



PLANNING & DEVELOPMENT SERVICES

JACK MOORE, DIRECTOR

ADMINISTRATIVE OFFICIAL INTERPRETATION 2024-01

To: Planning and Development Services staff and other interested parties
From: Jack Moore, Director, Skagit County Planning and Development Services
Date: March 21, 2024
Re: Administrative Official Interpretation pertaining to Ordinance No. 20240001

I. Introduction.

On January 29, 2024, the Board of Skagit County Commissioners adopted Ordinance No. 20240001. The Ordinance temporarily prohibits new permits for wedding and other events centers on lands zoned Ag-NRL.¹ The Ordinance also clarifies that the definition of "agricultural accessory use" for the purposes of SCC 14.16.400(2)(b) and SCC 14.04.020 does not include weddings and other events as an ongoing business activity "associated with tourism which promote local agriculture".²

The Ordinance is limited to the land use question addressed in the Ordinance, and "shall not be interpreted as establishing pre-existing or vested rights as to any building, health, safety, environmental or other code or law in effect as of the date of this ordinance."³ The Ordinance does not apply to those business in "substantial and continuous operation before the date of this ordinance, which shall be treated as existing non-conforming uses."⁴

The Ordinance further directs this office to develop a process to document existing land use rights:

The Administrative Official is hereby directed to develop a process that will allow landowners to document asserted existing non-conforming use through entry into a Voluntary Compliance Agreement (VCA). The process adopted by the Administrative Official shall include a deadline to submit required documentation of existing activity. The process shall be adopted as an Administrative Official Interpretation pursuant to SCC 14.06.040(3).⁵

This Administrative Official Interpretation interprets Ordinance No. 2024001, consistent with the Board's directive.

II. Implementation Procedures.

¹ Ordinance, Section 1.
² Ordinance, Section 3.
³ Ordinance, Section 6.
⁴ Ordinance, Section 5.
⁵ Ordinance, Section 7.

A. Activities Covered

An “accessory use” is a use that is “dependent on and subordinate or incidental to” the principle use of the land. SCC 14.16.020. SCC 14.16.400(2)(b) provides that “Agricultural Accessory Uses” are permitted on Ag-NRL zoned lands. “Agricultural Accessory Uses” is defined to include “[a]ctivities associated with tourism which promote local agriculture...” SCC 14.04.020.

Ordinance No. 20240001 interprets this existing code language, making clear that agricultural accessory uses that are “activities associated with tourism which promote local agriculture” does not include “business activity involving the regular and ongoing conduct of events such as weddings, concerts, retail fairs, rodeos or any other gathering of a similar nature.”⁶

However, this does *not* apply to activities in “substantial and continuous operation”⁷ prior to the adoption of the Ordinance. Therefore, “business activity involving the regular and ongoing conduct of events such as weddings, concerts, retail fairs, rodeos or any other gathering of a similar nature” in “substantial and continuous operation” prior to the January 29, 2024, adoption of the Ordinance may continue to do so, so long as not in violation of other law or code.

My interpretation is that the Board has directed this office to a prepare a process to define and delimit existing uses, documenting their compliance with a Voluntary Compliance Agreement. Although an interim ordinance, Ordinance No. 20240001 admits ambiguity in existing SCC 14.16.400 as to Agricultural Accessory Use, resolving that ambiguity in favor of exiting business activity, and is therefore binding on the County beyond the express term of Ordinance 20240001. As such I interpret the Board’s directive to require as follows.

B. Documentation of Existing Use Rights.

1. Submission Required To Assert Existing Use Rights. Within 180 days of final publication of this AOI, any landowner seeking to assert existing rights referenced in Ordinance No. 20240001 must submit the following materials to Skagit County Planning and Development Services:
 - a. *Written Description of Activity*, to include the following minimum information:
 - a. Name of Landowner
 - b. Parcel Numbers involved
 - c. Narrative description of activity including number of guests/customers supported
 - d. Description, number and frequency of events, with supporting documentation
 - e. Hours of operation
 - f. Date activity first commenced, with supporting documentation
 - g. Buildings used
 - h. Water source, including volume and any permitting
 - i. Food preparation, storage and service
 - j. Toilets/sanitation facilities used
 - k. Vehicle parking

⁶ Ordinance, Section 3.

⁷ Ordinance, Section 5.

- l. Vehicle access/ingress/egress
- m. Any safety protocols in use including fire safety

b. Site Plan, to include the following minimum information:

- a. Buildings, denoting any buildings of any kind of nature that are involved in the existing use
- b. Land area used by the existing use
- c. Water source
- d. Food service, storage, preparation or handling facilities
- e. Toilets, hand-washing, and other sanitation facilities
- f. Parking, ingress and egress

c. Affidavit. Each landowner or lessee submitting an application to establish existing use rights pursuant to this AOI must include an affidavit under penalty of perjury attesting to the truth and accuracy of their submission, absent which the application will not be deemed complete. The affidavit must state substantially as follows:

I _____, am the lawful title owner of Skagit County Tax Assessor Parcel No[s]_____, and I do hereby swear and affirm on penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.

Signed at [CITY, STATE] this ____ day of [MONTH][YEAR]

SIGNATURE

2. Effect of Failure to Participate. No landowner that fails to comply with the submission requirements of this AOI (including by failing to provide material information about the use) shall be eligible to claim existing use rights referenced in Ordinance 20240001, and any such rights shall be conclusively deemed abandoned. In such cases the County may take action available to it under the law to terminate the use.

C. Voluntary Compliance Agreement. After an Ag-NRL landowner has submitted the materials required by Section II(b), Planning and Development Services staff will review the submission, seek additional information (including any required environmental reviews under the County’s Critical Areas Ordinance and SEPA) and visit the site if necessary, and identify any other issues of code or law that require correction.

Upon completion of the foregoing, the landowner and County will enter a Voluntary Compliance Agreement (“VCA”) documenting and delimiting existing use rights, including any conditions imposed on those rights. The VCA will be recorded against the Property, providing landowners with a recording specifying the extent of the existing use right arising under Ordinance No. 20240001.

Notice of this Policy will be published in the newspaper of record, will be posted on Skagit County’s public website, and will be transmitted to the Agricultural Advisory Board and other

agricultural industry and advocacy groups. Pursuant to SCC 14.06.110(7) this AOI may be appealed within 14 days of its publication in the newspaper of record.

ADMINISTRATIVE OFFICIAL



Jack Moore

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