

**A RESOLUTION OF THE AGRITOURISM TECHNICAL ADVISORY COMMITTEE,
COUNTY OF SISKIYOU, STATE OF CALIFORNIA RECOMMENDING THAT THE
PLANNING COMMISSION CONSIDER THE FOLLOWING MODIFICATIONS TO THE
AG1, AG2 AND RR ZONING DISTRICTS IN SISKIYOU COUNTY**

WHEREAS, the existing agricultural use definitions in AG1, AG2 and RR zones do not expressly permit agritourism activities, including activities which are directly related to marketing of value added products produced by Siskiyou County producers;

WHEREAS, certain value added products and certain marketing channels (e.g. sales of meat directly to consumers) are optimized when consumers have the opportunity meet and engage producers on the farm or ranch where agricultural products are produced;

WHEREAS, allowing for certain limited agritourism opportunities will educate consumers and the public more broadly about Siskiyou County agriculture and the various practices, challenges and efforts involved in production of food and fiber;

WHEREAS, allowing for certain limited agritourism opportunities that promote the activities of an active farm or ranch will further support Siskiyou County producers and its agricultural economy by providing marketing and revenue opportunities without the significant time, uncertainty or financial expenditures necessary to obtain a discretionary land use entitlement;

WHEREAS, working farms and ranches of more than ten acres in size under common ownership or control in AG1, AG2 and RR zones are appropriate for limited agritourism events as these operations are typically more rural in nature;

WHEREAS, the modifications proposed herein are intended to clearly outline permissible agritourism activities and the administrative or discretionary approvals and performance standards required for each such activity;

WHEREAS, the administrative permit system proposed herein is intended to authorize limited agritourism activities and concurrently establish standards so that such activities minimize, to the greatest extent practicable, off-site impacts of such activities and provide a framework for enforcement and revocation in the event any material permit conditions are violated;

WHEREAS, a discretionary land use entitlement (e.g. a conditional use permit) shall be required for agritourism activities and uses which are more impactful than those contemplated herein and for those activities and uses which are not agritourism activities (as defined below) as otherwise currently required by Siskiyou County Code;

WHEREAS, excluding cannabis and cannabis activities and uses from the definition of agritourism will provide clarity regarding the types of agritourism activities that can be promoted;

WHEREAS, all existing health and safety, building and other County, state and federal regulations will continue to apply to sites hosting agritourism activities and the specific standards of the ordinance are intended to ensure that adequate infrastructure, including sewer, water, access and emergency services will be available to serve each agritourism site; and

WHEREAS, the proposed addition of limited agritourism as an allowed agricultural accessory use will not change any standards necessary for the protection of agricultural lands nor is it

intended to conflict with agricultural zoning or existing agricultural uses in Siskiyou County, the Siskiyou County General Plan or the Scott Valley Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED that this Agritourism Technical Advisory Committee recommends the Planning Commission consider adoption of a resolution incorporating the following modifications to the existing Siskiyou County zoning code and recommend the Board of Supervisors formally adopt the same:

Definitions:

"Agritourism" is the act of visiting a working farm for the purpose of enjoyment, education or other uncompensated active participation in the activities of the farm. An Agritourism use is an enterprise located at a working farm (as defined by Section 52262 of the California Food and Agricultural Code) that produces agricultural products. The activity is conducted for the enjoyment and education of visitors, guests or clients but also often generates income for the farm's owner/operator. The uses and activities permitted under this chapter shall be a secondary use to the primary commercial agricultural production use. Cannabis and cannabis related products shall not be deemed agricultural products for purposes of this paragraph.

"Unique Agricultural Products" means specialty agricultural products including but not limited to fruits, berries, nuts, eggs, meats, flowers, wine, oils, jams and honey. Producers of Unique Agricultural Products raise or grow traditional commodities but also create value added products from those commodities by changing the commodity's physical state (e.g. wine, flour, cheese or jam) and/or linking the farm or ranch directly to consumers and/or consumer sales intermediaries (e.g. "farm-to-fork" enterprises including retail sales directly to consumers or sales directly to grocery stores, restaurants or similar food service institutions). Establishments producing Unique Agricultural Products are typically family owned and operated facilities. Unique Agricultural Products do not include cannabis or cannabis related products.

"Farmstays" mean a form of Agritourism where a farmer or rancher hosts guests overnight at his/her farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.

"Agritourism Camping" means transient overnight Agritourism at a farm or ranch where guests occupy detached temporary tent units or similar units which are not conventional hotels, motels, or cabin facilities and are not Farmstays.

"Property" means one or more contiguous parcels that are under common ownership or lease and upon which an Agritourism activity operated by the owner or lessee occurs and which produces agricultural products as a primary use.

Additional Agricultural Use Regulations:

A. **Permitted Uses.** The following Agritourism uses are permitted as-of-right as an accessory use in the [AG1/AG2/RR] zone on Property which is larger than 10 acres:

i. Permitted by Right. Subject to compliance with all applicable laws and regulations, (i) up to 20 daily events annually each of which hosts less than 30 total daily attendees and (ii) up to 3 special daily events annually each of which hosts more than 30 but less than 150 total daily attendees. Examples of such events include farm tours, field days, dinners and similar ranch sponsored hospitality events, classes, school tours, corporate events and other similar educational activities, as well as field days, events and tours promoted by Siskiyou County Farm Bureau, Siskiyou County Cattlewomen's Association, Siskiyou County Cattlemen's Association or Cooperative Extension.

ii. Permitted by Right with Administrative Permit. Subject to compliance with all applicable laws and regulations and subject to prior issuance of an administrative permit as set forth below:

- (a) Events of the type described in subsection A(i) above occurring more frequently than 20 times per year
- (b) Special daily events of the type described in subsection A(ii) above occurring more frequently than 3 times per year or with more than 150 but less 300 total attendees
- (c) On-site fruit and vegetable picking
- (d) Sales of Unique Agricultural Products or merchandise related to the region (which may also include incidental sales of other products and merchandise)
- (e) Farmstays and Agritourism Camping
- (f) Other similar uses determined by the Planning Director to be consistent with the purpose and intent of this chapter.

B. Administrative permit—Development and performance standards. The events described in Section A(ii) above shall be permitted when conducted in compliance with all of the following:

(i) Permits shall only be issued to owners or lessees of the Property.

(ii) No permit shall be issued unless the applicant is actively engaged production of Unique Agricultural Products and the majority of inputs for the Unique Agricultural Products is raised or grown on the Property. Moreover, the applicant must be actively engaged in production, sales and marketing of Unique Agriculture Products and the applicant must demonstrate the proposed event(s) further the marketing or sales efforts of the Unique Agriculture Products.

(iii) The amount of land allowed for permanent physical improvements (infrastructure and structural improvements) related to any use or activity permitted under this chapter shall be no more than ten percent of the Property's acreage or five acres, whichever is the lesser amount. Permanent physical improvements do not include unpaved riding or hiking trails. If the permitted use or activity is conducted on multiple parcels, the maximum percentage of permanent physical improvements shall be separately calculated for each parcel on which the improved facilities are located, and there shall be no more than five acres of cumulative physical improvement allowed on all of the parcels combined. Area determination under this subsection (iii) shall be determined based upon the actual area of particular specific permanent physical improvements.

(iv) If the use or activity generates more than 10 Average Daily Trips (ADTs) per calendar month (excluding school buses), the following road access and maintenance requirements shall apply:

(a) The permitted use or activity shall have access from a public or private road or roads which have adequate capacity for existing traffic and the traffic generated by the activity or use, as set forth in the Siskiyou County Land Development and Engineering Design Standards. If the use or activity is proposed to have access from a County maintained road that does not fully meet the standards set forth in the Siskiyou County Land Development and Engineering Design Standards, then the use or activity may only occur if the road is improved by the applicant to provide adequate capacity as described above.

(b) The use or activity shall have access from roads which are maintained. If primary access is not from a County maintained road or a state highway, then the operator of the use or activity shall participate in any existing active road maintenance organization for all privately maintained access roads. If no road maintenance organization exists, then the applicant and any other parties whose consent is legally required shall develop, execute, and record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest County maintained road or state highway. The road maintenance agreement provisions shall be developed by the applicant and shall:

- Be in effect for the life of the project, unless said maintenance is taken over by the County, a special district, other governmental entity, or another recorded private road maintenance association with the approval of the County.
- Provide for annual maintenance and the immediate correction of emergency and hazard situations.
- Be in a form approved by the director of planning and County Counsel.

(v) If the activity is located within one thousand feet of a residence not located on the Property, any exterior activities for permitted uses and activities hereunder shall not commence prior to seven o'clock a.m. and shall cease by ten o'clock p.m. The director of planning may grant exceptions to these hours of operation on a case by case basis, through the administrative permit process, for specific outdoor uses which are time sensitive when the director of planning makes the finding that the amended hours will not adversely impact neighbors or the public.

(vi) The permitted owner or operator of the use or activity, or their authorized agent, shall be personally present at the Property at all times throughout the duration of the use or activity except that for Agritourism Camping or Farmstays, the permitted owner or operator shall be personally present at the Property at all times throughout the duration of the use or activity .

(vii) The use or activity shall have adequate on-site parking for all employees and participants.

(viii) Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not be unnecessarily visible off site.

(ix) A Farmstay use or activity shall meet all of the following requirements:

- The Farmstay operation shall be located on Property containing an existing dwelling occupied by the owner or operator and shall otherwise comply with the provisions of Section 10-6.1502 (h)(1-9).

- The Farmstay owner or operator shall secure a transient occupancy permit in compliance with Siskiyou County Code.

(x) An Agritourism Camping use or activity shall meet all of the following requirements:

- The Agritourism Camping operation accommodates not more than twenty-five guests. Any Agritourism Camping activities or events that involve more than twenty-five guests are prohibited without a conditional use permit.
- The Agritourism Camping owner or operator shall secure a transient occupancy permit in compliance with Siskiyou County Code.
- The Agritourism Camping operation must meet the occupancy standards of an organized camp (but shall not be deemed an organized camp).

(xi) Permitted uses or activities shall be limited to the Property identified in the application. Parcel boundaries and entrance signs shall be clearly posted by the operator.

(xii) The permit authorized by this section shall be secured only once and the permit fee shall not exceed (\$100).

(xiii) The Planning Director shall either approve or deny a permit application within ten business days following completed submittal.

C. Administrative permit—Time limits.

(i) In any case where an administrative permit has not been used within one year after the date of granting thereof, then, without further action by the director of planning, the administrative permit granted shall be null and void.

(ii) In any case where an active administrative permit has been abandoned for a period of one year, the administrative permit shall be deemed null and void.

(iii) The director of planning may approve one extension of the time limits set forth in this section for an approved administrative permit, for up to eighteen additional months after notice is given in the same manner as the original approval, if the director finds that such extension is consistent with the purposes of this chapter.

D. The following concepts should be considered and County Counsel should draft the same for inclusion in any ultimate ordinance modifications: (i) appeal process to planning commission for denial of permit, (ii) permit revocation process for violation of permit conditions, (iii) permittee appeal process to planning commission for permit revocation and (iv) discretionary land use entitlement process for more intense Agritourism than may be permitted by administrative permit.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted on motion by Craig Thompson and second by Niki Harris at a regular duly noticed meeting of the Siskiyou County Agritourism Technical Advisory Committee on May 17, 2018 by the following vote:

Ayes: Thompson, Harris, Heffner, Klever

Noes: _____

Absent: Smith, Compman-Rivers, Plank

Abstain: _____

Siskiyou County Agritourism Technical Advisory Committee

Mark Klever

Mark Klever, Chair

WITNESSETH:

By: Niki Harris

Print Name: Niki Harris

Title: Vice Chair