

Robby Eckroth

From: Patsy Good <patsygoodship@skagitgov.net>
Sent: Tuesday, December 2, 2025 5:42 AM
To: Robby Eckroth
Subject: Re: Follow-up to Last Night's Planning Commission Meeting

Robby,

After careful review of all the information that has been presented so far regarding Agrotourism, I have a question rather than offering an alternative to the already difficult work that has been done.

- 1) Regarding the \$500/acre per year of proof of farming income, what happens to the person who purchases a farm with intent to farm, and within the first year of ownership, would like to participate in a festival or hold a farm related Ag1 or Ag2 event. If the income had to be based on the previous owner of the farm, the new owner would not have access to that information. Would there be a pathway for a new farm owner to participate inside of the 3 year income requirement?
- 2) How will income be determined or considered if there is some type of natural disaster or unanticipated circumstance like when the malting facility went bankrupt and the farmers who planted acres of grain for that facility had no financially feasible place to take their grain so had to disc it under?

These are just a couple of scenarios where I am concerned for the farmer, that could affect/limit their ability to participate or host an event if there are no considerations for unforeseen or unattainable situations.

Aside from this, enforcement is the other challenge in the Ag1, Ag2, Ag3 code.

Please accept my comments this morning as I was unable to access wifi in order to submit my concerns by the end of last evening.

Sincerely,
Patsy Good

On Wed, Nov 19, 2025 at 10:12 AM Robby Eckroth <reckroth@co.skagit.wa.us> wrote:

Good morning,

As requested, below is a link to Skagit County Code 9.08:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty09/SkagitCounty0908.html#9.08>

As a reminder, please send me any recommendations regarding the agritourism amendments that you would like discussed at the December 16th Planning Commission meeting. Additionally, please let me know if you have any questions or feedback on the proposed removal of Policy 7A-1.2 in advance of the meeting.

Please feel free to reach out with any questions about SCC 9.08 or the proposed agritourism amendments.

Sincerely,



Robby Eckroth, AICP

Senior Planner

Planning and Development Services

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Email communications with county employees are public records and may be subject to disclosure, pursuant to RCW 42.56.

Hi Robby,

I intend to make the following motions at the next meeting:

Motion 1. The Planning Commission recommends the following redaction:

14.18.407 (3) (a)

~~(i) Agritourism uses must be carried out by, and any~~ application for an Agritourism permit must be submitted by, the owner or ~~of~~ operator of the working farm or ranch upon which it is located.

Rationale: So long as the general principles of limited agritourism, as outlined elsewhere in this section of the code, are adhered to, there is no added benefit from limiting who can organize such activities.

Also, from the enforcement perspective, I find it problematic to require that county staff police who is carrying out or organizing or managing the agritourism activities. The positive or negative impact of agritourism is not contingent on who is organizing the activities but rather on how those activities are being conducted. And the “how” is well regulated in the proposed code amendments.

Motion 2. The Planning Commission recommends the following redaction:

14.18.407 (3) (b)

~~(ii) The existing and primary commercial agricultural use must have generated an average gross income of at least \$500 per acre per year over the previous three years, to be verified by the Director.~~

Rationale: From my perspective, this measure is overly restrictive and not directly connected to the goal of farmland reservation. There are many other conditions in the proposed code that will ensure farmland preservation goals are accomplished without creating redundant and excessive government oversight.

A farmer who acquires a new land would be forced to wait three years to undertake any supplemental agritourism activities. Additionally, some types of farms (Christmas tree farm, hazelnut, blueberry, raspberry, vineyards, etc.) do not generate income from day one, and any requirement that a new farmer demonstrate a particular revenue stream feels like government overreach.

Regards,

Jed

Robby Eckroth

From: Amy Hughes <ahughes@skagitgov.net>
Sent: Sunday, November 30, 2025 1:24 PM
To: Robby Eckroth
Subject: Agtourism comments

AGRITOURISM DELIBERATIONS:

Below are my comments for Agritourism review:

1. Demand for farmland in Skagit County has never been higher, and local growers routinely search to secure enough acreage for the coming season. Increasing land values for local farm ground are forcing younger farmers to the sidelines on opportunities to purchase farmland. Proposals to introduce additional non-agricultural commercial uses in AG-NRLands MUST be scrutinized with extreme caution. Requests to add activities framed as "recreational" or "enjoyment" but not grounded in agricultural necessity reflect private financial interests -not the needs of "production agriculture". Our zoning code must remain rooted in the broader public interest: PROTECTING THE AGRICULTURE LAND BASE.

(Note: when we talk about Skagit Valley agriculture, we are talking about a legacy that dates back to the very founding of modern American agricultural policy. After the destruction of farmland during the Civil War, President Abraham Lincoln created the U.S. Department of Agriculture with the explicit purpose of strengthening the nation through farming. The expectation of the "Homestead Act of 1862" is clear - AGRICULTURE LAND EXCISTS TO PRODUCE FOOD AND MAINTAIN LOCAL AND NATIONAL FOOD SECURITY.)

2. The proposed Skagit County Agritourism amendments place uncertainty with what exactly is allowed, the effect agritourism will have on long-term Skagit County farmland use, and how it will achieve a "zero impact to neighboring farm operations". (Refer to Skagit County Right to Farm Ordinance #12815, January 29, 1991) The amendments establish "general" limitations and performance standards that do not assure the protection of the proposed and neighboring farmland. Leaving these statements open to staff interpretation leave "grey areas" in determining the performance standards of a proposal.

3. The "three-tier" approach to the number of guests is problematic and unenforceable. The maximum number of guests and number of days allowed does not factor into the size of a farm's operation. Is the farm a 2-acre farm, a 50-acre farm, or a 100-acre farm? Does the hiring of contracted personal used to conduct the activity turn the agritourism activity into one "not run by the farmer"? What affect will the "proposed use" have on surrounding farm operations? Will surrounding farms be asked or expected to stop operations during the tourism activities?

4. The County Commissioners remanded this code to Planning Commissioners with the clear direction to refine the proposal to assure that Skagit County adopt and maintain development regulations that protect agriculture 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 agriculture products ...RCW 36.70A.060(1)(a). Has the Planning Commission been given this task?

5. The County Commissioners remand also instructed the Planning Commission consider the Supreme Court ruling of King County v Friends of Sammamish Valley (102117-1). In 2024, the Washington Supreme court reaffirmed GMA protections for counties to not allow the conversion of agricultural land to unrelated commercial uses. Has the Planning Commission review included this?
6. RCW36.70A.177 "requires accessory uses to support agriculture, be secondary to it, and not interfere with farm operations." Although the code states that agritourism must not provide the tools to achieve this - without precise and enforceable standards, the County lacks the practical ability to prevent impacts. Vague language in the code undermines set standards and creates enforcement challenges.
7. The Tulip Festival Allowance is vague and unenforceable. Any commercial operation could claim an association. This needs further study.
8. The 30-day festival period overlaps directly with one of the most critical planting seasons for Skagit Valley, intensifying interference with other working farms.
9. The "Tulip Festival participation plus" participation with Agritourism 1, 2, or 3 allowances" creates inequitable treatment between farms. (Tulip growers receive special bonus days up to 30 for "commercial activity". Other farmers - berries, seed crops, dairies, grain, and livestock are limited to fewer days.) A code intended to support all agricultural viability should not grant preferential treatment to a single crop. The discussions must be equitable and applied consistently across agriculture.

In conclusion, The Agritourism topic needs further work and study. Skagit County Government needs to convene a "countywide strategic tourism approach" to the topic of tourism:

- * Research of worldwide tourism successes and failures should be completed.
- * Similar environments to Skagit County geography, climate and infrastructure realities should be explored.
- * Responsible tourism and sustainability must be paramount in all tourism planning.
- * Tourism should be based on a countywide approach with rural activities located in the County landscape and urban types of activities in urban areas.
- * "Visitors experience" should be the goal instead of numbers of people per event.

12/1/2025

Commissioner Woodmansee thoughts and comments concerning the Agritourism code changes

Since the beginning of the Agritourism conversation there has been a lot of swings in the conversation. Including what to do with wedding venues in the Ag-NRL zone.

Unfortunately, the wedding venue type of venue has been singled out as a problem and with the way the new code has been written I feel they have been targeted.

In the beginning of this process, it seemed that there was a general acceptance that the existing venues should be able to continue. The Board of Commissioners have made some decisions that have attempted to allow this however these are not constituted in the new code. Some of the conditions may be and/or are very difficult to achieve, both logistical and financially wise. They may cause some extreme cost to stay in business. This is a concern I have with the new code and the temporary grandfather process in place currently.

In some sort of a prelude, preamble or explanation of the purpose of the new code I think that we should consider adding the following in the code somehow or someday:

- Grandfathered venues / businesses are granted a true grandfathering in which new conditions do not cause undue cost and expense to maintain their business.
- There should not be a poison pill that causes an otherwise viable business to be forced to shut down due to the sale or aging out of the current owners. In other words, if a venue were to sell and change hands the grandfathering would pass with the sale. This is whether the new owner is related to the previous owner or not
- This code should state that the current venues as operated are not a threat to cause the loss of farmland and likely there are some acres that today are still farmed due to the existence of the venues.
- This preamble should make a series of opening statements that acknowledge that the existing venues are of value to the community, have served the County well and have been developed over a period of time out of the need for such venues.

The above is listed to cause this discussion about whether or not to add these types of acknowledgments in the new code to eliminate future doubt of how existing venues stand.

Other thoughts that may not be timely but could use explanation or future discussion.

There may be many other types of business that are currently operating in the AG-NRL zone that do not meet the definition allowable uses in the zone. They are not venues as have been described in the AG-Tourism, not event venues such as weddings but may also not be conforming. If a non-AG use warehouse in the AG zone were turned into an event venue what would the code have to say about this.

Also, there are dozens or hundreds of parcels in the zone that do not meet the minimum lot size that are used for residential use, should we not consider doing a cleanup of the zoning maps and do a matchup of existing use vs current zoning.

The purpose of the new code changes is to ensure that the remaining farmland is not eliminated. I concur with this however we should acknowledge that some farmland is not being farmed. This is likely due to a number of issues. The health of the soil, the economics of the parcel, and flooding proneness can limit some AG_NRL from being productive. In some cases, there may not be a willing "farmer" to use the land. What are we going to do with this and should we be doing a study on these types of parcels.

Final thoughts

I believe that farming and ranching can co-exist with all kinds of AG related venues or not fully AG related. I think that these venues that are in the discussion for elimination do and can have a positive impact as they provide opportunities for people to see, smell, hear and witness what it takes to produce food. An opportunity to have a new or never-known understanding of what it takes to grow the food the US and the World consume.

I can tie the benefit of a limited number of venues that have not and or would not eliminate farming acres and or have benefited some small farms with the overall education of the public on farming that they would not have were these type of venues outright dis-allowed or regulated out of existence.

thanks,

Joe

2025 Proposed Agritourism Amendments—DRAFT

Plain text = existing code with no changes
~~Strikethrough~~ = existing code to be deleted
Underlined = new code to be added
~~Double Strikethrough~~ = existing code moved to another location
Double Underline = existing code moved from another location
Italics = Instructions for code reviser/reviewer

Markup DRAFT September 23, 2025

14.04.020 Definitions

“Farm to Table Event” means an event focused on serving food and beverages primarily sourced from and for the purpose of promoting local farms and providers.

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14.10.060 Uses allowed in all zones

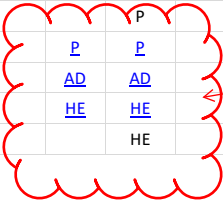
- (1) Unless more specifically stated elsewhere, the uses in the following table are allowed in all zones at the level of review noted. For development standards for these uses, see the standards chapter listed.

Use	Standards	Review
Drainage maintenance	SCC 14.18	P
Net metering system, solar	SCC 14.18	P
<u>Outdoor Public Musical, Entertainments, Amusements, and Assemblies (Single Events)</u>	<u>SCC 9.08</u>	<u>See SCC 9.08</u>
Public use	SCC 14.18	-
—minor		P
—expansion of existing major public use up to 3,000 sf		AD
—new major public use or expansion of existing of 3,000 sf or greater		HE
Recycling drop box facility	SCC 14.18	P
Repair, replacement, and maintenance of water lines with an inside diameter of 12 inches or less	SCC 14.18	P
Transit stop	SCC 14.18	P
Utility development	SCC 14.18	-
—minor		AD
—major		HE
Wireless facilities	SCC 14.59	AD

what is the real effect of changing this title.

Table 14.11.020-1 Allowed Uses in the Rural Mixed-Use Zones
 Update table to reflect the following – Uses not shown are unchanged.

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
Commercial/Retail Uses							
Temporary events Limited event venues	AD	AD	AD	AD	AD		AD
Natural Resource Uses							
Agriculture	P	P					
Agricultural accessory use	P	P					
Agricultural processing facility		P					
Agritourism 1	P	P					
Agritourism 2	AD	AD					
Agritourism 3	HE	HE					
Anaerobic digester		HE					



I am not sure of the effect and or intention is these determinations question, was the public aware we were looking at making changes in these zones.

Table 14.12.020-1 Allowed Uses in the Rural Commercial/Industrial Zones
 Update table to reflect the following

	RB	RFS	SSB	NRI	RMI	SRT
Commercial/Retail Uses						
Temporary events Limited event venues	AD	AD	AD			AD

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Table 14.13.020-1 Allowed Uses in the Natural Resource Zones
 Update table to reflect the following

leave this as AD

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
Commercial Uses				
Temporary events Limited event venues	AD	AD	AD	AD
Natural Resource Uses				
Agriculture	P			P
Agricultural accessory use	P			P
Agricultural processing facility	P			P
Agricultural slaughtering facilities	AD			AD
Agritourism 1	P			P
Agritourism 2	AD			AD
Agritourism 3	HE			HE
Anaerobic digester, when accessory to an agricultural use	P			HE

14.13.100 Agricultural—Natural Resource Lands (Ag-NRL)

(1) **Purpose.** 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.

(2) **Allowed uses.** In addition to the uses in SCC 14.13.020, the following uses are allowed in this zone:

~~(d) Prohibited uses.~~

~~(i) Regularly occurring celebratory gatherings, weddings, parties, or similar uses that cause the property to act as an a limited event venue or event venue.~~

~~(ii) Restaurants, not including farm to table activities as Agritourism 1 or 2.~~

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delete this entire proposed new code language,

Table 14.151.020-1 Allowed Uses in the Bayview Ridge UGA Zones

Correct table number and *update table to reflect the following.*

	AVR	BR-LI	BR-HI	BR-R
Commercial/Retail Uses				
Temporary events <u>Limited event venues</u>	P	P	P	AD

Table 14.16.400-1 Allowed Uses in the Municipal UGA Zones

Update table to reflect the following

	H-URv	R	URC-I	URP-OS	URR
Commercial/Retail Uses					
Temporary events <u>Limited event venues</u>	AD		P	AD	AD

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Table 14.151.020-1 Allowed Uses in the Bayview Ridge UGA Zones

Correct table number and *update table to reflect the following.*

	AVR	BR-LI	BR-HI	BR-R
Commercial/Retail Uses				
Temporary Events <u>Limited event Venues</u>	P	P	P	AD

14.15.200 Aviation Related-Limited (AVR-L)

(1) *No Change.*

(2) **Allowed Uses.**

~~(a)~~(b) All of the uses permitted in the BR-LI zone are allowed in the AVR-L zone, subject to the same level of review required in the BR-LI zone, but limited to a total of 20 acres within the entire zone.

~~(b)~~(c) The following uses are not subject to the 20-acre limitation in paragraph (a) of this subsection:

- (i) Permitted Uses.
 - (A) Aviation-related navigation aids;
 - (B) Habitat enhancement/restoration project;
 - (C) Drainage maintenance;
 - (D) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less;
 - (E) Trails;
 - (F) Trailheads, primary and secondary;
 - (G) ~~Temporary events~~ Limited event venues.

(3) No Change.

Table 14.16.400-1 Allowed Uses in the Municipal UGA Zones

Update table to reflect the following

	H-URv	R	URC-I	URP-OS	URR
Commercial/Retail Uses					
Temporary events Limited event venues	AD		P	AD	AD

14.18.290 ~~Temporary events~~ Limited event venues

- (1) Definition. Commercial use of a property for any musical, cultural, or social event held either indoors or outdoors.
- (2) Restrictions. The "~~temporary events~~ limited event venues" use is also subject to the following criteria:
 - (a) Events may occur on no more than 24 calendar days per year.
 - (b) Parking for all events must be fully contained on the subject property and must not include the use of any road right-of-way.
 - (c) The use must not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.
 - (d) All lighting must directed away from neighboring residences or businesses.
- (3) Limitations in the ~~Ag-NRL, IF-NRL, and SF-NRL~~ zones:
 - (a) The ~~temporary events~~ limited event venue use must be related to the resource use.
 - (b) No resource land may be converted.
 - (c) No permanent structures may be constructed.

I recommend to not strike this zoning from Limited event venue

~~(e)~~(4) Events at permitted restaurants, churches, grange halls or community centers, and parks are not regulated as limited event venues.

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Part IV Natural Resource Uses

14.18.403 Agricultural accessory use

(1) (a) - (f) *No change*

~~(g) Activities associated with tourism that promote local agriculture so long as adequate parking and specified ingress and egresses are designated and permitted.~~

(2) *No change*

14.18.406 Agricultural support service

(1) Definition. Any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services generally exist off-site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from farm-based business and agritourism.

14.18.407 Agritourism

(1) Definition.

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(a) Agritourism consists of a range of activities conducted on a working farm or ranch that engages the public for the purpose of agricultural education, enjoyment, or recreation that may generate income for the owner or operator. **or their designated operator**

add

(b) Agritourism is separate and distinct from farm-based businesses and agricultural support services.

(c) There are three categories of agritourism: Agritourism 1, Agritourism 2, and Agritourism 3.

(2) Purpose and Intent of Regulation.

(a) Agritourism in Skagit County is permitted, as set out in this section, in order to help preserve working farmland, diversify farm income, increase public awareness and appreciation of agriculture, and enhance farm viability.

(b) The Skagit County Code places limitations on agritourism in order to:

(i) preserve the area's rural agricultural character.

(ii) prevent the permanent conversion of farmland.

(iii) prevent interference with surrounding farming operations and practices.

is temporary conversion of farmland acceptable and what would be the definition of it

(3) Limitations on Use.

(a) General Limitations; Performance Standards.

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this is not well defined and could be interrupted differently by different administrations

insert: should sign the application and or authorize a representative of the proponent to sign the application

~~(i) Agritourism uses must be carried out by, and any application for a permit must be submitted by, the owner of operator of the working farm or ranch upon which it is located.~~

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(ii) Agritourism uses must be secondary and related to an existing agricultural use.

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(iii) Agritourism uses cannot degrade the surrounding area's rural agricultural character.

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(iv) Agritourism uses cannot result in the permanent conversion of farmland.

what kind of temporary conversion is acceptable

(v) Agritourism activities cannot unduly interfere with surrounding farming operations and practices.

can we define unduly

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(vi) Parking for all guests and employees must meet the parking requirements in SCC 14.26, and may not include the use of any road right-of-way. Parking for agritourism activities must not result in any conversion of agricultural land, this includes but not limited to rock, gravel or other impervious surfaces.

what about temporary conversion vs permanent

(vii) Artificial lighting must be consistent with SCC 14.20.040(3). Lighting studies may be required by the Director.

(viii) Noise generated from agritourism activities must be consistent with SCC 14.20.060. Noise studies may be required by the Director.

(ix) Signage must comply with Chapter SCC 14.29 Signs, unless noted elsewhere in this section.

(x) Between March 15 and May 15, activities that are associated with the Skagit Valley Tulip Festival may run for 30 consecutive-days in addition to the allowed days specified below for Agritourism 1, 2, and 3.

does the tulip festival meet these standards, if not why make related Agritourism activities meet this

(xi) Agritourism uses must demonstrate concurrency with the County road segment and road intersection level of service standards in SCC 14.62.060.

(xii) Access to and from a county road used by the public must be permitted by Public Works, including any conversion of a previously established farm access.

(xiii) Food trucks associated with agritourism activities should be accessory to the activity and must be temporary.

(b) Limitations Specific to Uses Classified as Agritourism 2 or 3.

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In addition to all other requirements in SCC 14.18.407, uses classified as Agritourism 2 or 3 are subject to all the requirements of this subsection (b).

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~~(i) The agritourism use must be secondary to the existing and primary commercial agricultural use.~~

I would delete this, there is no science to this number number and it is a burden on farm owners to provide this information

~~(ii) The existing and primary commercial agricultural use must have generated an average gross income of at least \$500 per acre per year over the previous three years, to be verified by the Director.~~

(iii) The applicant of an Agritourism 2 and 3 use must comply with the annual self-certification requirements identified in SCC 14.51.080.

I dont think this allows people to be creative and is too restrictive

(iv) An Agritourism 3 use cannot include farm to table activities.

(v) Prior to any application for an Agritourism 2 or 3 being granted, the applicant must sign an agreement, on a form provided by the Director, that they will comply with all the requirements of SCC 14.18.407.

(4) Interpretation; Enforcement of Limitations.

(i) In interpreting the requirements of this section must be strictly construed.

(ii) In addition to any other means for ensuring compliance with SCC 14.18.407, Skagit County retains the authority to perform ongoing monitoring and evaluation of compliance with established conditions of approval.

(iii) Agritourism special use permits are subject to SCC 14.51.070 and can be revoked if applicant fails to meet conditions of the special use permit, including compliance with any requirement set forth in SCC 14.18.407.

(5) The maximum number of guests and days allowed for Agritourism 1, Agritourism 2, and Agritourism 3 are specified in the table below.

Table 14.18.407-1

<u>Agritourism Type</u>	<u>Max No. Guests Allowed</u>	<u>Max No. Days Allowed¹</u>
<u>Agritourism 1</u>	<u>50</u>	<u>10</u>
<u>Agritourism 2</u>	<u>100</u>	<u>24</u>
<u>Agritourism 3</u>	<u>As Conditioned²</u>	<u>As Conditioned²</u>

Notes:

1. The maximum number of days allowed does include any days permitted under SCC 14.18.407(2)(a)(vii).

2. The maximum number of guests and number of days allowed for an Agritourism 3 use will be based on the limits established in the conditions of approval of the Hearing Examiner Special Use Permit.

14.18.4078 Anaerobic digester

(2)(1) Definition. a facility that generates power from the anaerobic "digestion" of primarily plant and animal waste from agricultural activities and meets the requirements in RCW 70.95.330.

14.18.420 Farm-based Business

(1) Definition. An on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment to farm family members. Farm-based businesses are separate and distinct from agriculture support services and agritourism.

(2) *No change*

is this because it is allowed in 1 and 2 and what happens if a farm to table venue get large and exceeds 100 guests would it not be allowed to exceed and be capped at 100 or why can't a farm to table activity be included in a type 3 application

in a type three application wouldn't the HE determine the conditions of approval

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How is a Hearing examiners going to determine what is the appropriate number of guest and days. What will the criteria be for this determination. Will the Hearing Examiner be a true third party participant or one who is regularly hired by the County. Would there be a list of eligible firms or lawyers to be the Hearing Examiner or one under contract with the county to handle Hearing Examiner type applications

December 1, 2025

Discussion:

Oregon's requirements offer a helpful suggestion for defining agritourism. According to an OSU publication, Oregon law requires that "activities and events must be related to and supportive of agriculture, and be incidental and subordinate to existing farm use."

https://smallfarms.oregonstate.edu/sites/agscid7/files/smallfarms/factsheet5_agritourismeventsactivities.pdf

Skagit County Agritourism Assessment by BERK Consulting, September 13, 2021

Themes from stakeholder discussion groups: (p. 9, 56) (emphasis added below)

Based on the discussions, some common themes emerged:

- Skagit County farmland is unique for its soils, productivity, maritime climate, and ongoing diversification of products and entrepreneurship. Farmland is difficult to acquire for new farmers.
- **There needs to be balance with agritourism regulations – _focus on maintaining a thriving agricultural base.**
- **Agritourism should have a relationship to the farming activity. It helps people connect with their food.**
- **Have clear rules that are enforceable and fair.**
- Thoughtfully allow agritourism so it supports farming but does not adversely affect primary activity of farming. Ideas included: □

Define a core area where primary agriculture should be retained and agritourism that brings heavy traffic, parking, or has the potential to alter farming (e.g. parking lot) is not allowed.

Allow agritourism on smaller farms to keep land in farming that would otherwise be converted.

Limit the scale of agritourism – _e.g. 1 acre in existing developed portions of sites (e.g. where buildings already are).

Ensure infrastructure (roads) is appropriate

Regarding the Supreme Court Case *King County v. Friends of Sammamish Valley*

Some public comments refer to this case broadly as legal reasoning that accessory agricultural activities are not allowed under the Growth Management Act (GMA). However, there are nuances within this decision that should be considered.

The Supreme Court decision in *King County v. Friends of Sammamish Valley* noted there were both questions of fact and law (p. 8). In the question of fact, the court found "sufficient facts showing that the County failed to consider potential environmental impacts in its SEPA checklist" (p. 37). The ruling then suggests that the failure to fully consider the potential environmental impacts in the SEPA process constituted a violation of the GMA.

The ruling appears to be narrower than some commenters have suggested. Rather than a broad interpretation that accessory uses aren't allowed on agricultural or rural lands, the limited scope of the decision should be recognized. The case focuses on the facts of the SEPA process conducted by King County and finds the shortcomings of the SEPA process constituted the violation of the GMA (p. 37).

The early review of this case by the Growth Management Hearings Board is also summarized in the BERK Consulting report on page 79.

Proposed Findings:

Based on public comments received in writing and at the hearing, the proposed code is both too restrictive to permit certain activities that promote local agriculture, and too permissive in allowing some activities that have no direct connection to, or support for, agricultural activities that take place on a given farm.

The current proposal lacks a requirement for a direct connection to agricultural operations on a working farm by including terms such as "enjoyment and recreation" in the definition of agritourism.

The recently convened Community Advisory Group (CAG) emphasized the need to link Agritourism activities to the commercial production of farm products in the definition: The group specifically suggests a reference to "agritourism's necessary connection to an actively managed, ongoing agricultural operation..." (CAG Recommendation #1, p. 3).

Some public comments - both in favor of and opposed to the current proposed amendment - raise concerns about a lack of clear definitions, performance standards, and enforceability.

Attendance limits are a proxy for potential impacts, which would be better determined by specific, site-based performance standards.

Need to enhance agricultural viability in Skagit County

The number of acres in agricultural production in Skagit County has decreased by 10% since 2007 (BERK Consulting p. 21).

Despite this strong agricultural base, farmland area and the number of farms have both been declining in recent years. In particular, the number of small and medium-sized farms has been declining, while very small (less than 10 acres) farms have proliferated (BERK Consulting, p. 19)

"National and state research has shown that agritourism tends to occur with smaller farms. In Skagit County:

- Most Ag-NRL and Current Use parcels are 10-50 acres in size (74%). About 15% are below 10 acres, and 11% above 50 acres.
- Agritourism appears scattered in different regions, often associated with smaller parcels." (BERK Consulting, p. 34).

This research suggests that supporting smaller farms through Agritourism could help preserve farmland in Skagit County.

Proposed Recommendations:

Definition and Intent

Agritourism code definition should require that agritourism activities be related to and supportive of agricultural production on a given farm. Agritourism should provide opportunities for working farms to diversify and enhance their income, while offering educational and experiential opportunities for visitors that create an authentic connection to a working farm or ranch.

The definition of agritourism should clarify that these activities are secondary to, and supportive of, agricultural production. Activities that are only indirectly related or tangential to agricultural activities should not be included in the definition of agritourism.

PDS proposed definition:

(a) Agritourism consists of a range of activities conducted on a working farm or ranch that engages the public for the purpose of agricultural education, enjoyment, or recreation that may generate income for the owner or operator.

(b) Agritourism is separate and distinct from farm-based businesses and agricultural support services.

(c) There are three categories of agritourism: Agritourism 1, Agritourism 2, and Agritourism 3.

Draft idea for a new proposed definition:

Agritourism provides opportunities for working farms and ranches to preserve and promote Skagit County's agricultural lands. Agritourism allows for educational and experiential activities that are directly related to, and supportive of, agricultural production. Agritourism activities must have a direct connection to an actively managed, ongoing agricultural operation. Agritourism helps agricultural producers keep working lands in production by diversifying and enhancing their income. Agritourism activities must be incidental and subordinate to existing agricultural operations.

To achieve greater clarity, a definition of agritourism should include a list of example activities that are directly connected to agricultural production on a given farm including direct marketing, education, appreciation, and experiences. For example:

1. Farm tours and agricultural demonstrations
2. U-pick operations and harvest participation
3. Educational workshops using on-farm products
4. Agricultural skill-building (cheese-making, food preservation, traditional crafts using products from the farm)
5. Animal interaction and education
6. Farm stands and direct sales
7. Agricultural festivals and seasonal celebrations
8. Cooking classes and culinary events featuring products from the farm or region
9. Activities that enhance farm appreciation or a sense of connection such as hay-rides, corn mazes, or similar activities that are directly related to agricultural production already taking place on the farm

10. Limited overnight accommodations (farm stays, camping) with agricultural education components about the working farm

11. Art, craft, or cultural events celebrating agricultural heritage that include a direct connection to the working farm

Prior Agritourism assessment

The Planning Commission recommends revisiting the 2021 Skagit County Agritourism Assessment. The assessment contains stakeholder suggestions, an extensive review of the potential benefits and impacts of Agritourism, data showing a loss of acres of farmland and the number of farms in Skagit County, analyzes data from national sources, evaluates case studies from similarly situated northwest counties, reviews accessory uses allowed under GMA, highlights Skagit County policies that support agritourism, and discusses prior court and hearings board rulings.

Key themes that should be considered:

- There needs to be balanced with agritourism regulations – _focus on maintaining a thriving agricultural base.
- Agritourism should have a relationship to the farming activity. It helps people connect with their food.
- Have clear rules that are enforceable and fair.

Consider unintended consequences and equal treatment for all agricultural festivals and events

The Planning Commission recommends ensuring equal treatment under the code for all festivals and events that may be subject to the new Agritourism code. The proposed code should consider potential unintended consequences to other festivals and gatherings in addition to the Tulip Festival. For example, the 2021 Assessment by BERK Consulting slits the following events on page 32:

Anacortes Spring Wine Festival
Anacortes Berry Dairy Days
Burlington Bier on the Pier Brew & Cider Festival
Anacortes Brew on the Slough
La Conner Beer Festival
Burlington Harvest Festival & Pumpkin Pitch
La Conner Daffodil Festival
Skagit Beer Week
Birds of Winter 2018
Skagit Eagle Festival
Skagit River Salmon Festival
Skagit Valley Harvest Loop
Skagit Valley Festival of Family Farms
Skagit Wine & Beer Festival
Tulip Festival

Sources: WSU, 2019; BERK, 2020.

Tulip Festival

The Tulip Festival has the greatest potential impact on the local community and other agricultural production activities, with an estimated 300,000 visitors annually (BERK Consulting, p. 32).

Consider working with tulip producers to create voluntary methods of mitigating traffic impacts. For example, farms may agree to require online reservations or provide a Tulip bus that makes frequent, regular rounds to farms. These approaches have been used in other contexts, such as National Parks. These or other voluntary measures can enhance visitor enjoyment as well as mitigate impacts to the surrounding community.

Limited Event Venues

Limited event venues are not indirectly or tangentially related to agriculture and are a commercial activity that is incompatible with agricultural and rural zones. As noted in comments from the Agricultural Advisory Board, their size, scale and frequency are not consistent with activities in the AgNRL zone. They are likewise incompatible with other rural zones such as Rural Reserve, Rural Intermediate, and Rural Resource, and should not be allowed in these zones as well.

Performance Standards

The proposed code amendment should include objective performance- based standards rather than a proxy for expected impacts that rely on limitations to the number of visitors and events.

These standards could include:

Site -specific criteria that considers existing buildings and infrastructure, traffic, parking, environmental and health standards including impacts to critical areas, water quality, and water withdrawals, as well as community impacts established by existing standards related to noise, lighting etc.

Legal precedence

Skagit County should seek specific input from the Prosecuting Attorney or outside counsel about the relevance of the *King County v. Friends of Sammamish Valley* case to the proposed agritourism code and SEPA requirements. The current proposal that utilizes three tiers of agritourism as a proxy for impacts may also not meet GMA requirements for analyzing potential environmental impacts. A performance standards- based approach could offer greater certainty for agricultural producers and agritourism operators, as well as environmental protections.

Open Space Taxation

Other counties in Washington State that have allowed commercial and tourism activities on farms that are unrelated to farm production have faced potential challenges to open space taxation allowed under Washington State code. An analysis of consistency with the newly enacted HB1261 should be conducted to consider the potential risks and impacts to open space taxation in Skagit County. This analysis should be considered prior to adopting an Agritourism code.

Robby Eckroth

From: Xuhua Mu <xuhua@skagitgov.net>
Sent: Monday, December 1, 2025 4:41 PM
To: Robby Eckroth
Cc: Jack Moore
Subject: Re: Follow-up to Last Night's Planning Commission Meeting

Dear Director Moore and Planning & Development Services Staff,

As a member of the Skagit County Planning Commission, I appreciate the opportunity to provide feedback on the proposed Agritourism code amendments. In my role representing the community, I am committed to policies that preserve our invaluable farmland while safeguarding the economic livelihoods of our farmers. Skagit County's agricultural heritage is a cornerstone of our identity, economy, and quality of life, and these amendments represent a critical step in balancing innovation with protection under the Growth Management Act (GMA) and our Comprehensive Plan.

I commend the department for its thorough review of public input and for incorporating recommendations from the Agritourism Community Advisory Group and Agricultural Advisory Board. However, after reviewing the September 23, 2025 draft, public comments received, and the Public Comment Summary Matrix, I believe several targeted revisions are needed to make the code fair, clear, enforceable, and truly protective of both farmland and farm viability.

Key Concerns and Recommendations

1. Clarify “enjoyment,” “entertainment,” and “recreation” in the agritourism definition and standards

Comment #1 (Ruth Aven) and others correctly point out that the words “recreation” and “enjoyment” (used throughout the draft and implied in the new “Farm to Table Event” definition) are overly broad and could be interpreted to allow music festivals, concert series, or other entertainment-focused uses that have little or no connection to active agriculture. The matrix response cites the prohibition in SCC 14.13.100(2)(d) on weddings and event venues, but that prohibition only applies in Natural Resource Lands and does not prevent the slow drift of agritourism into commercial recreation elsewhere.

Recommendation: Add explicit limiting language to SCC 14.04.020 and 14.18.407 so that enjoyment, entertainment, and recreation are only permitted when they are **incidental and subordinate** to an educational or agricultural purpose. Suggested definition:
“Enjoyment, entertainment, or recreation, when used in the context of agritourism, means activities that are clearly secondary and incidental to the primary purpose of educating visitors about, or allowing them to directly participate in, agricultural production, processing, or heritage on the host farm. Such activities shall not include regularly occurring concerts, festivals, or events whose primary draw is entertainment rather than agriculture.”

This single clarification would prevent the gradual conversion of farmland into de facto event or music venues while still allowing farm-appropriate music, games, or hayrides that support the agricultural experience.

2. Define “day” and “number of people”

The tiered system hinges on limits for “days” and “number of people,” yet neither term is defined. A two-hour school tour and an eight-hour evening event currently count the same; a farm with 25 people on site all day is treated identically to one with 250 people rotating through.

Recommended definitions:

- ✓ “**Agritourism Day**” means any calendar day, or portion thereof, on which an agritourism activity is open to non-resident visitors.
- ✓ “**Maximum Daily Occupancy**” means the maximum number of persons (excluding owners, residents, and employees) present on the agritourism portion of the property at any one time.
- ✓ “**Total Daily Attendance**” means the total number of non-resident visitors entering the premises in a single calendar day.

3. Replace arbitrary numerical thresholds with site-specific, impact-based standards

A blanket 50-person or 100-person limit applied county-wide ignores dramatic differences between a 2-acre parcel on a narrow rural road and a 30-acre farm with highway frontage, ample parking, and commercial-grade septic. Rigid caps are neither protective of neighbors nor supportive of farmers.

Recommendation: Shift to an impact-based system that ties allowable scale and frequency to **objective, verifiable criteria**:

- ✓ Available off-street parking
- ✓ Road access and traffic concurrency (SCC 14.62.060)
- ✓ Sanitation and water capacity
- ✓ Noise buffering and setbacks
- ✓ Emergency access and fire safety

This can be achieved by converting the current tiers into:

- **Agritourism A** – By-right for activities that meet a clear performance-standard checklist (no fixed caps)
- **Agritourism B** – Administrative permit with site-specific limits set by staff
- **Agritourism C** – Hearing Examiner review for larger or more intensive operations

4. Enforcement, financial thresholds, and neighbor impacts

Comments (#1, #4, #16) question enforcement mechanisms for exceeding limits, parking in rights-of-way, and verifying the \$500/acre income threshold. Traffic and noise concerns (#1, #4) are addressed via SEPA and concurrency, but could be strengthened. Additionally, support for existing businesses (noted in the matrix) underscores the need to protect ongoing operations.

Recommendation: Bolster enforcement by referencing RCW 46.61.560 explicitly in parking regulations (SCC 14.18.407(3)(a)(vi)) and allowing flexible income verification (e.g., IRS Schedule F or affidavits). Include a grandfathering clause for legacy operations with a three-year transition period. To mitigate neighbor impacts, require simple mitigation plans (e.g., traffic management, noise limits) for all tiers, with ongoing monitoring per SCC 14.51.070.

5. Consistency with GMA and broader policy goals

Comments in support of restrictions (#14, #15, #16, #18) emphasize protecting Natural Resource Lands and ESA-listed species, while others (#7, #13) warn of economic harm without compelling public interest. The matrix affirms GMA alignment, but ambiguities could invite challenges similar to King County v. Friends of Sammamish Valley.

Recommendation: Ensure all revisions explicitly tie agritourism to active agricultural production (e.g., refine the “Farm to Table Event” definition) and prohibit unrelated uses in NRL zones. Broaden allowances on leased land (#13, #17) if tied to farming operations, and clarify seasonal use of barns (#13) with building code caveats.

In conclusion, the addition of a clear limiting definition for “enjoyment,” “entertainment,” and “recreation,” combined with the other recommendations above, would give the code the precision it needs to protect farmland from inappropriate commercialization while still providing farmers a fair and flexible path to supplemental income.

I urge PDS to incorporate these refinements before the proposal moves forward to the Board of County Commissioners and remain available for further discussion.

Thank you for your continued work on this important issue.

Sincerely,

Xuhua Mu
Skagit County Planning Commissioner

On Wed, Nov 19, 2025 at 10:12 AM Robby Eckroth <reckroth@co.skagit.wa.us> wrote:

Good morning,

As requested, below is a link to Skagit County Code 9.08:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty09/SkagitCounty0908.html#9.08>

As a reminder, please send me any recommendations regarding the agritourism amendments that you would like discussed at the December 16th Planning Commission meeting. Additionally, please let me know if you have any questions or feedback on the proposed removal of Policy 7A-1.2 in advance of the meeting.

Please feel free to reach out with any questions about SCC 9.08 or the proposed agritourism amendments.

Sincerely,



Robby Eckroth, AICP

Senior Planner

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Email communications with county employees are public records and may be subject to disclosure, pursuant to RCW 42.56.