

Public comment Planning Commission meeting 9/12/24 Agenda item 24-1507

Sharon Arsenith <sharon70@att.net>

Tue 9/10/2024 7:06 AM

To: Planning Department <planning@edcgov.us>

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It is crucial that County staff make every effort to enforce the Ranch Marketing and Winery ordinances as they are written, as rules and regulations are meaningless if they are not upheld. If there is failure to take enforcement action it will undermine both the integrity of the County's regulations and the trust of the County's rural residents who rely on them.

This is the time for County staff to prioritize enforcement and ensure that these laws are respected and followed for the safety and peace of all County residents.

To that end, County staff must allocate resources to ensure that Code enforcement officers are available to enforce the laws written into the ordinances and must be available to substantiate any potential violations.

Therefore, accessory uses, especially special events, must be limited to the scheduled days and hours that Code enforcement has allocated officers to work on nights and weekends. Special events should only be allowed on those scheduled days. Increased monitoring and enforcement may alleviate some of the impact to surrounding rural residents that have to deal with commercial venues hosting multiple events weekly during the wedding seasons.

In addition, I have deep concerns about the implementation of the revised County ordinances, particularly regarding the language used in the documents and the subsequent practical challenges faced in their enforcement. I believe these concerns must be addressed as they are crucial to ensuring the well-being and harmony of our rural communities.

First and foremost, my concern lies in the use of the word "may" instead of the word "shall" in critical sections of the revised ordinances. Phrases such as "the County **may** suspend the ability...", "the County **may** enforce any violation...", and "the County **may** take all reasonable actions..." indicate a lack of firm commitment to enforcing the ordinances. This use of more discretionary language raises questions about the County's dedication and commitment to ensuring that these laws are followed diligently, which could potentially lead to their ineffectiveness. I urge County staff to use the word "shall" in the ordinances which indicates that mandatory action will be taken when necessary.

I support a reduction in the number of special events allotted by right, however I must insist that the primary use/primary purpose clause of both the Ranch Marketing and the Winery ordinances must still be enforced to prevent the over commercialization of agricultural lands. This is the crux of both the Winery and Ranch Marketing ordinances - that accessory uses are secondary to the primary agricultural operations of the property. Businesses should have to demonstrate yearly to the Ag Commissioner that they qualify for accessory uses and that their accessory uses are not their primary source of revenue. In addition, there should be a permitting process in place to ensure that businesses qualify for accessory uses under these ordinances before these subordinate uses commence.

As far as qualifying for a CUP to earn revenue from additional special events beyond the number granted by right, those agricultural businesses seeking to host more special events must be required to demonstrate annually that their event venue revenue does not supersede their agricultural revenue. The primary use/primary purpose clause in the ordinances must be upheld and enforced. Additionally, there must be a cap imposed on the number of special events that properties operating within these ordinances may seek.

It is well documented that noise nuisance affects health and is detrimental to well-being. Unwanted noise can create stress for humans and animals. Noise pollution can "trigger the body's stress response one of its major health effects is chronic stress and the high levels of stress hormones that go with it...and because chronic stress can lower your immunity to all disease, noise pollution is a general threat to health and wellness" (very wellmind. com, 10 January 2024).

No property owner should have the right to strip a neighboring property owner from their right to peace and welfare and enjoyment of their own parcel. To this point, a CUP should be required for any outdoor amplified music and any outdoor amplified speech. Noise from special events is not agricultural noise and is not protected by the "right to farm". Noise nuisance is an unwelcome presence—something you can't easily ignore or escape. It is an interference to public peace and welfare.

Furthermore, I find it disconcerting that the County staff has repeatedly declined the suggestion to reduce sound levels in the noise ordinance by 5 dB in these instances. This seemingly minor adjustment, supported by well-established metrics, would not significantly impact special events, but could make a substantial difference for the well-being of the neighboring residents. Ignoring this repeated suggestion raises questions about the County's commitment to balancing the interests of event organizers with the quality of life for the surrounding rural residential community.

Finally, raise the penalties in the fine schedule that are imposed for violations of the Ranch Marketing and Winery ordinances. These should be more punitive and should take into consideration the potential lucrative revenue that may be obtained with these specific types of accessory uses. There is a proposal to raise the fines in the VHR ordinance and the County staff should amend the fee schedule in the Ranch Marketing and Winery ordinances accordingly.

Thank you for your time and I trust that each of you will keep in mind the present and potential serious detrimental impacts to surrounding rural residents.

Sharon Arsenith

**From:** Walker land <chris@walkerlandcompany.com>  
**Sent:** Tuesday, September 3, 2024 11:20 AM  
**To:** LeeAnne Mila <leeanne.mila@edcgov.us>  
**Cc:** Jen Baldivid <jen@walkerlandcompany.com>  
**Subject:** Special Event cap

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Hello LeeAnne,

I would like to suggest that if the decision is made to move to 12 special events per year, it might be beneficial to also consider including adjacent planned agricultural parcels that are contiguous. Additionally, the acreage involved should not be limited to just 5 acres of crop cut va on but could also encompass areas designated for water storage , reservoirs, and other farm-related uses, such as a packing shed or equipment storage.

It seems reasonable to allow for more flexibility in the planning of these addi onal 5 acres, rather than solely focusing on crop produc on. For instance, we have a reservoir that could be suited for water-based crops or poten ally fish farming, and is currently categorized as agricultural use with the DSOD. The current use of our reservoir is for water storage, and we have a pipe to draw from the reservoir if needed. I believe others farmers have reservoirs that are used to supplement their agricultural watering, or even as the primary source. Beyond its specific agricultural purpose, reservoirs provide a valuable buffer and contributes to the overall agricultural footprint of the county.

Regards,

Chris  
Sent from my iPhone