



# Planning & Development Services

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## Procedure for accepting and processing Voluntary Compliance Agreement (VCA) petitions related to AOI 2024-01, Interim Ordinances #202400001 and #202400003

Ordinances #202400001 and #202400003 interpret existing code language, making clear that agricultural accessory uses that are “activities associated with tourism which promote local agriculture” do 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.”

However, this does not apply to activities in “substantial and continuous operation” prior to the adoption of the Ordinances.

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 initial Interim Ordinance may continue to do so, so long as not in violation of other law or code.

The 4-step process below outlines how a business owner may document their existing operation and execute a VCA per Ordinance #202400003. **This process must be complete by May 30, 2025.**

### Step 1 - Documentation of Existing Use Rights.

A petitioner seeking to vest their existing rights referenced in Ordinance No. 20240003 must submit the following materials to Skagit County Planning and Development Services on the form provided by Skagit County.

- 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

- 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 Ordinance No. 20240001 and AOI 2024-01 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

**Step – 2: Review and concurrence of Substantial and Continuous Operation.**

1. PDS staff will review submitted Existing Land Use Rights form and supporting documents for confirmation of “substantial and continuous operation.”
2. If a petitioner is unable to demonstrate their existing use has been in substantial and continuous operation, they shall be notified they are not eligible to apply for a VCA.
3. If petitioner successfully documents their existing use has been in substantial and continuous operation, they will be notified they are eligible for a predevelopment meeting with staff.

### **Step – 3: Predevelopment Meeting**

1. Petitioner will schedule a predevelopment meeting once notified of eligibility.
2. Upon completion of the predevelopment meeting, staff will forward the summary of applicable code requirements to a Code Compliance Officer who will then initiate a code compliance file and draft a VCA, with the code requirements attached.

### **Step- 4: Code Compliance and Voluntary Compliance Agreement**

1. The code compliance officer will initiate a code compliance file and work with department staff to prepare a VCA.
2. The draft VCA will be forwarded to the Skagit County prosecutor's office and petitioner.
3. The petitioner and prosecutors' office will finalize and sign all documents necessary for the successful execution of the VCA.
4. The VCA may include phased timelines to complete all necessary improvements to the property, with initial focus on life, health, and safety components.