



Skagit County Agricultural Advisory Board

1800 Continental Place • Mount Vernon, Washington 98273
office 360-416-1338 • www.skagitcounty.net/planning

Exhibit C

Skagit County Planning Commission
1800 Continental Place
Mount Vernon, WA 98273

9/12/2025

Re: Proposed Agritourism Amendments

Dear Skagit County Planning Commissioners:

Thank you for the opportunity to comment on the 2025 Proposed Agritourism Amendments. The Agricultural Advisory Board appreciates the overall tone and strong language protecting agriculture in the document. We recognize the document strongly advocates for the 'Big A, little t' mindset to agritourism that has been repeatedly emphasized in Skagit County. The AAB remains committed to the mindset that soil dependent agricultural production is the primary use of the Ag-NRL and other uses should be secondary and subservient.

The AAB supports the creation of the description of 'Limited Event Venues' along with its placement in zones appropriate and its prohibition in Ag-NRL as proposed code 14.13.100(3)(i). These operations due to the size, scale and frequency of the activities create negative impacts on agricultural producers and unnecessarily limit agricultural operations. Updating the zoning maps to reflect this will give interested parties an idea of where this type of activity can and cannot occur. The AAB also supports prohibiting restaurants on the Ag-NRL, 14.13.100(3)(ii), for the same reasons noted previously regarding Limited Event Venues.

The AAB agrees with the deletion of 14.18.403(1)(g) that previously allowed tourism. The code is too general and a more detailed definition of agritourism as proposed in 14.18.407 is needed.

The AAB is in full support of Tulip Festival activities that occur in fields and fall under the proposed agritourism definition. The cultivation of tulips, daffodils, irises and other flower crops is a key part of Skagit County agriculture. The Festival must be an avenue for permitted agritourism to display Skagit County agriculture without pushing the limits of County Code.

The AAB concurs with the Planning Department's position the Festival shall not exceed 30 consecutive days during the proposed two-month window. The intention is to allow flower producers to adjust depending on the bloom, not expand the Festival to a second month. The AAB would like to see *30 consecutive days* added into 14.18.407(2)(i) to aid in clarity. The Tulip Festival and the traffic it creates along with activities occurring in the agricultural areas impedes the ability of farmers in Skagit County not involved in the flower industry to get their crops planted in a timely fashion. Many adjust planting schedules around known high impact areas of the Festival. Expansion would create additional conflicts beyond what currently exists.

Advisory Committee Members:

Michael Hughes (Chair), Kraig Knutzen (Vice Chair), Nels Lagerlund,
Justin Hayton, John Morrison, Terry Sapp, Cindy Kleinhuizen, Matt Steinman,
Steve Wright, Michael Trafton, Steve Skrinde, Kim Mower, Don McMoran (Ex Officio)

The AAB is interested in the three levels of agritourism proposed limited by number of guests and number of events with a higher level of permitting for each level. These levels need to be defined by easy to enforce limits to help with code compliance. Code that can be interpreted in different ways allows operations to creep and add additional activities that are hard to eliminate after operations commence. The AAB is pleased to hear of the addition of another code enforcement person and emphasizes having strong code enforcement is key to making these limits work.

In 14.18.407(5)(b) Agritourism 3 the term *Farm to Table* is used but not defined in Code. The AAB suggests a definition for *Farm to Table* be created that shows items grown on the farm can be used but prohibits food trucks or other 'temporary food service' creating a stronger message to prevent permanent restaurants from being created. Farm to Table should be a way to showcase products grown on the farm, not a backdoor restaurant with the only tie to agriculture being it is operated in the Ag-NRL.

The Agricultural Advisory Board would like to see clearer allowances for truly one-off non-commercial events that do not fall into agritourism but may occur at a residence or farm located in the Ag-NRL. During discussions with Planning Staff, it seems this may be a hole in the code. Staff have identified Chapter 9.08 *Outdoor Public Musical Entertainments, Amusements, and Assemblies* as a possible location in code for these allowances. The AAB feels this chapter should be updated in the future to allow some certainty to staff and residents and provide clarity of what would and would not be allowed.

Thank you for taking our comments and please reach out to us for additional questions and more information.

Sincerely,

A handwritten signature in black ink that reads "Michael Hughes". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael Hughes
Chair, Agricultural Advisory Board

Ameresia Lawlis

From: Ellen Bynum <skye@cnw.com>
Sent: Friday, September 5, 2025 3:47 PM
To: Jack Moore; Robby Eckroth; Jason D`Avignon; steinman.matt@gmail.com; northfork.inc@gmail.com; michael@hughesfarms.net; ckdouleo11@hotmail.com; lagerwood1@frontier.com; John Morrison - Ag. Adv. Board; k.mower@yahoo.com; tfsapp@gmail.com; steveskrinde@gmail.com; telesis.trafton@gmail.com; Steve Wright - Ag. Adv. Board; Tyler Breum, WWAA; Dan Gundersen, WWAA; Mikala Staples Hughes; Kim Matthews, WWAA; Don McMoran WSU EDU; Owen Peth; Jenn Smith, WWAA & SPF; Aaron Taylor, WWAA; Kara Rowe, WWAA; lorac@skagitonians.org; Kim Good Rubenstein, Pres. SPF; T. Candler - gmail; Angela Day - gmail; Patsy Good - gmail; Jed Holmes - gmail; Amy Hughes - gmail; Tim Raschko - gmail; Joe woodmansee - gmail; Kiera Wright - gmail
Cc: Randy & Aileen Good, FOSC.; Andrea Xaver; Lori Scott; FOSC Office
Subject: Agritourism development regs additional comments.

August 20, 2025

Skagit County Planning Commission
Skagit County Planning and Development Services
Skagit County Citizens Advisory Committee on Agritourism Codes.
1800 Continental Place
Mount Vernon, WA 98273

Dear Commissioners and Staff:

Thanks to all the members of all the committees and the PDS staff who worked on the draft development regulations on agritourism. We appreciate the opportunity to review and suggest changes to the proposed agritourism codes. We have reviewed the Citizen Advisory Group recommendations, the comments from the Skagit County Agricultural Advisory Board and other public comments.

Per the Planning Commission comments yesterday and PDS staff's invitation to provide additional comments, we submit the following information for consideration and possible revisions to the agritourism development regulations.

Before any code changes are proposed or adopted, the public needs a clear understanding of what is currently legally permissible on Agricultural - Natural Resource Lands. An essential part of this understanding is the past rulings of the Growth Management Hearings Boards (GMHB), now under the Environmental Land Use Hearings Office (ELUHO), and any court cases which shaped Skagit and other Washington Counties, We saw little reference to these important decisions in the CAG discussions.

1. Rural lands, not just Ag-NRLs, are included in the areas prohibiting commercial and retail activities.

The proposed development regulations for agritourism do not appear to include rural lands which are a part of the WA State Supreme Court ruling in King Co, et. al. v. Friends of Sammamish Valley (FoSV), Futurewise, et. al. The language in the ruling is as follows:

Page 135 - "... ¶1 This case concerns King County Ordinance 19030 (Ordinance or Ordinance 19030), which altered zoning and business licensing regulations for wineries, breweries, and distilleries (WBDs), and accompanying tasting rooms, **within land designated as agricultural and rural under the King County comprehensive plan**. The issue presented is whether the Ordinance and the investigations King County (County) undertook prior to passage comply with the requirements set forth in the Growth Management Act (GMA), ch. 36.70A RCW, and the State Environmental Policy Act (SEPA), ch. 43.21C RCW. **Emphasis added.**

Page 149 "...**CONCLUSION.** ¶64 We reverse the Court of Appeals and reinstate the Board's final decision and order....".

From the [FoSV website](#): " Latest Update: On May 27, 2025 the King County Council unanimously passed [Ordinance 19940](#) which amends Adult Beverage Ordinance 19030. The new ordinance completely removes wineries, breweries, distilleries (WBDs) and remote tasting rooms as allowed uses in **unincorporated King County Rural Area (RA) and Agriculture (A) zones going forward....**" **Emphasis added.**

84 The GMA, dating to 1990, requires counties with specified populations to adopt comprehensive growth management plans. RCW 36.70A.040. Unlike SEPA, which is a procedural statute, the GMA imposes substantive limitations on the planning discretion of covered jurisdictions. Relevant here are those provisos mandating the designation and preservation of agricultural lands. Additionally, the GMA requires that comprehensive plans be internally consistent and that development regulations be "consistent with and implement the comprehensive plan." RCW 36.70A.130(1)(e). A regulation or land use decision that fails to generally conform to the county's comprehensive plan is, by extension, a violation of the GMA and invalid. In this case, the Board found Ordinance 19030 violated the GMA provisions governing allowable accessory uses on agricultural lands, and that it further violated the GMA by internally conflicting with King County's own plan concerning agricultural production district buffer zones and policies concerning the preservation of rural land uses.

2. Review and consideration of the GMHB Final Decision and Order in FoSV, et. al, Futurewise, et. al v. King County Case No.20-3-0004c should guide any new agritourism codes.

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We do not know if the staff or the Citizens Advisory Group reviewed any of the earlier decisions of the GMHB or the Appeals Court. Nor do we know if the GMHB final decision and order (FDO) was supplied to the Citizen Advisory Group, or the public via the website, or if any of the group reviewed or considered the FDO in making their recommendations.

It appears that rural zoned lands in Skagit County must also comply with the Supreme Court's ruling and the GMHB FDO to prohibit commercial and retail activities in not only Ag - NRL zoned lands but also rural zoned lands. These include at least lands zoned Rural Reserve (70,126 acres), Rural Intermediate (8,043), and Rural Resource (26,522). We did not include Rural Business (184 acres), Rural Village Commercial (25 acres), Rural Center (19 acres), Rural Marine Industrial (53 acres) or other zones on rural lands which have historical zoning decisions and have prior commercial and retail development. The word "rural" is mentioned 34 times in the decision.

Under Issue 5: It appears that rural zoned lands in Skagit County must also comply with the Supreme Court's ruling and the GMHB FDO to prohibit commercial and retail activities in not only Ag - NRL zoned lands but also rural zoned lands. These include, at least, lands zoned Rural Reserve (70,126 acres), Rural Intermediate (8,043), and Rural Resource (26,522). We did not include Rural Business (184 acres), Rural Village Commercial (25 acres), Rural Center (19 acres), Rural Marine Industrial (53 acres) or other zones on rural lands which have historical zoning decisions and may have prior residential, commercial and retail development.

3. King County's ordinance that removed the WBDs on farms and rural parcels provides an example of what is needed to comply with the WA State Supreme Court decision.

From the FOSV website:

"Latest Update: On May 27, 2025 the King County Council unanimously passed [Ordinance 19940](#) which amends Adult Beverage Ordinance 19030. The new ordinance completely removes wineries, breweries, distilleries (WBDs) and remote tasting rooms as allowed uses in unincorporated King County Rural Area (RA) and Agriculture (A) zones going forward."

We suggest the CAG, Planning Commission and PDS staff review this ordinance after reading the original GMHB ruling before making suggestions for code changes.

4. As we read it, the corrective code passed by King County Council applies to all resource lands as well as all rural lands.

Recommendations for changes to the Skagit County codes for Agritourism is also likely to apply to Forest and Mineral lands and rural lands. With that in mind, the CAG and Planning Commission may need additional work sessions to discuss and craft code language that will achieve what is required to be compliant with the Growth Management Hearings Board and Supreme Court ruling.

We support additional resources be appropriated or applied for to enable these work sessions to be held and the resulting recommendations brought to the Planning Commission, public hearing and BOCC for review and approval.

If you have questions about our comments, please contact me on 360-488-3244.

Thank very much.

Ellen B.

Ellen Bynum, Executive Director
Friends of Skagit County
PO Box 2632 (mailing)
Mount Vernon, WA 98273-2632
360-419-0988; friends@fidalgo.net
www.friendsofskagitcounty.org
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