

Resolution No.

**A RESOLUTION REMANDING PROPOSED AGRITOURISM CODE CHANGES
TO THE SKAGIT COUNTY PLANNING COMMISSION**

WHEREAS, the Washington Growth Management Act, RCW 36.70A (the “GMA”), and specifically RCW 36.70A.060, requires that Skagit County adopt and maintain development regulations that protect agricultural lands, to assure the conservation of agricultural lands, and that activity on adjacent land does not interfere “with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food [and] agricultural products...” RCW 36.70A.060(1)(a).

WHEREAS, Skagit County Code 14.16.400 regulates Agricultural-Natural Resource Lands (“Ag-NRL”) within Skagit County’s jurisdiction.

The purpose of the Agricultural—Natural Resource Lands district is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. Non-agricultural uses are allowed only as accessory uses to the primary use of the land for agricultural purposes. The district is composed mainly of low flat land with highly productive soil and is the very essence of the County’s farming heritage and character.

SCC 14.16.400(1)(a)(Purpose).

WHEREAS, on April 18, 2023, the Skagit County Agricultural Advisory Board recommended amendments to Skagit County Code that would, among other things, explicitly define and limit Agritourism (hereinafter, the “AAB Proposed Code Amendments”).

WHEREAS, on December 13, 2023, the Planning Commission recommended the Proposed Agritourism Code Amendments for adoption by the Board, substantially in the form proposed by the AAB; and

WHEREAS, based on its review of the record and the AAB Proposed Code Amendments, the Board concludes that further Planning Commission deliberation is necessary; and

WHEREAS, the Washington Supreme Court is currently considering the matter of *King County v. Friends of Sammamish Valley*, No. 102117-1, which, when decided, may significantly impact commercial uses on lands zoned for agriculture, which in turn may impact the County’s permanent ordinance under consideration; and

WHEREAS, SCC 14.08.090(4) provides, in relevant part:

If the Board does not agree, either in whole or in part, with the recommendation of the Planning Commission, or if the Planning

Commission forwards an action without an official recommendation, on a proposed plan, plan amendment, or development recommendation, the Board shall proceed as follows:

.....

(c) In cases where the Board wishes to consider a substantial change to the proposal the Board shall allow additional public comment opportunity prior to final action. The Board may choose any 1 or more of the following options to provide such an opportunity:

.....

(iii) Remand of issue(s) to the [Planning] Department or the Planning Commission for additional work, study, review, or refinement;

(iv) Remand of issue(s) to the Planning Commission for an additional written public comment period;

(v) Remand of issue(s) to the Planning Commission for additional public hearing(s) and recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Skagit County Board of Commissioners:

1. Pursuant to SCC 14.08.094(4)(c)(ii-v), the Proposed Agritourism Code Amendments are hereby remanded to the Planning Department for additional work, study, review and refinement, including additional public comment and hearing, as follows:
 - a. Whether additional detail is required to describe, describe and regulate agritourism uses other than those considered accessory uses pursuant to SCC 14.16.400(2)(b);
 - b. Whether the Proposed Agritourism Code Amendments afford adequate and equitable opportunity to participate in the annual Skagit Valley Tulip Festival;
 - c. Whether Skagit Ag-NRL lands east of the pipeline crossing should be considered and regulated differently than the diked and drained portion of the Skagit below the pipeline crossing, i.e., below that portion of the Skagit River designated under the Wild and Scenic Rivers Act, U.S.C. Section 1271 *et seq*;
 - d. Whether the temporary use standards are sufficiently detailed; and
 - e. Whether and to what extent the Proposed Agritourism Code Amendments and existing code are consistent with the decision ultimately rendered in the matter of *King County v. Friends of Sammamish Valley* and other state-level action related to agritourism; and

2. The Planning Commission shall thereafter take additional written comment, conduct an additional public hearing, and modify its recommendations regarding the Proposed Agritourism Code Amendments as it deems necessary and appropriate.
3. The Planning Commission shall invite the Agricultural Advisory Committee to comment on the proposed Agritourism Code Amendments in light of this resolution.
4. The Board takes no position at this time as to the substantive merits of the Proposed Agritourism Code Amendments.

WITNESS OUR HANDS AND SEAL OF OUR OFFICE this 24th day of June.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

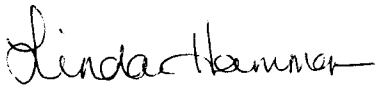



Peter Browning, Chair


Lisa Janicki, Commissioner



Ron Wesen, Commissioner

ATTEST:



Linda Hammons, Clerk of the Board

APPROVED AS TO FORM:


Will Honea, Senior Deputy
Skagit County Prosecuting Attorney