweeney said he will update the commissioners on the Board's ruling on this matter. Mr. Sweeney said we will probably not hold the first meeting in May but there should be one on May 26<sup>th</sup>.

### **Attorney's Matters**

There were none.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:35pm.

Attachment 1