

Skagit County Planning Commission
Presentation: Agritourism Study
Discussion: Agritourism Discussion with AAB and BOCC
Update: 2022 Docket
Schedule: 2023 Docket
March 14, 2023

Planning

Commissioners: Kathy Mitchell
Mark Knutzen
Vince Henley
Amy Hughes (via Zoom)
Tim Raschko, Chair
Joe Woodmansee (via Zoom)
Tammy Candler, Vice Chair
Martha Rose (absent)
Jen Hutchison

Staff:

Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Assistant Long Range Planner

County

Commissioners: Ron Wesen, Chair
Lisa Janicki
Peter Browning

Agricultural

Advisory Board: Michael Hughes, Chair
Terry Sapp
Murray Benjamin
Kraig Knutzen
Steve Wright
Steve Omdal
Michael Trafton

Others:

Don McMoran, WSU Extension Executive Director
Lisa Grueter, BERK Consultant

(My apologies for so many blanks in this transcript. Several people in the audience were coughing, which often drowned out speakers' words.)

Chair Tim Raschko: (gavel) Good evening and welcome. The March 14th, 2023, meeting of the Skagit County Planning Commission is now in order. This will be a joint meeting with the Board of County Commissioners and the Agriculture Advisory committee. They will be called to order here after our preliminary business, okay?

So we have Commissioner Woodmansee on Zoom and I believe that Commissioner Rose and Commissioner Hughes are absent tonight, if that could please be in the record.

I'd entertain a motion to approve the minutes of our last meeting.

Commissioner Mark Knutzen: So moved.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's been moved by – is there any discussion of the minutes?

(silence)

Chair Raschko: If not, all in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: So the minutes are approved. So we'll start with an Agritourism Staff Study Presentation. Jenn, is this you?

Jenn Rogers: We'll switch over to Zoom so that _____.

Chair Raschko: Okay.

Lisa Grueter: Are you seeing my screen?

Vice Chair Tammy Candler: Yes.

Ms. Grueter: Okay, great. I'm Lisa Grueter. I'm a principal with BERK Consulting, and we'll share a few slides with some history.

So the topics I'll cover briefly are:

- Why review agriculture in the County?
- What does "accessory" mean?
- What is the relationship of agritourism to agriculture?

And we see on your agenda there's time for your discussion. Just as a reminder of the process, on the left-hand side, we started in 2021 with a discovery phase which included a Situation Assessment and some engagement with the community. And then in 2022, we explored some policy concepts and we had additional engagement last fall in particular. And we are about to go into a stage that could involve code amendments in 2023.

Just as a reminder of the engagement over the first two-year period, we had three surveys. The largest one was last fall. We had some online discussion groups during the pandemic. We had eight small group discussions; we had some online workshops at different times of day; and then last fall we had additional engagement with workshops around the county and a forum.

So just a little bit of history: Agritourism has been long a part of the landscape of Skagit County. Some aspects of it were covered in the code for many years. In 2018 and other years, the County started seeing applications for agritourism-related uses. And in 2018, one in particular was about food services in the Ag-NRL zone. Based on that and other conversations, the Board of County Commissioners requested a study to assess the impacts of agritourism in a more holistic way and funded that study to begin in 2021.

So in 2021, we had the Situation Assessment. It's available at the project website. We'll have a link later in the presentation. It gathers information about the economics of agritourism, the current agritourism in the county, what are some current policy and code allowances; and then it includes case studies from around the state and the country.

In 2022, there was a shaping of some potential options and goals, and we explored different agritourism uses, their size, their scale, some examples. We came away with some potential options including allowing accessory uses and activities, which, as we'll see, came out pretty prominently in the engagement last fall.

This is a map that's also included in the Situation Assessment. But it shows in the green hatching the Ag-NRL zone. The dark border is the Ag-NRL zone. Some of the ag extends into the rural areas beyond the dark green boundary. The little black dots were some inventoried agritourism operations from the time of the Situation Assessment of around 20 – or about 70 operations, rather.

Last fall, and consistent with prior conversations, it seemed that the public that we reached agreed with the idea of having agritourism activity be accessory to the main agricultural use. That was out of close to 600 respondents. We had about 84% agree with that statement. Because it's been a big topic, we thought we'd just spend a little bit of time on that.

First, the Growth Management Act does identify the potential for accessory uses to help cultural zones. It's in the RCW 36.71.77, and we highlighted in blue some key words – that the accessory uses be located, designed, and operated so as not to interfere with and support the continuation of the overall agricultural use; that it can include agriculturally-related experiences. And non-agricultural accessory uses are allowed as long as they're consistent with the size, scale, and intensity of the existing agricultural use of the property. And when it's a non-agricultural accessory use, shall not otherwise convert more than one acre of agricultural land to non-agricultural uses.

The County Code and the zoning code has a broad definition of "accessory use" for any kind of zone, any kind of use that it's dependent on and subordinate to. In addition, the code has a pretty lengthy definition of an agricultural accessory use, and it highlighted in green here that it predominantly serves the principal use of the farm but may serve other farms. Some examples that are in the definition that relate to agritourism: u-pick sales, but also activities associated with tourism that promote local agriculture, provided there's adequate parking.

Some of the ways the County could regulate what is accessory could be – again, per the Growth Management Act and several provisions in the County Code: Limit the footprint of the activity to one acre. You could limit occupancy or visits. That's something that's ____ for weddings, for example. You could limit sales of what's offered at the accessory use to onsite produce to a percent share of sales or volumes. Some counties do that, including in Oregon and elsewhere – Thurston County. This chart here we've shared before but is a compilation of different pieces of information that look at the annual visits per year. So if we talk about occupancy or visits, this is a way potentially to think about it.

The agricultural agritourism activities under review over time have included farm stands and u-pick, which have been in the code for some time; farm stays, which is relevant to bed-and-breakfasts, which is allowed today as an accessory use, but this could be a temporary farm stay. Tasting rooms and restaurants – because again, those came up during some of the initial docket requests. Weddings. Seasonal events, which, again, are allowed today but there's been some lack of clarity over time on seasonal events and seasonal permits.

So one way we could look at the relationship of the activity and how it's accessory to agriculture, and think about how directly related is it and how much activity level could be – like this chart, so on the left-hand side – how much activity from high, medium, and low, and how directly related is it to agriculture? So, for example, festivals on farms could have a lot of activity but also may have a direct relationship to the activity on the farm. U-pick and farm tours are highly related to the farm activity but they may have more of a medium level of visitors. And farm stands are directly related to the farm, and over a year's period an average farm stand may have more of a low level of activity. And then you can place some of their activities on that same kind of continuum. Tasting rooms: They can have some relationship to what's grown onsite, and some counties do require specific size of what's grown or volume.

Farm-to-table: A temporary event – could be directly related to what's grown on the farm.

Sometimes weddings, if they are taking place in a setting. But they can have – especially if they're seasonal and don't have an outdoor structure, they may not convert permanently so they might have some medium level of activity. And bed-and-breakfasts could have a low level of activity year-round but be less related.

And then a low level of relationship to the farm could be restaurants or weddings, depending on how often they happen and how related they are to the activity of the farm.

So this is just a way to think about it if we're talking about looking at accessory uses.

Some areas of potential amendment, regardless of which activities you ultimately want to take up, could be just improving the code definitions, updating the application forms, having clarity around low use/low impact activities. For example, it's not clear if you have a small stand that doesn't need a building permit, do you need to review it for parking? There could be an annual self-certification form, there could be a multiyear programmatic permit, so there's a regular check-in on the activity matching the parameters of the code. And additional code enforcement. And then the code already allows for farm stands, but there could be some simplification of the levels of review. The same for u-pick. Farm stays is allowed as a bed-and-breakfast but there's been more current operations of RVs and harvest hosts and that kind of thing, so does the County want to address that? Tasting rooms and restaurants, weddings and seasonal events – these are all things that could be addressed, depending on the direction of the decision-makers.

We were provided a copy of the Agricultural Advisory Board motion from March 8th and (I) just wanted to share that for context as well, since the Agricultural Advisory Board has met several times on this topic over the two-year period. One was to approve the Land Use Committee and others from the Ag Advisory Board to engage in ongoing work sessions with the Planning Commission. And the Agricultural Advisory Board identified six issues of importance:

1. That the code be written to identify activities associated with agritourism.
2. That the activities allowed in the Ag-NRL zone be subject to close connection to actual ongoing agriculture production on the site of the producer.

3. That it be accessory.
4. That they be subject to renewable permits and scaled fees.
5. And non-qualifying agritourism activities associated with public participation be directed to zones and places outside the Ag-NRL.
6. And that the County restrict new agritourism activities until enforcement is designed and implemented.

So here are some questions that may be useful for your discussion:

- What themes struck you in the fall 2022 engagement? I believe Sarah presented that in December or January.
- How has agritourism in Skagit County changed?
- What's a best fit?
- What does "accessory" look like to you?
- What improvements to the existing code could be made?
- And how does a clear code help the community and staff manage agritourism?

So I believe that is the conclusion of our slides to provide some context at the beginning of your meeting.

Chair Raschko: Thank you. Are you taking questions?

Ms. Grueter: Sure.

Chair Raschko: Okay. If anybody on the Planning Commission or anybody in the Board of Commissioners or the Ag Advisory Board has a question, please.

(silence)

Chair Raschko: Nobody?

Unidentified Voice from the Audience: What do you – are you opening that to the public too?

Chair Raschko: No, just the meeting members. Thank you. Okay, it looks like there are no questions or comments. So we appreciate your report very much, Ms. Grueter, and we will continue our meeting. Thank you.

Ms. Grueter: Thank you.

Chair Raschko: At this point, the Board of County Commissioners will open a meeting as will the Agricultural Advisory Board. Commissioner Wesen?

Chair/Commissioner Ron Wesen: I'd just like to call this meeting of the Skagit County Commissioners to order. It's 6:15 on March 14th, 2023. We are here to listen and observe and just gather information, so we don't plan on making any decisions or anything. We're just here to listen and learn. Commissioner Browning will be joining us a little later. He had another meeting with the hospital board. Thank you.

Chair Raschko: Thank you. Mr. Hughes?

Chair Michael Hughes: Okay, we'll call the Agricultural Advisory Board to order at 6:15 on this March the 14th. We're here to share the last couple years of findings with the Commissioners and the Planning Commission. Would you like us to do introductions or –

Chair Raschko: Yes. We'll start with introductions. I think we'll start here. No, we won't. We'll start online. We have Commissioner Woodmansee.

Commissioner Joe Woodmansee: Okay, my name is Joe Woodmansee and I'm a member of the Planning Commission.

Chair Raschko: Thank you, Joe.

Commissioner Jen Hutchison: Good evening. Jen Hutchison, Planning Commission.

Commissioner Knutzen: Mark Knutzen on the Planning Commission.

Vice Chair Tammy Candler: Tammy Candler on the Planning Commission.

Chair Raschko: I'm Tim Raschko. I'm the Chair. I'll just say a little bit about myself. I'm sorry. I've lived in the county for 45 years now. I grew up in Seattle. I'm also on the Forestry Advisory Board and I've been on this commission since, I think, 2015.

Commissioner Mitchell: Kathy Mitchell, Planning Commission.

Commissioner Vince Henley: Vince Henley, Planning Commission.

Don McMoran: Don McMoran, Director, WC Skagit County Extension a fourth generation farmer and ex-official on the Ag Advisory Board for the past 17 years.

Terry Sapp: I'm Terry Sapp. I'm on the Land Use Committee of the Agricultural Advisory Board, and the Land Use Committee has done a large portion of the work for the Agricultural Advisory Board. I am a third generation proprietor of a farm in the Sedro-Woolley area where my wife, who is here now, and I raise beef cattle and produce forage.

Murray Benjamin: Murray Benjamin, Day Creek area. I grew up in Anacortes, raised cattle. I'm on the Ag Board.

Kraig Knutzen: Kraig Knutzen, Ag Advisory. I also sit on the Land Use Committee. Fifth generation farm here in Skagit County.

Chair Hughes: Michael Hughes. I'm the chair of the Agricultural Advisory Board. I'm also a member of our family's fourth generation potato farm in the Conway area.

Steve Wright: Steve Wright on the Ag Advisory Board from now and I've also been a salesman for farmers' equipment for the last 20 years.

Steve Omdal: Steve Omdal, Ag Advisory Board. I'm also a Port of Skagit Commissioner. Born and raised a mile south of Edison on the Farm-to-Market Road on a dairy and crop farm.

Michael Trafton: Michael Trafton from Anacortes. I'm on the Agricultural Advisory Board and also the Land Use Committee of that board.

Commissioner Lisa Janicki: Lisa Janicki, as a Skagit County Commissioner, and I married into a large family that comes from the bigger crop rotation called timber, so forestry. My son now is fourth generation in timber in Skagit County.

Commissioner Wesen: Ron Wesen, Skagit County Commissioner, fourth generation dairy farmer. Brothers and parents still dairy out in the Edison area – about 700 cows – shipping our milk to Organic Valley.

Commissioner Peter Browning: Peter Browning, Skagit County Commissioner. I spent my childhood on my hippy parents' organic farm and we still have it up in Whatcom County.

Chair Raschko: Okay, I've just been informed that Commissioner Hughes – Planning Commissioner Hughes – is online. Is that true?

Ms. Rogers: She is online but can't talk.

Chair Raschko: Oh, okay. Amy, if you can hear us, you can introduce yourself.

(silence)

Chair Raschko: Oh, okay. We'll move on. Well, thank you. On behalf of the Planning Commission, I'd like to thank both the Board of Commissioners and the Agricultural Advisory Board for the opportunity to meet tonight to discuss the agritourism process that's currently underway in the county. My understanding is that the key goal in this agritourism exercise is to preserve and maintain a healthy agricultural industry in Skagit Valley. This can be accomplished by preventing an erosion of the net farmable acres and by providing opportunities for farmers to maximize their income from their farm property. I hope I'm accurate in that. And this is where agritourism comes into play.

The Planning Commission is charged with the responsibility of making a recommendation to the Board of Commissioners for their consideration before they rule on proposed changes to code and regulations. So how the ag community views the options is the most important part of that story, so we look forward to hearing from you to become better informed as we move forward.

So once again, thank you, and, Mr. Hughes, you have the floor.

Chair Hughes: Thank you. Skagit County Planning Commission, County Commissioners, County staff, public, thank you for inviting the cultural advisory board to your meeting tonight. We've been working on agritourism for quite some time now. It has been part of – some aspects have been discussed on this board since its inception and we've been involved, especially since 2018 when a recommendation was made by the County Commissioners to study this topic more in depth. We have worked with BERK and County staff through their discovery phase, and our board – and specifically our Land Use Committee – have spent many hours discussing agritourism and how it may or may not fit in the agricultural community of Skagit County.

First we'd like to give a brief overview of agriculture in Skagit County. The county currently has approximately 90,000 acres zoned Ag-NRL and another approximately 50,000 acres in other rural zones. These lands are where the majority of agricultural activities take place. Of these acres, there is a wide range of uses in addition to agriculture. These include houses, barns, pastures, ditches, roads, and everything else you see in the countryside. The agricultural community widely

feels there's approximately 65,000 acres used for intensive agriculture every year in the county, with the balance of the acres I noted before used in other uses.

Per WSU Extension statistics in 2021, the county produced \$328 million in farm ___ value from the approximately 80 crops of commercial value. These range from dairy, potatoes, raspberries, blueberries, seed crops, and a wide variety of vegetable crops. Per the Washington Employment Security Department in 2021, this provided 2,600 jobs and \$108 million in wages. In addition, Skagit County supports many businesses, fertilizer dealers, equipment dealers, consultants, and banking organizations. These businesses contribute millions of dollars in additional value and hundreds of jobs. These businesses in Skagit County also support the agricultural economies of our neighboring counties and all of northwest Washington. Fertilizer dealers even support farmers as far away as Alaska and Hawaii, all shipped out of here in Skagit County. Collectively Skagit agriculture is one of the top employers in Skagit County.

Skagit County agriculture is of national and global importance in the crops we produce. We are a major producer of vegetable seeds, producing 75% of the nation's cabbage and spinach seed, along with 95% of the nation's beet seed – table beet seed. On a global scale, this is 25% of the world's cabbage seeds, 25% of the world's table beet seeds, and 8% of the world's spinach seeds. And many other seed crops are also grown in smaller quantities. This seed production occurs throughout the entire valley. To produce high quality seed, there must be large isolation distances to prevent cross-pollination, and long rotations in particular fields to reduce disease.

Skagit County is the fifth largest dairy-producing county in Washington with approximately 15,000 dairy cows that produce 217 million pounds of milk. These dairy farms are also important fertilizer supply and manure, one for the dairy farms and also for organic vegetable producers in the county. Skagit County potatoes and vegetables are known around the country for their high quality. Our red potatoes have a brighter, more vibrant red color than most other growing regions, and our cool maritime climate and long summertime daylight allows vegetables to grow slowly, enhancing their quality traits. Skagit County is also a major producer of blueberries, raspberries, beef production, apples, wine grapes, and many other things.

As far as a timeline when this happens, all this activity typically occurs in the fields from the middle of April through the end of November. Planting season starts once the weather warms and winter rains subside. Typically April and May are peak planting season. Late May plantings and into June result in lower yields for most crops because they are unable to accumulate enough heat units in our climate to catch up. This is why once the ground is fit, farmers plant from early in the morning till late at night. You'll often see us in the fields before the sun even gets close to coming up to long after it's gone down. This is to put the seed in the soil under ideal conditions and give it the most time to grow.

Summer months are for tending crops and harvesting early vegetables. Most harvests occur early in the morning before the heat of the day, often before the sun even comes up. When the crop is growing, spray applications and fertilizer applications are timed with proper growth stages and weather conditions. Heavy rain during the growing season can flare diseases that can take a crop in a matter of days. For example, late blight in potatoes, which is the disease that caused the Irish Potato Famine that most people have heard of, can overtake a region in days. To stop this after a rain event, the entire crop needs to be treated in that time period. But these applications only can occur under certain environmental conditions. We cannot make spray applications in high winds, extremely high temperatures, and sometimes humidity impacts them. This means while a farmer might have a couple days to treat, he might only actually have two or three hours to get across the whole field before he starts losing crop. Sometimes this time period happens early in

the morning, late at night, middle of the day. You just kind of have to when you get the right wind and the right conditions to do it.

Fall harvest is the most time-pressed time we have. Rain impacts the quality of grains and vegetables when they're ready, and can even completely end the harvest of crops like potatoes. For example, in 2021 – which I'm sorry; in your notes I wrote "2022." It was 21 – an estimated 2,000 acres of potatoes went unharvested that year, which is about 16% of the crop in the county just completely gone.

Early frost impacts silage corn quality, which would impact the dairy farms' entire feed for the whole year because you only get one shot.

And light planning: Harvest occurs early in the morning till late at night, usually seven days a week until you're done. The end of harvest doesn't mean that everything's done. We've still got to get through the fields, get subsoiling done, allowing the water to percolate into the soil. We're going to need surface erosion and runoff and make manure applications. Something a lot of people don't know: Dairy operations are limited when they can make their manure applications to certain time periods and when grasses and crops are actively growing. This means in the fall they have to quickly empty their storage pits to ensure they can make it through the entire winter without having a problem with their manure. And this includes holding onto rain that falls on the yard, too. You can't discharge any of it. So when they have to pump they have to get rid of it at the fall.

So why have we brought this up? Every year farmers across the valley hear directly and indirectly from neighbors asking why we must do a particular operation on a specific day. Noise, dust, smells, and other parts of agriculture always impact their surrounding areas. As pointed out earlier, many of these activities are driven by the weather and must take place as conditions allow, as opposed to when the calendar or the clock make the most sense. Also, when farmers are moving from field to field, our equipment is twice, if not larger, than the cars around us. In recent years, the increased use of traffic has made this part of farming more dangerous with multiple accidents that we've known about, usually because cars are impatient and want to get around the equipment and start passing as the tractors are making turns in the fields. We've also had issues with people parking cars where they think the car can get by, but once you bring a tractor along you're stuck in the middle of the road because the car's there or blocking the entrance to the field you're trying to get to.

Increasing development and intensity of the agricultural area is bound to increase these interactions. The farmer will always look bad in the court of public perception when an event is impacted by a normal farming operation to the public.

Skagit County has repeatedly chosen long-term agriculture over other pursuits even though those may return more money in the short term. The current 40-acre minimum for residential building and the county's strong commitment to the purchase of development rights are examples of this. This production of farm ground has provided opportunities in the first generation farmers and multigenerational families alike. Beginning farmers are able to start a farm without competing with non-agricultural interests for land, and this is the ideal place for them to do it. We have ready-made markets to the north and to the south of us to sell direct to consumers of their high quality vegetables of all kinds of different things. Also generational farms have been able to grow with their families, allowing families to stay on the farm, and providing food to neighbors down the street and across the nation. Even families who aren't still actively farming understand this and they work with farmers to protect the land. They know the importance of keeping the land

producing food and work with farmers who are seeking to grow their operations. This keeps their family tied to the land and it helps farmers with certainty and stability.

So the Agricultural Advisory Board does feel agritourism fits Skagit County in some ways. So I'll start with the six points that Lisa had brought up. These are how we feel agricultural (sic) *could* fit.

First, Skagit County Code needs to be written to identify activities with agritourism. We feel agritourism activities allowed in the Ag-NRL be subject to close connection to actual ongoing agricultural production on the site of the producer. Qualifying agritourism activities in the Ag-NRL need to be codified as accessory to agriculture and have a finer resolution and detail. All accessory agritourism activities be subject to renewable permits and scaled fees. That way that's the enforcement mechanism. Non-qualifying agritourism activities associated with public participation be directed to zones and places outside Ag-NRL, and Skagit County restrict new agritourism activities until enforcement mechanisms are designed and implemented.

The Agricultural Advisory Board has discussed agritourism in great length as to how it fits with the ongoing agricultural economy. Skagit County has the unique opportunity as we have maintained a robust agricultural community while others in western Washington are just hanging on. We have prioritized agriculture and it has rewarded us by being as strong as ever and providing our neighbors with a truly unique place to live. We feel any additional activities need to build on this history to maintain our ability to continue to produce local food in the community and to feed the world. Ensuring agritourism activities are tied to agriculture can provide a means to educate and entertain people who may not have the exposure to agriculture, as well as protect ongoing large-scale farming in Skagit County.

Thank you, and we look forward to discussing this tonight and in the future as the county works through agritourism.

Chair Raschko: Thank you. I really appreciate the work that your board did to come up with your summary of the six points. That's very, very helpful. We're going to open it up to the Planning Commission to ask questions. I think the most efficient way to do that would be to start on the right. If you have nothing to ask at this point, you can pass. And we'll just come down the table and then to Joe, and then come back around again. If you have a series of questions, feel free to continue your train of thought and finish your inquisition before you move on. Okay? So we'll start with Jen.

Commissioner Knutzen: I agree and applaud these six points. But as we all know, the devil's in the details. And regarding these six points, I would like to ask about some specific venues and how the Ag Advisory Board feels about each specific venue. And the four that I'm thinking of – wedding venues, wineries, breweries, and distilleries. And when you say identify activities associated with agritourism, that's a general – agritourism is – the definition is *this* big, in my opinion. And then number 5, "Non-qualifying agritourism activities" is what? The devil's in the details. So what would you be willing to share with us now on your vision of those four? Because from what I've seen, those are four pretty big, contentious issues that, in the paper and the pictures in the paper, I've been to some of all of these. My favorite is the breweries, I'm not afraid to say.

(laughter)

Commissioner Knutzen: But how do you feel about those in the Ag-NRL zone?

Mr. Knutzen: As Michael has pointed out to begin with, a huge issue we have is conflict with those venues. First of all, they carry a very weak association with ongoing agriculture, you know, if any. And so, I mean, that's a huge issue as far as agritourism. But more than anything, you know, agriculture's huge concern right now is keeping a positive image. And with a lot of the ongoing activities and stuff that we have to do with agriculture, it becomes very difficult to work around a lot of these described options that you put out in the ag zone. Because no matter what we do, it's almost impossible not to interfere some way with those venues, whether it be dust, odors, noise – whatever it is. And that can be a challenge, whether a person has a right to do that or whether – is something totally different. But, again, we don't need ag's name run down from trying to do our ongoing production, what we're doing. So when you have a conflict of uses like that, I think some of those are going to be some of the problems that we're going to see.

To Terry, or somebody else?

Chair Hughes: Terry, do you want to add to that?

Mr. Sapp: Sure. So Terry Sapp here. And, Mark, I think the Land Use Committee has taken some actions that can specifically and directly respond to your questions. We wrote a memo on April 11th, '22 – 2022, pardon me – addressing what we, the Land Use Committee, thought suited the intention of Skagit County's Comprehensive Plan and existing code. To simplify, we said that a number of activities we regularly consider to be agritourism need not really even have permits. They're obviously a good fit to the agricultural zone. And those are farmstands, u-picks, farm tours, and bed-and-breakfast hosting. This memo was here with the Planning Commission, I know, at some earlier date as an attachment from Michael Hughes, the Chair. So maybe you have that.

Commissioner Knutzen: Yeah, we've been given that to (sic) staff.

Mr. Sapp: Good. That memo also identifies some activities which we thought simply don't fit the agricultural zone whatsoever. So we name them. You asked. You wanted to be specific. We name some that just don't qualify, don't fit, if we're going to center our thinking around the notion that *accessory* to agriculture is central to what we're talking about or what we wish to discuss. If it's accessory to agriculture, then these don't fit: tasting rooms, restaurants, weddings. In some counties, the first category is referred to as "wineries, breweries, and distilleries," so that captures three of the four you mentioned. We said unless there is some other kind of special characteristic, they don't fit in the ag zone. We also identified several that we thought needed further definition to clarify this connection to agricultural activity or *accessory* – again using that term – and those were farm stays, and a very large category which itself incorporates a lot of possible activities, temporary events. Temporary events *are* in the code but are not defined by activity. They're defined by size, and Lisa Grueter spoke to this as an important characteristic. Size, intensity, and frequency. That language comes from the Growth Management Act incidentally. But temporary events are allowed without a great deal of clarity in the code as long as they are limited to 24 events per year and get a special administrative permit through the Department of Planning and Development Services. So we did identify specific qualifying – we thought – activities – disqualifying activities, if you will – and some that need further consideration in order to follow this principle of accessory to agriculture.

Commissioner Knutzen: Thank you for that information. I did have that but I wanted to see it presented here by you. The devil's in the details. There's a lot of information here. It's all very detailed. One last question, the bottom line: Do you think the Planning Commission and, by extension, the Board of County Commissioners, will be able to carve out a niche somehow in the

Ag-NRL zone, however we do it, to be able to allow – you kind of touched on it – wedding venues and WBD in the Ag-NRL zone? I'm not necessarily looking for a yes or no answer, but it would make our job easier.

(laughter)

Mr. Sapp: Michael, may I?

Chair Hughes: Sure.

Mr. Sapp: Yes. I think a good answer to that is one that has arisen recently from the record. We have learned, or I have after these couple of years of study, but only recently, a somewhat underestimated source of information about what this County has already done, and I think is incredibly instructive. Two event venues – I'll call them to avoid using this particular activity – event venues have been permitted by Skagit County, and the terms of those permits are specific, they're detailed, they are conditioned upon the variety of activity. The applicants made very strenuous arguments with great detail in order to attempt to qualify themselves under existing code. I'm not going to name them, but one of the – right now; it's public information, I suppose – but one of them is an active venue on Cook Road and one of them is a very active venue on McLean Road. Both of the applicants in those cases – one in 2013, I believe, and the other in 2016 – made very clear and careful arguments – thoughtful arguments – that they should qualify as event venues primarily as farm-to-table dinner functions. But nonetheless, event venues, which the applicants argued, were accessory to agriculture. One of them is only 2.6 acres, the other one is six acres, so they're small parcels. But they adamantly argued that they could qualify under existing code as qualifying for an agriculturally-related activity.

There were three – I don't know that it's worthy here to go into detail, but they were permitted under special administrative permits with conditions, and the conditions specifically say – I have them here because I can't remember all of this. But the conditions, identified by the Planning Commission for them to continue to operate their 24 events per year only, required that they be accessory to agriculture. Not all events at event venues could meet the qualifications that were claimed – that were applied for and were approved by the County. But very specifically that code at that time – those times, 2013 and 2016 – *did* require and *still* requires activities be accessory to agriculture, and that is one of the principal elements of the motion you saw before you today from the Agricultural Advisory Board that essentially – again, I'm saying it and I'm repeating it too many times – accessory to agriculture did apply in those qualifying properties.

Now how did it qualify? Well, that is a fine – that's a very fine detail. And I think if the Planning Department were to pursue this further and all of the participants who were interested in this topic, getting to the very core of what qualifies as agricultural accessory is where this final code amendment would have to go. Thank you, Mike.

Commissioner Knutzen: Thank you, Terry, and that is a very fine point that I agree with 100%. What qualifies? I've heard the phrase used "Big A, little t." Agricultural takes precedent. I'm a fourth generation farmer. I strongly believe that. But by the same token, I'd like to think we can carve out some niche. I've personally been – I'm retired now. Planting potatoes beside wedding venues, it was late in the spring, very dusty. We had to plant. Dust was encroaching on the wedding venue. It is ag zone. Right to farm. A few people came over to the fence and waved at me. They only waved with one finger, though.

(laughter)

Commissioner Knutzen: So I know my activity was not appreciated but, hey, I had the right to do that. Farmers today need to have the right to do that. When they need to spread manure, that's fine. But do we want to wreck a bride's wedding day for this? We have the right, but we don't want to go court. So anyway, that's all the questions I have at this time.

Vice Chair Candler: I have a question. I don't know who to direct it to. But the order in which you put your six issues of importance: Is that in the order of importance or – I'm trying to figure out why maybe number 6 shouldn't be moved up to number 1. Does that make sense?

(laughter)

Vice Chair Candler: Did you have anything about that that you want –

Chair Hughes: Correct me if I'm wrong, Terry, but I don't think they were put in specific order as to one's more important than the other. We just feel those are six important points that allow for agritourism

Vice Chair Candler: Okay, it's not order of importance.

Chair Hughes: Yeah.

Vice Chair Candler: Do you have any thoughts about number 6 specifically? What – just could you elaborate a little bit more on what are the concerns if that doesn't happen, and could that happen at the same time, or is that a whole separate category that needs to happen first?

Chair Hughes: Michael, do you want to expand on that?

Commissioner Wesen: Could you remind us of what 6 is?

Vice Chair Candler: Sorry – 6 is "Skagit County restrict new agritourism activities until enforcement mechanisms are designed and implemented."

Mr. Trafton: So we're talking here about, you know, how do you manage something like this? And to Mark's point, the details are critical in putting forth policy that structures – you know, will we have enforcement officers? Will the people that apply for permits have to renew those permits every year? Or how does this all work? I mean, there's a lot more to it. But enforcement is critical to the entire – the idea of agritourism. If we don't have any type of enforcement or management of that then we're going to see what we're seeing right now. There's things that are happening in the county that are not permitted but they're going on anyway. And so how do we control that?

So, whether – I think enforcement probably is the starting point to some of these other issues that we're dealing with here that we're presenting for you. So, you know, Steve, you can add to that too.

Mr. Omdal: Yeah, I think part of the angst here, Mark, is when you talk about these existing businesses that are out there. Right? I mean, someone mentioned there's 13 wedding venues in this county, right, and there's only one with a permit. That means you have 12 of them operating outside the lines. So I think once you say if you have any of those activities they have to be permitted; they have to fit, you know, the parameters of what the permit says. They need to be enforced. If you have licensing every year or renewals where it generates revenue, that can pay for the County enforcement. And I think that's or angst here is that there are so many of these

things that go up and no one says anything about it until they finally expand to where it becomes so uncomfortable someone calls Commissioner Wesen and, you know, and tells him their thoughts. So I think that's a good place to start, is to say let's get a permit that has very specific parameters and let's get some enforcement and make this business – any business makes revenue, so whatever the cost is for licensing or renewals – whatever – cost of doing business. That's the reality of it. Right? And I think that's a good place to start., and there's really been none of that. It's kind of like the Wild West and that's what we have. I put no blame here, right? I don't. But you have these existing things. Let's get them under control.

Vice Chair Candler: Thank you very much. Anyone else?

(silence)

Vice Chair Candler: Okay, the next question is, Assuming that happened, in order to comport with your vision of the April 11th, '22, memo – or maybe a better way to say it is carving out this niche that Mark talked about, does the code need to exist or does it need to change in order – and there's a lot of considerations, but in order to support or maintain economic feasibility for farming, are changes necessary?

Mr. Omdal: Well, I'll answer that. I used to do Tulip parking for the Kiwanis out at Tulip Town, you know, when the Degoedes owned that. And there were times when the County sheriff would be parked right at the entrance of Tulip Town because traffic was so far backed up on Bradshaw Road it couldn't move. Right? And I think they'd come in and they'd kind of threaten the Degoedes – you need to get this moving. As the Kiwanis were parking, we would basically just run people through the parking lot just to keep the cars moving, right? To keep the Sheriff's Department happy. That's an example. If you're trying to get on your field, you're trying to get out of your field, you're trying to get planting, how do you do that when you have cars on both sides of the road in a very narrow road that has no shoulder to begin with? That's an example of what they've had. Now over that when the – what's the group called? – Spinach Bus. When Spinach Bus took that over what they did is they said, We're not going to have people just arbitrarily come up here. We're going to have them go online, buy a ticket, and we will give them a two- or three-hour window when they need to appear. That's when they're going to be parked. And it was a great idea by Andrea when he was part of that group. And so there are solutions there. It didn't hurt their revenue any. They would still continue to make a lot of money but it comes much better from the County and the farming perspective.

Vice Chair Candler: Okay, so how does that require a code change?

Mr. Omdal: Well, I –

Vice Chair Candler: I mean, or does it? That's what I'm asking.

Mr. Omdal: You know, I think when you talk about something like that, in Tulip Town they're a little bit different because they obviously have some of the infrastructure already there. But when you look at these new ones that are coming up – wedding venues – do they really *have* any of those capabilities there? So I think we're looking at is when you have these special permit uses that that they be very defined in what, you know, in what it says. What it says for the day, when it starts, when it finishes, what's required. Right? I think there just needs to be those parameters and those guidelines to make everyone operate, you know, in a very effective manner. And as it is, we don't have that. Because the code ___ itself so – in such a general manner, and I think it needs to be drilled down and be much more specific and say, you know what? This is what the

permit says, this is what the code says. If you don't like that, then I suggest you take your special event and go elsewhere. And that's not being unhappy. It's just saying the expectation is that you're going to make it a win-win for all – agriculture in the county and tourism.

Mr. Sapp: If I might – may I?

Mr. Omdal: Of course you may!

Mr. Sapp: Well, there's only so much time to speak and I don't want to take too much of it. But, Ms. Candler, your first part was about economics, and your second part was about code change. And I'd like to address the last one by first speaking to the first one.

In several cases before the Growth Management Hearings Boards who have taken on these issues – and there's plenty of record out there and history. I've looked at Spokane County and King County in particular, and King County has a very long story to tell. But the evidence in part of the investigations in those two cases in particular identified that those venues which became active with commercial retail activities onsite became tails wagging dogs. The amount of money identified that could be earned from these event venues was measured, in Spokane County's case, in the hundreds of thousands of dollars per venue. Compared to the challenger in the cases that went to the Hearings Board, orchardists next door who were struggling to meet minimum acreage production volumes at \$1,000 an acre or less. Here in Skagit County, one of our standards for agricultural production is \$100 per acre. But the economics of the event venues apply equally, I think, across the board and especially in proximity to metropolitan areas where the clients – from which the clients come, I think, largely – nonetheless still are valued at hundreds of thousands of dollars of potential income per year. So this is an awkward calculus for trying to evaluate what is accessory. If you use an economic evaluation, \$300,000 per venue to \$100 an acre for the farmer are not balanced. They're not at all balanced. So the incentive economically for parties to come forward to engage in hundred-thousand-dollar activities on agricultural lands is huge. Who wouldn't? And which farmer wouldn't convert if it were offered to him?

But coming back now to your code question, I think that little code needs to be changed. I think that many of these issues have been recognized in Skagit County and are in code. Two, I will say that I have record of event venues applied to the County under existing rules, cited all the rules, even cited the SEPA requirements for State Environmental Protection Act qualifications. A whole checklist. And were found qualifying. But as Steve said earlier, and the reason for the sixth item in the list from the Ag Board – that is, a moratorium until enforcement is established – was that when we looked at the existence of these kinds of activities in the county, it wasn't two that were permitted in 2013 and 2016. It was 13 or 17 that exist and were operating. So they didn't apply. But again, some did and qualified. So I don't think we automatically need to discard existing code. It brings back to importance the fourth item, which is – well, I'm sorry I can't see it here right now, but which comes back to enforcement.

Vice Chair Candler: Renewable permits.

Mr. Sapp: And permits. Enforcement and permits. And BERK Consulting, I think, supported that substantially in their reports. One fuzzy area – one really fuzzy area if one takes meaning from the Growth Management Act and then it sifts down to our Comprehensive Plan in Skagit County and then code – Lisa again has introduced it to us – is scale, frequency – size, scale, and frequency. I got it in the right order. Size, scale, and frequency. Some counties have said flat out 250 people, that's it. We could do that. We haven't attempted that. We could do that. And King County said 100 for certain kinds and 250 for the others, and otherwise can't do it.

Vice Chair Candler: So I think – thank you for your answer – I think that that answered my clumsy question. My question was really trying to get at whether or not our local farmers can make a living farming or if this is driven by the need to supplement that income on your farm.

Mr. Sapp: Yikes.

(laughter)

Vice Chair Candler: And so that's what I want to know, and I'm sure there are – you could ask as many people as different opinions you would get! But that is essentially what I'm trying to figure out – one of the things I'm trying to figure out in all of this. Is this driven by economic opportunities that will result in conversion or is this driven by local farmers need to make a living? And that is, for me, kind of critical. If anybody has anything else to say about that, I'd appreciate it but –

Mr. Trafton: Can I say something to that?

Vice Chair Candler: Yes.

Mr. Trafton: Because we're all aware of the population that is coming to Skagit County that's putting pressure on these things. There's going to be new ventures that we haven't even thought about that are going to be presented before us in the future. You know, what Michael touched on, which I think is hugely important, is there's a delicate balance in the science of agriculture – whether it's the weather, whether it's other factors that concern it. So all the things we're talking about here with agritourism – and there are places for agritourism, I believe, that will fit within our county but we need to define those better. But we're talking about the impacts to the existing agricultural community, you know? Will the agritourism going forward – will it be detrimental to what we already have here? This is why people come to Skagit County – is because they love the atmosphere and the agricultural community. If we lose that then – you know, that's an emotional thing I think a lot of people are going to deal with, you know? So we're kind of talking about the impacts to the agriculture community and how we're going to move forward and make that fit and balance with what we've already got. I think, you know. And it's important.

Vice Chair Candler: Thank you.

Mr. McMoran: And if I can add to that? You know, the trends are definitely not in favor necessarily. If you look statistically, 100 years ago in Skagit County 60% of the population were farmers. Today, according to USDA, we're at 1,350 farmers for Skagit County. That's right at about 1% of the population. So we've really lost a lot of the middle-size farmers, which I classify as the one to 100 acres – sorry, 100 to 1,000 acres in size. So what's happening is the general trend is the big farmers are getting bigger. They're buying out the middle-size farms. We're also seeing a lot of niche organic sustainable farmers picking up on the smaller sides of the one to 100 size acre-size farms. So the ends are growing, the middle's going away is the trend in Skagit County as well as all of the United States.

Vice Chair Candler: Thank you.

Mr. Knutzen: Can I speak for one second? Agriculture is healthy in Skagit County. We're seeing new startups. I've seen multiple in the last two years come through and new startups coming. Smaller farms, and that's really nice to see. We've got a lot of younger generations that are active and excited about getting into agriculture. And I would hope that can persist for decades into the future, like it has in the past. So there is multiple things under this agritourism like we've spoke

about, whether it be farm stands – you know, farm tours, all those things. I mean, the Ag Advisory Board is not against agritourism. We're just against certain factors of the agritourism that we think is going to be controversial to production agriculture in Skagit County. And so that is the real deal. So you asked the question: Does agriculture need agritourism to survive? I think certain things in agritourism is really healthy, yes. Are all these things necessities? I think if you look around at a lot of the existing venues and things like that you're going to find they're actually not agricultural based in what they are. Okay? I hope that answers your question.

Vice Chair Candler: Thank you. Okay, I'm done.

Chair Raschko: You're done?

Vice Chair Candler: I'm done. Thank you.

Chair Raschko: Okay. You answered my first question of how many farmers there are – 1350? And I have to – I have a little bit of a preamble. I've found that, as a Planning Commission, when our job is to make recommendations to the Board of Commissioners on docket items and this, it isn't helpful to them for us to have a 5-4 vote. It's our responsibility to hash things through to get into a pretty general consensus and give them a clear indication of what we think the proper path should be. And I think that's really important. And so what we see here looking at these six points – I commend you on those points and also commend your advisory board for what seems to be the unity on the issue. I'm on the Forestry Advisory Board and our members are extremely dedicated and love what they do. They're activists and they're ardent and all of that. And I presume that that would characterize most of you people as well. So the trouble I'm really having is going through the survey to see what to me looks like no consensus among farmers in general. For instance, question 6: Weddings should not be permitted. Thirty-two % of farmers who own their land agreed with that. Sixty-eight % disagreed. And of those who rented, 92% disagreed that they should not be permitted. Weddings allowed as a special event. Sixty-eight % agreed, of the farmers that own their property, and 58% disagree.

So I guess I'm wondering, you know – and I don't want to offend anybody – but do you truly represent the farmer community? Or another thing I'd love to ask you is, What do you think of the survey?

(laughter)

Mr. McMoran: We only have a three-hour meeting.

(laughter)

Chair Raschko: Yeah, but, like I say, I hope I'm not offending anybody. But it would have been really nice to come in and have a consensus on this survey that, you know, everybody was unanimous in their opinions, but it seems to me to be all over.

Chair Hughes: I'll start by answering – you know, on these issues, especially the six that we presented, that went through our board unanimously but there was a lot of discussion in working through that to represent what we wanted to say. As far as the surveys, we spent a lot of time in meetings talking about surveys. We felt surveys can be questioned in a way to twist the answers and they concerned us greatly.

Mr. Knutzen: I think absolutely. You can write a survey to get basically any results, I think, you want out of it. And I don't know that agriculture was fairly represented in that survey – was my best statement to that, especially not from the peers that we talk with all the time. So Ag Advisory reaches out to a lot of other people in the industry and discusses these things too, and it's a pretty unanimous feeling that that wasn't necessarily, you know, representative of the feelings of most landowners and farmers in the valley.

Mr. Wright: In my travels around the county and stuff I talk to a lot of different farmers from dairy farmers, crop farmers, the organic vegetable farmers, and they all are very concerned about the agritourism and what it does to them as far as being able to cope with the traffic, cope with people complaining about what they do when they're trying to farm. And so the – like Kraig says, we just don't feel that this survey was really accurate – definitely not accurate to what I heard from all the people I talked to.

Mr. McMoran: To add to that, as your Extension faculty member for WSU in Skagit County, 20% of our farmers don't have internet so we definitely missed a large swath there. Also when I send out surveys to my farmers, I tend to get about a 2% return if it's electronic, so I have a much better response if I hand them a sheet after the workshops that they're forced to sit down and fill out. Paper and pen. Also, if you want to know farmers, I'm happy to give you a tour of Skagit County. We can go down and sit down with some farmers face-to-face and you can have that interaction.

Chair Raschko: Thank you.

Mr. Omdal: You know, I think part of the struggle with the survey is when you think about – if you offer someone and you say, Well, now of course, Tim, you would want to have more tasting rooms and you want to have more tulips – right? And you're saying – I don't know what your background is other than being in forestry, but if you've never farmed, right – think about Snow Goose, right? Coming from Conway going to La Conner, a very busy road. Now you imagine a \$200,000 tractor with a 20-foot wide piece of equipment. You can't even get out of that parking lot with a car. Now you imagine a tractor trying to somewhat navigate. Fir Island has a lot of agricultural land that's farmed – Michael's family farms down there – and now suddenly maybe your perception would change on that and you go, Well, maybe we have enough tasting rooms and maybe we have enough wedding venues for the time being. And I think if you bring in the permitting and you bring in the cost of running that wedding, right, on an annual permit, have enforcement – whatever – maybe that business model won't really meet the qualifications that now it has a cost to doing business, and maybe they don't want to run a wedding venue anymore because it doesn't make enough for the amount of effort they have to put into it.

But I think if you're not into farming – if you haven't been raised on a farm, you don't understand that. You know, you don't really see that maybe scenario that happens all the time. The same with Tulip Town. The same with McLean Road, Roozengarde. These are all common things. Farmland surrounded by where you have a huge amount of traffic and impact. And so the survey is very nice. I read it and I told Kraig – I said I thought it was pretty good. He goes, It wasn't good at all! So we obviously had a difference there. But I think that's the key, is however you phrase those things you can make them as pleasant and welcoming as you choose to. So I think – I don't think it was really in-depth enough and didn't have the audience maybe that needed to have the amount of knowledge to now take that same survey and look at it, you know, with a different – you know, with a different view.

Chair Raschko: Thank you. Anybody else?

Mr. Sapp: Yes, I have one quick comment. You'll remember perhaps that two surveys were actually done by BERK Consulting. It's hard to characterize exactly why a second one was done or the first one was jettisoned, but it was clear that more work needed to be done, let's say. And so a second survey went out. And again, sticking to a theme that I'm building here, I guess, that accessory idea: One of the strongest positive responses to a topic in the survey – second survey – was about accessory to agriculture. You'll see it in the notes. It's one of the first things that pops up. It's in the Department's summary. It's the first thing they say in the summary. And it's one of the strongest positive responses to a topic. Eight-four percent of respondents – farmers or otherwise – 84% of respondents said activity should be associated accessory to agriculture. However, following that, many of the questions and topics that were presented where the activities are not accessory to agriculture were very positively perceived. One scratches their head perhaps. In fact, no topic area in the survey was not positively perceived. I think the lowest response rate was 54% favorable, and that's the *least* favorable. *Nothing* was disfavored. Now there are a number of critiques could be used to evaluate it also, but let's say it was perhaps contradictory in places.

Chair Raschko: Thank you. I appreciate your feedback on the survey. I guess that's all I'll say.

Commissioner Browning: I was the Commissioner assigned to this group and it is a very diverse group. But I think that was really important and it's something we really worked on when they were assigned, when they were all chosen. And they reflect a lot of different types of farming. And so they did go talk to their friends. We pushed really hard to make sure that they were truly reflecting not their own views but the views of their compatriots out in the field. So I felt pretty good about it. But we did push on each other regularly to make sure: Are you truly here reflecting the view of the farming in general, not just your own view? So I was proud of that. I was proud of the group to come and – they took on a tough task. They were meeting – they're been meeting – they had a huge group every month for quite some time and it's gotten ugly a few times and appropriately ugly until they came to some agreement. So I feel that they do more so than the questionnaire – they do reflect the views of our farming community.

Chair Raschko: I thank you for your comments. It's very helpful. To me the question there was more of an obfuscation than anything else.

Commissioner Browning: It's a fair one. That bothered the same thing about me as well.

Chair Raschko: Yeah. Okay, well, I'm done for now.

Commissioner Mitchell: The first things were on the housekeeping kind, if you don't mind. The things that you guys have referenced have been very interesting and I'd like to read them. I would imagine other people would too.

So you have referenced a few things with code stuff. Anything that you have referenced or used as materials, please send it in to us so we can read that. It takes time for us to read and absorb and understand it – you know, piece it all together. You guys are the experts and we're still trying to catch up. That would be enormously helpful.

Now the other thing is because we do have lay people trying here – that's all of us except for two really – trying to catch up to you guys as well. I've been looking over and doing a lot of research with reading everything I could lay my hands on of what the Board minutes said, what Skagit _____ and other groups had put out around the country. And one of the things I ran across which I thought was interesting is the terminology differences. And this might be helpful because what

you guys are asking for, I think, is going to be very important and essential when it comes time for how our – whatever this turns into. If it does turn into code and policy reviews that it would – I would assume it would have to go through you guys before it came to us in draft, with your recommendations, and I would certainly hope that's the way that it is.

But one of the things that I found, and this is where I'd like your help – and I even found it in one of your minutes someplace, where somebody used the same term. Penn State Extension Office said one quick definition. They said "Agritainment is simply providing an opportunity for entertainment in an agricultural setting." Light bulb, because I had been going through and reading a lot of different places definitions of agritourism and different uses and such, and it became crystal clear that Skagit – our soils here are really good soils and that's why you guys had done the work years ago on identifying the acreages for those prime soils and ones that didn't have good soils. What was illuminating – and if you guys hang with me, because it's not just for you guys because we're going to need your help. This is for us and then the public is going to have to review this too, because you guys live it; again, the rest of us don't.

That idea of authentic agritourism versus what you might call "agritainment," as Penn State – you know, the extension office had called it. Well, if you go through the RCW 4.24.830 – I'm not going to read it – that Washington state says what some things can be and it leaves it open-ended – right? Well, if you looked at the normal things that would be – barn parties, bed-and-breakfasts, farm stays, camping, corn maize, educational programs – I could read through that list, but the things that you guys would think would be normal. That was fine. The list for the things that raised my eyebrows significantly is what other places call agritourism, which would really – I think would be defined as "agritainment." And that's going to be a problem because we focused on the question that Commissioner Knutzen asked about specifically those four things and then you guys have identified as wedding venues – right? Help me here. It was the tasting rooms and the restaurants. This is what other places in the country literally – and actually world, but the country for sure – are looking as agritourism. And I'm red flagging it: archery; art classes; art shows; bakery; birding; cafes; clay target shooting; concerts; musical festival; cooking classes; craft fairs; day, night or family time; dog shows; drive-in movies; drive-in markets with additional vendors – that's for non-agriculture, undefined – fairs; food service; horse shows; museums; flower shows; game birds; garden tours; hunting and hunting __, which I still think we would need to define because that is going on now. It sounds like it's farming and fishing here, but that might need to be actually listed – indoor/outdoor theater; photography; picnics; play dates; restaurants; retreats; rural b&bs; reunions; RV stays; safari parks; scavenger hunts; stargazing – bear with me – story telling; tasting rooms; tea rooms; vacations; walking trails; wedding/rural weddings; and yoga classes. Okay.

Do you guys think that that's associated with agriculture directly? Un-uh. So the thing is is that if we already know that more people are coming in trying to do more things – revenue is important. Businesses are important. We support businesses. We try to help the farmers every way they can. But this is where I think it's crucial and critical and we need your help and guidance, and especially when you work with staff and the Board and the Planning Commission to be really specific, because if you don't want those things – and you guys live it and know it why – you know, let people know, because the next guy that's going to walk through the door is going to walk up to the desk and say, I want to do this. And the poor permit people are going to roll their eyes. So when Commission Knutzen said the devil's in the details, yeah, it is.

So if you guys can help us with these kinds of things, I sure would like to know where to settle because I think you're going to want to be really specific. This is your time to use everything you have to make it right, especially because enforcement's not happening. Anybody want to take it?

Mr. Benjamin: As we've gone down this path, we've looked back and there's been some very significant support from the County for agriculture, whether it be the 40 acres, whether it be do no harm in the buffer area. That was very, very significant for us. We've seen many, many changes in agriculture as the canneries have left; the dairies are no longer here like they have been as history goes on. We acknowledge that there's way more tree orchards, blueberry farms, things like that that are longer term. But as Mark is well aware of, equipment has changed too. There are roads in this county that have not changed and we're looking at larger equipment trying to co-exist with citizens, tourists, bird watchers, everything else that we face on a daily basis. Right now this is an opportune time for every one of us in Skagit County to look very close at this and see further down the line. And by seeing farther down the line, I'm referring to half of your list. If it is not tied directly to a farm operation, there's plenty of other places in this county for that kind of activity. We have always stressed as this board to try to put the restaurants in city limits, to have proper sanitation, water, everything. Security. And that's been one thing that the board has really, really tried to make it very clear as to why a 12-hour-a-day restaurant in farming does not work. Thank you.

Mr. Omdal: We're also very fortunate to have Jack and his team attend our meetings, and that's been valuable because he definitely came across and said if you're going to be the AAB, you need to have specific things that you're looking for. So when Mr. Joe Blow walks up to that counter and goes this is what I want to do. I want to put a Ferris wheel. We're only going to operate it, you know, on Sundays because that's a big day for me. Jack goes, Well, I'm sorry. Unfortunately Ferris wheels are not allowed. But best of luck up in Whatcom County or wherever they want to go. And so, you know, I appreciate that, Jack, on a personal note if you're taking the time to help me understand what goes into writing code and to get the best outcome on that. So thanks for that.

Mr. Sapp: If I could follow up on Murray's comment, it would be perhaps to add a little noticed action that has taken place in this county along those lines, which would encourage some of these activities to go elsewhere. That was one of our points among six. If it doesn't fit the ag zone, well, put it in a different zone where these kinds of things might better fit or actually be permitted. But the little noticed item, I think, is very noteworthy. I've mentioned it before. The City of Sedro-Woolley studied and took action and passed ultimately a resolution only in December – very recently – standardizing the terms by which wineries, breweries, and distilleries and their associated tasting rooms should be encouraged in the City of Sedro-Woolley. They took that action. I think in a way, they got out there in front of us. They saw this coming and saw an opportunity for a small town and city in Skagit County to perhaps exploit the opportunity as a public entity to encourage these very kinds of activities that, as Murray said and Steve as well, I think, fit there much better. There's a whole list of reasons why. The police enforcement for when somebody who's been there too long drives to get home. We don't have that out in the rural county realm. There's water. There's sewage. All of those activities generate waste waters plus visitors' remains, and those are available in the city. The streets are lighted, the sidewalks are present.

And the City of Sedro-Woolley said, Bring it on. We'd like to be a center for this kind of activity, not the county spread disparately across 90,000 acres, but in a city who would cater itself – cater to those parties who were interested in those kinds of activities and have many of them. Now they worked very diligently on what fits in a commercial zone as retail and what fits in an industrial zone and how much production and how much retail and how much crafts and goodies and paintings go along. I mean, they really worked the issue in ways that the County would have to do if it wished to get to the fine details. I mean, can you sell paintings at a farm stand? Sedro-Woolley did the work and they're encouraging what I think many of us would say probably fits in town better than on Beaver Marsh Road.

Mr. Trafton: Just to add one more thing to Terry's description of that is, isn't it a better economic model for the City of Sedro-Woolley to bring them into the town? Because they may be attending a venue or a restaurant, but they're going to go have coffee, they're going to go down to shop, multiple people are going to benefit from that activity in that vicinity, as opposed to putting it out in the ag zone. So there's an economic component here that – I think Terry was touching on – I think is a very good way to go.

Commissioner Mitchell: Well, I sort of dovetailed into something that was written by one of your members. I'm looking at a communication from March 24th, 2021, from Randy Good to Peter Gill and somebody else. _____name – I don't recognize. And I don't think you guys have probably talked about that before. We've really not been privy to it in any kind of detail. But the suggestion had been sort of what the Sedro-Woolley thing was talking about was using the Port Authority. And so the question I would pose to you guys – and when people are going to say, Okay, so if we want to have the benefit of some of these other activities then how about thinking about where they should go? Well, so do they need Rural Reserve? Should it be someplace else? You can make arguments, pros and cons. We'd need to know that – what _____ would recommend. But what about the Port thing? You know, it overlooks the farmland. Then people can see everything that they want to see coming in and out and standing up there, plus have the water, the sewer, and whatever facilities that they would allow to have big markets, to have education farm, ag educational centers, all those kinds of things that people were talking about, yet could take off the pressure off literal ag lands.

And the other thing that I noticed – if you guys could help me with this. In the materials when I think it was that BERK was helping us with, or maybe it was something else, when they were talking about the little dollar values that were coming out for different years that came from ag tourism, I'm not a business person anymore but they looked like those were pretty light numbers. You know, \$200,000-something is a pittance. And yet we're trying to change our zoning to accommodate certain things for a few things that really aren't impacting very much.

So my question comes back to you is we need help with practical places like Sedro-Woolley's talked about. What about the Port Authority place or maybe some other places? I don't know. You guys again can help a lot. But we're going to need guidance when you work on the policy and the code for some – where these things could go that help protect your ag lands. Let them _____ and still can have those ancillary things.

Mr. Omdal: I can certainly speak to that as one of the three Port Commissioners at the Port of Skagit. And that's we have three breweries. I don't know if you've ever been out there. A lot of people don't even know – they don't even know what the Port of Skagit is, nor do they know where it's located. But we have an airport, Skagit Regional; we have La Conner Marina; we own the old Northern State, which is now called the Swift Center; and we also have the Bayview Business Park as well as our latest acquisition, which is by the fire station on Peterson Road, Fire District 6. And so we welcome all these. You know, three breweries, a bakery. You know, we have a malting, we have grain storage up there, we just got IGFC, Island Grown Farmers Cooperative. The Port very much supports agriculture and we welcome all these.

I think the reason that it happens on ag land (is) it's inexpensive. It's much more inexpensive to stick it into your little farm, your two acres, than to go out and have a real business and say this is a cost of doing business and we can make money at that. You know, and that's what I look at, is I think sometimes ag gets pulled into that because it's cheap acquisition. Or maybe they wanted to build, as Donnie would mention, a McMansion out there on their 40 acres. But there's better places to put them and I think Terry said that very eloquently. When you think about the Port is

well-positioned to accept those people to come out ___ their cars, enjoy – you know, enjoy eating at the restaurant there, walk the trails. I mean, we're very much primed for that. So that's an example of where it could go.

Commissioner Mitchell: Have you guys – forgive the ignorance here because I really want to know – have you guys, meaning the businesses, since you can tell us about some of those. Have they already worked on some partnerships with –

Mr. Omdal: Yeah, I mean there's some that are going on. Like one of our bakeries, actually the owner of that came from the Bread Farm in Edison. And we try to do a lot of collaboration, like with Terramar, which is in downtown Edison, and the Skagit Valley Malting. And the Port helps that because we look at the grain that's grown, the type of varieties of grain that's growing, and it gives the farmers the advantage of that – right? So I think that's the key, is how do you navigate to the best outcome, to support not only commercial agriculture and ag tourism, but also where can you locate these ancillary businesses and where can they best be located? And that's a conversation that we should be talking about.

Commissioner Mitchell: Super. I hope you guys can help drive that.

Mr. Benjamin: _____ caveat to this. The County has been talking about moving the fairgrounds.

Commissioner Mitchell: Okay.

Mr. Benjamin: And, you know, some of this stuff could be put into that plan eventually. I mean, whether it be a covered area that can be used by various groups, by rentals, and what-have-you. It needs to be looked at as looking further down the road. And the Port has done a very good job of promoting ag.

Commissioner Mitchell: I've got one more question, if you guys can bear with me? I was trying to distill these but I've got a thousand. Back to the example that we've talked about a number of times, I don't know what to do with this information. Jack Moore tried to help us with the meeting not too long ago when I asked: There were certain things that are not allowed on Ag-NRL, Rural Resource, and Rural Reserve – or was it Rural Reserve Resource? I always get confused, Anyway, certain things that are not allowed yet you can get around it with the special use permits – you know, the 24 events a year, that kind of thing. And maybe I'm being a purist on this but I can't understand how something like that can go through and follow through with things that were clearly not allowed to up to 24 events a year when, I don't know, maybe the original intent was one or two every month? What if it's 24 in one month or if it's 24 in three months? We don't know. I don't know how that really works. The question is is why the circumventing? Either you had the zoning or you don't. And so I understand that people have extra needs, but I kind of hope you guys can give direction on where that would go because I would want to go back and say enforce what we've got first before you try to expand this anymore. If we can't handle what we're handling now, how on earth can we handle more?

Chair Hughes: That's exactly why we put in our key parts of it as to the enforcement needs to be brought up to speed. Enforcement mechanisms, design to implement it, and also having the permits. That way we have a way to maintain what's out there. Because I do think, like you said, a lot of these permitted activities that, through special use permits, they probably were intended for one or two or a few to happen. But as they get started, there's no enforcement on it, there's no controls, and they just start happening over and over and over, and that's when you get so many happening at once.

Commissioner Mitchell: So what's you-all's comfort level with helping them with that?

Chair Hughes: We haven't talked to the County about what it would take for enforcement on that. That's why part of this is we've said we feel permits should be important and relicensing fees and all those. So those activities doing that will help self-fund enforcement mechanism.

Commissioner Mitchell: Well, I hope you guys can help with that.

Mr. Benjamin: A big part of it's going to have to be education. Those that are sitting at the desk when somebody's sitting across from them. At the County level, they're going to have to know what to say. And if you end up having an officer or something going out to the County, that person's going to have to have special education also.

Commissioner Mitchell: Right. I'm hoping that can happen and I hope you guys can help influence that for many more specifics so those poor guys at the permit counter aren't left standing there with egg on their face. And then we'd grow into the creep that we have now that has caused the problems. And I think you guys have a golden opportunity to make it happen ____.

Mr. Omdal: Well, Terry runs the Land Use Committee and I think, you know, we had Rachael Sparwasser who is part of the Spinach Bus. But now we have Andrew Miller and Larry Jensen and their group at Tulip Valley. And my hope would be that as we begin to sit down and get to the details of it that we have as much input from all those sources as we can to get to the best outcome. Understand what Tulip Valley's concerns are and how they can – what's the best option for them? What's the best outcome for all of us? We want to do that. And it's unfortunate Rachael, you know, stepped down from the board because she obviously *is* Tulip Town. But I think that's the goal of our committee is to make sure we get as much input and then go to Jack's team and say, Hey, this is what we're thinking. Give us the best way to write that into code. Right? How do we get there? And it's got to be that collaborative effort to get there.

Mr. Sapp: I would add sadly that it's gotta be – it's a big task. And people need money. People get paid. And I think it's really, really crucial that – Commissioner Mitchell, you raised this and pressed us on it a little bit – it's a nasty problem. How do you do this? I might point out one more time that in one of the existing permits – permitted event venues – it is established that the temporary event shall remain accessory to agriculture because that's in the code. They said they would do this because it is code. Did they? Well, the very next condition on that application, condition number 19 – there were actually 26 conditions required of the Department of Planning and Development Services in order for this one particular applicant to be permitted. The conditions are pretty stringent – the 19th one is that the applicant shall annually self-certify the uses and demonstrate compliance with the _____. Self-certification has been underscored by BERK Consulting in many of their missives on this topic. It already exists. It's in the code. And it was applied in this case in 2013. They were required to self-certify every year.

Now both of these permits that I have in hand were for properties and enterprises that have since changed hands. The applicant sold both those properties and the enterprises and the enterprises continued on that kind of business. What – I mean, I ask myself and we have on our Land Use Committee work, but haven't – I mean, I really again appreciate being pressed on this, but what do you do if they change hands and they don't self-certify and they don't report and they don't meet the terms of the permit and they aren't even the same owner anymore? Who's going to do that? Who's going to address that? It has to be a person or people who have real jobs and probably in County government somewhere. That's going to be a budgetary question.

Chair Raschko: Okay?

Commissioner Mitchell: Thank you.

Chair Raschko: Vince, before we move on, I'm going to – at the risk of offending anybody – ask people to be a little more concise and not repeat things that have already been said so that we can get around everybody having their questions answered. It's not that we want to stifle the conversation. Just please try to be concise in how you present it. Okay?

So Vince, have you anything?

Commissioner Henley: Yeah. I have two concerns and I don't either need or want an answer or a long discussion here. So think of this as future work.

The first thing that I'm concerned about is exactly what does the term "accessory to agriculture" mean, and what is the extent of that meaning in terms of proportionality? And the second thing I'm concerned about is that you could probably think of it as mission creep where we have agritourism, which is becoming dominant in an agricultural parcel as opposed to merely an accessory. And I think that you need to define that *and* you need to enforce it, as has already been mentioned. And I think as we go along with this definition of agritourism, we want to ensure that the "agri" part of the word is dominant and the "tourism" part of the word is minor. And that's all I need.

Chair Hughes: Thank you.

Chair Raschko: Any comments?

Chair Hughes: Those are things that we – especially your second sentiment – the strong _____ dominant with the "tourism" being – that's something we felt very strongly on as well. And we will work on trying to nail that down farther for you.

Commissioner Henley: Good.

Mr. Knutzen: And the issue with creep is a real concern too. We've all watched that happen.

Commissioner Henley: Absolutely.

Chair Raschko: Thank you. Commissioner Woodmansee, have you anything?

Commissioner Woodmansee: Yes, thank you. I'll try to be brief. First of all I'd just like to thank the Ag Board for their commitment to this subject and to our community and the economics of Skagit Valley. It's not an easy thing to be a farmer and thank you for all your commitment to the industry.

I do believe that the definition of "accessory use" is the key here. And I can't really bring up a bunch of new stuff but I will say that when it's all said and done that farming activities have to be the winner when this is all said and done. That's the critical thing in my opinion here that needs to happen. If it's going to be a conflict and a discussion, we have to err on the side of the farming community and their needs, and then try and accommodate some of these other things in possibly different zones or in another way. I do wonder if we need new code or if we just need to work our

existing code a little bit better. And so it just seems like there's still quite a bit of work still to do here on this entire subject. But those are my brief thoughts for this evening.

Chair Raschko: Thank you, Joe. Commissioner Hughes, are you out there?

Ms. Rogers: She can't chat right now.

Commissioner Amy Hughes: I'm out. Thank you very much for calling. No, I am here to listen and so I have no comment. Thank you.

Chair Raschko: Thank you. Jen?

Commissioner Hutchison: This has been a tremendous discussion. Thank you so far for all the information. I've been taking a lot of notes. I feel right now really the only question that I have is I'm trying to understand better is the concern about a lease hold. Assuming and presuming we find a good permitting system with regulation around the fee design, however that'd be scaled, if a property *is* in ag use and *does* qualify under all those permitting formats, what would stop a retiring farmer from leasing out his property yet still being the key holder to the accessory activities? I'm just trying to understand. It sounded in previous meetings that there's resistance to that application.

Chair Hughes: ____ I'm just wrapping my head around what you asked. There's a significant amount of acreage in the county that is leased, so a lot of times, you know, if you have a farming family retired ____ involved, so that property stays in that family but it gets leased to a family that's farming. Because there's so many complex relationships on how that goes, we have felt that the activity and how it happens is more important than who gets to do it. We feel that just having what is accessory to agriculture as opposed to not. There shouldn't be different rules for the biggest farmer in the county compared to the smallest one. It should be relatively straightforward for everyone.

Commissioner Hutchison: So you wouldn't be opposed then to having –

Chair Hughes: I might not completely understand your question so _____.

Commissioner Janicki: Can I ask a clarifying question on that, Jen, recognizing that you're also, I think, the newest Planning Commissioner. Thanks for taking it on. Are – perhaps you're thinking of lease payments when it comes to the Assessor certifying current use for ag that leased payments as revenue are not considered agricultural revenue? Is that where that thought pattern is coming from?

Commissioner Hutchison: I wonder if that's where it came up in past conversation maybe.

Commissioner Janicki: So when they do the current use audits, if all you're receiving is rental payments and you don't actually have ag – you're not selling anything, then in the Assessor's world that does not certify as current use ag. And so I think that's outside of the scope of – I could never understand that because as long as it's being farmed, you know – but –

Commissioner Wesen: That is correct, but also if they're leasing to a farmer they can get a note from the farmer that says we are leasing this property, and the Assessor takes that note saying that they are allowed to keep it open space ag.

Mr. Hughes: Yeah.

Commissioner Janicki: Oh, so there's a path to track that down.

Commissioner Wesen: There is a path to track.

Commissioner Janicki: So my mistake was leasing to a family member who doesn't bother following all those rules?!

(laughter)

Commissioner Janicki: But the tone of your question with those leased rental payments, I think, it doesn't impact this. If ag land is being leased, it's still staying as ag land and that's the overarching goal.

Commissioner Hutchison: Right. Okay, so we would just have to _____.

Commissioner Janicki: So I got clarification too, so I'm glad that we both asked the question. But, yeah.

Chair Raschko: Anything else, Jen?

Commissioner Hutchison: Thank you.

Commissioner Knutzen: I have no more questions but I do have a comment, an observation on enforcement. I get a weekly newspaper called the *Capital Press*. It's basically Idaho, Washington, and Oregon. And not a week goes by where there isn't agritourism discussed to some extent. So this is a problem that a lot of places are dealing with. In Oregon, wedding venues – a state legislature proposed eastern Oregon have different rules than western Oregon when they talk about enforcement, like we're talking about here – basically can't be done, in their opinion. And especially when it's the details. And also all the enforcement we've been talking about is ag *tourism* enforcement related to our code. And one question I have there: Can we carve out ag tourism to be enforced in the code, or do we need to enforce all the code – building code?

(laughter)

Commissioner Knutzen: All buildings next to houses in the whole county. How can you carve out ag tourism? So when we're talking about code enforcement, Commissioners, and you decide to go down that road, I think it was told to us two or three meetings ago there's two people in code enforcement. How big of a code enforcement division are you going to be willing to fund to enforce code in Skagit County? And I think that would be a big number, so before we go too far down code enforcement, I think we need to be well aware of what bees' nest we may be poking. Thank you.

Vice Chair Candler: I have nothing further right now.

Commissioner Mitchell: No. No, thank you.

Chair Raschko: Joe? Anything else, Joe?

Commissioner Woodmansee: No, no. I think we've covered the subject really well tonight.

Chair Raschko: Amy, have you anything?

Chair Hughes: No, thank you. It was a very good meeting. I learned a lot. Thank you.

Chair Raschko: Okay. Well, that concludes our question and answer session. On behalf of this board, I wanted to extend my thanks to all of you for being here and for all of the work you put into to, I think, make a very coherent presentation. I appreciate also the Board of Commissioners being here. Peter, you were very helpful to me. And so you need to adjourn your meetings. Real quick before you do that, do any of you have questions for us?

Commissioner Knutzen: You've got three minutes.

(laughter)

Mr. Benjamin: The only comment I can say is thank you very much for making this a joint meeting between us. I've been on this ag board since inception. This is the first time that we've gotten together like this and it's very, very informative for both of us. And, you know, County staff has done a good job pushing towards making sure that there's enough education out there that people understand where we're heading. Thank you.

Mr. Knutzen: I've got one quick comment. I really respect what you guys do and the challenges that you're dealt. In the Planning Department you're required to look into the future, and that's a challenge, especially on agritourism, which is going to be ever-evolving and changing as we go forward. And obviously I don't think a person's ever going to make rules that are going to last long, long into the future, okay? I think we're going to have to look at now and into the near future where we're at and not forever down the road. And as we do that, we need to keep in mind that you can never make things more restrictive going down the road. You can always make things more lenient. And that's an awful big challenge. So we need to be careful and move slowly because once you open the door, it's awfully hard to close it.

Chair Hughes: Anyone down here have comments?

(silence)

Mr. Hughes: Thank you for inviting us again. This was a great payoff for us after the work we put into this for the last two years. We will dig into these questions that were asked, and whether it's through a meeting like this again or through written correspondence like we've done in the past, we will work on getting you answers to these. So thank you. We appreciate it.

Chair Raschko: Thank you.

Commissioner Wesen: I'd just like to thank everybody all on these different committees. There's an awful lot of time you spend dealing with these issues, away from your family and your evenings and so forth, and I really do appreciate the amount of time and effort gone into it. This has been a very informational meeting for myself and I do thank you very much for all being here and the good crowd we have here also today. Commissioner Janicki, do you have any comments?

Commissioner Janicki: I'll tell you where my mind is right now is that – is perhaps it's the right answer is *not* to make significant changes to the code. Maybe the code *is* where it should be. And I'll tell you what. The reason say that is because there's so many times, you know, we're asked, Why is there no place in Skagit County where you can locate a restaurant and a farm and the

brewery all on the same piece of property? And maybe that intentionality just needs to be affirmed. It sounds like it's being affirmed by the work that's been done here. And, you know, no change to the code is an acceptable piece. We intentionally suspended enforcement of some known places that were operating, but I have to tell you, I never thought it was going to be this long a process. Of course we had, you know, the COVID – that kind of delayed the start of a lot of this work. But, you know, maybe it's time just to pick up and say that we're going to go forward. And I think in the terms – I know docketing is later on the agenda for the Planning Commission but that docketing cycle means that, you know, if submittals for code changes aren't done by July then we're a whole other session. So maybe it's okay to say for this part of it, don't change it; just enforce it. You know, and that's an okay place too. The amount of work that went here doesn't mean that we have to blow it up. I used the word earlier – go nuclear on –

(laughter)

Commissioner Janicki: It's a scary thing to say nowadays with what's happening in our world! But we don't have to change everything. Maybe there's some tweaking that needs to be done and then just some robust education and enforcement, and get those, you know. And I think the part that Kraig alluded to is we can't change it. If we let the process happen and unfold and, you know, people continue to park events on top of farmland, you're not going to be able to farm that. That's the message that I'm hearing, so if it's significantly different you'll have to tell me at another time because it's now 8:02.

Commissioner Wesen: Commissioner Browning, quick comments?

Commissioner Browning: Yeah, thank you, guys, for letting the farm kid hand out and pretend I'm a farmer with the rest of you guys. But it's really good for me, but I really appreciate the work you do. Mark, your point about enforcement is real important. You can't pick and choose, but you actually *can* pick and choose to *some* degree what are the things that are most important. But you've got to be really careful here, really on the right track when you're picking those enforcement things that really matter. And so your point is very, very big – that enforcement is a double-edged sword. It has some good; it could have some real potential danger as well. So we will ___ on that.

But again, I've enjoyed being part of this group and I will continue because it's – again, I get to pretend I'm a farmer for a while! Thank you.

Commissioner Wesen: So with that, the Skagit County Commission is adjourned. Thank you (gavel).

Chair Hughes: And the Agricultural Advisory Board will be adjourned. Thank you.

Chair Raschko: Okay, thank you all. We have continuing business, so if you could exit and discuss in the lobby that would be much appreciated.

(break)

Chair Raschko: Okay, the Planning Commission meeting for March 14th, 2023, is back in order and we are now at the 2022 Docket Update and 2023 Docket Schedule. Jenn?

Ms. Rogers: Hi, I'm Jenn Rogers. I'm the long range planner for Skagit County Planning Development Services. I just wanted to give you a brief update. Yesterday the Board of County Commissioners voted on the 2022 docket ordinance and they passed the docket with the exact

recommendations that the Planning Commission provided to them in your recorded motion. So the only petition that did not pass was the wind turbine use amendment. There was some direction in the ordinance that the County do a little bit of work on that petition and bring it back in a different format, given the feedback from the Planning Commission and the Board. So there will be a version of it on the 2023 docket. But we're hoping to keep that a little bit more broad so we can develop that in conjunction with the Planning Commission this year.

Are there any questions on that before I talk about 2023?

Chair Raschko: Any questions?

Commissioner Henley: Nope.

Commissioner Mitchell: Thank you very much. ___ your hard work on it!

Ms. Rogers: Thank *you*, and thank you all for your time as well. It's a long process every year, so I appreciate all your feedback.

Commissioner Knutzen: I have a question.

Ms. Rogers: Yes?

Commissioner Knutzen: I didn't get all of that. The 2022 docket, are you going to talk about now? Or –

Ms. Rogers: So the Board of County Commissioners, they passed the 2022 docket ordinance yesterday.

Commissioner Knutzen: All of them? There was one –

Vice Chair Candler: _____ recommendations in total.

Commissioner Knutzen: Oh, okay, okay. I didn't catch all that.

Ms. Rogers: Sorry about that. They passed – the ordinance reflects your recorded motion.

Commissioner Knutzen: Okay.

Commissioner Henley: Yes.

Commissioner Knutzen: So the Bertelsen winery?

Ms. Rogers: Yes.

Commissioner Knutzen: Okay. Thank you. I'm a little slow. Too much stuff going on today.

Commissioner Henley: Sounds like a successful process.

Ms. Rogers: So we are ready to go on the 2023 docket now. It will be much larger than the 2022 docket. So the first meeting with the Board on the 2023 docket is going to be March 28th at 1 p.m. I will send you an email tomorrow with all these dates and times so you have it written as well. So

that will just be to go over what the petitions are. On April 11th at 9:45 a.m. we will go over recommendations for docketing of each petition. April 24th at 11 a.m. will be the public hearing and we will notice a public comment period as well, which will go two days beyond the public hearing, as per usual. On May 8th, the Board is scheduled to deliberate on a resolution to create the docket. And that's at 10:30 a.m. So it's about every two weeks we have another meeting with the Board on that. After that is concluded, we will schedule a first meeting with the Planning Commission to go over all of the new petitions that are on the docket, and we will schedule a work session for you to hear directly from the petitioners as well on their proposals.

Are there any questions on the schedule?

Commissioner Henley: No, sounds good.

Commissioner Knutzen: About when is our first exposure to the – you gave the April and May for the County Commissioners. About when would we be getting our first exposure to that?

Ms. Rogers: Depending on what our work schedule looks like, probably late May, early June. Hopefully we'll do one meeting and then depending on what our work load looks like this summer will depend on when the applicants come in. So we'll just have to evaluate that when we get a little bit closer.

Commissioner Knutzen: Okay. Thank you.

Ms. Rogers: Mm-hmm.

Chair Raschko: Anything else? Any questions, Joe? Amy?

(silence)

Chair Raschko: No.

Ms. Rogers: Thank you.

Chair Raschko: Well, thank *you*. Okay, Director's Update.

Jack Moore: Oh, yes. Update on the Department: We're doing quite well at building permit review right now. We're down to about 40 days and holding so good position for us to be in. It's been a while since we were able to be at that level.

Other things: Just working on a lot of coordination recently with a number of applicants. The Port is one of them. We've been meeting with the Port about some apron repairs and some expansions, and just trying to help them with some of their ideas on value engineering their projects and still meeting the Department of Ecology standards. Also there are – staff has been attending – fire marshal staff's been attending some training to try to get up to speed with some of these battery energy storage systems that are being proposed and safety concerns related to those.

Other items of note: We've been working with the Commissioners' office, Public Works, and DEM regarding sort of proper structure for how the County remains in compliance with FEMA requirements and flood safety. Looking at some possible changes and consolidation of some of the work that each of our departments do, so we've been meeting with those departments in the

last couple weeks to kind of iron out some details on that so that we're making sure to perform and document our FEMA compliance in the most efficient way possible. So that's some interdepartmental coordination we've been doing.

I think some other updates: Worked with the Health Department recently on some water review – how building permits are processed in relation to when water review is necessary, when water review is not necessary. And (we) also rolled in Skagit County PUD, so they obviously have some say and we get their nod if any of the projects are served by a Group A or Group B water system, including PUD. So just wanted to share a number of, you know, coordinations we've been doing with different departments and entities in order to constantly kind of look at our process and look at how the County's performing in Planning and Development Services particularly.

Commissioner Henley: Question. On these energy storage systems, this is basically lithium ion problems, right?

Mr. Moore: Correct.

Commissioner Henley: There's not really a good solution to that, I'm sure you know.

Mr. Moore: Nope, there is not.

(laughter)

Mr. Moore: Foam suppressant, limit oxygen, pour lots of water – it doesn't – no, but there is not a good solution. If they ever do light on fire, as you seem to be aware, they are not easy to extinguish.

Commissioner Henley: They are – how would I put it? – potentially unstable.

Mr. Moore: Certainly. Yes. So we're just trying to – you know, as a county entity, when we're approving these we're trying to make sure, one, we put the proper conditions on the permitting – you know, potential upcoming permitting. We don't have those permit applications inhouse yet but we anticipate seeing those soon. So really looking at things like, you know, setbacks. Make sure all the fire districts are well apprised of what they have there and what they're dealing with. Individual units, you know, like separation between each individual battery pack systems so they don't jump from one to the other if one of them does malfunction, so we don't have a bigger problem.

Commissioner Henley: Also you can shield them as well.

Mr. Moore: Yeah. Yeah, yeah, just basically mitigation strategies to help reduce the risk. But yeah, you're right. If one does get hot, there's not much we can do about it but let it burn.

Commissioner Henley: Right.

Commissioner Hutchison: Does the fire hazard have anything to do with the amount of charge that the battery is holding? Is that –

Mr. Moore: The primary hazard is a chemical reaction with the lithium ion battery packs. Water will not extinguish those so if they overheat – so that could be a potential, where they'll get hot and they'll just kind of melt down and go into a chemical reaction. So that – I'm not sure what

circumstances would lead them to that. But no matter how it would happen, we're just looking at ways to ____.

Commissioner Henley: Stick with the manufacturing defect.

Mr. Moore: Okay. Okay. Got it.

Commissioner Henley: It just takes one bad cell, you know. You can lose the whole pack.

Mr. Moore: Thank you.

Chair Raschko: Anybody else? Questions, comments? Joe?

Commissioner Woodmansee: I have a question, yeah. My question, Jack, as it relates to the permit, the 40 days – is that just initial review or is that issued 40 days?

Mr. Moore: That's initial review, yes.

Commissioner Woodmansee: So do we know what the average timeframe is for actual issued permits?

Mr. Moore: Ooh, I can get that for you. Yeah, we just started tracking that as well. So as you know, a number of permits will require _____ so that would definitely stretch the timeline out. So the timeline to issue would be probably closer to – I'm going to guess 90 days, but let me get back to you on some specifics there.

Commissioner Woodmansee: Okay, thank you.

Mr. Moore: You're welcome.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Well, thank you very much.

Mr. Moore: You're welcome. Thank you.

Chair Raschko: We'll go to our Planning Commission Comments and Announcements. Amy, do you want to go first?

(silence)

Commissioner Raschko: I guess not. Joe, your turn.

Commissioner Woodmansee: Okay, well, coming to you from Arizona tonight, and I appreciate all the efforts that went into today's meeting. I think it was really informative and I appreciate all the hard work from all the different entities, including the County staff. And it'll be interesting to see where we go with this, but I feel like that it was *really* beneficial tonight.

Chair Raschko: Great. Thank you. Jen?

Commissioner Hutchison: I agree with Joe. The last couple of meetings have been incredibly informative around the subject, so I'm really grateful for everybody's input.

Commissioner Knutzen: Very enjoyable meeting, very informative meetings. I concur.

Chair Raschko: Okay.

Commissioner Hughes: I concur.

Commissioner Mitchell: Concur. Thank you.

Commissioner Henley: Enjoyable meeting. Yeah. I think it was actually useful. A little bit long-winded from time to time but other than that.

Commissioner Mitchell: That list was a bear.

Commissioner Henley: Hmm?

Commissioner Mitchell: The list was a bear

Chair Raschko: Well, I don't want to say anything about that. You know, I felt kind of funny because I tried to put a damper on that and then nobody had any more questions!

Commissioner Mitchell: Yeah, you stifled Vince!

Chair Raschko: So anyway, with that, I appreciate all the work and all the help from staff and, with that, we'll be adjourned.