



Planning & Development Services

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Memorandum

To: Planning Commission

From: Sarah Ruether Long Range Planning Manager

Date: April 25, 2023

Re: **Agricultural Advisory Board (AAB) Code and Policy Recommendations for Agritourism**

Summary:

With a vested interest in agriculture and agritourism policy the AAB land use committee drafted recommendations for code and policy changes. This memorandum presents those recommendations, along with an analysis of the proposed code changes and their intended policy objectives.

Action Requested of the Planning Commission:

Give Staff guidance on the direction for how to implement proposed code and policy recommendations from the Agricultural Advisory Board.

Background/Discussion:

The Agricultural Advisory Board compiled a document to share their recommendations for agritourism policy and code development as it goes forward. This document contains many State and GMA statutes as background and basis for their recommendation. (See Exhibit A: AAB Policy Recommendations) This document is the basis for the analysis and discussion in this memorandum.

Definition of Agritourism

The AAB recommends adding the following definition of agritourism to the code:

A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and

subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.

This definition is similar to the definition of agritourism in Marion County, Oregon (Exhibit B: Comparison of Agritourism Definition and Proposed AAB Agritourism Definition)

Definition of Agricultural Accessory Use

The AAB recommends refining the definition of Agricultural Accessory Use to clarify the use of agricultural support buildings and that any agritourism activity must be incidental and subordinate to the primary farming operation. Agricultural Accessory Uses must be accessory to an active farming operation and must be designed, located, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property. These recommendations can be seen in redline to the existing code in Exhibit C.

Definition of Temporary Events

The AAB recommends a small change to the definition of temporary events:

commercial use of a property for any musical, cultural, or social event either indoors or out of doors, including agritourism events."

This definition change makes it clear that agritourism events are to be regulated as temporary events.

Reduction in Number Allowable Events

The AAB recommends amending SCC 14.06.900(2)(h)(i) to reduce the number of calendar days an event can occur per year from 24 to 12. (Exhibit D)

The purpose of this change is to ensure and clarify the meaning of temporary activities and distinguish it from permanent activities.

Fees for Temporary Events

The AAB recommends temporary events be assessed a scalable fee of \$2.00 per attendee as part of obtaining a special use permit. (Exhibit D)

Provide No Conversion of Ag Land

The AAB recommends and that language be added to SCC 14.16.900(2)(h) that temporary events related to agricultural production cannot convert agricultural land. (Exhibit D)

If these recommendations were implemented in SCC 14.16.900(2)(h) these new criteria would apply to every zone.

The per participant fee proposed is not congruent with the special administrative use temporary use permit, which allows for temporary events in perpetuity, and does not allow for individual permitted events that are a one-time event. Secondly, the fee structure for these permits is not suited to a per person or per event permit fee, due to the structure of the permit which requires SEPA and a lengthy permit process. Therefore, Staff proposes to look at the intent of these proposed code changes, and research and discuss further how to achieve these desired results. If all agritourism events were regulated from this section of code this would leave out smaller agritourism events, which is contrary to the AAB desire to have scalable fees and allow for smaller agritourism events.

Other cities and Counties have temporary events permitted through a special event permit, which is a permit for a one-time event that is not renewed on an annual basis. This permit structure would require that an agritourism event apply each year for their event, which would reduce “creep” where an event changes over time. Additionally, with an annual special event permit, if the programming for the event was changed, it could be updated each year with permit. Special event permits review for public safety, fire, security, and emergency management and to ensure that the applicant has the appropriate insurance coverage for having a large public event. Additionally, there could be specific code to regulate temporary agritourism events, so that they are not grouped with other zones.

Alternatively, code within the Special Use Permit section could be customized for Ag-NRL so that it was not applicable to other zones. However, this code section would not allow for scalable fees or for single or a small number of agritourism events to be permitted.

One concern is that if these proposed changes were adopted in the code section recommended by the AAB, is that these changes would be applicable to zones outside of Ag-NRL and the temporary events that are not part of agritourism. Therefore, the objective is to understand the intent of the proposed code changes proposed by the AAB and figure out how best to achieve the goals through appropriate code and policy changes.

Next Steps:

Continued discussion about how to clarify Skagit County code so that it addresses and defines agritourism activities and allowances in a finer resolution. Direction from the Planning Commission on how to incorporate the recommended changes from the Agricultural Advisory Board.

Exhibit A: AAB Policy Recommendations

Exhibit B: Comparison of Agritourism Definition and Proposed AAB Agritourism Definition

Exhibit C: AAB Recommended Changes to definition of Agricultural Accessory Use

Planning Commission Meeting 4/25/23

Exhibit D: AAB Recommended Changes to Temporary Events (SCC 14.16.900 (2)(h))

Exhibit A



Skagit County Agricultural Advisory Board

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April 18, 2023

Board of Skagit County Commissioners, Skagit County Planning Commission, Skagit County
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Agritourism Policy Review and Recommendations

The Agricultural Advisory Board provides this review of agritourism policy with recommendations to the Skagit County Commissioners, Skagit County Planning Commission and Department of Planning and Development Services. This review and recommendations attempt to assemble essential state statutes and Skagit County Code regarding agritourism in one document to make the topic more accessible. The Review and Recommendations were unanimously approved by the AAB at its meeting on April 12, 2023.

The AAB finds existing state and county code provide the basis for protecting agricultural operations while allowing agritourism activities that supplement and enhance ongoing soil-based agricultural activities. The following document outlines these findings and provides clarifications and changes to protect agricultural activities on Agricultural Resource Lands along with allowing appropriate agritourism activities.

We hope our work is instructive and useful to readers and policymakers regarding Agritourism on Agricultural lands.

The Agricultural Advisory Board welcomes further discussion, questions and clarification as needed on the topic.

Sincerely,

Michael Hughes
Chair, Agricultural Advisory Board

Advisory Committee Members:

Michael Hughes (Chair), Kraig Knutzen (Vice Chair), Nels Lagerlund, Murray Benjamin,
Justin Hayton, John Morrison, Steve Omdal, Terry Sapp,
Tim Van Hofwegen, Steve Wright, Michael Trafton, Steve Skrinde

Review of Agritourism from the Skagit County Agricultural Advisory Board

Purpose

The Agricultural Advisory Board provides this review of agritourism policy with recommendations to the Skagit County Board of County Commissioners, Skagit County Planning Commission and Department of Planning and Development Services.

This review and recommendations attempt to assemble essential state statutes and Skagit County Code regarding agritourism in one document to make the topic more accessible.

(Italicized portions are existing law and code language.)

Standards for Recommendations

1. State statutes (RCW) found in the Growth Management Act (GMA) provide overarching structure for allowable zoning rules for agricultural lands (RCW 36.70(A)).
2. GMA addresses agricultural and non-agricultural uses and provides specific standards for preservation of all commercial agricultural lands. (RCW 36.70(A).177)
3. Existing Skagit County Code (SCC) provides a firm foundation for preserving farmlands and restricting nonagricultural uses. (SCC 14.16.400, 14.16.900, in particular)
4. The six principles previously presented remain central to the AAB position, primarily asserting that non-agricultural commercial activities be directly connected to on-site farming and enforced.
5. Divergence between rules and practice necessitates policy reconsiderations for agritourism uses on ag lands and raises questions of observance and enforcement.

State Law Guidance

Section 36.70(A).177 of GMA directly addresses preserving agricultural lands and controlling agricultural and nonagricultural accessory uses. While the term “agritourism” is not used in GMA, activities associated with agritourism for policy discussion, would certainly be covered by this section.

Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

Accessory uses may include:

Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities.

Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses.

(Reformatted)

Generally, it is assumed that county code can be more restrictive than state law but cannot exceed the intent of state law (interpretations notwithstanding). The clear language of the state law centers on the preservation of agriculture and primary agricultural use of ag-zoned lands.

Significant value could be gained by clarifying in county code the application of “size, scale, and intensity” so administrative or hearing examiner review of applications fit the property, the neighborhood, the zone and are limited at any extent to one acre.

(Washington Administrative Code (WAC) also provides detailed guidance consistent with applicable RCW and can be found at WAC-365-196-815 Conservation of natural resource lands and WAC365-190-050 Agricultural resource lands, among other citations. While significant and reinforcing of the RCW, WACs are not included in this discussion.)

Recommendation

The leading statement in RCW 36.70(A).177, above, should augment the existing Agricultural Accessory Use Definition (SCC14.04) by including:

“[Agricultural] Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.”

This language would clarify that agricultural accessory uses are to be permitted when they support farming, and it adds to existing SCC language the consideration of neighboring properties. (See discussion of “Permitted Uses (SCC14.16.400 (2))” below).

The “Nonagricultural accessory uses” language from RCW 36.70(A).177 above should be inserted in existing code under “Special Use Permit Requirements,” discussed below. Inserted there, it would serve as guidance to administrators and hearing examiners when considering permits for activities not outright permitted. In particular, “size, scale, and intensity” would become a guideline (which may require greater definition) for permitting in the ag zone.

The one-acre limit would place the state rule into Skagit County Code when considering agritourism activities and would likely limit permanent retail commercial enterprises like restaurants and alcoholic beverage establishments. Also, because the limit is in state law, it would potentially control local demands to exceed the size limitation. This approach is preferable to addressing “size, scale, and intensity” by fixing the number of guests, tables, or square footage for occupancy. Considering the need for septic infrastructure, one acre is a significant constraint.

Existing County Code and Standards for Ag Lands Uses

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.

Primary provisions regarding practices on ag lands are found in SCC 14.16.400 Agricultural – Natural Resource Lands (Ag-NRL) and in SCC 14.16.900 Special Use Permit Requirements.

Definitions used in code are found in SCC 14.04.

Ag-NRL Purpose (SCC 14.16.400(1))

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.

(Excerpted)

Permitted Uses (SCC 14.16.400 (2))

(a) Agriculture.

(b) Agricultural accessory use.

(c) Agricultural processing facilities.

(h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than three nonresident full-time employees.

(j) Home-Based Business 1.

(Excerpted)

Agricultural Accessory Use Definition (SCC 14.04)

Agricultural accessory use: an agricultural accessory use shall predominantly serve the principal use of the farm, but may also serve other farms. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following:

(1) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials;

(2) Impoundments under 1-acre feet in volume;

(3) Farm animal or horticultural viewing by the public;

(4) U-pick sales to the public;

(5) Storage of agricultural products, ingredients, packaging and/or equipment used on-site;

(6) Miscellaneous agricultural support buildings, including barns, sheds, corrals, farm offices, and coops, which are used for on-site soil-dependent agriculture; and

(7) Activities associated with tourism which promote local agriculture; provided, that adequate parking and specified ingress and egresses are designated and permitted.

Note that (6), above, permits use of farm buildings for farming. Other uses of buildings would not be permitted or would be permitted only through special use permits.

The above portions of the SCC refer to outright permitted activities. Other activities would require administrative or hearing examiner approval as guided by 14.16.900 according to the zone and the property in which the activity lies.

Recommendations

1. Clarify (6) above by adding “which agricultural support buildings shall not be a place of human habitation or place, or be a place used by the public” (extracted and edited from SCC 14.34 Flood Damage Prevention)

2. Clarify (7) above to identify “agritourism” in place of “tourism,” and thus, tie this permitted use to newly defined uses.

3. Add SCC definition of Agricultural Accessory Use as a new items (8) and (9):

(8) “Any agricultural or nonagricultural accessory use that is an agritourism event or activity shall be incidental and subordinate to the primary farming operation of the farm or site.”

(9) “Any agritourism accessory use must be part of an active farming operation.

4. Add “Agritourism” to Definitions (SCC 14.04)

Agritourism: A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.

Farm-based Business Definition (SCC 14.04)

Farm-based business: 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 from agriculture support services.

Special Use Permit Requirements (SCC 14.16.900 (1) and (1)(b)(v))

Special use permits in this section SCC 14.16.900 apply to each of the zones in 14.16 including Ag-NRL according to the specific language of the respective zone. Thus, permits in the ag zone must be compatible with existing and planned land use in the ag zone.

Special Uses. Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.

The burden of proof shall be on the applicant to provide evidence in support of the application.

The criteria for approval or denial shall include the following:

(A) The proposed use will be compatible with existing and planned land use.

(B) The proposed use complies with the Skagit County Code.

(Excerpted)

Recommendation

As discussed above under State RCW Guidance, language closely following GMA RCW 36.70(A).177 regarding nonagricultural accessory uses should be included in special uses for administrator and hearing examiner criteria as item (C). Language recommended for SCC 14.16.900 clarifies that no more than one acre is to be used for the nonagricultural activity.

(C) The proposed use complies with nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses, provided the use for the agritourism activity and shall not otherwise use more than one acre of agricultural land.

Temporary Events (SCC 14.16.400 (3) (h))

Temporary Events. *Special use permits for temporary events are also subject to the following criteria:*

(i) Events may occur on no more than 24 calendar days per year.

(ii) Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.

(Excerpted)

Recommendation

1. Change the number of “events” in this section to “no more than 12 calendar days per year.” This change clarifies the essential meaning of “temporary” and further separates temporary from permanent activities and facilities when requiring special use permits.
2. Add to permitting criteria for Temporary Events an additional item (v) indicating that fees are to be set and applied by the appropriate department of the county to the extent appropriate to recognize the cost and importance of county personnel who would enforce agritourism zoning codes:

(v) All approved temporary events shall be assessed fees appropriate to the scale of the activity based on the number of participants identified in the application for the temporary event at a rate of \$2.00 per proposed attendee, such rate to be adjusted over time for inflation.

3. Add item (vi) to temporary events criteria:

(vi) Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.

Temporary Events Definition (SCC 14.04)

Temporary events: commercial use of a property for any musical, cultural, or social event either indoors or outdoors.

Recommendation

Add to existing temporary events definition at the end: “including agritourism events.”

It is understood by the AAB that the definition of temporary events applies to “Temporary Events, Special Use Permits,” which, when such events occur in the Ag-NRL are subject to the rules of the ag zone.

Special Use Permit Annual Self-Certification (SCC 14.16.900 (3))

(3) Special Use Permit Annual Self-Certification.

(a) Each year Planning and Development Services shall send an affidavit to the property owner(s) of record for all active special use permits. Planning and Development Services shall use the records of the Skagit County Assessor’s Office for determining owner(s) of record and the Department’s permit tracking system for determining active special use permits.

(b) The affidavit shall contain the special use permit number, applicant name, owner(s) of record name and address, parcel number and address of the subject property, a description of the original project approval, any conditions of the approval, the date of mailing, the required return date and a statement of acknowledgement.

(Excerpted)

Divergence

The inconsistency between county code and some actual agritourism activities is a source of perplexity for policy construction. Directing new policy to accommodate enterprises that do not comply with existing code is backward and sets an unfortunate precedent suggesting “if one builds it, it will be approved.” Indeed, this circumstance may well be a primary reason for the larger and lengthy agritourism study itself.

Recommendation

The Board offers that identifying those 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.

Conclusion

The Agricultural Advisory Board has observed the ongoing process of studying agritourism involving studies, surveys, reports and informal discussions. Overall, the AAB finds that existing state law and county code provide sound, basic standards for protecting farmlands and farming as the primary activity there, and the state laws and local codes are firmly restrictive regarding nonagricultural uses.

This paper principally assembles essential features of state law and of SCC into one (hopefully) readable narrative that reveals existing standards that have arisen over time and have their own histories. However, the term “agritourism,” and related uses, deserve a place in code that recognize current interests.

Recommendations offered reflect opportunities for clarification and improvement and not change the general direction of policy as reflected in Skagit County Code.

Most agriculturally-related, public facing activities can fit in the ag zone and satisfy existing code and improved standards. Some activities, however, highlight retail commercial enterprises that do not satisfy the growth management standard:

Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of the overall agricultural use of the property and neighboring properties (RCW 36.780(A).177).

Exhibit B- Comparison of Agritourism Definitions and Proposed AAB Agritourism Definition

County	Term	Definition
Skagit County	Agritourism	<p><u>— —A common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.</u></p>
Thurston County	Agritourism	<p>an enterprise generally located at a working farm, ranch, or other agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests or clients, and that generates income for the owner/operator. Agritourism is also the act of visiting a working farm/ranch or any agricultural or horticultural operation for the purposes of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agriculture or agricultural production must be the primary use of the land except as otherwise provided, pursuant to the standards and criteria established by Chapter 20.08G, Agritourism Overlay District (AOD). Uses permitted by that chapter are generally defined as agritourism uses within the AOD.</p>
Marion County, Oregon	Agritourism	<p>means a common, farm dependent activity that promotes agriculture, any income from which is incidental and subordinate to the income of a working farm operation. Such activities may include hayrides, corn mazes and other similar uses that are directly related on onsite agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agritourism may include farm-to-plate meals and similarly small, farm theme parties. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism.</p>
Spokane County	Agritourism	<p>Does not have Agritourism but has Agricultural Direct Marketing Activities – Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of non-agricultural products (e.g., crafts, 2020 Printing Spokane County page 300 – 2 Definitions Zoning Code Chapter 14.300, antiques, kitchen goods, etc.) educational classes and tours, commercial farm rides on premises, and limited restaurant services, as defined.</p>

Exhibit_C - Agricultural Advisory Board Recommended Changes to Agricultural Accessory Use

County	Term	Definition
Skagit County	Agricultural Accessory Use	<p>Agricultural Accessory Use – an agricultural accessory use shall predominantly serve the principal use of the farm, but may also serve other farms. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (1) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials. (2) Impoundments under 1-acre feet in volume; (3) Farm animal or horticultural viewing by the public; (4) U-pick sales to the public; (5) Storage of agricultural products, ingredients, packaging and/or equipment used on-site; (6) Miscellaneous agricultural support buildings, including barns, sheds corrals, farm offices, and coops, which are used for on-site soil-dependent agriculture and <u>which agricultural support buildings shall not be a place of human habitation or place, or be a place used by the public;</u> <u>(7) Activities associated with tourism which promote local agriculture; provided, that adequate parking and specified ingress and egress are designated and permitted.</u> <u>(8) Any agricultural or nonagricultural accessory use that is an agritourism event or activity shall be incidental and subordinate to the primary farming operation of the farm site.</u> <u>(9) Any agritourism accessory use must be part of an active farming operation.</u> <u>(7)(10) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.</u>
Marion County, Oregon	Agricultural Accessory Use	Does not define

Exhibit D- AAB Recommended Changes to Temporary Events (SCC 14.16.900 (2)(h))

Current Code with AAB Recommendations Redlined	AAB Policy Objectives	Staff Recommendations for further study
<p>Special Use Permit 14.16.900(2)(h)</p> <p>(h) Temporary Events. Special use permits for temporary events are also subject to the following criteria:</p> <p>(i) Events may occur on no more than 24<u>12</u> calendar days per year. (Applicable to 20 zones here)</p> <p><u>(v) All approved temporary events shall be assessed fees appropriate to the scale of the activity based on the number of participants identified in the application for the temporary event at a rate of \$2.00 per proposed attendee, such rate to be adjusted with inflation.</u> (This fee structure is not congruent with this section of code and could not be placed here)</p> <p><u>(vi) Temporary events are related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed</u> (Would need to specify in code this is only applicable to AgNRL and not other zones)</p>	<ul style="list-style-type: none"> • Reduce temporary events to 12 calendar days per year; • Clarify meaning of temporary and separate temporary from permanent activities. <ul style="list-style-type: none"> • Assess fees appropriate to scale of activity based on the number of participants. • Further clarify that temporary events need to be related to agricultural production and that no agricultural land is converted and no permanent structures are constructed. 	<ul style="list-style-type: none"> • Create code specifically for the AgNRL to meet the intent of these policy objectives. Current placement of proposed code change would include 20 other zones. • Write a separate section for AgNRL in Special Use temporary events, which would not allow for single events or scalable fees. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Consider special event permits that are event specific and require re-application every year. This would require temporary permit applications each year instead of one large permit fee (\$5K+) for 12 events in perpetuity.