

**CALIFORNIA COASTAL COMMISSION**

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# Tu 15a

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**Commission Action: DENIAL**  
**10/14/98**  
Revised Findings: 11/17/98

**STAFF REPORT: REVISED FINDINGS**

LOCAL GOVERNMENT: County of San Luis Obispo

LOCAL DECISION: Board of Supervisors: Approved with conditions, 01/27/98  
(Upon appeal of Planning Commission denial, 10/09/97)

APPEAL NUMBER: **A-3-SLO-98-025**

APPLICANT: **BRIAN AND MARILYN SCOGGINS**

APPELLANT: John J. Maino

PROJECT LOCATION: 1540 San Bernardo Creek Road, approximately two miles east of  
the City of Morro Bay in the unincorporated area, San Luis Obispo  
County, APN: 073-151-003

PROJECT DESCRIPTION: Establishment of a temporary event site for weddings and similar  
gatherings on lands zoned for agricultural land uses.

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Certified Local Coastal Program;  
Administrative record for permit D950222P

**Commissioners on Prevailing Side: Allen, Armanasco, Detloff, Johnson, Nava, Potter,  
Reilly, Tuttle, and Wan.**

**SUMMARY OF COMMISSION ACTION**

On October 14, 1998, the Commission denied a permit, on appeal, for a proposal to hold 12 "temporary" events per year on a 14 acre parcel in the Agriculture land use category. Previously, on May 13, 1998, the Commission found that a substantial issue existed with respect to the grounds on which the appeal was filed. In particular, the Commission found that

the proposed use as approved by the County was inconsistent with LCP policies and ordinances which 1) are intended to maintain agricultural lands in or available for agricultural uses, 2) govern where, when, and how a non-agricultural use can be allowed on agriculturally zoned property, and 3) define and govern temporary events. The Commission then deferred the *de novo* hearing on the merits of the project so that the applicant could gather and supply additional information to show how the proposal meets the LCP requirements for a non-agricultural use on land designated for agriculture. The applicant subsequently supplied staff with additional information. Based on that information, staff recommended that the Commission approve a permit for the proposal, subject to conditions. However, the Commission denied the permit primarily because substantial evidence did not exist that supported a finding that agriculture was infeasible without a supplemental use. The proposed use also does not preserve the maximum amount of agricultural use. Nor is it a visitor-serving use, which is a priority under the LCP, or an agriculturally-related activity. These revised findings are necessary to support the Commission's decision.

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### Exhibit

1. Location Map
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## I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution and findings in support of its denial of the project on October 14, 1998.

### DENIAL

The Commission hereby **denies** a permit for the proposed development, on the grounds that the development would be inconsistent with the certified San Luis Obispo County Local Coastal Program, and would have adverse effects on the environment within the meaning of the California Environmental Quality Act.

## II. RECOMMENDED FINDINGS AND DECLARATIONS

### A. *Project Location and Description.*

The site of the proposal is a 14 acre parcel along San Bernardo Creek, at 1540 San Bernardo Creek Road, approximately 1.75 miles northeast of Highway One, two miles east of the City of Morro Bay, in San Luis Obispo County (see Exhibit 1). Although the parcel was legally created in the late 1960s, it is now non-conforming as to parcel size. Minimum parcel sizes in the Agriculture category range from 20 to 360 acres based on existing agricultural use and soil type. Currently, the site is developed with a primary residence, detached garage, avocado orchard, blueberry fields, animal corrals for keeping emus and llamas, a double wide mobile home, equipment barn, shop building, miscellaneous smaller sheds and accessory buildings, and a water impoundment fed by creek surface water and wells. About half of the parcel contains prime agricultural soils as mapped by the Natural Resource Conservation Service.

The applicant is proposing a permanent, "temporary events" site for gatherings such as weddings, family reunions, fund raising for non-profit organizations, and other types of celebrations and functions. The County approval was for a five-year period, ending on January 27, 2003. According to the County's approval there could be a total of 12 events per year limited to weekends from May through October. Events would be allowed for no more than four consecutive weekends, with at least one weekend off after each four consecutive weekends. Each event is also limited to 100 guests and 35 automobiles or vans, except that three events may be for non-profit groups with an increased guest limit of 300; the number of allowed automobiles or vans for the non-profit events would remain at 35 (from the information supplied by the County, it is unclear if the three non-profit events are included in the 12, or if they are in addition to the 12). No new buildings or other structures are proposed except for portable toilets. Improvements would be needed for guest parking and ingress and egress. Those improvements include the construction of an additional driveway, minor existing-driveway widening, addition of a dust control binder to the proposed gravel/crushed rock parking area, and directional signs. As approved by the County, "No temporary event related parking, ground disturbance or activities shall occur on prime agricultural soils."

### B. *Standard of Review and Analysis*

The standard of review for this application is the San Luis Obispo County LCP. Issues are raised regarding consistency with LCP policies and ordinances 1) intended to maintain agricultural lands in or available for agricultural uses, 2) governing where, when, and how a non-agricultural use can be allowed on agriculturally zoned property, and 3) defining and governing temporary events.

#### 1. **Nature of Proposed Use**

The proposed use is for 12 "temporary" events to be held one per weekend for no more than four consecutive weekends from May through October. The events would include, but not be limited to weddings, reunions, and anniversaries. Each event would be limited to 100 guests

and 35 vehicles, except that for public fundraising events for non-profit organizations up to 300 guests would be allowed.

Potential impacts identified in the County's negative declaration include increased traffic on a narrow road with sharp curves; conflicts with surrounding agricultural uses from guest automobile traffic encountering large agricultural equipment and/or livestock on the road, and guests trespassing on and/or vandalizing agricultural property; conversion of agricultural land to non-agricultural use, degradation of water quality if guest parking occurred close to San Bernardo Creek, degradation of air quality through increased automobile traffic and vehicle travel on unpaved parking surfaces, and increased noise. The County applied conditions intended to reduce or eliminate these potential impacts.

The County approved the proposed use as a "temporary" event, which is a use that can be permitted on non-prime agricultural land. The LCP limits temporary events to a single location with a duration of " . . . no longer than *12 consecutive days*, or *four consecutive weekends*. . . ." (emphasis added) unless other parts of the County Code establish a different time limit or if a different time limit is approved as part of a minor use permit (coastal development permit). The County approval was for use of the site for *12 weekend* temporary events occurring not more than four consecutive weekends at a time, with at least one weekend off between the four consecutive weekends, over a period of six months (May – October) each year. LCP temporary event site design standards include, among other things, that temporary events have two unobstructed access points each 18 feet wide from the site to a public road. . " Since the site had only one driveway, the County required construction of a second driveway. The LCP definition of a temporary event is one that occurs on a site which " . . . is not to be permanently altered by grading or construction of accessory facilities." The County approval apparently required a permanent alteration of the site, which would conflict with the definition of a temporary event.

Rather than a temporary event or events, the proposed use is more like an intermittent non-agricultural use occurring on agricultural lands. Therefore, the use cannot be analyzed simply as a temporary event proposal but must be analyzed as a non-agricultural use on agricultural lands.

## **2. Non-Agricultural Uses on Agricultural Lands**

San Luis Obispo County LCP Agriculture Policies 1 and 3 generally require the maintenance of agricultural lands in agricultural production. They address both prime and non-prime agricultural land.

### **a. Maintaining Prime Agricultural Land**

According to Policy 1, "Prime agricultural land shall be maintained, in or available for, agricultural production," unless 1) there are conflicts with urban uses which already severely limit agricultural use; or 2) there are public services available and conversion of the prime agricultural lands would either preserve [other] prime agricultural land or would complete a logical neighborhood and would help to establish a stable boundary between urban and rural

uses; and 3) development on converted land will not diminish the productivity of adjacent prime agricultural land. Prime agricultural land is defined in the LCP as any of the following:

- i. All land which qualifies for rating as class I or II in the Soil Conservation Service land use capability classifications.
- ii. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- iii. 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 U.S. Department of Agriculture.
- iv. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.

Three soil types are found on the parcel. They are 1) Cropley Clay, 2) Diablo and Cibo Clays, and 3) Los Osos Loam. Of these three, only the Cropley Clay meets any of the definitions of prime agricultural soils or land. Specifically, Cropley Clay is rated as Class II when irrigated. Diablo and Cibo Clay are rated as class IV and Los Osos Loam is rated as Class III. None of the three soil types on the site qualify for a Storie Index Rating of 80 to 100; they range from 38 to 65.

The existing house, lawn, gardens, and reservoir total about 1.2 acres; the existing agriculture support structures total about 0.5 acre; streams and stream banks total about 1.5 acres; the rest of the parcel, about 11 acres, is in agricultural use. The agricultural uses are livestock raising (emus and alpacas) and fruit crops (avocados, blueberries, and oranges).

Even though the Soil Conservation Service (now the Natural Resources Conservation Service, or NRCS) classified some of the site as having soil types other than prime, such agricultural lands could meet definitions iii and iv and therefore be considered prime agricultural land. In the opinion of County Agriculture Department staff, the land in crops does qualify as prime land under the LCP's definition iii, while the land used for animals does not qualify as prime land under the LCP's definition iv (definition iv requires an intensive animal use such as would be found in an irrigated pasture).

Still, the proposed use, if located on prime agricultural land, would be a conversion from agricultural use and would clearly be inconsistent with the LCP because it would neither maintain the land in agricultural use nor make it available for such use. Some of the originally proposed parking area, which is now a fenced, unused area, extended onto the mapped prime land in the applicant's initial submittal to the County. The applicant subsequently proposed a revised parking area that did not encroach onto prime land. Since none of the proposed parking will encroach onto mapped prime agricultural soils, but instead will be located on land used for animal raising (not considered prime agricultural land) and because the only other area to be used for the events are the existing house, lawn, and garden areas (not considered to be prime agricultural land), no mapped prime agricultural land is involved. ~~Additionally, the County's condition 1, incorporated into this Coastal Commission permit, prohibits event-related parking,~~

~~ground disturbance or activities on prime agricultural soils. Therefore, the proposed use is consistent with Agriculture Policy 1 regarding prime agricultural land.~~

**b. Maintaining Non-Prime Agricultural Land**

For non-prime agricultural lands, Agriculture policy 1 states that

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime land or concentrate urban development in or contiguous with existing urban areas having adequate existing public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

Agriculture policy 1 further states that uses on non-prime agricultural lands may be permitted

where it can be demonstrated that no alternative building site exists except on non-[prime] agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

The non-agricultural uses that may be permitted on non-prime agricultural land are: Communication Facilities, Coastal Accessways, Passive Recreation, Rural Recreation & Camping, Temporary Events, Electric Generating Plants, Food & Kindred Products, Paving Materials, Recycling Collection Stations, Stone & Stone Cut Products, Caretaker Residence, Farm Support Quarters, Home Occupations, Mobilehomes, Residential Accessory Uses, Single-Family Dwellings, Temporary Dwelling, Fisheries & Game Preserves, Forestry, Mining, Petroleum Extraction, Water Wells & Impoundments, Eating & Drinking Places, Outdoor Retail Sales, Roadside Stands, Public Safety Facilities, Accessory Storage, Temporary Construction Yards, Waste Disposal Sites, Bed & Breakfast Facilities, Temporary Construction Trailer Park, Airfields & Landing Strips, Pipelines & Transmission Lines, Public Utility Facilities, Warehousing, and Wholesaling & Distribution.

Agricultural policy 3 states

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.

Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.050 implements Policy 3.

Together, Policies 1 and 3 and CZLUO Section 23.04.050 establish several tests which must be applied to any proposal for non-agricultural use on non-prime agricultural land. At the request of staff, the applicant's agent has submitted additional information responding to the requirements of the LCP which must be addressed before a non-agricultural use may be

allowed on agricultural land. These requirements are detailed in Table 2 on pages 11 – 16, and are summarized below. The ten tests ~~include~~ **and the requisite findings, are discussed below. Overall, the proposed use does not adequately address the tests for proposed non-agricultural uses on agricultural lands. Therefore, the project must be denied.**

1. *The conversion of non-prime agricultural land would preserve prime agricultural lands or concentrate urban development in or adjacent to existing urban areas with adequate public services.*

~~The location of the proposed use would preserve prime land on the site in that it would be located on non-prime land. It would also preserve prime land because of the requirement for an agricultural easement over the remainder of the property. The proposal does not preserve prime agricultural land elsewhere nor does it concentrate urban development in or adjacent to existing urban areas with adequate public services.~~

2. *Continued or renewed agricultural use is not feasible.*

The applicant has submitted information, which, ~~according to the applicant, shows~~ **suggests** that income from the agricultural operations, ~~plus the income from the events still~~ will not cover the costs of the agricultural operations. ~~The applicant's conclusion is that Therefore,~~ continued or renewed agricultural use is not feasible without a supplemental use.

**Nonetheless, there is not currently substantial evidence that supports a finding that agriculture on this site would be infeasible without a supplemental use. For example, the information submitted does not include the applicant's income from her off-site catering business. If that income offset the costs of the agricultural production on the property, then there would be no need for the proposed supplemental use. It also is not clear that agricultural use of this parcel would cease without the supplemental use. In particular, the agricultural uses on this site are high end products (avocados and alpacas) which are typically sustainable over the longrun. This differs from a recent case of a proposed bed and breakfast in Mendocino County, where the existing agricultural uses were lower end products (grazing and timber) that are more difficult to sustain without a supplemental use.**

3. *The conversion would not adversely affect adjacent agricultural uses.*

~~As conditioned to limit the number of vehicles, reduce the frequency of events as approved by the County, and to require the permittee to acknowledge and accept normal agricultural practices on adjacent ownerships, the proposal would not adversely affect adjacent agricultural uses. The project could adversely affect adjacent agricultural uses in a number of ways. It would result in increased traffic on San Bernardo Creek Road with the possibility of interference with movement of agricultural machinery and/or livestock. Such a non-agricultural use with the proposed outdoor functions also could be seriously disrupted by noise, dust, smoke, pesticide spray, etc., from adjacent agricultural operations. This could lead to efforts to limit the agricultural uses on adjacent land to those that would not be disruptive to the events.~~

4. *No alternate sites are available other than on non-prime land.*

The parcel is designated agricultural and has both prime and non-prime land. There is no non-agriculturally designated land on the parcel. ~~This permit (via incorporation of the County's conditions)~~ The County's permit excludes the mapped prime land from consideration for the proposed development. The only new parts of the proposal are the proposed parking area and driveway. Those would be on land that is or can be used for livestock and that does not have mapped prime soils. As mentioned above, in the opinion of County Agriculture Department staff, the land used for livestock that does not have mapped prime soils does not, based on its use, qualify as prime land. The proposal is therefore limited to **mapped** non-prime land.

5. *Conversion will be compatible with preserving a maximum amount of agricultural use.*

The non-agricultural use not already existing, the parking area and driveway, would be on **mapped** non-prime land. The non-agricultural use would **ostensibly** be limited to 12 days per year. ~~The required agricultural easement over all other land except the existing non-agricultural uses and the non-agricultural use allowed by this permit would preserve a maximum amount of land for agricultural use.~~ However, the area used for the events would remain all year long -- not just for 12 days. The events themselves with their attendant people and traffic would take place on only 12 days out of each year. However the area set aside for the proposed use would remain unavailable for agricultural use for 353 days/year. Therefore, the proposal would not be compatible with preserving a maximum amount of agricultural use.

6. *The proposed use will support continued agricultural use of the parcel.*

The information supplied by the applicant shows that agricultural production costs currently are significantly greater than agricultural income. ~~Although it would not make up the difference between agricultural production costs and income, the proposed non-agricultural use would lessen the gap between costs and income. It would, therefore, support continued agricultural use of the parcel.~~ While the proposed use may generate income that could be used to help offset the costs of agricultural production, there is no guarantee that the proposed use will in fact support continued agricultural use of the parcel. In addition, the proposed use is not related to agriculture, which distinguishes it from such uses as produce sales or other supplemental economic activity that has a logical connection to agriculture. More importantly, as discussed above, a convincing case has not been made that a supplemental use is needed to support agricultural use on this site.

7. *Buffers are provided between agricultural and non-agricultural uses.*

Buffers are intended to separate the two types of uses so that one does not interfere with the other and especially so that agriculture will not be inhibited by non-agricultural uses. On the parcel, no specific buffers between agricultural and non-agricultural uses ~~are were~~ required by the County. ~~The agricultural easement will delineate the agricultural and non-agricultural areas and will ensure that the non-agricultural use will not be adversely impacted by the proposed use.~~ No specific buffers ~~are were~~ required by the County between the on-site non-agricultural use and agricultural uses on adjacent properties. ~~However, Special Condition 3 requires the applicant to acknowledge and accept the historical, existing, and future agriculture uses and accompanying noise, dust, etc., from adjacent agricultural lands and not interfere with normal agricultural operations. Therefore, although no physical buffers are required, the~~



~~agricultural easement and the acknowledgment of agricultural uses on adjacent properties will in effect act as "buffers."~~ The only buffers would be the existing ones – San Bernardo Creek Road on the north, San Bernardo Creek on the south, and landscaping on the north side of the event site. At most, a combination of these would result in about 100 feet of buffering from off-site agricultural uses. The road and the creek provide only distance buffers; only the landscaping would provide an actual physical barrier to smoke, dust, noise, pesticide spray, etc., that could be generated by agricultural activities on adjacent land and it is unknown how effective the landscaping would be. Without effective buffering, the smoke, etc., from agricultural operations could lead to complaints from guests and the applicant and could result in limitations of certain types of agricultural operations.

8. *Adequate water is available to maintain habitat values and serve both the proposed use and existing and proposed agricultural operations.*

According to the applicant, the only use of on-site water would be that used by a bridal party, for example, during changing and preparation for the ceremony. Drinking water for guests would be provided from bottled water brought to the site. Chemical, portable toilets would be provided. Those would come from off-site and water needed for hand washing would be brought to the site as part of the toilets, which would be self-contained. The applicant estimates that total on-site water demand for the 12 events would be about 0.0044-acre feet per year, or about 1434 gallons. That amount is about 0.024 percent of the estimated total water use on the parcel. That is an insignificant amount that **presumably** would have no identifiable impact on habitat values or on agricultural operations. **Nevertheless, information provided by the applicant indicates that the amount of water pumped for agricultural use and for domestic use cannot be determined separately for each since both pumps are on the same electric meter. Further, the applicant is increasing planting of crops that will require more water. Finally, the effect on habitats of water usage on this parcel is unknown.**

9. *On-site water and sanitary facilities shall be provided; no urban sewer and water services are allowed.*

Refer to number 8, above.

10. *The remainder of the parcel shall be secured in agricultural use through an agricultural easement and no land division is involved.*

**A land division was not involved in the proposal, but the County did not require an agricultural easement to secure the remainder of the parcel in agricultural use.**

~~Special Condition 5 requires an agricultural easement. No land division is involved.~~

~~As conditioned, the Coastal Commission permit would allow an annual cumulative maximum total of 1200 guests; the County's permit would allow from 1800 (if three "non-profit" events are included in the 12) to 2100 (if "non-profit" events are in addition to the 12) guests. Fewer cars per event would be allowed under the Coastal Commission permit; a total of 12 events, whether~~

~~"for-profit" or "non-profit" would be allowed with half the frequency of the County approval; and agricultural use of the property would be ensured through the agricultural easement.~~

~~Additionally, County conditions 1 and 3, incorporated into this Coastal Commission permit, prohibit parking along San Bernardo Creek Road, require staffing to prevent trespass onto neighboring property, and require preparation of a brochure for attendees which includes warnings about the physical nature of San Bernardo Creek Road (narrow, sharp curves), the fact that farm equipment may be on the public roadway, and prohibition of interference with agricultural operations.~~

~~Finally, by accepting this permit, the applicant acknowledges existing and historic agricultural uses and aftereffects (noise, smoke, dust, odor, etc.) that may be annoying to guests and that the applicant will not interfere with normal agricultural practices occurring on surrounding lands.~~

~~The differences between the County's approval and the Coastal Commission's approval are shown in the table below.~~

**TABLE 1**

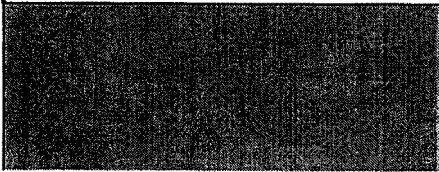
<del>100 guests</del>	<del>100 guests; up to 300 for "non-profit" events</del>
<del>25 vehicles</del>	<del>35 vehicles</del>
<del>12 events, total, per year whether "for-profit" or "non-profit"</del>	<del>Unclear if 12 events annually includes 3 "non-profit" events or if those 3 are additional events</del>
<del>No more than two consecutive weekends</del>	<del>Up to four consecutive weekends</del>
<del>Agricultural easement required</del>	<del>No easement required</del>

The table on the next six pages lists the various requirements of Agriculture Policies 1 and 3 and CZLUO Section 23.04.050, and addresses the LCP-consistency of the proposed use.

TABLE 21

Agriculture Policy 1, paragraph 2	Agriculture Policy 3	CZLUO Section 23.04.050	Is Proposal Consistent with the LCP?
Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development			<del>Yes. Proposed development would not result in conversion of non-prime agricultural lands because use would occur on non-prime agricultural land no more than 12 days annually. The rest of the year, the non-prime land would be available and used for animal raising. No. While events would occur only 12 times per year, the existing, converted non-prime ag. land occupied by the gardens and landscaping would remain permanently, year round.</del>
	a. No development permitted on prime agricultural land. Development on non-prime land is permitted if it is shown that all agriculturally unsuitable land is developed or is undevelopable.	23.04.050b.(6)(i). No development shall occur on prime soils except where demonstrated that all agriculturally unsuitable land has been developed or cannot be used because of terrain constraints	Yes. Development would be on non-prime agricultural land and there is no agriculturally unsuitable or undevelopable land on the parcel.

Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless continued or renewed agricultural use is not feasible	b. Agricultural use is not feasible as determined by economic studies of existing and potential agricultural use without the proposed supplemental use.	23.04.050b.(6)(iii). The proposed non-agricultural use shall support and be economically necessary for primary use of the site as a productive agricultural unit.	<del>Yes.</del> Information has been submitted which shows that the proposal is economically necessary for continued agricultural use (see Exhibit 4). No. Information submitted indicates that proposed use will contribute toward reducing costs, but applicant's income from her off-site business was not included. It may well be that with the applicant's outside income included, there would be no deficit from agricultural operations. It has not been conclusively shown that agricultural use is infeasible without the proposed use.
See above	c. The proposed use will allow for and support continued use of site as a productive agricultural unit.	23.04.050b.(6)(iii) above	<del>Yes</del> No. See "b" above.

<p>Non-prime agricultural land suitable for agriculture shall be maintained in or available for agricultural production unless the permitted conversion will not adversely affect surrounding agricultural uses.</p>	<p>d. Proposed use will not adversely affect existing or new agricultural uses on the remainder of the site or on nearby properties.</p>	<p>23.04.050b.(6)(iv). Proposed use shall provide buffers between on- and off-site agricultural and non-agricultural uses.</p>	<p><del>Yes. Agriculture easement required which will protect on-site agricultural uses, and Condition 5 that requires permittee to acknowledge agricultural uses and agree to not interfere with those uses. Buffers on site addressed by easement which will delineate agricultural areas and non-agricultural areas. Creek and road provide physical buffers between on-site non-agricultural use and off-site agricultural uses. No. No buffers have been provided. The buffer provided by San Bernardo Creek Road and the landscaping, for example is only about 100 feet from adjacent ag. land and only the landscaping provides an actual physical barrier to dust, pesticide spray, etc. Complaints by guests and the applicant about such annoyances could lead to restrictions on types of agricultural operations.</del></p>
	<p>e Clearly defined buffer areas are provided between agricultural and non-agricultural uses.</p>	<p>23.04.050b.(6)(iv) above</p>	<p><del>Yes</del> No. See "d" above.</p>

	f. Adequate water is available for habitat values and to serve the proposed use as well as existing and proposed agricultural uses.	23.04.050b.(6)(v). Adequate water resources are required on-site to maintain habitats and serve both the agricultural use and the proposed use.	<b>Yes No.</b> While information has been provided which shows that the water used by the proposed use is minimal and constitutes less than 10 % of agricultural use, there is no information about the needs of and impact on habitats in this area where water supplies can be scarce. Further, portable chemical toilets are provided for guests and the toilet rental company brings water associated with them to the site.
	g. No extension of urban sewer and water services is permitted and the permitted development shall provide water and sanitary facilities on-site.	23.04.050b.(6)(vi). Urban water and sewer service shall not be extended to support on-site agricultural or other uses.	<b>Yes.</b> No utility extensions are required.
	h. No land division is required and the remainder of the parcel is secured in agricultural use through an agricultural easement.	23.04.050b.(6)(vii). The project shall not require a land division.	<b>Yes No.</b> No land division is proposed and, as conditioned, an but no agricultural easement is was required by the County. The remainder of the parcel would not be secured in agricultural use.

	<p>i. A site plan shall be submitted showing subsequent phases of development, undevelopable non-agricultural land, and all land to be used for agricultural purposes. Total non-agricultural development areas must not exceed 2 percent of the gross acreage of the parcel.</p>	<p>23.04.050b.(5). Application content. Application shall contain information required by section 23.02.033 et seq., as well as additional information required by this section.</p>	<p><del>Yes. Although site plan submitted to County did not clearly show agricultural and non-agricultural land, this permit is conditioned to require submittal of a revised site plan showing these areas and the agricultural easement required by this permit will delineate these areas. This permit does not allow any subsequent phases. The proposed new area of use, the parking area, will require about 8125 square ft., or about 1.3 percent of the gross parcel area. The other areas proposed for the use, the house, lawn, and garden total about 1.2 acres, or about 8.6 percent of the gross area. However, those areas already exist.</del>  <b>No.</b> -The site plan submitted to the County did not clearly show agricultural and non-agricultural land. Including existing development to be used for the events, the house and gardens, the proposed use would equal about 8.6 percent of the gross parcel acreage – significantly more than the allowed 2 percent.</p>
	<p>j. A demonstration that revenues to local government would equal the public costs of providing necessary roads, water, sewers, fire and police protection.</p>	<p>23.04.050b.(5)(ii). Requires documentation demonstrating that revenues to local government from project will equal public expenses to provide or maintain public services to serve the project.</p>	<p><b>Yes.</b> Documentation has been provided which shows that revenues to local governments will exceed public expenses associated with the project. No public expenses are anticipated.</p>

	<p>k. A demonstration that the project siting and design would protect habitat values and be compatible with the scenic, rural character of the area.</p>	<p>23.04.050b.(5)(iii). Requires documentation that demonstrates that the proposal is designed and sited to protect habitat and be compatible with rural character of surrounding area.</p>	<p><del>Yes. As conditioned to limit number of events and number of attendees, to maintain 150 foot buffer between parking and creek, and to require polluted runoff prevention, the proposed use will protect habitat values and, since the site is already developed, will be compatible with the rural character of the area.</del> No. There is no documentation that demonstrates that the proposal will protect habitat values or how it will be compatible with the rural character of the surrounding area.</p>
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The Coastal Zone Land Use Ordinance (CZLUO) limits non-agricultural use to no more than two percent of the gross site area. On this 14-acre parcel, that equals 12,197 square feet. The house, lawn, and garden occupy about 36,450 square feet or about 6 percent of the gross site area. ~~As conditioned to limit guest vehicles to 25, the parking area would occupy about 8505 square feet.~~ The new driveway would be about 1620 square feet in area. Combined, the parking area and driveway together will occupy about 10,125 square feet or 1.6 percent of the gross site area. The intent of the ordinance section limiting non-agricultural area to 2 percent of the gross site area is to limit conversion of agricultural land and maintain agriculture as the primary use on the site. In this case, the house, lawn, and garden, ~~are existing; no change in percentage of agricultural and non-agricultural uses will occur if those features are part of a non-agricultural use.~~ Only the 10,125 square feet of the driveway and parking area can be considered to alter the land use percentages. Since the driveway and parking area will occupy only 1.6 percent of the gross site area, the proposal is consistent with the CZLUO requirement that non-agricultural use be limited to 2 percent of the gross site area, while existing, still do occupy land that could be in agricultural production. To be consistent with the CZLUO, this area of the parcel must be included in the percentage of gross acreage used for non-agricultural purposes. The existing improvements equal about 6 percent of the gross parcel acreage. The proposed new driveway and parking area equal about 1.6 percent of the gross parcel acreage. Thus the total area devoted to the non-agricultural use would be just under 8 percent which is not consistent with the letter or intent of the CZLUO.

~~Given the existing configuration of uses on the parcel, the less than maximum allowed additional area devoted to the events, and as conditioned, the proposed use is subordinate to agricultural uses on the site.~~

The proposed use is neither commercial recreation nor strictly visitor-serving, the two kinds of uses that are to be given priority when a supplemental use is needed. Commercial recreation would probably need more than 2 percent of the gross site area and perhaps the entire site. The location of the site would not be conducive to commercial recreation, especially commercial recreation oriented to coastal themes. Some of the guests for some, if not most or all of events such as weddings will come from out of the area and would be visitors. ~~The proposed use could be visitor-serving in that sense.~~ **Nonetheless, the proposal to have an events site for weddings and other programs is not, strictly-speaking, a coastal-related visitor-serving use for the general public, as normally understood when implementing local coastal program policies and the Coastal Act.** Coastal Table "O" lists potential uses in each land use category. Commercial recreation and visitor-serving uses listed as potential uses on non-prime agricultural land are coastal accessways, passive recreation, rural recreation and camping, temporary events, and bed and breakfast facilities. Coastal accessways are clearly not applicable. According to the County's Land Use Definitions, passive recreation includes activities such as riding and hiking trails, and nature study needing only limited structural improvements such as steps, fences, and signs. There is no particular attraction on or nearby this site that would invite passive recreation. Rural recreation and camping, according to the County's definitions includes facilities for group activities such as archery and pistol ranges, dude ranches, health resorts, and camping. These more active uses would not be compatible with the site or agricultural uses on and off the site. **There is no particular category in the CZLUO into which this proposed use falls. While the CZLUO does empower the Planning Director to determine which, if any, category an undefined use falls, it would be difficult at**

best to conclude that the proposed use is either commercial recreation or visitor serving. However, the CZL UO does not require that a supplemental non-agricultural use be a commercial recreation or visitor serving one, merely that those types of uses have priority over other types.

~~While this site is not well suited for commercial recreation or visitor serving uses because of the small size of the parcel and the lack of a significant recreation potential or visitor attraction, it does constitute the general type of use contemplated by Table "O" and therefore, as conditioned, is allowable under the certified LCP.~~

### 3. Water Supply and Use

Agriculture Policy 3 requires that adequate water be available "...to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations." Agriculture Policy 7 states that "Water extractions consistent with habitat protection requirements shall give highest priority to preserving available supplies for existing or expanded agricultural uses." Coastal Watersheds Policy 6 states that "Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats." These policies are similar and protect the priority status of agricultural uses concerning water supply within the context of protecting habitat values.



