

# Skagit County Agriculture Advisory Board

## Meeting Summary – April 13, 2022

### Commissioners Hearing Room/MS Teams

#### Members in Attendance

Michael Hughes                      Terry Sapp                      Michael Trafton                      Nels Lagerlund  
Kraig Knutzen                      Murray Benjamin                      Steve Omdal                      Steve Wright

#### Proxy Designations

Terry Sapp for Tim VanHofwegen

#### Members Absent

John Morrison                      Justin Hayton                      Rachael Ward Sparwasser

#### Others in Attendance

Peter Browning, Skagit County Commissioner  
Peter Gill, Skagit County Planning & Development Services (PDS)  
Jenn Rogers, Skagit County Planning & Development Services (PDS)  
Kim Adams, Skagit County Planning & Development Services (PDS)  
CJ Jones, Skagit County Planning & Development Services (PDS)  
Don McMoran, WSU Extension  
Lisa Grueter, Berk Consulting  
Craig Macku, Community Member

#### Call to Order, Introductions

Kraig Knutzen called the meeting to order at 6:05.

#### Approval of Meeting Summary

Nels Lagerlund moved to accept the March 9, 2022, Meeting Minutes, Michael Trafton seconded. Motion carried.

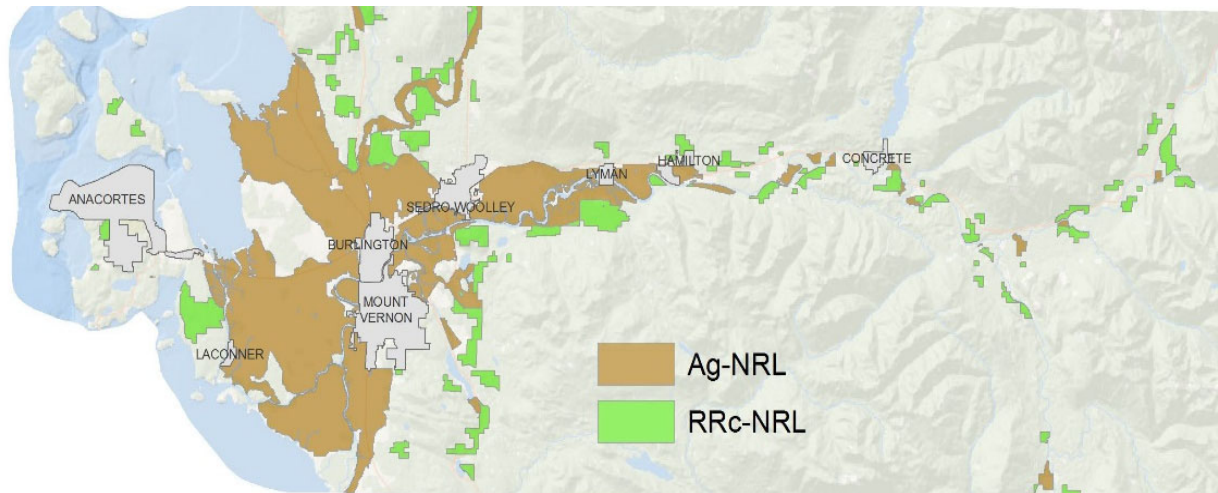
#### Guest Speaker

##### **CJ Jones, Voluntary Stewardship Program Coordinator, Skagit County Public Works**

CJ gave a presentation on the Voluntary Stewardship Program

- What is the VSP?
  - Result of years of litigation around the Growth Management Act
  - Offers counties and agricultural landowners farm-friendly options for protecting critical areas
  - Allows counties to set goals and benchmarks unique to the county's conditions and concerns
  - Adopted by state legislature in 2011
  - Two-Year and Five-Year reports
- VSP in Skagit County
  - Work Plan approved July 6<sup>th</sup>, 2017
  - Baseline set for 2011
  - "In Skagit County, Fish and Wildlife Habitat Conservation Areas (streams and their buffers) will be protected by one simple rule: agriculture may not clear existing native riparian vegetation but may continue existing farming adjacent to streams."

- Focus Areas
- Focus on Agricultural (Ag-NRL) and Rural Resource (RRc-NRL) zones
- Categorized by Watershed Resource Inventory Areas (WRIAs) and sub-basins
- Ten Goals and Benchmarks
- Watershed Sub-Basins
  - Samish, Lower Skagit, Fisher Carpenter, Nookachamps, Middle Skagit, Upper Skagit, & Sauk
- AG & RRc NRL Zones:



- Goals for Skagit VSP
  - Critical Aquifer Recharge Areas
  - Fish and Wildlife Habitat Conservation Areas
  - Frequently Flooded Areas
  - Geologically Hazardous Areas
  - Critical Areas Enhancement
  - Wetlands
  - Voluntary Enhancement Programs
  - Current Use Tax Program
  - Federal Enhancement Programs
  - Protective Easements
- Five Year Report was submitted for review January 2021, all goals were met or exceeded, the next report is due in 2023
  - Monitor habitat and wetland changes through NOAA's Coast Change Analysis Program (C-CAP) and aerial photography (2011-2019)
  - Work with county GIS to identify buffers around fish-bearing streams in study area.
  - Use C-CAP in identified buffers to monitor increases or decreases in habitat from baseline.
  - Identify source of each loss (river movement, approved clearing of vegetation)
  - 54 wetland sites examined
  - 17,338 acres of buffers examined
  - No net loss in habitat across the county
  - Enhancing Critical Areas within VSP Intersect Areas

- Participation in other Voluntary Programs
- Skagit Conservation District Partnership
  - SCC identified as the county's main partner in implementing VSP in the workplan
  - Eight Interlocal Agreements
  - Hedgerow Plantings
  - Cover Crops for 2020 and 2021
  - Ag Weather Station
  - Four Heavy Use Area Protection
  - Roof Runoff
  - Buffer Fencing
  - Drip irrigation system
  - Manure transfer pump
- Cover Crop Program
  - Two years running, going on third
  - 2021 numbers:
  - Ten participants
  - 618 acres planted
  - Will be available again in winter of 2022
- The VSP State Funding is around approx. \$170,000.00-need more funding to do more. Ask in the next report for more funding and need to advocate more for this.
  - Issues when asked- complaints on 5-year report barely readable, it was a big document and not a lot of explanation allowed, need to present information better in the future. Fish and Wildlife, Department of Agriculture, and Ecology need to work together more.
  - VSP did not pass in other counties
  - Ask Farmers face to face about cover crop- Don has this on his annual survey

**Peter Gill, Skagit County Planning Department & Lisa Grueter, Berk Consulting**

Peter & Lisa gave an Agritourism Update

- Policy Concepts Report has been published
- Jenn Rogers Website has been built
- Skagitonians, Economic Development Alliance of Skagit County met with about 50 participants on March 30<sup>th</sup>
- Received a lot of feedback from the survey, about 170 people have participated with the survey. There is not a closing date for the survey yet, before the end of the month
- There was an article in the paper talking about Agritourism- Multiple sides of the story.
  - Terry Sapp would like to know how will you present the results of the survey, what will we see?
    - Peter will put out a report with results and outreach from the survey when the .
    - One of the questions irregularly presented to survey takers can we discuss how the survey was structured, and how it may bias the results of the survey?
    - A lot of the feedback we have received was the lack of options for restaurants, are not providing enough options
    - Berk prepared the survey

- Kraig Knutzen discussed he thought that Questions were skewed to make code more aggressive, limited ability to say to keep it how it is no talk about having more restrictions, need to be able to have all directions, not structured one way or limited.
- Enforcement needs to be in place
- Terry Sapp read the discussion paper: Response to Agritourism Skagit County Concepts by Planning & Development Services from the Land Use Committee (Letter added to end of Meeting Minutes)
- Thank you, Don, for helping send out notices & to social media as well
- There is a meeting scheduled next week with Tourism Promotion Advisory Group

## New Business

### ADU Discussion-

- Quick Overview- Proposal in 2021 Docket to remove owner occupancy requirement and size limitation requirement
  - Planning Commission rejected the Owner Occupancy requirement, but they did recommend increasing the size to 1200 sq ft and remove the relationship of the size of the ADU & the primary residence
  - Landowner has to live in the Primary residence or the ADU, but do not have to be related
  - Next Steps? It gets pushed to the County Commissioners; the Planning Department is likely to recommend something slightly different then the Commissioners will decide what they will do. April 18<sup>th</sup> they will meet to discuss and will likely adopt the following week. Planning recommendation will likely be sent tomorrow
  - The AAB did submit a letter during the Planning Commission Comment Period stating they should retain current code
  - No second public comment period
  - Kim will send out the Memo of Adoption

### Don McMoran WSU Update

- Funding level is good at this time- starting to work on the 2023 Budget submitting in July
- Working on some Publications on irrigation three of the five have been published
- Usual Grants- three going smoothly-Puget Sound Partnerships, Agribility, & Farm Stress Suicide
- Hired new Translator (Spanish)
- Don is teaching the Tractor Safety Workshop 4/11-5/14: good for teenage youth, adults, and Spanish speaking- about 25 students
- Dr. Charlie Coslor to come on board to do outreach on insects
- Finally, fully staffed at WSU Extension
- June 4<sup>th</sup> 100 year party- Bread Lab-pizza oven, truck & Tractor Show

## Committee Reports

### Economic Development- Don McMoran

Nothing at this time.

### Critical Areas – Nels Lagerlund

Nothing at this time.

**Land Use** – Terry Sapp (Chair), Kraig Knutzen, Murray Benjamin, Michael Trafton, Steve Omdal

Nothing at this time.

**Flood, Drainage & Irrigation** – Kraig Knutzen (Chair), Nels Lagerlund, Steve Wright

Nothing at this time.

### Old Business

Next Meeting: Irrigation/Water usage DOE getting aggressive, need to educate/options, knowledge of water rights, irrigation/Districts possibly drainage- maybe contact Scott from DOE to present

### Adjourn

Murray Benjamin moved to adjourn; Steve Wright seconded. Meeting adjourned at 8:23 pm.

Next meeting is May 11, 2022, at 7 pm.

## Discussion paper

### Response to Agritourism Skagit County Policy Concepts by Planning and Development Services

#### Agricultural Advisory Board Land Use Committee

April 11, 2022

The Agricultural Advisory Board of Skagit County has participated in the long and ongoing dialogue regarding non-agricultural development in the resource zones of the county. Currently, a focused effort by Planning and Development Services Department (PDS) to revise the Skagit County Code so as to set new rules for agritourism activities in the county including lands where agriculture is protected by zoning measures. History, local laws, state laws and even Supreme Court of Washington rulings reinforce protection of agricultural lands and restrict activities.

The Agricultural Advisory Board (AAB) has been firm in upholding practices and laws that endorse farming as a priority over intrusions into the agricultural zone that diminish and interfere with farming. The primacy of farming is central to a rich and diverse economic base and represents the essential character of the Skagit Valley for those who live here and for those who visit.

In January 2022 PDS invited the AAB to respond to a variety of considerations about Agritourism composed as "Policy Options" resulting from studies on this topic, including investigations from within the county and from comparative examples in counties and rural communities elsewhere. The AAB reflected on the extensive Policy Options report and produced a set of "Policy Recommendations" and presented those to the public at the February 11, 2022 Skagit Ag Summit. Those six recommendations are summarized as:

1. **Define agritourism activities in Skagit County Code**
2. **Agritourism activities in the ag-zone must be connected to agricultural production on site or by the producer**
3. **Agritourism should be defined as accessory use to agriculture**
4. **Accessory agritourism should be subject to renewable permits and scaled fees**
5. **Non-agricultural agritourism should be sited outside the Ag-NRL zone**
6. **Create an enforcement mechanism to assure adherence to law**

On March 7, 2022 PDS released an extensive "Agritourism Skagit County Policy Concepts" report and presented it to the AAB and to the public. In the Overview of the report, "Goals for Skagit County," agritourism policy closely matched the AAB recommendations and are summarized as:

1. **Each desired agritourism use should be defined in Skagit County Code as agritourism in nature**
2. **Each agritourism use should have a relationship to onsite agriculture and should support the agricultural use**
3. **In rural zones agritourism should promote rural character according to the County Comprehensive Plan**
4. **Allowed agritourism should be size and capacity appropriate to place**
5. **Agritourism activities should have clear rules, enforcement and scaled fees**

The likenesses of AAB and the PDS policy regarding agritourism are further reinforced by reference in Policy Concepts to Growth Management Act law stating, "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..."

Skagit County is most significantly guided by its own Comprehensive Plan that provides for the primacy of natural resource, rural and agricultural lands and functions through several of its elements including Reduce Urban Sprawl, Economic Development, Natural Resource Industries, and Environment. Language from the Comprehensive Plan is clear and directive:

"Long-term commercially significant natural resource lands...shall be protected and conserved...in perpetuity."

"Development shall be directed away from designated natural resource lands, aquatic resource areas and critical areas."

The AAB finds that the Comprehensive Plan properly intends to preserve agricultural lands for agricultural activities and directs non-agricultural uses to other areas where districts and zones are designed to avert interference with agriculture. The AAB recommendations are anchored in the Comprehensive Plan.

The Policy Concepts report zeros in on a few areas of agritourism activities. While each is deserving of more detailed comment, some activities generally fit a common connection to agriculture and some fail the most obvious tests.

**Agritourism activities accessory to agriculture that fit concepts, goals, and recommendations:**

Farm stands  
U-pick  
Farm tours  
Bed and breakfast hosting

These activities generally take place on a farm and can reasonably only associate with agricultural activities. An exception is farm stands, which could be placed in any publically accessible location. Farm stands, u-pick operations, and farm tours are currently permitted in the AG-NRL and RRv-NRL zones as accessory uses. The AAB recommendations support these activities when directly connected to on-site farming. When in the natural resource zones, farm stands should have an on-site product standard. Improved definitions for these activities are encouraged.

Bed and breakfast hosting is permitted separately in the Ag-NRL zone conditioned on a special use permit that prohibits new structures. A bed and breakfast in an existing dwelling is self-limiting as to size, scale, and intensity and its interference with local agricultural production is minimized. New definitions may be suited for legal B&Bs and distinguish them from undefined farm stays (below).

**Agritourism activities that need new definitions and conditions to fit concepts, goals, and recommendations:**

Farm stays  
Festivals and temporary events

Farm stays are poorly defined but not allowed when meant to be RV campgrounds or tent camping. The two are distinguished by sanitary and sewerage requirements. Careful definition of farm stays is important to avoid establishing expansive hosting on resource lands. Extensive hosting activity is inconsistent with agricultural production on the same lands. Interference with agricultural production is problematic. Good definitions should consider size, frequency and intensity of the usage and administrative or hearing examiner evaluation should confirm the connection to on-site agriculture.

Festivals and temporary events are currently allowed in any zone with a temporary use permit guided by a Hearing Examiner evaluation. Possibilities for festivals and temporary events are extremely broad. Criteria for permit approval should rigorously adhere to the AAB recommendations and PDS goals, focused on connection to on-site farm activities.

Temporary use permits, as established in current code, allow for 24 day events per year and is a broad catchall for many varieties of agritourism activities: weddings, social events, festivals, farm to table food services, and untold commercial endeavors. Restaurants are unlikely to operate with a 24-day limitation. An active wedding establishment could hold two events per weekend over 12 weeks, approximately three months. Enforced programmatic permitting will develop a record and reveal a basis on which to design conditions for subsequent future events, especially in the agricultural and natural resource zones.

**Non-agricultural accessory agritourism activities that do not fit concepts, goals, and recommendations:**

Tasting rooms, restaurants  
Weddings

Tasting rooms join with restaurants in the Policy Concepts for well-established reasons – tasting rooms mature into restaurants and bars of various and common types where food services combine with alcohol.

A long history of tasting rooms, restaurants, entertainment venues located within agricultural zoning can be found in King County and a related Growth Management Hearings Board case associated with abuses of zoning law (King County 1/3/2022) and reveals a variety of problems.

Tasting rooms, restaurants, food establishments, and bars are not accessory to agriculture in any fair interpretation of legal intent of current state law, GMA or Skagit County Comprehensive Plan. Little possible latitude exists to redefine permanent food and drink establishments so as to make them fit a farm. Permanent, year-round restaurant businesses do not belong in rural zones and do not satisfy essential rural characteristics. The AAB supports placement of any such activities in other non-resource zones or in cities. Interference with neighboring properties (a GMA standard) is inevitable when dining/tasting is located next to farming.

Wedding venues and social event centers do not naturally conform to the intent of natural resource land zoning and are not accessory to agriculture. Skagit County Code simply provides no legal arrangement for such sites or activities in the natural resource zones (though many wedding venues exist). A finding in the Policy Concepts report attributes 13,000 annual visits to permanent wedding venues. Reports from other rural counties would suggest even more attendees, depending largely on proximity to large population centers (Seattle is a customer base for Skagit County) and the number of events allowed per year.

An analysis of zoning considerations for wedding and social events is found in a Growth Management Hearings Board case (Spokane County, 2015) and is instructive. Interference with agricultural production must be recognized. Permanent non-agricultural enterprises in the natural resource zones also change land values and, in turn, raises the cost of land-based agricultural production. The AAB Land Use Committee observes that wedding activities simply don't fit the rural resource zones and should be directed to other zones.

### **One-acre mechanism**

The Policy Concepts report discusses a mechanism for limiting the impact of many agritourism activities. The mechanism derives from a Growth Management Act guideline that would provide for non-agricultural accessory uses limited to one acre adjacent to existing development, with no new buildings. While this constraint could satisfy the "size" and perhaps "intensity" standards cited elsewhere, it would not, by itself, address "frequency" of activity where continuous public retail enterprise would operate. Any permanent use of the one-acre mechanism deserves scrutiny by an administrative or hearing examiner evaluation and a programmatic renewal permit to assure fit to the agricultural footing.

### **On-going design of agritourism policy and code**

The redesign of permitted agritourism practices through any change in the Skagit County Comprehensive Plan and Skagit County Code calls for careful attention to the definitions and conditions for new land use regulations. The AAB intends to participate with PDS as agritourism issues solidify in the months ahead. A well-constructed agritourism program for Skagit County will support agriculture and its protected lands and minimize conflict over land use long into the future.