



OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner's Office, CAL FIRE, Cal Trans, Air Pollution Control District, Regional Water Quality Control Board, County Parks, Santa Margarita Area Advisory Council	
TOPOGRAPHY: Gently rolling to moderately sloping	VEGETATION: Vineyards (325 acres), scattered oak trees
PROPOSED SERVICES: Water supply: Well Sewage Disposal: Individual septic system, Portable restrooms facilities Fire Protection: CAL FIRE	ACCEPTANCE DATE: July 11, 2014

**PROJECT SUMMARY:**

The applicant is requesting Minor Use Permit to allow up to 40 Temporary Events per year, with a maximum attendance of 250 attendees at each event. The applicant is requesting to hold the temporary events within the existing within an existing 2,552 sf agricultural barn. The applicant will be required to obtain building permits to bring the existing barn up to building code standards for public assembly.

The proposed project is located on a 544 acre parcel located on the south side of West Pozo road (at the intersection of West Pozo and Las Pilitas Road) approximately 3.5 miles east of the Community of Santa Margarita.

The temporary events will use an existing outdoor area and existing structure. Currently, 28 parking spaces, including 6 handicap spaces, are provided adjacent to the existing barn. Additional parking will be provided along the existing agricultural road for overflow event parking. The area proposed has currently been used to intermittently store agriculture vehicles and equipment. No new construction is proposed to support the events. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways.

**PROJECT HISTORY**

The project site (544 acres) is part of Santa Margarita Ranch (14,000 acres). An Environmental Impact Report was completed on June 6, 2008 for an Agricultural Cluster Subdivision (Tract 2586) and Development Plan that has not been constructed. The Barn proposed for events is located on the required open space for Phase 1 of tentatively approved map. Condition of Approval #25 states that allowable uses in open space shall include those listed in 22.22.150. Structural uses allowed in defined open space areas include ranch/farm headquarters including up to two of the residential units, residential accessory structures and farm support housing, areas set aside for the preservation of historic buildings and agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber in the immediately surrounding area. Non-structural uses shall are limited to crop production and grazing; animal raising and keeping; specialized animal facilities; nursery specialties (nonstructural); range land or wildlife preserves; water storage or recharge; leach field or spray disposal area; scenic area protection or buffers from hazardous areas; public outdoor recreation uses on non-prime lands, or other similar open space uses; and roads/turnarounds directly serving the agricultural use of overall project.

The subject barn and temporary events are located on the required open space parcel. Temporary events are not one of the allowable uses list above. The project has been

conditioned to cease Temporary Events once the tract map and open space agreement has been recorded.

On June 13, 2013, a Site Plan (DRC2012-00063) authorized two existing single family residences both mobile homes to be farm support quarters.

**LAND USE ORDINANCE STANDARDS:**

*Allowable Land Uses, Permit Requirement*

“Temporary Events” is an allowed use in the Agriculture land use category, subject to special use standards. A Minor Use Permit is required in order to establish temporary events.

*General Property Development Standards*

Minimum Site Area – No minimum site area is required for temporary events.

Staff Response: The project site is 544 acres in size.

Height – Uninhabited accessory structures (e.g. barns) are not subject to height restrictions. However, because the barn will be changing occupancy to a public assembly use, it will now be subject to a height limitation of 35 feet.

Staff Response: The barn is 25 feet in height and is therefore in compliance with this requirement.

Setbacks – As proposed, the barn will adhere to the minimum setback requirements established in the Land Use Ordinance. The following table summarizes these requirements:

	<b>Requirement</b>	<b>Minimum</b>	<b>Proposed</b>	<b>OK</b>
<b>Rear</b>	Standard (Sec. 22.30.060)	30 feet	>900 feet	✓
<b>Side</b>	Standard (Sec. 22.30.060)	30 feet	>700 feet	✓
<b>Front</b>	Standard (Sec. 22.30.060)	50 feet	>2,000 feet	✓

Noise – This project will be subject to operational standards in the ordinance concerning noise and vibration.

Staff Response: The project is proposing 40 Temporary Events annually with no more than 250 guests per event. Amplified music as proposed will mostly occur indoors in the proposed event building; however the applicant would on occasion play amplified music at the outdoor event areas so long as it will be in compliance with the County Noise Ordinance. Rural night time noise such as music must meet noise element limits (7 am to 10 pm – 50 dB; night time 45 dB hourly and 70 dB and 65 dB max levels.

The project is not expected to conflict with the surrounding uses because the project is greater than 1 mile to the nearest residence. The proposed property surrounding the project (approximately ¾ of the property) site is owned by Santa Margarita Ranch, LLC.

Parking – Parking requirements are as set forth in the special use standards (discussed below).

Signage – No signage is presently proposed. Should the applicants wish to install signage, a sign permit (subject to Zoning Clearance) will be required. The proposed signs will then be reviewed for compliance with Chapter 22.20 of the Land Use Ordinance.

Inclusionary Housing – This project involves less than 5,000 square feet of structural area. As such, it is not subject to the Inclusionary Housing Ordinance.

*Special Use Standards - Temporary Events - Section 22.30.610*

Time Limit – Events under this Minor Use Permit are subject to the following limitations:

- Events may not occur over more than 12 consecutive days.
- Events may not occur over more than 4 consecutive weekends.

Staff Response: As proposed and conditioned, the project will comply with this requirement.

Location – The site hosting temporary events must be located at least 1,000 feet away from any lands in the Residential Single Family (RSF) land use category.

Staff Response: The site is surrounded by properties designated as Agriculture land.

Access – Outdoor temporary events shall be provided a minimum of two 18 feet wide unobstructed access points from the event site to a publicly maintained road.

Staff Response: There are two existing unobstructed access points to the event site to a publically maintained road (West Pozo Road). Both existing access points comply (regarding road widths) with County and Cal Fire access standards for temporary events. The primary access to the site is from the existing private agricultural road off of West Pozo Road. There are additional smaller agricultural roads that bisect the site, one of which will be used for the secondary (emergency) access to/from the site. Driveway access currently meets CAL FIRE standards.

Parking – Off-street parking shall be provided for private events as follows with such parking consisting at minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.

- a. Seated spectator events. One parking space for each 12 square feet of seating area.
- b. Exhibit event. One parking space for each 75 square feet of exhibit area.

Staff Response: Additional event parking will be provided parallel and / or perpendicular to the existing agricultural road that is adjacent to the barn. A minimum of 40,000 sf of parking area, with less than 10 percent slope and free of combustible material will be provided to accommodate 100 spaces as required by Title 22, Section 22.030.610.D.2. Ample space on site is available for guests and employee parking.

Fire Safety – Fire safety measures are to be provided as specified by Cal Fire.

Staff Response: CAL FIRE has issued a fire safety clearance letter (attached and dated May 18, 2015 and January 6, 2015), and will have a second opportunity to review the proposed safety features during the construction permit process. A condition has been included requiring the applicant to notify CAL FIRE prior to events.

Water and Wastewater – Facilities to be provided as required by the Health Department.

Staff Response: The project site is presently served by an on-site well, and by an existing on-site septic system for wastewater. Water use associated with temporary events is anticipated to be 0.25 afy.

As per Uniform Plumbing Code requirements, the project will be required to provide water closets, lavatories, and drinking fountains at a specified ratio. Presently, a restroom is provided that connects into the existing septic system.

County Environmental Health is the review authority in any of the following circumstances:

- If portable restroom facilities are proposed;
- Any food service must be supplied with Portable water as defined by Health and Service code.

#### BOARD OF SUPERVISORS INTERPRETATION

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board's interpretation resolved the following:

Multiple events can be authorized with a single Minor Use Permit

The Board of Supervisors found that a separate Minor Use Permit is not required for each temporary event. Instead, a single Minor Use Permit can authorize multiple events. In the case of this project, the Minor Use Permit will authorize 40 events per year.

Minor Use Permits authorizing temporary events must have an end date

The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Staff Response: The applicant is requesting 40 temporary events be held on-site per year and is requesting that the event program runs in perpetuity of the land. In this specific case, staff recommends a 20-year time limit on this Minor Use Permit. This extended period is being considered, due to specific project-site characteristics:

- Access – The site is fronted by an arterial road (West Pozo Rd). The site is located on a collector road approximately 3.5 miles from the community of Santa Margarita.
- Neighborhood Character – The site is 325 acres, surrounding lot sizes range in size of approximately 240 acres up to 5,000 acres and are planted in vineyards, cattle grazing and scatter residences.

Since the Board has adopted this interpretation, seven other temporary event authorizations have been granted. The following table compares the seven previous permits with the current proposal:

<b>Project</b>	<b>Lemm</b> DRC2007-00176	<b>Vogt</b> DRC2008-00047	<b>Waddell</b> DRC2008-00110	<b>Edwards</b> DRC2008-00148	<b>Judd</b> DRC2009-00056	<b>Rava</b> DRC2010-00086	<b>Pasolivo</b> DRC2013-00028
<b>History</b>	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture	Agriculture
<b>Access</b>	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road	Collector road
<b>Zoning</b>	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture	Agriculture
<b>Events</b>	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually	20, annually
<b>Guests</b>	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000	Up to 200
<b>Life</b>	5 years	8 years	18 years	20 years	15 years	20 years	10 years

Therefore, it appears that the project could require a 20-year expiration and for this particular site, staffs agree that life of the temporary event program at this site should be not authorized in perpetuity.

The Temporary Events Ordinance does not allow a site to be “permanently altered by grading or construction” in order to accommodate the events. In the past, this has created issues, because certain structural alterations are necessary to bring a structure up to building code requirements for public assembly (e.g. fire sprinklers, panic hardware, lavatories, etc.). The Board of Supervisors found that this section was intended to allow minor structural modifications to meet building code requirements for *existing* facilities, but that new structures could not be built for the sole purpose of hosting events.

This project would require the following structural modifications:

- Code Compliance – The barn would need to be permitted under the “A” (assembly) occupation class. When a barn is constructed, it is normally permitted under the “U” (utility and miscellaneous) occupancy class. The existing barn and bathroom were built in 2010.

As part of this process, an engineer will need to evaluate the building to ensure it complies with all building code requirements for “A” buildings. Structural modifications may be necessary to comply with the more stringent “A” occupancy standard.

- Fire Sprinklers – The building would need to be sprinklered, unless both of the building code provisions which require sprinklering are waived during the construction permit process:
  - That buildings of 1,000 sf or larger be sprinklered (can be waived by the Fire Marshall)
  - That “A” occupancy buildings involving the assembly of 100 people or more be sprinklered (can be waived by the Chief Building Official)

Waiver of sprinklers may only be done where equivalent alternative fire safety measures are provided.

The above structural modifications are minor in nature and are necessary to ensure that the existing building (the Barn and bathroom) meets life and safety requirements for a public assembly use. Therefore, these modifications are compliant with the Board of Supervisor’s

interpretation, which holds that such modifications are allowable to accommodate temporary events.

#### THE REVIEW AUTHORITY MUST DETERMINE CONSISTENCY WITH AGRICULTURE POLICY 6 (AGP 6)

Agriculture Element Policy 6 (AGP 6) requires that visitor-serving use of agricultural land be secondary and incidental to the agricultural use. This policy applies to lands designated Agriculture.

The proposed project was referred to the County of Agricultural Commissioner (Lynda Auchinachie, August 13, 2014) for review. The Agriculture Department's review found the project consistent with Agriculture Element Policies and would not result in significant agricultural impacts.

#### PLANNING AREA STANDARDS:

The project is located within Salinas River Sub Planning Area of the North County Planning Area. No applicable Planning Area Standards apply.

COMMUNITY ADVISORY GROUP COMMENTS: Santa Margarita Area Advisory Group unanimously voted in support of the project (August 6, 2015).

#### AGENCY REVIEW:

Public Works – Stock conditions apply.

Agriculture Department – No significant impacts, confirm that Temporary Events are an allowed use on the agricultural cluster open space parcel.

Environmental Health – Verify water supply and potability, use licensed caterers at events where food will be served.

County/CAL FIRE – Provided a Fire Safety Clearance Letter dated January 6, 2015 and May 8, 2015.

Air Pollution Control District – No comments submitted.

County Parks – No trail easements required.

#### LEGAL LOT STATUS:

The existing lots were legally created by a lot line adjustment (COAL 00-264) at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Bill Robeson.