

**For the Board of Supervisors, Resolution of Intention 114-2022
Ranch Marketing and Winery Ordinances, July 26, 2022**

It is important that El Dorado County amends the Ranch Marketing and Winery Ordinances. These ordinances should be amended to more closely align with the General Plan and County Ordinances. The needs of the surrounding neighborhood rural communities must be taken into consideration, including addressing problems with noise from special events, such as outdoor amplified music and voice. Adequate regulation and enforcement are essential. For example, there must be the means to enforce a limit to the number of allowable special events in rural residential areas. Compliance with objective standards is important.

The intent of the Ranch Marketing and Winery ordinances is to help sustain the viability of agricultural properties and the agricultural economy. The intent, however, is not to allow ancillary land uses, such as special events with outdoor amplified music/voice, to regularly supercede or displace the production of normal agricultural commodities on ag zoned lands.

While the Ranch Marketing and Winery Ordinances help provide a path to economic support and sustainability of agricultural lands, it is important to maintain neighborhood compatibility, which includes protecting community residential rights to peace and quiet. The need for one person's economic gain (in support of their agricultural land through an ancillary ag use such as special events) should not outweigh their neighbor's right to enjoy their own private property and home environment.

It is important the County clearly distinguishes and understands the difference in the broad spectrum of agricultural land uses between production of an agriculture commodity versus agriculture support services, value added agriculture, agri-tourism, special events, facility rental uses, and outdoor amplified music and voice.

The Ranch Marketing and Winery ordinances state that ag must be the primary product. The intent was never to allow our ag zoned properties to be taken over or to become dominated by commercial ancillary ag land uses which harm the surrounding local residential community.

The balance of this document primarily reviews the General Plan and County Ordinances to reflect relevant items which should be considered when updating the Ranch Marketing and Winery ordinances. As the Agriculture and Forestry Element of the General Plan states: "these lands are regarded by residents as fundamental components of the County's rural character and way of life."

The role of the Board of Supervisors of El Dorado is critical to protecting the public's quality of rural lifestyle. As Title 9, the Public Peace, Morals and Welfare Code states:

The Board of Supervisors finds that the enforcement of the Public Peace, Morals and Welfare Code is an important public service and enforcement of the Code is vital to the protection of the public's health, safety, and quality of life.

Public Peace, Morals and Welfare Code - Title 9

Sec. 9.02.010. - Declaration of Purpose:

- *The Board of Supervisors finds that the enforcement of the Public Peace, Morals and Welfare Code ("Code") throughout El Dorado County is an important public service.*
- *Enforcement of the Code is vital to the protection of the public's health, safety, and quality of life.*
- *The Board further finds that a comprehensive code enforcement system requires a variety of administrative remedies for the effective enforcement of violations of the Code.*

Sec. 9.02.040. Public nuisance.

A public nuisance shall include:

Anything injurious or likely to become injurious to health or safety, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property,

Sec. 9.02.045. - Prohibition.

It is unlawful for any person, owner, occupant, tenant, or operator to cause or maintain a public nuisance on a premises. To the fullest extent allowed by law, an owner of real property has a duty to prevent, remove, or abate a public nuisance on his or her real property when the owner knows or has reason to know that the nuisance exists.

Sec. 9.02.030. - Administrative enforcement authority.

The Enforcement Official shall have:

1. the authority and powers necessary to determine whether an administrative violation of the Code exists
2. the authority to take appropriate action to gain compliance with the provisions of the Code
3. authority to issue notices to correct, administrative citations, notices and orders, the power to inspect public and private property, and use the administrative remedies that are available under the Code.

Enforcement Official means the Sheriff, Fire Chief, Code Enforcement Officers, Chief Administrative Officer, Director of the Planning and Building Department, Director of the Environmental Management Department, or their authorized designee(s).

Issue: Loud and Raucous Noise

Sec. 9.16.010

It is unlawful for any person to produce or emit any loud or raucous noise, including the human voice amplified, or the sounds of musical instruments, gunshots, explosions or other device to the extent that it carries onto private property or is heard by others using the highway within the unincorporated territory of the County.

Sec. 9.16.040. - Definitions of Loud and Raucous noise include:

- *The human voice or any record or recording thereof when amplified by any device whether electrical or mechanical or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others using the public highways, public thoroughfares, or public buildings;*
- *Any sound not included in the foregoing which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon public or private property or other users of the public highways, thoroughfares, and buildings.*

Section 9.02.040 - Public nuisance.

A public nuisance shall consist of the following:

- Anything injurious or likely to become injurious to health or safety, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

General Plan: Principle and Public Health, Safety, and Noise Element

The Principle of the El Dorado General Plan Public Health, Safety, and Noise Element reads:

The Plan must identify public health and safety issues and provide guidance for protecting the health, safety, and welfare of El Dorado County residents.

The Public Health, Safety, and Noise Element addresses community noise problems, in accordance with Government Code Section 65302(f). Additionally, this element satisfies the State mandated requirements for the safety general plan element.

REGULATORY FRAMEWORK In 1971, the State of California mandated that county and city general plans include a noise element. A noise element must contain the following information:

- Identification of major noise sources which affect the county;
- Policies and programs which address existing and foreseeable noise problems and minimize the exposure of community residents to excessive noise.

El Dorado County General Plan: Goal and Policies Related to Noise

GOAL 6.5: ACCEPTABLE NOISE LEVELS *Ensure that County residents are not subjected to noise beyond acceptable levels.*

Policy 6.5.1.10 To provide a comprehensive approach to noise control, the County shall:

Develop and employ procedures to monitor compliance with the standards of the Noise Element after completion of projects where noise mitigation measures were required.

Policy 6.5.1.14 **The County will adopt a noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the County.** Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance include noisy mechanical equipment (e.g., swimming pool pumps, HVAC units), and amplified music in commercial establishments.

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES Each of the noise levels ... shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

Issue: Outdoor Amplified Music and Voice Require a Conditional Use Permit

The Winery Ordinance requires: All events featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards).

Ranch Marketing Ordinance states: Amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards).

Noise Standards from El Dorado County Ordinance, Chapter 130.37.070 Noise Reduction Measures reads:

For outdoor concerts and events utilizing amplified sound system(s), a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit.

As a standard condition of approval for such use permits, failure to comply with sound system levels shall result in termination of the event for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit, if applicable, and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the county.

Ranch Marketing Ordinance:

In addition to the findings required under Subsection 130.52.021.C (Special Findings for Conditional Use Permits) in Article 5 (Planning Permit Processing), the following findings shall be made by the review authority prior to approving a Conditional Use Permit:

- (1) ***The use is secondary and subordinate to the agricultural use.***
- (2) The use does not detract from or diminish the on-site agricultural uses.
- (3) ***There is no adverse effect on agricultural operations on surrounding properties.*** Pg 314

Uses Requiring a Conditional Use Permit.

- a. Concerts or other live, outdoor amplified music where the music is the primary attraction, (unless a one-time event, in which case, a Temporary Use Permit would apply);
- b. Special events that exceed the provisions of this Section that are ongoing or reoccurring. (One-time special events may be authorized by Temporary Use Permit) in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title; pg 313 Zoning Ordinance dated amended 12/14/21 Title 130

Issue: Allowable Number of Special Events Under Ranch Marketing and Winery Ordinances on Agricultural Zoned Properties

Total of 12 or 24 special events per calendar year

Winery Ordinance: Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. *Facility rental events are part of the total special events allowed, but are further limited to the following: (1) Lots less than 20 acres in size: 12 days per calendar year. (2) Lots 20 acres or more in size: 24 days per calendar year.*

Ranch Marketing Ordinance: *Special events, subject to the following limitations: (1) Total of 24 events per calendar year.*

“Special Events” shall mean events such as charitable events, promotional events, and facility rental events, where more than 50 persons are in attendance, subject to the limitations set forth in Subsection F.1.e (Ranch Marketing Uses: Special Events). Facility rental events involve the property, or portions thereof, being rented or donated for weddings, parties, company picnics, and similar social gatherings.

Capacity Limitation. All special events are limited to 250 persons at one time.

(Note: One could question the exclusion of 50 people in attendance in the allowable count of special events per year.)

Definition of Special Events from Glossary Article 8
El Dorado County

Special Events, Wineries. Events held on-site that are not considered to be tasting or marketing activities, as described in Section 130.40.400 (Wineries), such as charitable, promotional, or facility rental events, including those listed under “Special events, Ranch Marketing” below.

Special Events, Ranch Marketing. Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. (See Section 130.40.260: Ranch Marketing)

Questions:

What steps does the County have in place to ensure that the maximum of 12-24 special events per year is regulated and enforced under the Ranch Marketing and Winery Ordinances?

What are the procedure(s) that the County has in place to: determine the number of special events held during the calendar year and what happens if a property goes over the limit of 24 special events. How does the County know when the limit of 24 special events has been reached? A quarterly tracking form is requested by the Ag Department to be completed by each property which conducts special events - when must that form be submitted to the Ag Department? What happens if the form is not properly completed and submitted in a timely fashion? Are there are other ways of determining how many events are held during the calendar year besides that form? What department keeps track of the accumulating number of special events throughout the calendar year? What department is responsible for determining that the special event limit has been reached? Is the property owner given advance warning they are close to reaching the limit of special events? What immediate action is taken by the County when the limit of 12-24 special events has been reached? What department is responsible for taking that action and when? Is the property owner required to immediately cease and desist holding another special event once the limit of 24 special events is reached? What happens if the property owner has scheduled events after they have reached the limit? Must those events be canceled? What meaningful consequence is applied if the property owner goes over the limit of 12-24 special events during the calendar year? A citation of \$500 would be insignificant and relatively meaningless to a business making substantial money from their special events. What department is responsible for determining and applying any consequence? Will the County consider it serious if the property owner goes over the 12-24 special event limit?

Why is upholding the limit of special events important and the consequences applied by the County crucial? The ability to be able to hold special events on agriculturally zoned and ag production properties is important and should be protected. It is also important that the requirements of the Ranch Marketing Ordinance and Winery Ordinance be applied, regulated, and enforced in a thoughtful and protective manner. Violations must be enforced and penalties must be meaningful or there is the potential for abuse.

Issue: Agricultural production is the primary use or function of the property under the Ranch Marketing Ordinance and Winery Ordinance.

The Ranch Marketing Ordinance states: Agricultural production is the primary use or function of the property. (130.40.260)

The Winery Ordinance (130.40.400 Wineries, Specific Use Regulations):

- *The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands.*
- Provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
- *Implements General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands.*

General Plan Policy 8.2.4.4: *Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties.*

El Dorado County is correct when a winery is defined as an agricultural support service and thus distinguished from an agricultural commodity. The El Dorado County Winery Ordinance clearly distinguishes between agriculture and agricultural support services in Sec 130.21.020 Matrix of Uses where Winery is defined as an agricultural support service not an Agricultural Use.

Ranching marketing activities proposed on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest (FR), or Timber Production (TPZ) must be reviewed by the Director for consistency with General Plan Policy 2.2.5.2 and for new uses by the Agricultural Commissioner and Ag Commission for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority. (Specific Resource Use Regulations Title 130 - Article 4 El Dorado County Zoning Ordinance (Adopted 8/14/2018, Amended 12/14/2021) Page 303

Issue: Conservation, Management, and Utilization of Agriculture and Forest Lands

The Agriculture and Forestry Element of the General Plan addresses the conservation, management, and utilization of the County's agricultural and forest lands. In El Dorado County, *these lands are regarded by residents as fundamental components of the County's rural character and way of life.* In recent years, large influxes of new residents have resulted in increased development and thus a changed landscape. While this growth has benefited the County in many ways, *the low-density residential growth has threatened important agricultural and forest lands.*

Prudent management of the County's agriculture and forestry resources is needed to provide future generations with opportunities to experience both the economic benefits and rural lifestyle residents now enjoy.

This prudent management strategy involves maintenance of large parcel sizes and the minimization of incompatible land use encroachment into these resource rich lands.

The conservation and management of agricultural and forest lands is identified by the residents of El Dorado County as an important issue to be addressed by the General Plan.

The Agriculture and Forestry Element of the General Plan is consistent with the requirements set forth in California Government Code Section 65302 and other applicable sections. The focus of the Agriculture and Forestry Element is on conserving non-renewable lands for agriculture and timber activities, natural resource values, and long-term productivity.

For a clear distinction between Agriculture vs. Ancillary Land Uses, see Appendix A.

Issue: Accessory Uses and Structure

Section 130.40.030

Accessory uses and structures shall be consistent with the primary use.

Sec. 130.61.110 - Public or Private Nuisance.

Nothing contained within this Chapter shall be construed to allow a legal nonconforming use to be conducted in such a way as to constitute a public or private nuisance, or a danger to the public health, safety and welfare.

Questions:

May a property owner automatically change the use of their structure, for example a single family residence, into a special use commercial building, for example, wedding receptions of 250 people with amplified music and disc jockey in a rural residential community?

What environmental concerns should be considered, including domestic wastewater, the design capacity or maximum quantity of daily sewage flow that a system is designed to handle, sufficient water supply, sufficient toilet facilities? Sufficient Access to a large gathering for fire, ambulance, police? Sufficient notice posted for proper evacuation? Alcohol served? Is the structure ADA compliant when operating as a commercial use? Is the structure able to achieve equal opportunity for people with disabilities? Is there adequate parking, including immediate nearby in case of emergency such as a wildfire? Sufficient egress in case of an emergency?

What about wildfire safety considerations, especially if there is not easy access for safety or guests from out of town having no knowledge of or experience with wildfire dangers, such as smoking on dry grass. Must the fire marshall conduct an investigation to allow the private residence to be converted into a commercial use allowing up to 250 guests at a time?

If the private residence is utilized as part of a winery and offers an extended choice of foods, then it will be required to obtain an El Dorado County Health permit and meet the basic requirements of the California Retail Food Code.

Issue: Abatement of Public Nuisances

Code Enforcement. *The purpose of Code Enforcement is to protect the health and safety of El Dorado County residents by enforcing minimum standards for property maintenance as well as procedures for abatement of public nuisances.*

The Code Enforcement Division is under the County Planning Department. Administrative enforcement of the provisions of the El Dorado County Code and other applicable laws shall be limited to cases where:

1. Specific bona fide citizen complaints have been received, or
2. Where the violation occurs within the context of the county's oversight and approval of a project, or
3. Where the enforcement action is a part of a plan for the uniform enforcement of a provision of the El Dorado County Code or other applicable laws within the county.

17.10.010 This Title shall be known, and cited, and referred to as, the El Dorado County Zoning Ordinance or "Ordinance". *This Zoning Ordinance is enacted to implement the El Dorado County General Plan by classifying and regulating the uses of land and structures within unincorporated El Dorado County and is adopted to protect and promote the public health, safety, and general welfare of the County.*

17.10.020 Authority, Relationship to General Plan.

This Title is adopted and shall be maintained so as to be consistent with the El Dorado County General Plan. Any land use or development approved according to the requirements of this Title shall be consistent with the General Plan and any applicable specific plan.

Responsible Bodies and Individuals. This Title shall be administered by: 1. The El Dorado County Board of Supervisors, hereafter referred to as the Board; 2. The Planning Commission, hereafter referred to as the Commission; 3. The County Zoning Administrator, hereafter referred to as the Zoning Administrator; 4. The County Agricultural Commission, hereafter referred to as the Ag Commission; 5. The Director of the Development Services Department or designee, hereafter referred to as the Director; and 6. The Development Services Department hereafter referred to as the Department.

Policy 10.1.2. From the Economic Development Element: All County regulations and procedures shall be written in a concise and easy to understand manner.

Policy 10.1.2.5 County agencies and/or departments, when developing ordinances, rules, regulations, and procedures to implement the General Plan, will analyze and present to the appropriate reviewing and/or regulating bodies the economical effects and taking implications of the proposed ordinances, rules, regulations, procedures on private property and private property rights.

Issue: Grand Jury report on County Staffing Issues dated 6/23/2022

“The County has had challenges in filling vacant positions for many years; the COVID-19 pandemic has exacerbated this issue. County management and supervisory employees have repeatedly used the phrase “training ground” in reference to employment with the County. This exodus of staff from the County, including the costs of recruiting and training, as well as the loss of institutional knowledge, is of concern to the taxpayers as a waste of resources. In interviews with staff members, the Grand Jury discovered that one of the main reasons for leaving is remuneration.”

“Although there has been no study completed to determine the specific costs of hiring new staff, there is an unquantified cost to County services. The elements of these employee turnover costs include attracting and hiring new employees, training expenses, loss of institutional knowledge, personal burnout of overworked staff who are covering for understaffed positions, and the ultimate decrease in services to the citizens of the County.”

Thus, there is a fair degree of loss of institutional knowledge which can lead to confusion, uncertainty, and misinterpretation by current staff. Staff burnout of overworked staff is also possible.

Note: There has been a high degree of turnover at the level of Supervisor of Code Enforcement in the last two or so years.

Issue: Violations and Enforcement

In order for the Ranch Marketing and Winery Ordinances to be meaningful, it is important to enforce violations which have substantial consequences. Enforcement of these violations is critical. Otherwise, questions may arise including whether staff have sufficient time to properly enforce these ordinances or are sufficiently trained. Why rewrite ordinances that are not enforced? Section 4 of the El Dorado County Ordinance Code provides options for enforcement:

Except as otherwise provided by law or ordinance, and unless the violation of a particular ordinance is specified by that ordinance to be an infraction, any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the County shall be guilty of a misdemeanor unless, in the discretion of the prosecuting attorney or agency, the matter is alleged or charged as an infraction, in which case the matter shall proceed as an infraction. A violation of the ordinances of the County that is a misdemeanor shall be punishable by imprisonment in the County jail not exceeding six months or by a fine not exceeding \$1,000.00, or by both.

Any person convicted of an infraction for violation of an ordinance of the County is punishable by:

- (1) a fine not exceeding \$100.00 for a first violation;
- {2) a fine not exceeding \$200.00 for a second violation of the same ordinance within one year;
- (3) a fine not exceeding \$500.00 for each additional violation of the same ordinance within one year. Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by a fine not exceeding \$100.00 for a first violation; a fine not exceeding \$500.00 for a second violation of the same ordinance within one year; a fine not exceeding \$1,000.00 for each additional violation of the same ordinance within one year of the first violation.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the County is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

In addition to the penalty prescribed above, the County may pursue other remedies such as:

- abatement of nuisances,
- injunctive relief
- revocation of licenses or permits.

Sec. 9.02.220. - Failure to pay a monetary sanction.

Nuisance abatement lien pursuant to Government Code § 38773.1. After providing notice pursuant to § 38773.1(b) and hearing before the Board, the Chief Administrative Officer or his or her designee may present a resolution to the Board to declare a nuisance abatement lien.

Conclusion

The Ranch Marketing and Winery Ordinances are important. Alignment with the General Plan and Ordinances is important. Their purpose, standards, violations and enforcement are critical.

There is a clear Distinction between Agriculture in contrast to agricultural support services, special events, weddings, wedding receptions, acoustic amplified music and voice. Amplified music and voice, for example, are not recognized by the County or State as an agricultural commodity. The Ranch Marketing and Winery ordinances state that ag must be the primary product. If not, there is a real danger of losing the importance and value of agriculture per se.

Again, it is important that the County clearly distinguishes and understands the difference in the broad spectrum of ag zoned land uses between production of an agricultural commodity versus agriculture support services, value added agriculture, agri-tourism, special events, facility rental uses, weddings, wedding receptions, and amplified music and voice. The number of allowable special events should be regulated. Accessory uses and structures, such as residential homes, should be consistent with their primary intended use. Prudent management and utilization of agricultural lands is needed to protect our rural lifestyle. Light pollution should be considered.

The intent of the Ranch Marketing and Winery Ordinances is to supplement the long term survival and viability of the production of agricultural commodities - not to allow our ag zoned lands to be over taken by and turned into other predominant ancillary commercial land uses such as outdoor events with amplified music, voice and professional disc jockeys or birthday parties or company picnics.

Proper enforcement of our General Plan and Ordinances is critical. Current, clearly defined and meaningful ordinances are required, including the Ranch Marketing and Winery Ordinances. Adequate violations and enforcement are necessary to avoid abuse. Otherwise, our County may take a different and unplanned path regarding ag zoned land uses, moving away from true agriculture with a resulting reduction in quality of life for our rural residents. There is no point in amending ordinances which will not or cannot be enforced.

One role of the Board of Supervisors of El Dorado is to protect the public's quality of life. Many people move here for our rural lifestyle. As Title 9, the Public Peace, Morals and Welfare Code states:

The Board of Supervisors finds that the enforcement of the Public Peace, Morals and Welfare Code is an important public service and enforcement of the Code is vital to the protection of the public's health, safety, and quality of life.

Appendix A

Understanding the Difference Between Agriculture vs. Ancillary Land Uses El Dorado County

The definition of agriculture is important to understand, clarify and apply in El Dorado County. It is important to recognize there is a clear distinction between agriculture and agricultural ancillary uses. Ancillary land uses are subordinate, accessory, intended to provide supplemental support to agriculture, and are not the primary use or purpose of agriculturally zoned properties.

It is very important to keep in mind the intent and distinction of pure agricultural land uses from ag support or accessory or ancillary land uses on ag zoned properties.

It is important the County clearly distinguishes the differences in the broad spectrum of land uses between agriculture, agriculture support services, value added agriculture, agri-tourism, special events, facility rental uses, weddings, wedding receptions, and amplified music and voice.

Thus, Special Events with outdoor amplified music and voice are not an agricultural commodity. At best Special Events would be defined as subordinate and supplemental support to help sustain ag when operating, for example, under the Ranch Marketing and Winery Ordinances. Special Events should not supercede the importance and role of true agriculture.

Definition of Special Events from Glossary Article 8 El Dorado County

Special Events. (Use Type) Temporary events that are usually held outdoors whether or not for compensation, such as auctions, carnivals, rodeos, concerts, and religious revival meetings. Special events may be further defined based on the use types below:

Special Events, Wineries. Events held on-site that are not considered to be tasting or marketing activities, as described in Section 130.40.400 (Wineries), such as charitable, promotional, or facility rental events, including those listed under "Special events, Ranch Marketing" below.

Special Events, Ranch Marketing. Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. (See Section 130.40.260: Ranch Marketing).

Agriculture is defined by El Dorado County as:

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and related accessory uses for packing, treating, or storing of produce or animal products that are secondary to normal agricultural activities. Glossary Article 8

Crop Production. (Use Type) Agricultural and horticultural uses including but not limited to production of grains, field crops, vegetables, fruits, nut trees, herbs, flowers and seed production, nursery stock and ornamental plant production (including those plants, trees, shrubs, and ground covers grown in containers, green houses, shade structures, under cover and in the ground), tree and sod farms, associated crop preparation services and harvesting activities including but not limited to, mechanical soil preparation, irrigation system construction, spraying, harvesting of the agricultural crop only. Glossary Article 8

“Agricultural Operations” are activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural product or commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing. From Right to Farm 130.40.290 Chapter 17.

“It is the policy of the county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or are adjacent to areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the county's agricultural industry as a whole.” From Right to Farm 130.40.290 Chapter 17.

Ancillary Agriculture as types of land use are defined in El Dorado County Glossary 8 as:

Agriculture, Value-Added Product. A change in the physical state or form of an agricultural commodity including but not limited to making apples into pie or cider or the production of jam from fruit. Glossary Article 8

Agricultural Support Services. (Use Type) Agriculturally related services, such as processing, packing, and storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; domestic farm animal sales; veterinary clinics; custom farming services; agriculturally-related building supply, feed and farm supply stores; agritourism facilities; greenhouses and nurseries; equestrian facilities; agricultural waste handling and disposal services; and other similar related services. (See Section 130.40.070: Agricultural Support Services). Glossary Article 8

Agri-tourism. A commercial enterprise at a working farm, ranch or other agricultural business conducted for the enjoyment of visitors that generates supplemental income for the owner/operator. Agri-tourism may include, but is not limited to, outdoor recreation such as horseback riding or hiking, educational experiences that feature the farm, ranch or natural environment, local food or wine tasting, agricultural homestays and guest ranches, agricultural lodging, and on-farm or ranch direct sales. Glossary Article 8

Wineries. (Use Type) Facilities producing and bottling wine for sale. Wineries are divided into the following categories: Production Facilities. Those facilities used for production and bottling without tasting room and accessory retail sales facilities. Full-service Facilities. Those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods. (See Section 130.40.400: Wineries). Glossary Article 8

Definitions of Agriculture From Outside El Dorado County:

A clear distinction is made between the growing or production of grapes (agriculture) vs. a winery which is considered the manufacturing and processing of an agricultural product. (From <https://djb.com>)

A vineyard selling grapes is a farm. A winery that produces and sells wine would not be a farm/agriculture. (From ruraltax.org)

According to Internal Revenue Code valuation section IRC 2032A: "The term 'farm' includes stock, dairy, poultry, fruit, fur bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands." It further states, "The term 'farming purposes' means -- handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state."

"Commodities that are grown and harvested are farming, but the processing of the commodities is NOT farming. The most common example is a vineyard versus a winery. A vineyard that grows, cleans and packs grapes for sale is a farming activity. If the vineyard processes beyond that point, e.g., processing grapes into jam or wine, the processing does NOT generate farming income because the grapes are processed beyond their natural state." (From Progressive Farmer.)

Thus, El Dorado County is correct when a winery is defined as an agricultural support service and thus distinguished from an agricultural commodity. The El Dorado County Winery Ordinance clearly distinguishes between agriculture and agricultural support services in Sec 130.21.020 Matrix of Uses where Winery is defined as an agricultural support service not an Agricultural Use.

United States Department of Agriculture - definition of agriculture:

In the National Agricultural Classification Survey of 2021 the following products define agriculture as: livestock, cropland, pastureland, rangeland, poultry, aquaculture and bees, chickens, cows, hogs pigs sheep and lambs, goats and kids, turkeys. Reading further into the determination of total gross value is defined as: field crops, hay, silage and forage crops, Christmas trees, short rotation of woody crops, seed crops, nursery, greenhouse, floriculture, sod, mushrooms, seeds, bulbs, vegetables, melons, fruits, nuts, berries, other crops, maple syrup, hogs and pigs, cattle and calves, sheep and lambs, goats, poultry, horses, bees and honey, eggs, dairy products, other animals, livestock and animal products, fish and other aquaculture.

Footnote: The distinction between agriculture vs. other ancillary/supportive land uses on an agriculturally zoned property means that Sec. 130.37.020 - Exemptions from Noise Standards is not applicable unless the land use is a true agricultural commodity.