Appendix C
Comments on NOP

Comment Letter P-1

PLANNING
JUN 24 2015
Planning and Development Services

SOBOBA BAND OF LUISEÑO INDIANS
EST. JUNE 19, 1883

June 18, 2015

Attn: Heather Lingelser
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Agriculture Promotion Program, PDS2014-POD 14-001, LOG No. PDS 2015-ER-15-00-001

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project, and wishes to defer to the La Jolla Band of Luiseño Indians, the Pala Band of Luiseño Indians, the Rincon Band of Luiseño Indians, and the San Luis Rey Band of Luiseño Indians. The tribe requests notification of any inadvertent discoveries that may be discovered during the course of the project.

Sincerely,

Joseph Ontiveros
Cultural Resource Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Comment Letter P-2

June 26, 2015

Heather Lingelser

Heather.lingelser@sdcounty.ca.gov

Re: Preliminary Draft – Agriculture Promotion Program(APP)

Heather,

Herein are a few more comments to the draft.

Sec. 4 Section 1110 DEFINITIONS – The definition of a creamery uses the one defined in the Food and Ag Code Sec 32513 includes "any product of milk" then refers to 6157.e. There appears to be a conflict in the definition because 6157.e seems to take the definition from "any product of milk" to "milk, butter, cream, or cheese".

The definition in 6157.e would appear to limit a creamery to producing milk, butter, cream, or cheese, and exclude a creamery from producing such dairy products as yogurt, ice cream, kefir, sour cream, crème fraiche, etc.

I'm in no way an expert on CDFA licensing but we've been told that our license would allow us to produce, for example, cheese, ice cream, and yogurt under the same license and within the same facility. In some cases the production of each requires that they be made in rooms segregated from each other but the basic CDFA license will allow all.

I believe a different license is required to bottle fluid milk and another altogether to make butter.

My sense is that the APP language would dovetail better with state regulations if it said something to the effect of "A creamery may produce any product of milk for which it is licensed by CDFA".

Sec 6157e.1 – Please note my earlier comment that the CDFA has licensing, inspection, and permitting jurisdiction for milk products plants throughout CA. The USDA is the licensing and permitting agency in states and counties where there is no other agency in place. Therefore, please strike the reference to USDA permits.

Sec 6157.e.2 – I understand that increasing the minimum could trigger a CEQA or our own EIR but is there a way we could get to a minimum percent that would give us more flexibility and not cap our success?

Let me explain my thinking on this.

Notwithstanding other regulations or constraints that would come into play, the requirement that a minimum of 50% of the milk used at the creamery appears to put a limit on our success and the use of our capital equipment.

We would request that the minimum be applied to the amount of milk produced on the premises or on other premises leased or substantially controlled by the dairy. For example, if another county dairy

decides to go out of business or move its dairy to another county, we feel we should have the option to acquire or lease and operate that dairy and the milk produced should be used for our cheese making.

The requirement that the milk be produced on the premises means that the only way we could use milk from other property we own or lease would be to build and operate a completely redundant creamery on that land – and most likely that creamery would be operating under capacity. This would be ruinous to the economic viability of buying or leasing additional dairy land and contra to preserving the heritage of San Diego agriculture and dairy farming.

In another example, goat cheese is becoming more and more popular. Our dairy is currently set up for milking cows. The milking equipment is entirely different for goats than it is for cows. The regulation as written could preclude us from acquiring or leasing land and setting up a goat dairy.

It is also conceivable that demand for our cheese could exceed our milk production capacity. The 50% minimum appears to limit our success and our ability to partner with another local dairy to supply milk.

The other constraint placed on a dairy by the 50% minimum is that it could prevent us from efficient use of our capital equipment. Cheese making equipment and the plant and utilities are very expensive . Not every dairy in the county that wants to make cheese from its milk will be able to afford it nor will they necessarily have the land to build a creamery.

Our economic viability and the viability of other dairies needing to make cheese as a value-added product could depend on our ability to use our plant and equipment to make cheese for other dairies.

We'd like to preserve the option to produce dairy products on a cooperative basis with other dairies much in the same way that Hollandia Dairy in San Marcos pools milk from various dairies for processing into dairy products.

Please comment on how much flexibility there is in the minimum without triggering other regulatory contstraints

6157.e.3 – Maximum floor area.

Please comment on the rationale behind how the maximum floor area was chosen.

Please consider adding language to base the maximum floor area on the gross acreage of adjacent lots owned by the dairy as well as adjacent or non-adjacent lots leased or otherwise under significant control of the dairy.

For example, if we lease property from a neighboring farm to increase our production then we would like to be able to base the square footage of the production area on the total acreage of land under our control. In another example, grass fed and organic milk cheese is becoming more popular. In order to meet that demand our only option may be to segregate our herds onto different lots to control feeding and farming practices since an organic herd cannot be co-mingled with a traditional herd.

We cannot predict consumer preferences and trends so the maximum floor area should take into consideration the actual acreage we farm whether on the same lot of contiguous parcels or leased property.

(INTERNAL NOTE – the dairy property is made up of different legal parcels as I understand it. We need to be sure that they don't base the max sq ft on the acreage of one parcel of ten owned by the dairy. Can anyone comment on the legal definition of "lot" versus "parcel" versus the land owned and operated that comprises the entire farm?)

It appears that code section 6750 distinguishes between manufacturing area and warehousing or cold storage area for the purposes of defining parking requirements. Is that same distinction made between calculating maximum square footage of the creamery? I wasn't able to find section 6750 to read the code so I'm unclear what's being said here. Please comment.

We'd further recommend that maximum square footage should be applied to above ground facilities. It is traditional to age cheese in caves or underground facilities where the temperature can be controlled to within a few degrees and the relative humidity to within a few percent. Unlike breweries and distilleries that can build materials storage facilities up to 50 feet high, this isn't always an option for cheese makers because of the high cost of refrigeration and air handling. Please consider differentiating underground facilities and excluding them from the calculated square footage.

6157.e.5 I believe refrigeration of creameries and dairy products is under the jurisdiction of CDFA. I'd recommend consulting with CDFA to make sure all the regulations are in alignment.

6157.e.6 Parking. We can predict with relative ease the number of spaces required for employees but we can't necessarily predict the same for customers. The parking requirements for Agricultural Tourism seem to give the most flexibility in terms of creating sensible parking: "*Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed*." Assigning a specific number of spaces in the code could lead to a number that is arbitrarily too low or too high.

6157.e.7 Parking lot and driveway. The draft code reads that the on-site driveway and parking lot shall not be dirt and the parking area must be sealed. This seems rather arbitrary considering that all roads leading into any parking space are un-maintained dirt roads owned by the county. Any driveway or parking area would quickly become covered with dirt and mud from the county's roads.

This also assumes customers and employees will be able to get to the creamery on county-owned roads during a storm as these roads become deep mud and are prone to flooding.

As drafted, the driveway and parking lot requirements only make sense if the county surfaces Willow Road and other access roads leading to the dairy with similar materials.

Thank you for your consideration in reviewing these comments. I hope they're helpful to you in your project. Please let me know if we can be of any help or bring any other resources to the discussion.

Best regards,

John

Comment Letter P-3

AGRICULTURE PROMOTION PROGRAM
POD 14-001

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT
PUBLIC REVIEW PERIOD
June 16, 2015 through July 16, 2015

PUBLIC SCOPING MEETING COMMENT SHEET

Tuesday, June 23,2015
County Operations Center, Hearing Room
5520 Overland Avenue
San Diego, CA 92123

WRITTEN COMMENT FORM

Please See attached.

(Attach additional pages as needed)

6/30/2015
Signature Date

Dave Harbour
Print Name

3326 Highway 67
Address

Ramona CA 92065
City State Zip Code

MAIL, FAX or E-MAIL FORMS TO:

Heather Lingelser
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Phone#: (858) 495-5802
Fax #(858) 467-9314
e-mail: heather.lingelser@sdcounty.ca.gov

COMMENTS MUST BE RECEIVED BY 4:00 PM, July 16, 2015

Preliminary Draft Agriculture Promotion Program
Dave Harbour Comments June 30, 2015

Comment #1 6157: Small Agricultural Store Why is the aforementioned not allowed if one also has a boutique winery? I have a 20 acre lot (soon may become 24 acres) and can meet all the requirements necessary otherwise qualify. What about changing an allowing both for lots greater than 10 or 20 acres?

Comment #2 6157: Large Agricultural Store (see comment #1)

Comment #3 6157: Please clarify "music concerts"

Comment #4 6157: Amplified sound should be allowed for giving safety instructions

Comment #5 6157: Agricultural Microbrewer or Micro Distillery Small I don't understand if someone can meet the minimum production and lot size requirements why a second ABC alcohol license would not be allowed. There are multiple brewers in the county that have both beer and distillery privileges (Ballast Point and Manzanita) and multiple wineries in Northern California that have wine and distillery privileges (Charbay Winery & Distillery, Mosby Winery, Cobble Creek). I have not seen any wineries that make and sell beer, and have not seen breweries that make and sell wine. I didn't see where tasting are allowed or not allowed. Charging for and allowing tastings is covered in AB 933 and was sign by Jerry Brown last year (I believe).

Comment #6 6157: Agricultural Microbrewer or Micro Distillery Large (see comment #5)

Comment #7 6157: I didn't see where farm to table is addressed and would like clarification regarding Temp Events (perhaps min lot size and limit to number per year). I have a Upick pumpkin patch every year and would like to be allowed to have music, corn roasting area, kettle corn, BBQ, only on weekends and no more than six times a year is OK.

Dave Harbour
6/30/2015

Comment Letter P-4

San Diego County Archaeological Society, Inc.

Environmental Review Committee

2 July 2015

PLANNING
JUL 07 2015
Planning and Development Services

To: Ms. Heather Lingelser
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Notice of Preparation of a Draft Environmental Impact Report
Agriculture Promotion Program
PDS2014-POD-14-001, Log No. PDS2015-ER-15-00-001

Dear Ms. Lingelser:

Thank you for the Notice of Preparation for the subject project, received by this Society last month.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of any cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

Comment Letter P-5

Bassett, Malia

From: Eric March <brewbeast@gmail.com>
Sent: Thursday, July 09, 2015 4:18 PM
To: Lingelser, Heather
Subject: Public comment

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Heather,

I wanted to touch base regarding the public comment period for the Agricultural Promotion Ordinance.

I had a few questions,

1. For an agricultural homestay would the allowance for a non-attached cabin be 1 only? Is there a way to do multiple cabins?

2. For the agritourism model would lodging or homestay be allowed in situations like on-farm seminars?

3. I would like to know more about the hydrology testing requirements.

4. I am confused about the wording that says "Licenses issued by the California Department of Alcoholic Beverage control that allow other types of alcohol sales are prohibited." Does this mean that a person who grows grapes and hops would not be able to produce and sell wine and beer, even if they had separate facilities as allowed by the ABC?

Thank You,
--
Eric March
Star B Buffalo Ranch
&
Hop Farm
(760)-789-8155
brewbeast@gmail.com
www.starbranchandhopfarm.com

Comment Letter P-9

RINCON BAND OF LUISEÑO INDIANS

Culture Committee

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2621 or·(760) 297-2622 & Fax:(760) 749-8901

PLANNING
JUL 20 2015
Planning and
Development Services

July 13, 2015

Heather Lingelser
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Agriculture Promotion Program

Dear Ms. Lingelser:

This letter is written on behalf of the Rincon Band of Luiseño Indians. We have received your notification dated June 16, 2015, and we thank you for the consultation on the Agriculture Promotion Program. The location you have identified is within the Aboriginal Territory of the Luiseño people, and is also within Rincon's historic boundaries.

We are not opposed to the amendments for the Agriculture Promotion Program.

If there are any questions please do not hesitate to contact our office at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Jim McPherson
Manager
Rincon Cultural Resources Department

Bo Mazzetti, Tribal Chairman · Stephanie Spencer, Vice Chairwoman · Steve Stallings, Council Member · Laurie E. Gonzalez, Council Member · Alfonso Kolb, Council Member

Comment Letter P-6

Julian Community Planning Group

P.O. Box 249, Julian, CA 92036

July 14, 2015

Ms. Heather Lingelser
LandUse/Environmental Planner
Planning & Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Comments to Preliminary Draft of the Zoning Ordinance Related to the Agriculture Promotion Program

Section 5.

Dairy or Dairy Farm: An agricultural establishment raising large animals primarily for milking, including cattle, goats or sheet *but not limited to* and as defined in Food and Agricultural Code Section 32505.

Section 8.

Mobile Commercial Butchering: A motor vehicle or trailer, licensed by the Department of Motor Vehicles that is a self-contained United States Department of Agriculture (USDA)-approved and inspected mobile slaughter facility that can travel to approved sites and is associated with a *remove "local"* USDA-certified slaughterhouse/butcher for processing and packing. Also known as Mobile Slaughtering. (see Section 6126).

Section 10.

Stand, Agricultural: A structure for the display and sale of farm products with no space for customers within the structure itself. (see Section 6156.q)

Question: Does this prohibit overhang for shed to protect produce and customers?

Section 12. 1415 AGRICULTURAL AND HORTICULTURAL SALES.

The Agricultural and Horticultural Sales use type refers to a business establishment with retail sale from the premises (strike out) of agricultural and horticultural goods not cultivated on the premises.

Question: Does this mean that you cannot also sell produce on the premises?

Section 16.

c. Commercial Use Types.

Agricultural and Horticultural Sales (all types) *Implies – any sale. All types should not require a Major Use Permit.*

d. Agricultural Equipment Storage *– Is storing agricultural equipment required? Requiring a Major Use Permit for agricultural equipment for onsite use…why?*

Section 18.

c. Commercial Use Types.

Agricultural and Horticultural Sales (all types) – *Does this conflict with ability to have farm shed by right?*

d. Agricultural Use Types.

Agricultural Equipment Storage *– Agricultural equipment required for onsite operation. Why use permit?*

Section 21. *(See attachment)*

Section 24.

f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than *5' reduce down draft* above the highest point on the roof of the building which they are attached.

Section 34.

6157 COMMERCIAL AGRICUTURE *HORTICULTURE* OPERATIONS

a. 1. c) Said stand shall be operated by the owner, *employee* or tenant of the property upon which the stand is located.

e) The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet. *500 square feet (300 square feet is too small).*

h) Incidental sale of items related to the sale or use of agricultural *and horticultural* products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

j) A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located. *Should be the same as h.*

2. b) ii. At least fifty percent of the area in a) above (i.e., 25 percent of the total gross area of the premises) shall be in actual active agricultural, horticultural, or animal husbandry use. For operations with a total area greater than 200 acres, at least 40 acres must be actual active agricultural, horticultural, or horticultural use. *25% is not realistic in most of the Julian Community Planning Group area and other inland areas.*

c) The store shall be operated by the owner*, employee* or tenant of the property upon which the store is located. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold.

e) Retail sales activities including sale of products related to the agricultural products produced*, including* cut flowers, prepackaged food, bottled or canned beverages, and sundries is allowed only in conjunction with the sale of produce, animal products and/or shell eggs raised on the property. All applicable regulations of the Department of Environmental Health and Department of Agriculture, Weights and Measures shall be met.

f) A retail sales area for items other than the agricultural products raised on the property shall be limited to a maximum of 200 square feet of the building area. This shall include any refrigeration cases for prepared foods. *Not possible in the Julian area.*

h) Hours of operation: The store is allowed to operate to the public from *8:00* a.m. until legal sunset seven days a week.

i) Signage: *Two* sign*s*, not to exceed *eight* square feet*, are* allowed.

3. b) i. At least 50 percent of the total gross area of the premises shall be suitable and available for agricultural, horticultural, animal husbandry or open space use; *Not possible in most of the Julian Community Planning Group area.*

ii. At least fifty percent of the area in a) above (i.e., 25 percent of the total gross area of the premises) shall be in agricultural, horticultural, or animal husbandry use. For operations with a total area greater than 200 acres, at least 40 acres must be actual active agricultural, horticultural, or horticultural use. *Probable, not possible in Julian Community Planning Group area.*

c) The store shall be operated by the owner*, employee* or tenant of the property upon which the store is located. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold.

f) Retail sales activities including sale of products related to the agricultural products produced*, remove "cut flowers",* sundries prepackaged food, bottled or canned beverages and freshly prepared food and beverages *are* allowed only in conjunction with the sale of produce*, cut flowers,* animal products and/or shell eggs raised on the property. All applicable requirements of the Departments of Environmental Health and Agriculture, Measures shall be met.

g) A retail sales area for items other than the agricultural products raised on the property shall be limited to a maximum of 30% of the floor area of the building area. This shall include any refrigeration cases, food service counters, and seating areas for consumption of prepared foods. *TAKE OUT THIS SECTION. Ag products are time limited and area limited. This is very difficult to obtain.*

b. 1. a) At least 50 percent of the total gross area of the premises shall be suitable and available for agricultural, horticultural, animal husbandry or open space use; *May not be possible in the Julian Community Planning Group area.*

c. 6. The farmer, rancher *or family* shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership. *Can they be combined?*

8. Services shall be limited to the rental of rooms, activities traditionally associated with farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking *remove "for guests"* shall be conducted within any bedroom or cabin made available for rent. Events, including but not limited to weddings and parties, are prohibited.

d. 1. d) Wholesale sales only. On-site sales to the public of beer or distilled spirits and tasting rooms, *remove"are not permitted" and use: shall be limited to 30% of the floor area of the building area.*

f) Of the total ingredients used in brewing or distilling, a minimum of 25% shall be grown on the premises. At least 50% shall be grown within San Diego County; up to 50% may be grown outside of San Diego County. *50% grown in San Diego County may not be attainable.*

2. d) Of the total ingredients used in brewing or distilling, a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County. *It is unlikely 50% can be grown in San Diego County. This should be changed.*

o) i. *7) If on private street, 75% of impacted owners must consent.*

(Underline indicates addition)
(~~Strikeout~~ indicates deletion)
(Double Underline indicates existing language moved to new section)

REVISED 06/16/15

Section 21. Section 3100, ANIMAL SCHEDULE of the Zoning Ordinance is amended to read as follows:

Animal Schedule

(Part of Section 3100)

ANIMAL USE TYPE (*See Note 4*)	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
ANIMAL SALES AND SERVICES:																									
HORSE STABLE (see Section 3130)	Permitted							X	X	X						X								X	X
	Boarding of up to 3 horses not owned by the property owner				X	X	X				X		X	X	X							X	X		
Heavy	10 Horses per acre of usable area up to 50 horses and 5 acres +Zoning Verification				X	X	X				X		X	X	X							X	X		
	10 Horses per acre of usable area up to 100 horses and 10 acres +Administrative Permit				X	X	X				X		X	X	X							X	X		
Major Use Permit	More than 100 horses and more than 10 acres of usable area + by MUP				X	X	X				X		X	X	X							X	X		
~~KENNELS (see Note 1)~~	~~Permitted~~															X			X		X				
	Permitted provided fully enclosed							X	X	X															
	MUP required												X	X	X								X	X	
Minor Use Permit	ZAP required				X	X	X	X	X	X															
	One acre + by MUP	X	X	X																					
ANIMAL RAISING *(see Note 6)*																									
(a) Animal Raising Projects (*see Section 3115*)	Permitted							X	X	X															X
	½ acre+ by ~~ZAP~~ AD				X	X	X				X		X	X	X	X	X						X	X	
	1 acre+ by MUP	X	X	X																					
(b) Small Animal Raising (includes Poultry) (See Note 8)	Permitted													X	X	X	X							X	
	½ acre+ permitted							X	X	X															
	100 maximum											X													
	25 maximum				X	X	X				X		X					X	X				X		X
	½ acre+: 10 max	X	X	X																					
	Less than ½ acre: 100 Maximum							X	X	X															
	½ acre+ 25 max by ZAP	X	X	X																					
Chinchillas (*See Note 5*)	100 max by ZAP				X	X	X				X		X										X		X
	~~MUP required~~												~~X~~												
(c) Large Animal Raising (Other than	4 1 acres + permitted															X								X	
	8 acres + permitted							X	X	X	X	X	X	X	X										X

Bassett, Malia

From: Carolyn Harris <carolyn@carolynharrislaw.com>
Sent: Thursday, July 16, 2015 11:48 AM
To: Lingelser, Heather
Cc: Farace, Joseph; Arturo Kassel
Subject: Ag Promotion Program - ordinance edit input
Attachments: Ag Promotion Program - Winery co-uses edit requests 2015-07-15.pdf

Hi, Heather:

Attached is a letter with my input to the current draft of the mark-up of the zoning ordinance in support of the Agriculture Promotion Program. The comments relate to the co-use of the Agriculture Stores, Microbrewery, and Microdistillery activities on a property operating a winery.

I look forward to working with you on this.

Regards,

Carolyn

Carolyn Harris
General Counsel Services
(760)788-0018 office
(619)884-5432 cell
carolyn@carolynharrislaw.com

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CAROLYN HARRIS
GENERAL COUNSEL SERVICES
CALIFORNIA STATE BAR NO. 137347

910 Gem Lane
Ramona, CA 92065
760/788-0018 office
619/884-5432 cell
carolyn@carolynharrislaw.com

15 July 2015

County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attention: Heather Lingelser – Advanced Planning

Subject: Comments – Allowing Agriculture Stores, Microbrewery and Microdistillery Uses to coincide with Winery Uses

Reference: Notice of Preparation of an Environmental Impact Report
Agriculture Promotion Program: PDS2014-POD 14-001
Log No. PDS2015-ER-15-00-001
Dated 16 June 2015

Dear Ms. Lingelser:

I would like to make a couple suggested edits to the draft Agriculture Promotion Project's zoning ordinance markup.

I have a client who is growing many various items (including, but not limited to wine grapes, olives, fruit trees, etc.) on their large (combined 110 acre) Ag zoned property, and is operating an administrative use permitted small winery under an 02 Winegrower license.

Ag Store on winery property: Right now the draft makes the small ag store use prohibited if there is a winery on the property. For a properly sized and located property, an ag store would not be an incompatible use with a winery. The administrative use permitted large ag store also prohibits a coinciding winery use. Certainly the considerations involved in a use permit would determine the suitability of the combined uses on the property.

If the County is concerned that the allowable area of structures would become disproportionately cumulative with the addition of a second (ag store) use on the property, then it is requested that the draft be amended to this effect:

> 2. Agricultural Store, Small. Operation of a Small Agricultural Store for the display and sale of horticulture or agriculture products produced on the premises shall be permitted with a Zoning Verification Permit, as follows:
>
> a) Small Agricultural Store is permitted only in the RR Use Regulations on lots of 2 acres or larger, and in the A70, A72, S88, S90 and S92 Use Regulations. ~~An Agricultural Store is not allowed on a property operating a Wholesale Limited Winery, Boutique Winery or Small Winery pursuant to Section 6910.~~
>
> . . . .
>
> e) Building size: the floor area of the building and all open, roofed areas used for display of products for sale shall not exceed a total of 1,500 square feet. <u>If there is a winery use also on the property, and the property is 19 acres or less in size,</u>

then the sum of the area of the wine production and the ag store structures combined cannot exceed the structure size limitation included in 6910 (for wholesale and boutique wineries – a function of acreage, with a maximum of 5,000 ft2). If the property size exceeds 19 acres, then the area of the Small Agricultural Store and the winery production structures may be additive.

. . . .

3. Agricultural Store, Large. Operation of a Large Agricultural Store for the display and sale of products produced on the premises shall be permitted with an Administrative Permit, as follows:

a). A Large Agricultural Store is permitted only in the RR Use Regulations on lots of 4 acres or larger, and in the A70, A72, S88, S90 and S92 Use Regulations. ~~An Agricultural Store is not allowed on a property operating a Wholesale Limited Winery, Boutique Winery or Small Winery pursuant to Section 6910.~~

. . . .

e) Building size: the floor area of the building and all open, roofed areas used for display of products for sale shall not exceed a total of 3,000 square feet. If there is a winery use also on the property, and the property is 19 acres or less in size, then the sum of the area of the wine production and the ag store structures combined cannot exceed the structure size limitation included in 6910 (for wholesale and boutique wineries – a function of acreage, with a maximum of 5,000 ft2; for wineries operating under a use permit – as specified in the permit). If the property size exceeds 19 acres, then the area of the ag store and the winery production structures may be additive.

. . . .

h) On-Site Food Preparation area is allowed in addition to the retail sales area for the preparation of agricultural products or animals and preparation of those products at the farm location into food for retail sale or for onsite consumption may be allowed. Typically the use type is related to ~~organic~~ farming, sustainable agriculture and community supported agriculture. The use type may include limited cooking related to the on-site agriculture.

Winery, brewery and distillery combined uses: The proposed microbrewery / micro-distillery uses specify that no other ABC license can be held at the same property. This restriction should be removed for properly sized and located projects, where the production of wine, beer, or distilled spirits are not incompatible uses, particularly if operating under a use permit.

The California Department of Alcoholic Beverage Control does not limit an applicant, a property, or a structure to only one type of license (beer, wine, or distilled spirits). Their only limitation is that the designated premises for each type of license (beer, wine, or distilled spirits) not overlap, and be distinctly designated. Therefore, it is requested that the draft be amended as follows:

d. Agricultural Microbrewery or Micro-Distillery

1. Microbrewery, Agricultural, Small. A Small Agricultural Microbrewery or Micro-Distillery accessory to a Commercial Agriculture operation may be allowed with a Zoning Verification Permit and shall comply with the following provisions:

a. A Microbrewery or a Micro-Distillery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau. A Microbrewery shall have a current Type 23 Small Beer Manufacturer license issued by the California Department of Alcoholic Beverage Control. A Micro-Distillery shall have a current Type 03 Brandy or 04 Distilled Spirits Manufacturer license issued by the California Department of Alcoholic Beverage Control. ~~Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.~~

. . . Signage: One sign, not to exceed twelve square feet, is allowed

2. Microbrewery, Agricultural, Large. A Large Agricultural Microbrewery or Micro- Distillery accessory to a Commercial Agriculture operation may be allowed with an Administrative Permit and shall comply with the following provisions:

a. A Microbrewery or a Micro-Distillery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current Type 23 Small Beer Manufacturer license issued by the California Department of Alcoholic Beverage Control. A Micro-Distillery shall have a current Type 03 Brandy or 04 Distilled Spirits Manufacturer license issued by the California Department of Alcoholic Beverage Control. ~~Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.~~

. . . .

k) ~~No~~ amplified sound ~~is allowed~~ outside of any building shall be subject to the terms of the use permit.

. . . . .

l) Signage: Shall be subject to the terms of the use permit. ~~One sign, not to exceed four square feet, is allowed~~

Thank you for your consideration of these edits. I look forward to working with you on this project.

Regards,

Carolyn Harris

cc: Milagro Farm Vineyards & Winery – Arturo Kassel, General Manager

Comment Letter P-8

CAROLYN HARRIS
GENERAL COUNSEL SERVICES
CALIFORNIA STATE BAR NO. 137347

910 Gem Lane
Ramona, CA 92065
760/788-0018 office
619/884-5432 cell
carolyn@carolynharrislaw.com

15 July 2015

County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Attention: Heather Lingelser – Advanced Planning

Subject: Comments – Allowing Winery Use in S88 Zoning

Reference: Notice of Preparation of an Environmental Impact Report
Agriculture Promotion Program: PDS2014-POD 14-001
Log No. PDS2015-ER-15-00-001
Dated 16 June 2015

Dear Ms. Lingelser:

I would like to make an edit request to the draft Agriculture Promotion Project's zoning ordinance markup.

Winery use in S-88 zoned areas: I have 2 clients who are currently growing wine grapes and making wine as home winemakers in S88 zoned areas. An 02 Winegrower license issued by the California Department of Alcoholic Beverage Control (ABC) is required to donate or sell any wine made from the grapes, and the ABC requires that the County confirm that the winery premises are located in an allowed zone. The winemakers would like to sell or donate some of the wine they are currently making, and therefore request that the winery uses currently being proposed for the S92 zoned areas also be available to S88 areas.

As an illustration of the appropriateness of this request, the S88 area where these clients' properties are located are surrounded by A70/A72 zoned properties. There is a chicken ranch across the street and a dairy next door. The S-88 zoning was put into place to protect portions of the 368 acre parcel as it was being subdivided to many multi-acre parcels, and the project provided for several specific protections, including open space, preservation of oaks, integration of boulders, limitation of grading on steep slopes, setbacks, and design / color restrictions for structures. All of these additional protections would have precedence and apply to any winery operation.

S88 zoning is part of the group of zones treated as commercial agriculture. An S88 zoned parcel is subjected to overriding special protection considerations that would make a winery activity less likely (not more likely) to have a negative impact than a similarly located commercial agriculture (A70, A72, or S92) zones.

The current draft of the suggested edits to the County zoning ordinance provides for the EIR to evaluate the expansion of winery use types in the S92 zones of the County. This would be a good and most economical time to also consider the potential impact on S-88 zones.

The current draft also proposes the allowance of the new small and large agriculture stores activities in the commercial agriculture zones of the County, including S88.

If there is an issue with all four winery tiers from being allowed on the S-88 zoned properties, it is requested that at least the limited wholesale tier be allowed. Further, If there is an issue with the limited wholesale tier being allowed, it is requested that the a limited wholesale activity be allowed with a higher on-site source requirement (50% - 75%, perhaps).

Thank you for your consideration of this edit. I look forward to working with you on this project.

Regards,

Carolyn Harris

cc: Farquar Family Winery – Scott Farquar and Donna Murphy-Farquar, Owners
Labrador Hills Vineyards - Sandy Marlin, Owner

Bassett, Malia

From: Carolyn Harris <carolyn@carolynharrislaw.com>
Sent: Thursday, July 16, 2015 11:52 AM
To: Lingelser, Heather
Cc: Farace, Joseph; Scott Farquar; Donna Murphy-Farquar; Sandy Marlin
Subject: Ag Promotion Program - ordinance edit input S88 zones
Attachments: Ag Promotion Program - S88 wineries - edit requests 2015-07-15.pdf

Hi, Heather:

Attached is a letter with my input to the current draft of the mark-up of the zoning ordinance in support of the Agriculture Promotion Program. The comments relate to the consideration of a winery use in S88 zoning.

I look forward to working with you on this.

Regards,

Carolyn

Carolyn Harris
General Counsel Services
(760)788-0018 office
(619)884-5432 cell
carolyn@carolynharrislaw.com

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July 15, 2015

THE CITY OF SAN DIEGO

Heather Lingelser, Project Manager
County of San Diego, Department of Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Ms. Lingelser:

Subject: Notice of Preparation, Agricultural Promotion Project, PDS2014-POD-14-001; PDS2015-ER-15-00-001

The City of San Diego owns and operates nine drinking source water reservoirs. Seven of these reservoirs are located in or downstream of unincorporated areas of San Diego County and will be affected by the proposed amendment to the County's Zoning Ordinance (see the map attached). The County's project consists of updating definitions, procedures, standards of review, and permitting of uses accessory to agriculture. The Proposed list of accessory uses includes microbreweries, cheese making, dairy operations, roadside sales of produce, and agricultural tourism. These activities are more similar to commercial uses are not characteristically associated with traditional pastoral agricultural activities. The project should, therefore, be analyzed accordingly, recognizing these types of commercial uses.

Please note that local rain runoff into the City's reservoirs contribute about 15% of the water supply for 1.3 million people in the City of San Diego and neighboring communities. The reservoirs also store water imported from the Colorado River and northern California. Together, roughly 30% of the water delivered to homes and businesses in the City's service area is water that has been impounded in the reservoirs.

After reviewing the Notice of Preparation, dated June 16, 2015, the main issues of concern to the City of San Diego are: 1) water quality, 2) groundwater, 3) MSCP Cornerstone Lands, and 4) traffic. Maps clearly identifying property owned by the City should be included in the draft EIR. The City of San Diego's pueblo water rights along the San Diego River should be discussed.

The City requests that the above issues be thoroughly addressed in the forthcoming draft EIR. Please send a copy of the document to our office for review and comment.

If you have any questions, please contact me at jpasek@sandiego.gov or at (619) 533-7599.

Sincerely,

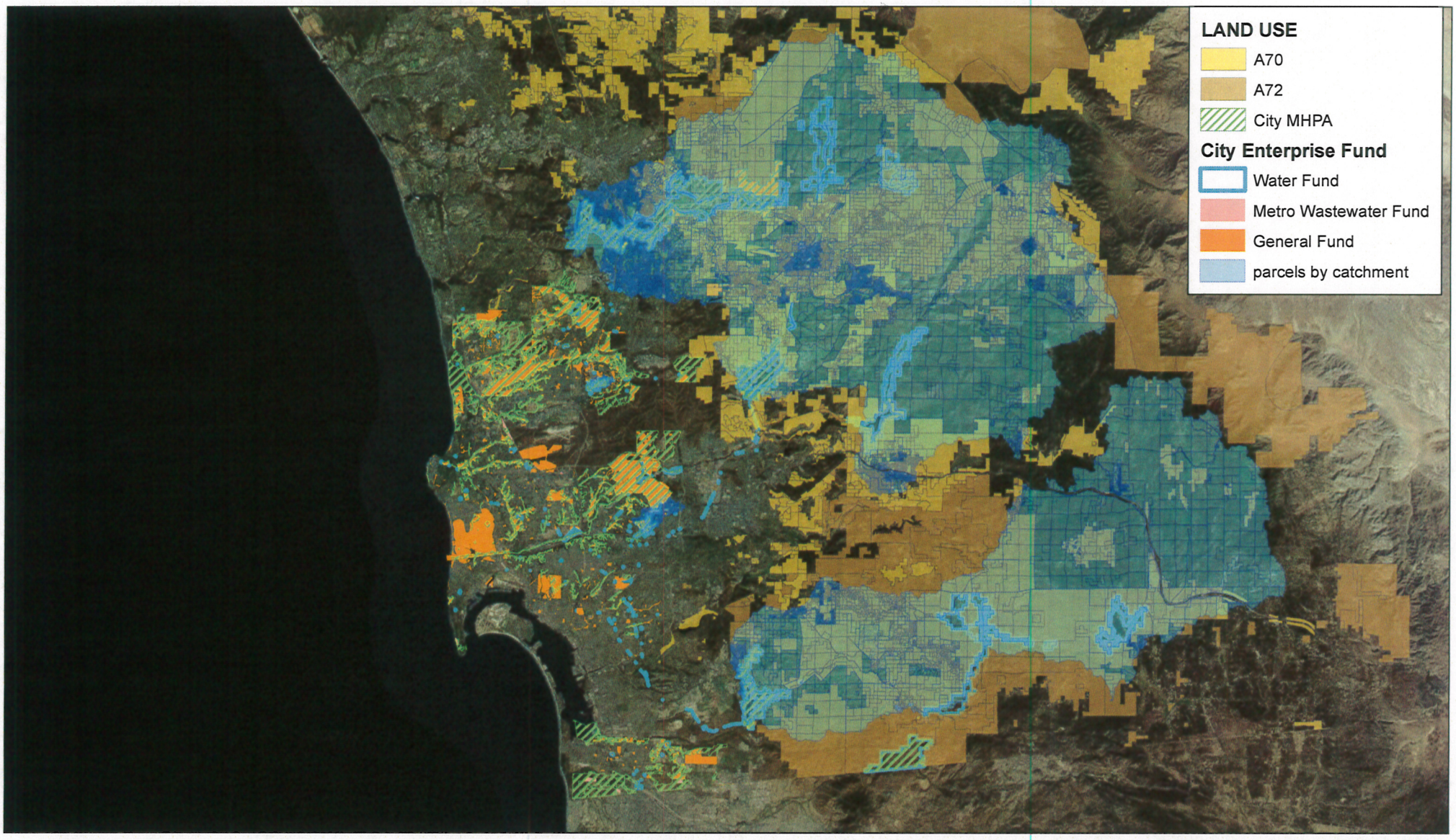
Jeffery Pasek
Watershed Manager
Long-Range Planning & Water Resources

JP/ncs

Enclosure: map of City of San Diego reservoirs and lands

Public Utilities Department
525 B Street, Suite 300, MS 906 • San Diego, CA 92101-4409
Tel (619) 533-7595

Bcc: Jeanne Krosch, Senior Planner, Development Services Department, City of San Diego
George Adrian, Principal Water Resource Specialist
Myra Herrmann, Senior Planner, Planning Department, City of San Diego



City of San Diego PUBLIC UTILITIES Water & Wastewater

SanGIS

0 5 10 Mile

GIS Source: SanGIS
Date: 7/15/15

prepared by:
City of San Diego Public Utilities Department
Long Range Planning & Water Resources

County Proposed AG Zoning and City Water Fund Properties + Catchment Areas

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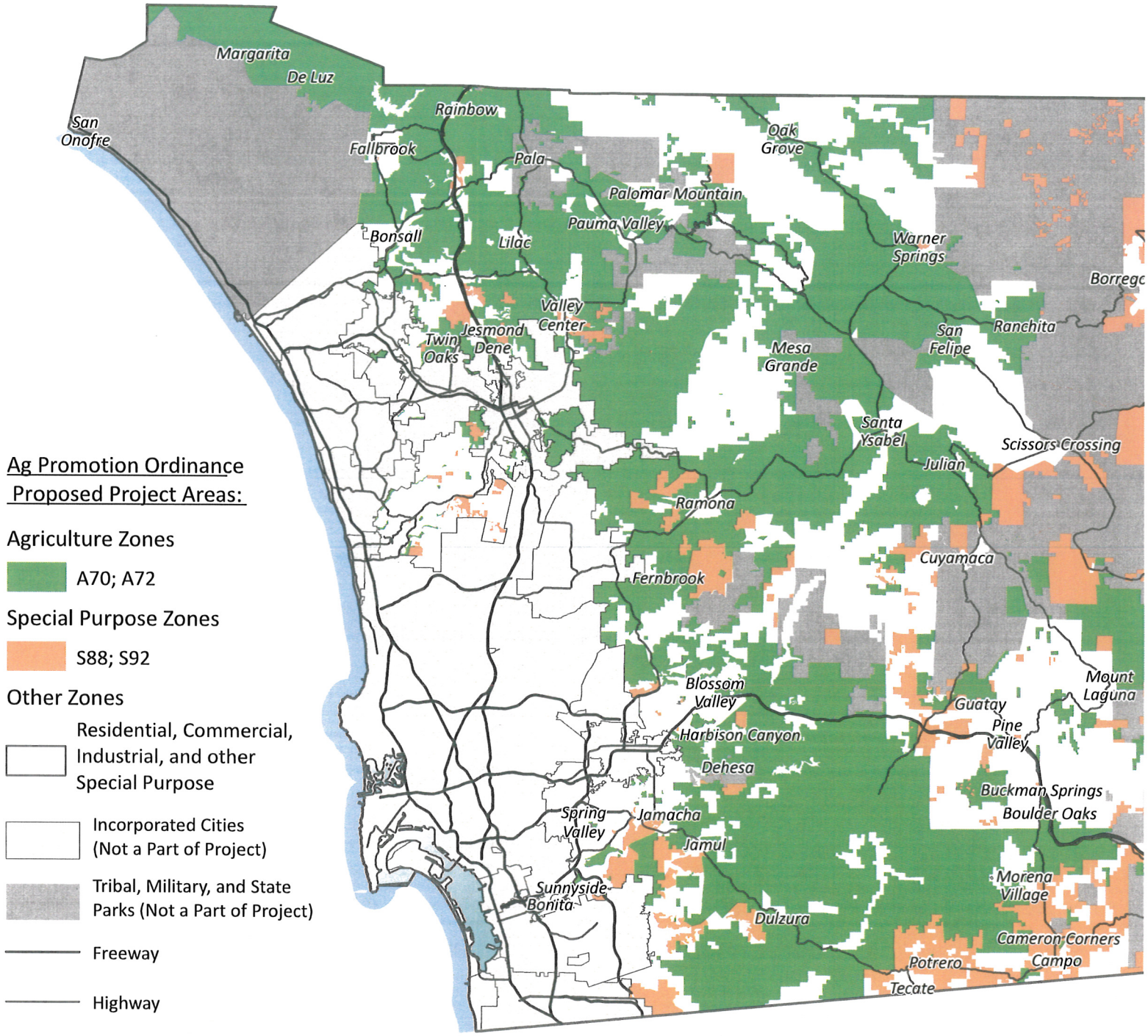
N:\RESOURCES & PLANNING\WARPT\CEQA AND PERMITS\AGRICULTURAL PROMOTION PROJECT COUNTY 2015

City of San Diego
Public Utilities Department



AGRICULTURE PROMOTION PROGRAM, PROPOSED PROJECT AREAS

Date: 6/15/2015
File Path: P:\20150610_farming\project_areas.mxd

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USDA United States Department of Agriculture
Forest Service
Cleveland National Forest
10845 Rancho Bernardo Road
Suite 200
San Diego, CA 92127

Comment Letter A-1

File Code: 1560
Date: July 16, 2015

Mark Wardlaw, Director
County of San Diego, Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Wardlaw:

This letter regards the Notice of Preparation for the Agricultural Promotion Project that was issued by the County of San Diego on June 16, 2015. The Cleveland National Forest appreciates the opportunity to provide input on the findings of the Initial Study to inform the Draft Environmental Impact Report (EIR) for the project. Many areas that would be affected by this zoning change are adjacent to or surrounded by National Forest System lands, and we are concerned about potential impacts to these lands that could result from intensified land uses.

Several of the subject areas disclosed for analysis in the EIR are of particular concern for the National Forest: specifically biological resources, cultural resources, hydrology and water quality, noise, and hazards and hazardous materials. We request that analyses of these issues consider effects of intensified land uses on the Cleveland National Forest, along with any potential increase in the risks of wildfire.

For utilities and service systems, the Initial Study identifies the potential for significant impacts, however the Notice of Preparation omits this subject area from the list to be analyzed in the EIR. Given the potential for increased water demand to be associated with this zoning change, we would consider utilities and service systems to be a critical subject area for analysis.

We disagree with the finding of the Initial Study for aesthetics that development regulations would preclude significant impacts to the visual character or quality of an area. The undeveloped appearance of the Cleveland National Forest and adjacent lands is particularly valuable as other parts of San Diego County become even more developed. To intensify agricultural use in such areas could therefore have a significant impact on aesthetics despite development regulations, and so analysis is warranted for this subject area in the EIR. Moreover, aesthetic impacts could result in land use and planning impacts if they result in conflicts with the Cleveland National Forest Land Management Plan.

Please keep us informed of the progress of the Agricultural Promotion Project, and thank you for considering our input. If you have any questions about these comments, please contact Jeff Heys, Forest Planner, at (858) 674-2959.

Sincerely,

William Metz

WILLIAM METZ
Forest Supervisor

Bassett, Malia

From: Heys, Jeffrey A -FS <jaheys@fs.fed.us>
Sent: Thursday, July 16, 2015 12:29 PM
To: Farace, Joseph; Lingelser, Heather
Subject: Agricultural Promotion Program: PDS2014-POD-14-001
Attachments: 1560 Notice of Prep for the Agri Promotion Project JULY 16 2015.pdf

Joe and Heather,
Please find attached comments from the Cleveland National Forest on the Agricultural Promotion Project Notice of Preparation and Initial Study.

Thank you,
Jeff

Jeff Heys
Forest Planner

Forest Service
Cleveland National Forest

p: 858-674-2959
f: 858-673-6192
jaheys@fs.fed.us

10845 Rancho Bernardo Road, Suite 200
San Diego, CA 92127
www.fs.fed.us

Caring for the land and serving people

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

July 15, 2015

Ms. Heather Lingelser
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
heather.lingelser@sdcounty.ca.gov

Subject: Comments on the Notice of Preparation for the Agricultural Promotion Program (PDS2014-POD 14-001, LOG NO. PDS2015-ER-15-00-001) Draft Environmental Impact Report (SCH#2015031044), County of San Diego, California

Dear Ms. Lingelser:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Agricultural Promotion Program (SCH#2015031044) (Project) dated June 16th, 2015. Comments on the NOP were requested by July 16th, 2015. The comments provided herein are based upon information provided in the NOP for the DEIR [and associated reference materials included the CEQA Initial Study checklist (ICF, 2015)], our knowledge of sensitive and declining vegetation communities, and ongoing regional habitat conservation planning in the County of San Diego (County).

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State of California's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The County is a participant in the Natural Community Conservation Planning (NCCP) program. Currently, the County has an adopted South County Multiple-Species Conservation Program (MSCP), and is actively pursuing its draft North County MSCP (NC-MSCP) and East County MSCP (EC-MSCP). The NC-MSCP and EC-MSCP are comprehensive habitat conservation planning programs that attempt to preserve native habitats for a multitude of sensitive species for which the County, Fish and Wildlife Service, and California Department of Fish and Wildlife entered into a Planning Agreement (County of San Diego, 2014).

The proposed Project consists of amendments to the County's Zoning Ordinance to provide an updated set of definitions, procedures, and standards for review and permitting of agriculture-related accessory uses throughout the unincorporated County. The Project would allow for more opportunities for agricultural ventures and the development of new accessory agricultural uses such as microbreweries, cheese-making and dairy operations, onsite food production, mobile butchering, packing and processing, onsite retail horticulture sales, animal raising, roadside sales of agricultural products, agricultural tourism, and agricultural homestays on agricultural lands that are zoned Agriculture (A70 and A72), Rural Residential (RR), Specific

Plan (S88), and General Rural (S92), consistent with the County's General Plan. The Project covers all of the unincorporated areas of the County, which encompasses approximately 3,570 square miles, of which 35% is privately owned. The unincorporated area consists of 20 distinct communities that vary in land use and density and include local commercial uses, services, schools, public facilities, and residences, and are often surrounded by agricultural lands and open spaces.

The Department offers the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with ongoing regional habitat conservation planning efforts (i.e., that it would not preclude the preserve assembly or prevent the achievement of the biological goals anticipated under the County's existing and future MSCP Plans).

1. The CEQA Initial Study Checklist concludes on page 3-12 that the Project "...would potentially involve future agriculture-related projects to be constructed on land that contains native habitat and possibly even candidate, sensitive, or special-status species" and "would potentially involve future agriculture-related projects to be constructed on land that contains riparian habitat or other sensitive natural communities as defined by the County's Multiple Species Conservation Program (MSCP), Resource Protection Ordinance (RPO), and Natural Community Conservation Plan (NCCP); the California Fish and Game Code; California Endangered Species Act; federal Clean Water Act; and other local or regional plans, policies, or regulations."

   We agree with this conclusion and recommend that the DEIR evaluate how the proposed Project and related potential for agricultural expansion would affect the County's adopted South County MSCP and the in-progress NC-MSCP and EC-MSCP. In many cases, agricultural lands and uses have been factored into the County's MSCP Pre-Approved Mitigation Areas (PAMA), the area where biological conservation/mitigation should be directed and the MSCP preserve assembled, to help conserve certain species and buffer wildlife corridors. The South County MSCP acknowledges that some agricultural uses can be compatible with species preservation and preserve design goals (e.g., grazing and managing for burrowing owls and Stephen's kangaroo rat habitats); the NC MSCP and EC MSCP would ultimately likely as well. If the Project could allow new and/or expanded uses (e.g., dairy farms, new structures) in the PAMA beyond those that would have been allowed when the South County MSCP was adopted in 1997, those changes should be identified and analyzed in the DEIR, including mapping and quantification of impacts (if possible). The DEIR should also analyze how the Project may affect the existing and in-progress MSCPs, including impacts to the PAMA, wildlife connectivity, species goals and objectives, existing or proposed exemptions for agricultural clearing, and covered agricultural uses. Another option would be to develop and incorporate "MSCP screening criteria" into the Project to specify that additional environmental review would be required for lands within important MSCP areas (e.g., PAMA, wildlife corridors, wetlands, etc.).

2. The County's NC-MSCP and EC-MSCP Subarea Plans are still in-progress, and the CEQA Initial Study identifies on page 3-12 that the Project would result in potential impacts to sensitive species as defined under CESA. Until such time as the NC-MSCP and EC-MSCP are completed and permits issued, the Department considers adverse impacts to a species protected by CESA within these areas of the County, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate

species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project would result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals related to future project permitted under the amended zoning ordinance should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

We appreciate the opportunity to comment on this NOP and look forward to further coordination with the County on this Project. If you have questions regarding our letter, please contact Randy Rodriguez at (858) 637-7111 or Randy.Rodriguez@wildlife.ca.gov.

Sincerely,

Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse, Sacramento
Eric Porter, U.S. Fish and Wildlife Service (eric_porter@fws.gov)

REFERENCES

City of San Diego and US Fish and Wildlife Service, 1997. Final EIR/EIS for the Issuance of Take Authorizations for Threatened and Endangered Species Due to Urban Growth Within the Multiple Species Conservation Program (MSCP) Planning Area. LDR No. 93-0287. SCH# 93121073. Volumes 1 and 2. Applicant. City of San Diego. 600 "B" Street, Suite 500, San Diego, CA 92101 *Lead Agencies:* City of San Diego, Development Services Department, Environmental Analysis Section/Public Projects. 1222 First Avenue, 5th Floor, San Diego, CA 92101 *and the* United States Fish and Wildlife Service. 2730 Loker Avenue West / Carlsbad, CA 92008. January 1997.

CNDDB, 2015. California Natural Diversity Database (CNDDB). Biogeographic Data Branch Department of Fish and Wildlife. http://www.dfg.ca.gov/biogeodata/cnddb/.

County of San Diego, 1996. Draft Multiple Species Conservation Program (MSCP) Subregional Plan. Volumes I and II. Document No. 110921000. Prepared by Ogden. August 1996. Part A-MSCP Subarea Plans; City of Del Mar Subarea Plan.

County of San Diego, 1998. Final Multiple Species Conservation Program (MSCP) Subregional Plan. Document No. 110921000. Prepared by Ogden. August 1998.

County of San Diego, 2014. Planning Agreement By and Among the County of San Diego, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Office Regarding the North and East County Multiple Species Conservation Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. November 15, 2013. Revised and Amended May 12, 2014.

ICF International, 2015. Initial Study, Agriculture Promotion Project. June 2015. (ICF 54.15.) San Diego, CA. Prepared for County of San Diego Planning and Development Services, San Diego, CA.

Bassett, Malia

From: Brownwood, Aaron
Sent: Friday, July 31, 2015 3:43 PM
To: Bassett, Malia
Subject: FW: Comments on Proposed Agritourism Ordinance

Another comment Heather didn't send over previously. Please add this to the matrix on Monday, too.

AARON BROWNWOOD | Senior Environmental Planner | Planning & Development | icfi.com

ICF INTERNATIONAL | ***New Address*** 525 B Street, Suite 1700, San Diego, CA 92101 | 858.444.3908

From: Lingelser, Heather [mailto:Heather.Lingelser@sdcounty.ca.gov]
Sent: Friday, July 31, 2015 3:42 PM
To: Brownwood, Aaron <Aaron.Brownwood@icfi.com>
Subject: FW: Comments on Proposed Agritourism Ordinance

Another Harris comment email, this is from Andy Harris

Heather Steven Lingelser

☎858.495.5802 | 858.467.9314

From: Andy Harris [mailto:andy@chuparosavineyards.com]
Sent: Thursday, July 16, 2015 3:50 PM
To: Lingelser, Heather
Subject: Comments on Proposed Agritourism Ordinance

Hi Again Heather,

Here's a single comment (at the last minute) regarding the Proposed AgriTourism ordinance.

You have a clause in there that prohibits a small ag food store for the same property that runs a winery.

This is just the opposite of what is needed. If the property is big enough to sustain a real agricultural output (grapes plus vegetables, fruits, etc. etc) then both should be allowed to be sold without restriction PROVIDED the property is big enough and really supports those activities. The ag food store must be subject to DEH approval and periodic inspection, and must carry predominantly food articles grown onsite or procured locally.

What is really needed out here in the back country is a place where tourists and wine tasters alike can go to get a portable lunch/snack specifically designed for the wineries they intend to tour. It ideally would be made up of local fruits/vegetables in conjunction with local meats/dairy - selections need to pair with red wines for touring wineries specializing in reds, foods that pair with whites for touring wineries with white wines, etc.

This would remove the County from a lot of the current drama involving catering at wineries, food trucks, 5 course dinners in the vineyard, etc, etc. If the customer brings the food to the winery, the winery is out of the loop as it should be. There is no reason in the world to restrict a combination property that both grows wine

grapes and food articles from selling both and from offering such takeout meals to the public. You want to encourage that, not shoot it down.

One caveat learned the hard way from the Winery Ordinance however - put an acreage minimum on the size of operation that can offer the combination (to limit dust, noise, traffic insults on the neighbors); or else you are going to get right back into the perpetual gamesmanship currently affecting the Boutique Winery Ordinance.

Andy Harris
Chuparosa Vineyards