A. EXECUTIVE SUMMARY

1. Requested Actions

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the introduction of amendments to the County of San Diego (County) Code of Regulatory Ordinances and Zoning Ordinance to allow for Temporary Agritourism Community Events. On November 14, 2018 (1), the Board of Supervisors (Board) directed the Chief Administrative Officer to streamline the process for local, small-scale businesses to provide food and goods at community-based events on agriculture producing properties. The Board direction included allowing multiple food and goods vendors during agritourism activities and eliminating the existing requirement of a zoning verification permit to establish a Small Agricultural Store.

Currently, the County Zoning Ordinance limits food and goods vendors as part of agritourism activities. Food and goods vendors would be allowed during agritourism activities through this ordinance amendment. PDS requests that the Planning Commission consider the following: 1) an amendment to the County’s Code of Regulatory Ordinances to define Temporary Agritourism Community Events; 2) an amendment to the County Zoning Ordinance to allow for Temporary Agritourism Community Events and eliminate the Zoning Verification Permit for Small Agricultural Stores; 3) an amendment to the County Tiered Winery Zoning Ordinance to allow for Temporary Agritourism Community Events; and 4) provide recommendations to the Board.

If the required findings can be made, PDS recommends that the Planning Commission take the following actions:
a. Find that it has reviewed and considered the information contained in the Agriculture Promotion Final Program Environmental Impact Report (FPEIR), dated March 15, 2017, on file with PDS as Environmental Review Number PDS2015-ER-15-001, the Draft Addendum, and the Environmental Review Update Checklist Form, dated October 25, 2019, on file with PDS as Environmental Review Number PDS2019-POD-19-002, prior to making its recommendations. (Attachment A)

b. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance to amend the Regulatory Code:

AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO REGULATORY CODE TO DEFINE TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments B and C)

c. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance to amend the Zoning Code related to Agricultural Tourism to allow for Temporary Agritourism Community Events and to eliminate the Zoning Verification Permit for Small Agricultural Stores:

AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO AGRICULTURAL TOURISM TO DEFINE AND ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments D and E)

d. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance to amend the Zoning Ordinance related to wineries:

AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO WINERIES TO ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments F and G)

2. Key Requirements for Requested Actions

a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?

b. Is the proposed Project consistent with the County's Zoning Ordinance?

c. Does the proposed Project comply with the California Environmental Quality Act (CEQA)?

B. PROPOSAL

1. Background

On November 14, 2018 (1), the Board directed the Chief Administrative Officer to strengthen business partnerships for community-based agriculture events by allowing local, small-scale businesses to provide food and goods during agritourism activities at commercial agricultural operations. The Board direction included: 1) allowing for multiple food and goods vendors during
agritourism activities, and 2) to eliminate the existing requirement of a Zoning Verification Permit to establish a Small Agricultural Store. The ordinance amendments can help maximize potential economic benefits to the County and landowners by allowing the sale of food and goods on agriculturally zoned land during agritourism activities, consistent with Board of Supervisors Policy I-133, Support and Encouragement of Farming in San Diego County, and General Plan Policy COS-6.1.

According to the County Department of Agriculture, Weights and Measures’ “2018 Crop Statistics & Annual Report”, agriculture contributes $1.7 billion to the San Diego County economy. The Board has taken a series of actions over the years to encourage and support agriculture production, including adopting the County’s Agriculture Promotion Program on March 15, 2017 (3). The Agriculture Promotion Program amended the County Zoning Ordinance to include new agricultural use definitions, and revisions to the animal use regulations. The new uses included agricultural homestays, agritourism activities, agricultural stores (small and large), microbreweries/microdistilleries (small and large), fishermen’s markets, and packing/processing.

Agritourism activities are defined as an accessory agricultural use where the public visits a commercial agricultural operation for enjoyment, education or active involvement in the agricultural activities. Agritourism activities consist of U-Pick operations, where customers can pick their own agricultural products; tours; agricultural instruction or demonstrations; lectures or classes about agriculture related topics; and participation in agricultural operations on the premises. The intent of these activities is to support the continued viability of agriculture by allowing opportunities for additional economic activity and to educate the general public about the importance of agriculture. Currently, the County Zoning Ordinance limits food and goods vendors as part of agritourism activities.

To provide for multiple food and goods vendors at agritourism activities, staff proposes amending the County Code of Regulatory Ordinances and Zoning Ordinance to establish for-profit Temporary Agritourism Community Events. The draft ordinance amendments are intended to define Temporary Agritourism Community Events and provide criteria for commercial agricultural operations to include for-profit sales during agritourism activities.

Small agricultural stores are separate from agritourism activities and provide for the sale of food and agricultural goods produced at commercial agricultural operations. Small Agricultural Stores were approved as part of the Agricultural Promotion Program, but currently require a Zoning Verification Permit. The draft ordinance amendments would eliminate the Zoning Verification Permit requirement.

2. Proposed Ordinance Amendments

In response to Board direction, staff proposes ordinance amendments that:

a. Establish new allowances and associated requirements within the Agritourism Section 6157.b.4 of the Zoning Ordinance to set the general criteria for Temporary Agritourism
Community Events. A Temporary Agritourism Community Event would allow for-profit sale of food and goods during agritourism activities located at commercial agricultural operations.

b. Amend Division 2 Chapter 2 Section 21.201 of the County Code of Regulatory Ordinances to define Temporary Agritourism Community Events as: a temporary, publicly accessible, for-profit organized activity or gathering that is advertised or promoted. In conjunction, the definition would be added to Zoning Ordinance Section 1110.

c. Amend Zoning Ordinance Section 6157.a.2. to allow for Small Agricultural Stores to be a permitted use, rather than requiring a Zoning Verification Permit, as currently required. With the proposed amendment to the Zoning Ordinance, the existing criteria to establish a Small Agriculture Store would remain in place, (e.g. the size of store, hours of operations, and retail requirements), but the administrative permit review process is proposed to be removed. The removal of the permit, application criteria, and permit cost will streamline the process, and allow another option for the sale of food and goods grown at commercial agricultural operations.

d. Amend Tiered Winery Section 6910 of the Zoning Ordinance to allow for wineries to host Temporary Agritourism Community Events. Section 6910 currently prohibits commercial activities not expressively addressed within the ordinance. Language would be added to allow for these events in conjunction with criteria defined in Section 6157.b.4.

C. ANALYSIS AND DISCUSSION

The following section discusses existing agritourism and event regulations and describes the recommended Temporary Agritourism Community Events criteria. The criteria include hours of operation, agritourism eligibility, number of events and attendees, parking, and alcohol sales.

1. Existing Agritourism and Event Regulations

Agritourism activities are allowed at commercial agricultural operations through the Agricultural Promotion Program that was introduced in 2017. Currently, food service is allowed at commercial agricultural operations in the following limited ways: 1) partner with a non-profit and apply for a Community Event Permit (CEP); 2) build an agricultural stand for roadside agriculture sales; 3) build a small agriculture store for temporary or permanent agricultural and food sales; or 4) partner with a mobile food truck.

The Department of Environmental Health (DEH) is responsible for the issuance of CEPs for non-profit events. A CEP is required for public events sponsored by a California recognized non-profit or governmental organization with a duration of more than four (4) hours, but less than four (4) days. The CEP is limited to six (6) events per fiscal year. The CEP requires approval from several County departments, including Planning & Development Services (PDS) for zoning consistency, and noise abatement. Limiting community events to partnership with a non-profit reduces the opportunities and economic benefits to commercial agricultural operations.
2. **Recommended Temporary Agritourism Community Event Criteria**

As part of the development of the proposed ordinance amendments, staff researched best practices from other cities and counties in California, reviewed existing County policies, and held public workshops to engage the community and agricultural operations. Staff has developed the recommended event criteria described below.

a. **Hours of Operation:** Currently, there are no limitations on hours of operation for agritourism activities. For Temporary Agritourism Community Events, staff recommends operational hours between 8:00 a.m. and sunset daily, including set up and takedown time, to limit potential noise and lighting nuisances to neighboring properties.

The draft ordinance distributed for public review included hours of operation between 10:00 a.m. to sunset, consistent with hours of operation for Boutique Wineries and Small Agricultural Stores. During the public review of the draft ordinance, a written comment was received requesting that hours of operation begin earlier than 10:00 a.m. Staff analyzed this comment and amended the hours of operation to allow for events to begin two hours earlier to avoid warmer summer temperatures.

**Agritourism Eligibility:** The existing agritourism section of the Zoning Ordinance establishes eligibility criteria to host agritourism activities. Currently, 50% of a parcel's area should be suitable for agriculture, and 25% should be actively used for agriculture. If the parcel is greater than 200 acres, then 40 acres should be actively used as agriculture. This requirement is intended to ensure that the primary use of the property is, and remains, a commercial agricultural operation.

During public outreach with the San Diego County Farm Bureau, a comment was received stating that the existing agritourism criteria limits larger parcels from participating in agritourism activities, because the larger the parcel is, the more land needs to be in active agricultural operation. For example, a parcel that is 10 acres in size, requires a minimum 2.5 acres of active agriculture, while a property that is 100 acres, requires a minimum 25 acres of active agriculture. Staff reviewed the requirements for larger parcels and considered the average farm size in the unincorporated County. The 2018 County of San Diego Crop Report notes that 69% of farms are between 1-9 acres in size and would be subject to the percentage requirements noted above. However, approximately 31% of farms in the County are between 10-50 acres in size. The lower requirement of 5 acres of active agriculture on 20 acres (replacing the 40 acres of active agriculture on 200 acres) may increase eligibility for larger properties to participate in agritourism activities. Staff recommends maintaining the 50% suitability and 25% active agriculture use requirements; and is recommending to change the existing agritourism ordinance to allow parcels greater than 20 acres in size to maintain a minimum of 5 acres of active agricultural operations onsite.

b. **Number of Events:** Currently, there is no limit to the number and duration of agritourism activities on commercial agricultural operations. With the introduction of food and goods vendors, staff recommends limiting the maximum number of temporary events consistent with the California Retail Food Code (CRFC), to 25 days over a 90-day period.
c. **Attendees:** Agritourism activities are limited in size by the requirements for onsite parking and can only be ancillary to the ongoing commercial agricultural operation. With introduction of for-profit food and goods vendors, the Board direction was to establish a limit on the number of people at an event to no more than 350 people at any one time. The limit of 350 people was selected, because this is the maximum allowed by the County Sheriff’s Department without an outdoor assembly license. Traffic impacts associated with agritourism activities were analyzed by staff during introduction of the Agricultural Promotion Program in 2017. The addition of food and goods vendors to these activities is not anticipated to substantially increase traffic beyond that which was previously analyzed in the Agriculture Promotion Program EIR certified by the Board on March 15, 2017 (3).

d. **Parking:** Staff recommends no changes to the agritourism existing parking criteria. The existing agritourism ordinance states “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 in designated parking spaces. No parking on private roads is allowed.” Staff analyzed potential event impacts from traffic, access, and parking, and determined that if all existing requirements are met, then no parking impacts are anticipated.

e. **Alcohol Sales:** Alcohol may be served at a Temporary Agritourism Community Event as long an Alcoholic Beverage License is obtained from the California State Department of Alcoholic Beverage Control (ABC) with review from Planning & Development Services (PDS). During public engagement, questions were asked relating the potential sale and consumption of alcohol during events. Locations with existing ABC permits must remain in compliance with their permit requirements and seek any additional ABC permitting for the sale of alcohol outside of existing permit limitations.

3. **Wineries**

To allow food and goods vendors on all commercial agricultural operations, including wineries, the Tiered Winery Ordinance would also need to be amended. Staff evaluated the ordinance amendments for consistency with the Tiered Winery Ordinance, Winery Permits, and alcohol sales requirements.

The Tiered Winery Ordinance currently states “Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.” Existing requirements allow for wineries to host agritourism activities which are considered educational in nature and non-commercial activities; however, the proposed ordinance amendment to allow for Temporary Agritourism Community Events involving for-profit vendors would be considered a commercial use and not allowed. Staff analyzed the proposed draft ordinance amendments related to consistency with the Tiered Winery Ordinance and determined that an amendment to the Tiered Winery Ordinance to allow Temporary Agritourism Community Events would not create zoning conflicts.

Staff proposes an amendment to section 6910 of the Tiered Winery Ordinance to state, “Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited, with the exception to Temporary Agritourism Community Events, as defined in Section 6157.b.4.”
4. **General Plan Consistency**

The project is consistent with and implements the General Plan policies that addresses agriculture, agritourism, tiered wineries, and temporary events. A description of the programs that support agriculture with specific Goals and Policies in the General Plan are provided below:

a. **General Plan Policy Goal LU-7 Agricultural Conservation:** A land use plan that retains and protects farming and agriculture as beneficial resources that contribute to the County’s rural character. The ordinance amendment promotes agricultural conservation by expanding opportunities for agricultural operations that support and encourage the continued use and development of agriculture in the County.

b. **General Plan Goal COS-6 Sustainable Agricultural Industry:** A viable and long-term agricultural industry and sustainable agricultural land uses in the County of San Diego that serve as a beneficial resource and contributor to the County's rural character and open space network. The ordinance amendment promotes agricultural land uses by creating a new permitted accessory agricultural use which supports and encourage the continued use and development of agriculture in the County.

c. **General Plan Policy COS-6.1 Economic Diversity:** Support the economic competitiveness of agriculture and encourage the diversification of potential sources of farm income, including value added products, agricultural tourism, roadside stands, organic farming and farmers markets. The ordinance amendment includes updated regulations related to agritourism uses which contribute to economic diversity.

5. **California Environmental Quality Act (CEQA) Compliance**

Analysis of the proposed ordinance changes was conducted for the purpose of identifying potential, environmental impacts, land use compatibility issues, stakeholder concerns, and any potential inconsistencies between existing State and County regulations. Potential environmental impacts and prior California Environmental Quality Act (CEQA) analysis is discussed in detail within the CEQA Addendum (Attachment A).

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration or a previously certified Environmental Impact Report (EIR) covering the project for which a subsequent discretionary action is required. The certified Final Program EIR (FPEIR) dated March 15, 2017, (Log No. PDS2015-ER-15-001) on file with PDS as Environmental Review Number PDS2015-ER-15-001 evaluated potentially significant effects for the Agriculture Promotion Program. A Statement of Overriding Considerations, pursuant to CEQA Guidelines Section 15093, was adopted at the time of the project approval and certification of the FPEIR. Documents related to the FPEIR can found on the project website: [https://www.sandiegocounty.gov/content/sdc/pds/advance/agriculturepromotion/FEIR.html](https://www.sandiegocounty.gov/content/sdc/pds/advance/agriculturepromotion/FEIR.html).
For the current action, an Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action. The project update has been reviewed by an Addendum, dated October 25, 2019, to a previously approved the Agriculture Promotion Final Program Environmental Impact Report dated March 15, 2017, (Log No. PDS2015-ER-15-001) on file with PDS as Environmental Review Number PDS2015-ER-15-001 (Attachment A). This project’s potential impacts do not require revisions to the FPEIR due to no new significant effects or the substantial increase in the severity of previously identified effects. There is no new information of substantial importance which was not addressed under the FPEIR.

D. OUTREACH AND PUBLIC INPUT

Below is a summary of the public outreach efforts conducted throughout the ordinance development process. Two changes were made to the draft ordinance after conclusion of public review based on public comments received. The two amended items are the operational start time for events, changing from 10 a.m. to 8 a.m., and the change in agritourism parcel size eligibility, was further discussed in Section C. Analysis and Discussion. See Attachment H for correspondence with stakeholders and Community Planning/Sponsor Groups.

1. Stakeholder Engagement

In August 2019, staff held two community workshops in two centrally located agricultural communities, Valley Center, and Ramona. The workshops were held in these locations to engage the agriculture, community, and environmental stakeholders most interested in the ordinance amendments. Approximately 40 people in total attended and participated in both workshops. Many agriculture operators expressed ideas to allow the ordinance to be as flexible and least restrictive as possible. Comments were also received from agriculture operators and neighbors who expressed concerns regarding noise impacts, hours of operations, the number of events, the number of attendees, parking, access, and impacts to private roads. Comments were received from winery operators regarding consistency with the existing regulations pertaining to wineries and events.

To assist agriculture operators when hosting agritourism activities, a Frequently Asked Questions (FAQs) document and Best Practices Checklist (BPC) will be developed and made available to the public. Both documents will be posted to the County’s website should the proposed ordinance amendments be approved. The FAQs and BPC will allow for agriculture operators to reference the documents prior to having a Temporary Agritourism Community Event to help verify that they are obtaining approval from the correct County departments and State Agencies, if applicable.

On October 3, 2019 staff presented the draft ordinance amendments to the San Diego County Farm Bureau. Staff fielded questions and comments related to the ordinance, and one comment was received related to the content of the draft ordinance. This item was discussed further in Section C. Analysis and Discussion, related to agritourism eligibility requirements.
2. Community Planning and Sponsor Group Outreach

Staff introduced the project at the August 3, 2019 Community Planning/Sponsor Group Chair Quarterly Meeting and received no major comments or questions. A follow up e-mail was sent to all Community Planning/Sponsor Group Chairs on September 20, 2019, offering a staff presentation on the proposed ordinance amendments at the next available meeting prior to the Planning Commission Hearing. Staff received a few general inquiries related to the project, but no issues were identified.

Staff attended the September 19, 2019 Descanso Community Planning Group Meeting and presented an overview of the project. Staff answered several questions regarding the applicability, and process for hosting events. No issues were identified at this meeting and a vote was not taken. On October 17, 2019 the Valley Center Community Planning Group voted 11-0-0-3-1 in support of the proposed draft ordinance amendments.

3. Public Notices

As part of this project staff noticed property owners and community groups several ways. Government Code section 65090 specifies that a notice shall be published in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing. A notice of public hearing was published in the newspaper on October 25, 2019.

In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164, an EIR Addendum does not require public and public agency review. The Planning Commission documents, including the EIR Addendum were posted to the project website 10 days prior to the public hearing.

4. Web Page

At the initiation of the project, a web page was created to provide the most current, and direct source of information on the project. The website was shared with stakeholders, community groups early in the process and updated throughout the project. https://www.sandiegocounty.gov/content/sdc/pds/advance/agriculturepromotion/communityevents.html
E. RECOMMENDATIONS

Planning & Development Services recommends that the Planning Commission take the following actions:

1. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated March 15, 2017, on file with PDS as Environmental Review Number PDS2015-ER-15-001, the Draft Addendum, and the Environmental Review Update Checklist Form, dated October 28, 2019, on file with PDS as Environmental Review Number PDS2019-POD-19-002, prior to making its recommendations. (Attachment A)

2. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance:
   AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO REGULATORY CODE TO DEFINE TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments B and C)

3. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance:
   AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO AGRICULTURAL TOURISM TO DEFINE AND ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments D and E)

4. Recommend that the Board of Supervisors adopt the attached Staff Recommendation Form of Ordinance:
   AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ORDINANCE RELATED TO WINERIES TO ALLOW FOR TEMPORARY AGRITOURISM COMMUNITY EVENTS (POD 19-002). (Attachments F and G)

---

Report Prepared By: Timothy Vertino, Project Manager
858-495-5468
timothy.vertino@sdcounty.ca.gov

Report Approved By: Mark Wardlaw, Director
858-694-2962
mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: MARK WARDLAW, DIRECTOR
ATTACHMENTS:

Attachment A  Environmental Documentation
Attachment B  County Code of Regulations Ordinance Amendment Informational Copy
Attachment C  County Code of Regulations Ordinance Amendment Clean Copy
Attachment D  Agricultural Tourism Zoning Ordinance Amendment Informational Copy
Attachment E  Agricultural Tourism Zoning Ordinance Amendment Clean Copy
Attachment F  Tiered Winery Zoning Ordinance Amendment Informational Copy
Attachment G  Tiered Winery Zoning Ordinance Amendment Clean Copy
Attachment H  Correspondence