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To: Lisa Freund <lisa.freund@co.yakima.wa.us>; Olivia Story <olivia.story@co.yakima.wa.us>

Cc: Amanda McKinney <amanda.mckinney@co.yakima.wa.us>; Laurie Kirkland <laurie@wilridgewinery.com>

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Dear Lisa and Olivia,

Please provide the following comments to the Planning Commission members in advance of the February 9 public hearing on LRN2019-00010 -- Agritourism.

I originally provided detailed written comments on July 6, 2021 on a prior draft of the Agritourism proposal. Those comments are included again here for review by the Planning Commissioners and incorporation into the public hearing record. I have never received any formal response from the County regarding my extensive comments. Sadly, it appears that many of my comments were largely ignored as the latest draft of the proposal before the Planning Commission is in many respects worse for agritourism than the prior proposal.

I think many of the shortcomings of the proposal result from the County never clearly defining the "problem" that needs to be "fixed" by the proposal. During the Advisory Group meetings, the only "problem" County staff could identify was that they were getting "lots of complaints" from citizens about agritourism operations in the County. When we probed about these complaints we were not provided with any details but eventually learned that there really had not been "lots of complaints" and that they had come from just a few disgruntled individuals. Further, instead of meeting the supposed goal of reducing complaints, the new limitations and restrictions in the proposal will simply give these disgruntled individuals more to complain about.

Recently, well after the Advisory Group was disbanded by the County, we learned that another supposed "problem" to be "solved" was to update the code to mitigate liability exposure of business owners. However, by further limiting and restricting agritourism, the proposal will expand liability exposure of businesses in the ag zone rather than reduce it. The "update the code to reduce liability" rationale also misses the point and is historically inaccurate. The agritourism provisions of the county code were updated to permit wineries, breweries, distilleries in the agricultural zone less than twenty years ago and have been periodically updated since. Before the update twenty years ago, wineries, breweries and distilleries were not permitted in the agricultural zone in Yakima County. The reason so many wineries are located in Walla Walla and Benton Counties instead of Yakima County is because Yakima County did not allow them until less than twenty years ago. Those tourist dollars and development went east even though the Yakima Valley is where most of the grapes are grown in the state and Yakima County is closer to both the Seattle and Portland markets. Yakima County missed its chance to be the true "Gateway to the Washington Wine Country" by not recognizing the opportunity it had when the modern Washington wine industry got going in the 1980s. When Yakima County finally did allow these agriculturally related businesses, it imposed very strict limitations in the code that have made it hard for them to succeed in Yakima County (think of how many breweries, wineries, distilleries and vineyards have gone out of business, relocated, or are for sale) and exposed these businesses to the very liability the County claims the proposal is supposed to alleviate. If there is any

real problem that needs to be fixed, it's that the existing code is too strict -- leading to complaints and potential liability -- but the proposal as written further tightens the screws.

The County website for the agritourism proposal lists a different new goal: providing "clarity" to the regulations. In this case, clarity is a euphemism for more restrictions. Some County staff may believe that wineries, breweries and distilleries can do too much in the ag zone under the current code, but no one -- save perhaps a few disgruntled individuals who are privileged to live in the ag zone -- has publicly asked for more restrictions or clarity. The fact is that there have been very few actual violations of the code by wineries, breweries and distilleries. The existing code is clear and has worked fine in actual practice. Wineries, breweries and distilleries can operate their businesses and attract customers under the current code with minimal actual impact to the ag zone.

If the proposal really wanted to provide clarity, it would define an "event" as any activity that requires paying to attend, e.g. buying a ticket or paying a fee. That way it would be clear that wineries, breweries and distilleries can provide all the benefits their customers enjoy and have come to expect -- if there is no charge. It would provide a clear line for applicants and County staff to determine when additional permitting is required. Under the existing code, if a winery, brewery or distillery wants to have actual ticketed events, it can obtain a special occasion license to hold up to five events per year. If it wants to hold more ticketed events, under the existing it could obtain an ATO permit if it could meet all the ATO requirements. In actual practice, I am not aware of many wineries, breweries or distilleries in Yakima County that want to become ATO event facilities, although some do want to hold weddings and therefore should get an ATO permit under the existing code. The proposal is a solution in search of a problem.

With such a poor problem definition -- or rather lack of a significant problem except in the minds of a few disgruntled individuals -- the proposal got sidetracked from promoting and encouraging agritourism in Yakima County to limiting and restricting agritourism. As County staff finally admitted in the Staff Report for the proposal -- after the Advisory Group was disbanded -- "Planning's goal is not to promote agritourism..."

The Staff Report also claims that "the proposed text changes will reduce the existing restrictions that are already in place..." As my original comments demonstrated, and the latest draft of the proposal confirms, nothing could be further from the truth. With only a few minor exceptions, the new limitations and restrictions in the proposal will make it more difficult for agritourism businesses to succeed in Yakima County. For instance, the proposal will force many businesses to apply for expensive Agricultural Tourist Operation Permits while at the same time the proposal makes it more difficult to qualify for an ATO permit. The proposal also includes an arbitrary limit of 100 people for broadly defined "events" not found in any other county code in the state. The proposal reduces the number of guest rooms allowed to six and, for the first time, counts "glamping" temporary structures such as tents as guest rooms against the limit. Providing lodging is one of the only ways agricultural tourist operations can diversify their income and few will survive with only six guest rooms. If adopted, many popular destinations in Yakima County will be forced to curtail their operations and close their doors. Future agritourism businesses will decide to locate in other counties such as Walla Walla and Benton that welcome the economic growth and do not impose such arbitrary limits or such restrictive permitting requirements.

In the final analysis, the real question is who should get to enjoy the benefits of Yakima County's wonderful agricultural zone. We have all watched the small family farms the ag zone was intended to protect disappear in Yakima County. Do we want a county ag zone where only giant farms can succeed? If we want to keep small family farms alive, we need to let them attract customers and sell their products. Is the Yakima County Agricultural Zone going to be open for all the public to enjoy, or just a select few wealthy or land-holding citizens lucky enough to live there already? The current

proposal goes in the wrong direction. It should be scrapped and rewritten to actually promote agritourism. Or the existing code language adopted less than twenty years ago should be retained as is. Thank you for considering these comments.

My specific additional comments since the revisions to the proposal are as follows:

19.01(1) All "event facilities" will have to obtain Agricultural Tourist Operation (ATO) permits, which are difficult and expensive to obtain. Many existing operations will go out of business because they cannot obtain an ATO permit. Further, the term "event facility" is not defined, creating uncertainty and providing county staff with unbridled authority to arbitrarily decide who has to get an ATO permit. In fact, some county staff claim that an "event" is anytime two or more people meet for any purpose. Under this broad definition, it's hard to think of a business in the ag zone in Yakima County that could not be compelled to apply for an ATO permit. The Planning Commissioners should keep this broad definition of "event" in mind when they consider the many requirements and restrictions the proposal places on "events."

19.01(1)(2) Under the existing code Destination ATOs may have up to twelve guest rooms and there is no limitation for Resort ATOs. The proposal reduces the number to six guest rooms for Destination ATOs and eliminates Resort ATOs. No explanation for the proposed change from twelve to six rooms at Destination ATOs has been provided by county staff. The only reason staff provided during the Advisory Group process for eliminating resort ATOs was that there are none in the county yet. Have the county staff polled the people of Yakima County to see if they are sure they never want to see a world class agricultural resort in Yakima County? If there is not yet a Resort ATO in Yakima County, what is the problem to be fixed by eliminating them? This is a clear example of the proposal limiting and restricting agritourism rather than promoting agritourism.

19.01(1)(3) The proposal bans Resort ATOs in Yakima County. Future ATO Resort developments will go to other counties. Existing code language allowing activities such as seminars, weddings, other social gatherings, and RV accommodations is deleted, as are gift shops and galleries. This is another clear example of the proposal limiting and restricting agritourism. In a rare example of improving the code, the proposal does allow restaurants at Destination ATOs, but this is little consolation for eliminating the possibility of Yakima County citizens ever enjoying a Resort ATO or reaping the benefits of the associated tourist dollars.

19.01(1) Breweries and Distilleries are only allowed to have "limited food service necessary to meet the requirements" of their liquor licenses.

19.01(1) Overnight lodging facilities are limited to six guest rooms. This is another clear example of the proposal limiting and restricting rather than promoting agritourism. Under the existing code, Destination ATOs can have up to twelve guest rooms and Resort ATOs can have as many as they want. The proposal also limits stays at overnight lodging facilities to thirty days. That means, for instance, that Yakima County will no longer host artists and writers who wish to retreat to a countryside farm for more than thirty days to create their next masterpiece.

19.01(1) The proposal contains a new definition of "events" which is extremely broad. For instance, events include "any planned social occasion." This extremely broad definition should be kept in mind by the Planning Commissioners as they review the proposal. Keep in mind also that only five special events are permitted under the code per year. This is another clear example of the proposal limiting and restricting rather than promoting agritourism.

19.01(1) The latest draft of the proposal, for the first time and without review by the Advisory Group, adds ATOs to the definition of "especially sensitive land uses" under the code. This means that

Agricultural Tourist Operations will be subject to the same restrictions in the ag zone formerly applied only to non-agricultural uses such as schools, churches, and hospitals. Therefore, while requiring more businesses to obtain ATO permits, the proposal also makes it harder and more expensive for those businesses to obtain those ATO permits. This is another clear example of the proposal limiting and restricting rather than promoting agritourism.

19.18.500 The latest draft of the proposal still contains an entire new section singling out wineries, breweries and distilleries for harsh treatment not applied to other ag-related uses such as fruit stands and corn mazes. However, this section is a rare example of a section that has been improved rather than worsened since the first draft that was reviewed by the Advisory Group. Some language has been added purporting to support a strong agricultural economy. However, the new section still imposes new restrictions and new "minimum requirements" and will create more confusion than clarity. Most concerning is the proposal's broad description of "special events" that will require a special event permit. And nowhere are the Planning Commission members reminded that a facility can only obtain five special event permits per year. That means only five "events... such as weddings, receptions, meetings and retreats" per year. Does that mean the Yakima Yoga Collective can no longer practice on our lawn? That Yakima Search and Rescue can no longer use our property for training? That the Cowiche Canyon Conservancy can't start or end a hike on our property? That clubs and charities cannot hold meetings at our farmhouse while enjoying a glass of our wine or brandy?

The latest draft of this section attempts to ameliorate the many negative impacts of the section on agritourism by providing an exception for special events that "are anticipated to have" less than 100 attendees. How this will be determined and enforced in actual practice is not explained. It would be far better to use the bright line test described above: if the event requires a ticket or a fee to attend, it needs a special occasion permit or an ATO. Non-profit "events" should be specifically allowed.

Note that this section also singles out wineries, breweries and distilleries for new occupancy, parking and road maintenance restrictions on special events that are not required of other ag-related businesses in the ag zone.

19.18.060 As noted previously, the proposal eliminates Resort ATOs in Yakima County. Future Resort ATOs and their related tourist dollars will go to other counties.

The proposal limits lodging in the ag zone to six rooms, even for ATOs. Obviously this new limitation will have an adverse impact on agritourism in Yakima County. Lodging is one of the most important sources of income for ATOs and one of the few ways they can diversify their income to survive. With this potential income source arbitrarily limited, future ATOs will go to other counties. The existing code allows up to 12 guest rooms at Destination ATOs and does not limit Resort ATOs -- it should not be changed.

The latest draft of the proposal magnifies the impact on agritourism by restricting and combining "short term rentals" with Overnight Lodging Facilities for the first time. The latest draft therefore conflicts directly with the County's recent approval of "glamping" under the code. Further damaging to the survival of ATOs is the new limitation requiring temporary glamping structures like tents and teepees to be counted against the six rooms that would be allowed at an ATO. This is yet another clear example of the proposal restricting rather than promoting agritourism. None of the new short term rental restrictions were discussed with the Advisory Group and they should be deleted.

Under the proposal, bed and breakfast facilities would have to obtain a Destination ATO and install a commercial kitchen. The owners and operators of the many bed and breakfasts in Yakima County were not consulted during the development of the proposal and are probably unaware that they are about to be put out of business.

In a rare case of promoting agritourism, the proposal lowers the size of parcels that can obtain ATOs from five acres to three acres. However, as pointed out in my prior comments, by deleting the words "at least" the proposal literally states that only three acre farms can have ATOs. Surely that is not what is intended. The proposal should be revised to state "three acre or larger farm."

My original comments follow for inclusion in the Public Hearing record:

----- Forwarded message -----

From: **Paul Beveridge** <[paul@wilridgewinery.com](mailto:paul@wilridgewinery.com)>  
Date: Tue, Jul 6, 2021 at 7:49 AM  
Subject: Fwd: Agritourism Advisory Group meeting 6  
To: Olivia Story <[olivia.story@co.yakima.wa.us](mailto:olivia.story@co.yakima.wa.us)>  
Cc: Amanda McKinney <[amanda.mckinney@co.yakima.wa.us](mailto:amanda.mckinney@co.yakima.wa.us)>, Laurie Kirkland <[laurie@wilridgewinery.com](mailto:laurie@wilridgewinery.com)>

Dear Olivia,

I thought the advisory group had clearly indicated to County staff that our mutually agreed upon goal was to make it easier for agritourism businesses such as wineries, breweries and distilleries to succeed in the Ag zone in Yakima County. I do not understand how the current proposal furthers this mutually agreed goal. The proposal does not expand what agritourism businesses can do, instead it adds new limitations, requirements and restrictions . Please forward these comments to all members of the group.

I base my conclusions not on what county staff have said verbally during the advisory group meetings, but what county staff have put in writing in the proposal. In the final analysis, it's the actual code language that is binding, not what the county says the language means during meetings. Ninety-nine percent of the actual language proposed by the county will be bad for ag tourism and family farms in Yakima County. The remaining meager one percent that might help small farmers only proves the rule.

My biggest concerns are as follows:

Events are defined as virtually any activity where more than one person is present.

Any business in the ag zone that wants to be open to the public (more than one person) will have to get an ATO permit. This will be impossible for many small family farms.

Special event permits are required for any activity involving more than one person unless the facility can get an ATO permit. The existing code language limiting facilities to five special events per year is not expanded.

The proposal makes it harder, not easier to get an ATO permit.

Rather than make it easier for small businesses to operate in the ag zone, the proposal adds many more restrictions and limitations. Wineries, breweries and distilleries are singled out for particularly harsh treatment. The proposal ignores the express directions from the group and does nothing to expand what wineries, breweries, distilleries and other ag-related businesses can do under their existing permits without needing to qualify for and obtain ATO permits.

Existing businesses are not grandfathered. They will have to get ATO permits if they want to remain open to the public or do anything other than limited manufacturing of ag products.

Resort ATOS are eliminated and lodging in the ag zone is limited to six rooms.

New limitations and requirements are placed on outdoor festivals with no input from Yakima County citizens who actually put on festivals.

In short, the proposal does almost nothing to meet the group's stated goal of promoting agricultural tourism in Yakima County. The proposal will result in more complaints to the county, not fewer. The county will have to increase staff to manage all the new requirements and permits. If the proposal is enacted, many small farms will go out of business. Yakima County will be the worst county in the State of Washington for ag tourism. Rather than be moved forward to a vote, the proposal should be scrapped and rewritten in its entirety. If a vote is forced, Wilridge urges all group members to vote no.

My specific concerns are as follows:

19.01(1) The definition of an Agricultural Tourist Operation (ATO) is changed so that to hold any kind of "event" the ag related business must obtain an ATO permit for their facility. Obtaining an ATO permit is an expensive and time consuming process and the permit may not be issued even after the applicant spends all the time and money to apply. Many businesses will simply decide to close their doors or choose another county instead.

Further, as discussed below in detail, the definition of an event in the proposal is so broad that virtually anything a business might want to do with more than one person will be considered an event and therefore require an ATO permit. Small businesses cannot thrive under such burdens.

19.01(1)(2) The proposal limits Destination ATOS to six guest room accommodations. This is a new limitation as the current code allows 12 guest rooms for Destination ATOS and contains no limit for Resort ATOS. The group never recommended reducing the number of guest rooms an ATO may have.

Under the proposal, event facilities are allowed at ATOS only for "seminars and other social gatherings." Small businesses without ATO permits will not be allowed to hold "events" or "social gatherings" of any kind without special occasion permits. No mention is made of existing county policy that limits facilities to just five special events per year.

Also, under the proposal, weddings are deleted from what a Destination ATO can do.

19.01(1)(3) The proposal eliminates Resort ATOS. Resorts will no longer be allowed in the ag zone. This is a major change from the existing code. The current code allows a Resort ATO to do "anything related to the agricultural operation that enhances the tourist related experience." The proposal deletes this broad language. Under the proposal, resort type ag tourism will go to other counties.

The proposal deletes weddings.

The proposal deletes RV park accommodations.

19.01(1) The proposal limits food service by breweries and distilleries to the limited food service required by the Liquor Control Board. This means that breweries and distilleries are authorized only to serve prepackaged foods such as pretzels.

19.01(1) The proposal changes the definition of "overnight lodging facility" from "six or more guest rooms" to "up to six guest rooms." This limitation was never recommended by the group and will hurt businesses in the ag zone who want to offer more lodging for tourists. It is a major reduction from the current code which allows Resort ATOs to have as many guest rooms as they want and allows Destination ATOs to have up to twelve guest rooms.

The proposal includes a completely new restriction on the number of days a guest may stay at an ATO: no more than 30 days. This limitation was never recommended by the group. It means, for instance, that ag related businesses will no longer be able to host artists or writers for more than 30 days.

19.01(1) The proposal allows wineries to have "event facilities," but breweries and distilleries get no similar express authorizations.

19.01(5) The proposal creates a definition of "event" not found in the current code. An event is defined as "something that happens..." and anything that "brings people together." An event is any "affair, function or occasion." Any "entertainment" is an event -- presumably even playing the radio. The proposal expands the code to private events, not just public events. The definition in the proposal is so broad that any time two people talk to each other they are holding an event. It would make virtually every sales activity businesses currently perform in the ag zone an event. For instance, wine tasting would be an event. The group never recommended such a broad definition of events. Instead the group recommended that all businesses in the ag zone be allowed to hold events, not just those fortunate enough to be able to obtain an ATO permit.

19.14.010 Resort ATOs are no longer allowed in the ag zone.

19.18 The proposal adds a new section to the code limiting and restricting wineries, breweries and distilleries. The group never recommended these new limitations and restrictions. Other ag-related businesses such as fruit stands and corn mazes are not saddled with similar business-specific restrictions.

19.18.500(1) Under the proposal, wineries, breweries and distilleries are subjected to new "minimum requirements" not previously included in the code.

19.18.500(2) Under the proposal, wineries, breweries and distilleries are only allowed to hold three kinds of "events." Everything else falling under the extremely broad proposed definition of an "event" would be illegal.

19.18.500(2)(a) Tasting rooms are defined as "events." The group never suggested that tasting rooms should be considered events.

19.18.500(2)(b) The proposal lists five specific regional marketing programs and defines them as events. Everything else requires an "additional event permit." This goes directly against the express conclusion of the group that these marketing programs are not events. They are promotions, not events. As the group explained very clearly, an individual winery, brewery or distillery could hold an actual event at its own facility during these promotional weekends, but the promotions are not events themselves.

Requiring an "additional event permit" for every activity other than these five industry promotions is the opposite of what the group recommended, especially considering that an "event" is defined so broadly.

Further, it sets a dangerous precedent to call out specific industry promotions by name in the County code. If the proposal were adopted, no other promotional activities other than the five listed in the code would be allowed without an amendment to the code. For instance, breweries could not hold Octoberfest without amending the county code. In fact, even the names of the promotions could not be changed without amending the county code.

Also, four of the five industry promotions listed in the proposal only apply to wineries (and the fifth is held in the City of Yakima, not Yakima County). Breweries and distilleries are excluded and therefore cannot conduct similar promotions as they have no express permission to do so.

19.18.500(2)(c) Directly contrary to the expressed recommendation of the group, the proposal requires wineries, breweries and distilleries to obtain separate special event permits, per event, every time they want to hold any activities "such as weddings, receptions, meeting, retreats, and outdoor festivals." If the proposal is enacted, the County will be flooded with special event permit applications -- or the wineries, breweries and distilleries will be forced to go out of business because they can no longer attract customers. Yakima County will lose ag tourism dollars.

The proposal also gives county staff new authority to further limit special events, including the size of both indoor and outdoor events.

19.18.500(3) The proposal adds a multitude of additional "general requirements" applicable to all wineries, breweries and distilleries in the County. Like the other new restrictions in the proposal, these additional requirements will place the wineries, breweries and distilleries in Yakima County at a competitive disadvantage to similar business in other counties. The group never recommended any of these additional requirements.

Several of the proposed "general requirements" were previously applicable only to ATOs. These expensive and time consuming requirements are one of the reasons many wineries, breweries and distilleries have not been able to obtain ATO permits in the past. If these ATO requirements are applied to wineries, breweries and distilleries, many will have to go out of business or locate in other counties.

19.18.060(1) The proposal eliminates Resort ATOs.

19.18.060(2)(c) Under the proposal, only ATOs can have "events" without special permits for each "event." As discussed previously, the word "event" is defined extremely broadly, so virtually every ag-related business in the County that is open to the public will have to obtain an ATO permit or close their doors. This goes directly against the recommendation of the group that the code should be amended to make it easier, not harder, for ag-related businesses such as wineries, breweries and distilleries to conduct their businesses and sell their products through events.

19.18.060(3)(e) In one of the only rare examples of the proposal actually helping, not hurting, ag-related businesses, the proposal reduces the minimum size of the farm that may obtain an ATO permit from five acres to three acres. However, by deleting the words "at least" from the code, under the proposal only three acre farms can get ATO permits. Presumably limiting ATOs to three acres is not what county staff intended, but that's what the proposal says.

The existing code language of this provision is better for ag-related businesses than either of the alternatives proposed by county staff.

19.18.060(3)(f) The proposal includes new parking restrictions for undefined "larger" events that were not suggested or recommended by the group.

19.18.060(5)(b) The proposal deletes existing code language that allows Destination ATOs to serve food to guests staying overnight. A Destination ATO must install a commercial kitchen if it wants to operate a restaurant. It appears that bed and breakfasts would be illegal in Yakima County unless the bed and breakfast can meet the many requirements for obtaining a Destination ATO permit and meet the requirements for a commercial kitchen and restaurant.

19.18.060(5)(d) The proposal reduces the number of overnight lodging accommodations a Destination ATO can operate from twelve to six. The existing code language allowing a Destination ATO to have a boarding or lodging house is deleted.

19.18.060(6) The existing code language allowing Resort ATOs to operate in the ag zone is deleted in its entirety by the proposal. Large events are no longer allowed without a special permit -- even if the Resort ATO is designed to accommodate large events.

In addition it will now be illegal to operate a "gift store, art gallery or the like" in the ag zone under any circumstance.

Overnight lodging facilities with more than six accommodations are made illegal.

19.18.060(6) The proposal applies "additional requirements" to "stick built units, recreational vehicles, and membrane structures (teepees, yurts or tents)" not previously required by the code. Each such temporary structure will not account against the facilities limit of six lodging accommodations. These changes were never suggested by the group and will make it harder for small farms to host visitors through ag tourism.

For the first time, membrane structures are required to comply with the county code for transient accommodations (e.g. cabins). This will be very difficult or impossible for tents, teepees and yurts to comply with -- so the proposal effectively bans membrane structures. This goes against recent changes in the county code designed to encourage "glamping" in the ag zone.

Cooking in membrane structures is banned. This is another change that was never suggested by the group.

8.10.010 The proposal takes the current code section applicable to major outdoor festivals and applies it to all events. It defines events extremely broadly to include all public assemblies of any kind. It says that all events are as dangerous to the public as big festivals. It creates a whole new administrative process that applies to all events, not just major festivals. None of these changes were suggested by the group. Changing the regulations for festivals is not within the mandate of the group.

8.10.020(3) The proposal expands the existing definition of Outdoor Festival to include indoor festivals. It dramatically expands the definition of a festival as any assembly of persons over 500 people for more than five hours for virtually any purpose, public or private. The group never suggested that the rules for festivals should be changed. The county has not reached out to entities that actually want to hold festivals in order to get their input prior to proposing such sweeping changes.

8.10.030 The proposal removes the allowance for festivals to be up to 16 days under one permit. No one in the group made this suggestion. Presumably this means that if someone wants to hold a sixteen day festival they will have to apply for 16 permits.

8.10.040(1) The proposal requires the applicant to apply 90 days before the festival instead of 45 days. The proposal also appears to change the permit fee. Again, not member of the group suggested these changes.

8.10.040(1)(a) The proposal requires both the owners and the "event" promoter (note that it does not say "festival" promoter) to sign the application. The proposal appears to make it illegal for corporations or LLCs to apply for festival permits.

8.10.040(k) The proposal gives the administrative official broad discretion to require "any other measures" to reduce impacts from the festival.

8.10.040(l) The proposal allows the administrative official to require whatever additional information he or she might want from the applicant while providing no guidance or limitations on the discretion of the administrative official.

8.10.050 The proposal allows the administrative official to deny a permit for a festival without having to state the reasons for the denial. The right to appeal to the Board of County Commissioners is eliminated. The applicant must pay a new fee in order to appeal to the hearing examiner. The right to judicial review is deleted.

8.10.090 The proposal creates new access and parking requirements and limitations. No criteria are provided to guide applicants or county staff.

8.10.095 The proposal creates new requirements and limitations for membrane structures (e.g. tents or teepees). The membrane structures must be installed at least five days before the festival, but the County does not inspect until the day before the event. If the county does not like the membrane structures, the festival will be cancelled at the last minute. The proposal goes directly against the strongly expressed input of the group that approvals be made in advance so that owners and promoters have time to plan and sell tickets without having to worry that their event or festival will be cancelled by the county at the last minute.

8.10.100 The proposal requires applicants to obtain waivers from neighbors before the application is submitted.

8.10.115 The proposal adds new vibration restrictions.

8.10.116 The proposal adds new lighting restrictions.

8.10.140 The proposal places potential new limits on the hours of festivals. County staff are given the authority to shorten the hours of a festival based on vague criteria such as "public health."

