

PC 4/27/2023  
Item # 5  
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## Public comment for 4/27 Planning Commission Meeting Agenda item 23-0435

Sharon Arsenith <sharon70@att.net>

Tue 4/25/2023 8:13 PM

To: Planning Department <planning@edcgov.us>

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Please see attached public comment for the 4/27 Planning Commission meeting for Agenda item 23-0435:

Loud noise from outdoor amplified music and outdoor amplified speech may disrupt the peaceful bucolic setting and lifestyle of rural residents.

As neighbors, one can expect minor interruptions to peace and quiet now and again, but loud outdoor amplified music and loud outdoor amplified speech that may occur during special events and marketing events could be significant and on a different scale.

To this point according to the Public Peace, Morals and Welfare section of the Code of Ordinances loud or raucous noise includes amplified human voice that unreasonably carries on to public or private property and ... any sound ... which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon public or private property... *See Sec 9.16.040. Noise*

To that end, I believe that any event with outdoor amplified music and outdoor amplified speech that has the potential to disrupt the peaceful enjoyment of neighboring parcels and the private property of other rural residents should require a CUP/TUP.

However, the revisions for the Ranch Marketing and Winery Ordinances do not require a CUP/TUP for special events or marketing events with outdoor amplified music and outdoor amplified speech.

Therefore, to potentially reduce noise nuisance in rural residential regions, the noise level standards in rural regions should be lowered at least 5 dBA. The Planning Director has the authority to impose this corrective action and I urge the Planning Committee to advocate for this directive. *See Table 130.37.060.1 #2*

A property owner's rights to utilize their agricultural land for accessory uses including special events and marketing events with outdoor amplified music and outdoor amplified speech should not destroy another property owner's rights to the peace, health and wellness that a rural residential lifestyle should provide.

In conclusion, please urge the Director to review the noise level standards and to reduce the dBA levels in rural residential regions to protect against noise nuisance issues.

Finally, there should be an inclusion in the revisions that protects rural residents from light pollution and ensures that neighboring properties are not subject to disturbing outdoor lighting including, but not limited to high intensity laser and strobe lighting that may be a part of special events, marketing events or used for displays. *See El Dorado County Outdoor Lighting Standards*

To prevent light pollution that can disrupt natural patterns of wildlife, disrupts human sleep and obscures the stars in the night sky, these proposed revisions should include lighting in the list of prioritized

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complaints in the section Advance Notice (5) in the revised Ranch Marketing and Winery Ordinances.

Thank you for your attention and your consideration.

Respectfully,

Sharon Arsenith

## My public comment for the Planning Commission's meeting on April 27th 2023

Anthony <major2@comcast.net>

Wed 4/26/2023 6:39 AM

To: Planning Department <planning@edcgov.us>

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REF:

Agenda item: 23-0435

First, I want to thank all the County staff who worked on this ordinance rewrite. I realize it was a tedious and arduous task. I appreciate your hard work.

Unfortunately, something very consequential and significant has been overlooked. Nowhere in this revised ordinance has a core issue been addressed.

I'm sure as the caretakers and custodians of our agricultural lands County staff want to keep this agricultural community from being overly commercialized by non-Ag related activities.

That being the case, then something must be put into the ordinances to assure that AG properties remain primarily AG properties, so that their "accessory" uses don't morph into their primary source of income.

As the revisions are currently written there is nothing that permits, a rural property owner from putting in the required minimum acreage of apple trees, or any of the following: pear trees, almond trees, grape vines, nursery products, a couple of head of livestock and then, under the umbrella of Ranch Marketing, or the Winery Ordinance host anywhere between 24 and 48 special events.

In which the revenue from these events would be orders of magnitude greater than any potential income from their initial AG products.

If this scenario happens once, it can happen many times over. This would change forever our way of life here, in a most negative way.

Therefore, I strongly urge County staff to add metrics to ensure this scenario doesn't happen.

This is the ideal time to take advantage of the opportunity to include it.

When adding in these metrics, we must be mindful that some agricultural property owners can fall on hard times due to droughts, fire, smoke, etc. and may need to supplement existing income with other accessory activities, until their Ag production normalizes. This should be permitted as long as these non-agricultural activities do not become their main source of revenue.

The County staff must be cognizant of these non-AG activities and do its due diligence to prevent the possibility of abuses. If abuses are suspected, the AG Commissioner may ask the property owner to demonstrate that its non-AG activities are not in excess of their potential agricultural production.

An AG property owner would know what their potential crop revenue would be on a good year. By the way, County staff keeps these crop production statistics from year to year, and are publicly available.

With these potential agricultural production numbers and the quantity/proportions of the special events also known, the Ag Commissioner then may determine what is the current primary business of agricultural property in question.

If it is determined that the non-AG activities are becoming the primary source of income, then the Ag Commissioner will act accordingly to bring the property back into compliance.

If language similar to the process mentioned above is not added to the ordinance revisions, then County staff will not be able to prevent this insidious over- commercialization of agricultural lands in our County.

Your attention, and consideration to this matter is very much appreciated.

Anthony DeSipio

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**FW: Ranch Marketing and Winery Ordinance Statement March 2023**

LeeAnne Mila <leeanne.mila@edcgov.us>

Wed 4/26/2023 12:21 PM

To: Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Cc: Robert J. Peters <Robert.Peters@edcgov.us>; Daniel Vandekoolwyk <Daniel.Vandekoolwyk@edcgov.us>

 1 attachments (15 KB)

Ranch Marketing and Winery Ordinance Statement March 2023.docx;

Hi Aurora-

I didn't see this letter as public comment on either of the Planning Commissions meetings. Can you get it added to the item for tomorrow.

Thanks

## Ranch Marketing and Winery Ordinance

April 6<sup>th</sup> Community Chat

To Whom It May Concern,

Having read through the ordinances and red-lined changes several times, I am in support of the Winery and Ranch Marketing ordinances presented and approved at the El Dorado Ag Commission meeting in February, 2023.

I have always felt that our Ranch Marketing and Winery Ordinances have been paramount to the success of agriculture in El Dorado County. In full disclosure, I was part of the committee many years ago that helped draft the Winery Ordinance. I think we succeeded in putting together an ordinance that would act as guidelines for farmers. Based on parcel size and actual farming, different levels of promotion and marketing would be possible. However, there were always issues with enforcement for those who felt they didn't need to abide by the ordinances.

And remember the basic premises to these ordinances. The farming comes first. Events to help sell the agricultural crop (that the farmer actually actually produced, not bought) comes second. And third, Special Events (like weddings) are there to help, but the income is subordinate (and always less) than the primary income from your agricultural product. Otherwise, this business belongs on Commercially Zoned parcels (not Agriculturally Zoned).

With the success of the region, the abuses have also risen, and now to a level that we cannot ignore. The revisions to the ordinance presented at the Ag Commission meeting in February addressed this. It actually put teeth into the guidelines of the ordinances, making clear that abuses would no longer be tolerated. The changes strengthen the ordinances and will continue to make them models for other agricultural regions.

Generally, I would expect these revisions would hamper our ability to do our businesses. But with the exception of a bit more communication of events, I don't see that any ability with marketing events or special events for our farm have been changed. Instead, the changes to the ordinances allow Christmas tree growers and cattle ranchers to participate in some of the event possibilities we've always enjoyed. This expands the opportunities for agriculture in El Dorado County. It also brings consistency to the definitions between the ordinances and cleans up clerical issues.

As a vineyard and winery on more than 20 acres, we can still do 48 Special Events and 365 Marketing Events (366 on leap years) in a year. This hasn't changed with the revisions.

When it comes down to it, if you're actually doing the farming and you care about the community, the revisions to the ordinance are good for your business. If you don't actually do the farming or are simply trying to take advantage of the community, these changes will be an issue for you.

But most of all, if we, as an agricultural community, choose to go back to step one with the ordinances or trigger a CEQA review or allow the abuses to continue in the community, then we risk losing our abilities to do any events, marketing or special.



So, should we approve these revisions, review them again at one year (per the Ag Commission's recommendation) and continue on with a successful set of ordinances? Or should we throw them all out and hope for the best (and end up with the worst)?

As a farmer who has invested a lot into this ag community, I say be smart and promote agriculture in El Dorado County, and move forward with the Ranch Marketing and Winery Ordinances as approved by the Ag Commission!

Sincerely,

Paul Bush

Owner/Winemaker

Madroña Vineyards & Rucksack Cellars