

PC 9/12/24
Agenda # 5
2 pages.

Public comment for. Re: 9/12/24 meeting agenda item 24-1507

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Re: 9/12/24 meeting agenda item 24-1507

I would like to provide a proposed procedure for CUPs concerning the Ranch Marketing and Winery ordinances for additional commercial events beyond those outlined in the ordinances. The County should implement a comprehensive review process for Conditional Use Permits (CUP) requests that seek approval for commercial special events on agricultural lands beyond the established limit in the Ranch Marketing and Winery ordinance. Such requests should only be submitted once the maximum allowable events have been reached.

To move forward, applicants must provide detailed justification outlining the necessity of additional commercial special events and demonstrate that these events will not interfere with the primary operations of their agricultural business. A thorough review would take place prior to consideration, with the primary goal of ensuring that the request for additional commercial special events would not supersede the applicant's core agricultural activities.

In the event that an applicant is denied and chooses to appeal, they must convincingly demonstrate to the review committee that the maximum allowable events did not disrupt their primary business and that their income remains primarily derived from agricultural activities. Furthermore, they must validate that the requested additional events will not generate more revenue than their core operations.

If the applicant successfully establishes that they continue to be primarily an agricultural entity, the CUP request will progress through the standard review process within the County departments.

I would also like to provide a proposed procedure for defining primary use.

To ensure clarity for all agricultural property owners regarding the definition of primary business in relation to agricultural products, the County should adopt a comprehensive and straightforward communication strategy. The following are ways that the County could effectively define primary business.

Primary Business: The main activity or activities that generate the majority of a property's revenue, focus, and resources. For agricultural properties, this means that the cultivation, production, processing, and sale of agricultural products must constitute the primary business.

Key Points to Communicate to agricultural property owners:

1. Revenue Source

- **Threshold:** At least 75% (or another specified percentage) of the property's annual revenue must come from the sale of agricultural products, such as crops, livestock, dairy, wine, etc.
- **Revenue Documentation:** Property owners must maintain detailed and transparent financial records that separate agricultural income from income generated by commercial special events.

2. Operational Focus

- **Primary Activities:** The majority of the property's operational time and resources must be dedicated to agricultural activities. This includes farming, harvesting, processing, and marketing their agricultural products.
- **Commercial Special Events:** Events like weddings, concerts, or antique car shows are allowed but must clearly be secondary and accessory, limited to no more than outlined in the County ordinances. If a Conditional Use Permit (CUP) is obtained, it must not overshadow the primary agricultural operations.

3. Employment and Resource Allocation

- **Staffing:** The majority of employees should be involved in agricultural activities rather than management of the accessory uses.
- **Resource Use:** Resources such as land, equipment, and facilities should be primarily used for agricultural purposes.

In addition, enforcement and regulation of the Ranch Marketing and Winery ordinances must be a key focus for the County staff to protect all stakeholders, including the rural residential communities that live adjacent to these businesses.

1. Regular Inspections

- **Regular Scheduled Inspections for each business that operates under the Ranch and Marketing and Winery ordinance:** The Ag Commissioner must conduct regular inspections to ensure compliance with the primary business requirements and that the minimum cropland acreage is maintained.
- **Random Checks:** Code enforcement should perform random checks to prevent any potential violations - lighting, traffic, noise, parking, failure to provide advance notification for special events etc.

2. Enforcement and Penalties

- **Penalties for Non-Compliance:** Enforce penalties for failing to maintain agricultural activities as the primary business, including fines and potential revocation of accessory uses. Enforce strict adherence to the County noise standards. Enforce adherence to the number of special events allocated by right and the advance notification requirements that are outlined in both ordinances.
- **Increase Fines:** Finally, you must consider increasing the financial structure of the penalties as these violations can affect the health and safety of rural residents. See the proposed changes in the VHR ordinance and increase the penalties for violations accordingly. For example, the schedule for violations should be \$1,500 for the first violation, \$3,000 for the second and \$5,000 for the third and each subsequent violation.

Thank you for your time and consideration.

Regards
Anthony DeSipio