

Subject: Summary of King County v. Friends of Sammamish Valley (2024)

[King County v. Friends of Sammamish Valley](#) (2024).

Before the Washington Supreme Court was a decision by the Growth Management Hearing Board that a King County ordinance altering zoning and business licensing for wineries, breweries, and distilleries (WBDs) in an agricultural and rural areas violated the GMA and SEPA. The court affirmed the GMHB's decision.

Much of the impact of the decision is unrelated to questions on what is allowable on ag and rural land. In particular, the Court discussed technical aspects of how such ordinances are to be reviewed and the expectations for SEPA for ordinances.

Nevertheless, there whether certain accessory uses were permitted by the GMA was discussed by the Court. The Court upheld the decision of the GMHB because "The GMA does not allow the County to presume that expanding WBDs and tasting rooms on agricultural land, and expanding the pavement, sewage, and buildings to support them, with no environmental review is an allowed accessory/compatible use."

In reaching this decision, the Court reiterated and emphasized the important of preserving agricultural zoned land. Key take aways from their analysis, which should guide Skagit County in considering uses that may be permitted or allowed in Ag-NRL, include:

1. The GMA's allowance for "innovative zoning techniques" does not allow the conversion of prime agricultural soil to unrelated uses; such techniques must still maintain and enhance the agricultural environment.
2. In considering a given use in agricultural zoned land, the primary question is: Will the proposed use make designated agricultural land unavailable for agricultural production? If yes, it likely violated the GMA.
3. We must be mindful of the limitation placed on accessory uses in agricultural zones by [RCW 36.70A.177\(3\)](#):

(a) Accessory uses shall **be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties**, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) **Agricultural accessory uses and activities**, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) **Nonagricultural accessory uses and activities** as long as they are **consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site**. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, **shall not be located outside the general area already developed** for buildings and residential uses and **shall not otherwise convert more than one acre of agricultural land to nonagricultural uses**; and

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

The Court's decision is consistent with Skagit County's commitment to preserve its agricultural lands and provides good guidance on our effort to deal with agritourism. In thinking about how we should regulate agritourism, with this case in mind, I recommend we pay close attention to the following:

1. Providing clear definitions of nonagricultural and agricultural accessory uses;
2. Defining what constitutes interference the continuation of, the overall agricultural use of the property and neighboring properties; and
3. Creating clear standard by which to measure whether an accessory use is consistent with the size, scale, and intensity of the existing agricultural use.
4. Incentivizing agritourism conducive to already developed areas of a parcel
5. Incentivizing agritourism on land with less than prime soil.