

**Skagit County Planning Commission
Public Release: Stormwater Code Update
Work Session: Agritourism
May 10, 2022**

Planning

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

Staff:

Hal Hart, Planning Director
Jenn Rogers, Assistant Long Range Planner
Andy Wargo, Planning Stormwater Review Technician

Others:

Lisa Grueter, Consultant (BERK Consulting)

Chair Tim Raschko: (gavel) Good evening and welcome to the May 10th, 2022, meeting of the Skagit County Planning Commission. We'll hold a call to order. I believe we are missing Commissioner Henley, Commissioner Candler, and somebody else. Commissioner Rose.

Commissioner Kathy Mitchell: Martha, yeah.

Chair Raschko: Thank you. I'd ask for a motion to approve the minutes from March 22nd, please.

Commissioner Mark Knutzen: So moved.

Commissioner Mitchell: Second.

Chair Raschko: It's moved and seconded to approve the minutes of March 22nd. Is there any discussion of the minutes?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: And no abstentions?

(silence)

Chair Raschko: So the minutes are approved and we therefore move to our main topic, the Stormwater Code Public Release. So Jen, please?

Jenn Rogers: Okay. Thank you, Commissioners. So tonight we'll have a brief overview of the public documents and public input process for the Stormwater Code Update. Tonight is our fourth work session on the update.

To put it briefly, the amendments have been proposed to simplify the stormwater construction regulations for the customer; incorporate stormwater considerations early in the development process; and maintain compliance with our NPDES permit.

Previously – so this is, like I mentioned, this is our fourth work session. We've had a work session for an introduction on March 22nd and we had two following work sessions on April 12th and April 26th. We hosted two public meetings virtually with staff on April 28th and 29th, and today we'll be doing our last work session on public review and any last questions that you might have. Our next meeting we will be having a public hearing and then we will go straight into deliberations after that. On June 14th we are anticipating having a final deliberation, unless there's a need for more time. And then the Board is scheduled to look at adoption on June 27th and 28th. So that is kind of our schedule that we're looking at for the next couple of weeks.

There are multiple public documents for review. So we have memos from our first three workshops that include an overview of the code changes, a comparison matrix of existing to proposed regulations, as well as the code amendments that are marked up so that you can see the changes from the previous code to what is proposed. And we also have a sample site plan checklist and example site plans for review as well. Last week we released the official staff report as well as the Notice of Availability to open the comment period and our SEPA determination as well.

The public comment period is now open and it has been open as of May 5th. The comment period will close on May 24th at 7 p.m., so just after the public hearing. There will be three options for the public to provide comments. So first they can mail a letter to 1800 Continental Place. They can email public comments to pdscomments@co.skagit.wa.us, and also provide verbal testimony at the Planning Commission meeting on May 24th at the public hearing. And we just ask that you do include full name and address with any submitted comments as well.

And so this is – we do have staff here to answer any questions that you might have about the amendments that we have released and any previous memos that we have given to you, so if you have any outstanding questions this is a great time to ask before we go into deliberations at the public hearing in two weeks.

Chair Raschko: Could you repeat again the date of the public hearing?

Ms. Rogers: Yes, it is May 24th, so two weeks from today.

Chair Raschko: And am I correct that we'll have the public hearing and then the same night begin deliberations?

Ms. Rogers: We'll start deliberations as long as we have time.

Chair Raschko: Okay. That, to me, seems a bit awkward, because it's nice to take into consideration the public comment in forming your thoughts before deliberations. I don't know, does anybody else have any – my preference would be to delay the deliberations until the next meeting and just have the public hearing. Any other opinions?

Commissioner Mitchell: I feel the same way. The only caveat is you've got pressure time for the end of June?

Ms. Rogers: We are hoping to have the code adopted by the end of June. We could also add a special meeting as well. We do have some extra time in June – so there's three weeks in between those meetings instead of the normal two. So that is an option if you wanted to add a second deliberations meeting besides the public hearing.

Chair Raschko: Anybody else? We could begin deliberations, but it just seems like –

Commissioner Jenny Hutchison: Has there been tremendous public interest – on the online meeting that I was watching via Zoom I don't believe there was much comment or interaction with the staff when you guys presented.

Ms. Rogers: We had a few people show for the morning meeting, but we haven't received any public comments yet. And I will make sure to have all the comments that we've received up until that point at the public hearing, so at least you'll have what we know then. But I understand that is a little bit last-minute before beginning deliberations.

Chair Raschko: Okay, then I'm ready to retract everything I said because, I mean, we've had these issues when there's so much public comment, I mean, it takes you forever to assimilate it all. But in this one if you haven't had any comments yet and a few people speak, probably we can proceed with deliberations afterward, if nobody objects to that.

Commissioner Mitchell: It'd be easy to assess at the time, too.

Chair Raschko: Yeah. Okay.

Ms. Rogers: We can always make that decision on the day-of, too.

Chair Raschko: I guess when I think of public hearings my memory goes to the dark side.

(laughter)

Chair Raschko: Okay, any other questions?

Commissioner Hutchison: Are we asking about markups at this point or –

Ms. Rogers: You're more than welcome to ask any questions about the code amendments. That's why we have some helpful staff here.

Commissioner Hutchison: I only had one on page 10: "The administrative officials may require additional or more stringent standards than those specified in this chapter to the extent that's necessary." Is there any sort of example for this clause to be taken action upon? I'm just a little concerned about how vague it is in such a formal set of documents.

Andy Wargo: So that term or that clause in there about the administrative official having the authority to have additional requirements, I can't think of an example when that's ever been used. We usually operate within the code as it's written. That language is actually in the existing code as it is, so it's been there that way since at least the last version, so probably for the last seven years that provision has been part of the code.

Commissioner Hutchison: So there's not been any reason for having it there. I was just curious if there was some type of –

Mr. Wargo: It provides a safety factor. It's always a – it provides an opportunity to provide protection of resources or human health and safety in case there's unforeseen circumstances that the existing code doesn't cover. It would be used very sparingly and very reservedly.

Commissioner Hutchison: I understand.

Mr. Wargo: But it's not a new part of the code.

Commissioner Hutchison: Thank you.

Commissioner Amy Hughes: I'll do some follow-up with that then. Is that part of the code that came down through the state level down, or is that a term that the Skagit County – would have been particular to us? Do you know?

Mr. Wargo: I don't have an answer for that right offhand, but I can look into that.

Commissioner Hughes: Okay.

Chair Raschko: Are there any other questions?

Commissioner Joe Woodmansee: I have a follow-up on this subject. So our critical area laws are pretty comprehensive, so I'm sitting here trying to think of something that's not actually covered in our code that would – this would need to apply to, and with the same thought of it's an unbridled paragraph that's basically you get the wrong person in the wrong position and they can take this paragraph and decide that they think the code doesn't go far enough on a particular type of setting. I realize it hasn't happened that you're aware of to this point, but it seems to me that it is a little bit broad. And so maybe when you look into the origins of it we could get a little more information on that and see where it – whether it's directed out of the DOE manuals or if it's something that a previous administration put into a previous code. I would appreciate that.

Mr. Wargo: I'll try to dig into the history of that and find some – on the origin of that language.

Commissioner Woodmansee: Sure.

Chair Raschko: Okay, anybody else?

Commissioner Woodmansee: I have a question.

Chair Raschko: Go ahead, Commissioner Woodmansee.

Commissioner Woodmansee: So my question's related to the lot sizes and the changes in what triggers what, as far as the permits and stuff. My communications weren't that great last week so

I was going to try to ask something about this but I was in a different state so.... I'm curious as to – and I appreciate and think that it's a good idea for the loosening that we did on the smaller lots, making it a little bit easier to streamline that situation and stuff. The thing that I keep thinking about is, though, if you have a 15,000-square foot lot – because we went to basically a one-size-fits-all as far as square footage goes, and so it seems like that to me that we should be – I don't know that one size fits all is best. If you have 5 acres, I don't know if you should have the same exact requirements if you have a 15,000-square foot lot or if you have 1 acre and a 15,000-square foot lot. And so what I'm getting to is that – what I want to ask is, What does the DOE manual say about larger lots? Like, are we going stricter on our larger lots than what the DOE manual requires because we're just trying to make it simple?

Mr. Wargo: We're actually – Department of Ecology for the most part doesn't look at lot size. There is – the only provision in the state stormwater manual that considers lot size is lots larger than 5 acres outside the Urban Growth Area that trigger all nine requirements. They have to meet a low impact development flow control standard rather than being able to use the list to meet minimum requirement 5. But in regard to whether our proposed code is more flexible than the manual in a couple ways, strictly following the manual would require lots of any size to meet minimum requirements 1 through 5 at 2,000 square feet and minimum requirements 1 through 9 at 5,000 square feet. Our proposed code for outside the NPDES area is double that, so it's a 4,000-square foot threshold for the MRs 1 through 5 and a 10,000-square foot threshold for the larger – for minimum requirements 1 through 9. So we're – basically it's doubling the threshold so it's looser that way, and then it also provides more flexibility than the manual. And strict adherence to the manual for minimum requirement number 5 requires a list approach, and if you're following the manual strictly inside the NPDES area you need to start at the top of the list and pick infiltration BMPs and then – which tend to be more involved, unless you can prove infeasibility and then you move down the list and you pick the next one down the list, and if it's infeasible you can move down the list. What we're proposing in our code is to allow for choosing any feasible BMP to manage stormwater onsite so it doesn't – so our proposed code would provide more flexibility in how you choose BMPs from the list to manage stormwater onsite, and you wouldn't have to prove infeasibility to move down the list. And the other one that we're proposing for more flexibility is for the large projects that require minimum requirements 1 through 9. Inside the NPDES area, if they're over – it's the parcels over 5 acres outside the UGA need to meet a flow control standard, a low impact development flow control standard, in addition to the flow control standard for stream protection under minimum requirement number 7, which requires using the hydrology model. We're planning on – we're not – the proposed code does not require the LID standard for single-family residential projects outside the NPDES area. So we're providing flexibility. You can use the list method rather than using the hydrology model to prove the LID standard.

Commissioner Woodmansee: So would it be fair to say that the lower square footage is a – I'll just use an easy term – is a bit of a tradeoff for getting away from the strict of you've got to go to 1; that doesn't work; you've got to go to 2; now you've got to go to 3. I'm just looking for the tradeoff for the public – is that you've got a little smaller square feet before this x triggers, but you have more flexibility within this new format. Because you don't have to start at number 1, prove you can't do that; go to number 2, prove you can't do that?

Mr. Wargo: Yeah, that is some of the tradeoff. On the one hand the goal was to provide consistency and also ensure that stormwater was being managed onsite, while also allowing for it to be managed in a flexible way.

Commissioner Woodmansee: Because the thing that was coming to my mind was if you have an acre and you're at 11,000 square feet, your impact potentially is way less than 4,000 on a 15,000-

square foot lot. Because you have – you know, in theory – you have a lot more ability to treat onsite the stormwater. That's kind of where I'm coming from, is, you know, if the ratio makes sense. So just something I've been thinking about.

Chair Raschko: Thank you. Anybody else? I have one. So what you're proposing gives more flexibility and all of that. Do we have to follow the Department of Ecology manual to be legal?

Mr. Wargo: Inside the NPDES area, yes. It's a strict adherence to the manual in almost all cases. Outside the NPDES area we have flexibility. The manual provides a technical standard that's accepted throughout western Washington. The County has required stormwater management since at least the time of the – even before the first manual of 1992, so it's – outside the NPDES area we have flexibility to vary from the – to use the/rely on the manual as a technical standard. We're not as bound to it as strictly as inside; however, when it comes to certain things like safety and geohazards – like, there's some design limitations with steep slopes and geohazards that the manual prescribes. So we wouldn't be – we'd kind of flex from what the manual says and allow a certain BMP to be constructed on a geohazard without a letter from a geotechnical engineer saying that that would be a sound choice.

Chair Raschko: Thank you. Amy, you had something?

Commissioner Hughes: From my term on the Planning Commission, we've gone through shoreline, we've gone through stormwater, we've gone through critical areas, now we're going into a land disturbance chapter. Do they all flow together? Is it like a book and how we take care of our water as it goes all the way out? Or is there some cohesiveness amongst all the code, or do some parts of the code have some things that they're going after? Could you kind of give an overview of how that all works together?

Mr. Wargo: So a little bit, and it's kind of a multifaceted answer. So the codes have different lineages, and I'm mostly familiar with the stormwater code, which comes from the Clean Water Act and the National Pollution Discharge Elimination System, works its way down through EPA to the state, and it's a County regulation. So that one's clean water and also is flooding and erosion, as well. The critical areas ordinance, that lineage of that – that comes from the Growth Management Act but when it includes wetlands it also involves the Clean Water Act, a different section of the Clean Water Act that involves wetland dredge and fill, which is regulated under the U.S. Army Corps of Engineers. Shoreline Management Act, I'm less familiar with the origin of that. I know it's a state law that I think it might precede the Clean Water Act even. So we're dealing with these requirements that come from multiple legal lineages, and they come down and then as we write these codes we have different requirements to meet in the codes, and as we write the codes we do work as a team to ensure across departments that as we're reviewing development applications that there is consistency between stormwater, critical areas, shorelines. We want to make sure everything meshes and make sure that all parts of the code that are functionable for both staff and for the applicants, and to try to make it as smooth as possible. And then a lot of that work really comes down to internal policy and procedures that we are continually working on inside the Planning Department to look at our review processes and our internal communication, our publications and handouts, to try to streamline that process and actually have it make sense for the applicant, for staff, and also provide a comprehensive approach to protecting multiple facets of the natural resource.

Commissioner Hughes: Thank you for that answer, because I didn't really know how you would answer that. But in that you put all the things I was looking for. Is it compatible? Is it consistent? Is it cohesive? Is it comprehensive? And so it sounds like in our code we're working at tying what

pieces need to be tied together and making it easy for the person who needs to work with all this different code as they go forward.

Mr. Wargo: Yes. And I'm not sure, I think in there you might have mentioned the land disturbance code. So one of the big pushes behind the land disturbance code is to help tie together a lot of other codes that affect land disturbing activities and put the language in one place. As I mentioned before, the land disturbance code doesn't create any new thresholds or any new requirements, but it's designed to be more of a single point of reference to help point in all those different directions toward shorelines, toward critical areas, toward stormwater for both applicants and staff to see what all requirements are going to affect their project.

Commissioner Hughes: Thank you.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I've got a couple, three questions for you that could bloom into more. So from what you just said, the big push, you said, is to try to get it all in one place. Where is that push coming from?

Mr. Wargo: It's got multiple facets. Part of it, since we are regulated by the Department of Ecology and they review our codes, we need to make it obvious to our regulators that our codes meet the state requirements so that the clearing code, or the land disturbance code, is a way to bring that together to make it more obvious that our clearing and land disturbance regulations are in line with the permit. Right now the codes are disparate and they're a little hard to find. We have grading regulations that are actually in Title 15 and they are extracted from Appendix J of the International Building Code. We have some other regulations that are still in the International Building Code that are adopted by reference but aren't in writing in any of our codes. There is thresholds in the stormwater code and also in critical areas, and then some other language that has to do with the Class IV conversions, forest practices. So it makes it – so a third party looking at the County's code trying to determine if we're compliant with our NPDES permit, it's a little difficult right now with all those codes in different places. Having it in one place makes it a lot more obvious – more at a glance – and that's for both our regulators and for third parties who could potentially file lawsuits for noncompliance with the Clean Water Act. So that's where some of it comes from. There's also an internal push. We want to create just more cohesiveness so our staff can more readily understand how all these different requirements that affect land disturbance fit together and we can provide a more seamless – provide a more comprehensive review of applications upfront so things don't get missed. And we can let the applicant know upfront all the different requirements that will affect their land disturbance project and get those addressed early on so it's more of a seamless project through the application process. And also for applicants who want to, you know, look into what they're going to need to do, they'll have one place to look at, one place to look for codes that affect land disturbing activities. The goal is to make it more clear to the public, as well.

Commissioner Mitchell: So literally it's the push is mostly from internal in the County for wanting to marry this. Or is it because they've been having conversations outside the County?

Mr. Wargo: I would say it's – in my experience with this process over the past 3½ years, it's been – there's conversations outside the County have been a major force to spur this on, and then inside the County there's been a lot of interest to make things more clear and more cohesive.

Commissioner Mitchell: So for outside the County, is it mostly from the agencies like the DOE or are there other groups pushing for it, or what?

Mr. Wargo: Well, yeah, the Department of Ecology, they do – I mean, we need to file an annual report. We have a permit requirement to look at our codes on an annual basis and look for more opportunities to ensure that low impact development is the standard for development. And then, yeah, there were – in the past there have been conversations with third parties who provide a rating system of municipal stormwater permittees.

Commissioner Mitchell: Are they NGOs or what?

Mr. Wargo: They would be NGOs. Puget Sound Keeper would be an example of one.

Commissioner Mitchell: Okay.

Mr. Wargo: That provides a rating system of counties and they were part of the conversation, I believe, in 2019 and 2020.

Commissioner Mitchell: And how do we rate, according to them?

Mr. Wargo: We were at the bottom of the list.

Commissioner Mitchell: Do you think that's true?

Mr. Wargo: Once I – so I did a code analysis of our codes compared to some other counties and cities that rated higher in their ranking, and I think a lot of our shortcomings came from the fact that it wasn't obvious that we had those elements in our code. So that's where we came up with a push to make these – to make this more cohesive, to make this more obvious, to pull it together. So a more casual observer could see that we were, in fact, compliant with it and actually had those elements.

Commissioner Mitchell: Okay, one more question for you, if you don't mind. Have you seen or heard anything anywhere where it sounds like they're going to expand the NPDES area beyond what it is now?

Mr. Wargo: It's all based by census blocks. I haven't heard anything about us being expanded beyond our Phase II status as a Phase II county. Only census blocks that have a certain population density are inside the permit area, so if there's areas that are growing rapidly and they hit a certain census threshold they would eventually be brought into the permit area. But as far as specific areas, I don't have any knowledge of any discussion.

Commissioner Mitchell: Okay, good. Thank you. Well, when this came before us – I've forgotten how many years ago. You probably remember. I remember the first time Ryan Walters had told – he was the assistant director at the time – had told us that we were going to be seeing a Phase II down the road. I was wondering if we were going to be seeing a Phase III in the next few years, or something like that.

Mr. Wargo: Well, Phase II actually – that's – we're actually – so the larger counties, the phases refers to the – the Phase I were the first counties and cities to be required to get the permit, which King, Snohomish, Pierce, and Clark Counties are Phase I counties and they have some more stringent permit requirements. And they don't have permit areas; their entire county is covered by

the permit. Phase II permittees we weren't required to be covered under the permit until several years after the Phase I's. Our requirements are not as stringent and there's only certain parts of the county that are in the permit area.

Commissioner Mitchell: Thanks a lot.

Chair Raschko: Okay, anybody else?

Commissioner Woodmansee: I have one more question.

Chair Raschko: Please go ahead.

Commissioner Woodmansee: At the last meeting we looked at some site plans and there was one site plan that was – I think it was about 17,000 square feet – the impact, if I remember. And you were trying to show an example of something that was over the 10,000, if I recall.

Mr. Wargo: Yes.

Commissioner Woodmansee: And so the question I tried to ask at the end of that meeting that you guys couldn't hear me on was: It looks to me – and I tried to find the site plan but I didn't see it in our email – but it looked to me like the over 10,000 example that we had – it was 17,000-something – was really the exact same BMPs that were shown on the smaller site plans. And so I just wanted to clarify, because on the larger one I didn't see that it showed anything different than what we showed on the smaller site plans. And so –

Mr. Wargo: It was a little more stringent in the fact that once you hit the larger threshold it requires the minimum requirements 1 through 9, which is an engineered drainage plan. One way – a typical way to do this for a residential site on a – well, backing up a minute. So, you know, for a commercial site, that's where you often see, like, a stormwater detention pond, and those will be designed by an engineer and based off the hydrology model showing that they can meet all nine requirements, and the sizing and the flow control structure. Those are generally not going to be put in for a single-family residence, but on a large lot there's often an opportunity to do full dispersion and meet all nine requirements by doing full dispersion. So full dispersion is a little bit more involved than just sheet flow dispersion. On a smaller project you can – for an example with a driveway, on a small project, MR 1 through 5, you can do sheet flow dispersion, which is 10 feet of dispersion area off the side of a 12-foot driveway and then you're considered that that's onsite stormwater management. When you also need to meet your flow control and your water quality minimum requirements number 6 and 7, then it needs to be 100-foot dispersion area and that dispersion area needs to be 6.5 times the size of the impervious area. And so that's why it's more involved and it needs to be kept in native vegetation or replanted, if needed. So that's why that's – it is more stringent. But if it's on a larger parcel, then usually it's more manageable at the same time because there's more of the land to implement those longer drainage paths.

Commissioner Woodmansee: So then would it be fair to say that the primary difference is the amount of distance for some of the treatment off of a driveway or whatever? I mean, because if I recall right, on the actual site plan there wasn't anything different from small land. And so I was trying to figure out, Okay, what is the real difference here? Is the only difference that you've got to have an engineer say this works, you know, versus not having to?

Mr. Wargo: It would be a longer path, too, and a more stringent protection of the path.

Commissioner Woodmansee: Why would it be a longer path? Because of the 1 through 9s?

Mr. Wargo: It's the 1 through 9, and it's just the – it's the BMP as it's written in the manual. And it just provides more certainty that it's going to meet those requirements.

Commissioner Woodmansee: When you say "longer path," are you talking about the longer – just for the water _____?

Mr. Wargo: More area for the water to flow across on the property over a vegetated surface.

Commissioner Woodmansee: Yeah. I wanted to make sure you weren't talking about a longer path in the door here! Okay, so – I mean, at this point from the presentation, I'm sitting here thinking that yeah, you're going to have a longer path but you've got the bigger parcel so you've got room to do the longer path. I mean, in all honesty, after the presentation last week I didn't see a difference between the actual BMPs that were presented in the small site and the larger site, or the smaller impact and the larger impact. It was dispersion trenches, it was gravel down the driveway, and all the traditional things that most of the small lots are able to accommodate because the impact's so much smaller. So you see where I'm trying to get here is what is the real difference if you're at 17,000 square feet? And, you know, I know you've got to go through more numbers, but the example we had didn't show any different BMPs.

Mr. Wargo: Yeah, it's – well, it would need to be an engineered drainage report to ensure the certainty. To meet the – and then it's, like, for the smaller project sheet flow dispersion, that can be over a lawn. Full dispersion needs to be over native vegetation and generally protected in an easement like a critical areas buffer to ensure that it would be kept as such in perpetuity.

Commissioner Woodmansee: So theoretically you could not improve – if you wanted to have five acres of lawn, this dispersion area could stop you from doing that on a bigger site.

Mr. Wargo: It could stop you from using that BMP. There's other ways of doing it, though. There's bioretention swales and things like that that could be used alternatively to accomplish the same goal and to meet those minimum requirements.

Commissioner Woodmansee: Okay. Yeah, so if you don't want to give up the lawn, you can treat it a different way and – I get it. All right, thank you.

Chair Raschko: Anyone else?

(silence)

Chair Raschko: Okay, thank you very much. Jenn?

Ms. Rogers: So with that, we can move on to the next agenda item, which is the Agritourism Study Update. So we can have Lisa Grueter, our consultant, come up, if you're ready for that, Chair.

Chair Raschko: Okay.

Lisa Grueter: Good evening. I'm Lisa Grueter with BERK Consulting. I'm a principal and land use planner. It's nice to see you in person. I presented, I think, virtually a couple of times along with other staff. Tonight we're going to present the policy options paper. It's been out for a few weeks

but we haven't formally presented it to the Planning Commission yet. We also have some results from some of the engagement process that we've conducted in March and April to share with you. So I know some of you have attended some of the engagement events so some of this may sound familiar, but eventually we'll get to some of the engagement results that'll be new information.

So this map here is showing the Ag-NRL zone in the sort of dark green outlined areas. And the green color within means that it's been inventoried by the state in that agricultural inventory. But you'll see agriculture extending beyond the Ag-NRL zone into some of the other zones. The little black marks are an inventory of about 70 agritourism-type operations that our team and staff looked at some time back. That was just some baseline information to help us get started.

But another reason why this project started was there were some docket requests that had come through to the County to take a closer look at food service type activities, weddings, and temporary events.

So you might remember in 2021 we did a situation assessment and some engagement efforts, including small group discussions and a survey and so on. That was published last year. In the fall we worked with the Ag Advisory Board and conducted other policy review options and eventually published this policy concept paper, which took a closer look at different agritourism uses and different options for implementation. So that's what we'll be presenting this evening and then along with the engagement results, and then from that where we think some of the code edits could – where those could go. And then the idea is to bring those back to you in June.

So this has been our process in 2021 and 2022. So we added that discovery phase that I was mentioning with the situation assessment; case studies; and engagement with agritourism providers and agricultural producers and the broader community. And so the policy concepts that we'll go over get at: What are the goals, potential uses, and options for allowing agritourism? And we'll report on the engagement. So we're kind of at the end of that policy concepts phase and we're about to get into the legislative phase where we'll bring forward some potential code. We're anticipating that the options would fit into the Comprehensive Plan. At this point we're not anticipating changes to the Comprehensive Plan policies but we do have to do that check to make sure it fits. And then it, of course, would go for a hearing with the Planning Commission then ultimately on to the Board of County Commissioners.

So this slide is sharing some policy goals that get at the intent for the potential agritourism code amendments. First is to clearly define agritourism uses. Another is to have some clear and consistent standards. We'll talk a little bit about some requirements under the Growth Management Act but the idea is to have agritourism uses relate to onsite agriculture. And then consistency with the Comprehensive Plan policies, and Growth Management Act is another consideration, including what it means to fit with the rural character. That's another aspect of your plan and Growth Management.

This is one of our survey results. We put out a survey for about four weeks. We got over 220 responses. We also had some workshops and some other presentations that I'll share a little bit later, but this relates to the goals for the effort. And so the way to read this is on the right-hand side would be the number of responses in the dark blue that people found Very Important that that goal be advanced. And then the sort of medium green is Important. So those two on the right-hand side, the longer those bars are the more important folks found those. So they're sort of sorted in that. If you combine, like, for instance, 97 and 72 responses together, that was the top – either Very Important or Important. So the top three were promoting rural character; relating agritourism uses to the onsite use of agriculture; and then ensuring adequate water, septic, and

parking standards. From the meetings, we had similar questions at the meetings. Another one that kind of scored high was having clear rules, permits, and enforcement.

So what we'd like to do is kind of go over the agritourism uses, the size and scale and how they're allowed now and could be allowed. And then eventually I'll bring back more on the engagement side. We had some questions that we asked at the meetings and also in the survey around different agritourism uses and how they could be allowed.

But first to share which uses we're focusing on. They're listed here. So the Farm Stands; U-Pick; Farm Stays have some variations on how they're allowed today; Tasting Rooms and Restaurants are not allowed today in the Ag-NRL or Rural Reserve zones but they were part of docket applications or questions that came up, and that's why they're on our list. And the same with weddings – is another activity that was under discussion. We also took a look at seasonal events as related to agritourism – how those are allowed and how the permit process is working. So that's our range of activities. These were also identified as Important activities to consider from the 2021 engagement events.

In the policy options paper, we took a look at size, scale, and intensity of different activities, and so this chart here is showing based on the best information we could get, either if it was from a state source, a local source, or a national source – whatever the source we could find in terms of relatively to each other, What could you expect for a number of annual visits? So it's broad in its sourcing, but that just gave us a sense of how much activity might you expect if you allowed or changed the rules. You know, What might that mean for an area? So Farm Stands, the best information was, you know, around 500 visits a year. U-Pick depends on the size, what they're providing to the community. But some of the examples were, like, berry fields and how many visitors they might attract. Farm Tours is just looking at average sizes of classrooms and how many times they might come. Farm Stays are similar to bed and breakfasts, so we were looking at your current rules and how those work to estimate that. Tasting Rooms, we had some state information on average monthly visits to tasting rooms in the state. And then Weddings, we looked at about 80 different venues in western Washington and what they were advertising in terms of wedding sizes. And so depending on if you have a temporary or a permanent facility, How many events might you have either on the weekends or beyond? And then similarly we looked at information on Farm to Table events in Washington and Oregon. And then Festivals. This is just one number from one of your festivals, but the Tulip Festivals could be more than this, but this was just to give a sense of, you know, relative difference. So you see that come up in some of the later slides on some of the activities.

One of the things we heard from our engagement and review of the current code was having more definitions and clarified definitions. So even though U-Pick and Farm Tours are allowed now, in your code there are no definitions that go with them. So here are some example definitions that we looked at from other codes that might apply. So even for currently allowed activities, as well as for any others you may consider, to have an applicant know what they need to do and to have good code enforcement – you know, trying to clean up and add definitions – is important.

The other thing we're looking at is, again, not just number of visitors but the size and scale of the activity itself on the land. So you allow for Farm Stands of different sizes and there's different permit requirements depending on the size, but they really can vary in what they look like and also how would they be permitted – whether they need review of the parking areas, whether they need stormwater review all depends on, How permanent is it and how big is it?

And then similarly, parking areas itself, depending on the size of the farm stand that it's serving: Is there a way to preserve as much of the soil and limit disturbance to the agricultural land? So there's just different ways to allow for parking.

So these are the kinds of things we're looking at for each of the uses and the code would come back to you with some recommendations.

And then permit & infrastructure requirements: For some activities where maybe it's a U-Pick and they are not putting up a structure and maybe it's only a temporary activity, it may or may not go through land use review but it's not clear in the code necessarily what happens; whereas other activities that certainly if they add a structure, you know, they'll go through a land use building review and then if there's food involved, the Health Department. So there's a wide variety of permits that could be needed depending on the level of complexity and permanence of the activity. So we've been looking at that and talking to staff and departments about that.

Under the Growth Management Act – and actually the County was a bit ahead of some amendments to the Growth Management Act in trying to consolidate where improvements are made in natural resource zones, to co-locate those structures in areas of improvements, and to try to keep the improved area fairly small to around about an acre. And so that's been in the Growth Management Act. It's in your Comprehensive Plan. And so for each of the activities looking at how is this activity accessory to the primary use of agriculture and where can it fit within that 1-acre area.

We heard a lot last year in terms of the engagement process around having clear and effective code enforcement, and so we talked a bit about definitions and rules. Some ideas that also came up were having a programmatic permit. That would mean like a multi-year permit for some of the agritourism activities. Somebody may start off with a farm stand and then want to do something similar – tours or something else – and a programmatic permit that is renewed periodically is a way for the County and the owner to kind of keep checking in on the intent and how things are going and whether there might be other requirements that come into play if there is something else that they want to do. It also is something that gives assurances to the neighbors about the size and scope of the activity.

So code enforcement will likely continue to be complaint-driven, but it's my understanding the staff resources have been increased. One way that any future permit process could be helpful for code enforcement is some kind of form, like a self-certification form, that somebody who's been approved and is continuing to comply with the requirements. That might be another way to have a record and be something that the code enforcement staff can review occasionally.

So getting into some of the particular uses, taking a closer look at the Farm Stands, U-Pick, and Farm Tours and some of the seasonal events, what we were seeing is to add some definitions, also consider what requires a permit, what are some best practices for the supporting infrastructure. Most example counties we looked at have allowances for these agritourism activities. Some have explicit statements that a land use permit is not required for some of the small activities that don't involve structures or permanent changes to make it clear. And then at what level would you then need a land use permit. And Thurston County would be an example of that.

Farm Stays are a variation on the bed and breakfast. We were hearing some questions around temporary Farm Stays like Harvest Hosts. You may have heard of that. Some farms up in Whatcom or Yakima or elsewhere, they allow for RVs to come and stay on the property but they

have rules with this. Harvest Hosts, for example: No wastewater dumping; no trash – you know, there's like a code of ethics basically on how you use it. And so some counties have been allowing for temporary farm stays, provided there's only one or two of them, and they adhere to these kinds of rules. So the County here already allows for bed and breakfasts as part of a portion of an existing home to try to minimize the footprint. So it may be something to consider. Some counties allow for it so it could be something we bring back to you to consider whether that's an appropriate similar use as a bed and breakfast.

So you'll see in the policy paper there are three counties that we took a closer look at and each have different ways in which they allow the uses for comparison. So all seem to allow some form of a bed and breakfast, and some are more specific about temporary versus permanent.

Tasting Rooms and Restaurants were one of the other activities that came up. Oh, sure. Yeah, yeah.

Commissioner Mitchell: May I ask you a question on that since you're touching on it right now?

Ms. Grueter: Yeah.

Commissioner Mitchell: It was hard for me to hear. Did you say that our code allows for the Farm Stays or not at this point?

Ms. Grueter: It allows for bed and breakfasts, so a permanent version of a Farm Stay. It doesn't get at the RV type, Harvest Host example, and so that's what we could bring back to you is what would it look like, since this is sort of a more popular activity that other counties have been allowing as part of agritourism. Is that a fit or not with Skagit County?

Commissioner Mitchell: Okay. Thank you.

Ms. Grueter: So right now in terms of Tasting Rooms and Restaurants, the County does not have a definition for those uses but they are clearly *not* allowed in the resource zones right now. And so a question would be: Are they able to be of a size and scale to fit for Skagit County? And so, like we discussed earlier, you could have for a Tasting Room almost a thousand visitors a month, you know, which would be almost 12,000 a year. They are allowed through the state Liquor Control Board. But obviously you'd have to have local zoning authority if you wanted to allow for those. They would need a range of permit reviews. We did look at example counties. Right now Snohomish County does not allow for them in the ag or rural zones. They were considering them a few years ago. Thurston County does allow for small-scale wineries and breweries within their agricultural-agritourism overlay, but restaurants only in the rural portion of the overlay. And then Clark County in Washington and Marion County in Oregon, they allow for tasting rooms but there's a relationship to the size of produce grown on the site.

And then Weddings. Right now it's not currently defined or allowed in most zones. It hasn't been considered related to agriculture so it is – but it has been a popular type of activity on some farms. And depending on how you might allow for it as a temporary or a permanent use, it could have quite a range of guests that could come. And depending also on the activity itself, it's likely to need land use review, as well as building and Health Department review.

So Snohomish County does allow for weddings within existing barns or with a very small footprint. Thurston County allows it when you're doing wedding facilities together with breweries and wineries. And Spokane County went through a code amendment to allow for it as a temporary

activity for around 24 visits a year. So counties have – and Marion County, Oregon, does not allow for it.

Relevant to this is our Hearings Board cases. And so the idea is, you know, what's the fit of the use related to the ongoing primary agricultural use limiting the size and then having some kind of compatibility measures – compatibility with adjacent agriculture – to limit scale and frequency. So some of the cases are in Spokane: that case where they allowed for temporary wedding facilities that did go to the Hearings Board. It was upheld because the County had limited size and frequency. For King County in the Woodinville area they allowed for wineries, breweries, and distilleries and they changed some of the regulations and the Hearings Board did not agree with that because they kind of reduced some requirements, and also the County didn't properly identify, you know, the baseline for those uses that were not properly established. So they were measuring the environmental impact assuming that those uses would stay and then how many more might be added, and the Hearings Board said they should have said whichever ones didn't comply it should have been as if they weren't there and then look at the environmental impact if those stayed plus any new ones happening.

So the policy paper does reference those decisions, if you're interested in taking a closer look. We compared different policy actions that kind of grouped different ways you could allow for agritourism, and so the options were no action, which is just continue with your current code; another was look at making adjustments to the ways in which you allow for accessory tourism; another was Option B, agritourism overlay. That's kind of like the Thurston County approach where they have defined an overlay and within that they have some allowances for agritourism, and outside of that they do not. That overlay includes some natural resource lands and rural zones.

And then Option C is consider on a case-by-case basis. Someone would have to come in and apply for an individual property – let's say they wanted to do a wedding facility or a restaurant – that they would have to come in on a case-by-case basis.

So the policy paper does go through these options and gives pros and cons for these and looks at them in light of those Hearings Board and Growth Management Act provisions.

And this chart is just a summary of under each of these options how might you look at allowing these different activities. So for Option – the current code is here in this left-hand bar. And then Option A, if you were to allow for accessory agritourism, continuing the Farm Stands with improved definitions and procedures; same for U-Pick. Farm Stays, you already allow for B&B so it would be developing some rules around temporary RV, again limiting its size and scope. Restaurant: Could you do it in such a way that it's accessory? So if you have a Farm Stand and somebody's offering some kind of beverage or food that the Health Department would consider minor but not allow for seating, meaning people come to the stand; they pick it up; and they go, just like they would pick up other food. And then Tasting Rooms, maybe allowing for those of a small scale with a hearing examiner permit so it gets more scrutiny. Weddings, maybe temporary only. And then the overlay could be similar but it might have more allowances for a restaurant and tasting rooms of different sizes with different permits because you would be defining which areas and maybe they are along larger roads with public water further from cities so they're not interfering with the city's commercial districts – things like that. And then the rezone is just case-by-case. So these are just potential options to consider, and then, like I said, the paper with the pros and cons of those.

So then we asked the public about those options, and the survey and the meetings were designed to share these options and ideas and then get feedback on sort of level of agreement or disagreement with various options and gather some input from folks. So we had two workshops, virtual, March 30th in the morning and the evening. We had about 40 people in the morning and 20 in the evening aside from staff. And the online survey, the maximum return was around 223. And then there were some presentations made to the Agricultural Advisory Board and the Tourism Promotion Area Advisory Board in March and April. So we have some highlights from those efforts to share with you on those different agricultural types.

So this is about Farm Stands and the options were to retain allowances but improve definitions and permit procedures, simplified permitting, updating parking standards. And so generally those activities were supported and those ideas of improving the code. So this is Strongly Agrees in the dark blue and Agrees in this medium green. Gray is unsure. So people were mostly sure about making these improvements to the code for Farm Stands. And then there's – you'll be getting a copy of this ahead of your next agenda where this is being covered, but there was a lot of open-ended comments, too, about the various activities that you might find helpful.

So some were concerned about, you know, design and ensuring it was low impact to keep as much farmland. Others are saying, you know, that those activities are an advantage to the county and to keep the permits simple.

And so we had about 187 people respond to this question. So that's always at the top. We're saying how many responded to this question, so you can kind of gauge that about 164 out of 187, you know, were fairly okay with these options.

Farm Stays, we had about a similar number responding to this question, and we asked about allowing temporary farm stays if they're operated to be low impact – so no tents, no dumping, parking area doesn't impact the soils, also limitations on numbers of days, some general. About 126 of the 184 thought that those, you know, could be agreeable options. And you'll see comments too. People with concerns about RVs and some saying, you know, What are the ways in which you could allow for it?

We asked about Tasting Rooms and Restaurants. There were a lot of options in the policy paper, but in general Option A was around how could you allow them as accessory activities, either Restaurants or Tasting Rooms – you know, trying to link the numbers of acres growing a produce to the size of the facility. That kind of thing. So in terms of keeping it accessory and trying to limit size, that's generally where people, you know, Strongly Agreed or Agreed. And as we move down the list on different options the level of agreement went down as well. And you'll see a lot of comments on whether to allow and how to allow them, if at all.

For Weddings also there was more support for finding a way to have them be accessory in size or scope to farms. So we had about 160 responding and so you'll see, you know, just over 100 agreeing or – strongly or not, you know, just plain agreeing with those options, and then the rest much more of mixed bag in terms of, you know, whether to allow them year-round or whether to have it be through a rezone and that kind of thing.

And then for a permit process, most agreed – 149 – most agreed with all of the different ways to improve the permit process, make it more transparent and easier to enforce. So in general a lot of those ideas around improving the process were supported.

So again, we had the survey and we had the general workshops. The land use committee and the Agricultural Advisory Board also met last fall but then more recently to look at the policy paper, and they were more comfortable with some of the activities on the left-hand side here – Farm Stands, U-Pick, Farm Tours, Bed and Breakfasts, hosting, more concerned about Tasting Rooms and Restaurants and Weddings – because there was a concern: Could they be considered accessory? How could they fit some of the goals? I think that was the concern, especially if they were permanent and year-around. So they were focusing on size, intensity, and frequency in some of their reviews.

And then, Jenn, you went to the Tourism Board, but I think it was more of an informational meeting. I don't know if there's anything you want to report on that.

Ms. Rogers: No, there were some comments on, you know, being inclusive – on how these activities could happen with minimizing impact and, you know, taking advantage of tourism activities and what that can bring to the county, you know, economy-wise. That was mostly what their focus was on.

Ms. Grueter: So we would be moving from this point on to creating some code amendment ideas for you. Here's just sort of a summary based on what we were seeing in the policy review and the engagement activities so far. It seems like the potential for improving the process for Farm Stands, U-Pick, and Tours seems like easy changes to make to improve allowances you already largely have. Farm Stays, there was some support for looking at the Harvest Hosts or the temporary, so we would bring back, What do low impact standards look like, how would you limit the number and size?

For Tasting Rooms, we might explore an option that's similar to like a Clark County where having a small size, as long as there's a certain amount of agriculture/produce that's related to it directly.

For Restaurants, I think it's a little bit more tricky to say what is a primary use of the land between, you know, a restaurant and the farm. And so I think here we might propose some changes that are more like what Thurston allows, which is restaurants in the rural zone but not in the Ag-NRL zone. So we could bring back some ideas for having small restaurants in the Rural Reserve, not in the Ag-NRL. You know, what might that look like in terms of size or scope? Would it need, you know, hearing examiner level permit? That kind of thing.

And then for Weddings, there are some, you know, examples that have seemed to work in terms of limiting size and scope, like in Spokane for a temporary activity. Snohomish County allows it in existing barns on 1 acre. So I think we might just bring you back some options to discuss and see if those are a fit for Skagit County.

So this is just some initial directions to share with you and get some questions or ideas from you and then, you know, we'll bring back in June some of the ideas for the code. So I'll just go through the schedule and then we can open it up, but basically trying to develop a preferred option from among the range of options and based on the input, and then working with you in June and July. I think, Jenn, the schedule is the second meeting in June? Is that right?

Ms. Rogers: Yeah.

Ms. Grueter: So that's information that was a lot to share in terms of the options and the engagement results so far. We've put together a summary of the engagement that will go on the website after staff review. You've got the first preview of the results.

Chair Raschko: Thank you. Commissioner Mitchell, you have a question?

Commissioner Mitchell: Yeah, one that might be too – a question for both of you. Will this slide show be put on our meeting information tonight so it'll be posted tonight?

Ms. Rogers: It will be posted tomorrow.

Commissioner Mitchell: Okay, super. I'd like to look at some of that closer. Is it possible when you look at the part with the wedding venues considering the information that came back from the surveys that wedding venues be looked at all on their own?

Ms. Grueter: When you say "all on their own," do you mean that they're the primary use of the property?

Commissioner Mitchell: Well, at this point even though I've talked to different people and I have some input from all kinds of sides on it – early still – I'm struggling with how a wedding venue is really a farm thing. And what's going through – I'll just go ahead and be straightforward – what's going through my mind is this: is that I think that we do want to encourage businesses for the county and allowing people to have use of business and land and those kinds of things. At this point, it seems like it's a false connection to me calling it ag tourism – and we'll keep an open mind.

Ms. Grueter: Mm-hmm. Okay.

Commissioner Mitchell: All right. But it seems like that's a forced, false connection. And wedding venues are a good thing and they're great for the property owner and businesses and things like that. I just was wondering if it could be looked at for like Option D, C, F – whatever it's going to be –

Ms. Grueter: Sure, yeah.

Commissioner Mitchell: – as a standalone thing, that for the County to look at that as its own thing.

Ms. Grueter: I see, so not in the ag zones but maybe in the rural areas with whatever kind of limitations.

Commissioner Mitchell: Right.

Ms. Grueter: Okay.

Commissioner Mitchell: Thank you.

Commissioner Hutchison: Can I comment on that, in response to your statement? I have to agree a wedding is not agriculture, but it is a desirable location for that type of venue. It is certainly tourism. And so if that being the desired venue from the perspective of tourism, it sort of belongs in this conversation. Identifying locations for weddings in this community is difficult. One of the chapels recently got sold and converted into a residence. For people that live here that want their families and friends to come and stay and play and be tourists for their event, why would we drive that whole venue down to Snohomish County and let them take all that local money and tourism when we could try to capture it here, making it easy?

Commissioner Mitchell: Well, I think – is it okay to respond?

Chair Raschko: Oh, it is. Absolutely.

Commissioner Mitchell: Chair – I need to focus it through the chair, so forgive me for doing that. Chair, I think that the – my thought pattern was this, is that wedding venues are a valuable thing and can help drive business for the county and also for the landowners and the businesses and property owners and things like that. It's just that I'm wondering why it's being put under ag tourism when it's a standalone business, would be a standalone business, regardless of where it is. And so opening it up to rural, urban, everything else, you know, as it possibly could be is one thing but to call it ag tourism all on its own I think is the problem I have.

Commissioner Hutchison: I see.

Chair Raschko: Can I ask you a question? What I'm wondering what you're getting at is maybe wedding sites could be considered in a separate event –

Commissioner Mitchell: Absolutely.

Chair Raschko: – but could they be permitted on a farm? If they already have the parking, they already have the building, and they have all of that then maybe then that comes under a totally different process.

Commissioner Mitchell: Exactly. A different process, different way – that kind of thing. For what I'm stumbling around saying is that coming through is what the concept is, you think?

Ms. Grueter: Yes. I think what we were thinking is bringing back, you know, a couple of options and we can look at your example and see if, you know, if there's another here to be had. But I think we were looking at within the ag and rural zones, you know, under what circumstances would you want to allow temporary ones. That would be the Spokane approach, where they limited the number per year and the size of them per year and they had some standards for the operators to follow. The other one would be more like the Snohomish County example where you have to have an existing barn, you have to have an existing facility, you have to have an existing improved area so that you reserve the farm soils. And so they allow it in the ag and some of the rural zones, and so those counties took two different approaches and so we thought they might represent a range that you could consider and look at whether you think they're a good fit.

Commissioner Mitchell: Good, thank you. That's what I'm asking for more options, more subsets, if you will, for different possibilities.

Ms. Grueter: Right, right. And so we can bring back, you know, the intent of each of the zones and make, you know, that part of the discussion. What zones might be a fit for the wedding facilities –

Commissioner Mitchell: Thank you.

Ms. Grueter: – either in a temporary or permanent fashion with these kinds of rules for you to weigh and consider.

Commissioner Mitchell: Mm-hmm. Thank you.

Chair Raschko: Why don't you go ahead, Amy, and then Joe. Thanks.

Commissioner Hughes: When you were doing the page on summary allowances, you made a quick comment about proximity to cities and it sounded like there was a discussion/conversation regarding that, and I wasn't really understanding whether we wanted it closer to cities or if that was competing with city business.

Ms. Grueter: Right. I think that's a tension. So a lot of times – in the literature anyway – a lot of the agritourism happens within 30 minutes of a population center, so a lot of the agritourism does happen sort of closer in. But sometimes with, like, a restaurant or some kind of more intensive facility, I think that's the question: Do you want it right next to a Rural Village? Do you want it right next to a city? Is it better to keep it, you know, spread apart? Because you might already be allowing for those kinds of uses in the Limited Area of More Intense Rural Development or in the city. So I think that's the question. Is it better to be near it – in which case it kind of calls into the question the boundary of that more urbanized area – or is it better to keep it spread apart because what you want to do is ensure that the size and scale or scope of the activity is not overloading a particular area? So I think that's the – I don't know that there's a right or wrong, Commissioner Hughes. I think there's, like, a question mark there. Anyway, in terms of restaurants, we were thinking of not allowing them in the Ag-NRL zone because it's really hard to say, What is the primary use of the property once you put an activity like that that has some of the highest, you know, visitation? And so we were thinking maybe just bringing back an option of looking at it in one of the rural zones and then looking at, Does it make sense to have a limitation on distance or not from other existing cities?

Commissioner Hughes: I could see some conversation on both sides that could be very interesting on that as far as developing Skagit County –

Ms. Grueter: Mm-hmm.

Commissioner Hughes: – and what we are, you know. Tying it with cities and personalities of the different Rural Villages and the cities. Tying it together or what I'm hearing is maybe it needs to be a little bit separated.

Ms. Grueter: Right.

Commissioner Hughes: Okay.

Ms. Grueter: Yeah, I think it's a policy choice and we can come back with, like, Okay, what would be the reason to keep it separate? What would be the reason to say, like, Okay, within a mile maybe it makes sense because, you know, there's some facilities that are easier to get to – you know, for people to travel to?

Commissioner Hughes: I'd like some more education on that.

Ms. Grueter: Sure.

Chair Raschko: Joe?

Commissioner Woodmansee: I have a couple things. On the wedding venue topic, based on my limited wedding venue knowledge, if you didn't allow wedding venues in an ag zone, I would think the wedding business in Skagit County would pretty much be out of business. The only ones I

can think of that I've attended a wedding at have all been in agricultural areas. And so to dovetail into what Kathy was saying and what I think what Commissioner Mitchell was saying is it shouldn't get – we shouldn't hamstring the wedding venue. Like, if somebody wins the argument that wedding venues and ag land don't mix, that shouldn't be the end of wedding venues. And so from my perspective, these ag – the few that I've been to, the places that I've been to weddings, are probably the most ideal and the best venue in Skagit County – are in a previously producing ag thing that – a barn or something like that that is no longer actively farming or whatever. And that happened organically, I believe – that transition did. I have no idea if any of these places permit it or not. But I think they're an asset and so I wouldn't want to – I think that the concept of looking at wedding venues either with this or with this and additionally is something that's a good idea.

And I do agree that the impact – you know, the concept – okay, there's an existing parking lot, existing facilities and all that is an important factor. I don't think that you should have a zero tolerance for new improvement, but it's going to have to meet a lot of codes and stuff. You would have to, you know, go through a pretty rigorous process.

Another question I have is: What's the definition of "primary use"?

Ms. Grueter: I don't know, Jenn, if we can pull up your code. But typically it's the – and in the ag zone over the years the County has defined agriculture as the primary use and, like, even homes as a secondary use that is supporting the primary use but is not the main thing happening on that land.

Commissioner Woodmansee: So is it about dollars?

Ms. Grueter: I don't recall if your definition about dollars – some of your definitions, like, around farm stands have some idea that most of the products – but it's not defined as if it meant value or volume, so we'll take a closer look.

Commissioner Woodmansee: In my layman's thinking, I'm thinking if you have 40 acres and 37 or 8 or 9 of it is actively being farmed, regardless of what's happening on the balance of the property, to me that's primary use. And so that's where I'm coming from with that question. You know, is it a financial decision or interpretation or is it a – you know, there's 40 acres, 98% of it is being used for agriculture, and this 2% or 5% or whatever it might be is this accessory use. The accessory use may have a revenue stream –

Ms. Grueter: Right.

Commissioner Woodmansee: – that equals to or is better than the agricultural stream, but that doesn't to me make it the primary use.

Ms. Grueter: We'll doublecheck. I mean, typically in codes, in land use codes, it's by acre.

Commissioner Woodmansee: Defined by acre?

Ms. Grueter: Right. But some activities, like these agritourism ones even in the other example counties, when they say you can do such a use but you have to primarily sell products either onsite or from the county, that's when they start getting into the dollar side of it.

Commissioner Woodmansee: A couple other quick ones, if you don't mind. This is a stormwater question because we've referenced stormwater in here a few times. So if you have a U-Pick farm

that – and you can kind of dovetail this into the Tulip Festival a little bit because the Tulip Festival has a lot of ag land that becomes temporary parking lot during the tulip season – but if you have, on a smaller scale, if you had a U-Pick farm and you – so there’s a short season that you need parking, I wouldn’t want to see us get into a stormwater debate about, you know, whether they could just put some chips down and park on the chips for the two months or three months, whatever the picking season is. I wouldn’t want us to overreach into this type of an area and get too complicated in pulling the stormwater code into these types of things. So in this conversation, I’m just curious as to – I want us to look into how would those two things – I understand brand new permits is a whole different thing. But if you have an existing U-Pick farm or you create a U-Pick farm, maybe there’s just a grower and now they can have a U-Pick – temporary parking and stuff like that seems like it would have a different thing, and in particular parking that is *not* pervious, is impervious – no, that is *not* impervious –

Ms. Grueter: Green!

Commissioner Woodmansee: – that lets water through it! (laughter) Would – you know, I would hope it’d almost exempt you in any kind of a stormwater situation. It won’t surprise very many people here (that) I think that way. But anyway, so that was that. I just think it’s something to be thinking about.

And then the last question I have is: I’m just curious if anybody knows on code enforcement, like, how many calls do we get a year about all these different types of activities, something that we have – obviously we don’t have any calls on something that’s not in place, but is this a three calls a year or 30 calls a year kind of industry as far as complaints or enforcement? If we could look into that or – I’m curious as to, you know, since it was on the list, is there actually something there or is that just, you know, there because it’s just in the process?

Ms. Rogers: The calls is something that we can look into and bring that information to the next meeting. We did find a definition for “primary use.” It’s a little vague, but it is: “...that a structure or a use for which a property is primary used that may be either permitted outright or through a special use process.” That’s the definition.

Commissioner Mitchell: One more time, please.

Ms. Rogers: So “its primary or principal building or use – that structure or use for which a property is primary used that may be either permitted outright or through a special use process.” And I can send that definition in an email as well.

Commissioner Mitchell: Please. Thank you.

Chair Raschko: Thank you, Joe. Will there be anything else? Amy?

Commissioner Hughes: Back to our conversation about complaints, I’m wondering if it would be valuable to talk to these other counties that have more wedding venues in agriculture, if they’ve seen as they’ve gotten more and more activity if they’ve had more neighbors having conversations about this? That is kind of what I am concerned about is.

Ms. Grueter: Sure. We can revisit. We did interview some folks in Snohomish, Thurston, and in Oregon last year. I will ask more specifically about wedding facilities. What I was hearing was in general. Snohomish County has some of the highest agritourism activities in the state. And what I was hearing from the Wazoo Extension folks and also from the County planners that a lot of

issues come up more because of access and parking, traffic – that kind of thing. And so, like, needing flaggers for, like, if they're waving people in to the u-pick or to the wedding venue or whatever it is, that that's what they were receiving complaints on from adjacent property owners.

Commissioner Hughes: And maybe noise?

Ms. Grueter: Yeah, I'll look into that too. That was a consideration in how some of the rules have been amended over time, like in Spokane. So we'll look into the noise issue as well.

Commissioner Hughes: Okay.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I don't know who this goes to, Lisa or Jenn. So horse farms or ranches, big places that could be used for such, too. Are those considered farms or not farms? Or is that just considered ag-rural use, or just rural use?

Ms. Grueter: I think generally the definition of "agriculture" is about both, you know, crop production and animal husbandry – is my recollection of the definition.

Commissioner Mitchell: Okay, thank you.

Chair Raschko: Jen, please.

Commissioner Hutchison: I guess the wedding concept is still a lot to think through. As far as the temporary structure, you're speaking more not necessarily building new facilities for such an event but just having a tent – a true temporary activity for a *permitted* event. And I just wonder if that's maybe where there's less interest perhaps or if there's a way of true enforcement. Like, you're going to have a maximum amount of guests that are allowed in that type of activity, and then how do you really enforce that? Would it be a larger permit to allow for a larger head count as far as financially or – I just – I wonder if there's some skepticism there as far as then you've got noise, then you've got parking, then you've got – if it's something that's less controllable, where if you've got the existing structure there's already a lot available for the parking and it's easier to manage perhaps long term by observation, and they'd have that conformity of use.

Ms. Grueter: You could look at temporariness in two ways. One would be they're going to do six months of the year the events in an existing structure, so that would be temporary because it's only so many events per year. Or it could also be that you're going to allow for temporary tents and those tents are of such a size and scope that they are reviewed by, like, the fire marshal, so they are somewhat reviewed. So we can look into how has it fared – in Spokane, in particular, because they were looking at only so many events per year and only so many people per event – and talk to them about code – you know, how's that gone?

Commissioner Hutchison: And more on elaborating on Commissioner Woodmansee's point of not making it difficult to have those seasonal activities at harvest time. How do we keep that type of a permit simple so that it doesn't discourage opening up those activities? It's obviously something the community wants. And that brings me to just another question, if I may real quick? So the numbers that you gave in one of the very early slides. It was a projected – what? 500 people might visit a Farm Stand, and I'm not seeing anything in the Farm Stand notation that's speaking of, like, a temporary Farm Stand and I'm just curious. Are your numbers just bringing in new business, like true literal tourism, or are you summarizing – are these numbers related to

local functions as well? Because I just feel like temporary Farm Stands would get a whole lot more traffic than just 500 people in a year, but you'd be seeing that coming from your local user.

Ms. Grueter: Yeah, my recollection of that number is that it came from a Wazoo study in Washington State that looked at various farm sizes in every county, and it was sort of an average number of visitors. I believe. There was also some national information we looked at. I have to say, for Farm Stands it was kind of, you know –

Commissioner Hutchison: Low end on the –

Ms. Grueter: Well, it was hard to get things isolated, whereas if you had a particular *product* like berries or pumpkins, you know, there was more information for some of them when it was a specific product type. But just a general farm stand anywhere, this seemed to be like a typical headcount. Some of them were talking about, Oh, if you planted four or five acres of x-type of vegetable or fruit, they were talking about how do you estimate demand – or unmet demand. Because I was thinking maybe along the same lines as you. I'm sure more than half of the visitors are local, live local, so I imagine people going to multiple farm stands, depending on what it is that they need, right? So I don't know how many are getting counted many times. But a lot of it was how to estimate market demand for your product within proximity to an urban area – that kind of thing. I would consider these more relative to each other and not necessarily that that exact number is the absolute right number, but it's more of a scale of activity based on sort of like the nature of the activity.

Commissioner Hutchison: Oh. I have one last question. From sitting in on one of the public meetings, I got the consensus that Option C was the preference by the public. Am I wrong in that conclusion?

Ms. Grueter: I did not hear that. I think what we were hearing was Option A was – I mean, at least vocally at the meetings. Option A, to make improvements in how to allow accessory agritourism and not to only prescribe it or allow it in an overlay, which was Option B. And I think Option C, I don't – I think because it is unclear where would it happen – right, because it's case by case? You'd give some rules on someone applying but it's hard to know exactly where it would happen, and so it doesn't give a lot of certainty to the potential operator or the neighbors, right?

Chair Raschko: Could you put that slide up, please?

Ms. Grueter: The options?

Commissioner Mitchell: Please.

Ms. Grueter: Okay.

Chair Raschko: Thank you.

Ms. Grueter: Certainly by the time of the survey it seemed like Option C was the least favorite, and then sometimes parts of Option B were okay, but typically on the whole variations on A were the ones that people seemed to like.

Commissioner Hutchison: I had one other question. The RVs – wow. I know you've already touched on trying to find ways to control it. I just understand that some sites that are made for camping, they call it temporary if you leave, if you vacate after 28 days and then you can just

vanish for three days and then return again. And is there a way to prevent that? Because now _____, in my opinion.

Commissioner Mitchell: Good question.

Ms. Grueter: Yeah, that's a good question. I'll look at how the codes are written and maybe contact – it looks like it's happening in Whatcom and Yakima. I don't know how much those counties are actually regulating it, but we'll find some.

Commissioner Hutchison: I can imagine that the license plate registration would be the only way you could really track it somehow. I don't know.

Ms. Grueter: I think it's kind of similar to short-term rentals, too. I think you could have the same kind of an issue, just that it's in a permanent structure.

Chair Raschko: Anything else, Jen?

Commissioner Hutchison: No. Thank you very much.

Chair Raschko: Anybody else?

Commissioner Woodmansee: I have a follow-up kind of down that line. Do we know – so the Tulip Festival is this huge thing, great thing for the county. Well, I think it is anyways. I avoid it because it's too many people, but (laughter) it's good for the economics of the county. Yeah, when my wife says, Can we – I'm, like, Oh, do we have to do that? Anyways, that's not good advertisement. Sorry about that! What I want to ask about is room counts. So I was thinking of – because we talk about B&Bs in here quite a bit. Do we know in the general, you know – basically I want to say on the west side of Mount Vernon, like, what's the room count? Like B&Bs and – is it 20 units? Is it five rooms? Is it however many – on the one hand, I would guess it's underutilized; on the other hand, that's a whole discussion about agriculture and, you know, that's why we're talking about this, right? I was just curious if there was any information based on, you know....

Ms. Grueter: So you're talking about Airbnb-type?

Commissioner Woodmansee: No, I'm talking about bed & breakfasts.

Ms. Grueter: Mm, okay.

Commissioner Woodmansee: I mean, I would *include* an Airbnb into that. Any, you know, available rooms in the whatever area, you know, within a couple miles of the general area where the Tulip Festival is.

Ms. Grueter: We could talk to staff about looking at the permit history around B&Bs. Because I know that we did look at some examples when we were, you know. So I'm sure we could do a search. Airbnb does provide data for a fee. They have some free stuff but they do have – and you can get records. They call it "Air DNA" or something like that. So we can try to track that. They have it monthly. So we can look at that and see what information we can get. And so you're interested around the Tulip Festival time.

Commissioner Woodmansee: Well, I'm just – I mean, that's a big event and I can only imagine that if somebody wanted to come and spend the weekend up there really their only options

primarily are if there's a B&B nearby or you're in a hotel in town, which tend to be pretty full in the summer. And so I'm just curious as to – I mean, it relates to what's the need for permit B&Bs in this discussion and stuff like that.

Ms. Grueter: Mm-hmm, okay.

Chair Raschko: Have we anymore questions or comments?

Hal Hart: Commissioners, I would just make a comment, is that the business models are evolving rapidly, and there's another one known as "Hip Camp" that we – Hip Camp, h-i-p camp – and people camp on the farm, and so we had questions about that today, this morning, so we had to look it up. And you can look under "Hip Camp" and see all throughout Skagit County where that shows up. On Fidalgo Island, on – just, you know, around different locations where people can offer up whatever property they have for a single camper or someone that wants to camp overnight, yeah, running at \$65 an evening, you know, on an average. So it's interesting what is being offered in the market right now.

Chair Raschko: Thank you. Anything else?

(silence)

Chair Raschko: I want to thank you. I found that to be very informative, but also the way you presented it, at least for me, is going to make it a lot easier to get my mind wrapped around this thing. So thank you very much.

Ms. Grueter: Oh, you're welcome. Thank you.

Chair Raschko: And before we move on, I didn't get time but Andy, I wanted to thank you for your answers up there. I thought you did a great job and provided a lot of good information.

Mr. Wargo: Thank you.

Chair Raschko: Okay, so with that we'll move on to the Director's Update. Mr. Hart?

Mr. Hart: So we are now in the midst of another busy year. So from – as you know, Peter has – is no longer with us this week and we hope not to miss a beat over the next three or four Planning Commission meetings, and then we hope to fill that seat as quickly as possible, Commissioners. So I just wanted to let you know that's our intention. But for Jenn and I, you continue to be our priority in giving the service that you need so you can make decisions or recommendations is our top priority. So I just want you to know that. That comes from the Commissioners wanting to just keep the flow.

Our growth update that I have – just a quick windshield survey that I – I do this every week. I go to different parts in the county and take – snap the photos. There are at least 10 to 12 homes that I found that were under construction in the Big Lake area. That's a pretty average of the last four years at any given time. Ten to 12 homes seems to be about average out there – maybe a few more some years, a few less others, but 10 to 12 homes. These are the homes that you're seeing that are shown here. There were another 10. I just didn't show all – or another six or eight, but I didn't show them all. But 10s about average and what I'm seeing out there is average. The other thing we're seeing out there is that we are filling the existing lots. So the question is, What happens next? And where will the rural housing go? Right? That's kind of the question. So one thing that

we know is that there is another subdivision that's out there of about 103 units, maybe a little bit less than that. That would be near the existing Big Lake Golf Course. This is a pre – already done, already gone through the process, but they have to meet stormwater regulations now because that was invested. So that is – but other than that, that's the only large one that I know of out there. And so that would be a few years of growth out there that would be accommodated. Yes?

Chair Raschko: Is that immediately adjacent to the golf course on the east side?

Mr. Hart: Above the golf course, yeah. Yep. And then – so anyway, we continue to see a lot of growth around the lake and continue to see improvements – individual improvements. We continue to see a lot of ADUs as well in the county, so that's something that seems to be a trend. Let's go to the next slide. That's fine.

I just wanted to give you the dates. What's going on in the Shoreline Master Program now – right? And so May 16th we have a second consultation between the Samish Nation, the County staff, and the DOE staff. And we're listening very closely to the Samish Nation at this point. This is a consultation opportunity so we've explained what we're – you know, how we're looking at it, what our recommendation is before the Board. They are saying, Hey, what about these issues? And so we're listening to them. And the Commissioners will have the opportunity to decide if they want to make additional changes at that point from that consultation. And/or DOE is listening because when we're done with it, we send it to DOE. And so it could be addressed in either of those venues, and it will come back to us at some point where we try and reach agreement again. So if we can reach an understanding of what they think needs to be addressed and we know what they're asking for, we're closer to that same page. And so on May 23rd staff will meet again. On June 13th, the Board is scheduled for deliberations on the Shoreline Master Program and the Board will go over the 23rd – we're going to look at the matrix of comments that we've put together again. So the Board had a hearing and the 63 comments or something will be included along with all the previous comments we received, and we're looking at those again. So at that point then we've documented all the comments we received and the Board can decide what they want to do on June 13th. They may kick the can down a meeting or two from that, if they need to, if there are things they want to look at.

We are getting comments about climate change. We are getting other things from the environmental community that continue to be heard out there.

Then also the balance of '22. We want to address that. When the Board has completed its work, it goes to DOE and then it should come back some point, I believe this year – would come back to us. I'm hoping it won't be in '23. So I'm optimistic that it'll come back. DOE usually will hold a hearing in our county. That's what I'm familiar with. So if – yeah, when the DOE wants to listen to the community, they will hold a hearing here and they'll look for a venue.

Chair Raschko: Okay, did you have a question?

Commissioner Mitchell: Yeah, a quick question for you. Your meeting on May 23rd, staff and Board, is that something that's on Skagit 21 or is it just a private meeting?

Mr. Hart: Oh, I believe that will be – I'm sure that's a session. That's a work session I'm pretty sure.

Commissioner Mitchell: That means on camera?

Mr. Hart: Yeah, that would be on camera.

Commissioner Mitchell: Okay. Thank you. That might be interesting to watch.

Mr. Hart: Yeah. Yes, the more that it's open, you know, the better everybody can track, Well, where did that come from?

Commissioner Mitchell: Thank you.

Mr. Hart: Yeah. And is there are any other items, Jenn?

Chair Raschko: One moment, please?

Mr. Hart: Yes?

Commissioner Woodmansee: I have a question on the information that you're getting from the – the input you're getting from the tribe. Can that get provided to us?

Mr. Hart: I think so. I mean, there's no secrets or anything, so sure. Right now it's discussion and the bigger issue is probably they're also interested in sea level rise and addressing change – climate change and those things through the Master Plan. And we see that in other locations around the Sound, too. So the question is, How would we do that, and to what extent would we do that? Is it just putting some statements in or do we go deeper? What do they want? And we're trying to figure that out so we're working on that together.

Commissioner Mitchell: I've got another question.

Mr. Hart: Trying to reach understanding, right?

Chair Raschko: Well, while we're still on this, Commissioner Mitchell has a question.

Commissioner Mitchell: I apologize if this is repeating something you said in the last couple weeks that I missed, but with a bunch of that legislation that came down –

Mr. Hart: Oh, great point.

Commissioner Mitchell: What came out with the climate change, sea level rise, and some of those other things that – and the mandates?

Mr. Hart: Yeah. There are working groups out there on several of the mandates that came down, and I think they kick in – some of them have already begun, so they would be meeting with participating local government and staff and statewide groups, and sitting in a venue someplace discussing it or doing it online or some hybrid approach. I didn't go through each of them today so I apologize for that, but I was thinking of that, so as soon as I know I will – I took customer calls today so I will – the call I would make would be the Commerce Department and ask them, Okay, where have you jump-started each of these processes? And there's still other changes, I think, that we need to discuss as a staff. There've been changes to the Open Public Meetings Act that are important and we need to understand what those mean, and it may mean we change some of our processes here locally to be consistent with the new state changes. So we'll be bringing a lot of that back to you shortly.

Commissioner Mitchell: Thank you. And if that happens with the OPMA stuff, can we – if we need education, can we tie in a group thing like we've done before?

Mr. Hart: I think so. And I reached out to Jason, our attorney, today but I didn't get a chance to talk to him because I called him too late. So yeah, I'll follow up and see if we can do a quick update.

Commissioner Mitchell: Thank you – very helpful.

Ms. Rogers: There is one other item – this is Jenn Rogers – that we wanted to discuss for the update. We did have our second work session with the Board on the 2022 docket. So that work session included staff recommendations on whether or not to include the petitions on the docket. Again, that decision is up to the Board but we will be having a public hearing on the inclusion on May 24th, so it's just a day of public hearings that day. And then we have a date scheduled in June with the Board for them to deliberate and possibly take action on the docket as well. So we hope to bring the introduction to the Planning Commission during our second meeting in June.

Chair Raschko: Is there anything else? Well, thank you. Any questions for Jenn?

(silence)

Chair Raschko: Well, thank you very much. We will turn then to Planning Commissioner Comments and Announcements. So, Mark, what have you got?

Commissioner Knutzen: I have nothing, thank you.

Chair Raschko: Kathy?

Commissioner Mitchell: Nothing. Thank you.

Chair Raschko: Once again I'd just like to thank the presenters today and staff for their great help with answering these questions. Have you anything?

Commissioner Hughes: I'll thank the staff. We seem to be making a transition very smoothly and I applaud you on that. You have a lot going on in the department and I'm feeling that things are pretty smooth right now from what I have to deal with, so thank you for doing that.

Mr. Hart: Many thanks to the Commissioners for allowing us to get good staff and to the staff for sure.

Chair Raschko: Joe?

Commissioner Woodmansee: Yeah, I would echo the same thing. I appreciate, you know, the professionalism and the patience with our questions and the thorough, thoughtful answers that we get back. It's appreciated. I'm not going to make the next meeting and so –

Chair Raschko: You can Zoom!

Commissioner Woodmansee: Yeah. I won't be travelling anyways. So I just wanted to let you know. It doesn't look like I'll be able to make the next meeting.

Chair Raschko: Okay. Jen?

Ms. Hutchison: I appreciate you all and it's really nice being together in person so thanks for that.

Chair Raschko: Okay, so that concludes tonight's business, so I thank everybody and we will be adjourned (gavel).