



Planning & Development Services

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Staff Report

From: Sarah Ruether, Long Range Planning Manager

Re: Amendments to Skagit County Code 14.04 Definitions and 14.16 Zoning

Date: July 6, 2023

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Summary

This Staff Report concerns code changes proposed by the Agricultural Advisory Board regarding agritourism. These proposed code amendments would add a new definition of agritourism and add to the current definition of agricultural accessory use and place more restrictions on temporary events on Ag-NRL lands. The purpose of these amendments is to add clarity and more criteria for agritourism and agricultural accessory use activities in Skagit County.

Background

Agriculture has long been a defining characteristic of Skagit County’s identity and culture. The Skagit Valley is one of the most fertile valleys in the world, producing major commodities, specialty crops, and vegetable seeds and flowers with unique market niches. In total about 88,000 acres of land in the County is devoted to agriculture—most of this land zoned Ag-NRL. Consequently, agriculture is a central part of the Skagit County economy.

Balancing the agricultural production with the economic opportunities that agritourism provides has been a difficult policy question. Skagit County hired a consultant in 2020 to study agritourism and its relationship to agriculture and produced a report, a situation assessment in 2021. This report provided an overview of agritourism businesses existing in Skagit County and a comparison of how other Counties regulate agritourism related uses. After public outreach,

the consultant provided a report with three policy options and a no action alternative in March 2022. No action was taken on any of the policy options presented. Public outreach continued with a survey in the fall of 2022, multiple public meetings, and a Town Hall event. In early 2023, at the request of the Planning Commission, a joint meeting between the planning commission and the agricultural advisory board was held in March 2023. This meeting provided some consensus from members of the Planning Commission that enforcement was needed; and that the current code was adequate if enforced. The Agricultural Advisory Board worked independently after this meeting to develop their own recommendations.

These proposed code changes were developed exclusively by the Agricultural Advisory Board and then modified by the Planning Commission in their work sessions. After studying the code for more than two years as part of the original study, the Agricultural Advisory Board developed these code changes for the purpose of clarifying the code. The intent of the proposed code changes by the Agricultural Advisory Board are not for the purposes of opening up new allowances or new uses for agritourism. The intent of these proposed code changes are for clarification and to ensure that any event businesses that go forward in Ag-NRL are intermittent and cannot operate as full-time event centers. The Planning Commission has had two work session on the Agricultural Advisory Board's recommendations on April 25, 2023, and June 13, 2023. In these work sessions, the Planning Commission has made minor modifications to the Agricultural Advisory Board's recommendations.

Analysis

Section 14.16.900(2)(h) gives conditions for temporary events, which are permitted with an administrative special use permit. The proposed amendments would add additional criteria only applicable to Ag-NRL that temporary events in Ag-NRL may occur no more than 12 calendar days per year and must be incidental to the working farm. This is a reduction from other zones where temporary events are permitted at a rate of 24 calendar days per year. Additionally, a condition that all events must be accessory to agricultural use and incidental and subordinate to a working farm has been added as applicable to Ag-NRL. The purpose of reducing the number of events allowed under and administrative special use permit in Ag-NRL is to ensure that any event business is smaller or incidental and subordinate to a larger farming operation.

The proposed code amendments to Skagit County unified development code, [SCC Title 14](#). There are proposed code changes to definitions SCC 14.04.020 and the zoning code 14.16.900(2)(h)

The proposed code changes (added text underlined):

- A new definition in SCC 14.04.020 defining “agritourism” as:
- A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.
- Amending the current definition of agricultural accessory use in SCC 14.04.020:
- (6) to Miscellaneous agricultural support buildings, including barns, sheds corrals, farm offices, and coops, which are used for on-site soil dependent agriculture and which agricultural support buildings shall not be a place of human habitation or place or be a place used by the public; This permits use of farm buildings for farming. Other uses of buildings would not be permitted and may be permitted only through administrative special use permits.
- (8) Any agricultural accessory use that is an agritourism event or activity shall be incidental and subordinate to the primary farming operation of the farm site.
- (9) Any agritourism accessory use must be part of an active farming operation.
- (10) Accessory uses shall be located, designated, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.
- Amending SCC 14.16.900(2)(h) to add additional criterion in Special Uses for a special use permit for temporary events:
- (v) Special use permits for temporary events in Ag-NRL are additionally subject to the following criteria:
 - (A) Events may occur on no more than 12 calendar days per year.
 - (B) All events must be accessory to agricultural use and incidental and subordinate to a working farm.

The new definition of agritourism and the additional criteria to define agricultural accessory use would apply to Ag-NRL as well as any other zones that permit agricultural accessory uses including Rural Intermedial (RI) and Rural Reserve (RRv). Farms operating in non-Ag-NRL zoning that find these regulations onerous, where appropriate can classify as some other use permitted in the relevant zone.

Within Ag-NRL the new proposed definitions are intended to assure that any agritourism activity stays small enough that it will remain subordinate and incidental to the farm. By

defining agritourism and agricultural accessory with more detail, this helps limit the potential size of new agritourism enterprises. Reducing the number of events permitted under and administrative special use for temporary events, also assures that any event or agritourism activity is small enough to ensure that it is secondary to the farming operation.

Consistency

Consistency Review (Skagit County Code 14.08)

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This amendment is consistent with the Comprehensive Plan as shown by the following parts of the Plan:

Vision Statement | Major Themes: Protect and conserve agriculture, forest and mineral resource lands: Natural resource lands, such as farms and timber lands, provide economic, social, cultural and environmental benefits. This plan ensures that these areas, including mineral resource lands, continue to be viable today and into the future.

Goal 4A Agricultural Resource Lands. Agricultural Resource Lands are those lands with soils, climate, topography, parcel size, and location characteristics that have long-term commercial significance for farming. Skagit County is committed to preserving and enhancing the agricultural land base and promoting economic activities and marketing support for a strong agricultural industry. The agricultural community faces significant challenges in preserving the agricultural land base and a viable agricultural industry, including: conversion of agricultural lands to development and inappropriate habitat restoration; conflict with neighboring residential uses; drainage impacts; and other disruption of agricultural lands functions and values. The following policies are intended to ensure the stability and productivity of agriculture in Skagit County.

Guiding Principles: Agricultural Resource Lands: Protect the agricultural land resource and farming in Skagit County; endeavor to minimize the loss of the resource; mitigate unavoidable losses; and replace lost resources whenever possible. These principles shall guide Skagit County's actions to:

- Preserve agricultural land for agricultural uses;
- Limit new non-agricultural uses and activities on agricultural resource lands;
- Provide education and support services that maintain the farming industry and lifestyle;
- Promote the economic benefits of farming;
- Resolve conflicts between agricultural and environmental objectives; and
- Monitor the long-term achievement of the goals and policies

Goal 4A-3: Promote preservation of agricultural land for agricultural uses, minimize non-farming uses on agricultural lands; and develop incentive programs to promote farming.

Goal 4A-4 Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries.

Goal 4A-5 Minimize land use conflicts and promote mitigation of conflicts on the lands adjacent to agricultural resource lands.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The following GMA Planning Goals are applicable:

- **RCW 36.70A.020(8) Natural Resource Industries:** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands and discourage incompatible uses.
- **RCW 36.70A.177 Agricultural lands- Innovative zoning techniques – Accessory Uses:** This statute addresses agricultural and non-agricultural uses and provides specific standards for preservation of all commercial agricultural lands. These statutes express that a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes. Accessory uses allowed shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.

The following Countywide Planning Policies are applicable:

- **CPP 5.8:** Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands
- **CCP 5.10** Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production.
- **CPP 5.11:** Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- **CPP 8:** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses
- **CPP 8.9:** Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long-term commercial resource management.

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Yes. The proposed amendments will protect the safety and welfare of the public by ensuring agricultural lands are not subject to inappropriate conversion to non-agricultural uses, and therefore, it protects the preservation of farmland.

Recommendation

The Department recommends adoption of the proposal.

Public Notices

Notice of public meetings was provided via the Skagit County Planning & Development Services listserv and on the project website. The Planning Commission and public were provided the following materials for consideration. The documents can be found on the [project website here](#).

The proposal will receive at least one public hearing and written comment period before the Planning Commission, consistent with the process for adoption of land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve the final adoption. The anticipated schedule is as follows:

Meeting Date	Topic Area
April 25, 2023	Work Session Agricultural Advisory Board’s Agritourism Recommendations
June 13, 2023	Work Session Agricultural Advisory Board’s Agritourism Recommendations
July 25, 2023	Public Hearing on Agricultural Advisory Board’s Agritourism Recommendations
September 26, 2023	Review of Public Comments on Agricultural Advisory Board’s Agritourism Recommendations
October 10, 2023	Planning Commission Deliberations on Agricultural Advisory Board’s Agritourism Recommendations

See below for more information:

<https://www.skagitcounty.net/departments/planningandpermit/agtourismmain.htm>

SEPA Threshold Determination

The Skagit County SEPA Responsible Official has issued a Determination of Non-Significance for this non-project legislative proposal.

Public Comment

Option 1: Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us with the proposal name “**Agritourism Amendments to Skagit County Code**” in the subject line. Please include your comments in the body of your email message rather than as attachments.

Option 2: Paper comments must be printed on 8½x11 paper and mailed or delivered to:

Planning and Development Services
Comments on “Agritourism Amendments to Skagit County Code”
1800 Continental Place
Mount Vernon WA 98273

All comments must be received by Thursday, July 27, 2023, 4:30 p.m. and include your full name and mailing address. Comments not meeting these requirements will not be considered.

Option 3: You may also comment in person. The Planning Commission is hosting the public hearing in the Skagit County Commissioners Hearing Room at 1800 Continental Place, Mount Vernon, WA 98273.

If you wish to provide testimony via the online meeting option, please send an email to pdscomments@co.skagit.wa.us, with your name, phone number, and include a request to be added to the speakers list in the body of the email. All requests must be received 24 hours prior to the Public Hearing Date referenced above. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Anyone who plans to attend the public hearing and has special needs or disabilities should contact Planning and Development Services at (360) 416-1320 at least 96 hours before the hearing to discuss and arrange any special accommodations.

Attachment 1 – Redline Code Amendments SCC 14.04.020 and 14.16.900(2)(h)

Attachment 1 :

2023 Amendments Agritourism —DRAFT

Plain text = existing code with no changes
Strikethrough = existing code to be deleted
<u>Underlined</u> = new code to be added
Double Strikethrough = existing code moved to another location
<u>Double Underline</u> = existing code moved from another location
<i>Italics</i> = Instructions for code reviser/reviewer

Markup DRAFT July 6, 2023

Chapter 14.04 Definitions

Chapter 14.16 Zoning

Chapter 14.04 Definitions

14.04.020 Definitions

Agritourism- A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.

Agricultural Accessory Use – an agricultural accessory use shall predominately serve the principal use of the farm, but may also serve other farms. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular compromise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following:

- (1) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials.
- (2) Impoundments under 1-acre feet in volume;
- (3) Farm animal or horticultural viewing by the public;
- (4) U-pick sales to the public;
- (5) Storage of agricultural products, ingredients, packaging and/or equipment used on-site;
- (6) Miscellaneous agricultural support buildings, including barns, sheds corrals, farm offices, and coops, which are used for on-site soil dependent agriculture and which agricultural support buildings shall not be a place of human habitation or place, or be a place used by the public; This permits use of farm buildings for farming. Other uses of buildings would not be permitted and may be permitted only through administrative special use permits.

(7) Activities associated with tourism which promote local agriculture; provided, that adequate parking and specified ingress and egress are designated and permitted.

(8) Any agricultural or nonagricultural accessory use that is an agritourism event or activity shall be incidental and subordinate to the primary farming operation of the farm site.

(9) Any agritourism accessory use must be part of an active farming operation.

~~(6)~~(10) Accessory uses shall be located, designated, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.

Chapter 14.16 Zoning

14.16.900 Special use permit requirements

(1) [No Change]

(2) Special Uses with Specific Criteria

(a) – (g) [No Change]

(h) Temporary Events: Special use permits for temporary events are also subject to the following criteria:

(i) Events may occur on no more than 24 calendar days per year.

(ii) Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.

(iii) Does not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.

(iv) All lighting is directed away from neighboring residences or businesses.

(v) Special use permits for temporary events in Ag-NRL are additionally subject to the following criteria:

(A) Events may occur on no more than 12 calendar days per year.

(B) All events must be accessory to agricultural use and incidental and subordinate to a working farm.

(i) – (j) [No Change]

(3) [No Change]