

ORDINANCE NO. 10652 (NEW SERIES)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
RELATED TO AGRITOURISM TO DEFINE AND ALLOW FOR TEMPORARY
AGRITOURISM COMMUNITY EVENTS (POD 19-002)**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding sections regarding Small Agricultural Sores, and Temporary Agritourism Community Events. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 6157.a.2. Agricultural Store, Small of the Zoning Ordinance is amended to read as follows:

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, as follows:

a) A Small Agricultural Store shall be 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. The Agricultural Store provisions shall not be used to increase the size of a production facility, tasting area and/or retail sales area of a Wholesale Limited Winery, Boutique Winery or Small Winery, as limited by Section 6910.

b) The store shall be incidental to primary agricultural, horticultural or animal husbandry use, as follows:

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;

ii. At least 50 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 animal husbandry use.

c) The store shall be operated by the owner 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.

d) Only one agricultural store shall be permitted per legal lot. A small store shall not be allowed on a lot with an existing Agricultural stand or Large Agricultural Store.

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. No other structures on the property shall be used for on-site sales. The structure shall conform to all setbacks pursuant to Section 4810. All areas accessed by the public shall be permitted and constructed in compliance with the applicable commercial building code and shall comply with all applicable requirements of the Department of Environmental Health.

f) Retail sales activities including sale of products related to the agricultural products produced, 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.

g) 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,

h) Parking: A minimum of six parking spaces shall be provided for patrons using the Agricultural Store. The on-site parking area used for the Agricultural Store may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided shall be in compliance with California Building Code chapter 11B and shall be stable, firm and slip-resistant

i) Hours of operation: The store is allowed to operate to the public from 10 a.m. until legal sunset seven days a week.

j) Signage: One on-premise sign, not to exceed four square feet, is allowed.

k) Events, such as weddings or concerts, are prohibited. However, on site instruction related to the products produced or raised on the site is allowed.

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Section 3. Section 6157.b. Agricultural Tourism of the Zoning Ordinance is amended to read as follows:

Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S88, S90 and S92 Use Regulations provided the following criteria are met:

1. The Agricultural Tourism uses shall be incidental to primary agricultural, horticultural or animal husbandry use.

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;

b) 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 20 acres, at least 5 acres must be actual active agricultural, horticultural, or horticultural use.

Section 4. Section 6157.b.2. Agricultural Tourism of the Zoning Ordinance is amended to read as follows:

Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics, participation in agricultural operations on the premises, and Temporary Agricultural Tourism Community Events.

Section 5. Section 6157.b.4. Agricultural Tourism of Zoning Ordinance is amended to read as follows:

Temporary Agritourism Community Events are allowed as an accessory to Agritourism activities subject to the following limitations:

a) A Temporary Agritourism Community Event is a publicly accessible, for-profit, organized activity or gathering that is advertised or promoted. Non-profit community events are subject to a Community Events Permit, administered by the Department of Environmental Health.

b) Design and Operation Conditions. All Temporary Agritourism Community Events shall comply with the following design and operational conditions:

i Vendors. Food and goods vendors may be incorporated as part of the event, subject to all applicable permitting and licensing. A maximum of two goods vendors shall be permitted unless 51% of the total vendors at the event are related to agriculture products, then additional goods vendors shall be permitted.

1) Food Vendors. The California Health and Safety Code Section 114387 requires a Temporary Food Facility Permit of any person or organization providing food at a public event. All operators selling food, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event.

2) Goods Vendors. The Temporary Agritourism Community Event vendors may sell non-agriculture related goods in accordance with Chapter 5 Solicitations of the San Diego County Code of Regulatory Ordinances.

ii. Attendees. Events shall be limited to a maximum of 350 guests. Events exceeding 350 people shall not qualify as a Temporary Agritourism Event and shall be subject to Temporary Use Regulations - Section 6100 and Sheriff licensing review.

iii. Number of Events. Temporary Agritourism Community Events shall occur in accordance with Section 113755 of the California Retail Food Code. The Number of events exceeding this code, shall be considered permanent and not qualify as a Temporary Agricultural Tourism Community Event.

iv. Hours of Operation. Temporary Agritourism Community Events, including setup and tear down, shall occur between 8:00 a.m. and sunset.

v. All temporary components of the Temporary Agritourism Community Event must be removed within 24 hours of the conclusion of the event(s).

vi. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act.

c) Other Applicable Approvals.

i. Necessary sanitation facilities, as defined in the California Retail Food Code Sections 114351, 114358, 114359, must be provided as required by the Department of Environmental Health.

ii. No outdoor amplified sound is permitted. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.

iii. All vendors, organizers, and or property owners shall obtain all applicable licenses or permits from the Department of Environmental Health and the County Sheriff Department pursuant to the Uniform Licensing Procedure of the County Code.

iv. The temporary sale of alcohol shall require an Alcoholic Beverage Control (ABC) license from the State with review from County Sheriff's Department. If the on-site agricultural operation has a permanent ABC license, the requirements of that license shall apply.

d) Exclusions.

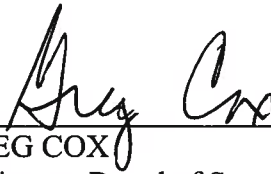
i. Any other type of event such as weddings, corporate events, music concerts, festivals, and carnivals are not considered an incidental use to primary agricultural, horticultural, or animal husbandry uses, and do not qualify as Agritourism Community Events, and are subject to Section 6100 et seq., Temporary Use Regulations.

ii. Pursuant to Section 6106 of the Zoning Ordinance, Non-profit Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

Approved as to form and legality

By: Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 29th day of January, 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Fletcher, Desmond
ABSENT: Gaspar

ATTEST my hand and the seal of the Board of Supervisors this 29th day of January, 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Joana Santiago, Deputy



Ordinance No.: 10652 (N.S.)
Meeting Date: 1/29/2020 (6)