

Exhibit D - Agritourism Community Advisory Group Overview Summary and Recommendations

Community Advisory Group on Proposed Agritourism Code Changes to the Skagit County Planning Commission

Purpose Statement:

To provide policy recommendations to PDS staff in drafting an Agritourism Code that addresses the Board of County Commissioners' remand criteria, supporting the Skagit County Planning Commission's continued work with both the public and the Agricultural Advisory Board to develop a revised recommendation on Agritourism for the Board of County Commissioners.

Resolution [#R20240132](#)

The remand criteria was presented as the following topics for the group to work through:

1. Define Agritourism and clarify the scope by specifying what activities fall outside the current definition of Agricultural Accessory Uses.
2. Define the criteria for full and lawful participation in the annual Skagit Valley Tulip Festival, ensuring that it is accessible, open, and offers adequate and equitable opportunities for all interested parties.
3. Determine whether Agritourism should be treated the same east of Sedro-Woolley as in the Skagit and Samish Delta areas and define the approach for each scenario.
4. Determine whether temporary use/events are sufficiently detailed in Skagit County Code for agritourism activities within Ag-NRL zoned lands.
5. Assess the consistency of the Proposed Agritourism Code Amendments and existing code with the King County v. Friends of Sammamish Valley State Supreme Court Decision, along with other relevant state-level actions related to agritourism.

Additionally, members were given the opportunity to identify other topics to be determined by the advisory group.

Organization:

The advisory group aimed to include diverse representation of Skagit County farmers with backgrounds in agriculture, including those with interest or experience in agritourism. The initial recommended membership structure was comprised of 12-person group from the following:

- Nine (9) producer representatives, three (3) representatives from each of the following: large-scale farms/farmers, small/mid-scale farms/farmers, agritourism operators, including at least one wedding venue operator.
- Three (3) organization representatives; one representative from each of the following: Skagit Valley Tulip Festival; Skagit Festival of Family Farms; and Skagit Tourism Bureau.

After much outreach the Department recruited 9 members as listed representing the following:

Amy Frye, Boldly Grown Farm	Audrey Matheson, Bow Hill Blueberries
Darrin Morrison, Morrison Farms	Robert Ashby/Nicole Roozen, Skagit Valley Tulip Festival
Jessie Anderson, Maplehurst Farms	Kai Ottesen, Hedlin's Family Farms
Kristen Keltz, Skagit Tourism Bureau	
Jennifer Schuh, Schuh Farms and Skagit Festival of Family Farms Board Member	
Matt Steinman, Foothill Farms and Agricultural Advisory Board Member	

Desired Outcome of 8-meeting series

The group was asked to provide specific, actionable, realistic, and enforceable recommendations to County staff on the areas needing refinement identified by the Board (listed above). These recommendations were intended to assist the Department in drafting code amendments, in addition to the previous community input, [Skagit County Agritourism Situation Assessment Report](#) and input from the Agricultural Advisory Board. The request was that the recommendations represent group consensus (as much as possible) by the conclusion of the 8-meeting series; dissenting opinions on the recommendations were included for County staff's consideration. PDS advised the group not to provide specific code language but recommendations that could be used for staff to develop code language. The goal was by the conclusion of the meeting series, the group members would provide specific, actionable, realistic, and enforceable recommendations on each of the areas identified in the remand resolution, which will be used by PDS staff to draft policy recommendations for the Planning Commission and Board of County Commissioners' consideration.

Decision making process

The advisory group used a modified consensus approach to decision-making. Alternate views or dissention were encouraged as it would allow PDS staff to understand nuance and communicate this nuance to the commission.

Meeting Logistics:

The group was asked to commit to an eight-meeting series occurring every few weeks on Thursday, for three hours, and facilitated by a neutral third-party (Meg Harris, Triangle Associates). Skagit County staff present included Tara Satushek, Senior Planner (Primary Project staff lead) and Jack Moore, PDS Director. Meetings were intentionally held in a non-county owned building to create a neutral environment. Meetings were primarily held at Skagit Publishing's Community Room and two were held at the Padilla Bay National Estuarine Research Reserve.

Although the advisory group was not subject to the Open Public Meetings Act (OPMA), as it was purely advisory, temporary working group and not established by an ordinance or resolution, it complied with the intent of OPMA. To ensure project transparency a project webpage was created to post all final documents and reference materials were posted to the webpage. The public were welcome to observe the meetings and copies of materials were available for them. All meetings were video recorded, transcribed and available to the public.

In-person attendance was strongly encouraged. Virtual/hybrid options were available upon request for members to ensure consistent participation. Participants were also provided with the option of sending in-person alternates or delegates when attendance was not possible. It was requested that delegates be briefed in order to participate fully in the conversation, which builds on previous meetings. Members missing a meeting were encouraged to contact another advisory group member ahead of the following meeting.

Meeting Summary Matrix

Meeting Date/Location	Topics Covered	Outcomes/ Deliverables
<p>March 27, 2025 9 a.m. to 12 p.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Group introductions and agreement • Introduction to CAG and OPMA • Group Charter • Skagit County Timeline • Overview of Remand Topics 	<ul style="list-style-type: none"> • Agreement on using a modified consensus decision-making process. • PDS will create a webpage for CAG.
<p>April 10, 2025 9 a.m. to 11 a.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Topic Schedule • Remand Topic #1 	<ul style="list-style-type: none"> • Decision on how to approach remand topics.
<p>April 24, 2025 9 a.m. to 12 p.m. Padilla Bay National Estuarine Research Reserve 10441 Bayview-Edison Road</p>	<ul style="list-style-type: none"> • Revisited Remand Topic #1; began # 5 • Summary of King County v. FOSV • Discussion of Agritourism definitions 	<ul style="list-style-type: none"> • Preliminary recommendations of threshold metrics for intensity of activities.
<p>May 8, 2025 9 a.m. to 12 p.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Revisit Remand Topics 1, 4 and 5 • Process for coming to consensus recommendation discussion. 	<ul style="list-style-type: none"> • General support for a definition of agritourism that included three elements (Land stays in production; soil dependent activity; and financial benefits to farmer).
<p>May 22, 2025 9 a.m. to 12 p.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Revisit Remand Topics 2 and #4 • Skagit Co. Prosecuting Attorney presentation and discussion of King Co. v. FOSV 	<ul style="list-style-type: none"> • Community Advisory Group Recommended Definitions Draft.
<p>May 29, 2025 9 a.m. to 12 p.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Jenn Tate, Dept of Commerce consultant presentation on draft WA Agritourism Study and Report. • Approach to drafting responses and coming to consensus. • Define categories or thresholds that can be incorporated into the response for Topic 1. 	<ul style="list-style-type: none"> • Final research and prepare for modified consensus voting at next meeting.

<p>June 17, 2025 9 a.m. to 12 p.m. Padilla Bay National Estuarine Research Reserve 10441 Bayview- Edison Road</p>	<ul style="list-style-type: none"> • Preliminary consensus recommendation on Remand Topics 3 and 5. Items needing more information are 1, 2, and 4. 	<ul style="list-style-type: none"> • Draft synthesis on recommendations. • The group voted and reached consensus on topic 3 and 5, with 2 pending discussion with Nicole, SVTF Executive Director.
<p>June 26, 2025 9 a.m. to 12 p.m. Skagit Publishing Community Room: 1215 Anderson Road</p>	<ul style="list-style-type: none"> • Final recommendations package. • Presentation/discussion of AAB Remand Response Letter 	<ul style="list-style-type: none"> • The group voted and reached consensus on topic 1, 2 & 4. • Full recommendations package.

July 29, 2025

Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Agritourism Code Recommendations from the Community Advisory Group

To Whom It May Concern:

On behalf of the Community Advisory Group (CAG), I am pleased to submit the group's policy recommendations regarding the development of an Agritourism Code for Skagit County. These recommendations are the result of a robust and collaborative public process undertaken in response to the Board of County Commissioners' remand outlined in Resolution #R20240132¹.

The Community Advisory Group was convened by Planning and Development Services (PDS) and began meeting on March 27, 2025. The group was tasked with meeting eight times through June 26, 2025, with the goal of providing specific, actionable, realistic, and enforceable recommendations that address the six key areas of refinement identified by the Board of County Commissioners.

The group consisted of nine members representing a cross-section of the Skagit agricultural community, including large- and small-scale producers, agritourism operators, and representatives from local organizations such as the Skagit Valley Tulip Festival, the Family Festival of Farms, and the Skagit Tourism Bureau. Meetings were facilitated by a neutral third party and held at a publicly accessible venue to promote transparency and community engagement. The process emphasized modified consensus and included opportunities to present dissenting perspectives to capture the full range of viewpoints.

Recommendations regarding remand topics 1 through 5 are provided on the following pages as a 1-2 paragraph recommendation, followed by additional context or supplementary material that further describes the intent of each recommendation. The recommendations on each topic were voted on utilizing a modified consensus approach. The additional context was provided by individual members and does not necessarily reflect the opinions of the collective group. Rather an opportunity for individuals to identify areas needing further consideration or areas of concern. Additional commentary submitted by group individuals for remand topics are provided after the general group are provided for remand topics 1 and 2.

1

<https://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS000030/00/00/43/000043d6.pdf>

In addition to responses to the remand topics, the group identified two areas for further consideration by the county:

1. Though we hope the work of the CAG—along with the ongoing work of the Agricultural Advisory Board—will help Skagit County achieve much-needed resolution on agritourism-related code changes, we recognize this topic will require ongoing discussion into the future. We encourage the County to consider the appropriate venue for such dialogue and ensure affected stakeholders are involved. We encourage PDS to monitor the impacts of agritourism code updates to track both intended outcomes as well as unintended consequences. This recommendation goes into further detail by individual members of the group and is identified on page 21.
2. The CAG recognizes that potential conflicts may arise from agritourism in the Skagit Valley. CAG members encourage the County to be proactive in considering potential conflicts and sensitive in their handling of these topics. CAG members encourage the County to collaborate with other organizations, as appropriate, to identify conflict prevention and/or conflict resolution resources, such as mediation or arbitration, that may be available to landowners.

We thank the County for its support and for providing the space and structure for this vital dialogue. The enclosed recommendations reflect months of thoughtful discussion, shared expertise, and community insight. We trust they will help inform the next steps in policy development and provide a balanced framework to support both agriculture and agritourism in Skagit County.

Sincerely,

Meg Harris, Facilitator (Triangle Associates)
Submitted on behalf of the Community Advisory Group

Amy Frye, Boldly Grown Farm

Audrey Matheson, Bow Hill Blueberries

Darrin Morrison, Morrison Farms

Jessie Anderson, Maplehurst Farms
Kristen Keltz, Skagit Tourism Bureau

Kai Otteson, Hedlin's Family Farm

Jennifer Schuh, Schuh Farms/Skagit
Festival of Family Farms

Nicole Roozen and Rob Ashby,
Skagit Valley Tulip Festival

CAG Response to Remand Question #1: Agritourism Definition

Recommendation: Agritourism is a range of activities conducted by a farmer on an actively managed, ongoing farm operation that engages the public for the purpose of agricultural education, enjoyment, or recreation that may generate income for the farm. Agritourism activities must preserve the area's rural character and remain incidental to the site's primary agricultural use. Agritourism is separate and distinct from farm-based businesses and agricultural support services

Three categories of agritourism are allowed in Skagit County. Agritourism 1, Agritourism 2, Agritourism 3. Agritourism 1 is a permitted use, Agritourism 2 requires an administrative special use permit and Agritourism 3 requires a hearing examiner special use permit.

Additional Context

- The definition above refers to existing definitions or terms used within Skagit County Code, including rural character, incidental, and farm operation. The definition of farm operation includes the sentence: “conditions or activities which occur on a farm in connection with the commercial production of land-based farm products.” Referencing “farm operation” in the definition of agritourism makes it clear that agritourism is inherently tied to an operation conducting soil-dependent agriculture.
- The definition should hold fast to the “accessory to” or “subordinate to” a working farm, meaning the farm is the primary part of the business, and the tourism part is a secondary aspect. PDS should determine the best logistical means to ensure agritourism is tied to a legitimate farm operation; other jurisdictions provide examples to draw from (Schedule F, farm conservation plan on record, FSA number, income ratio, etc.).
- The idea of Agritourism 1, 2 and 3 is modeled after SCC 14.16.730 Home-based businesses, which have escalating permitting requirements as potential impacts increase. For example, entertainment, hospitality or overnight stays need to be vetted through a very critical permit process. We are not currently providing specific recommendations on these thresholds, as PDS staff are most qualified to propose code language for activities that might fall into the categories of Agritourism 1, 2 or 3 depending on potential impact.
- PDS should add a new section of code to clarify additional expectations and thresholds related to all levels of Agritourism—again, following the model of home-based businesses. This would alleviate the need for the definition itself to try to capture too much detail and avoid rulemaking within definitions (as encouraged by PDS staff).
- We encourage the county to consider a pathway for farmers to have the flexibility to use their farm buildings for agritourism activities/events of a limited nature. For example, if a barn is primarily used for agricultural purposes, it should be

permissible for the farmer to transition its use on a limited basis for events such as farm-to-table dinners, workshops, barn dances, etc. Buildings used on a regular, ongoing basis should be required to meet standards for human occupancy.

Additional commentary is submitted on next page by Amy Frye (Boldly Grown Farm), Audrey Matheson (Bow Hill Blueberries), Darrin Morrison (Morrison Farms), and Kai Ottesen (Hedlin's Family Farm).

Defining agritourism for Skagit Valley: Farming first

Supplemental comments submitted by CAG members:

Amy Frye, Boldly Grown Farm

Audrey Matheson, Bow Hill Blueberries

Darrin Morrison, Morrison Farms

Kai Ottesen, Hedlin's Family Farm

The risks and rewards of agritourism have been made clear over the course of the Skagit County's engagement with this topic:

- Managed well, agritourism can provide supplemental farm income and support farm viability—keeping farmers farming and farmland in production. It can play an important role in educating a public that is increasingly disconnected from farming. By providing an avenue for farmers to tell our story as good land stewards, we can create an informed constituency that cares about farmers and can be our ally when advocating on issues that affect us.
- Managed poorly, it can lead to farmland being permanently lost to non-farm uses, or to “creep,” a more insidious impact whereby incompatible or highly impactful uses can negatively impact the primary agricultural use of the surrounding area—making it difficult for farmers to maintain a viable operation and slowly degrading the agricultural economy and rural character of an area. Aspiring hobby or lifestyle farmers may see cheap farmland as presenting a lucrative opportunity for uses only tangentially related to agriculture, driving up land values and making it harder for new and beginning farmers to access land.

The goal is for Skagit County to find a way to thread the needle: providing clear guardrails to limit risks while allowing farmers sufficient flexibility to maximize potential rewards.

What's at stake

Pressures on farmland and farming have only accelerated in recent years. According to the Washington Policy Center, the 2022 U.S. Census of agriculture indicates that Washington State lost 102,000 food-producing acres and 3,717 farms over the 5-year period from 2017 to 2022. This is twice the rate of loss compared to the prior decade.²

The principle that farmland is for farming and that accessory uses must be subordinate to this primary function is clearly outlined in the Washington State Growth Management Act, Skagit County's comprehensive plan and Ag-NRL zoning designation, and the recent *King County v. Friends of Sammamish Valley* state supreme court ruling. Though the GMA describes potential allowances for both agricultural and non-agricultural accessory uses

² <https://www.washingtonpolicy.org/publications/detail/so-washington-lost-a-farmer>

on ag land, it also indicates that counties and cities may be more exclusive than state guidance when dealing ag lands of long-term commercial significance. All of Skagit’s ag lands are designated as such.

In Skagit, we find ourselves with a vibrant agricultural economy made possible thanks to some of the best soils in the world and an unparalleled network of agricultural support services. We also experience the pressures that come with being located about an hour from a major metropolitan area. This juxtaposition means a prudent approach to agritourism policy is warranted.

The CAG definition

Many definitions for agritourism exist across the country; all are variations on a theme. The specific definition Skagit County adopts may not matter as much as the additional code language that is written to provide appropriate guardrails for agritourism activities.

In our effort to define agritourism for Skagit County, we first looked at a use-based approach, differentiating those types of tourism that are more authentically tied to agriculture versus those that benefit from the amenity value of the rural landscape but are not inherently agricultural. This approach may still have value for PDS staff to reflect on as they flesh out code.

We ultimately crafted a definition that instead focuses on *who* is carrying out the activity—a farmer on a working farm operation—and the *function* it serves—incidental, or secondary, to the site’s primary agricultural use. This ensures that agritourism doesn’t exist distinct from agriculture—it plays a supporting role. By referencing agritourism’s necessary connection to an actively managed, ongoing *agricultural operation*—which is defined in Skagit County Code as including “conditions or activities which occur on a farm in connection with the commercial production of land-based farm products,”—it makes clear that agritourism is inherently tied to an operation conducting soil-dependent agriculture. In short: if you don’t have a working farm, you don’t have agritourism.

This approach aligns with State RCW 4.24.830(1), which indicates ““Agritourism activity” means any activity carried out *on a farm or ranch whose primary business activity is agriculture or ranching*” (emphasis added).³ In addition, forthcoming guidance from the draft Washington State Department of Commerce Rural Element Guidebook indicates that businesses primarily serving as a facility for activities not inherently related to agriculture are not considered to be conducting agritourism:

“Agritourism should only be an accessory use to a main agricultural use. It is intended to support rather than become the main source of business. This means that someone should not purchase land with the intention of solely hosting

³ [RCW 4.24.830: Agritourism—Definitions.](#)

weddings. Rather, an orchard should only host weddings on occasion and should be able to show that the facility is supporting the orchard first and foremost. Counties should ask whether the agritourism use is interfering with the productive use of the agricultural land.”⁴

Defining primary vs. secondary use

Agritourism is intended to be secondary to the primary agricultural use of the land. Whether the word used is accessory, subordinate, supplemental, or incidental, the idea is the same: Big “A”, little “t.” The crux of the issue is how to determine this in a way that is clear and enforceable—and that authentically keeps agriculture at the center of agritourism.

Metrics that various jurisdictions use when determining whether agritourism is tied to a working farm include: proof of schedule F income, an assigned USDA/FSA number, a farm conservation plan prepared by a professional, income ratio requirements, minimum lot size requirements, percent of lot size allocated to various uses, average farm revenue of at least \$1,000 over a 3-year period, etc. These may be used alone or in combination.

The limitation of some of these requirements—such as a schedule F filing or revenue of \$1,000, for example—is that they can be a pretty low bar to achieve and lead to the proliferation of hobby or lifestyle farms. If a landowner files a schedule F, but has \$1,000 of farm product revenue compared to \$100,000 of agritourism-related revenue, is that really in line with big “A,” little “t”? It’s hard to make a case that agriculture is the primary use in this scenario, even if no farmland is converted or lost in the operation of the agritourism business. This scenario also begs the question as to whether this landowner is truly meeting the requirement to manage the land for agricultural purposes and should receive an open space tax exemption.

Requiring that agritourism activities result in no loss of farmland is a good start, but not a high enough bar if that’s the only requirement to be able to engage in agritourism activities in the Ag-NRL. The goal here is farming with a side of tourism—not tourism with a side of farming.

One way to implement a higher bar is to use income ratio requirements. There is already precedence for this in Skagit County Code as it relates to the allowance of outdoor outfitters in the Ag-NRL:

- **SCC 14.600 (4)(j):** Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain *incidental to the primary use of the property for agriculture*, result in no conversion of agricultural land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) is prohibited.

⁴ <https://deptofcommerce.app.box.com/s/e99zotpnel9ueouepshgd9i1xqkre0jb>, pg. 51

- **SCC 14.04.020 Definition of Outdoor outfitters enterprises:** For the purposes of this definition, *“incidental” shall mean resulting in income and land use that supplements, but does not exceed the primary use of the natural resource land for agricultural or forestry use.* (emphasis added)

If this same definition of incidental was applied with agritourism, we could foresee a scenario where if a farm had \$100,000 of farm product revenue, it could also have up to \$100,000 of agritourism revenue. The state of Oregon has a more stringent threshold of no more than 25% of income may come from agritourism activities.⁵

Enforceability also comes into play here, and PDS staff need to determine what guardrails are realistic to uphold. Privacy concerns have been brought up over any personal information submitted to the County; however the County attorney has indicated there are ways for information to remain confidential, and the fact that this approach is being used in other jurisdictions means there must be a pathway to enforceability.

There are of course downsides to an income ratio approach. We recognize there are many small parcels that don't conform to the County's 40-acre minimum lot size in the Ag-NRL, and where agritourism may be more desirable. But the County has recently recognized the agricultural value of even small parcels of land in the newly adopted Skagit County Comprehensive Plan, which lowers the minimum lot size for an Ag-NRL designation from five acres to one acre. These smaller parcels can be more appealing and accessible to beginning and small farmers, who are having a hard enough time finding farmland in Skagit without having to compete with lifestyle farms. There should be code pathways for exceptions to be assessed through a permit review process appropriately scaled to potential impact.

This is a complex matter, and Skagit County needs to consider carefully how it might approach this question of how to keep agriculture the priority use in the Ag-NRL and keep agritourism as an authentic accessory use. Setting a high bar for entry into agritourism activities—such as requiring agritourism income to be incidental to farm income—is one way to achieve this and keep agritourism inherently tied to and in support of working farms. If a lower bar is set for entry into agritourism activities—for example, only a Schedule F, or a low minimum income requirement—then the County needs to use other levers elsewhere in code to keep agriculture primary. As per the Department of Commerce:

“It's critical to ensure agritourism uses remain authentic accessory uses. This can be done by adopting specific development standards which mitigate impacts on the primary agricultural business and rural community. Standards may address, but are

⁵ [Department of Land Conservation and Development : Agritourism : Farm and Forest : State of Oregon](#)

not limited to, parcel size, facility size, setbacks, parking, signage, noise, nuisances, and operating hours.”⁶

These development standards should be outlined in a new code section on agritourism (addressed below).

The County will likely need to consider a combination of tools to support farmers and prevent creep in the Ag-NRL. Farmers with a legitimate agricultural operation should have a pathway for a wide variety of agritourism activities that complement their farm as long as appropriate guardrails are in place and the permit review process is commensurate to the level of potential impact. And, it bears repeating that a key component of any new code will be enforcement. All this work will be in vain—and Skagit farmland will be put at risk—if the County does not have the capacity to enforce whatever code is adopted.

Additional code language

PDS staff has advised that it’s best practice to avoid “rule-making” within definitions. That is to say, the definition of agritourism itself will not contain all the pertinent guardrails that are applicable to that use. Additional code language is needed to outline performance standards and thresholds applicable to all levels of agritourism. Again, this is in line with the County’s current approach to Home-Based Businesses.

Based on research into how other jurisdictions have addressed agritourism, below is some draft language for PDS staff to consider to include in a new code section on Agritourism:

- a. *Purpose:* The purpose of this Chapter is to outline standards and requirements for Agritourism activities in Skagit County. Agritourism in Skagit County is rooted in agriculture and intended to help preserve working farmland, diversify farm income, increase public awareness and appreciation of agriculture, maintain Skagit’s agricultural heritage and rural character, enhance farm viability, and support farmland preservation. All agritourism activities shall be complementary and clearly accessory to the primary agricultural use.⁷
- b. *General standards:*
 - i. Agritourism activities must remain incidental to the site’s primary agricultural use. For the purposes of this definition, “incidental”⁸ shall mean resulting in income that supplements but does not exceed gross farm sales, *OR* the Planning Director may request the following items in determining eligibility for agritourism activities: *This section*

⁶ <https://deptofcommerce.app.box.com/s/e99zotpnel9ueouepshgd9i1xqkre0jb> pg. 52

⁷ Weber County, UT code

⁸ Definition of “incidental” is adapted from SCC 14.04.020 Definitions: Outdoor outfitters enterprises (OOE) as well as Marion County, OR code.

will depend on how PDS decides to determine incidental/subordinate, and what documentation is needed.

- ii. Agritourism activities must preserve the area’s rural character⁹ and 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.¹⁰
 - iii. Events or activities shall not, in combination with other agritourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern of the area¹¹
 - iv. Agritourism activities are subject to SCC 14.38 Right-to-Manage Natural Resources Lands
 - v. Agritourism activities may not result in the permanent conversion of farmland—including, but not limited to, grading, filling and paving—and must remain consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Infrastructure, parking, or supportive uses for agritourism activities shall not be located outside the general area already developed for buildings and residential uses.
 - vi. Parking / ingress / egress / hours of operation / lighting / noise requirements (*to be clarified here by SCPD—e.g. all parking must occur on-site, etc.*)
 - vii. Other ordinances, codes and/or regulations related to health, building, road, safety, etc. may apply to agritourism activities; therefore, it shall be the responsibility of the individual to know and understand all applicable local, state and federal requirements.
 - viii. Documentation that a farm engaging in agritourism activities is operating within these limits must be made available to the Planning Department upon request *OR* when requested by the planning director, the farm operator/landowner shall submit a statement demonstrating how the farm complies with this policy, certified by the landowner’s/operator’s accountant or attorney as being accurate and complete¹²
- c. Add code sections defining thresholds for Agritourism 1, 2 and 3.

Regarding the use of farm buildings, we encourage the county to consider a pathway for farmers to have the flexibility to use their farm buildings for agritourism activities of a limited nature. For example, if a barn is primarily used for agricultural purposes, it should be permissible for the farmer to transition its use on a limited basis for events such as

⁹ SCC 14.04.020 Definitions: Rural character is defined in the Zoning Code and refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan.

¹⁰ Language from GMA

¹¹ Marion County, OR code

¹² Marion County, OR code

farm-to-table dinners, workshops, barn dances, etc. Buildings used for such purposes on a regular, ongoing basis should be required meet standards for human occupancy.

Lastly, Skagit County's existing definition of "Agricultural accessory uses" is problematic for various reasons. As currently defined and organized, all Agricultural Accessory uses are outright allowed (i.e. no permit required) in the Ag-NRL. We want to be clear that Agritourism is accessory to an active farm; however it becomes confusing when describing it as accessory, as some agritourism activities should require additional review/permitting. The definition of Agricultural accessory uses also indicates the provided list is not exhaustive (e.g. "including, but not limited to"). This leaves ambiguity as to what may or may not be an ag accessory use. We suggest removing reference to Agricultural Accessory uses altogether. Subpoints 1, 2, 4, 5 and 6 could be included as direct subpoints under SCC 14.16.400(2) Permitted Uses, and subpoints 3 and 7 could be deleted as they should be addressed by new Agritourism-specific code language.

CAG Response to Remand Question #2: Criteria for Full and Lawful Participation in the Annual Skagit Valley Tulip Festival

Recommendation

The CAG members recommend supporting Full and Lawful Participation in the Annual Skagit Valley Tulip Festival via the following 5 criteria. Any day use caps that apply to special use permits should not apply to SVTF partner farming operations between **March 15 and May 15**.

Additional context

1. Duration Requirements

To ensure coordination, support, and marketing across the diverse mix of over 5 gardens, multiple events, and hundreds of sponsors of the festival, the Skagit Valley Tulip Festival (SVTF) officially runs the month of April. However, as the festival's foundation is soil-dependent, the nature of the tulip crop dictates the event's exact timing. The flowering season may begin earlier or extend beyond April depending on crop viability and as such the festival has started as early as March and ended as late as May. Consequently, all partners, including gardens, art barns, food and retail sales, and other affiliated entities, should benefit and participate to attract visitors from March 15th to May 15th. The intent of this window is to recognize the farming realities of bloom time, not to extend the festival length. There is additional perspective from the group that an extension of the timeframe should be utilized by growers or farmers and not a blanket extension for all the associated events and venues in the ag-NRL zone to double the days they have to participate.

2. Participants

The inclusion of current participants, as sponsors or affiliates of the festival, is a fundamental principle of the SVTF. All existing stakeholders—such as gardens, art barns, food and retail sales, and other affiliated entities—are supported in maintaining their participation without hindrance, provided they meet statutory compliance, including applicable County and State Requirements (i.e. health, safety, access, and parking). Grandfathering current parties ensures that they can continue their operations seamlessly and without restrictions that would curtail their business activities. As participation in SVTF is dynamic with entities regularly being added and changed, so should new businesses be permitted to participate without hindrance as long as the same statutory requirements are met.

3. Building Use Requirements

Farmers participating in the festival must retain discretion over the use of their buildings, such as barns. For example, if a barn is used to store farm equipment in the winter, it should be permissible for the farmer to transition its use during the festival period to support festival activities. This may include farm-to-table experiences, retail operations, or other festival-related events. Flexibility in building use supports dynamic and innovative participation in the festival while protecting farmers' autonomy.

4. Accessory Use Caps

To ensure equitable participation, accessory use caps limiting the number of days should not apply to SVTF partner operations between March 15 and May 15. A cap would hinder participants from engaging in the festival's full duration and exclude them from offering additional accessory uses outside the festival. This could discourage participation altogether, which would be detrimental to the festival's mission. For this reason, accessory use caps should be waived for all SVTF partner operations during the peak festival period. This approach aligns with the SVTF's commitment to supporting both active and passive agritourism experiences on working farms, without exceptions or exclusions. As noted above, there are additional opinions shared by individuals of the CAG that an extension of the timeframe should be utilized by growers or farmers and not a blanket extension for all the associated events and venues in the ag-NRL zone to double the days they have to participate. Vendors/venues must still get special use permits if their activity triggers a permit requirement.

5. County-wide Inclusion

SVTF is a county wide festival celebrating agriculture in the delta, upriver, and throughout Skagit County. As such, the entire county is invited to create events and support the festival on all Skagit lands including AG-NRL land. Participation in the Tulip Festival doesn't imply automatic approval for activity on all land types, but rather we support ongoing collaboration with Skagit County planning staff and decision-makers to ensure festival participation is done responsibly and aligns with the long-term preservation of agricultural viability.

Conclusion

The Skagit Valley Tulip Festival thrives on inclusivity, collaboration, and flexibility. Defining criteria for full and lawful participation must consider the duration of the festival, the inclusion of current stakeholders, the flexibility of building use, and exemptions from accessory use caps. By ensuring equitable and accessible opportunities for all interested

parties, the SVTF reinforces its mission to celebrate the agricultural heritage and community spirit of Skagit County.

Additional commentary is submitted on next page by Amy Frye (Boldly Grown Farm), Audrey Matheson (Bow Hill Blueberries), Darrin Morrison (Morrison Farms), and Kai Ottesen (Hedlin's Family Farm).

Skagit Valley Tulip Festival participation

Supplemental comments submitted by CAG members:

Amy Frye, Boldly Grown Farm

Audrey Matheson, Bow Hill Blueberries

Darrin Morrison, Morrison Farms

Jen Schuh, Schuh Farms

Kai Ottesen, Hedlin's Family Farm

This commentary is intended to clarify our understanding of the CAG vote regarding remand topic 2.

Presuming that new thresholds will be proposed by PDS for the number of temporary events allowed annually in the Ag-NRL, the Tulip Festival organization proposed an exemption for the Tulip Festival dates. This is so that a participant in the festival does not “use up” all their allowed events to participate in the Festival. For example, if a new threshold of 12 events were to be adopted, a participant in the Tulip Festival would not even have enough allowed events to fully participate in the full length of the festival. We acknowledge the historical precedence for this festival and allow that there should be an exemption so that participants aren't limited by any forthcoming event limits.

The 2-month time frame proposed—March 15-May 15th—is the time frame during which this exemption would be made. We want to be clear on our understanding—this two-month limit is NOT intended to extend the Tulip Festival to that entire time frame, but rather to set a maximum window during which an exemption to an event cap would be made. The two-month window is to allow for the fact that bloom time is weather dependent, and sometimes events related to the Tulip Festival start earlier or extend later than the official dates of April 1-30. Another option proposed was a shorter floating exemption window that would start based on bloom time, but PDS staff advised that set dates are much easier to manage from an enforcement perspective.

The Tulip Festival is a long-standing agricultural festival that highlights Skagit Valley's agriculture heritage, and it should be able to have a code pathway to carry on without undue burdens. At the same time, this festival has major impacts on local residents in the area—including other farmers, who have to manage their equipment movement around tulip traffic at a critical time of year. PDS staff should work with Tulip Festival management to ensure all Festival participants are fully in compliance with forthcoming permitting standards—at the very least for safety, traffic, sanitation and waste management—and that the festival does not inadvertently extend to a two-month window, as that was not the intention of the CAG recommendation. Nor was the intention to give a free pass to any and all activities within this two-month time frame; the principle of big “A”, little “t” should still apply. PDS and Tulip Festival management should also consider creative solutions to ease the burden of the festival's impacts, such as temporary one-way road designations or

centralized parking and shuttle buses to tulip fields. These efforts can ensure the Tulip Festival remains a much-loved Skagit Valley event long into the future.

CAG Response to Remand Question #3: Geography

Recommendation

The Community Advisory Board does not recommend partial or differential treatment based on geography (location within Skagit County) or parcel size. While it's true that different areas of Skagit County have unique landscapes and community characters, these differences can be respected and managed within a unified regulatory framework. A single, fair, and enforceable agritourism code—with tools for addressing local impacts as needed—offers the best balance of clarity, equity, economic support, and environmental responsibility.

Additional context

Some considerations that came up in this process included:

- **Consistency Promotes Fairness and Clarity.** A uniform code acknowledges that all farmers, regardless of location, face similar economic pressures and can benefit from supplemental income through agritourism.
- **Simplified Enforcement and Administration.** Differentiating policies by region risks creating a patchwork of rules that can be confusing to farmers, visitors, and enforcement agencies. A single, countywide standard eliminates ambiguity and reduces potential confusion about what activities are allowed where.
- **The Agricultural Mission is Countywide.** Agritourism supports the viability of farming across the entire county—not just in select areas. Applying the same rules everywhere helps protect and promote agriculture as a **core economic and cultural value** throughout Skagit County.
- **Promoting Countywide Tourism.** A consistent agritourism code helps Skagit County present a **cohesive identity to visitors**. Tourists are less concerned with which region they're in and more with having a seamless, high-quality experience. Uniform rules help ensure consistency in what's offered and how it's managed.

CAG Response to Remand Topic #4: Temporary Events

Recommendation

The term “temporary events” is not sufficiently defined in current code. There is no established expiration date, or determination of size, scale, and intensity, and no specific threshold to determine how a temporary event relates to agricultural production.

It is recommended that "temporary events" be removed from the Ag-NRL zoning code. Instead, three categories of agritourism should be created, with defined thresholds that establish a clear permitting pathway based on measurable criteria. These criteria could include but are not limited to: square footage of the proposed activity, the number of people served, and the number of days the activity occurs within a calendar year.

The proposed framework would include the development of:

- **Agritourism 1** – Permitted Use
- **Agritourism 2** – Administrative Special Use
- **Agritourism 3** – Hearing Examiner Special Use

The thresholds for each category should be defined by the County and must be clear, measurable, and enforceable. This approach will provide clarity for staff and the public, ensure consistent application of regulations, help avoid land use conflicts, and support the intent of the Agricultural–Natural Resource Lands (Ag-NRL) District: *is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. (SCC14.16.400 (1))*

All agritourism activities must be directly related and incidental to agricultural production, provided that no agricultural land is converted and no permanent structures are constructed.

Additional context

Agritourism activities may constitute a wide range of activities but must be conducted by a working farm and be secondary to the primary activity of farming. The prohibition of permanent structures applies to agritourism activities that would be or have been previously categorized as temporary events.

In the Ag-NRL zoning district, SCC 14.16.400(3)(k) provides that “Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.” There are no measurable thresholds currently established in this section of code that provide the authorized scope that an activity is to

occur. Currently the Special Use Permit Requirement section SCC 14.16.900 (2)(h)(i) provided that “events may occur on no more than 24 calendar days per year”. The code does not provide if a special use administrative permit for temporary events is valid for one calendar year or any other expiration date.

Depending on the type of proposed Agritourism Permit Type (1,2 & 3) studies and analyses should be required for project approval. Considerations include whether the proposed project/activity area has adequate infrastructure and resources to support such uses as these services are maintained by Skagit County government (e.g. emergency response, road maintenance, etc.). Additionally, there will need to be requirements to assess the potential impacts of each type of agritourism use and what studies are needed and most appropriate, for example, how would allowing special events affect the natural environment, traffic, and other community impacts. Possible studies to include, but not limited to, are traffic impacts reports, anticipated ratio between principal use and agritourism use, impacts to agriculture and/or farming operations, operating time framework, parking study, operating plan, environmental impact, infrastructure capacity, anticipated number of visitors and proposed capacity limits, and facilities to be used^[1].

Farmers should have the ability to use farm buildings for related agritourism uses within permitting requirements.

Permitting considerations:

1. Define per-event permits versus ongoing operations. Any ongoing operations would need to be reviewed on a regular basis or agreed upon timeframe that will be established in Skagit County code dependent on the permitted level of activity (Agritourism Permit Types 1, 2 & 3).
2. Appropriately scaled level of effort depending on administrative and hearing examiner special uses.

^[1] [Rural Element Guidebook - Agritourism](#)

CAG Response to Remand Topic #5: Consistency with Judicial and State-Level Legislative Processes

Recommendation

The assessment of legal consistency with the *King County v. Friends of Sammamish Valley* ruling and related state-level policies is fundamentally a professional planning and legal task that should occur at the level of County staff and the Planning Commission. While this community advisory group plays a role in shaping the values and priorities that inform future policy, the full responsibility of this task sits outside of the CAG.

It is within the scope of the CAG to consider judicial and state-level legislative outcomes in the process of developing recommendations. The CAG has done this through multiple avenues:

1. Reviewing the summary of *King County v. Friends of Sammamish Valley* which was provided by Jason D`Avignon, Skagit Co. Prosecuting Attorney.
 - a. Requesting that Jason D`Avignon provide a presentation on this topic (May 22, 2025).
2. Requesting that final CAG recommendations be reviewed by Jason D`Avignon, Skagit Co. Prosecuting Attorney during the County review period and before they are drafted into code language.
3. Requesting a presentation on State-level recommendations, which was provided by Jenn Tate on May 29, 2025; continue to monitor the process for the status of statewide recommendations.

Additional Considerations: Permanent and Meaningful Representation of Agritourism

The following is submitted by Nicole Roozen (Skagit Valley Tulip Festival), Kristen Keltz (Skagit Tourism Bureau), Jessie Anderson (Maplehurst Farm) with comment provided by Darrin Morrison (Morrison Farms)

Recommendation

Given the complexity and growth of agritourism in Skagit County, there is a clear need for ongoing representation, dialogue, and coordinated problem-solving. We recommend the creation of a Joint Agritourism Task Force or Standing Committee to provide permanent and meaningful representation of agritourism interests. This body could be housed within the Tourism Bureau, provided it operates under a shared charter with the Planning and Agriculture departments and includes balanced representation from working farmers, agritourism operators, and community stakeholders. The structure must ensure that decisions are made through a lens that equally values economic development, farmland preservation, land use integrity, and rural community well-being.

Additional Context

As members of the Community Advisory Board for Agritourism, we commend the efforts to address the remand questions from the Skagit County Commissioners regarding the intersection of farming and agritourism. These discussions reflect the vital importance of agritourism in Skagit County, an industry that not only bolsters the local economy but also celebrates the heritage, culture, and agricultural legacy of our community. However, it has become increasingly evident that the complexities surrounding agritourism require ongoing representation, dialogue, and resolution.

The Growth of Agritourism in Skagit County. Agritourism in Skagit County has experienced significant growth in recent years, drawing visitors who seek to engage with the region's vibrant agricultural landscape. From farm-to-table experiences and U-pick farms to seasonal festivals and educational tours, agritourism has become a cornerstone of the county's tourism offerings. This growth not only benefits individual farmers and agritourism operators but also provides a ripple effect, supporting local businesses, enhancing community branding, and fostering economic sustainability.

However, as the agritourism industry expands, so too do the challenges associated with balancing the interests of farmers, agritourism operators, and the community at large. Issues such as land use conflicts, zoning regulations, traffic management, and noise

concerns highlight the need for a structured, ongoing platform to address these matters collaboratively.

Why permanent, meaningful representation is important. Any long-term, multi-stakeholder representation should:

1. Facilitate Constructive Dialogue

A Joint Agritourism Task Force or Standing Committee would serve as a neutral platform where farmers, agritourism operators, community members, and local officials can come together to discuss challenges and opportunities. By fostering open and respectful communication, dialogue can help mitigate tensions and build lasting relationships.

2. Provide Consistent Representation

Agritourism-related issues are multifaceted and evolving. Permanent representation would ensure that agritourism has a dedicated voice within the county's decision-making processes, reflecting the industry's ongoing needs and priorities.

3. Promote Sustainable Practices

Continued dialogue may assist in developing guidelines and best practices that benefit both farmers and agritourism operators. This would help ensure that growth in the agritourism sector does not compromise agricultural productivity or environmental integrity, preserving Skagit County's character for future generations.

4. Enhance Policy Recommendations

Continued dialogue may provide informed, balanced, and research-based policy recommendations to the Skagit County Commissioners. By integrating diverse perspectives, representation of agritourism would support decision-making that aligns with the county's vision for economic development, cultural preservation, and land stewardship.

[Additional CAG member response from Darrin Morrison, Morrison Farms:](#)

I can't support the proposed changes to item 6a. I would support the Commissioners appointing members to the AAB that represent farmers who are involved with agritourism or to if they require to have a few more stakeholder meetings to keep updated on what is working and what's not.