



Skagit County Policy Concepts

Agritourism Intent, Scale and Use Options | March 15, 2022

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Overview

Skagit County is reviewing what agritourism means to the County's agricultural community, rural residents, and other interested participants. Agritourism is generally considered "a commercial enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates supplemental income for the owner." (UC Davis)

Following a situation assessment and community engagement efforts in 2021, this paper addresses what types of agritourism will be a focus of potential Skagit County Zoning Code updates.

After this Overview, this document is organized into two parts:

Part 1 reviews a series of agritourism activities under examination – farm stands, U-pick, bed and breakfasts, and temporary events – and for each covers:

- Definitions and Allowances
- Size and Scale of Business
- Infrastructure and Permits Needed
- Example Regulations
- Site Examples
- Relationship to Agriculture and Rural Character

Part 2 of this document addresses options for how to integrate the agritourism uses into code, through amendments to existing zoning code, creation of an overlay, or by relying on rezones that cover such uses. An annual or multi-year permit is also addressed.

An **Appendix** co-locates existing/proposed definitions, and comparative levels of intensity and sources.

TYPES OF AGRITOURISM ANALYZED

Agritourism typically involves five types of activities – direct sales, education, entertainment, outdoor activity, and hospitality. Each type differs in its depth of connection to the primary agricultural activity at that site. Future agritourism policies will fit the Comprehensive Plan vision and the Growth Management Act (GMA) resource land protections.

Based on a survey and focus groups, and a review of agritourism activities in Skagit County and across the region, agritourism types that are a focus of this policy evaluation include:

- Farm stands
- U-Pick
- Farm stays
- Tasting Rooms, Restaurants
- Weddings
- Seasonal Events – Festivals, Farm to Table, Farm Tours

The County allows for farm stands, U-pick, bed and breakfasts, and temporary events. Not all are well-defined. Some have vague regulations, and enforcement can be challenging. Further, some uses that are not allowed in a

permanent manner, e.g. restaurants, tasting rooms, and weddings, have been requested through dockets, and are addressed to consider how they may be a fit for Skagit County.

Goals for Skagit County’s agritourism policy evaluation include:

- Each desired agritourism use should be defined in the Skagit County Code and clearly identify associated activities that are agritourism in nature.
- Each agritourism use should have a relationship to onsite agriculture, particularly in zones that are designed to promote long-term commercial agriculture (AG-NRL and others). More intensive permanent agritourism activities should have a close connection to actual ongoing agricultural production on the site of the producer. The primary use of agriculture should be supported by the agritourism use. See GMA at RCW 36.70.177 for parameters.
- In rural zones, agritourism should promote rural character as established in the County Comprehensive Plan and GMA.
- The agritourism allowances should be based on an understanding of business models and their size and capacity.
- Permit criteria and conditions should be developed for adequate water, septic, and parking. Agritourism activities should be subject to clear rules and permits as well as enforcement. This may include renewable permits and scaled fees.

Size and Scale

GMA promotes the protection of agricultural lands of long-term commercial significance (RCW 36.70A.177). Limited accessory uses, directly and indirectly related to agriculture, are allowed:

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) 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, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

A key provision is the siting of accessory uses to not interfere with primary agricultural use. Non-agricultural accessory uses are to be of a size, scale, and intensity of agricultural use on site and fit within already developed

areas or not otherwise convert more than 1 acre of agricultural land to non-agricultural land. These provisions have been reinforced in Growth Management Hearings Board cases in Spokane (temporary weddings) and King County (wineries, breweries, distilleries), emphasizing:

- Fit of the use to ensuring ongoing primary agricultural use and operation
- Fit of the use in existing buildings and developed areas of no more than 1 acre
- Application of compatibility measures that limit scale and frequency
- Past illegally established activities should not be part of a “baseline” for environmental review; if illegally established uses could become conforming to new rules, they plus any other activities that could be allowed by the new rules, should be well evaluated in environmental review

Based on a review of agritourism studies and trade literature, typical numbers of annual visitors to sites may range from 500 to tens of thousands, with higher levels for temporary events. This is a consideration for size, scale, and intensity of use. See Exhibit 1 and the Appendix.

Exhibit 1. Annual Visitors / Customers to Agritourism Activities

Typical Annual Visits Per Year

Farm Stands	500
U-Pick	2,000
Farm Tours	2,080
Farm Stays	520
Tasting Rooms	11,304
Wedding - Temporary	6,000
Wedding - Permanent	13,000
Farm to Table	2,600
Festivals	20,000

Note: See Appendix for source of visitors. Farm stands, western US median 500 visitors. U-Pick 400/ac x 5 ac. Farm tours, up to 60 once a week in school year and year-round up to 10 each weekend. Farm Stays assume 5 rooms x 2 per room x 52 weeks. Tasting rooms average annual visitors in Washington, 2019, 924x12. Weddings 250 persons x 24 events. Farm to Table 13 events x 200 persons. Last, Festivals equals Festival of Farms annual visitors.

Each agritourism type differs in its potential for buildings or parking. See Exhibit 2. If occurring in a resource zone, e.g., AG-NRL, the use would need to fit in an existing developed area or convert no more than 1 acre of agricultural land. If in a rural zone, the size and scale and fit with rural character is important. Layout and design of activities are an important consideration in both cases.

Exhibit 2. Buildings and Parking – Size

Agritourism	Buildings	Parking Requirements
Farm Stands	Current Code: 300-5,000 s.f. per code	Current Code: Retail 1 stall/300 s.f., unclear if parking is reviewed for farm stand. At minimum contain parking onsite.
U-Pick	Current Code: None – use is open space in nature	Current Code: Unclear if reviewed. At minimum contain parking onsite.
Farm Tours	Current Code: None – use is open space in nature	Current Code: Unclear if reviewed. At minimum contain parking onsite.
Farm Stays - RV	Not allowed currently. Use is temporary.	If allowed, the size of parking could be: 1 stall per RV, 250–350 s.f. per typical vehicle
Farm Stays - Permanent	Current Code allows Bed and Breakfast: Must be in-house, up to 5 bedrooms per code	Current Code: 1 per guest room + 2 for residence per code
Wedding - Temporary	Not allowed: In region, size varies - tent/membrane structures may require fire code review	Current Code: Fully contain onsite per temporary use standards
Wedding - Permanent	Not allowed: Varies - barn 10,000-40,000 square feet per SEPA exemption	Current Code: Likely demand analysis
Tasting Rooms, Restaurant	Not allowed: Small facility would be about 3,500 square feet based on business model (see Appendix)	Current Code: 1 per 75 square feet in dining or lounge areas
Farm to Table	Not allowed currently. Use is temporary.	Fully contain onsite
Festivals	Current Code: Temporary use – size varies	Current Code: Fully contain onsite per temporary use standards. Potential to have a demand analysis. Size dependent.

Permits and Infrastructure Needed

Temporary and permanent activities require a range of permits, per Exhibit 3, including:

- **Land use** authorization: For permitted uses some lower intensity activities should be confirmed as to their review in the absence of building permits or permanent parking, and
- **Building permit:** Permanent structures above 200 square feet require a building permit. Membrane structures would require fire marshal review.
- Any use that requires potable **water** for occupancy (bed and breakfast) or food service (weddings, tasting rooms, restaurants) would require public water connection. These same uses need **septic** systems. Temporary uses may need portable restrooms. It is unclear whether farm tours and similar seasonal activities that bring in groups are required to have portable restrooms or permanent restrooms.
- Any use that requires a **parking** area would need to be reviewed for size and **stormwater** treatment. It is unclear whether uses that rely on retaining agricultural activities (e.g., farm stands, U-pick) are required to have an impervious parking area. Temporary events must ensure that: “Parking for all events shall be fully

contained on the subject property and shall not include the use of any road right-of-way.” This may not be compatible with goals to protect agricultural soils.

- Most **food service** requires a permit by the Skagit County Health Department. This includes temporary food booths, farmers markets, mobile food vendors, restaurants, and bed and breakfasts. (See [Chapter 246-215 WAC](#) and [Temporary Permit Definitions and Fees](#)). [Wineries](#), breweries, distilleries and tasting rooms also need [state licenses](#). Some [agricultural produce re-sales](#) and direct marketing also require permits from the state.

Exhibit 3. Potential Permits and Infrastructure Needed by Agritourism Activity

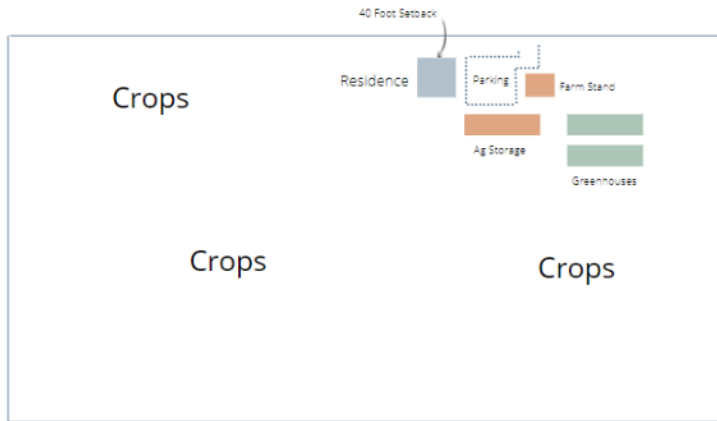
Activity	Land Use	Building Permit	Public Water	Septic	Parking Stalls	Stormwater	County Health Food
Farm Stands	X*	X			X*	X*	
U-Pick, Farm Tours	X*				X*	X*	
Farm Stays	X						
Bed and Breakfast	X	X	X	X	X	X	X
Weddings	X	X (permanent) (fire dept temporary)	X	X	X	X	X
Tasting Rooms, Restaurants	X	X	X	X	X	X	X
Seasonal Events – Festivals, Farm to Table	X	X (fire dept temporary)			X	X*	X

**Unclear if seasonal activities that do not require structures are reviewed for land use compliance, and if permanent parking and stormwater are needed.*

Example Footprint of Agritourism Uses

GMA accessory and non-agricultural limitations and the County’s AG-NRL-zone promote agritourism activities in already developed areas, with new activities no greater than 1 acre. An example of development in a 1 acre area is illustrated in Exhibit 4. This and other examples are shared in the body of the policy options to describe intensity and potential criteria for expanded or new agritourism activities.

Exhibit 4. Example Farm Stand and Bed and Breakfast: AG-NRL Parcel 20 Acres, 1 Acre Improved (5%)



Source: Skagit County, 2022.

AGRITOURISM CODE AMENDMENT OPTIONS

Definitions and Standards

Based on a review of the types of agritourism, size and scale, example sites, and example regulations Exhibit 5 provides a list of potential amendment topics.

Exhibit 5. Potential Code Amendment Issues – Definitions and Standards

Agritourism	Update Definitions	Update Standards	Discussion
Farm Stands	X	X	<ul style="list-style-type: none"> The definition could be strengthened by clarifying seasonal use and majority of products. Are land use permits required? Consider permit review and annual renewal. Other resource zones (RRc – NRL) have farm stand size requirements and may have parking, but not the same footprint limits of 1 acre per RCW 36.70A.177. Should there be an integration of footprint/location standards? Should residential setbacks (min/max) be carried forward for non-residential uses?
U-Pick and Farm Tours	X	X	<ul style="list-style-type: none"> Add more specific definitions. Similar land use permit review and size/location/setback questions as for farm stands.
Farm Stays - RV	X	X	<ul style="list-style-type: none"> Consider allowing a temporary RV Harvest Host use. Would add a definition and standards.
Farm Stays - Permanent			<ul style="list-style-type: none"> Bed and Breakfast addresses such uses in existing homes. Continue.
Wedding	X	X	<ul style="list-style-type: none"> Add a definition. Should a permanent wedding use be allowed? Should more frequent temporary events be allowed?

Agritourism	Update Definitions	Update Standards	Discussion
Festivals, Farm to Table	X	X	<ul style="list-style-type: none"> ▪ Add a definition. ▪ Should farm to table be allowed? ▪ Are the temporary standards/frequency for temporary uses sufficient?

Zone Amendment Options

This report addresses options for where/how to allow agritourism uses including:

- **Current Code Option:** The zoning code as it stands today.
- **Option A Accessory Agritourism:** Under Option A there would be targeted changes to use allowances in the zones where most of the County’s agriculture is located. It would address the range of agritourism above. Size, frequency, and compatibility measures would be addressed. It would build on the current code and fit within existing policies.
- **Option B Agritourism Overlay:** Option B would establish an overlay zone including portions of resource and rural zones where additional agritourism activities could be allowed.
- **Option C Rezone Small Scale Recreation and Tourism:** Option C would allow rezones of parcels on a case by case basis to Small Scale Recreation and Tourism (SRT) which allows for some of the more intensive agritourism uses.

A summary of the use allowance is provided in Exhibit 36.

Exhibit 6. Use Allowances by Option

Activity	Option A Accessory Agritourism	Option B Agritourism Overlay	Option C SSRT Rezone
Zones	<ul style="list-style-type: none"> ▪ AG-NRL, RRC-NRL, RRv 	<ul style="list-style-type: none"> ▪ Base: AG-NRL, RRC-NRL, RRv ▪ Overlay: <ul style="list-style-type: none"> ○ Lands fronting a Major Collector and higher ○ Lands served by a Group A water system ○ Lands that are a minimum of 0.5 mile from a LAMIRD or UGA 	<ul style="list-style-type: none"> ▪ Rezone to SSRT using criteria (like overlay criteria at left; but incremental, site specific)
Accessory Agritourism Uses: <ul style="list-style-type: none"> ▪ U-Pick ▪ Farm Tours 	<ul style="list-style-type: none"> ▪ Retain current allowances as Agricultural permitted accessory uses. ▪ Improve definitions and permit procedures. 	<ul style="list-style-type: none"> ▪ Same as Option A 	<ul style="list-style-type: none"> ▪ Not applicable. Meant for small properties that are more intensive in nature.
Seasonal Roadside Stand	<ul style="list-style-type: none"> ▪ Retain current allowances as Seasonal Roadside Stand (300 	<ul style="list-style-type: none"> ▪ Same as Option A 	<ul style="list-style-type: none"> ▪ Retail uses are currently permitted.

Activity	Option A Accessory Agritourism	Option B Agritourism Overlay	Option C SSRT Rezone
	<p>s.f. permitted accessory and 5,000 s.f. AD or HE)</p> <ul style="list-style-type: none"> Improve definitions and permit procedures. 		
<p>Bed and breakfast, farm stay, temporary</p>	<ul style="list-style-type: none"> Continue to allow permanent farm stay like a Bed and Breakfast. Allow as a permitted accessory use in AG-NRL, RRC-NRL, and RRv. Consider a programmatic permit in these zones similar to other agritourism uses. Regarding temporary farm stays (e.g., RV), ensure er the use is self-contained and temporary. A programmatic permit would be required. 	<ul style="list-style-type: none"> Same as Option A. 	<ul style="list-style-type: none"> Bed and Breakfast uses are currently permitted.
<p>Food Service:</p> <ul style="list-style-type: none"> Farm to Table, Temporary Food Service Tasting Rooms 	<p>In AG-NRL, RRC-NRL, and RRv:</p> <ul style="list-style-type: none"> Allow temporary farm-to-table events as permitted accessory activities with a programmatic permit. Allow limited food service as a permitted accessory activity with low-risk foods ¹and no seating as part of farm stands or farm-based business. The use would be addressed in a programmatic permit. Allow small tasting rooms (3,500 square feet) provided grapes/hops/fruit of 10 acres are grown onsite. The use would be subject to a hearing examiner special use permit. 	<ul style="list-style-type: none"> Allow temporary farm-to-table events as permitted accessory activities with a programmatic permit. Allow Food Service as a Small Food Establishment (Category 1, 0-75 seats) as an administrative special use if on a site of at least 20 acres. Allow small tasting rooms (3,500-5,000 square feet) provided produce of certain size is grown onsite and on parcels with at least 40 acres in size. Sites 20-40 acres would require a hearing examiner special use permit. 	<ul style="list-style-type: none"> Restaurants are currently permitted.
<p>Wedding Facilities</p>	<ul style="list-style-type: none"> Allow with an administrative special use permit as a Temporary Use with a programmatic permit provided it is happening in already developed area/existing barn. Limit number per year. 	<ul style="list-style-type: none"> Allow year-round wedding facility with a hearing examiner special use permit. 	<ul style="list-style-type: none"> Not specified. Add as an administrative special use.

¹ Low risk foods include things like baked goods, espresso, etc. More details are provided here: <https://skagitcounty.net/HealthFood/Documents/AppSeasonalLowRisk.pdf>.

Parking

The County has defined parking standards for bed and breakfasts, restaurant, and retail establishments. For restaurant and retail standards applicable to some of the agritourism uses, maximum parking stalls could be specified to further ensure uses are not overly intense (e.g., 25% above minimum). Many of the agritourism uses are not addressed in the parking standards and would require a demand analysis. (SCC 14.16.800) The County could define parking standards such as for weddings or other uses.

Permit and Enforcement Options

Clear application and review procedures, combined with amended definitions and standards, should assist with code enforcement efforts. As well, ensuring adequate staff resources for code enforcement will be necessary. To ensure that the permitting process is fair and effective Skagit County could:

1. **Create or update application forms** to ensure that agritourism activities are well defined, and operators are aware of important criteria, such as ensuring the activity is accessory and supports onsite agriculture, or other locational and size standards.
2. **Exempt from land use permit review** seasonal, low-intensity activities that do not require a building permit or permanent parking areas, e.g., U-pick with no other entertainment involved, and where the level of visitors is not likely to result in adverse effects to neighboring areas.
3. **After approval of a land use permit, require an annual self-certification** form similar to SCC 14.16.900€ for all agritourism uses for any permit type where the operator certifies that all the use-specific requirements continue to be met.
4. **For temporary uses, or uses with high activity levels, provide a limited-term programmatic permit**, e.g., 5 years that ensures that the use is well managed but does not necessarily continue with a new owner or is re-reviewed periodically.

Example procedures and forms are described in Part 2, Permitting and Enforcement.

NEXT STEPS

The options will be refined and shared with persons and entities that have agritourism interests. After the input, a proposal can be developed by the consultant and PDS that would be subject of legislative review.

Part 1. Agritourism Uses and Scale

FARM STANDS

Definition and Allowances

Skagit County allows farm stands called “seasonal roadside stands” defined below:

SCC 14.04.020 Seasonal roadside stand: *small retail establishment accessory to an actively managed, ongoing agricultural operation dedicated exclusively to the sale of agricultural products and agricultural promotional items. A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County. All agricultural promotional products shall be accessory to the primary use of the stand for agricultural products and shall be directly related to the agricultural operation and located solely within the stand. Signage is allowed per SCC 14.16.820.*

The purpose of a farm stand (seasonal roadside stand) is to offer onsite products for sale as described in the County definition. While the title contains “seasonal” County standards do not appear to require seasonal activity only. A “majority” of products have to be produced on site or in the County. “Majority” is not explained in the definition; it could mean 51% of the quantity or value of products. The definition could be strengthened by clarifying seasonal use and majority of products.

Seasonal roadside stands are allowed in three resource zones and several rural zoning districts. See Exhibit 7.

Exhibit 7. Use Allowances by Zone – Seasonal Roadside Stands

Use	.400 Ag-NRL	.420 SF-NRL	.430 RRc- NRL	.300 RI	.310 RVR	.320 RRv	.370 URR	.385 H-URv	.100 RVC	.450 URP-OS	.500 OSRSI
Seasonal roadside stands <300 sq. ft.	PP		PP	PP	PP	PP	AD	PP	PP	AD	AD
Seasonal roadside stands <5000 sq. ft.	HE	AD	AD	HE		HE	HE	AD	AD		

PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

Size and Scale of Business

The Skagit County Zoning Code (SCC 14.16.400) limits the size of a seasonal roadside stand to between 300 and 5,000 square feet. The permits are tiered: 300 square feet outright permitted, 2,000 square feet allowed by administrative special use, and 5,000 square feet allowed by hearing examiner special use. Parking is to be provided onsite; parking may be required at 1 stall per 300 square feet as a retail activity.

In 2011, a Washington State study showed that 60% of customers of a farm stand (seasonal/roadside operations) are local, 30% are from other counties in Washington, and the balance are from other states/countries. The number of employees is likely between 0-4 employees based on examples. The size of farms with farm stands and seasonal activities tend to be 1 to 100 acres in size (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011)

Generally, the median number of visitors per year per agritourism operation in the Western US is 500. The typical numbers of days an agritourism operation is open is about 180 days in the West. (Vermont Tourism Research Center, 2021)



Image Sources: Evergreen Farm Stand, Olympia; Oxbow Farm Stand, Carnation, Pinterest Image Farm Stand

Infrastructure and Permits Needed

County building permits are required for permanent covered structures over 200 square feet in size. Membrane structures like tents require Fire Marshal review.² SCC 14.16.800(2) requires that retail operations have 1 parking stall per 300 square feet. If permanent parking is installed, stormwater review would be required for parking areas.

Example Regulations

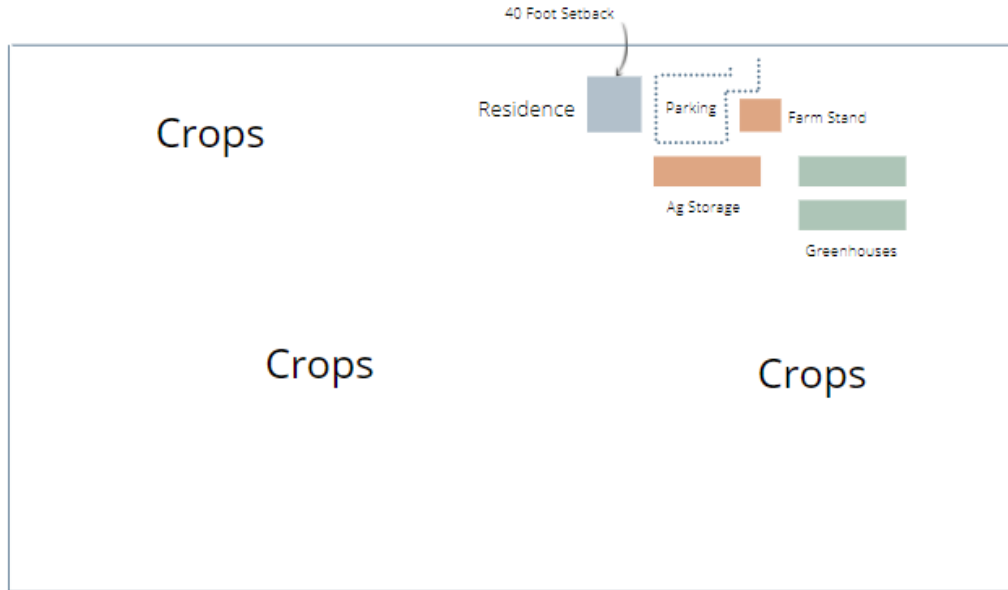
- **Snohomish County:** Smaller farm stands of 400 square feet are permitted in rural and agricultural zones as well as urban zones. Larger farm stands are permitted in rural zones and, particularly agricultural zones. Only one stand is allowed per lot. At least 50% of farm product units must be from the farm, and 75% must be grown in Washington. Existing structures may be used per size limits.
- **Thurston County:** Farm stands of 400 to 700 square feet are exempt from land use permits but subject to other health department and public works permits. The maximum is 400 square feet if the stand is enclosed and 700 square feet if open on all sides with a tent/membrane roof. The stand can only be open / in place for 6 months of the year. At least 75% of produce displaced must be grown in the Pacific Northwest. Larger stands of 701-2,000 square feet are subject to an administrative conditional use permit, and 2,001-3,000 square feet requires a hearing examiner permit.
- **Marion County, OR:** A farm stand is permitted; size limits are not apparent in rules. At least 75% of products must involve sale of on-site crops/livestock or Oregon products. Incidental products may be sold at 25% of total annual sales of the farmstand. Structures must not be designed for occupancy as a residence or designed for activities that do not involve crops/livestock. Structures may not be used for banquets, public gatherings, or public entertainment. Farm stands need approvals by the health department or state department of agriculture.

² See: [skagitcounty.net/PlanningandPermit/ConstructionExemptfromBuildingPermit.pdf](https://www.skagitcounty.net/PlanningandPermit/ConstructionExemptfromBuildingPermit.pdf)

Site Design

Exhibit 8 illustrates a farm stand on a property that is zoned AG-NRL. The stand is covered and is co-located with other buildings in a footprint of no more than 1-acre. It is close to the road.

Exhibit 8. Example Location and Size of Farm Stand



SITE DESCRIPTION

Zoning: AG NRL

Parcel Size: 20.2 Acres

Improved Area: 1 acre

Setback of structures: 40'

Size and scale of business: 150 square feet enclosed farm stand.

Infrastructure: Public Water, Septic

Source: Skagit County PDS, 2022.

Siting of Agritourism development: Based on GMA provisions in RCW 36.70A.177 and per the County's current code and administrative interpretation, the addition of a farm stand in a resource zone is to be within an existing developed area. All development, including, but not limited to, structures, parking areas, driveways, septic systems, wells, and landscaping, shall be contained within an area of no more than 1 acre.

Parking: Parking should be designed as temporary, and provide pervious materials where feasible.



Pervious Material, Snohomish Conservation District



Temporary Parking Bayview Farmers Market

Landscape Buffers: When adjacent to non-agricultural development activities should use vegetation to screen light, glare, dust, and noise from neighboring uses.

Structure Portfolio: Like other example counties, Skagit County permits 300 square foot farm stands, and 5,000 square feet with a special use permit (AD or HE).



Example: < 300 SF, Victoria BC



Example: Up to 5,000 SF Auburn, WA

Relationship to Agriculture and Rural Character

Farm stands are accessory, support farming, and are sized to minimally affect agricultural lands. See Exhibit 9. The County could consider footprint and setback standards in the RRc-NRL zone.

Exhibit 9. Relationship of Farm Stand Regulations and Agricultural Conservation

Considerations under GMA	Discussion
<p>Conserve agricultural lands and encourage the agricultural economy</p>	<ul style="list-style-type: none"> ▪ Farm stands support producers with income, and the local economy by attracting both in-county and out of county customers. ▪ Structure size limits and tiered permitting across zones encourage agricultural land conservation. In the AG-NRL zone, the acre and setback requirements help conserve lands.
<ul style="list-style-type: none"> ▪ Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties ▪ Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes ▪ Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> ▪ The AG-NRL zone has locational standards (maximum 1-acre footprint, corner location or with other existing buildings) and maximum size requirements that help conserve agricultural lands. ▪ Other resource zones (RRc – NRL) have farm stand size requirements but not the same footprint limits of 1 acre per RCW 36.70A.177. The County could consider adding footprint criteria to RRc-NRL which has nearly 4,000 acres in agriculture-current use.
<ul style="list-style-type: none"> ▪ Compatible with agriculture ▪ Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> ▪ Farm stands are directly related to the primary use of agriculture. ▪ Setbacks in all zones result in separation of activity from both sides of property boundaries. AG-NRL requirements to keep in corner or where existing structures are found should minimize effects on adjacent operations. The RRc-NRL setbacks are large (50 feet).

Source: BERK, 2022.

Seasonal roadside stands (farm stands) are small and support rural lifestyles and economies. See Exhibit 10.

Exhibit 10. Rural Character in Rural Zones – Farm Stands

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> ▪ Farm stands are small and would not change the overall open space landscape impression in rural areas.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> ▪ A farm stand fosters rural lifestyles and rural-based economies. Most customers are local. The farm stand would support a producer living and working in rural areas.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> ▪ See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> ▪ Farm stands tend to be near the road and would not be allowed to alter natural environment features protected in County code.
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> ▪ See (1).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> ▪ Urban services (e.g., sewer) are not required for farm stands.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	<ul style="list-style-type: none"> ▪ If a farm stand requires parking, it would be subject to stormwater regulations including low-impact development.

Source: BERK, 2022.

U-PICK AND FARM TOURS

Definition and Allowances

Skagit County allows U-pick and farm tour operations as agricultural accessory uses:

*Agricultural accessory use: an agricultural accessory use shall predominantly serve the principal use of the farm, but may also serve other farms. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following: ****

(3) *Farm animal or horticultural viewing by the public;*

(4) *U-pick sales to the public; ****

U-pick itself is not defined. A potential definition could be: “A farm or portion of it where customers harvest fruits, vegetables, flowers, or trees on their own.”

A definition of farm tour could be more specific than animal or horticultural viewing by the public: “A visit offered at a farm, or farms, to show agricultural practices or products for business, pleasure, education, or instruction.”

U-pick and farm tours, and other agricultural accessory uses, are allowed in two resource and multiple rural zoning districts. See Exhibit 11.

Exhibit 11. Use Allowances by Zone – U-Pick and Farm Tours

	.400 Ag-NRL	.430 RRc-NRL	.300 RI	.320 RRv	.385 H-URv	.180 BR-LI	.190 BR-HI	.205 AVR-L	.450 URP-OS
Agricultural accessory uses	PP ²	PP	PP	PP	PP	PP ¹	PP ¹	PP (BRLI)	PP

1Related to resource use and/or no conversion/permanent structures

2In AG-NRL there are limits on location of needed parking in a 1-acre footprint where other buildings are located.

BRLI – Bayview Ridge Light Industrial

PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

Size and Scale of Business

Farms with seasonal U-pick activities or tours range from 1-100 acres. About 60% of customers are local, and 30% from other counties, and 10% from other states/countries. (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011) Parking areas are to be contained onsite. The County does not appear to require paved parking areas for U-Pick and Farm Tours.

About 1 acre of berries supports about 400 customers. (pickyourown.org, 2022) Another estimate is a need for 2,000 unserved customers in 45-mile radius. (Gush, 2012)

Farm Tours could attract classrooms up to 60 at a time. (tilthalliance.org, 2022) Smaller farms may limit group sizes. (The Smithshyre, 2022) Schools tend to be in session 26 weeks a year.

Having regular open hours and days is important, such as weekends (could be 26-52 days if open 3-6 months on weekends). (University of Vermont Extension, 2019) (Washington State Department of Agriculture, 2019)



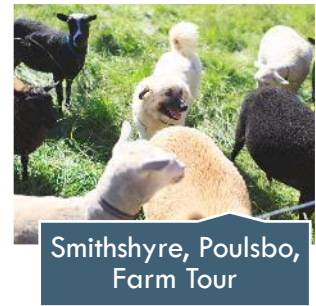
U-Pick Garden,
Belfair



Bellingham Country
Gardens



Black Crow
Pumpkin, Arlington



Smithshyre, Poulsbo,
Farm Tour

Image Sources: *Farm at water's edge, Belfair; Whatcom Talk, Biringer's Black Crow Pumpkins, Arlington*

Infrastructure and Permits Needed

U-pick operations allow customers to pick their produce in the fields. Farm tours allow visitors to see the farm as is for educational or recreational purposes. Both are permitted uses. A land use permit would be needed. A parking area would likely be needed for either activity, which could involve stormwater review. The Health Department does not review produce at U-pick operations.

Example Regulations

- **Snohomish County:** U-pick and public viewing of farms are part of the definition of farming activities and are directly related to agriculture. Agriculture is allowed in all rural and resource zones.
- **Thurston County:** Within the Agritourism Overlay District, manned and unmanned U-pick operations are allowed and exempt from land use permits. Farm tours and agricultural clinics, seminars, or classes, are also exempt. Parking must be within already developed areas or not be outside of 1 acre in size.
- **Marion County, OR:** It is not apparent how U-pick operations are defined or allowed.

Site Examples

See Exhibit 26 later in this document for a combined U-pick and seasonal entertainment facility. Locally, during Skagit County's Agritourism Exploration and Analysis engagement efforts, producers noted that U-pick agritourism has been successful, though secondary effects on traffic and parking need to be managed.

Relationship to Agriculture and Rural Character

U-pick and farm tour activities are accessory seasonal activities. They support farming, using the same farm fields. Parking may be needed temporarily. See Exhibit 12. There are no size limits but also no conversion of the fields. In AG-NRL there would be limits on location of the parking in a 1-acre footprint where other buildings are located. Such standards could be added to other resource zones (RRc-NRL).

Exhibit 12. Relationship of U-Pick and Farm Tour Regulations and Agricultural Conservation

Considerations under GMA	Discussion
<p>Conserve agricultural lands and encourage the agricultural economy</p>	<ul style="list-style-type: none"> ▪ U-pick activities allow customers to pick their food from fields, and the activity does conserve farmland. Tours of farms do not alter farmlands; they visit as is. The activities support farmers and the local economy with customers inside and outside of the county.
<ul style="list-style-type: none"> ▪ Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties ▪ Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes ▪ Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> ▪ The activities support the continuation of the overall agricultural uses onsite and adjacent. ▪ U-pick and farm-tour operations do not have a size limit, but they use the farm as it exists; they support the primary agricultural use. ▪ Any supporting parking would be subject to location rules such as in existing developed areas or no more than 1 acre, particularly in the AG-NRL zone. Similar locational rules could be extended to the RRc-NRL.
<ul style="list-style-type: none"> ▪ Compatible with agriculture ▪ Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> ▪ U-pick is compatible with agriculture being a harvest activity. Tours see the farm in its present state. With no structures, no setbacks are needed. Parking would respect setbacks of the zones.

Source: BERK, 2022.

U-pick and farm tour activities could occur in rural areas where farms are located. With no structures no alteration of rural character is anticipated.

Exhibit 13. Rural Character in Rural Zones – U-Pick and Farm Tours

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> ▪ No permanent structures are associated with U-pick or tours that rely on seeing a farm in its present state.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> ▪ Use of a farm in a rural zone for U-pick and tours support customers and producers and allow for living and working in the rural area.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> ▪ See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> ▪ See (1).
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> ▪ See (1).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> ▪ A key indicator of urban governmental services includes sewer service. No sewer service is required for U-pick and farm tour activities. Septic service for onsite visitors may be needed.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	<ul style="list-style-type: none"> ▪ Any new or expanded parking would be subject to stormwater regulations including low-impact development.

Source: BERK, 2022.

FARM STAYS

Definition and Allowances

Skagit County allows bed and breakfast operations. Similar uses include farm stays, which are accommodations on a working farm. A producer could request approval of a bed and breakfast on their farm.

14.04.020 Bed and breakfast: an owner-occupied and managed dwelling which is used to provide overnight guest lodging for compensation and which usually provides a morning meal. Guest lodging may be in a separate structure from the main dwelling unless otherwise stated in Chapter 14.16 SCC.

A type of overnight stay that is not directly addressed in the Skagit County Code is a temporary farm stay with an RV, popularized by Harvest Hosts.

Bed and breakfast, Farm-stay, Temporary: A temporary space where a recreational vehicle is parked by the owner of the vehicle that is offered for overnight guests on a property in use for agricultural activities, where the recreational vehicle is in use on a temporary basis for less than thirty consecutive nights. The vehicle is self-contained with a toilet, water tank and inside cooking facilities. It excludes tents.

Bed and breakfasts are allowed in two resource and multiple rural zoning districts with administrative or hearing examiner special use permits except in the RC and SRT rural commercial zones. See Exhibit 14.

Exhibit 14. Use Allowances by Zone – Bed and Breakfast

	.400 Ag-NRL	.430 RRc-NRL	.300 RI	.310 RVR	.320 RRv	.330 R	.340 BR-R	.370 URR	.385 H-URv	.110 RC	.130 SRT
Bed and breakfast	AD ³	AD ²	AD	AD	AD	HE	HE	AD	AD ¹	PP	PP

1 Related to resource use and/or no conversion/permanent structures

2 No new structures are constructed or expanded in building footprint outside of the home for lodging purposes

3 In AG-NRL structures and parking must be in a 1-acre footprint where other buildings are located. Bed and breakfasts must be accessory to an actively managed, ongoing agricultural operation and no new structures are constructed outside of the home for lodging purposes. PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

Size and Scale of Business

One bed and breakfast unit is allowed per farm. The County’s special use rules limit bedrooms up to five. (SCC 14.16.900(2)(c)) Thus, Between 2 and 10 people could be onsite at any time. Parking areas are to be provided at 1 per guest room + 2 for residence.



Image Sources: Farm Stay USA, Yakima Herald

Generally, across the County, the zoning code limits long-term use of RV’s and it may be appropriate to further clarify the language in SCC 14.16.945(3):

SCC 14.16.945 (3) Recreational Vehicles.

- (a) No person may use a recreational vehicle as a dwelling unit.
- (b) No person may occupy a recreational vehicle for more than 180 days in any 12-month period.
- (c) No person may maintain more than one occupied recreational vehicle on any lot without a special use permit for that purpose.
- (d) No person may maintain more than two recreational vehicles on any lot without a special use permit for that purpose.

For example, (b) could limit the time to no more than 30 days for a farm stay. As the use should be accessory, items (c) and (d) limiting RVs to 1-2 vehicles without a special use permit appears appropriate.

Infrastructure and Permits Needed

Administrative or hearing examiner special use permits are required in the resource and rural residential zones for a bed and breakfast. There may be interior construction permits but the bed and breakfast unit is required to be in the home and not outside of the home footprint. Parking standards are 1 per guest room + 2 for residence.

If a Harvest Host RV is allowed in the future, considerations may include requiring a limited number of days, defining allowed locations (e.g., in 1-acre footprint or not), and integrating common requirements from Harvest Hosts (e.g., no tents, no dumping of wastewater, etc.).

Example Regulations

- **Snohomish County:** A bed and breakfast of 3 or less rooms requires an administrative conditional use permit and 4-6 rooms requires a hearing examiner conditional use permit.
- **Thurston County:** Bed and breakfasts of 3-8 rooms are allowed with wineries/breweries. Agricultural home stay establishments (temporary accommodations for visitors and tourists) can only be located on an active farm that produces agricultural products as its primary source of income. Minimum lot size is 10 acres. Number of homestays is determined by parcel size and existing dwelling units. Up to 16 guests may be allowed. Guest units must be contained within either an existing building/home, one new building, or in more than one building within a 1-acre area to reduce impacts to agricultural lands.
- **Marion County, OR:** Bed and breakfasts are allowed as conditional use permits.

Site Examples

Exhibit 8 under Farm Stand includes a permanent bed and breakfast unit that occurs in the existing home as required in the code.

Relationship to Agriculture and Rural Character

A bed and breakfast is accessory to a farming operation. It is not a direct farm-related use but must be in an existing structure or within the development footprint. If allowed, a temporary RV would also need to be subject to criteria for compatibility with agriculture (e.g., location, time limits, no need for services, etc.). See Exhibit 15.

Exhibit 15. Relationship of Farm Stand Regulations and Agricultural Conservation

Considerations under GMA	Discussion
Conserve agricultural lands and encourage the agricultural economy	<ul style="list-style-type: none"> ▪ A bed and breakfast must be in the existing home limits; this limits effects on agricultural lands. The units can support the producer and the local economy.
<ul style="list-style-type: none"> ▪ Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties ▪ Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes ▪ Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> ▪ See above.
<ul style="list-style-type: none"> ▪ Compatible with agriculture ▪ Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> ▪ No setbacks are needed being it is in the main house. ▪ If a RV is allowed, specific location and duration standards should be included.

Source: BERK, 2022.

A bed and breakfast or temporary RV would be compatible with rural character with location/duration limits as appropriate. See Exhibit 16.

Exhibit 16. Rural Character in Rural Zones – Farm Stay

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> ▪ Since bed and breakfasts occur in existing structures, or in the footprint of other development, the amount of open space and natural landscape would be conserved.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> ▪ A bed and breakfast could allow the producer to increase the viability of the farm, and support living and working in the rural area.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> ▪ See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> ▪ See (1).
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> ▪ See (1).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> ▪ A key indicator of urban governmental services includes sewer service. Bed and breakfasts may be supported by septic services. A Harvest Host RV is not allowed to discharge wastewater.

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:

Discussion

(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

- As the use occurs in an existing developed area, no impact to water resources is anticipated. In any case if new parking were needed, stormwater standards would apply.

Source: BERK, 2022.

WEDDINGS

Definition and Allowances

Skagit County allows temporary uses in agricultural and rural areas.

Temporary events: commercial use of a property for any musical, cultural, or social event held either indoors or out of doors.

If wedding facilities were to be allowed, options for a definition are below:

Wedding Facility, Farm - Proposed: A barn or field used as a venue for a wedding in an accessory manner, providing for commercial income to the on-site producer.

Wedding Facility, Snohomish County: "Wedding facility" means a privately-owned facility or site in certain rural and resource zones where weddings and associated events are conducted in exchange for compensation.

Temporary uses are allowed in all resource zones and most rural and urban zoning districts. In the Ag-NRL zone, temporary uses are to be related to agricultural production. The County has not allowed wedding facilities as being unrelated to agriculture in that zone. The limitation on temporary uses being related to agricultural production is not stated in RRC-NRL or RRv zones. See Exhibit 17.

Exhibit 17. Use Allowances by Zone –Temporary Events

.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	.300 RI	.310 RVR	.320 RRV	.340 BR-R	.370 URR	.385 H-URv	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI
AD ¹	AD ¹	AD ¹	AD ¹	AD	AD	AD	AD	AD	AD ¹	AD	AD	AD	AD	AD	AD	AD	PP	PP	PP	PP	PP	AD	AD

¹ Related to resource use and/or no conversion/permanent structures

PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

Size and Scale of Business

A 2011 study showed that catering/wine/event related agritourism activities tended to occur on farms 40 acres or less. Such operations tend to have between 1 and 10 employees. Reviewing wedding venue advertisements (80 venues across western Washington), the median number of guests are 250, and the average is 256 with a minimum of 50 and a maximum of 1,000. (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011) (weddingwire.com, 2022)



Image Sources: Evergreen Farm Stand, Olympia; Oxbow Farm Stand, Carnation, Pinterest Image Farm Stand

A specific parking standard is not provided for weddings or similar institutional uses; instead, a demand study would be required by the Administrative Official (PDS Director). Such a study could be routed for review by Public Works or WSDOT depending on what road could be impacted.

Infrastructure and Permits Needed

County building permits are required for permanent covered structures over 200 square feet in size. Membrane structures like tents require Fire Marshal review. Stormwater review would be required for parking areas. Food permits are required by the Health Department for prepared food whether the activity is temporary or permanent.

Example Regulations

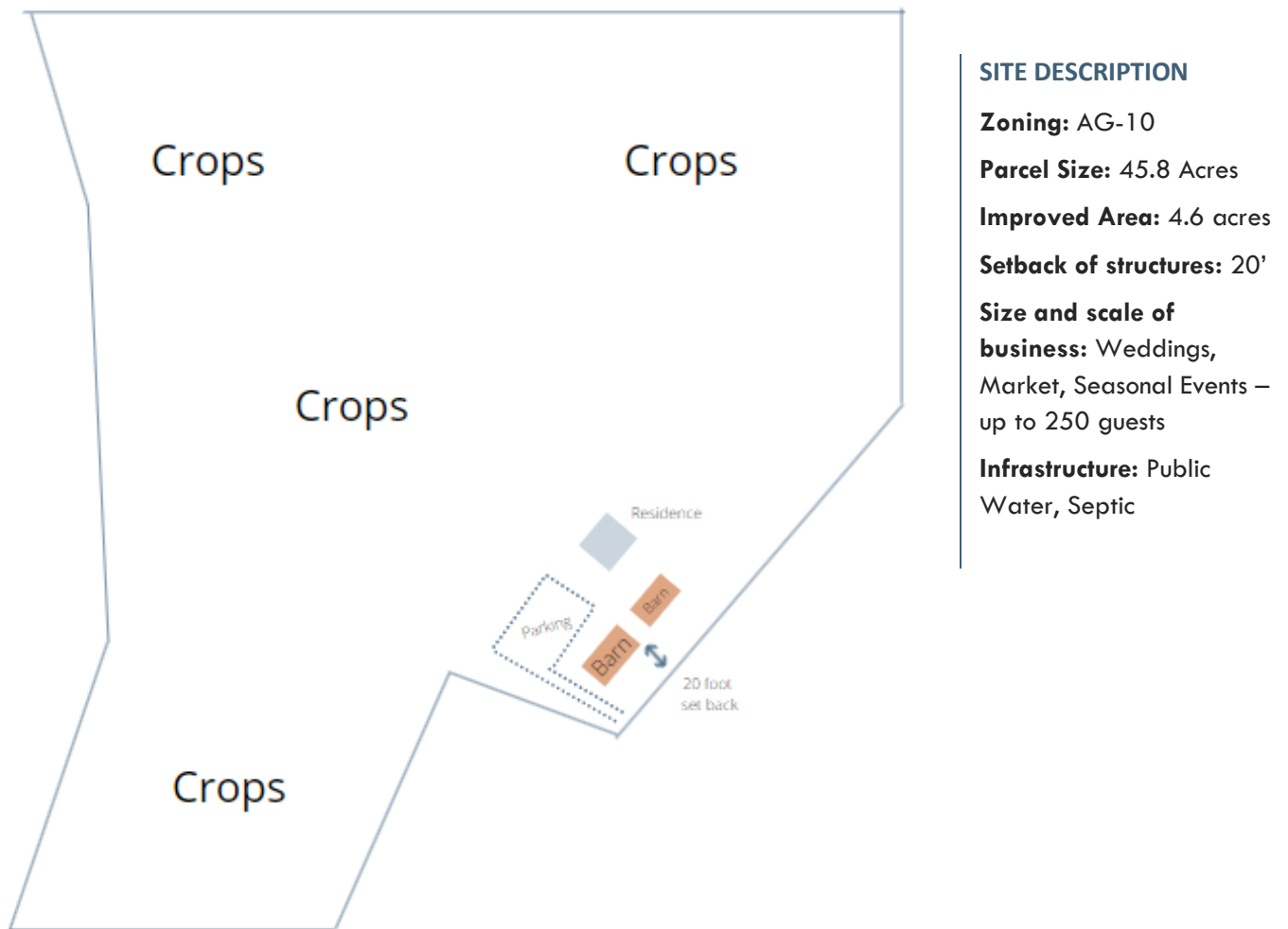
- **Snohomish County:** Wedding facilities are permitted on agricultural and rural zoned property (R-5, RRT-10, and A-10). Generally, wedding facilities can be established within existing buildings (at least 8 years prior to application) or on vacant land. In the A-10 zone the additional requirements are to demonstrate the use is accessory, is consistent with size, scale, and intensity of the existing agricultural use of the property, is within the general area of the property already developed with buildings and residential uses and does not convert more than 1 acre of area, and land disturbing activity is limited to preserve prime farmland. Adequate access, parking, and sanitation is required. Parking is determined based on a demand study.
- **Thurston County:** Within the agricultural overlay district, weddings are permitted outright as a temporary use in small-scale wineries, micro-breweries, distilleries, or on properties with the primary use of agriculture. Weddings conducted 10 days per year or less are permitted subject to standards. From 11-21 days per year requires a special use permit as a home occupation. Above 21 days per year, a special use permit for a home-based industry is required. Noise, public health, food handling, parking, and building permits are to be followed. Parking standards do not reference wedding facilities but public and semi-public uses like auditoriums/churches range at about 1 stall per 4 seats/occupants.
- **Spokane County:** Spokane County allows wedding and social events in its Small Tract Agricultural zone. The regulations were upheld by the Growth Management Hearings Board (GMHB) as they included the key protective criteria and provisions of RCW 36.70A.177 and WAC 365-196-815 in the regulations. The GMHB noted the allowed action is temporary, may only continue for a period of up to six months, may not involve the erection of a substantial structure, and is revocable. Code enforcement was noted as important. Some requirements include hours of operation being 10 am to 9 pm. Up to a maximum of 25 events per season and no more than 200 guests/invitees are allowed per individual wedding/event allowed under the temporary use permit.

- Marion County, OR:** Temporary agritourism activities that are related to farm activities are allowed but weddings are not considered agritourism: “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 agri-tourism.”

Site Design

Exhibit 18 illustrates a wedding facility on a property that is zoned AG-10 in Snohomish County (a zone including lands of long-term significance for agriculture). It has a wedding barn co-located with buildings and parking in a footprint of more than 1 acre; assuming the barn in an already developed area/was existing or replaced a prior structure it would fit the County’s regulations. Structures are located close to the road.

Exhibit 18. Example Location and Size of Farm – Wedding Venue, Snohomish County



Source: Skagit County PDS, 2022.

Relationship to Agriculture and Rural Character

Weddings are not directly related to agriculture. GMA and rules allow non-agricultural uses if:

...they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities,

including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses. (RCW 36.70A.177 and WAC 365-196-815)

If limited in size or frequency, and particularly if taking place in barns that are pre-existing, allowing permanent wedding events could support the producer on small farms to be more viable. See Exhibit 19.

Exhibit 19. Relationship of Wedding Regulations and Agricultural Conservation

Considerations under GMA	Discussion
<p>Conserve agricultural lands and encourage the agricultural economy</p>	<ul style="list-style-type: none"> ▪ If operated in conformity with GMA requirements for non-agricultural uses, the activity would avoid converting agricultural lands and conserve the primary use.
<ul style="list-style-type: none"> ▪ Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties ▪ Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes ▪ Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> ▪ Limits on frequency, hours, attendance could help with continuation of the agricultural activity onsite and offsite. The tiering of frequency and attendance based on size of the agricultural area could be considered. ▪ Location in an already developed area with existing building and not otherwise converting more than 1 acre of land is required by GMA and upheld in case law. ▪ The developed area in the case study in Exhibit 18 is 10% of the property. If regulations require use of a pre-existing structure or conversion of no more than 1 acre on a property with less of a developed footprint the percent could be smaller.
<ul style="list-style-type: none"> ▪ Compatible with agriculture ▪ Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> ▪ Setbacks in AG-NRL require a minimum and maximum setback for residential and a minimum only for agricultural zones (35 feet front and rear and 15 feet on sides). Other zones have substantial setbacks (e.g., RRc-NRL with 50 feet on all property lines). The County could consider alternative AG-NRL setbacks for agritourism uses.

Source: BERK, 2022.

If Wedding Facilities are allowed on a more frequent temporary basis than today (more than 24 days), or if allowed in a permanent structure or basis, requiring it within an existing structure like a barn or in a small venue with limits on wedding size could help such uses fit with rural character. See Exhibit 20.

Exhibit 20. Rural Character in Rural Zones – Wedding Facilities

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
<p>(1) In which open space, the natural landscape, and vegetation predominate over the built environment;</p>	<ul style="list-style-type: none"> ▪ If the wedding use were to occur in existing structures, or in the footprint of other development, the amount of open space and natural landscape would be conserved. ▪ If new, and accommodating a high number of visitors, it is possible it would not be consistent with rural character.

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> ▪ Use of a farm in a rural zone for weddings could allow for living and working in the rural area.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> ▪ See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> ▪ See (1).
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> ▪ See (1).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> ▪ A key indicator of urban governmental services includes sewer service. Wedding venues may be supported by septic services.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	<ul style="list-style-type: none"> ▪ Any new or expanded wedding venue and parking would be subject to stormwater regulations including low-impact development.

Source: BERK, 2022.

TASTING ROOMS, RESTAURANTS

Definition and Allowances

Skagit County does not define restaurants or wineries, breweries, or tasting rooms. Some example definitions could include:

Tasting Room – examples:

Similar to [State Liquor and Cannabis Board](#): Wine, beer, or cider offered from a farm’s own production and for sale by the glass or bottle. Production is less than 250,000 liters per year for a winery or cidery. Craft distilleries or microbreweries may also be allowed with state license limitations on production.³ Food required to meet state sampling rules is allowed and must not exceed [category 1 or category 1 small food establishments or mobile food unit](#). No seating is allowed.

Woodinville, Tasting Room: An establishment that allows customers to taste samples of wine, beer or spirits and has a State of Washington issued liquor license as a tasting room. A tasting room may also include wine, beer, or spirits and related items sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Board as bars, nightclubs, taverns or restaurants are not included in this classification.

Restaurant – examples:

Thurston County, Country Inn. "Country inn" means a restaurant and/or temporary overnight accommodations to be located in a R 1/20, R 1/10, RR-1/5, RRR 1/5, RL 1/2, RL 2/1, or RL 1/1 zone or agritourism overlay districts and which may include a lounge not to exceed twenty-five percent of restaurant area and facilities for banquets, meeting space, weddings, and similar parties and activities.

Lewis County, Country Inn. A “country inn” is a restaurant or restaurant/lounge facility designed to encourage a rural dining experience which is dependent upon a rural location for appropriate ambiance.

Whatcom County, Restaurant: “Restaurant” means an establishment where food and beverages are prepared and served for consumption either on or off premises. This term shall include cafes, coffee houses, cabarets and dining rooms, but shall not include taverns. Restaurants may include cocktail lounge and facilities for dancing and live entertainment of patrons; provided, that these activities are clearly accessory to food service; and provided further that these activities are not expressly prohibited in a specific zone.

Restaurants and wineries, breweries, or tasting rooms are not allowed in resource zones or in rural residential zones; they are allowed in rural commercial/industrial and some urban zoning districts. See Exhibit 21.

³ See: [Licensing/forms/LIQ-181-Non-Retail-Liquor-License-Description-and-Fees2.docx](#)

Exhibit 21. Use Allowances by Zone – Tasting Rooms and Restaurants

	.100 RVC	.110 RC	.120 RFS	.130 SRT	.170 RMI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L
Restaurants (Eating/drinking establishments)	PP	PP	PP	PP ¹	PA	PP	PP	PP	PP (BRLI)

¹ if they serve the primary recreational or tourist use

BRLI Bayview Ridge Light Industrial

PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

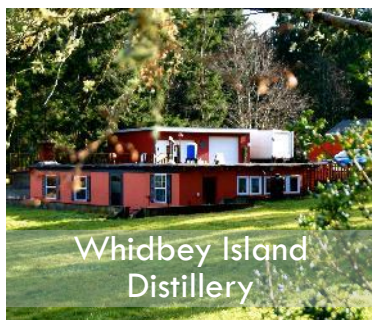
Size and Scale of Business

A 2011 Study found that agritourism involving catering/wine/events often occurred on farms up to 40 acres in size up to 200 acres and involved 2-10 employees. (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011)

Reviewing example rural restaurants in the region (Whidbey Island, Vashon Island, and other locations in Whatcom and Pierce Counties), a parcel size of 4-8 acres was common.

The State of Washington allows one tasting room on premises with a winery. (State of Washington Liquor and Cannabis Control Board, 2021) For a 1,500-case winery, a minimum building size of 3,500 square feet with roughly 1/3 space devoted to tasting room (1,100 SF) and 2/3 production/finished case storage is anticipated. (The Grapevine Magazine, 2019) A [mid-1990s analysis of Washington State tasting rooms](#) showed a range of 60 to 2,100 square feet with 500 square feet the most common. Brewery tasting room sizes could be as small as [200-300 square feet](#) or up to [2,100 square feet](#).

If allowed, size and scale of tasting rooms or food service could be scaled to the site and permits varied like for farm stand sizes. A temporary food truck may be appropriate for temporary/seasonal events.



* The farm includes a U-Pick apple orchard, pumpkin patch, corn maze, cafe, and distillery.

Image Sources: Establishments as named in photos.

The Skagit County Code requires that restaurants have 1 parking stall per 75 square feet in dining or lounge areas.

Infrastructure and Permits Needed

County land use and building permits are required to operate or build a restaurant or tasting room. Stormwater review would be required for parking areas. Building permits are required for new or altered structures. The Health Department requires permits for food. To serve food, public water connection is required. Adequate septic service is also required. The cost of the permit depends on the size of the restaurant (less than or greater

than 75 seats; food preparation risk level). Even if the food service is mobile (e.g., food truck), a permit is required and the vehicle must be self-contained, though the permitting is more thorough for complex versus simple food preparation.⁴

Example Regulations

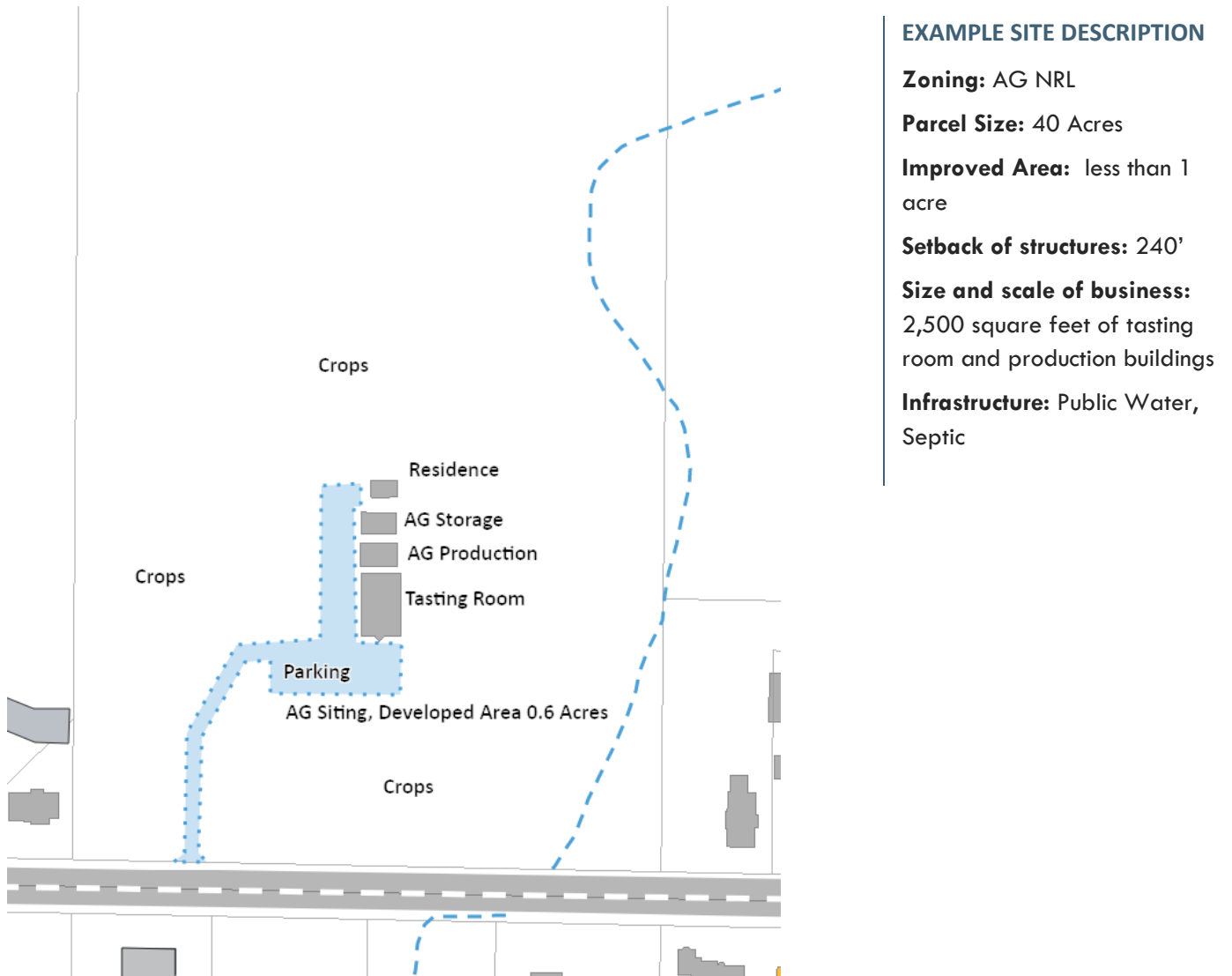
- **Snohomish County:** Restaurants are allowed in rural commercial zones but not in rural residential or agricultural zones. Food service is allowed at wedding facilities. Distillation of alcohol for industrial purposes is allowed but not for drinking and eating facilities. Farm product processing includes the production of wine which is allowed in the A-10 zone; wine tasting is not specified. It appears that the County considered code changes for wineries, breweries, and distilleries in 2015 and 2016 and did not modify the code.
- **Thurston County:** Small scale wineries, microbreweries, cider mills, craft distilleries, and similar small scale, craft beverage producers with associated tasting room and retail space are permitted throughout the overlay district; as with any use in the overlay district, the minimum parcel size is 10 acres. Buildings of 8,000 square feet are permitted administratively and up to 20,000 square feet allowed by special use permit. Accessory uses include tasting facilities, retail sales, bed and breakfast, tours, and weddings. Restaurants are part of country inns and allowed in rural zones in the agricultural overlay district but not within resource zones (Long-Term Agriculture, Long-Term Forestry, or Nisqually Agriculture). The restaurants have different design standards in the overlay district than outside the overlay district.
- **Clark County:** Allows tasting rooms on designated agricultural land provided 20% of the land is cultivated in crops used for wine production. Clark County allows the size to vary by parcel size with less than 5 acres allowed 5,000 square feet of tasting room, and parcels larger than 20 acres at 12,000 square feet.
- **Marion County, OR:** Wineries are permitted administratively, and standards vary by size. A tasting room is allowed. There must be at least 15 acres of grapes grown on the site or contiguous to the winery for a winery producing less than 50,000 gallons and 40 acres of grapes if producing more than that. Restaurants are not allowed.

⁴ See: <https://www.skagitcounty.net/HealthFood/Documents/Mobile%20app.pdf>. A mobile food unit is a readily movable food establishment, such as a van or trailer. It must have usable wheels and be self-contained (potable and wastewater tanks on board). The annual permit fee \$ 200.00. A food cart is a mobile food unit that can be easily pushed by a single person. Food carts are limited to non-potentially hazardous foods, hot dogs and espresso, unless otherwise approved. The annual permit fee is \$150.00. A

Site Design

Exhibit 22 shows a tasting room, production buildings, and residence on less than 1 acre. For an 1,800 square foot tasting room, about 6-24 parking stalls would be needed depending on if a restaurant or retail use parking rate were used.

Exhibit 22. Example Location and Size of Farm Stand



EXAMPLE SITE DESCRIPTION

Zoning: AG NRL

Parcel Size: 40 Acres

Improved Area: less than 1 acre

Setback of structures: 240'

Size and scale of business: 2,500 square feet of tasting room and production buildings

Infrastructure: Public Water, Septic

Source: Skagit County PDS, 2022.

Relationship to Agriculture and Rural Character

Tasting rooms and restaurants are a non-agricultural use that requires compliance with size and location limits, whether temporary or permanent. See Exhibit 23.

Exhibit 23. Relationship of Tasting Rooms/Restaurant Regulations and Agricultural Conservation

Considerations under GMA	Discussion
Conserve agricultural lands and encourage the agricultural economy	<ul style="list-style-type: none"> As a non-agricultural use, restaurants and tasting rooms would need to be accessory and small to conserve lands (see below). Such uses could support an onsite producer and may encourage the agricultural economy depending on its relationship to agriculture.
<ul style="list-style-type: none"> Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes Consistent with size, scale, and intensity of agricultural areas. 	<ul style="list-style-type: none"> Restaurants may support an onsite farm if using onsite products like farm to table. If the tasting room or brewery used products from onsite (e.g., acres of grapes or hops) it would be related. If kept to only 1 acre and co-located with other farm buildings, it would be consistent with a scale/intensity of agricultural areas. If such a use brings in frequent and numerous customers, it could affect offsite agricultural areas. Thus, parking and access would need to be sufficient and the use itself small to keep to the maximum size of the developed area (1 acre).
<ul style="list-style-type: none"> Compatible with agriculture Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> Setbacks in AG-NRL have a minimum and maximum for residential and a minimum but no maximum for agricultural structures. If new structures are built, they are to be in a corner and consolidated in 1 acre. The County could consider alternative AG-NRL setbacks for agritourism uses.

Source: BERK, 2022.

Tasting Rooms/Restaurants may occur in rural zones, and rural character would be a factor in designing or applying standards. See Exhibit 24.

Exhibit 24. Rural Character in Rural Zones – Tasting Rooms/Restaurants

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> If the tasting rooms/restaurant use were to occur in existing structures, or in the footprint of other development, the amount of open space and natural landscape would be conserved. If new, and accommodating a high number of visitors, it may not be consistent with rural character.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> Use of a farm in a rural zone for tasting rooms/restaurant service could allow for living and working in the rural area.

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	▪ See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	▪ See (1).
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	▪ See (1).
(6) That generally do not require the extension of urban government services; and	▪ A key indicator of urban governmental services includes sewer service. Tasting rooms/restaurants would be supported by septic services.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	▪ Any new tasting rooms/restaurants and parking would be subject to stormwater regulations including low-impact development.

Source: BERK, 2022.

SEASONAL EVENTS – FESTIVALS, FARM TO TABLE

Definition and Allowances

Skagit County allows festivals and events such as farm-to-table as temporary uses.

Temporary events: commercial use of a property for any musical, cultural, or social event held either indoors or out of doors.

Definitions of some potential agritourism related events could be added. Some examples include:

Festival – Proposed: An organized celebration, typically held annually or during a seasonal period in the same place or region. A farm festival showcases farms and farm products. It may also offer education and entertainment. The festival is meant to bring additional revenue to farms and communities.

Farm-to Table, On-Farm – Proposed: A meal prepared for a specific mealtime and held seasonally on a farm in outdoor settings for commercial or non-profit purposes for reserved guests. A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County.

Temporary uses are allowed in all resource zones and most rural and urban zoning districts. See Exhibit 25.

Exhibit 25. Use Allowances by Zone – Temporary Events – Festivals and Farm to Table

.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	.300 RI	.310 RVR	.320 RRV	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI
AD ¹	AD ¹	AD ¹	AD ¹	AD	AD	AD	AD	AD	AD ¹	AD	AD	AD	AD	AD	AD	AD	PP	PP	PP	PP	PP	AD	AD

¹ Related to resource use and/or no conversion/permanent structures.

PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use

Temporary use standards include:

14.16.900 (2) (h) Temporary Events. Special use permits for temporary events are also subject to the following criteria:

- (i) Events may occur on no more than 24 calendar days per year.
- (ii) Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.
- (iii) Does not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic, or other environmental impacts on the surrounding area.
- (iv) All lighting is directed away from neighboring residences or businesses.

The County requires a SEPA Checklist form to be submitted with the special use application.

Size and Scale of Business

A 2011 study showed that catering/wine/event related agritourism activities tended to occur on farms 40 acres or less. Such operations tend to have between 1 and 10 employees. (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011)

A Farm to Table event can average 130-200 people per event. (Garden Collage, 2017)

In Skagit County the festival of farms has attracted 20,000 attendees and the Tulip Festival 300,000.

Temporary events must have parking fully contained onsite, and not use of any road right-of-way. This could be a concern for damage to agricultural soils; a shuttle service to the event could be used.



Image Sources: *Field & Vine*, *Outstanding in the Field*, *Seattle PI*.

Infrastructure and Permits Needed

Membrane structures like tents require Fire Marshal review. A specific parking standard is not provided for temporary events; instead, a demand study would be required. Stormwater review could be required for parking areas. Food permits are required by the Health Department for prepared food whether the activity is temporary or permanent.

Example Regulations

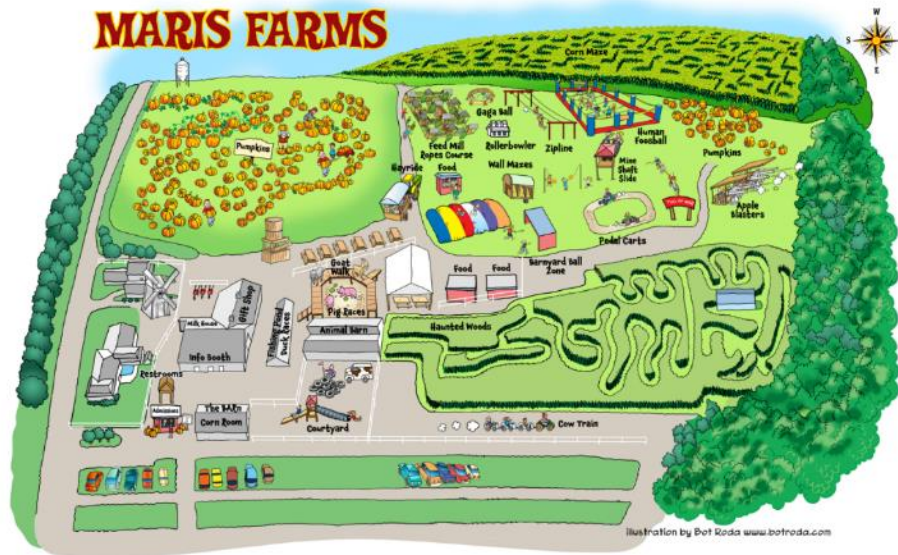
- **Snohomish County:** Two “public events/assemblies on farmland” are allowed per year not to exceed two weeks. A special event permit is required.
- **Thurston County:** Food and wine festivals, art shows, weddings and similar temporary gatherings conducted 10 days per year or less are permitted subject to standards. From 11-21 days per year requires a special use permit as a home occupation. Above 21 days per year, a special use permit for a home-based industry is required. Noise, public health, food handling, parking, and building permits are to be followed. The primary use of the property shall be agriculture, except for sites with an approved winery, brewery, distillery, country inn or approved agritourism operation.
- **Marion County, OR:** Temporary agritourism activities that are related to farm activities are allowed. A farming operation may obtain a permit for between 1 and 18 agri-tourism or other commercial activity in a calendar year if the activity is on a site of at least 10 acres. If 1 activity it is permitted for 100 persons and 50 vehicles. Conditional use permits are required for events for up to 500 people and 250 cars. Activities are limited in time to no sooner than 6 am and no later than 10 pm. Amplified sound is limited from 8 am to 8 pm. Any approval shall be valid for two years and may be renewed for an additional two years subject to a

review that the use continues to meet all applicable criteria and standards. After four years, the applicant must reapply for a permit.

Site Examples

An example of a property in Pierce County that regularly applies for temporary use permits for Corn Maze, Pumpkin U-Pick, and Renaissance Fair is shown below. See Exhibit 26.

Exhibit 26. Example Location and Size of Farm – Seasonal Festival



Source: Maris Farms, Buckley

SITE DESCRIPTION

Zoning: Agricultural Resource Land, Pierce County

Parcel Size: 40 Acres

Improved Area: about 6 acres

Setback of structures: Unknown

Size and scale of business: Series of Temporary Use Permits for Corn Maze, Pumpkin U-Pick, Renaissance Fair

Infrastructure: Public Water, Septic

Relationship to Agriculture and Rural Character

Seasonal festivals may celebrate harvest and other agricultural activities. If controlled in terms of duration and scale and restoring primary agricultural use of the property they can fit with long-term agricultural use. See Exhibit 27.

Exhibit 27. Relationship of Seasonal Events/Temporary Use Regulations and Agricultural Conservation

Considerations under GMA	Discussion
<p>Conserve agricultural lands and encourage the agricultural economy</p> <ul style="list-style-type: none"> ■ Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties ■ Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes 	<ul style="list-style-type: none"> ■ If operated in conformity with GMA requirements for accessory or non-agricultural uses, and limiting structures or pavement, the activity would avoid converting agricultural lands and conserve the primary use. ■ Limits on frequency, hours, attendance could help with continuation of the agricultural activity onsite and offsite. The tiering of frequency and attendance based on size of the agricultural area could be considered. ■ Avoiding permanent structures or containing them in already developed areas and not exceeding 1 acre, it could support overall agricultural use.

Considerations under GMA	Discussion
<ul style="list-style-type: none"> Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> The developed area in the case study in Exhibit 26 is 15% of the property. If regulations require use of a pre-existing structure or conversion of no more than 1 acre on a property with less of a developed footprint the percent could be smaller.
<ul style="list-style-type: none"> Compatible with agriculture Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> Setbacks may not apply to temporary uses, particularly in membrane tents. Permanent parking areas may not exceed 1 acre and must be in a corner in the AG-NRL zone.

Source: BERK, 2022.

Temporary agricultural festivals or on-farm dinners may occur in rural zones but are less likely. If temporary in nature and with no permanent structures they should not affect rural character. See Exhibit 28.

Exhibit 28. Rural Character in Rural Zones – Temporary Facilities

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> Temporary events should not permanently alter the landscape. Temporary use standards address noise and lighting.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> Festivals and on-farm temporary events foster rural lifestyles and economies.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> See (1).
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> See (1).
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> See (1).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> Temporary uses would not require urban services.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	<ul style="list-style-type: none"> Temporary event standards include avoiding environmental impacts. No permanent structures would be developed.

Source: BERK, 2022.

Part 2. Agritourism Options

Considering agritourism definitions/scale, resource lands protection and rural character, and example jurisdictions' approaches this section presents a range of options for agritourism zoning allowances including:

- Current Code Option
- Option A: Accessory Agritourism
- Option B: Agritourism Overlay
- Option C: Rezone Small Scale Recreation and Tourism

Each is discussed below.

CURRENT CODE OPTION

The current code option would retain existing policies and regulations. A description of the option appears below along with its strengths and weaknesses.

Skagit County plans for long-term management of land under GMA. Under GMA, most growth is to occur in cities and urban growth areas (UGAs). Lands within cities and adjacent lands with urban densities or necessary for growth are in UGAs and are to have urban services like sewer. Lands with long-term commercial significance for agriculture, forestry, or mineral extraction are considered resource lands and should be retained as working lands. Lands that are lower density where open space predominates are considered rural lands. Within rural areas, historic villages and tourist/recreation nodes are identified as limited areas of more intensive development (LAMIRD). Most of the county territory is in resource and rural use.

To protect lands in long-term commercial use for agriculture County goals and policies. A summary of goals and policies are in the [Situation Assessment](#) Appendix B. Highlights include:

Skagit County Comprehensive Plan – Selected Goals

Goal 4A-3 Preserve Agricultural Land Base and Use: Promote preservation of agricultural land for agricultural uses, minimize non-farming uses on agricultural lands; and develop incentive programs to promote farming.

Goal 4A-5 Minimize Land Use Conflicts: Minimize land use conflicts and promote mitigation of conflicts on the lands adjacent to agricultural resource lands.

Commercial and Industrial Development Goal 11B Economic Viability: Promote the continued economic viability of Skagit County's natural resources and encourage related value-added production of agricultural, fishery, and forestry resources.

Destination Goal 11C Support Skagit County as a visitor destination by preserving and enhancing the unique qualities of both rural areas and urban communities.

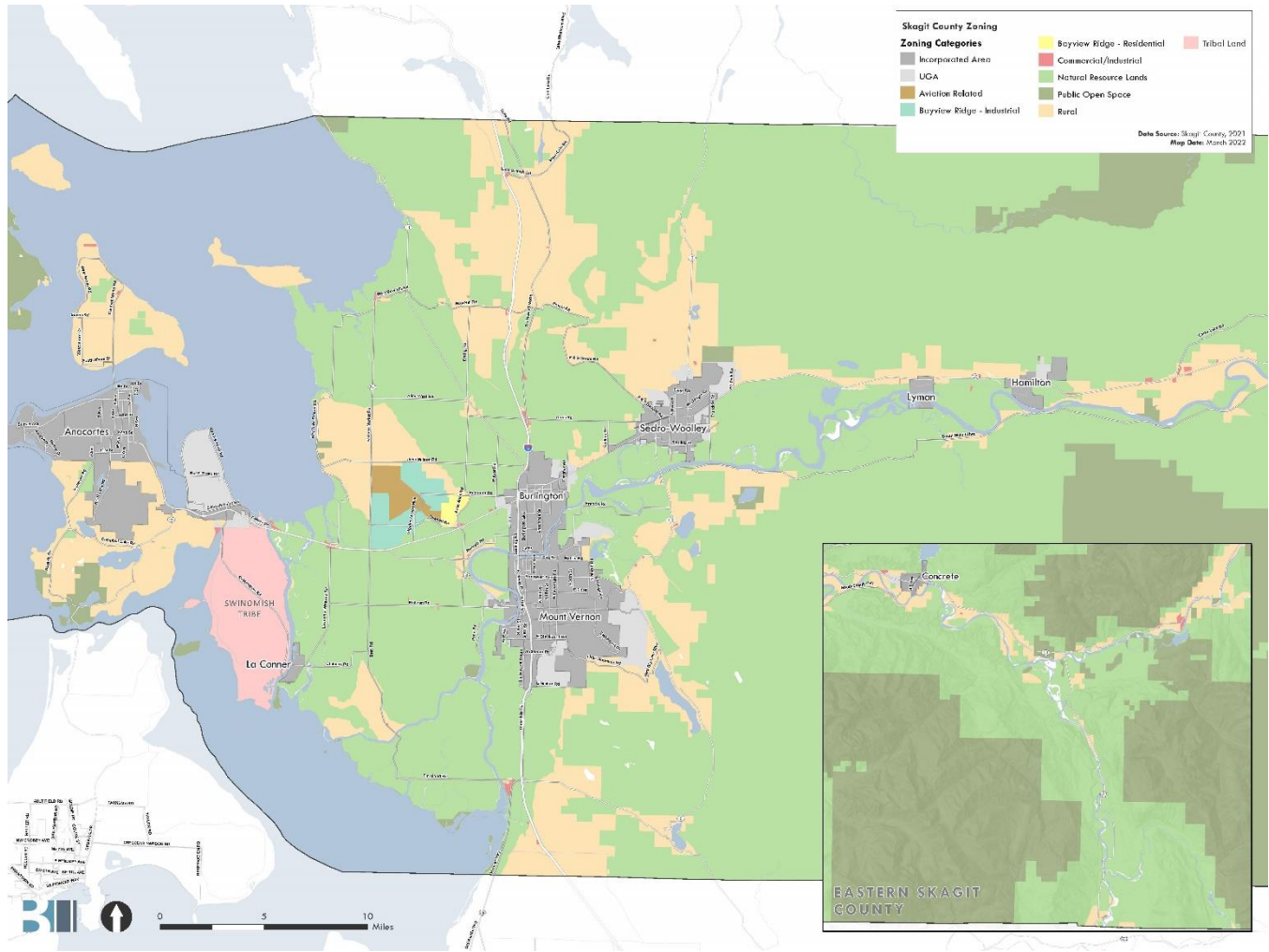
Quality of Life Goal 11E Encourage economic development that supports sustainable natural resource industry, protects valued open space and environmental quality and enhances Skagit County's overall quality of life.

Visitor Opportunities Goal 11C-1 Promote visitor opportunities that do not negatively impact the rural lifestyles of Skagit County residents, critical areas, or long-term commercial significance of natural resources.

Implementing zoning regulations focus on the primary use of agriculture and limit, non-agricultural uses. Limited non-agricultural uses are allowed if they support the primary use and are a fit in scale A zoning map that consolidates the County's numerous zones into cities/UGA, natural resource, rural, and others is shown in

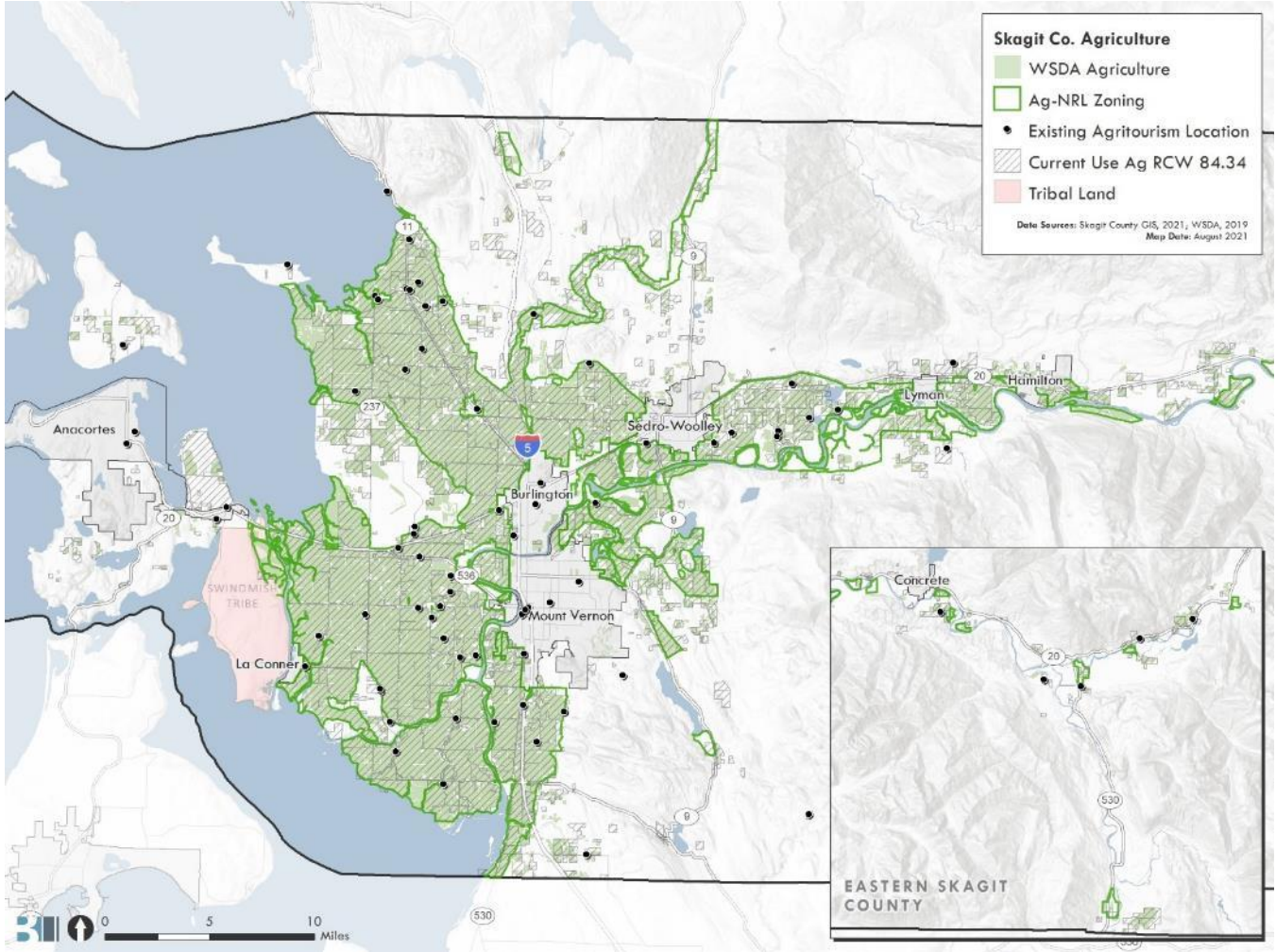
Exhibit 29 below. Based on Assessor records, land in agricultural use, for taxation purposes, is largely in natural resource zones. Some land in agricultural use occurs in rural zones. See Exhibit 29 and Exhibit 30.

Exhibit 29. Consolidated Zoning



Source: Skagit County, BERK 2021.

Exhibit 30. AG-NRL Zoning, Agricultural Inventory, Current Use Taxation



Source: Skagit County, WSDA, BERK 2021.

Zones containing most of the County’s agricultural land include Agricultural—Natural Resource Lands (AG-NRL) and Rural Reserve (RRv), and Rural Resource – NRL (RRC-NRL). AG-NRL and RRC-NRL are considered commercial lands of long-term significance for agricultural uses. The intent of RRv is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. See Exhibit 31.

Exhibit 31. Agriculture Activities by Zone (Acres)

Zone	WSDA 2019 Acres	Current Use Taxation 2021 Acres
[Ag-NRL] Agricultural—Natural Resource Lands	57,329	68,352
[RRv] Rural Reserve	4,186	10,597
[RRC-NRL] Rural Resource - NRL	1,646	3,887
[A-UD] Anacortes UGA Development District	242	1,666
[SF-NRL] Secondary Forest - NRL	168	735
[IF-NRL] Industrial Forest - NRL	211	711
Incorporated Area	437	689
Other Zones	122	616
[URR] Urban Reserve Residential	212	413
[BR-HI] Bayview Ridge Light Industrial	196	245
[RI] Rural Intermediate	95	215

The Washington State Department of Agriculture (WSDA) conducts an annual inventory of crop types by county across the state. It is more specific to the field boundaries rather than parcel boundaries. Current Use Taxation is a program allowed by RCW 84.34 and implemented by Skagit County; it allows for property taxes to be collected based on current use in agriculture rather than market rate uses. It requires a property owner request and compliance with criteria. See: https://skagitcounty.net/Departments/Assessor/current_use.htm. Sources: WSDA 2019, Skagit County Assessor 2021, BERK 2021.

Typically land in agricultural use is about 37 acres in size, west of I-5 and about 28 acres east of I-5. See Exhibit 32. However, a large share of the land is in parcels greater than 100 acres.

Exhibit 32. Land in Agricultural Use, All zones, Property Sizes, Accounts for side-by-side ownerships

	Average	Median	Total Acres	Pct. Of Ag on Parcels Greater than 100 Ac.
East of I-5	28.31	17.81	33,974.29	25.5%
West of I-5	36.87	20.98	56,444.78	33.7%

Note: Parcels using Assessor land use codes '(810) Agriculture, Non-Classified O/S', '(820) Agriculture Related Activities', and '(830) Current Use Farm An Ag'

Current allowances for agritourism uses are illustrated in Exhibit 33. Allowances for agritourism accessory uses (PA) are made without defining what these are. The primary use of property for agricultural purposes in the resource zones.

The current code allows for a range of agritourism uses such as agricultural accessory uses defined as including:

- Farm animal or horticultural viewing by the public;
- U-pick sales to the public;
- Activities associated with tourism which promote local agriculture; provided, that adequate parking and specified ingress and egresses are designated and permitted.

These parts of the agricultural accessory uses definition are not defined themselves. It is unclear how broad accessory tourism is apart from the use promoting local agriculture.

Bed and breakfasts are allowed with administrative special use permits like farm stays.

Outdoor outfitters (e.g., hunting) are allowed with hearing examiner special use permits.

Temporary uses are allowed in most zones with special use permits, in some zones excluding activities unrelated to agriculture.

The code's lack of clear definitions and criteria make it challenging to enforce. Annual review of permits occurs for special use permits but not others. Uses that do not result in structures may not be reviewed (e.g., U-pick), and associated parking may not be reviewed for the best location for access and soil preservation.

In addition, through docketing processes, the County has received requests to allow for hospitality uses like restaurants and weddings, not allowed in resource zones, and in limited ways in other rural zones. Thus, the overall approach and intent to agritourism has been under study.

Exhibit 33. Summary Agricultural and Agritourism Related Uses and Zoning Districts: Current Code Option

Zone and Code Citation	.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	.300 RI	.310 RVR	.320 RRV	.330 R	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.170 RMI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI
Agricultural accessory uses ²	PP			PP	PP		PP				PP									PP ¹	PP ¹			PP *	PP	
Agriculture	PP			PP	PP		PP		PP ₁		PP									PP ¹	PP ¹		PP ¹	PP *	PP	
Bed and breakfast	AD ¹			AD ¹	AD	AD	AD	HE	HE	AD	AD ¹		PP		PP											
Farm-based business ⁴	PP			PP							PP															
Outdoor outfitters enterprises	HE ¹	HE ¹	HE ¹	HE ¹			HE								PP											
Outdoor recreation equipment rental/guide service															PP											
Outdoor recreation facility					HE		HE								PP										AD	AD
Restaurants (Eating/drinking establishments)												PP	PP	PP	PA				PA		PP	PP	PP	PP *		
Retail food markets and convenience stores														PP												
Retail nurseries/greenhouses	AD		AD ¹	AD ¹	HE					HE	AD	AD	PP		AD	AD		PA		PP		PP	PP *	PP *		
Seasonal roadside stands <300 sq. ft.	PP			PP	PP	PP	PP			AD	PP	PP													AD	AD
Seasonal roadside stands <5000 sq. ft.	HE		AD	AD	HE		HE			HE	AD	AD														
Small retail and service businesses ⁵												PP	PP		PA	PP				PP		PP	PP *	PP *		
Stable/riding club				AD	HE		HE				AD				PP										AD	AD
Temporary events	AD ¹	AD ¹	AD ¹	AD ¹	AD	AD	AD		AD	AD	AD ¹	AD	AD	AD	AD	AD	AD	AD		PP	PP	PP	PP	PP	AD	AD

Legend: PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use *BRLI

¹ Related to resource use and/or no conversion/permanent structures.

² An accessory use to an agricultural use, including, but not limited to, the following: Outdoor storage of materials, Impoundments, Farm animal or horticultural viewing, U-pick sales, Storage of agricultural products, ingredients, packaging and/or equipment, Miscellaneous agricultural support buildings, and, Activities associated with tourism which promote local agriculture.

⁴ Farm-based business: an on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site.

⁵ Small retail and service businesses, including, but not limited to (uses depend on zone, see SCC 14.16 for more information): Day-use kennels, Family day care provider, Vehicle charging station and vehicle fueling station, Laundromat, Mini-storage, Preschools, Restaurants, Seasonal roadside stands under 300 square feet, and Small animal clinic/hospital.

OPTION A: ACCESSORY AGRITOURISM

Under Option A there would be targeted changes to use allowances. Option A would build on the current code and fit within existing policies. Features include:

- Ensure “permanent” agritourism uses are accessory and connected to farms. Allow more flexibility in uses provided there is a connection to the onsite farm, and the farm remains the primary use.
- Uses would be added including:
 - **Accessory agritourism Uses (U-Pick and Farm Tours) and Seasonal Roadside Stands** would be retained and permitted as accessory uses with improved definitions and procedures.
 - **Bed and breakfasts** are currently allowed with special use permits and would continue to be allowed. **Temporary Farm Stay Bed and Breakfast** is allowed as an accessory use, provided it is self-contained per the definition and a programmatic permit is obtained.
 - Limited food service would be allowed as follows:
 - Allow **temporary farm-to-table** events as permitted accessory activities with a programmatic permit.
 - Allow **limited food service** as a permitted accessory activity with low-risk foods⁵ and no seating as part of farm stands or farm-based business. The use would be addressed in a programmatic permit.
 - Allow **small tasting rooms** (3,500 square feet) provided grapes/hops/fruit of 10 acres are grown onsite. The use would be addressed in a Hearing Examiner special use permit.
 - Allow **wedding facilities** with an Administrative special use permit as a Temporary Use with a programmatic permit provided it is happening in already developed area/existing barn. Limit number per year.

⁵ See list of low-risk foods here: <https://skagitcounty.net/HealthFood/Documents/AppSeasonalLowRisk.pdf>.

Exhibit 34. Summary Agricultural and Agritourism Related Uses and Zoning Districts: Option A Accessory Agritourism

Zone and Code Citation	.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	.300 RI	.310 RVR	.320 RRV	.330 R	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.170 RMI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI	
Agricultural accessory uses ²	PP			PP	PP		PP				PP									PP ¹	PP ¹			PP *	PP		
Agriculture	PP			PP	PP		PP		PP ¹		PP									PP ¹	PP ¹		PP ¹	PP *	PP		
Bed and breakfast	AD ¹			AD ¹	AD	AD	AD	HE	HE	AD	AD ¹		PP		PP												
Bed and breakfast, farm stay, temporary	PA ¹⁶			PA ¹⁶			PA ¹⁶																				
Farm-based business ⁵	PP			PP							PP																
Outdoor outfitters enterprises	HE ¹	HE ¹	HE ¹	HE ¹			HE								PP												
Outdoor recreation equipment rental/guide service															PP												
Outdoor recreation facility					HE		HE								PP											AD	AD
Restaurants (Eating/drinking establishments)												PP	PP	PP	PA				PA		PP	PP	PP	PP *			
Farm to table, temporary	PA ¹⁶			PA ¹⁶			PA ¹⁶																				
Food service, limited, accessory	AD ^{6 7}			AD ^{6 7}			AD ^{6 7}																				
Tasting rooms, up to 3,500 s.f.	HE ^{6 7}			HE ^{6 7}			HE ^{6 7}																				
Retail food markets and convenience stores														PP													
Retail nurseries/greenhouses	AD		AD ¹	AD ¹	HE					HE	AD	AD	PP		AD			PA		PP		PP	PP *	PP *			
Seasonal roadside stands <300 sq. ft.	PP			PP	PP	PP	PP			AD	PP	PP														AD	AD
Seasonal roadside stands <5000 sq. ft.	HE		AD	AD	HE		HE			HE	AD	AD															

Zone and Code Citation	.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	.300 RI	.310 RVR	.320 RRv	.330 R	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.170 RMI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI
Small retail and service businesses ⁵												PP	PP		PA	PP				PP		PP	PP *	PP *		
Stable/riding club				AD	HE		HE				AD				PP										AD	AD
Temporary events	AD ¹	AD ₁	AD ₁	AD ¹	AD	AD	AD		AD	AD	AD ₁	AD	AD	AD	AD	AD	AD	AD		PP	PP	PP	PP	PP	AD	AD
Wedding facilities, farm, temporary	AD ^{6,8}			AD ^{6,8}			AD ^{6,8}																			

Legend: PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use *BRLI

1 Related to resource use and/or no conversion/permanent structures.

2 An accessory use to an agricultural use, including, but not limited to, the following: Outdoor storage of materials, Impoundments, Farm animal or horticultural viewing, U-pick sales, Storage of agricultural products, ingredients, packaging and/or equipment, Miscellaneous agricultural support buildings, and, Activities associated with tourism which promote local agriculture.

4 Farm-based business: an on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site.

5 Small retail and service businesses, including, but not limited to (uses depend on zone, see SCC 14.16 for more information): Day-use kennels, Family day care provider, Vehicle charging station and vehicle fueling station, Laundromat, Mini-storage, Preschools, Restaurants, Seasonal roadside stands under 300 square feet, and Small animal clinic/hospital.

6 Subject to approval of a programmatic permit that specifies frequency, size, and compatibility measures.

7 Activity must be accessory to agriculture, contain no seating, and must be operated in conjunction with a farm-based business or seasonal roadside stand. Food service is limited to Category 1 food permit (limited, simple low risk, i.e., bakery, espresso) or mobile food unit (limited food cart). Food service shall not exceed 50% of the approved seasonal roadside stand size. Tasting room maximum size is 3,500 square feet. Products offered with food service and tasting rooms shall include products grown onsite. For sites with tasting rooms, at least 10 acres of grapes, hops, or tree fruit must be grown on site or contiguous to the farm.

8 Must be accessory to land in agricultural activities. Must be located in an existing structure built at least 5 years prior to use, or in a membrane structure consistent with applicable codes. The use shall be located in an existing developed area or involve no more than 1 acre of development including parking. Up to 24 events maximum per year with no more than 250 participants per event.

OPTION B: AGRITOURISM OVERLAY

An overlay district or overlay zone applies alternative development regulations to all areas within a defined overlay boundary. Option B would establish an overlay zone including portions of resource and rural zones where additional agritourism activities could be allowed.

The overlay could encompass portions of zones where agritourism could occur with greater compatibility and appropriate services. Lands with the following characteristics would qualify to be in the overlay:

- Lands zoned AG-NRL, RRc-NRL, or RRv,
- Lands fronting a Major Collector⁶ and higher
- Lands served by a Group A water system
- Lands that are a minimum of 0.5 mile from a LAMIRD or UGA

Other improvements to the code include:

- Accessory agritourism uses and seasonal roadside stands are retained, and definitions clarified like for Option A.
- Increased use allowances in the Overlay would include:
 - **Food service:** In overlay, food service category 1 must be accessory to working farm, with seating up to 75 seats; there must be use of produce onsite. The parcels should be least 10 acres in size.
 - **Tasting rooms:** An administrative or hearing examiner special use permit would be required depending on size. The size of the tasting room (3,500-5,000 s.f.) is matched to the size of the parcel; the operator must grow product onsite/contiguous with greater size required for larger tasting room.
 - **Wedding facilities:** In overlay, year-round, on parcels with at least the minimum lot size of the zone where accessory to farm, meeting AG-NRL siting criteria, and subject to Hearing Examiner special use.

While some of the permit procedures would have lower levels in some cases than for Option A, there would be fewer and larger parcels that qualify for the more intensive uses.

⁶ Collectors are major and minor roads that connect local roads and streets with arterials. County road definitions are here: <https://www.skagitcounty.net/planningandpermit/documents/compplan2016/transportation%20technical%20appendix%2003-4-2016.pdf>.

Exhibit 35. Summary Agricultural and Agritourism Related Uses and Zoning Districts: Option B Overlay

Zone and Code Citation	.400 Ag-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	Overlay	.300 RI	.310 RVR	.320 RRV	.330 R	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RFS	.130 SRT	.140 SSB	.150 RB	.160 NRI	.170 RMI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI	
Agricultural accessory uses ²	PP			PP		PP	PP					PP									PP ¹	PP ¹			PP *	PP		
Agriculture	PP			PP		PP	PP			PP ¹		PP									PP ¹	PP ¹		PP ¹	PP *	PP		
Bed and breakfast	AD ¹			AD ¹		AD	A D	A D	HE	HE	AD	AD ¹		PP		PP												
Bed and breakfast, farm stay, temporary					PA ¹⁶																							
Farm-based business ⁵	PP			PP								PP																
Outdoor outfitters enterprises	HE ¹	HE ¹	HE ¹	HE ¹				HE								PP												
Outdoor recreation equipment rental/guide service																PP												
Outdoor recreation facility						HE		HE								PP											AD	AD
Restaurants (Eating/drinking establishments)													PP	PP	PP	PA				PA		PP	PP	PP	PP *			
Farm to Table, Temporary					PA ¹⁶																							
Food service, limited, accessory					PA ^{6 7}																							
Food Service, Small Food Establishment					AD ^{6 7}																							
Tasting Rooms up to 3,500 sf					AD ^{6 7}																							
Tasting Rooms up to 5,000 sf					HE ^{6 7}																							
Retail food markets and convenience stores															PP													

Zone and Code Citation	.400 AG-NRL	.410 IF-NRL	.420 SF-NRL	.430 RRC-NRL	Overlay	.300 RI	.310 RVR	.320 RRV	.330 R	.340 BR-R	.370 URR	.385 H-URV	.100 RVC	.110 RC	.120 RES	.130 SRT	.140 SSB	.150 RB	.160 NRI	.170 RMI	.180 BR-LI	.190 BR-HI	.195 URC-I	.200 AVR	.205 AVR-L	.450 URP-OS	.500 OSRSI
Retail nurseries/greenhouses	AD		AD ¹	AD ¹		HE					HE	AD	AD	PP		AD	A D		P A		PP		PP	PP *	PP *		
Seasonal roadside stands <300 sq. ft.	PP			PP		PP	PP	PP			AD	PP	PP													AD	AD
Seasonal roadside stands <5000 sq. ft.	HE		AD	AD		HE		H E			HE	AD	AD														
Small retail and service businesses ⁵													PP	PP		PA	PP				PP		PP	PP *	PP *		
Stable/riding club				AD		HE		H E				AD				PP										AD	AD
Temporary events	AD ¹	AD ¹	AD ¹	AD ¹		AD	A D	A D		AD	AD	AD ¹	AD	AD	AD	AD	A D	A D	A D		PP	PP	PP	PP	PP	AD	AD
Wedding facilities, farm					HE ^{6,8}																						

Legend: PP Permitted Primary Use, PA Permitted Accessory Use, AD Administrative Special Use, HE Hearing Examiner Special Use *BRLI

¹ Related to resource use and/or no conversion/permanent structures

² An accessory use to an agricultural use, including, but not limited to, the following: Outdoor storage of materials, Impoundments, Farm animal or horticultural viewing, U-pick sales, Storage of agricultural products, ingredients, packaging and/or equipment, Miscellaneous agricultural support buildings, and, Activities associated with tourism which promote local agriculture.

⁴ Farm-based business: an on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site.

⁵ Small retail and service businesses, including, but not limited to (uses depend on zone, see SCC 14.16 for more information): Day-use kennels, Family day care provider, Vehicle charging station and vehicle fueling station, Laundromat, Mini-storage, Preschools, Restaurants, Seasonal roadside stands under 300 square feet, and Small animal clinic/hospital.

⁶ With programmatic permit that specifies and limits frequency, size, and compatibility measures. Requires regular permit renewal.

⁷ Must be accessory to a working farm. Food Service is limited to Category 1 Small Food Establishment with 0-75 seats. Products offered with food service shall reflect the products grown onsite or in county. Food Service may only occur on parcels at least 10 acres in size. For sites with tasting rooms of 3,500 s.f., minimum parcel size is 20 acres, and at least 10 acres of grapes, hops, or fruit must be grown on site or contiguous to the farm. For sites with tasting rooms of 5,000 s.f., the minimum parcel size is 40 acres and at least 20 acres of grapes, hops, or fruit must be grown on site or contiguous to the farm.⁷

⁸ Must be accessory to a working farm, and on a parcel that meets the minimum lot size of the zone. The use shall meet AG-NRL siting criteria.

⁷ There are [fewer acres/smaller vineyards in Western Washington](#). A farm with 10 acres would likely be considered small. 10 acres would be 25% of a parcel at the minimum size of the AG-NRL zone (40 acres) and equal to the minimum size of the RRC-NRL minimum lot size. A farm with 20 acres would be about half of the AG-NRL lot size and double the RRC-NRL minimum parcel size.

OPTION C: REZONE SMALL SCALE RECREATION AND TOURISM

Option C would allow rezones of parcels on a case by case message as Small Scale Recreation and Tourism (SRT). This zone is meant for small scale recreational and tourist uses. This option would address the more intensive uses in a site-specific manner (e.g., restaurants and tasting rooms) without allowing them in the resource zones (e.g., AG-NRL or RRC-NRL) with as many parameters that are necessary to try to fit with resource protection/rural character.

Under the GMA, SRT is a zone that is considered a “Limited Area of More Intensive Rural Development.” GMA allows Type 2 LAMIRD to support recreational or tourist uses (new residential not allowed). It is currently applied on Guemes Island (resort) and property along SR20 near Rasar State Park.

The Comprehensive Plan gives more parameters for this designation/zone:

policy 3B-1.6 Two other types of LAMIRD are allowed by GMA. The County’s other rural commercial and industrial designations were created and applied consistent with these other provisions. Pursuant to RCW 36.70(A).070(5)(d)(ii), the County’s Small Scale Recreation and Tourism designation allows:

(a) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development.

(b) A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population.

(c) Public services and public facilities are limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.

Based on the description above, areas with SRT zoning should have public facilities. The SRT should also promote recreational or tourist uses that rely on a rural location; agritourism is a category of uses that would fit that purpose. To ensure that activities are small-scale and avoid urbanizing an area, there could be a distance between the SRT zone and either other LAMIRDS or UGAs. Rezone locational criteria could include:

- Lands fronting a Major Collector and higher
- Lands served by a Group A water system
- Lands that are a minimum of 0.5 mile from a LAMIRD or UGA

The SRT zone already allows restaurants and small retail and service businesses. See Exhibit 33. That would allow for retail sales of agricultural products in stands or other retail shops, and allow food service and retail wine selling. Tasting rooms are similar to restaurants and may be allowed under that definition. Wedding facilities are not expressly allowed, and this could be added to the zone; since they can attract a large number of visitors, an administrative special use could be applied in the zone.

COMPARISON OF USE ALLOWANCES BY OPTION

Based Option A, B, and C descriptions, a summary of the use allowance is provided in Exhibit 36. Use Allowances by Option below.

Exhibit 36. Use Allowances by Option

Activity	Option A Accessory Agritourism	Option B Agritourism Overlay	Option C SSRT Rezone
Zones where Agritourism Amendments are Focused	<ul style="list-style-type: none"> AG-NRL, RRc-NRL, RRv 	<ul style="list-style-type: none"> Base: AG-NRL, RRc-NRL, RRv Overlay: <ul style="list-style-type: none"> Lands fronting a Major Collector and higher Lands served by a Group A water system Lands that are a minimum of 0.5 mile from a LAMIRD or UGA 	<ul style="list-style-type: none"> Rezone to SSRT using criteria (like overlay criteria at left; but incremental, site specific)
Accessory Agritourism Uses: <ul style="list-style-type: none"> U-Pick Farm Tours 	<ul style="list-style-type: none"> Retain current allowances as Agricultural permitted accessory uses. Improve definitions and permit procedures. 	<ul style="list-style-type: none"> Same as Option A 	<ul style="list-style-type: none"> Not applicable. Meant for small properties that are more intensive in nature.
Seasonal Roadside Stand	<ul style="list-style-type: none"> Retain current allowances as Seasonal Roadside Stand (300 s.f. permitted accessory and 5,000 s.f. AD or HE) Improve definitions and permit procedures. 	<ul style="list-style-type: none"> Same as Option A 	<ul style="list-style-type: none"> Retail uses are currently permitted.
Bed and breakfast, farm stay, temporary	<ul style="list-style-type: none"> Allow as a permitted accessory use in AG-NRL, RRc-NRL, and RRv. Per the definition the use is self-contained and temporary. A programmatic permit would be required. 	<ul style="list-style-type: none"> Same as Option Aja. 	<ul style="list-style-type: none"> Bed and Breakfast uses are currently permitted.
Food Service: <ul style="list-style-type: none"> Farm to Table, Temporary Food Service, Limited Tasting Rooms 	<p>In AG-NRL, RRc-NRL, and RRv:</p> <ul style="list-style-type: none"> Allow temporary farm-to-table events as permitted accessory activities with a programmatic permit. Allow limited food service as a permitted accessory activity with low-risk foods and no seating as part of farm stands or farm-based business. The 	<ul style="list-style-type: none"> Allow temporary farm-to-table events as permitted accessory activities with a programmatic permit. Allow Food Service as a Small Food Establishment (Category 1, 0-75 seats) as an administrative special use if on a site of at least 20 acres. Allow small tasting rooms (3,500-5,000 square feet) 	<ul style="list-style-type: none"> Restaurants are currently permitted.

Activity	Option A Accessory Agritourism	Option B Agritourism Overlay	Option C SSRT Rezone
	<p>use would be addressed in a programmatic permit.</p> <ul style="list-style-type: none"> Allow small tasting rooms (3,500 square feet) provided grapes/hops/fruit of 10 acres are grown onsite. The use would be addressed in a hearing examiner special use permit. 	<p>provided produce of certain size is grown onsite and on parcels with at least 40 acres in size. Sites 20-40 acres would require a hearing examiner special use permit.</p>	
Wedding Facilities	<ul style="list-style-type: none"> Allow with an administrative special use permit as a Temporary Use with a programmatic permit provided it is happening in already developed area/existing barn. Limit number per year. 	<ul style="list-style-type: none"> Allow year-round wedding facility with a hearing examiner special use permit. 	<ul style="list-style-type: none"> Not specified. Add as an administrative special use.

DEVELOPMENT STANDARDS

Setbacks and Siting Criteria

Current setback standards for primary zones containing agriculture are listed in Exhibit 37. AG-NRL has the siting criteria for new non-agricultural structures. It could be adapted and applied in RRC-NRL in Options A and B. In addition, the siting criteria, while specific, are further interpreted in an Administrative Official Interpretation May 14, 2010 and address distance between structures in order to keep to the small 1 acre or less footprint, and it may be appropriate to integrate text from that interpretation into the code.

Exhibit 37. Setbacks and Dimensional Standards

Zone	Residential	Non-Residential	Siting Criteria
AG-NRL	<p>Front: 35 min. and 200 feet max. Side: 8 feet Rear: 35 feet Accessory: Same as Principal</p>	<p>Front: 35 feet. Side: 15 feet. Rear: 35 feet.</p>	<p>New, non-agricultural structures:</p> <ul style="list-style-type: none"> When no structures or no compatible structures exist on the subject property or adjacent properties, new structures shall be located in a corner of the property and all development ... shall be contained within an area of no more than 1 acre. <p>When compatible structures exist on-site or adjacent:</p> <ul style="list-style-type: none"> Locate new structure(s) within the existing, developed area of any compatible structure(s) in the same ownership, and utilize the existing access road. If above is not possible, locate new structure(s) within the existing, developed area of any compatible structure in the same ownership. If above is not possible, site new structure(s) to achieve minimum distance from any existing compatible structure on either the subject property or

Zone	Residential	Non-Residential	Siting Criteria
			an adjacent property. All development... shall be contained within an area of no more than 1 acre.
RRc-NRL	(a) Setbacks, Primary Structures. (i) Front: 50 feet. (ii) Side: 50 feet. (iii) Rear: 50 feet. (b) Setbacks, Accessory. (i) Front: 50 feet. (ii) Side: 50 feet. (iii) Rear: 50 feet. Parcels of land outside of and immediately adjacent to natural resource lands ... minimum building setback of 200 feet		Current Code: Not applicable. Option A and Option B: Add AG-NRL siting criteria to RRc-NRL.
RRV	(a) Setbacks, Primary Structure. (i) Front: 35 feet, 25 feet on minor / dead-end streets. (ii) Side: 8 feet on an interior lot. (iii) Rear: 25 feet. (b) Setbacks, Accessory Structure. (i) Front: 35 feet. (ii) Side: 8 feet ... (iii) Rear: 25 feet....		Not applicable.

Parking

The County has defined parking standards for bed and breakfasts, restaurant, and retail establishments. For restaurant and retail standards applicable to some of the agritourism uses, maximum parking stalls could be specified to avoid unnecessary pavement/conversion (e.g., 25% above minimum). Many of the agritourism uses are not addressed in the parking standards and would require a demand analysis. (SCC 14.16.800) The County could define parking standards such as for weddings or other uses.

PERMITTING AND ENFORCEMENT

Clear application and review procedures, combined with amended definitions and standards, should assist with code enforcement efforts. As well, ensuring adequate staff resources for code enforcement will be necessary. To ensure that the permitting process is fair and effective Skagit County could:

- Create or update application forms** to ensure that agritourism activities are well defined, and operators are aware of important criteria, such as ensuring the activity is accessory and supports onsite agriculture, or other locational and size standards. See for example [Clackamas County Agritourism Application for events or activities](#). More specific elements could be on the form such as: number of expected visitors, site plan, parking demand, demonstration of how the use will support ongoing agriculture and limit changes to footprint. Conditions of approval may be drawn from this information, such as maximum visitors, maximum parking, etc.

- **Exempt from land use permit review** seasonal, low-intensity activities that do not require a building permit or permanent parking areas, e.g., U-pick with no other entertainment involved, and where the level of visitors is not likely to result in adverse effects to neighboring areas. [Thurston County’s Agritourism Overlay](#) exempts some activities from land use permits but does not excuse them from other permits, e.g., Health Department.
- **After approval of a land use permit, require an annual self-certification** form where the operator certifies that all the use-specific requirements continue to be met. The County requires this of special uses in SCC 14.16.900(3), but it could be expanded to all agritourism uses that require a land use permit (potentially including exempt uses). This can ensure locational or operational standards continue to be in place and avoid expansion of uses from less intensive to more intensive without review. This form could include an annual fee and be reviewed by code compliance staff. Similar methods are used for permanent rental housing programs (e.g., [Renton](#)). Something like this could be adapted for agritourism.
- **For temporary uses, or uses with high activity levels, provide a limited-term programmatic permit**, e.g., 5 years that ensures that the use is well managed but does not necessarily continue with a new owner or is re-reviewed periodically. This also can ensure uses do not inadvertently evolve. Short-term rental housing is often treated as running only with the applicant and is not transferable or transfer is strictly reviewed (e.g. [Chelan County](#), and other cities). Something like this could be adapted for agritourism.

EVALUATION OF OPTIONS AND POTENTIAL CODE CHANGES

Comparison to Agritourism Exploration Goals/Objectives

The options vary the approach to regulations – e.g., allow uses in more portions of resources with higher permit levels and with limitations to avoid most intensive uses, or restrict uses to larger parcels with slightly more streamlined permitting, or only allow new agritourism uses by a rezone. All would improve definitions and standards.

Exhibit 38. Exploration Goals and Objectives

Agritourism Study Goals/Objectives	Discussion
Each desired agritourism use should be defined in the Skagit County Code and clearly identify associated activities that are agritourism in nature.	<ul style="list-style-type: none"> ▪ See the appendix. Existing and proposed definitions are included for all options.
Each agritourism use should have a relationship to onsite agriculture, particularly in zones that are designed to promote long-term commercial agriculture (AG-NRL and others). Particularly for more intensive permanent agritourism activities there should be a close connection to actual ongoing agricultural production on the site of the producer. The primary use of agriculture should be supported by the agritourism use. See GMA at RCW 36.70.177 for parameters.	<ul style="list-style-type: none"> ▪ For each option, the use type must be accessory or related to agriculture. ▪ Specific requirements for onsite agriculture are a focus of conditions for some of the more intensive uses (e.g., food service, tasting rooms). These uses are related to existing working farms, and areas planted, with the food or drinks based on the onsite produce. ▪ Weddings would be either temporary and on a site with an existing barn or year-round with more extensive permit reviews and in all cases in existing developed areas no greater than 1 acre.

Agritourism Study Goals/Objectives	Discussion
In rural zones, agritourism should promote rural character as established in the County Comprehensive Plan and Growth Management Act.	<ul style="list-style-type: none"> Most uses are small in scope, and where visitors are more intense, are limited in terms of temporary status, qualifying locations, or other.
The agritourism allowances should be based on an understanding of business models and their size and capacity.	<ul style="list-style-type: none"> Based on the scale of visitors or uses, more intensive uses would have more stringent review and require a relationship to onsite agriculture.
Permit criteria and conditions should be developed for adequate water, septic, and parking. Agritourism activities should be subject to clear rules and permits as well as enforcement. This may include renewable permits and scaled fees.	<ul style="list-style-type: none"> Clarity around permits, requirements for self-certification, and programmatic permits that expire with the operator are addressed for all options.

Implications for Comprehensive Plan and GMA Considerations

The options are meant to protect resource lands and rural character.

Exhibit 39. GMA Agricultural Conservation

Considerations under GMA	Discussion
Conserve agricultural lands and encourage the agricultural economy	<ul style="list-style-type: none"> All options would limit the footprint and scale of agritourism uses. Agritourism uses support the producer’s viability and the local economy. In Options B and C, Limitations on more intensive uses in proximity to other LAMIRDs and UGAs is intended to avoid undue competition on existing commercial nodes.
<ul style="list-style-type: none"> Does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties Location in general area already developed with existing buildings and not otherwise convert more than one acre of agricultural land to non-agricultural purposes Consistent with size, scale, and intensity of agricultural areas 	<ul style="list-style-type: none"> Based on the scale of visitors or uses, more intensive uses would have more stringent review and require a relationship to onsite agriculture. Siting criteria in the AG-NRL zone is added to the RRc-NRL zone. More intensive uses, especially in the overlay in Option B, would have larger parcel sizes.
<ul style="list-style-type: none"> Compatible with agriculture Adequate setbacks to prevent conflicts 	<ul style="list-style-type: none"> The requirements related to size of uses, parcels, and siting criteria are meant to improve compatibility.

Source: BERK, 2022.

Exhibit 40. Rural Character and Options

SCC 14.10. Rural character: refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:	Discussion
(1) In which open space, the natural landscape, and vegetation predominate over the built environment;	<ul style="list-style-type: none"> ▪ Structure size is related to parcel size or staged in permits based on likely usage.
(2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;	<ul style="list-style-type: none"> ▪ Agritourism uses support local economies and living and working in the county. Uses would be accessory to onsite farms and support producers.
(3) That provide visual landscapes that are traditionally found in rural areas and communities;	<ul style="list-style-type: none"> ▪ Given the small footprint of most agritourism uses visual landscapes would be retrained.
(4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;	<ul style="list-style-type: none"> ▪ Uses are generally consolidated in existing areas and next to other existing buildings. With the clustering of development effects on habitat is not expected.
(5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;	<ul style="list-style-type: none"> ▪ See (4).
(6) That generally do not require the extension of urban government services; and	<ul style="list-style-type: none"> ▪ Urban services like sewer would not be needed. Some uses require public water.
(7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.	<ul style="list-style-type: none"> ▪ Low impact development and surface water standards would be required.

Source: BERK, 2022.

Appendix. Definitions and Scale

Definitions: Existing and Proposed

Activities	Definitions
Agritourism	<p>Agritourism – Proposed: Agritourism is a commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner. Activities may involve education, entertainment, direct sales, outdoor activity, or hospitality, and that support the primary agricultural activity of the land and its economic viability.</p> <p>Thurston County: "Agritourism" means an enterprise generally located at a working farm, ranch, or other agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests, or clients, and that generates income for the owner/operator. Agritourism is also the act of visiting a working farm/ranch or any agricultural or horticultural operation for the purposes of enjoyment, education, or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agriculture or agricultural production must be the primary use of the land except as otherwise provided, pursuant to the standards and criteria established by Chapter 20.08G, Agritourism Overlay District (AOD). Uses permitted by that chapter are generally defined as agritourism uses within the AOD.</p>
Farm stands	<p>SCC 14.04.020 Seasonal roadside stand: small retail establishment accessory to an actively managed, ongoing agricultural operation dedicated exclusively to the sale of agricultural products and agricultural promotional items. A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County. All agricultural promotional products shall be accessory to the primary use of the stand for agricultural products and shall be directly related to the agricultural operation and located solely within the stand. Signage is allowed per SCC 14.16.820.</p>
U-Pick and Farm Tours	<p>U-Pick Operation – Proposed: A farm or portion of it where customers harvest fruits, vegetables, flowers, or trees on their own.</p> <p>Farm Tour, Onsite – Proposed: A visit offered at a farm, or farms, to show agricultural practices or products for business, pleasure, education, or instruction.</p>
Farm stays	<p>SCC 14.04.020 Bed and breakfast: an owner-occupied and managed dwelling which is used to provide overnight guest lodging for compensation and which usually provides a morning meal. Guest lodging may be in a separate structure from the main dwelling unless otherwise stated in Chapter 14.16 SCC.</p> <p>Bed and breakfast, Farm-stay, Temporary – Proposed: A temporary space where a recreational vehicle is parked by the owner of the vehicle that is offered for overnight guests on a farm on a temporary basis for less than thirty consecutive nights. The vehicle is self-contained with a toilet, water tank and inside cooking facilities. It excludes tents.</p>
Weddings	<p>Wedding Facility, Farm - Proposed: A barn or field used as a venue for a wedding in an accessory manner, providing for commercial income to the on-site producer.</p> <p>Wedding Facility, Snohomish County: "Wedding facility" means a privately-owned facility or site in certain rural and resource zones where weddings and associated events are conducted in exchange for compensation.</p>

Activities	Definitions
Tasting Rooms, Restaurants	<p>Tasting Room – Proposed: Similar to State Liquor and Cannabis Board: Wine, beer, or cider offered from a farm’s own production and for sale by the glass or bottle. Production is less than 250,000 liters per year for a winery or cidery. Craft distilleries or microbreweries may also be allowed with state license limitations on production.⁸ Food required to meet state sampling rules is allowed and must not exceed category 1 or category 1 small food establishments or mobile food unit. No seating is allowed.</p> <p>Restaurant – Examples:</p> <p>Thurston County. "Country inn" means a restaurant and/or temporary overnight accommodations to be located in a R 1/20, R 1/10, RR-1/5, RRR 1/5, RL 1/2, RL 2/1, or RL 1/1 zone or agritourism overlay districts and which may include a lounge not to exceed twenty-five percent of restaurant area and facilities for banquets, meeting space, weddings, and similar parties and activities.</p> <p>Lewis County, Country Inn. A “country inn” is a restaurant or restaurant/lounge facility designed to encourage a rural dining experience which is dependent upon a rural location for appropriate ambiance.</p> <p>Whatcom County, Restaurant: “Restaurant” means an establishment where food and beverages are prepared and served for consumption either on or off premises. This term shall include cafes, coffee houses, cabarets and dining rooms, but shall not include taverns. Restaurants may include cocktail lounge and facilities for dancing and live entertainment of patrons; provided, that these activities are clearly accessory to food service; and provided further that these activities are not expressly prohibited in a specific zone.</p>
Seasonal Events – Festivals, Farm to Table	<p>SCC 14.04.020 Temporary events: commercial use of a property for any musical, cultural, or social event held either indoors or out of doors.</p> <p>Festival – Proposed: An organized celebration, typically held annually or during a seasonal period in the same place or region. A farm festival showcases farms and farm products. It may also offer education and entertainment. The festival is meant to bring additional revenue to farms and communities.</p> <p>Farm-to Table, On-Farm – Proposed: A meal prepared for a specific mealtime and held seasonally on a farm in outdoor settings for commercial or non-profit purposes for reserved guests. A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County.</p>

⁸ See: [licensing/forms/LIQ-181-Non-Retail-Liquor-License-Description-and-Fees2.docx](#)

Size and Scale of Business, Capacity, and Nature Based on Business Models

Activity	Typical Farm Size (Acres)	Size: Footprint of Agritourism Use	Size: Visitor Capacity of Agritourism Use
Farm stands	Up to 100 acres [1]	Skagit County: 300-5,000 sf Over 50% of products onsite/region In 1-acre developed area	0-4 employees [1] 1 parking stall per 300 sf per parking code = 1-16 stalls (SCC 14.16.800)
U-Pick and Farm Tours	Up to 100 acres [1]	Min 1 acre Examples in county ~20 acres+	0-4 employees [1] 1 acre: 400 customers [2] 2,000 unserved customers in 45 minutes [2] 52 days open if 6 months and weekends [2] Farm Tours: Classrooms up to 60 at a time [7] Parking: unknown, Snohomish County examples have [3]
Farm stays	Any size	1 hospitality unit 1 RV per night (limit) 20 ft x 40 ft spot	2-10 visitors SCC 14.16.900(2)(c) allows up to 5 bedrooms
Weddings	Up to 40 acres [1]	Temporary Alt: 1-acre, existing buildings	Median 250 guests [8] 1-10 employees [1]
Tasting Rooms, Restaurants	Tasting Rooms: Most up to 40 acres, some up to 200 acres [1] Restaurants: 5 acres+	For a 1500 case winery, plan on a minimum building size of 3,500 ft ² with roughly 1/3 space devoted to tasting room and 2/3 production/finished case storage.[4] One on premises [5]	2-10 employees [1] 1 stall / 75 square feet of dining/lounge area Average monthly visitors to tasting rooms in Washington in 2019, 942 [9]
Seasonal Events	Farm to Table: 5 – 100 acres+ [6] Festivals – variable	Variable	Farm to Table: an average of 130-200 people [6]

[1] (Galinato, Galinato, Chouinard, Mykel, & Philip, 2011)

[2] <https://www.pickyourown.org/howtostartapyo.htm>, and <https://www.hobbyfarms.com/make-money-with-strawberries-2/>, and <https://www.uvm.edu/sites/default/files/Vermont-Agritourism-Collaborative/2019HowTo-DevelopPYO.pdf>.

[3] <https://www.pickyourown.org/WAseattlearea-snohomish.htm>, <https://www.pickyourown.org/WAwhatcomskagit.htm>, and <https://www.visitskagitvalley.com/U-pick-berries-skagit-valley/>

[4] <https://thegrapevinemagazine.net/2019/04/designing-a-commercial-production-winery-with-expansion-in-mind/>

[5] <https://lcb.wa.gov/enforcement/winery-faq#Tasting%20rooms>

[6] <https://gardencollage.com/nourish/farm-to-table/events-love-farm-table-dinners-outstanding-field/> and <https://alliumoregon.com/field-and-vine-events/>

[7] <http://www.tilthalliance.org/learn/kids/youthtours>

[8] (weddingwire.com, 2022)

[9] <https://www.statista.com/statistics/1095177/monthly-wine-tasting-room-visitors-by-region-us/>