

Final Agritourism Stakeholder Group Notes

Skagit Publishing and via Zoom

August 9, 2023 from Noon – 2pm

Attendees

Mark Knutzen (Interested citizen); Leo Roozen (WA Bulb, RoozenGaarde); Jesse & Jeff Anderson (Maplehurst Farm & Save Skagit Farm Venues); Katie & Brock Clements (Saltbox Barn and Farm & Save Skagit Farm Venues); Mark Benson (Eagle Haven, Perkin's Apples); Taryn Holmstrom (Skagit Valley Wedding Rentals); Amy Frye (Boldly Grown Farms); Emma Christianson (Christianson's Nursery); Terry Gifford (Willowbrook Manor); Peregrine O'Gormley (Interested Citizen); Jake Buganski (Skagit Tourism Bureau); Kim Rubenstein 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.
- Allen: Send out description of regulatory easement (39:1) for all to review and consider prior to the next meeting. Also send out draft letter that we would submit to the Planning Commission after our final meeting next Wednesday. Share it also through Google Docs to allow for multiple folks to edit.
- All: For discussion Monday consider criteria, mitigation for various activities within the categories of:
 - Event venues
 - Farm-to-Table venues
 - 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 issue.

Remaining Meeting Dates for this Group

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

- Monday, August 14 from 9am – noon
- Wednesday, August 16 from noon – 2pm (Deadline for public comment is now August 17.)

Announcements

Many thanks to Katie for providing quiche, bagels, cream cheese, and more for our nourishment. Similar thanks to Jessie and Jeff for fresh blueberries and to Peregrine for those amazing strawberries that are red all the way through!

On August 7, Larry Jensen notified Allen and Lyn that he had asked Colton Cummins and Jamie Crawford to attend these meetings as representatives of Country Cousins Inc. Lyn added them to the email distribution list and sent them a welcome email invitation with past meeting notes, our norms, and consensus making protocol.

Mark reported a Harvest Host acquaintance of his was given a citation for allowing "primitive camping" on his property. All were surprised to hear this. Overnight "farm" stays are something this group needs to consider addressing as the Ag. Advisory Board proposal did not. Allen noted that overnight farm stays are occurring all over Skagit County with some of it may be addressed through the relaxing of the County's Accessory Dwelling Unit code (ADUs). Allen indicated County staff contacted him to urge the group to consider how to address overnight farm stays includes property owners using Harvest Host, yurts or ADUs. Emma shared information about Skagit County's recent notice about Lodging Tax grant applications deadline coming up and the fact Skagit County, through this grant process, is promoting tourism in Skagit County.

Since our last meeting, Allen reached out to Kara (WWAA) and updated her about the work of this group. He also let her know that relevant documents are being posted to the Agritourism page on SPF's website. (WWAA and others who no longer attend these meetings are included on the distribution list for meeting agendas and notes. Only those who specifically asked to be removed have been removed.)

Allen also reported he is keeping in contact with Skagit County officials. Lyn reported that she received feedback from Commissioner Browning thanking her for the notes and the progress of the group. Allen reported that some of the feedback he is receiving is the following

- The limited entry approach for farm venues has merit and appears to address the concerns and desires of multiple interests
- The more details/ guidance we can provide in the form of recommendations on the types of conditions /restrictions for various uses that may be allowed will be extremely helpful in figuring out implementation steps.
- There is interest and possible support in requiring a regulatory easement as one of the conditions in order to operate a farm venue (this to be further flushed out on Monday).

Remaining Recommendations to Address

We do not need to address any accessory uses that currently are permitted outright. Our focus will be on which activities are at the heart of the agritourism issue – event venues (weddings, concerts, etc.) restaurants and farm stays. There was discussion that all these activities should require an Administrative Special Use (ASU) Permit vs a Hearing Examiner Special Use (HESU) permit. In doing this, it is important to remember that we want to be mindful of the many small farmers who cannot survive without additional income on top of income derived from farming.

Our focus will be defining criteria / mitigation for the following which would not be permitted outright:

Events

- Event venues
 - <50 people (site specific) – ASU. <65 was also suggested. Discussions will continue.
 - More than that – HESU
 - Certain number of events using site specific criteria
- Farm-to-table Restaurants / Venues – it was suggested that saying “farm-to-table venue” is more appropriate than saying farm-to-table restaurant.”
 - A possible path may work for food prepared onsite through a farm-to-table experience. If we want to recommend a code path for a farm-to-table venue, it would be permissive use on the site.
 - There was general agreement that restaurants without a direct link to locally sourced/grown produce/proteins should not be allowed in Skagit ag.-NRL.
- Overnight stays / Farm stays vs. camping
 - 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? That is the question.
 - Mark B said at Eagle Haven they sometimes have people stay on their pasture. The length of stay is always one night – a safety consideration as wine was consumed). They never charge a fee. No land is disturbed. They stay on pasture. There are no hookups and no dumping. RVs are self-contained.
- E.g., establishing a cap of XX number event venue permits that would be available within Ag-NRL zoned lands. Based on the statement ready by the Planning Director the night of the public hearing, the Board of County Commissioners are looking for a code path for the existing farm venues. If a limited entry permit system could be created, the existing operators would/should have first chance to apply for them.

- It was acknowledged this would be artificially capping this industry (the invisible hand of the market).
- Start with a number that would cover the currently operating venues plus some additional number (e.g., 21 + 9 for a total of 30 only).
- These limited entry permits could be transferred/sold to new owners with the understanding the new owner and/or new site would have to comply with all the terms – and if transferred to a new site, all new permitting review and site-specific evaluation and conditions applied.
- New permit owners would have to comply with all of the conditions including the requirement to show proof of farm income, no permanent conversion of farmland, etc.
- Enforcement will be an issue. We want our recommendations to be clear, easily enforceable, and to stand the test of time.

Programmatic Permit Renewals

SPF's policy position paper recommends programmatic permits be renewed every three years. WWAA's policy position paper submitted to group indicates annual permit renewal. All acknowledge the initial permit application process would be the most arduous, time-consuming, and expensive. Permit renewals, especially for "good actors" would be expected to require effort and expense similar to other required inspections/renewal process.

An example was given about Skagit County's on-site septic inspection requirements – if an on-site septic system owner is doing things right, maintaining their system, then the inspection goes well and there is minimal fuss and expense. If they are not and there are failures and problems, then it gets expensive. A question was asked if current operators of venues would be able to continue to operate while going through the initial permitting process. Allen said he would reach out to ask the question.

Allen explained programmatic permit renewals done more frequently can catch minor adjustments to existing code, causing fewer surprises to permit holders and arguably more predictability. Permit renewals less frequently – say every 5 or 10 years, may create a situation where a permit holder faces multiple updates regulations that would then need to be addressed.

Allen explained that if a requirement that farmland be placed in a conservation easement for farm venues is established, the County already has a program/process to inspect protected farmland annually. This inspection looks for encroachment and similar violations onto protected farmland – and in conjunction with a programmatic permit renewal process – would appear to address the enforcement issue(s) that is a concern of many within the agricultural community.

The idea of using outside third party inspectors, hired by the permit holder, was also discussed. The County already uses this type of process for on-site septic systems (OSS). Property owners with OSSs are required to hire a certified inspector (the County has a list) to inspect their system and file a report with the County's Health Department.

Consensus Reached

After lots of discussion consensus was reached among those present to recommend programmatic permits be renewed every 5 years.

Conservation Easements

Allen said the SPF Board is in favor of farmland that is tillable being placed in a conservation easement as a condition of allowing farm venues, etc. Allen mentioned this may be achieved through an existing mechanism using Skagit County's 39:1 program or similar. Amy expressed concerns that she and many other small scale and first-generation farmers have with legally separating the farmland from the home site and placing a restrictive easement the farmland, as it may be too limiting. It was also noted that some farm venues do not have tillable farmland, and therefore no farmland to be placed in a conservation easement. Allen suggested that a fee

payment in lieu system could be developed where a venue operator makes a payment to Skagit County's Farmland Legacy program that then is used to help protect farmland somewhere else in Skagit County. There was discussion about how this fee would be determined. Allen suggested perhaps starting with a fee similar to the cost to a landowner to participate in the County's 39:1 program.

Allen will forward and bring additional information for further discussion at Monday's meeting.

August 14 Meeting Topics

- Review, revise as needed, and approve these notes and action items.
- Discuss preparation of letter with recommendations to the County
- Come to consensus on ag easement requirement
- Continue to list type of permit (ASU or HESU) and criteria / mitigation for:
 - Event Venues
 - Farm-to-Table Venues
 - Overnight Stays