

**Skagit County Planning Commission
Work Session: Agritourism
June 13, 2023**

Planning

Commissioners: Kathy Mitchell
Mark Knutzen
Vince Henley (absent)
Amy Hughes
Tim Raschko, Chair
Joe Woodmansee (absent)
Tammy Candler, Vice Chair
Martha Rose (absent)
Jen Hutchison

Staff: Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Long Range Planner

Chair Tim Raschko: (gavel) Good evening and welcome to the June 13th, 2022 (sic), meeting of the Skagit County Planning Commission. We have some absences, so please note that we're missing Commissioner Henley, Commissioner Rose, and Commissioner Woodmansee. And I'd entertain a motion to approve the minutes of our last meeting.

Commissioner Amy Hughes: I'll move.

Commissioner Kathy Mitchell: I'll second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: So the minutes are approved. This evening we have time for Public Remarks. This is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for a development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total. So would anybody like to address the Commission?

(silence)

Chair Raschko: Okay. Thank you. So we're going to turn immediately to our Agritourism Work Session. Before you begin, I'd just like to say a couple things. First of all I'd like to heartily thank and commend the Agricultural Advisory Board for their work they did in formulating their opinions and desires, the research they did into code and everything else in coming up with very, very concise recommendations. And that has been very much more than helpful. Thank you.

And second, I'd like to thank the staff for this document we're going to be reviewing tonight. In my opinion, I think it is extremely well done, and it certainly simplifies our job, so thank you. Please go ahead.

Sarah Ruether: Thank you. I'm Sarah Ruether, the long range planning manager, and tonight we're going to talk about agritourism and the Agricultural Advisory Board's recommendations. And I'm going to start with a brief overview because this is – the study of agritourism in Skagit County has had lots of twists and turns. The kind of beginning of it was some docket items: Samish Bay Cheese in 2018 and some other informal requests that we got for pre-applications. And this led to a request for a broader study in the 2019-2020 time period. And BERK Consulting was hired and they did situation assessments. There was public outreach and policy options reports. This is the spring of 2022. And then this past fall we did some more public outreach and we had a joint meeting with the Ag Board and the Planning Commission recently – this past March.

As a result of studying the code related to agricultural uses for the last two-plus years, the Agricultural Advisory Board independently developed their own code recommendations. And just to let you know, the Agricultural Advisory Board meets monthly and they have a land use subcommittee that also meets on a regular basis. And these recommendations did not come from staff or a consultant. They are exclusively from the Agricultural Advisory Board, and this Board has worked hard to research the code and develop these recommendations of their own initiative. Just to give you some background, this is a different iteration of this study.

So why? Why have they spent all this time, this board? They have studied this and made these specific code changes – code recommendations – to ensure that agritourism activity is incidental and subordinate to working farms. Kind of their overarching theme and the why behind all this time spent. There're also some recommendations for changes to definitions, and this is to clarify the code where they have seen that it needs clarification. The purpose of these proposed changes are (sic) not to open up new allowances for agritourism but rather for clarification and to ensure that in the event agritourism activities or agritourism activities in general are intermittent and therefore subordinate to the working farm. And that is the why behind why they spent the time doing this.

So we'll go to – in the last April session, you discussed – they had proposed a definition of "agritourism" to add it to code. The proposed definition is: "A common farm-based commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural productions, is incidental and subordinate to the working farm operation, and is operated by the owner or operator or the farm of family members." I struck out the "regularly occurring" here because in our discussion, our past discussion, we thought that term was ambiguous and kind of the consensus was that I thought people wanted to. I struck it out. I think it still works as a definition. "Celebratory gatherings, weddings, parties, or similar uses that cause the property as an event center or that take place in structures specifically designed for such events are not agritourism." So this is – would be an addition to the code for a definition of "agritourism."

They also recommended some changes to "agricultural accessory use." And there's larger changes that were recommended, but there was one particular change that was added that was in Exhibit A, their initial recommendation that was not part of the original definition. So I have that in blue. It was the addition of these permits or use of farm buildings or for farming and other uses of building would not be permitted and may be permitted only through administrative special use permits. So this caveat was added to the changes made to the definition of "agricultural accessory uses" to clarify that some of these buildings could be used with administrative special use permits. So that was added.

The recommendations also called for a reduction to the number of allowable events from 24 calendar days to 12 calendar days. The purpose of this proposed change, it was to ensure that events are incidental and subordinate to a working farm. The reduction, I think, was to assure that that – it would be subordinate. People have asked, what is incidental and subordinate? I think that the reduction is to ensure that this is not a fulltime operating business, and that is the purpose behind it. And I wanted to share a quote that was in their last letter. And it said “Keeping the lands working by providing agricultural products is the most important part of these lands and should not be overlooked. So I also feel like that’s the ‘why’ behind this change.

And to compare, the change is a little bit less than some of the other counties. Thurston County has 21. You can have a few more if you have some other caveats. Marion County, which is kind of – has a definition similar to agritourism to the one that the AAB has proposed, has 18. Spokane County has the most liberal. I think it’s – it probably has more holes in it. But just to let you know that it is kind of within the ballpark of this change of some of the other counties.

And then there were some questions last time about how many administrative special use permits per year actually go on. And in the last 10 years – and an administrative special use, to let you know, covers more than just event permits. So in the last 10 years, 21 administrative special use permits were issued in Ag-NRL, and of those two were issued for operations that now function as event centers. So it’s not that there’s a ton of these permits coming out. It’s more that there’s a loophole in that if you were – that could permit a fulltime event business, and that is the purpose of making this change. It’s not that there’s a ton of permits coming out. But I just wanted to – the why behind that. I think there were some questions about how many permits per year and how this fit into that. So that was to answer that question.

There were also some questions about private events versus commercial events. So for-profit businesses or professional organizations that have events would be regulated and need to apply for administrative special use permits; however, a private party with no financial gain and not part of a professional organization, this would not count as part of the annual event allowance. Private parties are private and would not be regulated under this – to answer that question.

And then I just wanted to end with – there are a couple flow charts and worksheets developed by the AAB. It’s Exhibit D. And the purpose of this was to show what the current code permits and how the proposed changes fit into the current code. It also – the purpose is to illustrate the many uses that are already permitted by code in Ag-NRL and the ways that the code has allowances for those uses. They’re pretty detailed so I will try to answer any questions about them, but they would be helpful for a permitting ____.

And with that, the next steps would be another work session if we need to continue to refine this, and then go through SEPA and have a public hearing and deliberations, so this is just broad brush what those next steps would be. And if you have any questions, let me know.

Chair Raschko: Are there any questions for Sarah?

Commissioner Hughes: Could you explain overall the administrative special use permit process and what all the administrative decision-making can be done out of our code? As I understand it, we have code and then we have areas where an administrator can step in and make decisions. How is that –

Ms. Ruether: _____. Within permitting there’s like a – there’s – I’ll have to remember because I don’t do current planning anymore. I did when I was at Woodinville. But it was, like, Tier 1, Tier 2,

Tier 3. So, like, outright permitted – like you’re going to get a building permit for something that is clearly in the code is a Tier 1. It’s outright permitted. You still have to get a permit. You _____ outright permitted. A Tier 2 is, like, a little bit more involved, where you have to get a SEPA, and then, like, Tier 3 would be going to a hearing examiner where it’s a quasi-judicial. You know, you would go and have a hearing and all those kinds of things. So there’s different levels. Administrative special use is kind of like the _____ a Tier 2. So you would have to go through SEPA, you do have to give notice, it’s a more involved permit than something that’s just outright permitted. But it covers other things. Like the home-based businesses was in the flow chart so the home-based business 2 and 3 go into that notice and SEPA versus a home-based business one is just outright permitted. So it’s like the different levels.

Commissioner Hughes: So in code you’ve got black and white once it goes into administrative special use permit. Then there’s some openings for decision-making with that? The hearing examiner is obvious. It’s a process. It’s a whole hearing examiner. How much range of decision-making does that administration have, and is that one person or is that a body of people?

Ms. Ruether: Well, when you go through SEPA, you have to give notice. Usually it’s 300 – you have to send out notice to 300 – your buffer of 300 feet around your property. So you’re sending notice to all your neighbors so they get an opportunity to comment. You’re also making a determination of either no significance – like it’s not a significant impact – or a mitigated DNS, which is like there *is* an impact but we can mitigate it. Or you can go to the level of an EIS where this home-based business, for example – or something – *will* have a huge impact, and then you have to do an EIS. So there’s different levels and the public gets notice and can be involved in that point. And there are developments that have been stopped by SEPA because people have come in and they’ve known about it. So it does add another layer of time and energy and effort both to the permitting processes and for the public to come kind of weigh in on whatever you’re doing.

Commissioner Hughes: And so if it goes into administrative, who is that?

Ms. Ruether: Jack’s our SEPA official.

Commissioner Hughes: Okay, it would be the head of the Planning Department? Or...

Jack Moore: Yes. Sarah described it pretty well. There are limitations in code on what is even eligible for a special use permit. So code still has bookends. So it’s not wide open. So the – you know, staff and then I would review all the public comments, review the submittal to see if it seems an appropriate fit given their mitigation measures they may be proposing. And then make a decision.

Commissioner Hughes: Okay, thank you.

Chair Raschko: Anybody else?

Commissioner Mark Knutzen: I got here a little bit late. Same reason that I was late last time. You’re welcome. When I first got here, the first slide I didn’t recognize and I snapped a photo of it – I’m sure you saw me. How can you miss me, right? AAB Recommendations. That almost looks like it’s a summary. Clue me in, please, if you can.

Ms. Ruether: Is it this one? The one about – a summary...

Commissioner Knutzen: AAB Recommendations. The very first one that was here when I got here.

Ms. Ruether: Not the Why or the –

Commissioner Knutzen: “AAB Recommendations. As a result of the study and...” The very first one. That’s it.

Ms. Ruether: Oh, okay. Okay.

Commissioner Knutzen: Explain that compared to the rest of it. Would you, please, if you can?

Ms. Ruether: I’m just trying to make people understand that the County had this history and that this effort is not connected necessarily to the other efforts, so it’s independent. They weren’t – we didn’t have BERK sitting down with them advising them. Honestly, they developed these on their own. I wasn’t even there when they developed these recommendations. This is their own initiative. They were scheduling their own meetings. It was led by them. That was –

Commissioner Knutzen: This is AAB, Ag Advisory Board?

Ms. Ruether: Right.

Commissioner Knutzen: Okay. Thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay, thank you.

Ms. Ruether: Sure.

Chair Raschko: Okay, before we start, I’d just like to read one paragraph from the AAB’s submittal. It says that “SCC provisions establishing general rules for uses in the ag zone deserve attention for providing a sound foundation. Those applicable zoning codes and related definitions have a weathered history and should largely withstand new policy considerations. Clarifications and improvements are appropriate, while changing course is unnecessary.”

I think that nails it pretty well, in my opinion. I think basically what we’re here to do is to go through the staff’s recommendations on code changes in order to tighten up the rules and regulations that we already have. And to do that – I thought about that a lot but I think the most efficient way to do it is just basically go through the document. I think there are parts of it that we can skim through pretty quickly and there are parts that we might want to have some discussion. Is that agreeable?

Commissioner Knutzen: I do have another question. Sorry. Staff recommendations: Is that in here? It probably is. I just missed it.

Ms. Ruether: The recommendation is for you to give any feedback on this of whether we just –

Commissioner Knutzen: And that’s in these documents?

Ms. Ruether: I think my – the recommendation is just if you agree with the changes that I made just to let it alone.

Commissioner Knutzen: Oh, okay.

Ms. Ruether: Yeah, so we can –

Commissioner Knutzen: You went just a little faster than I go.

Ms. Ruether: Okay!

Commissioner Knutzen: Not hard to do, really.

Chair Raschko: Anything else?

Commissioner Knutzen: Not yet.

Chair Raschko: Okay. You're feisty tonight!

Commissioner Knutzen: Like that's a difference!

Chair Raschko: So action requested of the Planning Commission is to give guidance to the direction for how to implement proposed code recommendations from the Agriculture Advisory Board, which are contained herein. So let's begin that. Does anybody have anything on pages 1 or 2 that they wish to discuss?

Commissioner Mitchell: Which is your page 1 and 2?

Vice Chair Tammy Candler: I think you're talking about Exhibit A?

Chair Raschko: Well, I'm talking about the cover letter from the Planning and Development Services.

Vice Chair Candler: Oh, okay.

Chair Raschko: If not, we might go to the bottom of the second page, and this was alluded to in Sarah's presentation – the definition of "agritourism." ___ changes – removing the words "regularly occurring." Do we have consensus that we would agree with that?

Commissioner Mitchell: I like, from the discussion last month, about changing it to what's in green, which does take out the "regularly occurring," because it addresses what I think that they were looking for, without us having to define "regularly occurring." So I think that makes sense. So that'll be page 3 in green.

Chair Raschko: So okay, so the green is what –

Commissioner Mitchell: I think it reads well.

Chair Raschko: More discussion on it?

(silence)

Chair Raschko: Okay. So we'll go with that. The definition of "agricultural accessory use." Any discussion of the change?

Commissioner Hughes: I had a question, and I think it's on that part. For some reason I have this on Part 3, Agricultural Accessory Use definition. Does this put/add pressure on the Planning Department staff? As I was reading it days ago – and now I'm trying to go back – are Planning Department staff going to have to go out and identify buildings and such? What would the responsibility be?

Ms. Ruether: I mean, _____, for this? I think this note is just to say that buildings – Jack's the building guys. He knows this better than me – that there are some safety requirements for buildings where people gather for fire and things, so they are not rated for that so it's giving – this addition of this note is giving an allowance that people could gather in a building that's not necessarily rated for those things. It's giving a, you know, a permission if you get this administrative special use, but saying it's only for these temporary things. Like, if you were to build an events center that was used on a regular basis, that might be considered, you know, endangering public health. So it's giving a special allowance for events that are temporary. That's what it's doing.

Commissioner Hughes: Okay.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I think it makes sense. I'm assuming we're all talking about the same thing – that's what's in blue that says: "Note that (6) above permits use of farm buildings for farming. Other uses of buildings would not be permitted and may be permitted only through administrative special use permits." I think that makes sense.

Chair Raschko: How's everybody feel about that?

Commissioner Jen Hutchison: It's not to do if it's just a private –

Chair Raschko: Pardon me?

Commissioner Hutchison: If you're not making money on the use of it and it's just for private family – you want to have a birthday party for your own family as a property owner. You should still be allowed – okay. We're talking about making profit.

Commissioner Mitchell: Right.

Commissioner Hutchison: Commercial use.

Commissioner Mitchell: Right.

Commissioner Hutchison: Then it makes sense to me.

Chair Raschko: So are we good with that?

(silence)

Chair Raschko: Okay. Okay, Reduction in Number Allowable Events for the Purpose of Assuring That Agritourism Events are Temporary. I have a quick question. It's reduced from 24 to 12. I think I already know the answer. That's just sort of an arbitrary number, isn't it?

Ms. Ruether: All code, you could say, is arbitrary, right? I think the idea was that they wanted to make sure that it's a less enough amount that it's subordinate. And so I – they made that. It wasn't me. That was what the AAB – the number they came up with to ensure that was subordinate.

Chair Raschko: Would nine be a better number? No? Commissioner Mitchell?

Commissioner Mitchell: The ag people can probably confirm this, but I heard once it was 12 then it was 24 then it – you know, the recommendation's 12. Twelve makes sense to me for whatever it is instead of 24, because 24 could have been interpreted as when Tulip Festival came around it was those 24 days – one of every day. It could have been that. It could have been one a month, it could have been 2 – whatever it's going to be. But regardless of what the number is, what it turned into is some places making it regular and turning into event centers that shouldn't have been. And so I think that pulling it back makes sense and it's not intended to harm anybody but it's intended to keep people from using a loophole through the administrative special use permit.

Chair Raschko: Okay.

Vice Chair Candler: I have something.

Chair Raschko: Go ahead.

Vice Chair Candler: My question is about Exhibit C and the comparables – Thurston, Marion County, Oregon _____ were the ones that were used. Those seem spread kind of far and wide and I'm just wondering is that because other neighboring counties don't have something similar?

Ms. Ruether: Yeah, it's hard because agritourism's like a new policy, so I was just – and even doing it this way I'm not sure I'm comparing apples to apples. It's hard to pull comparables when agritourism's _____ every policy that is different.

Vice Chair Candler: And I'm not complaining. I'm just wondering: Did you – were you trying to find more Washington, local, kind of closer places and they just weren't there?

Ms. Ruether: Yeah, I couldn't find something that I felt like was comparable to this. _____.

Chair Raschko: So are we all in agreement then?

Commissioner Hughes: I have a question.

Chair Raschko: Amy, please go ahead.

Commissioner Hughes: If someone out there knows the history of how we got 12 to 24 or how we got 24, that would be helpful. And also, would that be administrative decision that was made? How is that decision made of 24? Do we have any idea?

Ms. Ruether: Jenn actually did a ton of research and she's kind of the expert on this! But I think – maybe she can speak to it further but it was not – it has been 24 for quite a while but there was a Comp Plan change where it was moved from one section of the code to the other, so that was

the major change. And I'll let her speak to it because I'll probably make mistakes if I try to compare it back to what the change was.

Jenn Rogers: I sent this quite a while ago, and I can search through my email to find the exact year, but it's been 24 since the early 2000s. So it's been a very long time that it's been 24. I wasn't able to find the old staff reports that went along with it just because of how old they were. That would have been helpful to see, you know, where did they get to 24. But they updated the whole definition of "temporary events" and that's when it got moved into the special use permits section and that's when they added the definition to be 24.

Commissioner Hughes: Okay. Okay.

Chair Raschko: Anything else? Jen and then –

Commissioner Hutchison: I'm having a really difficult time with this. When only two out of 21 issued special use permits over a 10-year term have even become what you are calling 'event centers' – I have that right? Yes, ___ – only 2 in 10 years have become these so-called event centers that are of concern, where, in my opinion, even with fulltime events/activities happening within the guidelines of only 24 days a year, still that ag producer can be prioritizing ag production. Still. Even if they are having 24 events a year. So if being a priority of the production of ag is the rule we're after, I just – I'm having a terrible time with that reduction. You're talking 50%, you're talking active farm operators that are using this income because it's set up to be a support *to their farm*. It's a support to them operating and continuing business in our community. And we're talking about SEPA notices to get to this point. You're saying that we're going to 300 feet in every direction, notification, people are having public comment, like this is a big deal. And in two years we've only had two that you're telling me are at this level, and for some reason we need to cut those two down from what their abilities are, whoever is operating. I just feel like it's a really huge reduction and I'm not seeing the evidence of its necessity. Like I love **abating** the definitions and truly getting to the core of where the problems are and I feel like it's very important for us. If these two are aggravating the code, then we need to be correcting that. But for everybody else that's out there that's operating under the code within the guidance of the law the way it's been, for us to reestablish their abilities and now create this limitation to them being able to operate as they have been – hopefully assuming that ag *is* a priority, like I agree that needs to be. But you can still have ag as a priority with 24 events a year, depending on the scale of your farm. And I'm having a really difficult time processing that kind of a reduction just because I just don't see the evidence for it.

Chair Raschko: Okay, can we –

Vice Chair Candler: I have some comment.

Chair Raschko: Can we follow up on that? Does anybody have –

Vice Chair Candler: I would like to follow up on that. I think it comes down to the big A, little t we've been talking about the whole time. You're using words like "priority" and "support" where I think the words that we're kind of going in the direction of trying to use are, like "incidental to" or – I'm looking for the right verbiage because I think that's the difference. And I've been – and the reason I hear what you're saying that way is because at the beginning of all of this I was trying to figure out what the goal was. Is the idea that the farmers who were kind of trying to bolster more ag tourism, were they needing some supplemental income – which I think is different than what we're seeing here from the Ag Advisory Board. And so I think for me that's *not* the direction we're

going. I think that's the reason that I would be in support of the Ag Advisory Board's recommendation and the 12. I'm still looking for the words; I haven't found the right, exact way to phrase the difference between support to the farm and accessory use. Mark might know a better way to say it.

Commissioner Mitchell: I've got something too.

Chair Raschko: Do you want to comment on that, please?

Commissioner Mitchell: Well, one of the things that we're teasing out through all this process and with what the Ag Board's worked on this now for quite a while, it was the fact that those 21 that were pulled out of 10 years for the special – they're the ones that are on the record. They're not the ones that are doing other things. Right? And one of the problems that we had and we came to consensus when we had the big joint meeting and were teasing things out and trying to figure out what was going on, is the creep. And the problem is that there's been creep and it's more than just the two that are on record. There's others that have been doing stuff beyond what they should do, which is why the County was trying to figure out what the heck to do about enforcement stuff. So again, I don't think that this is to *punish* anybody. What it's trying to do is to close a loophole that's being used and it was also – from what their recommendations have said – I thought was really quite clever – where they were doing the two-year notice thing to help get those people back in line. And if the County were to choose as a whole with the code to go from 24 to 12, that helps signal that this is serious, this means business. It doesn't mean we can just continue on and turn a blind eye to other things that are happening. Again, I don't think it's about punishing anybody anywhere, and I think it's more than just the 21 that are on record for the special use permit.

Chair Raschko: Jen, please.

Commissioner Hutchison: Just a remark on that: I hear everyone saying it's not to punish anyone that's legally operating as it is, but it's beyond even just that facility. It's the community that utilizes accessibility to that facility. If you're going to reduce across the board activity opportunities in half, I mean, where are people supposed to go? I just – we – this is an economic issue at a point. I mean, not everything can happen at the Port and certainly everything can't happen at the casinos. I mean, think about age limitations and just – I mean, the types of events that people are trying to have. It's bigger than what we're just discussing in a paragraph, is all I wanted to add.

Chair Raschko: I don't want to put words in your mouth, so if I heard wrong please correct me. But – well, first of all, I presume you're talking about weddings.

Commissioner Hutchison: No! Not even for a second. I'm talking about nonprofit fundraisers. I'm talking about prom. I'm talking about birthday parties, retirement parties, activities. Nothing to do with a wedding. I could care less.

Okay. But – if I heard you wrong, please correct me – but I thought you said if it's not related to the farm yet it still brings income to the farmer and all of this, why not? But then that, then, instead of helping to tighten this down and make it unambiguous, that just opens it up to any number of things then, and the problem that's been going on forever will just continue, in my opinion. Is there anything else? Did you have something on this, Mark?

Commissioner Knutzen: Yes, but if Kathy likes to speak I will _____.

Commissioner Mitchell: Just one little, tiny piece for a reminder is that this is referring only to Ag-NRL. It's not referring to anything else. And you asked a really good question – one of our Commissioners – and that's what I love about having everybody on here asking questions and making us think about these things – the where else. Well, there's Rural Reserve – you know, you can start going down the list where all kinds of things that can be done. What this focus is on is strictly Ag-NRL. And I think if we can remember to focus on the farm, primary use for farm, there's plenty of things that can be done for commercial basis in those 12 a year, plus all the personal things that would be allowed that don't even have to be asked for. And so there's plenty of other zones where all that kind of stuff could go on a lot. I'm done. Just think about it, that's all.

Commissioner Knutzen: I pretty much agree with everything I'm hearing – 80, 90%, but not 100%. Ronald Reagan used to say you get 80% of what you want, go for it. Where do I start? Unintended consequences: We've all heard the phrase "unintended consequences." Everything has unintended consequences. The best example I can give: 18th amendment to the Constitution and the 21st amendment to the U.S. Constitution. Right? Prohibition, 1920, and repeal of prohibition, 1931. How did that work out? You make a box. People figure out a way to get around it. Everybody knows that. That's not fake history. You don't need to go to Facebook to know that. That's in real history books. And that's my big concern and that's what I see happening here. And I waited to comment on that until we got done with the first section because all of this is the same. I think we're – the big A – Tammy, you nailed it – the Big A, small t. You know, we all know the English language is, you know, the worst language. There's so many words that mean the same thing. Some of them are five letters long, some of them are 10 letters long, right? Does anybody disagree with that? If you do, tell me, because I don't know any. They all mean the same thing. Some of us – my strength is five-letter words, okay? Somebody knows 10-letter words. It means the same dang thing. We're all on the same page here, folks. I believe our goal is the same. We're on the same team here. We just need to figure that out. ___ agritourism. I said that before. I'll say it again and again and again and again. You're going to get tired of hearing me say that, right? You already are tired of hearing me say that.

Keep our eye on the prize. We're all on the same page. Ag-NRL, they're going to figure out a way. You go around now – and I know examples because I know a lot of these things. There's a lot of these things that are going on now that shouldn't be there. We all know that! They'll figure out a way. It doesn't matter what rule we're going to write. They'll figure out a way to get around it. But look at the good part of it. Why are they coming here? I've said this before. They love it. They love this venue. The reason they're here is because (of) us. That's the gentleman out here, big A, little t. But you look at some ag organizations – you look at all these crop signs around there. On one hand we're saying we want you to come and look at us. Right? We want you to come and look and see what we're doing. And they say, fine. Can we stop at the winery on the way? Oh, no. We don't want you guys here. You stay the heck out of here. We want this to ourselves. We need to capitalize on that. We need to make sure still big A, little t. We get in here for free, right? We're getting them here to come and see us for free. We just need them to know when we start planting potatoes or spraying potatoes and they're complaining. The night one of my neighbors _____ and I said this before. They like a – you know, they were waving at me not with five fingers but with one finger. Hey. Well, if you don't like it you can go. You can go up to the Port. Kathy, you just said that. We're only talking Ag-NRL here. If you want the big thing, fine. You don't want to play by our rules? It's my ball. You don't want to play with my ball, you go to the Port (and) you can do that. You can go to Sedro-Woolley and do that. There's these zones here. But if you want to play in my playground, you play by my rules. And we hammer them if they don't play by our rules, right?

It kind of ties in, this ancestry.com – DNA testing. And we're getting in the political system now and all this DNA testing. And people are wondering – and I'll tell you where I'm going. If you – you don't have to trace your DNA. All you need to do is run for politics and your opponents will do it for you, okay? I know it's hard to connect the dots on that. Sorry, Tim. ___ Chairman Raschko. Sorry. I know I'm being recorded. Okay. Hi, everybody. And this is more for the people. This is more for *you* people to let you know. Which camera am I on now? No, really! I'm making fun of this. Most of the people in this room *know* this, because look around, people. Everybody's shaking their heads. You guys know me. I asked some questions here earlier. I just got a phone call – sorry. Bluetooth, old guy. See that? Really, for real. I couldn't hear before really, because you guys – Kathy asked me, How can you just sit there? I couldn't hear. I got new hearing aids. Bluetooth. I just got a call from my real estate agent. True story. Sorry, Tim.

Where was I? I lose track easily. Just like a dog when –

Vice Chair Candler: You were connecting the dots of ancestry.com

Commissioner Knutzen: Yeah. We got a good thing here and we know it. We need to let everybody else know, and if you guys want to come and play in our backyard you've got to follow our rules. And manure smells; yes, it does. That's tough. Take the good with the bad. That's all I have at this time. Thank you. Boy, no, I don't want to know now.

(laughter)

Commissioner Knutzen: Hey, I know what I look like, all right? I checked all the mirrors at my house ten years ago!

Chair Raschko: So where do you stand then, on –

Commissioner Knutzen: Where do I stand?

Vice Chair Candler: Twenty-four or 12?

Chair Raschko: Twenty-four or 12.

Commissioner Knutzen: Well, I want 30 because they're going to do it anyway. So I stand (with) 24. I want the highest number because they're going to do it anyway. Any more questions?

Vice Chair Candler: How does raising the number help in the _____?

Commissioner Knutzen: We're not raising the number, Commissioner Candler. We're leaving it the same.

Vice Chair Candler: Yeah, but you said you wanted 30.

Commissioner Knutzen: It is 24 now, isn't it?

Vice Chair Candler: Thirty's higher than 24.

Commissioner Knutzen: Well, I was being facetious when I said 30.

Vice Chair Candler: Okay. I still don't see how, for example, a prom is little t and big A.

Commissioner Knutzen: I understand and I agree with you 100%. But my point – what I was trying to convey is they're going to do it anyway, Commissioner Candler. They're going to find a way around our rule, just like the people drinking back in the '20s did. They're going to find a way around it. It's better to make rules and have them follow them. And I think, Commissioner Hutchison, please correct me if I'm wrong. I'm like Chairman Raschko. I don't want to put words in your mouth. But that was the feeling I got from what you said. Can you enlighten me if I got you wrong?

Commissioner Hutchison: To which one?

Commissioner Knutzen: Pardon me?

Commissioner Hutchison: To which point?

Commissioner Knutzen: A lot of your points. You don't like seeing the numbers go lower. Maybe I'm not conveying myself.

Commissioner Hutchison: Okay, so a little clarity on – I guess my perspective is that there are people operating, I thought, within the law that there's – I mean, if there's a short list of businesses that are breaking the rules of what their special use permit allows, then we need to correct those issues in that circumstance and make sure that people know that once your permit is provided it's expected that you comply with the guidance the way it's been written. I don't know that this section of those rules needs to be adjusted at this time. I mean, at least – I mean, 50% reduction? That's a lot! I just can't imagine being one of those legal operators and being told suddenly that next year you cannot have your expected goal. I just – it's so hard for me to get my head around. Now as I'm hearing some of *you* say that we're talking about operators that don't even have a special use permit. They're not even supposed to be having these events. That's a completely different problem that adjusting this rule, like you say, isn't going to correct either, because they're doing it anyway. So there's that. Am I right?

Commissioner Knutzen: Right. Yeah, I totally agree.

Mr. Moore: Chair Raschko? Might I provide some clarification about the existing businesses and how that would look with – if a potential code modification was made? There's a section of our code for preexisting nonconforming uses, and anything that was properly permitted through a law, a zoning code, or a limitation and then subsequent to that, the law or zoning code changed, that does not affect their approval. They would become preexisting nonconforming at that time. They would still operate under their prior approval.

Commissioner Hutchison: Would that change in transfer, sale of property?

Mr. Moore: Yes. Unless there's limitation upon approval of the special use permit then the special use permit applies to the property and to the use. I just want to clarify that.

Commissioner Hutchison: And then it's forever? That's not going to cease to happen after five years or –

Mr. Moore: If they choose to discontinue a special use four or five years, then they would lose their grandfathering or status as a preexisting nonconforming.

Commissioner Hutchison: That's good information to have.

Mr. Moore: If they discontinue the use.

Chair Raschko: Okay, so where are we on this?

Commissioner Mitchell: Amy's got a question.

Commissioner Hughes: I don't have a question. I have a reality that I have to work on on this one. Speaking to a farmer that's in the hub of where wedding sites have popped up: If we make it five events but he in his process of his operation has to be surrounded by five different events, he has 25 events that he has to juggle and still be a good neighbor. So it's just not that one site. It's the *number* of sites around him that affects – or her – that affects their operation. To me it means that we need to protect Ag-NRL because it has a creep effect on a farmer. So I would go to following the Ag Advisory's suggestion. I think that still gives that farmer who has five event centers that have popped up around him – and wouldn't know whether they're permitted or not – he or she will still have to deal with 50 events. And if that's during a summertime harvest of three months, that's every weekend. When you move into Ag-NRL and you buy a property, you actually have to sign a piece of paper of right-to-farm. I have to sign it if I move – when I moved into Ag-NRL, I had to sign that the farmers around me have the right to farm. And that document is used in the agriculture community often. You signed a piece of paper. This is farming. We will do the best we can. So I think that when you look at how small we are geographically and the number of event centers that have popped up, it's explosive. And even 12 could be a lot in a summertime of three months.

Commissioner Mitchell: Can I ask a clarifying question?

Chair Raschko: Go ahead.

Commissioner Mitchell: I've got a clarifying question for Commissioner Hughes. So what you're saying is in reality there are places where there's a farmer, whatever acreage they have, have people on either three or more edges of their property, depending how that's all configured. So for instance, you're saying that there – right now, in reality, there is a place where there's a farmer that could easily be surrounded with three, four, or five other places that would do a number of events. Is that correct?

Commissioner Hughes: Yes, when you look at how we do agriculture in our community. We have five 10-acre, 20-acre, 40-acres lots. That farmer goes different places to do whatever they need to rotate and so geographically they may have their farm but they may be farming five miles away. So what's happening five miles away is going to affect their operation.

Commissioner Mitchell: I think that's one of the things that most lay people don't understand, is it's not just a farmer that has his own property but it's often that they lease other places. I know some farmers that every year they go on the board to lease properties around different places. It's a patchwork quilt that people don't understand. And that's why it's not always one place, one event that would be allowed maybe 24 a year or 12 a year or whatever number you want to talk about. It's multiples. It can easily be multiples for different things. And so that's one of the reasons I would fall back onto what the Ag Advisory Board was discussing and saying. Pull back to 12 events because it is – we're looking at – it's two-dimensional, three-dimensional patchwork out there that they're having to live with. And with the constraints that they have I think that was the reason. And I would personally fall back on what they were saying after multiple meetings with a number of different farmers from different areas saying the same thing. They came back to us with consensus, which I think is remarkable. How hard is that in any industry? They came back

with a consensus. And so that would be my reason for following back and going with what their recommendations were.

Commissioner Hutchison: I really appreciate the discussion. It's helpful.

Commissioner Mitchell: Ditto. Yeah.

Chair Raschko: It says the purpose of this proposed code change that's going from 24 to 12 is to ensure that any agritourism event business is *incidental* and subordinate to the working farm. So one thing that's going through my mind was that, yeah, if you have 24 it probably makes a business a lot more viable, rather than having fewer events. Fixed costs are spread over more events, et cetera. But they say that the goal is to make sure that the business is incidental, like not a main business. And, you know, if that's the case then I tend to agree with the 12. Is there anything else?

Commissioner Knutzen: I just have a question about the process here. Now – and this might be for staff to answer. This is deliberations.

Commissioner Mitchell: No. This is a workshop.

Commissioner Hutchison: Not till July.

Commissioner Knutzen: Oh, a workshop. Well, what's the sequence? I'm still pretty new here. This is a workshop? We have a public –

Vice Chair Candler: We haven't had a hearing yet.

Chair Raschko: What we need to do is to approve code changes to send on to the Board of Commissioners.

Commissioner Knutzen: We're doing that now?

Chair Raschko: No. These are the ones that they are proposing to have and we're giving them some guidance on whether we would agree with those or not so they can move forward and do the final.

Commissioner Knutzen: This will be before us again. I guess I should have ___ the change to begin with. Okay, thank you.

Vice Chair Candler: Yeah, if you have input that would be helpful to them in drafting it, that's what they're looking for.

Chair Raschko: So that's why we're just asking for consensus here.

Commissioner Knutzen: Oh, consensus. Ah. That's a key word.

Commissioner Hutchison: Is there some middle-of-the-road spot, like 20, 18, 16 even?

Chair Raschko: You know, we can all bash this up again another time. So what do we want to do here on 12 or 24?

Commissioner Knutzen: I could change my vote later?

Chair Raschko: Sure.

Commissioner Knutzen: I'll vote for 24 – uh, 12.

Chair Raschko: Should we go ahead with 12 then?

Vice Chair Candler: I think 12 is the consensus.

Commissioner Knutzen: If I can change my vote later. We just covered that. Thank you.

Chair Raschko: Wow. Thank you.

Vice Chair Candler: Okay, where are we?

Chair Raschko: Okay, we're going to move to customizing Administrative Special Use Permits for Ag-NRL in 14.16.900. I assume everybody's read this. Is there any discussion on what we have here?

Commissioner Mitchell: That language just reiterates what we've just discussed or what the Ag Board recommended.

Chair Raschko: So are we all right with that? Okay, I'd just ask: Is there anything else in the rest of this section of the document?

Commissioner Mitchell: I've got a question for you.

Chair Raschko: Please.

Commissioner Mitchell: On page 9.

Chair Raschko: Nine?

Commissioner Mitchell: Yeah. This skips ahead. This came from the August 25th meeting, too. This part. It's under Recommendation. This was also one of the Ag Board's recommendations that said: "The Board offers that identifying these operations which do not conform with the SCC regarding agritourism should be given an opportunity to observe the law and come into conformity over a two-year period of time after notice of nonconformity. The determination of prior 'vested' rights (grandfathering) is beyond the purview of the board."

I really appreciate that statement and boy, I'm at the same boat. I'm hoping it's the Board of County Commissioners that decide that because that opens up a whole bailiwick! So I do have a question for Jack. Is that something the Planning Commission has to address, is the grandfathering and all that kind of business or not?

Mr. Moore: Not necessarily. No. If the Ag Board or the Planning Commission had some strong feelings and wanted to include that in a recommendation, that's certainly within your purview, but if not then, yes, that would ultimately fall on the Board of County Commissioners.

Commissioner Mitchell: Okay. Personally, I think that was a clever statement – whoever came up with that – because if the County were to decide to go down that path and figure out the grandfathering and everything, which could be really difficult, right? But if they were going to change things, I think it's brilliant to come up with a two-year grace period to let people adjust and that kind of thing. Because that's real business operating timeframe where people can do things and adjust as they need to to whatever the new rules are without being hit right smack in the face saying you're done now or you have to change. And the other half of the part that I think is brilliant with it is if it's longer than two years – if you were to say three years or five years – how often do you see staff turnover (laughs) and other kinds of things that change things? And this would allow the staff and the County to stay fresh and on top of it. I just thought that that was a clever statement in there. We should think about it.

Chair Raschko: Thank you.

Vice Chair Candler: No question about that. But the issue is, I guess, whether or not we would be reviewing any code language that would address it. That's –

Commissioner Mitchell: Right, we may not.

Vice Chair Candler: What would happen if it doesn't get addressed? Is it just – where does it get addressed?

Chair Raschko: Is it really a code issue or is it an enforcement issue?

Vice Chair Candler: I think that it may not be either of those. It may be a – there might be some, I don't know, case law or something on it? I don't know. What happens if it isn't addressed? Is it something where it defaults to a certain known – does it default somewhere?

Mr. Moore: I can give you my understanding and a little bit of background that I recall the Ag Board discussing. So they did discuss this topic at length and decided to focus on, you know, the guidelines and the rules that they wished to recommend for the Ag-NRL zone. And there were so many variables when it came to enforcement, whether it be staffing, funding, et cetera, or desires of the Board of County Commissioners, that they chose to, you know, present the recommendation as you see it. So ultimately how code does work or how current law works is if someone was operating illegally or without a permit where otherwise they should have gotten one, they really have no protections. So permits – for instance, building permits will actually vest to a use or a property. A special use permit allows, you know, continuation of the use even upon sale of the property to someone else. That's codified in Skagit County Code. So those items – if it's not specifically addressed in your recommendation, then that would still be the case with these unpermitted venues. They would simply remain unpermitted; they would not be specifically grandfathered in under any current law; and the Board of County Commissioners may choose to direct the departments and staff to pursue enforcement activities on all, some, more recent ones. I'm not sure what their guidance would be on the code enforcement end of things. But if we don't change anything or provide any recommendation on specific grandfathering – for lack of a better word – then it would just default to how I described it.

Vice Chair Candler: Can I ask one more question? Is the Department planning on making a recommendation about this proposal by the Board that – on the two-year conformity? Do you know if the Department plans on weighing in on that when they write their staff report?

Mr. Moore: If the question of, you know, enforcement or type of enforcement or grandfathering, you know, if that's not addressed in the Planning Commission's recommendation then the Department anticipates offering a number of possibilities to the Board for consideration when it comes to code enforcement.

Vice Chair Candler: Would the – so what you would need from us is our consensus or direction on whether or not we want you to provide those options to us at an earlier stage so we could consider them? Or do you want us – are you saying we should –

Mr. Moore: If the Planning Commission would like to include that as part of the recommendation, then we could draft some potential options to consider as part of your recommendation.

Vice Chair Candler: And it sounds like you'll be drafting them either way. It's just a matter of at which stage.

Mr. Moore: Likely.

Vice Chair Candler: Okay. Thank you.

Chair Raschko: Anything else?

Commissioner Knutzen: I just have a little bit of information to add, I *think*, but I do want to ask for clarification from staff. I think we could use more help in understanding this stuff. A lot of us could. My understanding is there's going to be an Ag Advisory Board meeting tomorrow night right here in this room. Can anyone fill me in on that – in staff?

Mr. Moore: Yes.

Commissioner Knutzen: So if anyone here has time tomorrow night, 7 p.m., are we allowed to go to that Ag Advisory Board meeting?

Mr. Moore: Yes.

Commissioner Knutzen: And it would be most helpful for me, and I suspect others, if we could attend there, and I would expect that the Ag Advisory Board members would like us there. Just guessing. Is that correct? Does anybody know?

Ms. Ruether: Yeah, it's a public meeting, so yeah.

Commissioner Knutzen: Okay, thank you. So there you have it.

Chair Raschko: Thank you. Are we ready to move on?

Commissioner Hughes: I'll ask – if I could ask one more question?

Chair Raschko: Please do.

Commissioner Hughes: We're not dealing with the topic of enforcement. At the last meeting we talked a little bit about enforcement. That's not on the agenda right now.

Mr. Moore: It's not part of the recommendation from the Ag Board that you're considering at the moment, so if you chose –

Commissioner Hughes: Okay, so that's still –

Mr. Moore: – to pick it up then, you know, you certainly could provide recommendations if the Board so chose.

Commissioner Hughes: Okay.

Vice Chair Candler: Can I ask – can I just – I think the Department's kind of wanting to know, Amy – Commissioner Hughes – what we would like to see in the code, so if that's – I mean, I think that's kind of more directed by you or us more so. I'm throwing that out there, if you want to try to propose or if someone wants to say to the Board, Please consider some language about enforcement, then I think that we could ask for that.

Commissioner Hughes: I would support that we entertain the conversation to say something about what we could do with enforcement. We discussed about a funding mechanism for that but that didn't really go anywhere. So we still have that issue as how would we fund this, and I think that that was the stopgate of enforcement always – is who's the employee that – and how are they going to do this? But to have code and not have it enforced, I think that's why we're where we're at right now. So I think we need to have a conversation on that.

Chair Raschko: Are those not two separate questions, though, and our job is to recommend the code?

Vice Chair Candler: Yeah, but isn't that the same thing? We recommend that there be something in the code about enforcement. I mean, it could be that simple.

Commissioner Hutchison: Right. I think as far as trying to get the monies to fund the activity of enforcement, we could use fines against people who are not licensed or permitted at all as an initial action to start seeing some monies directly into a pot that's retained for further –

Chair Raschko: Okay, but where we're going right now is – the purpose of tonight's meeting is to give guidance on the code changes. And I'm not against delving into the other but I think we're ill-prepared tonight to start that discussion.

Commissioner Mitchell: Can I add something?

Chair Raschko: You may add something, please.

Commissioner Mitchell: If we go back to what staff provided us in the report for tonight on page 2, the last line of the top paragraph – let's go with the last sentence. That makes it easier for everybody. "At the request of the Planning Commission, a joint meeting between the Planning Commission and the Agricultural Advisory Board in early 2023 provided a consensus that enforcement was needed and that current code was adequate if enforced." And I added "plus definitions fixed," which I think the Ag Board did. They offered things for that between "accessory" and the definition itself. So I think that that part was already agreed – that enforcement was needed for a whole lot of reasons – and that's why most people were saying that with these recommendations – with these simple recommendations but crucial recommendations that the Ag Board did, knowing that enforcement's a big issue, that it would be appropriate to pass it back

to the County that does that. I mean, I wouldn't want to be telling a professional how to enforce something. Does that make sense to anybody else? I don't know if I could bear that weight when the County already knows that, right? That's one of your big issues with everything is enforcement, isn't it?

Mr. Moore: If I understand your statement and question, yes. I mean, we have a code enforcement chapter adopted. It does have the possibility of fines and daily fines for nonconformance with the code. In practice, it's not always bright on those and I can tell you the percentage of times that those types of fines are collected is quite small. There's a lot to code enforcement, whether it be budgeting, staffing, interaction with prosecuting attorneys when help is needed. That's a separate department under a different elected official. There are different staffing assigned to these sorts of things and prioritization of referrals that the Planning Department makes to them. So it might be more complex than you imagine.

Commissioner Mitchell: I was going to say it's a lot – I would think it would be a lot more complex than our – other than saying "Yay" to do it right.

Mr. Moore: That is the tough part so, you know, and that's where the Ag Board – forgive me if I'm speaking on your behalf, but I understood the Ag Board decided to maybe not delve into that aspect because there're so many other parts that aren't related to the development code or limitations to the development code, and stick to, you know, Title 14 and the zoning limitations. Because there are – it's such a multifaceted issue, code compliance. I think it certainly could be that you, you know, impress upon the Board how important it is, you believe code compliance to be, but coming up with a – you know, necessarily coming up with all the funding mechanisms and the level of staffing and different fine structures, that may be a little complicated and take a lot of extra time.

Commissioner Mitchell: Yeah. Thank you. That's the feeling I was getting from what they had considered pretty heavily. And I think we've run into this before, and we certainly have the capability – this is still early. We're still workshopping and we still might have another one. I don't know. So we haven't seen the final product yet. So when it goes through all its stages and things like that, let's pretend that we were there and we would have gone through deliberations and we were building the Findings of Facts and Reasons. That's when we could put it back in there and say: Dear Board of County Commissioners, enforcement of the code's real important! And then let it go because we're not the experts on that. Just a suggestion.

Chair Raschko: I agree with you.

Commissioner Mitchell: I mean, is that making it easier for anybody trying to digest this?

Commissioner Hutchison: Share the burden

Chair Raschko: Pardon me?

Commissioner Hutchison: Share the burden.

Commissioner Knutzen: Ask me tomorrow.

Chair Raschko: I think our job here is to make reasonable recommendations and code, and we could admit to ourselves that yeah, people find a way around them and this and that and that. So, you know, we have a choice. We can throw our hands up in the air and say Okay, everybody go

do whatever they want, or we can make the recommendations that make sense and achieve or *aim* to achieve, you know, the goals that have been set out to accomplish. I think we should stick to that for now. And as long as the recommendations are reasonable, then it's up to somebody else can figure out how they're going to enforce them. Are there any other thoughts on that?

Vice Chair Candler: Sure. Real quick.

Chair Raschko: Okay.

Vice Chair Candler: I think it could – personally I think that what I would propose when the time comes if I'm inclined to do it, would be to simply make one of our recommendations be that the Board of County Commissioners – the Planning Commission recommends the Board of County Commissioners to direct the Department to focus on enforcement rather than expansion of the agritourism code section. Because I've heard it multiple times. I heard it at the joint meeting with the BOCC and the Ag Advisory Board. I'm seeing some of it in here. I think that it's – I'm hearing, you know, somebody wanting to throw their hands up. I also heard Commissioner Browning loud and clear: There's not funds for that. Or I don't know exactly what he said but it seemed to me that that is a – just a dead end. But I don't see any way you can't at least make that part of this conversation. I just don't see it working any other way. That's it.

Commissioner Knutzen: I agree totally with what Commissioner Candler just said. We have to bring it to the table. It has to be discussed, just to let people know we're working on this. Let people know that aren't here: Hey, we're talking about this. Thank you. That's it.

Chair Raschko: Okay, are we ready to move on? All right. We're already at Exhibit A. Do we need to go through Exhibit A? There is a recommendation on Page 3: "The leading statement in RCW 36.70(A).177 above should augment the existing Agricultural Accessory Use definition by including: Accessory uses shall be located, designed, and operated so as not to interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties."

Has that already been incorporated?

Commissioner Mitchell: Sarah, has that been incorporated?

Ms. Ruether: You know, I don't know that that is. I have to decide where to put that in the code.

Vice Chair Candler: Could I make a suggestion?

Chair Raschko: Make a suggestion. Please do.

Vice Chair Candler: I would like us to maybe ask if we have a consensus about all of these recommendations or whether somebody wants to be heard on one of them, because I thought that the whole thing made sense as a document, as a plan, and I would recommend that we give the feedback to the Planning Department that we agree with this and we want them to pursue this. But people could differ on individual things and so I'm just wondering if we can get a consensus as to whether or not there is a big discussion on this section of the document that we have not had.

Chair Raschko: Well, for preparing for this meeting, my first thought was why don't we just have a vote to approve the whole thing and be done with it? But I thought that might be a little precipitous.

Commissioner Knutzen: I'm glad you made that decision, Commissioner.

(laughter)

Commissioner Mitchell: You could do a straw poll Tim, too. You could do a straw poll and see where people are.

Chair Raschko: Well, if we're talking about Section A, which is the recommendations of the Agricultural Advisory Board, I'm all in favor of that. I just had a few questions. In fact, basically two points, and the first was – on page 4 you can see the second paragraph. It talks about a one-acre limit on where these events occur. That would include parking and everything else. And I presume that that would be the one acre that's allowable for each 40-acre parcel to be used for non-agricultural uses. I shouldn't say "non-ag," but, you know, for barns and for infrastructure, for a home to live in and all of that. Is my understanding right?

Ms. Ruether: Yeah, and that's a state – that's a state – that's a GMA state thing so it's kind of like we're nested under that. So that is the state law. But our state gives a lot of leeway in how you implement it.

Chair Raschko: Yeah. Well, I'm all in favor of that. But I have one other question. Is that one acre where somebody decides to put their barns and corrals and everything else – their home – is that a separate tax lot or is that just a designated area?

Ms. Ruether: I don't know state law very well. I think it's just a way of saying that you can. I'd have to look at it. I think it's just a way of saying you can't – to stay Ag-NRL, you can't develop more than that, but I don't know if it specifies the tax law and that kind of thing. I'd have to look it up. It gets that in detail.

Chair Raschko: Okay, so if it's *not*, on each 40-acre parcel would this land have to be surveyed out or, you know, some way of designating this is a 210-by-210-foot acre right here? Or is it just sort of you start building and _____.

Ms. Ruether: I think it's a GMA big picture. I mean, GMA is your big picture planning. It's your big picture planning like you think about like when you're doing ratios. It's saying that this is the ratio you can have of developed land to your Ag-NRL to keep it for the purpose of Ag-NRL. And if that ratio changes, then it's no longer like – you know, it's not farmable. So it's a way of saying you can't – because when you make a parking lot or a building, you're not farmable. So you have to keep that ratio correct. I think it's big picture, but I'd have to check on that. I'm not an expert on that.

Chair Raschko: But it just seems to me that it's sort of something that is maybe not enforced necessarily. Go ahead, please.

Commissioner Hughes: I think where the enforcement comes in is probably the assessor, the county assessor. They go around and they will visit sites and if you're out of compliance you get taken out of the open space taxation role.

Chair Raschko: That's very helpful. Okay.

Commissioner Hughes: Now that needs to be confirmed but what I can see in real life that it's the assessor that usually is the one who will bring something back down within compliance. If you want open space taxation, you need to follow this.

Chair Raschko: What's interesting is I drive around the county out in the farmland. Since this issue has come up I'm looking at all this stuff. I don't want to name any names. But I look at it and go, How in the neck do they fit all that parking and all those other things and everything else on one acre? You know? And – well, anyway, I –

Commissioner Knutzen: Chairman Raschko? May I attempt to address that?

Chair Raschko: Sure.

Commissioner Knutzen: What Commissioner Hughes is referring to is the Skagit County Open Space Committee. And you are correct. It is the Assessor's Office and when you look at your tax statements in the Ag-NRL zone – and I know this for a fact because I have some parcels – it's current use – there'll be current use, which is just like it says. Current use: What are you using it for? And there's market value. And this goes way back to the Open Space Act. People recognize Open Space Act. A lot of people do. It's really hard to get your head around. I understand that. So I've been on this Open Space Committee Act since the 1990s, which is why I get my basis of information for it. Every year we meet and it's up to us to determine the rental value, which is what's used to calculate current use versus the market value. And the reason that came in in 1968, _____. In 1971 Skagit County passed it, right? Well, I don't – this room was not here in 1971. This was a field, right? And it's voted in by the voters of the state because save farmland, right? Who doesn't want to save farmland? We tax ourself (sic) to save the farmland. But you have to be in compliance. And the carrot and the stick? You have to prove to the County that you're in compliance. We'll get notices – I'm sure a lot of you get them – that you have a field. You have to stay in compliance. Well, you say there's no enforcement but your taxes are going to change. They'll go back and tax you with market value, which is up here, because the market is. That's what - \$5,000 an acre for some of it. It'll sell for that. If you can prove to them that its current use, which is horses, you get the tax break! We don't have to send anybody out there to enforce them Hey, you hit them in the pocketbook, right? Hello! Who doesn't respond to that? And your taxes will be higher. Now you can choose to not pay your taxes, but that has consequences too. And I know a lot of people complain when they get that. But, folks, it works. And a lot of people complain about it. And that's the one on ag accessory use, and the other thing is the one-acre I will address. And this was explained to me by the people in Planning. And the one-acre, you asked if it could be by itself or part of the 40, and the answer – we know the answer is “both,” right? It always is. If you're 80 acres or more, you can have two 40-acre parcels. You can. That's a subdivision. You can actually do that. You can carve off two one-acres but there's always rules. It has to cluster. You see these big open fields out there? Not on Ag-NRL so much but Rural Reserve. You see them all in one spot. Why are they all there – all this open space? That's code. You can cluster. Okay? If you're 40 acres or less, the one-acre has to be part of the 40 acres and you have to be accessory use. That's when you hear “accessory use.” Accessory to agriculture. You can't split that one acre off. You used to be able to do that: grandfather it in, okay? And I'm sure everybody followed everything. That's all I have. Questions for me?

Vice Chair Candler: I remember when it was two per 20, I think.

Commissioner Knutzen: Oh, okay.

Chair Raschko: Well, I find that to be very helpful. But one thing was said just –

Commissioner Knutzen: _____ anything to add, please add to that. I mean, this is a discussion, right?

Chair Raschko: Right. But one thing that you said at the end was that it has to be accessory as well for your taxes to stay.

Commissioner Knutzen: No. The accessory there – again, the devil's in the details – accessory use, and that's not the assessor's office. Remember when a few months ago I hadn't learned code language? Well, I'm starting to learn. I'm bilingual now. Actually I can – I'm three languages. I can read body language pretty good so I can use three. Accessory use has to do with those people over there. But ___ use is the assessor's office. I mean, you see why we struggle with this? Come on.

Chair Raschko: Well, anyway, I appreciate your point. You answer a lot of questions for me. Okay.

Commissioner Mitchell: Chair?

Chair Raschko: Yes?

Commissioner Mitchell: I've got a thing that might be helpful.

Chair Raschko: And what would that be?

Commissioner Mitchell: Well, we've gone through most of what the recommendations were already and it sounds like we've come to consensus on most of these one way or the other. Maybe the question should be at this point: Does anybody have any objection on any of the recommendations, you know, barring what we've already gone back over so we don't have to rehash stuff. I think we're about done here.

Chair Raschko: Well, I'm sorry to sidetrack that. I just had that one question _____.

Commissioner Mitchell: No, no, that was perfectly appropriate! But I think they – maybe the question is to ask were there any objections?

Chair Raschko: That was *exactly* what I was going to do next!

Commissioner Mitchell: See? I read your mind.

Chair Raschko: Can we assume that we have consensus on pages 1 through 9 of the Exhibit A? Yes?

Commissioner Hutchison: May I just note on page 7 it had come up about fees and trying to – under "Temporary Events" on page 7. The recommendation number 2 is bringing fees and enforcement into the dialogue – which I know we are a little hesitant on including in our recommendations from what I've heard tonight. So I just wanted to point it out that it's there. But otherwise it seems that all of these recommendations are quite consistent with everything we've been discussing.

Chair Raschko: Is there any discussion on that?

Vice Chair Candler: I actually saw that too.

Chair Raschko: You know, I thought about that too earlier.

Vice Chair Candler: Yeah, I think that's a good point.

Commissioner Hutchison: You want it noted somewhere, so perhaps leaving it there is good for future dialogue when it gets to the next step.

Chair Raschko: I'd say we approve this and accept the portion about fees and enforcement and have that left for a later time.

Commissioner Mitchell: It does – like the others were saying, it does allow the conversation to happen. And if this stuff goes into staff's reports and it goes out to the public for public comment and things like that, then that certainly will bring anything back that you guys are looking for. Right?

Commissioner Hutchison: It might bring some feedback from –

Commissioner Mitchell: Mm-hmm. So if that is the case on where we are, I would suggest that we accept what the Ag Advisory Board had recommended and recommend that staff incorporate those things into their report.

Chair Raschko: Including the fees and the –

Commissioner Mitchell: The whole ____.

Chair Raschko: And then just react to the –

Commissioner Mitchell: Uh-huh, see what happens.

Vice Chair Candler: We'll make a recommendation that maybe if they don't like it or maybe they do or whatever, and then we respond to that, you mean?

Commissioner Mitchell: Yeah, see what happens with the public.

Vice Chair Candler: Yeah.

Chair Raschko: So, does it sound good to you? Everybody?

(sounds of assent from several Commissioners)

Commissioner Mitchell: Mm-hmm.

Chair Raschko: Okay. All right.

Commissioner Mitchell: Do you want an actual vote?

Chair Raschko: I don't think we need a vote.

Vice Chair Candler: Defer to the Department. Do they need us to actually vote or are we just –

Ms. Ruether: This is a workshop. If I put fees in there it's like a whole other – it's a whole other ball of wax, but we could put it in a very general sense, I guess. I'll have to talk about how to maybe incorporate that and the enforcement too.

Vice Chair Candler: Do you have enough feedback from us tonight to proceed or do you need something more?

Ms. Ruether: I do. I think the fee thing is hard because it doesn't fit within our structure for administrative special use, so that piece of the AAB's recommendation did not fit. I couldn't fit it in any of the other pieces. So I just don't know how to incorporate that. I mean, we can maybe put a recommendation that this be further – be the next step. The next step after the code changes is to do more research on fees and enforcement kind of a thing. I'm not sure they fit within – because this is code. This is not fees – what I presented to you.

Vice Chair Candler: I just meant in general, all of this.

Ms. Ruether: Yes, yes. Yeah.

Vice Chair Candler: Okay.

Ms. Ruether: Okay.

Chair Raschko: I would only ask whether anybody has any issue with Exhibit B.

Vice Chair Candler: That's a leading question.

Chair Raschko: Which is one page after page 9 of the –

Commissioner Mitchell: Well, you would be using Exhibit A and Exhibit B anyway, wouldn't you? Because Exhibit A had the definition, correct? So it wouldn't be just what we're seeing here.

Ms. Ruether: Yeah, I mean I would use it as the attachment. But, you know, the underlined portions are the actual code changes that would, like, go to Code Publishing and be part of the code.

Chair Raschko: So – okay. Everybody's okay with Exhibit B?

(sounds of assent)

Chair Raschko: All right. I don't know that we really need to go through the agritourism NRL zone flow sheets tonight. Does anybody wish to?

Vice Chair Candler: I have a question about them.

Chair Raschko: Yes?

Vice Chair Candler: Is the – I was wondering about the use of the charts. Does the Department envision putting a link to any kind of a flowchart in the code itself?

Ms. Ruether: It might be an educational document. It wouldn't be a code document.

Vice Chair Candler: An educational – you mean like a pamphlet that's passed out?

Ms. Ruether: Yeah.

Vice Chair Candler: I see. Okay. Yeah, okay, thanks. That's what I wondered.

Chair Raschko: All right. As far as I'm concerned, I'd skip ahead to the Allowable Agricultural Activity in the Ag-NRL – and what do you call this? The test under the current code. I think it's wonderful. Does anybody have any discussion or any problem with it?

Commissioner Mitchell: The test is pretty much the flow chart in words, isn't it? Yeah. Okay.

Commissioner Hughes: I read it as support material.

Commissioner Mitchell: Yeah.

Chair Raschko: It *is* support material. And as well, finally we've got a code for Home Based Business. Have we any need to discuss that? That's the last part of the document.

Vice Chair Candler: That was just put in for our information.

Commissioner Mitchell: That's just an FYI.

Chair Raschko: Okay, is there anything else under Agritourism Work Session?

Commissioner Hughes: I have a story, if you'll let me share, that will maybe pull this all together and give us some optimism from a very complicated matter that we're trying to deal with. I was able to travel in March to a different state where there was a farmer who wanted to show off his chocolate – his cocoa plantation. And so he decided in his retirement to grow cocoa trees – would that be the correct word? So he has this orchard of trees. But then you have to do something with all those – that product, so what do you do? He decided to process it and have a factory. And so how his ag tourism operation looks is his factory is in the light industrial park in the closest city. And it's right in the middle of all the other industrial things. There's no difference. He shares parking lots with all of his neighbors. People go there to the factory. You can see through the glass windows the chocolate being made. You can buy not only the chocolate but you can have ice cream and brownies and anything else chocolate. But if you'd like to see his cocoa fields, his orchard, you get on a little bus that he has and you go four miles and you go out and you tour through his orchards. And that's an extra cost. And the place was packed. It was packed with people, the bus was coming and going, people were spending the money to ride the bus out to see the plants. And he's in his third year of operation but the first two didn't count because it was COVID, and so this is the first year it was really opened up, and I was just blown away at the business he had – the *following* he has had. So I think it is possible to do ag tourism within boundaries. I'm optimistic that we can figure this out. That's all.

Chair Raschko: Thank you. Sounds like an exciting vacation!

Commissioner Mitchell: We were thinking Willy Wonka.

Commissioner Hughes: Well, I felt like it! I bought chocolate for everybody!

Chair Raschko: Okay, is there anything else?

Commissioner Knutzen: May I address that? I agree with it 100%. I'm speculation when you talk about this state that's growing cocoa plants. Tell me it wasn't Idaho. I don't know. You don't need to answer that. And that is best case scenario. I agree with you 100%. The only problem I see with that – and I can relate to this personally – not everybody has the wherewithal to do that. And do we say to people, Hey, you can only do this if you're rich? And I'm being not very fair with that comment, but a very wise friend to me – a very, very wise friend of mine – you'd all know him if I said his name, but I do have some discretion. I know it's hard to see – he said, Mark, it's a lot easier to farm *with* money than it is to farm *for* money.

(sounds of agreement)

Commissioner Knutzen: Is there anybody here that disagrees with that? People that have money can do that. There's some big farms in this valley that are farming that way right now. They're farming *with* money. They're not farming *for* money. They can do that. Not everybody can do it. Thank you.

Vice Chair Candler: I did the same thing, but it was agave plants and the product was tequila!

Commissioner Hughes: Okay! See!

Chair Raschko: Okay, with that we are going to terminate our work session. Thank you, everybody. Director's Update, Mr. Moore?

Mr. Moore: Thank you, Chair, I'll share a little bit of what's been happening in the Planning Department – some of the projects and different things that have been going on. Our first special use permit for a battery energy storage system was received by the Department. The application itself was determined to be incomplete but there is a company moving ahead with potential permitting of one of those systems. This particular one is near Sedro-Woolley.

Some other items of note you may have seen. There was a fire marshal – our fire marshal team published a burn ban in conjunction with our neighboring communities, the fire districts, DNR, et cetera. They coordinate that every year. We've been doing a lot of – we're very busy this year, I guess, in general. We track – we do multiple data tracking on how much work we have. It gives us a good picture of what's going on in the community and what we might need to prepare for. And so far this year we are – the projects we're seeing come through are higher than any of the previous three years that we're currently comparing to. So it's promising, even though we all are aware of, you know, rising interest rates and softening of the economy potentially. But we're happy to see that – that we're continuing on with all that work.

We have been talking to, working with a lot of different state agencies. DOT is doing a kind of a traffic planning study of I-5 from Anderson Road to Cook Road, trying to look at all the concerns that we have here. I would encourage anybody who might be listening and might be interested to leave comments. They have a – DOT has a public comment period open on that right now and we'll be putting that on our website. We might do a press release actually on that, too. I was talking to the County engineer about that today. So they want to hear from the public on interests/concerns that we have there.

So another large-scale planning process that's happening that, you know, has trickle-down effect to the counties is the state Comprehensive Outdoor Recreation Plan. They have a draft out right

now of areas of interest. They've collected a lot of public comment, and then that'll help inform the direction that they would see pursuing projects and/or allocating money to local jurisdictions to provide different recreational opportunities. So (we've) just been involved in a lot of that.

Preliminary discussions with a property owner and their consultants on some property development out adjacent to the Port in the industrial land. There was – a state building code was slated to be in effect July 1 here shortly. There were some case lawsuit decisions actually out of California that may affect the implementation of Washington state's code, so Washington state decided to delay the implementation of the state code for 120 days while they consider those effects. So we, as a department, have the County modifications to the new code already drafted. We're going to continue with the process with the Board of County Commissioners on those, but those won't come into effect until, well, at least October at this point.

There are some large projects out at the Skagit Port we've been working with them on. Apron restoration/expansion. There are – let's see – working with some smaller scale projects with Paccar as well; finishing up some – getting close to finishing up some land divisions; final phase on Cascade Highlands. I can't think of anything else we could share on that. Internally I don't know if it's very exciting for anyone else, but the Department itself and the County is in the process of a large-scale software transition. So it's our permitting software. We've had the same one for around – over 20 years. It's very antiquated and not working very well so that is a big effort for the Planning Department at least. A lot of staff is dedicating a lot of time to help make that a success, and so I'm very appreciative of everyone and their efforts on that. So that's all I have.

Chair Raschko: Thank you. Any questions? Please.

Commissioner Hutchison: The 120-day push – that's a federal case that's underway? Was that because of the natural gas inclusion being restricted?

Mr. Moore: Yes. Yes, that is accurate. That's correct. So it was a federal court decision that the limitation or outlawing the use or greatly impairing the use of natural gas, they thought that the state codes on that might – well, that they overstepped their bounds over to a federal commerce jurisdiction. I know I'm chopping this up because I'm not an attorney. But, yes, roughly speaking that is the nexus of the reconsideration for Washington state.

Commissioner Hutchison: And then on the county level, I'm not sure if I completely understand it right. So there was a brief meeting yesterday with the Board of County Commissioners and the gentleman that was speaking – I'm sorry. I don't remember his name – he was kind of going through some bullets on everything that should be included under review, and there was a mention – I want to say that I heard him explain that you're trying to include a method for – say I open a permit today before the July laws go in, and then I am home-builder ready, action plan/budget set, and now July comes and code changes – or hopefully August code changes. And there's going to be a way that now my permit gets put back under review, or am I wrong in what I think I heard? I am – because that could change a lot of workflow actions for people that have been given the go-ahead.

Mr. Moore: That gentleman was our building official, Randy Johnson, and there are two things. The thing I believe you're referring to had to do with renewing or extending an expired permit or soon-to-be-expired permit. So one of the local modifications – and what it is is this is current practice already, so we're just explaining it and clarifying it in the code this time – that if someone has a permit and say that permit is three years old – your permit's valid for three years to build your building. If for some reason that you're not able to do that and you come in and you want to

extend that permit, if there's been a code change since your permit was issued, as a part of a condition of renewing that permit, that we would review it to make sure that any changes to the plan – see if there are any changes that would need to be made to be compliant with the current code prior to renewing that permit.

Commissioner Hutchison: And I'm just curious: Would that be from the continuation phase, would I still need to complete, or would you even go backwards and say sorry, your insulation in the walls is no longer –

Mr. Moore: Oh, no no no no. So a continuation is just a continuation. You can't go backwards.

Commissioner Hutchison: Okay. You're ongoing.

Mr. Moore: You're not going to require a demolition of something that's already been constructed!

Commissioner Hutchison: I love the clarity. Thank you.

Mr. Moore: No, no, I want to be very clear on that that it wouldn't happen. And that's the same thing if – unfortunately sometimes people forget to get their final inspection on their house when they move in, and then some years later they figure out uh-oh. Maybe the bank catches it when they refinance or something. And they'll come back and need to get us to, you know, help them with getting that final and get that paperwork in place. So when we do that, we're not going back and looking at the whole building. We're only looking at the very final step and the very last part just to make sure that that's done correctly. So yes, we're not looking at going backwards on that.

Commissioner Hutchison: Thank you.

Mr. Moore: You're welcome.

Chair Raschko: Anything else? Yes?

Commissioner Knutzen: A couple questions and I'll let you choose how to answer them. They both have to do with the Port. One is the Amazon building. I'd like you to tell us what you can tell us. I know there's things going on but you can't tell us. And also you mentioned adjacent to the Port there's something going on on some of the lands. We were up there last year and they – you know, Project One, Project Two, if it's a reference for that. Is there anything you can add to either one of those?

Mr. Moore: Sure. Yeah, so I can share anything that comes through our department as it's all public record at that point. The Amazon building was, you know, substantially completed from our perspective. There was a business decision not to do a full move-in on the part of the owner. They came back and requested a certificate of occupancy for a reduced scale operation in the building to do some R&D basically. So we issued a certificate of occupancy on – a *limited* certificate of occupancy for that scaled-back use.

Commissioner Knutzen: Okay. And the other project?

Mr. Moore: The other project is just continuation of land development on the east end of the Port property. Mr. Bouslog owns a lot of property up there and he just – you know, he's a long term thinker and is just looking at, you know, for the properties that remain vacant he's just looking at how to best provide services there, utilities, et cetera.

Commissioner Knutzen: Many of us attended a presentation up there about a year ago at the Port. We went up there and we went in the Port office and they had between – Peterson Road, south of Peterson Road, the firehall that's there that was for the school that was going to be up there. We know that. And that's the area that I remember they were working on now. Do you know if that's the area we're talking about?

Mr. Moore: Yes. Yeah, it's very near the fire station.

Commissioner Knutzen: Okay. Project One, Project Two, Project Three. I think I don't remember. But that's the general area?

Mr. Moore: That's the area, yes. I'm not aware of any specific projects. It's a more higher level –

Commissioner Knutzen: Well, and it might be five or 10 or 15 or 20 years down the road. We don't know.

Mr. Moore: Yeah. Sure.

Commissioner Knutzen: Thank you.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Well, thank you very much.

Mr. Moore: You're welcome.

Chair Raschko: Planning Commissioner Comments and Announcements. Mark, have you got anything?

Commissioner Knutzen: You're giving me another shot?

Chair Raschko: Well, I was thinking of going last with you.

Commissioner Knutzen: Yes. This was a wonderful meeting. I think we are so close to an agreement. We can get an agreement on this. I wish – I know that we're missing three commissioners. I know one of them is gone for quite a while. The other two would have added substantially to this discussion. Because I'm the new kid. Actually, thank you, Commissioner Hutchison, because I'm not the new kid anymore. She is. But I think we're adding a different perspective, I think is the best I can say. Staff, you did a wonderful job tonight, especially – I don't know if I can say Sarah's name or not so I'm not going to say her name, okay? Commissioner/Chairman Raschko, I especially appreciate you because I know the antics. I'm not stupid – come on. I'm just a little slow sometimes. I appreciate your forbearance with me and I'm going to chastise you a little bit, because I know me. Everybody here knows me. And I gave you, Commissioner Jack Moore – Chairman Jack Moore probably doesn't know this. It was our previous planning director was here. And I gave you an opportunity to shut me up. I went _____. Remember that?

Chair Raschko: No.

Commissioner Knutzen: I did! Anybody remember that?

Female Commissioner: I remember.

Commissioner Knutzen: You get them all again? Because your hair's the same color as mine. I'm going to tell you again. You want to set me up. I'm not saying I'm going to set up, but I'm going to give you an opportunity. Okay, that's all I have. Thank you.

Commissioner Hutchison: I thank you all for the discussion. I really appreciate and enjoy the process that we get to have on this body, and I'm glad to be the new guy. So thanks.

Commissioner Knutzen: Me too!

Vice Chair Candler: I don't have anything.

Chair Raschko: I'd just say again thank you both, the Ag Advisory Board and the staff, for a really great preparation for us tonight.

Commissioner Mitchell: Same thing. A copious amount of work that you guys did, a stellar job for everybody wrestling through it and coming up with **illuminations** like you did. I really do appreciate it. It made things a lot easier, especially going out to poor staff with trying to get everything ready for the public portion that's going to be coming. So that's crucial. Thank you so much for your hard work.

Commissioner Hughes: Nothing more to add.

Chair Raschko: Okay. Well, thank you, everybody. Have a good meeting. We will be adjourned (gavel).