



COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

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DATE: December 3, 2007

TO: Karen Nall, Planning Department

FROM: Michael Isensee, Agriculture Department

SUBJECT: October 31, 2007 Revised Draft Event Use Standards, Title 22 Land Use Ordinance and Title 23 Coastal Zone Land Use Ordinance

The Agriculture Department has the following comments on the proposed land use standards for events. Events in rural agricultural areas have the potential to benefit farm operators but may also cause a range of adverse impacts to agricultural resources and operations.

Items addressed in the enclosed comments include:

- Events not Subject to a Land Use Permit
- Potential Impacts to Agricultural Resources and Operations
 - General Compatibility
 - Number of Attendees
 - Event Frequency
 - Event Management Plan
 - Conversion of Farmland: Grading, Event Facilities, Parking and Access
 - Cumulative Impacts of Events and Other Visitor Uses
- Enforcement

The attached comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Please call 781-5753 if I can clarify any comments or be of further assistance.

Events Not Subject to a Land Use Permit

Since educational outreach activities help to meet numerous goals and policies of the County's General Plan and are vital for the adaptability and long-term sustainability of agricultural operations, the Agriculture Department supports keeping all *agricultural educational activities* sponsored by either government bodies or nonprofit organizations from being subject to land use permitting requirements. However, the proposed ordinance exempts a broader range of event activities than only agricultural education.

Specifically, the proposed ordinance allows for a range of uses that are not subject to a land use permit, including any "organized activity, assembly or event that is...sponsored by a...valid agricultural nonprofit organization." This appears to mean that non-profit agricultural organizations may host a broad range of events, including concerts, festivals, off-road vehicle races or other fund-generating activities, all without a permit. The use of a site for such a broad range of unregulated events has the potential for adverse impacts to agricultural resources and operations.

However, a number of organizations educate farmers and the broader public about management tools and techniques to improve farm practices and protect natural resources. A vital component of this work occurs in the field. Regulating such uses could keep these activities from occurring. These activities help to protect the county's natural resources as well as agricultural operations and resources. Thus, the Department recommends that only the following subset of events sponsored by nonprofit agricultural organizations not be subject to a land use permit:

Educational activities on farmland sponsored by a government agency or nonprofit organization for the purpose of outreach, education, research or training on issues relating to agriculture and natural resources.

Potential Impacts to Agricultural Resources and Operations

County General Plan Policy (AGP 6) supports limited visitor serving uses when such uses are incidental to and secondary to primary agricultural uses. Supplementary non-agricultural uses can assist farmers and ranchers diversify economically and can be an outlet for the direct marketing of products produced by the farm or ranch.

Events also have the potential for incompatibilities with both on-site and neighboring agricultural operations, can lead to the conversion of farmland to non-agricultural use, and can create impacts to properties under Land Conservation Act contract.

Events in rural agricultural areas may generate adverse impacts such as:

- Increased fire risk, litter, traffic, noise, trespass, theft, liability, and damage to fences, equipment or other agricultural infrastructure.
- Increased risk of the spread of agricultural pests.
- Increased risk for potential food safety issues.
- Increased use of water resources for other than agricultural purposes in water-limited areas.
- Loss of capable farmland due to the development of event facilities including structures, decks and patios, landscaping, turf areas, access drives and parking, both on individual sites and cumulatively.

- Large increases in the temporary population on and around Williamson Act contracted lands
- The use of contracted lands for purposes not related to agricultural production.

Balancing the benefits with the costs involves determining appropriate limits so that potential incompatibilities are minimized while benefits are directed toward farmers and ranchers rather than their non-farming neighbors.

General Compatibility

Specific additional ordinance standards should be incorporated into the event standards to address compatibility with agricultural resources and operations, especially projects that are ministerial and will not undergo any public review or CEQA analysis. Measures to increase compatibility that are generally applicable to events in rural agricultural areas include:

- Direct access to a public road.
- Locating structures and event use areas off prime farmland and farmland of statewide importance if feasible and limited conversion of farmland when not feasible.
- Avoiding or minimizing the creation of impervious surfaces.
- Limiting the numbers of attendees based upon property size.
- Requiring Event Management Plans (outlined below) which provide site specific compatibility measures.
- Enforcing standards and eliminating incompatible and nonconforming event uses.

Number of Attendees

Large numbers of people in agricultural areas can change the character of rural agricultural areas and also create impacts to agricultural operations. Event attendees can trespass, damage agricultural infrastructure, and increase fire risk, and are more difficult to manage in large numbers. While conflicts between event activities and ongoing and routine agricultural practices (such as those that generate dust, noise, and odors) can occur with events of any size, larger events are more likely to produce conflicts. Impacts from events can be minimized through:

- Adequate setbacks. The proposed ordinance setbacks will often be adequate, although there will be cases where greater setbacks or limitations on the timing of events is necessary to protect routine agricultural practices including legal pesticide applications.
- Limiting the numbers of attendees at any event held in rural agricultural.

Event Frequency

It is unclear if, under the proposed standards, a single site can have more than a single event type located on the same site: non-profit, agricultural, and special. If multiple event types are allowed, rural agricultural sites could have in excess of 29 days of events each year with a Minor Use Permit, three 3-day agricultural events and twenty special events. Events on lands designated other than Agriculture but adjoining production agricultural sites could have in excess of 49 events annually. An unlimited number of nonprofit events could occur in addition to the 29 to 49 events.

The Agriculture Department has found that the existing winery special events ordinance, which allows a limited number of industry-wide events and a small number of special events with limited attendance (six events of up to 80 people), is generally appropriate on agricultural lands with a Minor Use Permit. The impacts associated with large numbers of events could be reduced by:

- Using a limit for events on non-winery sites that mimics the winery event standard of no more than six special events of limited attendance plus three 3-day agricultural events annually with a Minor Use Permit.

Event Management Plan

Many potential compatibility standards are not appropriate for all sites, but may be important for certain sites near intensive farm operations, in water limited areas, or in areas with nearby neighbors.

- Therefore, the ordinance standards should require that the applicant develop and provide as part of the application package an Event Management Plan (EMP) which specifies the site-specific compatibility measures to be taken in order to ensure the proposed events are compatible with on-site and neighboring agricultural resources and operations.

Some event sites may not require any specific measures, while others will require a number of measures in order to ensure compatibility. However, the measures to include will be at the discretion of the applicant. For discretionary projects, the reviewing agencies and review authority may recommend specific additional event management conditions to avoid or reduce potentially significant impacts or to otherwise ensure compatibility.

An applicant might decide to include any of a number of specific quantifiable measures in an EMP. For instance, an applicant might choose one or more of the following to increase compatibility:

1. Distance buffers for parking and/or event activity areas.
2. Dust control measures for access drives and parking areas.
3. Fencing around the property line or the event site.
4. Limits on landscaping or non-agricultural water consumptive uses.
5. On-site signs to direct traffic, reduce off-site trespass, or address bio-security or fire risks.
6. Staff escorts/assistants (e.g. to manage traffic or security).
7. More restrictive limits on:
 - the hours of operation and duration of events.
 - the frequency of events.
 - the numbers of attendees or vehicles at events.
 - amplification.

While the inclusion of specific measures to increase compatibility will be voluntary, the EMP submitted with a permit application should be enforceable like any other use standard. For discretionary projects, the county may also make the applicant's EMP conditions of the project's approval. Failure to implement the EMP could result in the same enforcement action as the failure to follow other ordinance requirements.

Conversion of Farmland: Grading, Event Facilities, Parking and Access

The proposed ordinance would allow for permanent alteration of a site by grading for both non-profit events and special events. The proposed ordinance also allows for the development of event facilities when part of a special events permit. The existing ordinance does not allow for permanent site alteration through grading or the development of permanent facilities. Without a limit on the area of disturbance for an event use, the cumulative loss of farmland is not measurable but is potentially significant. An example of such a limit is found in the coastal zone land use ordinance for supplemental non-agricultural uses, Section 23.04.050b.6.i. This limits the total area of the site allocated to non-agricultural use to no more than 2 percent of the site area.

Event sites could result in farmland conversion primarily through the dedication of parking areas and the development of access routes. For sites where events happen very infrequently, parking areas may be utilized for crop production between events. However, when events occur throughout the year, these areas are essentially permanently converted to non-agricultural use. When combined with development of an adequate primary access drive and required secondary access route, areas devoted to vehicles may collectively represent a substantial conversion of agricultural land to non-agricultural use.

Impacts associated with grading, facility development, parking and access drives could be minimized by:

- Setting limits on the maximum area that can be devoted to an event use including all visitor serving use areas (structures including event halls, storage facilities, kitchen; access drives; parking; landscaping including turf areas and other outdoor use areas; and wastewater disposal) and a maximum amount of structural development. A limit could be two percent of the site area with a maximum conversion of no more than three acres for visitor-related use areas such as access routes, parking, outdoor areas and landscaping, and structures.
- Locating all visitor serving facilities on areas not identified as prime farmland and farmland of statewide importance (as defined and mapped by the Natural Resources Conservation Service) wherever feasible.
- Requiring a site parking plan that minimizes the amount of otherwise farmable areas being devoted to parking.

Cumulative Impacts of Events and Other Visitor Uses

There is no apparent measure in the ordinance to control the number of event facilities and uses in any given part of the county. Thus, it is not possible to determine what the cumulative impact of event uses will be to any given area or countywide.

It is also unclear what the impacts of events are when combined with the various other potential visitor serving uses currently allowed or proposed. A method that might reduce cumulative impacts would be to only allow multiple visitor uses on sites that meet certain standards, such as properties:

- Which front arterials.
- Which meet or exceed the minimum parcel size.
- Are located within a mile of an urban area.

- Where no other visitor use is located within a certain distance.

Enforcement

The issue of enforcement of county use standards in rural areas was repeatedly raised by some members of the Ag-Tourism and Direct Marketing Work Group. While there was little consensus on most issues, the Work Group members agreed that adequate, consistent implementation of ordinance standards and enforcement of those standards was critical to the success of allowing visitor uses in rural agricultural areas. Event ordinance revisions should specifically address enforcement.

Applicants' EMP should be submitted as part of project applications and be considered enforceable conditions on an event site located in rural agricultural areas. The EMP and relevant ordinance standards and permit conditions for each event site should be publicly available and easily retrievable (e.g. available online). The ordinance (23.08.248.f and 22.30.202.E) begins to address this issue by requiring either advance notice of events to neighboring properties or the use of a website. This could be enhanced by requiring the posting of the specific conditions the site is required to meet.

A process should be developed to record complaints about event sites, substantiate or deny the presence of a violation, and respond to violations. The nature of the complaint and code enforcement staff findings about actual violations should be publicly available and retrievable.

For a site that generates multiple substantiated complaints in any 12-month period, the site owner/applicant should be required to respond in writing to the specific complaint(s) and submit a revised EMP with the goal of ensuring land use compatibility. The response should be made publicly available to the neighborhood. Any successive substantiated complaint should require the commencement of permit revocation as outlined in the land use ordinance. This would ensure a public process which could result in additional site-specific conditions or the revocation of the permit for the event use.