

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, NOVEMBER 14, 2018**

MINUTE ORDER NO. 1

**SUBJECT: OPTIONS FOR STRENGTHENING BUSINESS PARTNERSHIPS FOR
COMMUNITY BASED AGRICULTURE EVENTS (DISTRICTS: ALL)**

OVERVIEW

Agriculture is a leading industry and economic driver in the San Diego region. According to the County Department of Agriculture, Weights and Measures' - 2017 Crop Statistics & Annual Report, agriculture production contributes \$1.7 billion to the San Diego county economy. Over the years, the Board has supported efforts that encourage and support agriculture production, agriculture tourism and local businesses in the region. To further promote farming and agricultural tourism, the Board of Supervisors (Board) adopted the County's Agriculture Promotion Program on March 15, 2017 (3).

Since adoption, agriculture-related business opportunities have expanded in rural communities. To further strengthen these communities, there are opportunities for other businesses to partner with an agricultural producer to enhance agricultural tourism experiences. Specifically, enabling food and goods vendors to operate at agricultural tourism events would enable producers to enhance community members' experiences on agricultural producing lands and further foster a sense of community.

Agricultural tourism experiences open to the public can involve a number of County departments and the Department of Environmental Health provides assistance to applicants navigating the review, approval and permit processes. However, state law does not allow food to be prepared and served from temporary facilities (the kinds of booths seen at street fairs) except at "community events" that the California Retail Food Code (CRFC) defines as "civic, political, public or educational in nature." Agricultural tourism experiences could meet this definition by amending the County Code to define and authorize "Agriculture Tourism Community Events." Additionally, the County's current Zoning Ordinance limits opportunities for business owners to expand their commercial activities in partnership with agricultural producers at agriculture tourism events, and could be amended in order to expand agricultural tourism experiences.

On May 16, 2018 (5), Vice Chairwoman Dianne Jacob recommended that the Board direct the Chief Administrative Officer to explore options that would make it easier for local, small-scale businesses to provide food and goods at community based events on agriculture producing properties in the unincorporated area. In response to the Board's direction, staff is returning with a range of options in four categories for the Board to consider that include: 1) allowing food and/or goods vendors in alignment with the state law, the CRFC, at community events on agricultural producing land; 2) expanding opportunities for commercial agriculture operations to build small agriculture stores; 3) holding certified farmers' markets on agricultural producing land; and 4) providing incentives to encourage food truck participation at agricultural tourism events.

There are multiple options among the four categories. Each option includes factors for consideration such as programmatic, environmental review, estimated costs for one time environmental analysis and possible permit fee waiver pilot programs, and anticipated implementation time frames.

To further expand opportunities for other businesses to partner with an agricultural producer to enhance agricultural tourism experiences, options among the four categories may be combined. However, since

the options within the Food and Goods Vendors and Certified Farmers' Market categories build upon each other, only one option from each of these two categories should be selected. Any proposed permit fee waiver pilot programs associated with programmatic changes that include environmental review, would not be implemented until after completion of the environmental analysis and a return to the Board for adoption or certification of an environmental document and approval of amendment to County Code and/or Zoning Ordinance.

Today's request is for the Board to provide direction to staff on what type of program the Board would like for strengthening business partnerships for community based agriculture events. There are two options that could be adopted by Resolution by the Board today. If the Board elects to proceed with any of the other options, staff will subsequently return to the Board with any necessary CEQA Findings, amendments to the County Code and/or Zoning Ordinance, resolutions for any permit fee waiver pilot programs, and a request for appropriations for Board consideration.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's actions, other than the adoption of the Resolutions (Attachment C.1, C.2, and D), are not subject to the California Environmental Quality Act (CEQA) because these actions are not a project pursuant to CEQA Guidelines sections 15378 and 15060(c)(3), and because the Board's actions are not "approval" of a project as defined in CEQA Guidelines sections 15004(a) and 15352.
2. Provide direction regarding *Food and Goods Vendors* by either selecting one of the following options, or declining these options:
 - Option 1A. One Food Vendor
 - Option 1B. Multiple Food Vendors
 - Option 1C. Multiple Food and Goods Vendors (2 Goods Vendors or 51% Sold Related to Agriculture or Food)
 - Option 1D. Multiple Food and Goods Vendors
3. Provide direction regarding *Small Agriculture Stores* by either selecting the following options, or declining these options:
 - Option 2A. Waive the Zoning Verification Permit Fee for Small Agriculture Stores
 - Option 2B. Eliminate the Zoning Verification Permit for Small Agriculture Stores
4. If Option 2A is selected, complete and adopt resolutions entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES TO WAIVE FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.1)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE PLAN CHECK AND PERMIT FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.2)

5. Provide direction regarding *Certified Farmers' Markets* on agricultural producing lands by either selecting one of the following options, or declining these options:
Option 3A. Certified Farmers' Market for Certified Producers Only

Option 3B. Certified Farmers' Market and Ancillary Market
6. Provide direction regarding a *Food Truck Participation Incentive Pilot Program* (Option 4) by either selecting or declining this option.
7. If Option 4 is selected, complete and adopt a resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO REBATE FEES
ON A TEMPORARY BASIS TO FOOD TRUCKS THAT SIGNIFICANTLY PARTICIPATE IN
AGRICULTURAL TOURISM EVENTS (Attachment D)

FISCAL IMPACT

If approved, today's actions may result in potential costs estimated between \$3,235 - \$625,000 to the County beginning as early as Fiscal Year 2018-19, depending on the direction of the Board. These estimated amounts are subject to change due to environmental analysis and public comments received while processing the option(s) selected in compliance with the California Environmental Quality Act (CEQA) process. All permit fee waiver pilot program cost estimates are based on a one year time period, for 5 to 25 events based on permits with the highest potential costs. The lower end of the cost estimate represents the food truck participation incentive pilot program. The higher end of the cost estimate represents one higher level CEQA review plus the combination of permit fee waiver pilot programs with the highest potential costs (Options 1D, 2A, 3B, and 4). Details on the calculation of the potential cost estimate range can be found in Attachment B. Following today's action, staff's return to the Board will include a fiscal analysis including current and future year costs, funding source(s) and a request for General Fund fund balance appropriations that may be necessary.

Today's action could include authorization of a permit fee waiver pilot program for Options 2A and/or Option 4 by way of adopting a Resolution. The Board could choose to establish a "not to exceed" cap for these permit fee waiver pilot programs based on a dollar threshold, or exclude permit fee waiver pilot programs completely. Funds are not included in Fiscal Year 2018-19 Operational Plan. Should the Board take action to adopt a Resolution for a permit fee waiver pilot program as described in Options 2A and/or Option 4, that action would result in potential cost estimates of up to \$70,000 in Fiscal Year 2018-19 and would be funded by available prior year Land Use and Environment Group General Fund fund balance. There will be no additional staff years required.

BUSINESS IMPACT STATEMENT

Implementation of one or more of the options presented would provide additional opportunities to businesses that desire to provide food and goods at community based events on agriculture producing properties in the unincorporated area.

ACTION 1.1:

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors adopted Option 1C: Multiple Food and Goods Vendors (2 Goods Vendors or 51% Sold Related to Agriculture or Food); and, directed the Chief Administrative Officer to return to the Board to include proposed criteria for limiting vendor fee waivers to small local businesses using criteria such as annual revenue and/or the number of employees.

AYES: Cox, Jacob, Robert, Horn

ABSENT: Gaspar

ACTION 1.2:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board of Supervisors adopted Option 2A: Waive the Zoning Verification Permit fee for Small Agriculture Stores, implementing a PDS Permit Fee Waiver Pilot Program with a financial cap of \$31,875 for one permit, and a DEH Permit Fee Waiver Pilot Program with a financial cap of \$21,950 for multiple permits; and, adopted the following:

Resolution No.18-167, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES TO WAIVE FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.1);

Resolution No. 18-168, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE PLAN CHECK AND PERMIT FEES ON A TEMPORARY BASIS FOR SMALL AGRICULTURAL STORES ON AGRICULTURAL PRODUCTION LANDS THAT HOST AGRICULTURAL TOURISM EVENTS (Attachment C.2); and,

Adopted Option 2B: Eliminate the Zoning Verification Permit for Small Agriculture Stores.

AYES: Cox, Jacob, Robert, Horn

ABSENT: Gaspar

ACTION 1.3:

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors adopted Option 4: Food Truck Participation Incentive Pilot Program implementing a DEH Permit Rebate Pilot Program with a financial cap of \$16,175 for one permit, and adopted Resolution No. 18-169, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO REBATE FEES ON A TEMPORARY BASIS TO FOOD TRUCKS THAT SIGNIFICANTLY PARTICIPATE IN AGRICULTURAL TOURISM EVENTS (Attachment D).

AYES: Cox, Jacob, Robert, Horn

ABSENT: Gaspar

ACTION 1.4:

ON MOTION of Supervisor Jacob, seconded by Supervisor Roberts, the Board of Supervisors found that today's actions, other than the adoption of the Resolutions (Attachment C.1, C.2, and D), are not subject to the California Environmental Quality Act (CEQA) because these actions are not a project pursuant to CEQA Guidelines sections 15378 and 15060(c)(3), and because the Board's actions are not "approval" of a project as defined in CEQA Guidelines sections 15004(a) and 15352.

AYES: Cox, Jacob, Robert, Horn

ABSENT: Gaspar

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

DAVID HALL
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy