



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

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TO: Ag Liaison Advisory Board (ALAB)
FROM: Michael Isensee, Agriculture Department
RE: Agriculture Department Verification of Agricultural Use

Agriculture Policy 6 directs the county to ensure that visitor and retail commercial uses and facilities (commonly referred to as “ag tourism”) on agricultural land are clearly incidental and secondary to the primary agricultural use of the site. This policy directive would ensure that the beneficiaries of accessory visitor and commercial uses are farmers and ranchers, not simply owners of land designated for agricultural use.

ALAB had several discussions in the spring and summer of 2007 regarding how best to ensure visitor uses on agricultural lands are located on sites where the primary use is agriculture. On 30 April 2007 and again on 16 July 2007, ALAB passed motions to recommend to staff and the Board of Supervisors the following process to determine if a site had a primary agricultural use:

Use the minimum parcel size subdivision standards for the Agriculture land use category based upon the agricultural land use, that is a minimum of 20 acre of planted prime farmland, 40 acres intensive crops, 160 acres field crops, and 320 acres grazing land.

Since that time, Agriculture Department staff has further discussed various options for verifying a site has a primary agricultural use. The Agriculture Department felt that using the subdivision standards would too greatly limit the number of smaller farm operations which could obtain visitor uses. Attached is what staff is proposing to the Planning Commission and Board of Supervisors. Staff will provide a chart at the February 4 ALAB meeting outlining the variety of options that were considered.

Staff is also recommending that the process be called a *verification of agricultural use* rather than a clearance letter. This is because the proposed process would require that staff verify two items:

- That there is an agricultural use that meets the minimum required.
- That the area devoted to visitor use does not exceed the maximum allowed.

Agriculture Department Verification of Agricultural Use

When located in the Agriculture land use category, a letter shall be submitted from the Agriculture Department which verifies that the site has an adequate agricultural use located on the site and the proposed visitor use is incidental to the agricultural use.

1. Determination of adequate agricultural use

A minimum of one the following agricultural uses must be present:

- A. 2 acres of nursery/greenhouse production
- B. 5 acres in permanent irrigated crops (trees, vines)
- C. 10 acres in annual irrigated crops (row crops)
- D. 40 acres of irrigated pasture* or dry-farmed perennial crops harvested annually
- E. 100 acres in dry-farmed crops harvested annually
- F. 300 acres actively grazed to a commercial standard
- G. Approved agricultural processing use**

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2. Incidental Visitor Use Determination

- A. The area devoted to the visitor use may not exceed five (5) percent of the area devoted to the agricultural use, to a maximum visitor use area of five (5) acres.
- B. When the agricultural use is less than ten (10) acres in size, the visitor use may be up to ten (10) percent of the area devoted to the agricultural use.
- C. When the agricultural use is an approved agricultural processing use, the visitor use area may not exceed the area devoted to processing.**

* Irrigated pasture is land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture (from Govt Code 51201)

Note: BOLD FACED items (1.G. and 2.C.) were added after the Agricultural Liaison Meeting on February 4, 2008.

<p>1. Farm Stay Committee An <i>active farm or ranch</i> is defined as a site that:</p> <p>A. Meets <u>at least one</u> of the following:</p> <ol style="list-style-type: none"> 1. has a minimum of 10 acres of intensified/irrigated crops, or 2. has 100 acres or more that is grazed by livestock at least 3 of every 5 years, or 3. produces agricultural crops with an annual gross revenue equal to or greater than \$25,000 adjusted annually using a Federal Consumer Price Index [to be determined by the Planning Department]. <p>and either B or C:</p> <p>B. whose owner can produce copies of any two of the following documents:</p> <ol style="list-style-type: none"> 1. Producer’s certificate for farmer’s market (Ag Commissioner), 2. Organic certificate (from certifying organization), 3. Pesticide use permit (Ag Commissioner), 4. Notice of Intent for conditional waiver for irrigated lands (RWQCB), 5. Schedule F (IRS), 6. Personal property tax return on farm equipment (County Assessor), 7. Premises ID number (CDFA) 8. Agricultural Data Record (County Assessor) <p>C. and whose owner signs an affidavit that the sale of agricultural products is the primary source of income derived from the property for three of the last five years.</p>	<p>2. ALAB- Passed by Motion 4/30/07 “enough agricultural use to qualify for current minimum subdivision standards based upon use” Therefore, a site with a supplemental visitor use requires a minimum of:</p> <ul style="list-style-type: none"> · 18 acres of irrigated crops on prime soils, no more than one residence, property under contract · 40 acres of row crop, orchard, vineyard on nonprime or mixed sites · 160 acres dry-farmed field crops · 320 acres grazing land with a grazing use. 	<p>3. Mark Pearce - Farm Credit</p> <p>I. Commercial Agricultural Operation Factors</p> <ol style="list-style-type: none"> A. 18 or more acres of productive crop land, where agricultural product is produced and sold annually from minimum of 18 acres or if more than 18 acres of productive crop land, minimum 50% of land is producing crop. (i.e., 20 acres of land, 5 acres of Olives – not a commercial agricultural operation) B. In addition to the acreage minimum, if Livestock is the agricultural commodity, at least 10 animals raised and sold annually from the property. <p>II. Minimum Subdivision Standards Factors</p> <ol style="list-style-type: none"> A. 18 acres Irrigated, Prime Soils, Single Residence B. 40 acres Irrigated, Subprime Soils, maximum of Two Residences C. 160 acres dry farmed crops, Maximum of Two Residences D. 320 acres grazing land, maximum of Two Residences <p>III. Viability and Incidental Ag Use Factors</p> <ol style="list-style-type: none"> A. Gross Farm Revenue Exceeds Non Farm Revenue from the Event(s) annually. B. Assessed Valuation – Value of Land exceeds value of Residence or other non agricultural improvements on the land. C. IRS Form 1040 Schedule F – Profit or Loss from Farming - Required to have been filed two most recent successive years with annual Tax Forms to IRS. <p>The applicant must provide adequate, detailed records and copies to the Ag Commissioners Office for determination of certification criteria being met. Such records include crop maps, records of agricultural commodity sales as to yield produced and price received upon sale of the commodity produced on the property, copies of County Tax Assessor information regarding land value vs. improvements value, information letter from applicant as to types of improvements on property and their value, copies of IRS Form 1040 Schedule F and any other information required at sole discretion of Ag Commissioners Office.</p>	<p>4. Michael (AG DEPT) - Primary Ag Use A minimum of</p> <ol style="list-style-type: none"> A. 2 or more acres of nursery/greenhouse production B. 5 acres in permanent irrigated crops (trees, vines) C. 10 acres in annual irrigated crops (row crops) D. 40 acres in permanent dry-farmed crops E. 40 acres of irrigated pasture or dry-farmed perennial crops harvested annually F. 100 acres in annual dry-farmed crops G. 300 acres actively grazed to a commercial standard H. For sites that have a production agricultural use of a smaller scale, the applicant must provide a letter from the Agriculture Department stating that the primary agricultural use of the site is agricultural and is sufficient in size and scope to support limited visitor serving and incidental retail use and facilities. <p>-or- Alternatively, the agricultural use of land that, according to UC cost studies or if using usual and prudent production methods would generate a gross income of \$50,000 annually, or actual records that shows a gross income from the production of agricultural commodities in excess of \$50,000.</p> <p>-or- Use of county crop report to determine a minimum of \$50,000 annual ag production value.</p>
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<p>5. Farm Bureau <u>Commercial agriculture:</u> The production of agricultural commodities for sale The narrowing criteria, such as acreage, should be part of the committee reports not the definition.. The definition should not be based on viability (acreage and income).</p>	<p>6. Self-certification Self certification: “My site has an adequate ag use.”</p>	<p>7. Production Agriculture For visitor serving and retail commercial uses, an ongoing production agricultural use (as defined by AOSE) must exist on the site, which may include an agricultural processing use.</p>	<p>8. Stanislaus county Public Events Minimum parcel size of 40 acres with at least 75 percent of the parcel devoted to agricultural production</p>	<p>9. El Dorado County Ranch Marketing Minimum parcel size of 10 acres Parcel must have 5 acres of permanent ag crop in production of 10 acres of annual crop in production. Properly cared for to produce a commercial crop</p>
<p>10. Michael (AG DEPT) - Visitor Use Scaled to Ag Use See table next page that scales accessory visitor use based upon primary agricultural use.</p>				

10. Michael (AG DEPT)- Visitor Scaled to Ag				ACRES IN PRODUCTION					
Visitor-serving and retail commercial uses	Events	AGRICULTURAL EVENTS	3 events annually with the following:	INTENSIVE CROPS	FIELD CROPS	GRAZING, RANGELAND	MAX. AMOUNT	MIN. PARCEL SIZE	PERMIT
		NONPROFIT EVENTS	4 events annually with the following				4	20	No permit
		SPECIAL EVENTS	1 event annually with the following:				16	40	MUP/CUP
	Lodging (choose only 1 lodging use)	DUDE RANCH	1 unit with the following:				20	320	CUP
		FARM STAY	1 unit with the following:				5	20	Zon. Clear.
		B&B	1 unit with the following:				8	40	Zon. Clear./ MUP
		INN	1 unit with the following:				8	40	MUP
	Sales (Choose only 1 Sales Use)	ROADSIDE SALES	2,000 sf outdoor sales area allowed at any production level, limited to sale of producer's crops				2,000	any	No permit
		FARM STORE	1,000 sf structure, 400 sf interior sales area & 2000 sf outdoor sales area				1,000 inside / 2,000 outside	20	Site Plan
	Products	FARM PRODUCTS	100 sq.ft. processing kitchen with the following in production:				800 sf	40	Site Plan
Recreation	CAMPING	1 campsite with the following:				10	80	Site Plan	
	ORGANIZATION CAMPS	Recommend not allowed in AG					NA	Not allowed	
	HUNTING CLUBS	Based upon parcel size:				1	1000	Site Plan	

