

Coalition of Affected Business

Owners

The Coalition of Affected Business Owners (CABO), a grassroots group opposed to the proposed Events Ordinance, submits this response to certain arguments made at Supervisor Frank Meacham's Events Ordinance Forum on June 26, 2009 ("EOF 6/26/09").

As a group, CABO is nonpartisan; its diverse members (landowners, business owners and other County residents) span the political spectrum. We are united by our opposition to this ordinance and our concerns about its economic impact. We appreciate the efforts made by Supervisor Meacham and the Paso Robles Chamber of Commerce to educate the public on the proposed ordinance, and hope to have the opportunity to participate in additional forums on this important issue.

We agree with the proponents of the ordinance that agricultural lands are precious resources deserving of careful stewardship. We also support increased opportunities for agri-tourism, and agree that the Planning Commission can and should address legitimate concerns about the impact that noise and traffic from weddings and events can have on neighborhoods.

Our concerns about the information disseminated at the June 26 Events Forum stem from certain disingenuous representations made that suggested landowners and business owners were unjustified in their fears of how the proposed ordinance would impact the County's burgeoning wedding industry and the ability of affected landowners to generate income from otherwise legitimate activities on their land.

We do not question that each person may view the appropriateness of various activities on ag-zoned land differently, and that the Planning Commission and ultimately the Board of Supervisors will need to decide how best to balance competing interests. What struck us as disingenuous was the intentional effort to paint an ordinance that all affected know will harm business and limit

landowners from generating income from their land, as an ordinance that would instead make it “**far easier**” to have weddings, and **would “increase dramatically the number of parcels able to hold events.”** (Ms. Pasciuto EOF 6/26/09)

In front of a large audience legitimately concerned about the ordinance’s effect on businesses and livelihoods, one proponent stated that the public had the “false” notion that the proposed ordinance would “end or prohibit” weddings on ag-zoned land. Several times, it was repeated that this was simply “false,” in an apparent effort to deflect concerns and questions about the ordinance’s effects on landowners and businesses. (Ms. Pasciuto EOF 6/26/09)

Although a reading of the current draft ordinance confirms that not all weddings and events are completely “banned,” for proponents of this ordinance to suggest – as was done repeatedly at the Events Forum – that this ordinance **helps** the landowner and the wedding industry by making it “far easier” to have weddings or that it “dramatically” **increases** the number of venues “able to hold events” is misleading at best. That this misinformation is being disseminated to the public by someone who has been closely involved in advising and assisting the planning staff drafting the proposal raises concerns, and requires response.

Proponents argued that landowners would benefit because, under the proposed ordinance, there would now be **five** ways that ag-zoned landowners would be able to have weddings and special events on their land. As explained at the Events Ordinance Forum, those five ways include:

1. Weddings of **any** size or frequency are apparently allowed, **so long as the landowner does not charge for use of the venue.** In other words, weddings for personal family members remain unregulated. As one proponent stated: landowners are “**free to offer their homes**” **at no charge** for weddings of any size. (Ms. Pasciuto EOF 6/26/09) (Similarly, events for non-profits are allowed, so long as they are limited to 300 persons, and so long as the landowner does not charge for use of the venue. Non-profits also benefit from a new, streamlined and inexpensive permit process promised to take “no more than ½ hour and \$89” (Ms. Pasciuto EOF 6/26/09.)

2. Weddings of any size are permitted at certain historic sites, such as the Octagon Barn or the Lighthouse, because “these facilities require our support as a community.” (Ms. Pasciuto EOF 6/26/09)

3. Weddings are allowed at the 425 permitted wineries under a separate ordinance that allows a strictly limited number of event-days annually. (Vineyards are subject to the proposed ordinance.)

4. Weddings of fewer than 50 persons are exempt from this ordinance, and allowed with no permit required. Indeed, the audience was advised: “You can run a home-based wedding business on your ag-zoned land doing small weddings 365 days a year!” (Ms. Pasciuto EOF 6/26/09)

5. Once every 10 years, the ag landowner may have “one giant wedding or event”.

For the reasons set forth below, CABO maintains that the proposed ordinance harms our County’s economic vitality, hurts landowners and businesses and – most importantly -- **fails to promote the drafters’ stated intent and the County’s legitimate interest in protecting agriculture and promoting agri-tourism.**

We examine each category separately:

1. Free for Family, Friends, and Non-Profits

As anyone who owns a suitable wedding property knows, family and friends often seek to have their special celebrations on privately owned rural land. During these occasions, the landowner generally “offers their home at no charge” for the event. Similarly, non-profits often benefit from having free or low-cost access to some of the most desirable properties for their fund-raising efforts. That remains true under the proposed ordinance, except that now the landowner’s previously voluntary fee-waiver is mandated. Of course, one reason most landowners are currently able to be so accommodating is that other, income-generating events help defray the costs of preserving and maintaining agricultural-zoned land and “subsidize” no-charge non-profit events.

Despite the simplified process and the preferential treatment non-profits receive under the ordinance, were this ordinance to pass, it would actually make

it **more** difficult for ordinary farmers and ranchers who were not independently wealthy to provide non-profits, family and friends use of their property at no charge, because the revenue from income-generating events that enables this generosity would be eliminated.

More importantly, the ordinance’s exemption of “no charge” events of any size, frequency, or duration, completely belies the alleged underpinning of the need for this ordinance – which is argued to be vital for the preservation of agricultural land in cultivation. If, as argued, weddings and events “exhaust the resources” of agricultural property (Ms. Pasciuto EOF 6/26/09), then they do so whether they generate income or whether they are “offered free of charge.” Daily or weekly “personal” parties and events are not regulated; income-generating events are.

Despite the representations that this ordinance is aimed at “preserving agriculture,” not “eliminating weddings and events,” eliminating the income from events allows proponents to shift the eye of the viewer without actually changing their aim from the intended target – weddings and events. The word for that is “misdirection,” and it is a successful magician’s trick, but it has no place in regulatory process and does not serve the public interest in transparency.

This exemption for “no charge” events will not encourage farmers to farm or ranchers to ranch more. All this exemption will do is encourage previously law-abiding landowners to host “free” parties that engender covert payment in kind, services, or cash, raising enforcement problems and decreasing County tax revenues. There is anecdotal evidence that Napa County is rife with this practice, as landowners find ways around ordinances they perceive as unfair or too limiting if that is what they have to do to keep their land. If events are damaging to agriculture, then they are harmful whether income is generated or not.

The proponents of this ordinance want us to fall for the misdirection. Thus, this ordinance does not seek to “ban” weddings and events **directly** (perhaps because an honest attempt to pass such an ordinance would be fiercely resisted): **it merely seeks to lull the public into accepting the ban by eliminating the income generated by events.** This ordinance targets income-

generating weddings and events on agricultural land **because such limitations amount** to a “ban” on events.

Hiding the actual intent by stating that the **hope** is that banning the income will “**encourage**” the landowner to “**keep the land in agricultural production**” (Mr. Christie EOF 6/26/09) shows the proponents are skilled in using vague but appealing language to keep the public eye focused on the misdirection.

How losing a supplemental income stream that may tide the farmer, rancher, or grower over during the inevitable lean years “encourages” them to keep land in agricultural production has not been persuasively argued (and may not even be the actual goal). The discussion at the February 26, 2009 Planning Commission meeting suggests that the Commission puts the onus on the landowner to “become a better farmer” or sell the land. CABO members who have listened to and watched the meeting video have been alarmed rather than “encouraged”. [<http://www.slocounty.ca.gov/planning/meetings.htm>]

This attitude on the part of some planners raises understandable fears among family farmers, growers, and ranchers already struggling to survive and remain agriculturally self-sufficient. Preservation of agricultural land is **everybody’s** goal – especially the landowner’s. It can best be accomplished by giving farmers, growers, and ranchers the flexibility to supplement their income with an income stream that is not vulnerable to pests, droughts, and market fluctuations.

Even if we accept the proponents’ goals as stated, their theories have not been proven to have any relationship to the realities of farming in **this** County, at **this** time. Much of the agricultural-zoned land in San Luis Obispo County bears little resemblance to the fertile fields and row crops of the Central Valley or the Ventura/Oxnard area. Where the land does not adequately produce enough income to be self-sustaining from purely agricultural activities, the landowner can be forgiven for turning to income-generating **temporary** events, such as weddings, to help preserve the family farm for future generations.

This ordinance accelerates the loss of agricultural land to future development by adding economic pressures and reducing flexibility for

landowners, who may decide to sell, not to a “better farmer” but to the highest-bidding developer or urban refugee with cash in hand.

Lastly, the proponents’ efforts to paint any “income-generating” wedding or event over 50 attendees as “commercialization” of agricultural-zoned land akin to “circuses” and “Disneyland” is (again) the clever use of loaded language to distract from the reality that this provision of the ordinance does nothing to preserve or protect the land. It only penalizes the landowner and robs him or her of a much-needed supplemental income stream that, if allowed, could be – and currently is being -- used by agricultural landowners to maintain their land’s agricultural activities and the County’s rural character.

2. Weddings at Historic Sites -- the Octagon Barn and the Lighthouse

Mindful that non-profits and others intend to use the Octagon Barn, the Lighthouse, and a few other “historic” sites for large fundraisers and other events, the Planners have proposed to allow weddings and events of any size on these properties, despite their agricultural zoning. The justification given was that these “facilities require our support as a community” (even those that are privately owned), and that they require a lot of money to maintain and support. (Ms. Pasciuto EOF 6/26/09). **We agree.** We also understand why Mr. Christie of the Santa Lucia Chapter of the Sierra Club supports the ordinance, which benefits all non-profits. (Mr. Christie EOF 6/26/09)

What we **don’t** understand is why, under this ordinance, these most historic and vulnerable properties that require the community’s support can be repeatedly subject to the allegedly deleterious effects that weddings and events are argued to have, whereas non-historic and presumably less vulnerable properties are presumed to be unable to withstand the same uses. Logic would suggest that such older and more fragile historic properties should be “protected” by regulations even more stringent than “ordinary” properties.

By creating this exemption for historic properties, the proponents create a difference without a distinction. The proponents cannot have it both ways. Either these activities “exhaust the resources” of agricultural land and turn our beautiful County into a “circus-like” Disneyland or they don’t. If gems like the Octagon

Barn or the Lighthouse can be subjected to the stress of weddings and events without damage to the agricultural-zoned land beneath them, then newer properties with fewer historic and vulnerable aspects must surely be able to do the same.

If the private owners of the Octagon Barn can benefit from using the income they receive from leasing the Barn to “maintain and preserve” their ag-zoned property, how can the Commission justify a different standard for the struggling landowner whose barn may be less historic but just as much in need of maintenance and repair?

We do **not** deny the importance of historic site preservation, and might support a separate ordinance dedicated to “Historic Preservation” that identifies and targets certain properties for community support. But **this** ordinance’s exemption of just a few “historic” ag-zoned properties is logically inconsistent with its stated intent, and suggests a preferential treatment that denies or dismisses our interconnectedness as a community of landowners deserving of equal treatment and equal protection.

3. Winery Weddings

Weddings at one of the County’s 425 permitted wineries will continue to be regulated pursuant to the separate ordinance that applies to wineries, which are zoned ag, but which have a simple, easy to understand set of regulations covering size, duration, and frequency of events. Ag-zoned landowners who have vineyards, orchards, and ranches but are not licensed as wineries reasonably ask why they cannot have similarly simple, effective, and easy to understand regulations that allow them to host events while addressing the impact of events on the neighborhood and on the land by capping the number, frequency, and duration of events. (Jackie Crabb, Farm Bureau, EOF 6/26/09)

Interestingly, wineries, which might be expected to support this ordinance because it gives them a huge competitive edge, are united in opposing the ordinance as bad for agri-tourism, bad for the wine industry, and bad for the County’s economy. The wine industry ranks second only to

agriculture in its economic contribution to the County. (Stacy Jacob, Wine Country Alliance, EOF 6/26/09.)

The winery industry seems as unconvinced as other ag landowners that there is no reason to “fear” the effect this ordinance will have on the wedding industry, and indeed has voiced the additional fear that the Commission plans to target wineries with more restrictions if this ordinance passes. (Ms. Jacob EOF 6/26/09)

The rationale for making vineyards subject to the proposed ordinance while wineries within vineyard properties are not, also fails to pass logical muster. The main reason weddings occur on vineyard properties is because vineyards provide beautiful, aesthetic, and natural backdrops. The minute a landowner attempted to turn a vineyard into the much-feared “Disneyland,” or “commercialized” site, the wedding “market” would quickly point out the landowner’s mistake by going elsewhere.

If this ordinance truly seeks to encourage agricultural landowners to maintain the pristine condition of their vineyards, a smarter way would be to **encourage** weddings on the property that encompasses the vineyard, to ensure the vines will be carefully tended. (Napa County traffic issues are not comparable here, because we are not a narrow valley with only one access road where traffic congestion might be perceived by some as harmful to the grapes that line Napa’s Highway 29.)

4. Weddings of Fewer Than 50 Persons Exempt From Regulation

The proponents of this ordinance cite the provision that exempts weddings of fewer than 50 people from regulation as the cornerstone of their argument that this proposal should be embraced by ag-zoned landowners for making weddings “easier” and “increasing dramatically the number of parcels able to hold events.” Indeed, this provision, it is argued, allows the landowner to run a home-based “wedding business doing events 365 days a year!” (Ms. Pasciuto EOF 6/26/09)

Unfortunately, people who know nothing about the wedding business in this County may be taken in by this assertion. The panelist -- a professional caterer in the Paso Robles area -- can be assumed to know better. San Luis

Obispo is not Las Vegas, where people flock by the thousands for “quickie” weddings every hour of the day and night. Rather, as any professional can attest, weddings in this County on agricultural land are generally planned a year or more in advance, with an average number of between 125-150 guests.

Industry professionals will also attest that more than ninety percent of these weddings occur on Saturdays, with a few on Sundays or Fridays and few if any mid-week. This means **the market** will ensure that weddings do **not** occur 365 days a year.

An outdoor agricultural site with a six-month wedding “season” actually has a very limited number of Saturdays available for weddings and events that may provide supplemental income for an entire year. (Even wineries, with their public tasting rooms and indoor “commercial” event centers are allowed a maximum of no more than 40 event-days annually. [Jackie Crabb, Farm Bureau] A smaller family farm, ranch, or vineyard may be expected to do far fewer outdoor events in the course of the season.)

To suggest, as the proponents do, that landowners can make up for the loss of significant income-generating weddings by resorting to doing weddings for fewer than 50 people “365 days a year” is to suggest a “solution” that has no practical basis in fact. Even if the market did not limit the availability of these weddings, to make up for the loss of income from the average weddings in the 125-150 range, landowners would have to book an ever increasing number of smaller weddings, as small weddings generally have limited budgets and spend little or nothing on the site.

Far from “protecting” the agricultural nature of the County and preserving land for farmers and growers, encouraging farmers, ranchers, and growers to substitute large numbers of “small” weddings (instead of fewer average-size weddings) would risk transforming San Luis Obispo County into a rural Las Vegas, and **promote** the “circus” atmosphere proponents decry.

5. One Giant Income-Producing Wedding Allowed Every 10 Years

It is hard to imagine what prompted the drafters of this ordinance to include this category, which allows the “circus-like commercialized event” the

proponents (as well as most landowners) eschew. “Giant” weddings are actually **exactly** the kinds of weddings that should instead be encouraged to book the allegedly “underused Paso Robles Event Center” (Ms. Pascuito EOF 6/26/09) or else limited to appropriately large properties that can accommodate such crowds without harming the property or the neighborhood.

Most private owners of ag-zoned land do everything possible to avoid “commercialization” of their land. The proponents’ insistence on describing **any** wedding over 50 as “large” or “commercial” is (yet again) another example of language that cleverly pretends to say one thing while raising the specter of large public events with a “circus” atmosphere. (Ms. Pascuito EOF 67/26/09) Weddings on agricultural land **are private** affairs, **even** when the couple pays for the site. The public is not invited to these family events held on private land, and they are more accurately described as **private gatherings hosted for a fee by a private landowner**.

On the other hand, allowing any ag-zoned landowner one giant income-producing wedding every ten years while prohibiting a reasonable annual number of the appropriately sized events that most family farmers, ranchers, and growers now undertake is ineffective and sends an incomprehensible message. It doesn’t protect the land. It doesn’t help the landowner maintain and preserve the property on a continuing basis, and it absolutely **reeks** of the “commercialization” that is anathema to most farmers, growers, ranchers **and** planners.

Conclusion

Nothing the proponents have argued suggests that supplemental income earned from weddings is responsible for driving the loss of agricultural land in this County or in this country. CABO members feel the reverse may be more persuasively argued: the **inability** to earn supplemental income from agricultural land that is not self-sustaining may well drive the loss of agricultural land as farmers, ranchers, and growers are forced to sell their land or abandon their agricultural activities.

Surprisingly, no one at the Events Ordinance Forum knew of **any** studies quantifying the economic impact this ordinance would have on the County. Even Mr. Christie, the panelist from the Sierra Club who spoke in favor of the ordinance as a vehicle to maintain agricultural land in production, was unable to name a single County property where events had overwhelmed the land's agricultural activities. (Mr.Christie EOF 6/26/09)

We **disagree** with those who argue that weddings on agricultural-zoned land are inimical with traditional agricultural practices. Weddings and special events have been celebrated on agricultural and rural lands since time immemorial. The connection between weddings and agriculture is even enshrined in our language: the word "*husbandman*" means "*farmer*." (Webster's II New College Dictionary, 2001 Ed.)

Agricultural landowners who allow their fields, vineyards, gardens and orchards to be natural settings for special celebrations are preserving time-honored traditions that benefit our community, and deserve our support.

The best way to protect and preserve our County's agricultural character is to support the landowner, who loves his or her land with a visceral attachment that may be neither logical nor explainable to those who do not spend their lives **on** agricultural land, husbanding its resources for future generations. To suggest that restricting supplemental income from temporary events is needed to encourage farmers to keep land in agriculture and to "become better farmers" is as insulting as it is inaccurate.

For all these reasons, the Coalition of Affected Business Owners requests that the Planning Commission and the Board of Supervisors reject the Proposed Events Ordinance as ill-conceived and badly written. We ask that you work **with** our County's farmers, ranchers, growers, and affected businesses to craft a responsible, responsive and flexible ordinance that provides simple, fair, and understandable guidelines for properties hosting weddings and events.

In this task, CABO offers its cooperation and access to the data being gathered from County landowners and affected businesses committed to finding

a resolution that protects and preserves both the land **and** the landowners who are its caretakers, preservers, and stewards.

Submitted on Behalf of:

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