



Agritourism Permitting & Regulations

Katie Byrne
San Diego County Farm Bureau

Source of Regulations

- Allowance for agritourism is essentially a land use issue
- Land use is determined locally
- The land use decision makers:
 - City Councils (within city limits)
 - Boards of Supervisors (unincorporated areas)
- Universal system throughout the state

What You Need to Know

- What is your zoning?
- What is allowed by right in your zone?
- What is allowed with administrative permit in your zone?
- What is allowed with discretionary permit in your zone?

Failure to Comply with Zoning or Obtain Permits

- Code compliance violation
- Fines
- Increased cost (doubling) of permit fees
- Loss of investment if use is not allowed

How Investigations Begin

- Code violations most always start with a neighbor complaint
 - Traffic
 - Noise
 - Hours of operation
 - Anything new or different
- Enforcement on “complaint basis”
- State law requires investigation
- Cranky neighbor can launch serial complaints

Avoiding Complaints

- Understand and follow the rules
- Get to know your neighbors
- Let neighbors know what you are doing
- Address their concerns when reasonable

Rules Where You Farm

- Local jurisdictions are given land use authority by the state
- May be variations of nomenclature at various jurisdiction, but similar framework
- County of San Diego will be used in following examples

By Right or a Permit?

- By right – zone code or ordinance allows you to do the enterprise without permission
- Administrative permit – use allowed by meeting specific standards
- Discretionary permit – requires a decision-maker to set conditions of approval

Discretionary (Conditional) Permits

- Minor Use Permit
 - Fees and detailed plans
 - Neighbor notices
 - Proof of ownership and utilities
- Major Use Permit
 - Above + much greater detail
 - \$14,000 initial deposit. Easily go 10x
 - Planning Group recommendation
 - Planning Commission approval

A70 Zone Example

- By right
 - Agricultural production
- Administrative permit
 - Veterinary services
- Minor Use Permit
 - Farm labor camp
- Major Use Permit
 - Packing house

SD Ag Promotion Program

- Adopted as an ordinance by Board of Supervisors in March 2017
- Creates opportunities for agritourism not previously defined or clearly allowed
- Several new uses and could be expanded in the future

Agricultural Store - Small

- Minimum 2 acre site
- 50% of land useable for farming
- 25% must be actively farmed
- Sale of products produced on site
- Up to 1500 square foot store
- 200 square feet of off site products
- Farm owner operated

Agricultural Store - Large

- Minimum 4 acre site
- 50% of land useable for farming
- 25% must be actively farmed
- Sale of products produced on site
- Up to 3000 square foot store
- 30% floor area for off site products
- Farm owner operated

Agricultural Tourism

- Incidental to agricultural use
- 50% of land useable for farming
- 25% must be actively farmed
- Allowed
 - U-pick
 - Tours
 - Classes
 - Farm experiences

Agricultural Homestay

- Working farm or ranch
- Minimum 4 acre site
- Up to 10 guests in five bedrooms
- 14 day stay maximum
- Farmer or rancher resides on site or adjoining parcel

Agricultural Micro Brewery or Distillery - Small

- Commercial farm producing hops and/or grains – minimum one acre of production
- Federal, state, and local permits for brewing
- Up to 2000 barrels annually
- Tasting and retail allowed

Agricultural Micro Brewery or Distillery - Large

- Administrative permit
- Commercial farm producing hops and/or grains – minimum two acres of production
- Federal, state, and local permits for brewing
- Up to 8000 barrels annually
- Tasting and retail allowed

Other Regulations

- Health Department – food service
- Runoff – ag operation
- Labor
 - Payroll rules
 - Safety

Resources

- County or City Planning Department
 - Zoning Ordinance
 - Use Ordinances
- Inquire if planning department has an ag specialist
- Regulations are generally available online, but will take some navigation