

Skagit County Agritourism – Response to Planning Commissioner Comments

Planning and Development Services has reviewed the Planning Commission’s individual recommendations and comments on the proposed Agritourism code amendments and provided responses below. Responses are meant to provide background on staff’s intent when writing the draft code amendments.

Code Section	Question, Comment, or Recommendation Summary	Response
SCC 14.07	The code should be written to include a grandfather clause for existing agritourism venues that will allow them to continue operation.	The code is being written to address new agritourism operations. Nonconforming uses are also regulated under SCC 14.07 – <i>Nonconforming Uses and Structures</i> . Existing agritourism operators have been given the opportunity to enter into a voluntary compliance agreement to document existing non-conforming uses.
SCC 14.13.100(2)(d)	The code should allow venues that do not relate to agriculture.	The Natural Resource Lands are protected under the Washington State Growth Management Act (GMA) and Skagit County’s Comprehensive Plan. Limiting Agritourism activities to those directly related to farming, preventing the conversion of farmland, and establishing regulations to minimize impacts on adjacent farms are intended to maintain consistency with the GMA and the County’s Comprehensive Plan. The County is proposing to allow limited event venues in zones outside of those designated as Natural Resource Lands.

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SCC 14.18.407(1)	To achieve greater clarity, a definition of agritourism should include a list of example activities that are directly connected to agricultural production on a given farm including direct marketing, education, appreciation, and experiences.	<p>PDS did not include specific examples of agritourism activities in order to avoid unintentionally limiting what may be allowed. Instead, the code focuses on addressing potential impacts. Under the agritourism amendments, all agritourism uses must be secondary and related to an existing agricultural operation, with additional impacts managed through the general limitation and performance standards.</p> <p>Regularly occurring celebratory gatherings such as weddings, parties, or similar events that would cause a property to function as a limited event venue or event venue are proposed to be prohibited uses within the Agricultural–Natural Resource Lands zone.</p>
SCC 14.18.407(1)	The definition of agritourism should clarify that these activities are secondary to, and supportive of, agricultural production. Activities that are only indirectly related or tangential to agricultural activities should not be included in the definition of agritourism.	SCC 14.18.407(3)(a)(ii) requires that agritourism uses must be secondary and related to an existing agricultural use. Since this is acting as a standard/use requirement, PDS proposed not to locate this standard in the definition. The limitations of agritourism uses are focused on the impacts and performance standards rather than the specifics of the activity.
SCC 14.18.407(1)	Clarify “enjoyment,” “entertainment,” and “recreation” in the agritourism definition and standards. The definitions are overly broad and could be interpreted to allow music festivals, concert series, or other entertainment-focused uses that have little or no connection to active agriculture.	SCC 14.13.100(2)(d) proposes prohibiting regularly occurring celebratory gatherings, weddings, parties, or similar uses that cause the property to act as a limited event venue or event venue. This includes music venues. The Planning Commission could recommend including concerts or music venues to the list of prohibited uses. Planning and Development Services has added a suggested recommendation to the draft recorded motion for the Planning Commission’s consideration.

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SCC 14.18.407(3)(a)	<p>The amendments establish "general" limitations and performance standards that do not assure the protection of the proposed and neighboring farmland. The County lacks the practical ability to prevent impacts. Vague language in the code undermines set standards and creates enforcement challenges.</p>	<p><i>SCC 14.18.407(3)(a) – General Limitation; Performance Standards</i>, were written with the intent to assure protection of the proposed and neighboring farmland.</p> <p>The standards prohibit the conversion of agricultural land for non-agricultural purposes, including for off-street parking areas. Agritourism activities must not unduly interfere with surrounding farm operations, and any potential impacts will be evaluated during the application review process. For Agritourism 2 and 3 uses, neighboring property owners would be notified of the public comment period and Agritourism 3 uses would require a Hearing Examiner public hearing.</p> <p>The standards also include limitations on traffic, lighting, and noise, and they authorize the department to require studies that help identify appropriate mitigation measures or establish limits on the agritourism use.</p> <p>Regularly occurring celebratory gatherings such as weddings, parties, or similar events that cause a property to function as a limited event venue or full event venue are proposed to be prohibited under SCC 14.13.100(2)(d). These types of uses present a higher potential for significant impacts on neighboring agricultural operations.</p>

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SCC 14.18.407(3)(a)(i)	There is no added benefit of limiting who can organize Agritourism activities. The positive or negative impact of agritourism is not contingent on who is organizing the activities but rather on how those activities are being conducted.	<p>Requiring agritourism activities to be conducted by the owner or operator of the working farm or ranch is one of several measures that help ensure these activities remain related and secondary to the primary agricultural use. The Community Advisory Group (CAG) recommended limiting agritourism to uses carried out solely by the farmer on an active farm operation (see Page 6 of CAG recommendation). This requirement helps ensure that agritourism does not develop independently of agriculture, but instead serves as a supporting component of existing farming activities. Farm operators are welcome to have business partners participate in agritourism activities.</p> <p>Applicants for agritourism uses will be able to hire consulting services to act as an agent when submitting applications.</p>
SCC 14.18.407(3)(a)(vi)	Bolster enforcement by referencing RCW 46.61.560 explicitly in parking regulations.	RCW 46.61.560 specifies that no person may leave standing any vehicle upon the roadway, but does not specify that parking in the county right-of-way is prohibited. SCC 14.18.407(3)(a)(vi) does not allow parking for agritourism uses in the county right-of-way.

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SCC 14.18.407(3)(a)(x)	<p>The Tulip Festival Allowance is vague and unenforceable. Any commercial operation could claim an association. The 30-day festival period also overlaps directly with one of the most critical planting seasons for Skagit Valley, intensifying interference with other working farms.</p> <p>The Tulip Festival participation plus participation with Agritourism 1, 2, or 3 allowances creates inequitable treatment between farms. A code intended to support all agricultural viability should not grant preferential treatment to a single crop.</p>	<p>After reviewing public comments and the Planning Commission's recommendations, Planning and Development Services recommends removing the 30-day allowance of additional days for agritourism activities. The Agritourism 3 use does not establish a limit on the number of days or guests and is an available permitting pathway for operators that would like to participate in any festival or any other agritourism activity.</p> <p>Planning and Development Services staff have added a suggested recommendation to the draft recorded motion for consideration.</p>
SCC 14.18.407(3)(b)(ii)	Regarding the \$500 per acre per year of proof of farming income, are there options for someone who purchases a farm with intent to farm, and within the first year of ownership, would like to participate in a festival or hold agritourism events? Is there a pathway for a new farm owner to participate inside of the 3-year income requirement?	Under the code proposal, SCC 14.18.407(3)(b)(ii) would require farms under new ownership to wait until they can demonstrate three years of farm income that is \$500 per acre on average.
SCC 14.18.407(3)(b)(ii)	The \$500 per acre income requirement is overly restrictive and not directly connected to the goal of farmland reservation. A farmer who acquires new land would be forced to wait three years to undertake any supplemental agritourism activities. Some types of farms do not generate income from day one.	The intent of the \$500 per acre farm income requirement is to ensure the agricultural use is the primary use rather than the agritourism use.

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SCC 14.18.407-1	The "three-tier" approach to the number of guests is unenforceable.	SCC 14.18.407(4)(ii) provides Skagit County the authority to perform ongoing monitoring and evaluation of compliance with established conditions of approval. Agritourism special use permits are subject to SCC 14.51.070 and can be revoked if the applicant fails to meet conditions of the special use permit, including compliance with any requirement set forth in SCC 14.18.407 per 14.18.407(4)(iii). Planning and Development Services can also investigate complaints from neighboring property owners.
SCC 14.18.407-1	The maximum number of guests and number of days allowed does not factor in the size of a farm's operation.	The size of the agritourism operation can be scaled in part to the farm size due to factors such as the requirement for no conversion of farmland, the available parking area, existing building size, and area for agritourism activities. The proposed agritourism uses, numbers of days operating per year, and anticipated traffic will contribute to the scale of the agritourism operation. Use limitations and mitigation would be determined based on the size, scope, and identified impacts which may vary depending on the agritourism activity.

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SCC 14.18.407-1	<p>The proposed code amendments should include objective performance-based standards rather than a proxy for expected impacts that rely on limitations to the number of visitors and events.</p> <p>These standards could include: Site-specific criteria that considers existing buildings and infrastructure, traffic, parking, environmental and health standards including impacts to critical areas, water quality, and water withdrawals, as well as community impacts established by existing standards related to noise, lighting etc.</p>	<p>The proposed Agritourism amendments do not limit the number of visitors or events as Agritourism 3 does not include limits unless conditioned due to anticipated impacts. The three-tier system creates thresholds for the level of review required.</p> <p>Performance standards and general limitations are listed in SCC 14.18.407(3)(a) and apply to all agritourism uses, regardless of the number of events and visitors.</p> <p>Impacts to water quality, water withdrawal, and critical areas are addressed in SCC 14.24 and 12.05. Agritourism special use permits will be reviewed for consistency with all areas of Skagit County Code in addition to the proposed agritourism code.</p>
SCC 14.18.407-1	<p>The tiered system hinges on limits for “days” and “number of people,” yet neither term is defined. A two-hour school tour and an eight-hour evening event currently count the same.</p>	<p>Under the proposed amendments, a two-hour agritourism event would be considered as one day. The number of people are limited based on the number of people participating in an activity over the course of the day.</p>
N/A	<p>Skagit County should seek specific input from the Prosecuting Attorney or outside counsel about the relevance of the King County v. Friends of Sammamish Valley case to the proposed agritourism code and SEPA requirements.</p>	<p>Skagit County’s Prosecuting Attorney’s office reviewed the proposed amendments to ensure they are aligned with the Growth Management Act and the King County v. Friends of Sammamish Valley State Supreme Court case. The Prosecuting Attorney’s office also provided a presentation to the Community Advisory Group on the King County v. Friends of Sammamish Valley case prior to the group making a recommendation.</p>