

Final Agritourism Stakeholder Group Notes

Skagit Publishing and via Zoom

August 14, 2023 from 9 - Noon

Attendees

Mark Knutzen (Interested citizen); Jesse & Jeff Anderson (Maplehurst Farm & Save Skagit Farm Venues); Katie & Brock Clements (Saltbox Barn and Farm & Save Skagit Farm Venues); Tom Shields (Eagle Haven, Perkin's Apples & Manager of Farmers Equipment); Taryn Holmstrom (Skagit Valley Wedding Rentals); Emma Christianson (Christianson's Nursery); Terry Gifford (Willowbrook Manor); Jake Buganski (Skagit Tourism Bureau); Jamie Crawford and Colton Cummins (Country Cousins); Kim Rubenstein, Tim Knue, and Holly Del Vecchio and Allen Rozema (SPF); Lyn Wiltse, facilitator (PDSA Consulting)

Action Items

- Lyn: Send out meeting notes (draft and final) along with agenda and Zoom invites for future meetings. Send out edited draft of the letter (in track changes) we plan to submit to the Planning Commission along with this group's recommendations.
- Allen: Send out a description of the current and possibly proposed conservation easement process for all to review and consider prior to the next meeting. If possible, also send out a draft list of our recommendations to attach to the letter (in the spirit of it being MUCH easier to edit than to create).
- Allen: Ask the County about what the programmatic would consist of. Also, if our recommendations go through, to the extent that new permits would be provided for the use, would they have to be retroactively up to code?
- All: For discussion Monday consider criteria, mitigation for various activities within the categories of:
 - Event venues - Review what we came up with at this meeting and then flesh out the other two categories:
 - **Farm-to-Table venues / "restaurants"**
 - **Overnight stays**
- Allen: Continue to update the Agritourism page on SPF's website with agendas and final versions of notes from these meetings, as well as relevant County information.
- All: Post the same on your own websites or direct other interested parties to SPF's website so they can be informed and give you feedback on what is occurring. Engage your stakeholders in discussions between these meetings to the extent possible.
- All: Continue to reach out to electeds to advocate more time is needed for proper public engagement on this very important issue.

Remaining Meeting Dates for this Group

All meetings will be at Skagit Publishing and include a Zoom option.

- Wednesday, August 16 from noon – 2pm (Deadline for public comment is August 17 at 4pm.)

Announcements

Many thanks to Katie for providing chips, and to Jessie and Jeff for fresh blueberries and raspberries. Yum!

Amy Frye emailed before the meeting that she, due to a combination of the extreme heat and farm duties, would be unable to attend today's meeting. She will join us for our final meeting on Wednesday. She also noted she has some concerns about the requirement that landowners put land into a conservation easement, as this does (or may) have the unintended consequence of continuing to make a small-mid-scale farmstead inaccessible to small/medium/beginning farmers. She asked what the conservation easement would achieve beyond what the county's minimum lot requirement in the ag zone already achieves.

Peregrine was also unable to attend this meeting (on a trip to BC with his kids). He expressed interest in reviewing/editing the draft letter we will submit along with our recommendations to the Planning Commission.

He left a message for the County Commissioners to extend the deadline for public comment. He also plans to join us on Wednesday. With the timeline so short, we plan to review and make any final edits to the letter at Wednesday's meeting (vs. setting up Google Docs).

Outreach

- Allen noted from his conversations with two of the County Commissioners, there appears to be a desire from the county for a code path for existing facilities that allows for potential growth which can be regulated through programmatic permits. They also seem to like the idea of a cap (a not-to-exceed number of permits that would be issued. The entry requirements of proof of farm income, no permanent conversion of farmland, no impact on adjacent farmland, etc. were also well received.
- Katie posted on the Save Skagit Farm Venues website a template on the form for folks to use asking the County for more time for public engagement. She noted around 70 people have done this so far.
- Kim reported SPF's Board is on board with this group's direction so far. There are a few who feel they can't support our 5-year recommendation for permit renewal frequency. Everything else we have talked about so far fits with SPF's interests. It was noted that ultimately, the County will choose the renewal period.

Recommendations from this Group

Once our recommendations are submitted to the Planning Commission, it was noted our comments / recommendations will join the others being submitted and that there will be advocacy for and against what we and others would be submitting. By working collaboratively, representing diverse stakeholders, it is hoped that policy recommendations we propose on submitting can be supported broadly.

Limited Entry Permit System

As we discussed at the last meeting, it was pointed out that this system would result in permits becoming more valuable over time. This concerned Mark who thinks it would be more prudent to let the market limit the number of venues. The County can just "raise the bar" as they did in 1970 with requirements for building a house on farmland. Kim suggested it would likely be easier to open the gate (think flood gate) a bit in the future, vs opening it up completely and then trying to pull water back in. Why not start with the middle ground and see how well that works? If it works well, the County could offer up a few more permits five or 10 years from now. Tim suggested another route might be to impose a moratorium on new venues until we see how it goes. The moratorium would not have to be forever. In a limited entry permit system like commercial fishing licenses, the permit itself will gain value. Your cost, as a permit holder, will be the actual cost to obtain the initial permit, if you are one of the first existing event venues to take advantage of the code path if approved.

Allen noted that one way or the other, existing event venues will have to pay the actual cost to come into compliance – either through an approved code path that is created through the process we are participating in now, or through code enforcement. A limited permit entry system might allow permit holders to recover that cost if/when a new operator purchases a permit. Equity will be built into the permit. All "existing" (this would need to be defined) operators would be given the first chance to come into compliance and therefore receive a permit. It was acknowledged that some existing event venues may not be able to follow/meet code requirements, thus adding to the limited pool of permits available to be issued.

Conservation Easements

Allen explained that a condition for allowing event venues could be modeled after the County's existing 39:1 ordinance (SCC 4.16.860 – Agricultural Land Preservation). He offered the following example for illustrative purposes: If you own a 40-acre parcel with structures and 35 acres are farmland while the other 5 acres contain structures, the property can be legally subdivided into two separate legal lots. The tillable land would be a legal lot of record with the conservation easement placed on it and the home site with barn would be a separate legal lot of record. Each lot could then be sold independently of the other. It was noted that the current code says the residential lot may not exceed 1 acre but because there are so many existing situations out there that don't neatly conform to that, some flexibility is negotiated to ensure the maximum of farmland is protected.

There is great concern that continuing to subdivide off the farmhouse and barn from the tillable land creates real barriers of entry to small and first-generation farmers who then have to compete with larger scale farmers for the tillable land as well as residential home buyers looking to buy the home sites in the Ag-NRL zoned lands. Allen brainstormed a second option for consideration – that a conservation easement could be placed on the entire parcel. The owner would document the tillable areas and all the existing impervious surfaces, instead of creating two separate legal parcels. The current agricultural easement allows for 2% impervious coverage for non-animal-based agriculture and 5% or 6% for dairy and livestock operators. A conservation easement stays with the property. Under the current Farmland Legacy Program, the County monitors agricultural conservation easements annually. The conservation easement and annual monitoring of the easement keeps the uses from expanding.

What about a case of a venue where there is no tillable farmland? Allen noted there is a legal framework for something called *fee-in-lieu payments* that can be made. In that case, the venue owner could make a one-time payment to the County's Farmland Legacy Program.

Moving Toward Consensus

- Programmatic permit to be renewed every 3-5 years
- Limited Entry Permit Process would extend to:
 - Venues (~30 permits initially / permanently?)
- Discussion on whether Limited Entry Permits should be extended to:
 - Farm-to-Table (~20 permits initially?)
 - Overnight Stays (?? Permits initially?)
- Event Venues in Skagit Ag-NRL
 - Administrative Special Use Permit – includes public notification (similar to existing code outside of Ag.-NRL zoned lands).
 - Up to 100 people (revised from 50 as discussed on 8/9)
 - Up to 24 **days**/year (revised from events to days)
 - Hearing Examiner's Special Use Permit – includes public notification and hearing in front of Hearing Examiner
 - Up to 100 people (revised from 50 as discussed on 8/9)
 - Up to 50? 52? 60? days/year

- Farm-to-Table Restaurants in Skagit Ag-NRL

From 8/9 meeting: A possible path may work for food prepared onsite through a farm-to-table restaurant model. If we want to recommend a code path for a farm-to-table restaurant, it would be permissive use on the site. Restaurants not tied to an existing farming operation and without a direct link to locally sourced/grown produce/proteins would not be allowed in Skagit's ag zones.

- Administrative Special Use (ASU) Permit – includes public notification
 - Up to ## people
 - Up to 24 days/year
- Hearing Examiner Special Use (HSU) Permit – includes public notification
 - Up to ## people
 - Up to 24 days/year
- Overnight Stays in Skagit Ag-NRL

From 8/9 meeting: Can we come up with a recommendation similar to what we are developing for event venues? Consider language such as 5 non-family members paying to stay overnight. Up to 5 people might require an ASU Permit. Fee or no fee?

- Administrative Special Use (ASU) Permit – includes public notification
 - Up to ## people

- Up to ## days/year
- Hearing Examiner Special Use (HSU) Permit – includes public notification and hearing in front of the Hearing Examiner
 - Up to ## people
 - Up to ## days/year

August 16 (Noon – 2) Meeting Topics

- Review, revise as needed, and approve these notes and action items
- Finalize draft letter and list of recommendations to submit to the Planning Commission
- Come to consensus on ag easement requirement
- Continue to list type of permit (ASU or HESU) and criteria / mitigation for:
 - Event Venues (HESU only)
 - Farm-to-Table Venues
 - Overnight Stays