

Skagit County Agriculture Advisory Board

Meeting Summary – May 10, 2023

Commissioners Hearing Room/MS Teams

Members in Attendance

Michael Hughes	Kraig Knutzen	Terry Sapp	Michael Trafton	Nels Lagerlund
Murray Benjamin	Steve Omdal	Justin Hayton	Steve Skrinde	Steve Wright
Tim Van Hofwegen				

Proxy Designations

Members Absent

John Morrison

Others in Attendance

Peter Browning, Skagit County Commissioner
Jack Moore, Assistant Director Skagit County Planning & Development Services (PDS)
Sarah Ruether, Skagit County Planning & Development Services (PDS)
Kim Adams, Skagit County Planning & Development Services (PDS)
Don McMoran, WSU Extension

Call to Order, Introductions

Michael Hughes called the meeting to order at 7 pm.

Approval of Meeting Summary

Minutes amended to include Change on page five, 12th bullet “Current code would be special use permit, proposal would limit to 12 calendar days per year” Kraig Knutzen moved to accept the April 12, 2023, Meeting Minutes as amended, Justin Hayton seconded. Motion carried.

Guest Speaker

Ana Chotzen Viva Farms

Anna Chotzen gave a presentation on Viva Farms

- Viva Farms is an organization that helps smaller farms with business management to help get them out on their own farming on their own land
- How can Viva connect beginning farmers with farmers in the community?
 - Viva began in 2009- helped with meeting the needs for short term land use base, small tractors, equipment help, to help be successful and then go out on their own.
 - Viva Farms now has 120 acres total for these farms- 110 acres in Skagit and ten acres in Woodinville
 - Total of thirty-three active running farms
- Average time in program is about 5-6 years
 - Younger first generation, Mexican Immigrant farmers that farmed in Mexico
 - \$150,000-\$375,000 (2022) revenue
 - Small scale but high quality
 - It is currently hard to find land to go out on their own, they are ready on paper, but struggle to get past some barriers
 - Land/Capital Access
 - Farm to Farm program

- Lease to own- researching now
- Trying to match farmers with other farmers for collaboration to get land opportunities- looking for referrals
- Working on a transition model to support when 3-year can't make a profit
- There is no current waitlist
- Program Details:
 - \$850 per acre per year is what the farmers pay- Viva provides training, equipment, and organic land
 - 60% the first year, 70% the second year, 80% the third year, 90% the fourth year, 100% the fifth year
- Having access to water is a big hurdle to move land
- Small Parcel farms are mostly East of Sedro Woolley and have great soils

Old Business

Seattle City Light: Peter Browning, Skagit County Commissioner gave a quick update on Seattle City Light. They are currently figuring out a way to work better together, farms, businesses, tribes. Currently still working on final details but want to make things better for all.

Agritourism Update: Land Use Committee had one meeting since the last AAB Meeting

- Terry Sapp presented: Allowable Agritourism Activity in the Ag-NRL
- Responding to questions from the Planning Commission.
- Question: What is out there and what is possible? Document was presented to attempt to answer that question
- Michael Trafton presented the flow chart based on current/existing code- this is the first draft (attached)
- The flow chart can be followed up with the Allowable Agritourism Activity document- flow chart will help the Planning Commission understand how code is currently written.
- Question: What is the departments next step? Get Planning Commission to find clear rules in order to move forward with fairness to get everyone in compliance. Plan to collaborate with Commissioners to find options to see what they want to do with compliance.
- People are wanting to change what is allowed. Commissioners are looking for clear guidance then see about changes. No point without follow through without compliance.
- Need to give the Planning Commission more clarification- you can do things you want privately, but when it turns into a commercial activity that is when the code comes in.
- Kraig Knutzen motioned for the Agricultural Advisory Board to accept the document and the flow chart, amended to read Allowable Agritourism Activity in the Ag-NRL, Agricultural Advisory Board, Land Use Committee- Justin Hayton seconded, motion carried. Michael will forward the document and flow chart to the Planning Commission and the Board of County Commissioners.
- June 13th Planning Commission Meeting will be about Agritourism.

Docket Discussion:

- There is only one thing on the docket regarding the Ag-NRL. It is recommended for inclusion.
- The next thing on the timeline for the docket is the petitioners come to the Planning Commission and talk about their petition.
- AAB will wait and review in June if there is a need to comment on anything.

Committee Reports

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

Nothing else at this time.

Economic Development- *Don McMoran*

Steve Omdal discussed an Ag Park. He is looking for good input on what the AAB would want to see for an Ag Park. What should the Port initiate and move forward on? The Ports roll would partnership to provide space to rent/operate. Three million for infrastructure, hoping to start at the end of the year. Revisit in the next few months to gather more ideas.

- Cold Storage
- Commercial kitchen
- Processing side

Critical Areas – *Nels Lagerlund*

Nothing at this time.

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

Nothing at this time.

[New Business](#)

Don McMoran WSU Update

- Nothing to add from previous report

[Adjourn](#)

Kraig Knutzen moved to adjourn; Murray Benjamin seconded. Meeting adjourned at 8:49 pm.

Next meeting is June 17, 2023, at 7 pm.

Allowable Agritourism Activity in the Ag-NRL
By Terry Sapp
Draft 4/4/23

Question: Are agritourism-type activities allowed in the Ag-NRL currently and are activities that are not agritourism allowed?

Simple answer: Yes, both under existing code and under the proposed changes to code. Use the following tests to find out.

Agritourism is not part of current code, but businesses generally satisfying the meaning of agritourism as existing businesses are subject to the law. AAB recommends a definition for agritourism activities and a change to code to clarify uses.

The test under current code **with AAB recommended changes in red:**

1. Is the activity agricultural?

If yes, it's OK. Stop here.
If no, continue.

(14.16.400(2)(a) allows agricultural uses. Agriculture is not defined in code.)

2. Is the activity accessory to agriculture, predominately serving the principal use of the farm and is it operated by the farmer?

(14.16.440(2)(b) allows agricultural accessory uses. 14.04 Definitions defines agricultural accessory use. The preamble of the definitions -- in the question above -- qualifies all activities in the list.)

If yes, continue. It must qualify as one of (A) – (D) **(H)** below.
If no, it's not ag accessory. Skip to 3, special uses, below.

Check the following list:

(A) Is it farm animal or horticultural viewing by the public?

If yes, it's OK.
If no, continue.

(B) Is it U-pick sales to the public?

If yes, it's OK.
If no, continue.

(C) Is it the use of ag buildings used for on-site soil dependent ag **and not a dwelling and not used by the public commercially?**

(14.04 Definitions, Agricultural accessory uses, item (6) in list. **Language, above, added at item (6).**)

If yes, it's OK.
If yes, it's OK.
If no, continue.

(D) Is it an activity associated with ~~tourism~~ agritourism promoting agriculture?

(14.04 Definitions, Agricultural accessory uses, at item 7, “agritourism” replaces “tourism”. Definition of Agritourism is added to 14.04 Definitions.)

Agritourism: A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, is operated by the owner or operator of the farm or family members. Regularly occurring celebratory gatherings, weddings, parties, or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.

If yes, it's OK, unless it would require a special use permit, then skip to 6, below.

If yes, continue.

If no, skip to 3, below.

(E) Is the activity an agricultural or non-agricultural accessory use that is an agritourism event or activity and incidental and subordinate to the primary farming operation of the farm?

If yes, continue

If no, it's not agritourism, skip to 3, below.

(F) Is the accessory use part of the active farm operation?

If yes, continue. If no, it's not agritourism, skip to 3, below.

(G) Is the use located and 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?

If yes, continue.

If no, it's not agritourism, skip to 3, below.

(H) Is the non-agricultural use consistent with the size, scale, and intensity of use of the property and all non-agricultural uses and activities in the general developed area and not convert more than one acre of ag land?

(From RCW 36.70(A)177 Growth Management Act regarding agricultural and non-agricultural accessory uses and limitations.)

If yes, continue.

If no, it does not satisfy (H), above, in proposed code or in existing state law, continue.

3. Is it a farm-based business carried on exclusively by family residing on the farm and employing no more than three full-time employees?

(14.16.400(2)(h) allows farm-based businesses. 14.04 Definitions defines Farm-based business as on-farm, commercial enterprise for direct marketing of soil-dependent agricultural products.)

If yes, it's OK.

If no, continue.

4. Is it a home-based business, conducted in the home and incidental to residence?

(14.16.400(2)(j) allows limited business in the home where one dwells.)

If yes, it's OK.

If no, continue.

5. Is it a seasonal roadside ag stand under 300 sq. ft.?

(14.16.400(2)(n) allows small stands up to 300 sq. ft.)

If yes, it's OK.
If no, continue.

6. Does it qualify as a special use, requiring an administrative permit?

(14.16.400(3) provides for specific uses requiring an administrative special use permit. Uses are listed (a) through (m), those relevant are below.)

Check the following list:

(A) Is the activity a bed and breakfast accessory to an actively managed, ongoing agricultural operations with no new structures?

(14.16.400(3)(b) provides for the use is accessory to an actively managed, ongoing agricultural operation and no new structures are constructed outside of the home for lodging purposes.)

If yes, apply for a special use permit.
If no, continue.

(B) Is the activity a home-based business clearly incidental and secondary to dwelling?

(14.16.400(3)(e) provides for home-based business provided no conversion of agricultural land is required to accommodate the business activity, it is incidental to dwelling, and compatible with rural character.)

If yes, apply for a special use permit.
If no, continue.

(C) Is the activity a seasonal roadside stand under 2,000 sq. ft.?

(14.16.400(3)(i) provides for stands up to 2,000 sq. ft.)

If yes, apply for a special use permit.
If no, continue.

(D) Is the activity a temporary event related to ag production with no ag land converted and no permanent structures added?

(14.16.400(3)(k) allows temporary events. 14.16.900(1) and (1)(b)(v) primarily control special use permitting for temporary events.)

If yes, qualify the activity as a special use requiring a permit, continue.
If no, skip to 7.

(1) Is the event musical, cultural, or social?

(14.04 Definitions defines a temporary event as musical, cultural or social.)

If yes, continue.
If no, skip to 7.

(2) Does the applicant agree to self-certify annually?

(14.16.900(3) Special Use Permit Annual Self-Certification requires annual confirmation of permitted uses and 14.16.900(3)(a) and (b) are directive for recording.)

If yes, continue.
If no, skip to 7.

(3) Is the activity, as one or more events, self-limited to **24 12** calendar days per year?

(14.16.900(2)(h)(i) limits events to 24 calendar days per year.)
If yes, it's OK, provided a special use permit is obtained.
If no, continue.

7. Does the activity qualify as special use roadside stand between 2,000 and 5,000 sq. ft. requiring hearing examiner permit?

(14.16.400(4)(i) requires a hearing examiner approval of seasonal roadside stands between 2,000 and 5,000 sq. ft. No other agritourism-type activities are subject to hearing examiner approval.)

If yes, a hearing examiner permit is required. **If no, STOP, the activity is not allowed in the AG-NRL.**

End of test under existing (April 2023) Skagit County Code **or as recommended by AAB.**

