

PC March 9, 2023
Item # ~~2~~ 3
2 Pg

My public comment for the Planning Commission meeting on March 9th 2023 8:30AM

Anthony <major2@comcast.net>

Tue 3/7/2023 7:53 AM

To: Planning Department <planning@edcgov.us>

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REF;

Agriculture Department and Planning and Building Department proposed amendments to Title 130 (Zoning Ordinance) of the County Code (OR23-0001) that would amend the Ranch Marketing Ordinance (Zoning Ordinance section 130.40.260) and the Winery Ordinance (Zoning Ordinance section 130.40.400)

To the members of the Planning commission,
I ask you to please consider my following concerns:

Any special events with outdoor amplified music and speech, regardless of the number of attendees, must be counted against the total limits. You must realize that outdoor amplified music and speech are not a self-contained entity, that just happens on the property where it originates, it invades and disrupts all of the surrounding neighbors, and for some in a most unpleasant way. You cannot shut it out or look away from noise, you are forced to hear it.

In a rural agricultural community such as ours, outdoor amplified music and speech are not compatible with the general ambience of the area. Therefore, I appeal to you to put controls and restrictions on these events, so as to limit the amount of disruptions to the surrounding properties. The County must be mindful that increasing the number of special events that individual Ag properties are allowed, along with the possibility of more Ag properties hosting these events, will surely put an undue burden on our code enforcement staff, and other county departments.

My second concern is that without a suitable metric in the ordinance to quantify the primary business, any Ag property, hosting special event venues, could easily morph into a commercial event center, thereby losing their "designation" as an Ag property.

My third concern is about the ability of property owners hosting these special events being able to self monitor the levels of outdoor amplified music and speech. We all know that self monitoring without any oversight just creates a greater possibility for misuse, so to be fair and balanced, we must have community monitoring in place whereby residents can report violators in real time. Perhaps, to a County code enforcement staff member or Sheriff's office, so as to have those violations mitigated immediately.

My last concern is that of enforcing the ordinances.

We must put in place a procedure that allows for swift and substantial fines, with eventual shut downs for violators. The message the County sends to the owners who disregard our ordinances should be very clear.

Breaking the rules, will induce unfavorable financial consequences.

If the County waivers on code enforcement, it will render our work here all for nothing.

Violators will continue to advanced their own agenda, to the detriment of the local communities.

Your consideration of the above, will be greatly appreciated.

Anthony DeSipio

Community resident

PC MARCH 9, 2023
ITEM #3
5 PAGES

Re: Comments on the Environmental Report for Ranch Marketing and the Winery Ordinance

LeeAnne Mila <leeanne.mila@edcgov.us>

Sat 2/25/2023 10:39 AM

To: Sue Taylor <sue-taylor@comcast.net>; AG-ELDC AG <ELDCAG@edcgov.us>; Robert J. Peters <Robert.Peters@edcgov.us>; Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Hi Sue-

We received your comments and I have forwarded them on to the Planning Dept. for review.

Thank you

LeeAnne Mila

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From: Sue Taylor <sue-taylor@comcast.net>

Sent: Friday, February 24, 2023 4:59:30 PM

To: AG-ELDC AG <ELDCAG@edcgov.us>

Subject: Comments on the Environmental Report for Ranch Marketing and the Winery Ordinance

Some people who received this message don't often get email from sue-taylor@comcast.net. [Learn why this is important](#)

2-24-22

El Dorado County, Department of Agriculture

Attention: LeeAnne Mila, Interim Agricultural Commissioner/Sealer of Weights & Measures

311 Fair Lane, Placerville, CA 95667.

To whom it may concern,

Comments regarding the "Addendum to the Final Program Environmental Impact Report (FEIR) for the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) adopted by the Board of Supervisors on December 15, 2015".

The Addendum merely states that, "El Dorado County staff have identified proposed amendments to the Ranch Marketing Ordinance (Section 130.40.260 Ranch Marketing) and Winery Ordinance (Section 130.40.400 Wineries). The proposed amendments amount to minor clarifications and/or modifications to the current Ordinances. The proposed amendments will address areas of ambiguity in the Ordinances and ensure consistency between the Ordinances as well as other relevant sections of County Code, which will improve the County's enforcement efforts. Staff determined that an Addendum is the appropriate document because minor, technical amendments to the Ranch Marketing and Winery Ordinances are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document under CEQA."

There is no rationale for this conclusion. I had submitted comments to the County during the TGPA/ZOU in which the county did not clearly respond with mitigation for the impacts to Agriculture in 2015 when this was TGPA/ZOU was approved. If the County is tiering off of a past EIR, then the County needs to clearly state the impacts and mitigation from that project in order for the public to clearly understand the cumulative impacts. Also, the TGPA/ZOU implemented zone changes and changed the definition and purpose of the Ag Districts without individual analysis to the impact of those changes. These and past policy changes, over the years, have not been analyzed for their cumulative impact on Agriculture Resources.

The County must first stop tiering off of already unmitigated impacts to the County's rural resources and start identifying the impacts of the past actions prior to creating more unmitigated impacts. Also the County needs to address in this environmental review what will changing and merging the Ranch Marketing and Winery Ordinance from a protective ordinance to creating an Agricultural regulatory ordinance do to the industry? Changing the purpose of these ordinances will have a significant impact on Agriculture in this County along with our rural lifestyle. Ranch Marketing and the Winery Ordinance are different and should not be merged. The County has mitigated changes in the past based on being a Right to Farm County, yet it is becoming unclear how that policy still applies since the Ranching Marketing has changed from protecting the farmer from nuisance complaints to allowing nuisance complaints onto our farmers. Those items must be more clearly identified. The addendum and revised ordinances are in conflict with past mitigations. The County needs to perform at least a mitigated declaration and consider these issues.

Thank you for your consideration of these issues.

Sue Taylor

El Dorado County Resident

I'm also submitting comments that I had submitted for the 2015 EIR for the TGPA/ZOU, which were mostly not addressed:

Since the TGPA/ZOU targets on the creation of Agricultural Districts for implementation, it leads to the question of the Board of Supervisors intent. Looking at Figure 3.2-1, the El Dorado County Important Farmland of 2010, from the Farmland Mapping & Monitoring Program, it shows Prime Farmland (661 acres), Farmland of Statewide Importance (827 acres), Unique Farmland (3,206 acres), Farmland of Local Importance (59,565 acres), and Grazing Land (193,883 acres) distributed throughout the entire mass of El Dorado County.

The 2004 General Plan EIR concluded that the adoption of that plan created the potential for 63,307 acres of these particular acres listed to be converted to other uses. The discussion in the TGPA/ZOU EIR explains the amount of acreage being

added into Agricultural Districts, but does not explain what the overall affect will be to Agricultural Zoned Lands throughout the County. Will Agricultural Zoned Lands outside of these Districts have the same protections as within? or once these Districts are established, will Agricultural Lands outside these Districts face more pressure to convert to non-agricultural uses. The Study agrees that the impact to the conversion of Agriculture will still be significant and unavoidable. To date, the measures to mitigate that impact, within the current plan, has been mostly ignored, amended or not implemented. Two new mitigation measures added with this project will not change this impact.

Page 3.2-17 of the TGPA/ZOU, under Impact AG-3, Project Impacts, states, "The TGPA is not proposing any amendments that would result in inconsistent levels of protection for "agricultural operations". Then it is stated that the right-to-farm ordinance provides county-wide protections for "on going agricultural operations", therefore the threat to Agriculture will be less than significant. This is basically a play on words, is misleading to the public and does not address the true impact that implementing the TGPA/ZOU project will have on protections to Agriculture. Currently the right-to-farm provides protections to Agricultural "Zoned" Parcels throughout the county, regardless of their current operational status. Currently, numerous agriculturally zoned parcels exist with conflicting General Plan Land Designations throughout El Dorado County. This is allowed according to Policy

*2.2.5.6. Once the TGPA/ZOU project is implemented many of these currently Agricultural "zoned" parcels have the potential to be converted to higher density uses without any analysis. Those parcels will then lose their right-to-farm protections unless they meet all the new criteria for sustaining "on going agricultural operations". It is the same strategy that has come into play by the El Dorado Irrigation District with new Commissioner members working to change the rules and regulations in place that have historically protected farm rates. This section of the TPGA/ZOU appears to be tainted and lacking the information needed for a true analysis as to the impacts this project will have on current agricultural protections. Will the right-to-farm ordinance eventually only be allowed on parcels contained in Agricultural Districts? If this becomes the case, implementing this plan **WILL** provide an inconsistent level of protection for agricultural operations based on location in identified agricultural areas (meaning whether they are in or out of Agricultural Districts) , contrary to this project's stated "less than significant" statement.*

On page 3.2-14, the TGPA/ZOU states that the project includes "minor" revisions to policies of the General Plan's Agriculture and Forestry Element that would make the following changes:

Clarify setback requirements of agriculturally incompatible uses adjacent to agriculturally zoned land.

Provide consistency with the ZOU provisions allowing Williamson act parcels to be zoned Agricultural Grazing (AG), Planned Agriculture (PA), or Limited Agricultural (LA), rather than only Exclusive Agricultural (AE) or Agricultural Preserve (AP) as under the existing Zoning Ordinance.

Clarify that visitor serving uses will be allowed in agricultural areas pursuant to the Zoning Ordinance.

The policy changes being allowed in the TGPA/ZOU are opening up more allowed uses on Agricultural Lands, but the Zoning changes will create a more restrictive environment than the current policies. Without comparing how the new Zoning policies, with new regulations, will impact existing resource industries that depend on existing extended uses on their property, with the uses now allowed based on the existing Ranch Marketing and other existing policies, it is unclear as to what the true impact to the Agricultural and Timber Resources will be given these changes.

A better discussion needs to take place regarding the impact of the zone change categories for Agriculture. Art Marinaccio, brought forward these proposed changes and it is known that he has worked as a consultant to the property owners of the San Stino project which entails converting hundreds of acres of agricultural ranch lands to residential and commercial use which have been historically held in Williamson Act contracts. The impact to Agriculture and Forestry due to the above changes has not been clearly defined in the analysis. One should not have to search through volumes of documents to figure this out on their own.

This section needs to be more concise and clear as to what impact the policies changes will have on Agriculture and Forestry.

According to the Methods of Analysis on page 3.2-11, "Existing conditions are the baseline against which the significance of the project's potential impact is evaluated." As documented above many changes have taken place over the years in regards to policies and development that will negatively affect Agricultural lands.

Much of the Agricultural Zoned Lands exist as they have prior to the 2004 General Plan being adopted since the change to Agricultural zoning has not yet taken place. The intent of the LUPPU/ZOU is to implement these zone changes without individual analysis to the impact of those changes. These and past policy changes, over the years, have not been analyzed for their cumulative impact on Agriculture and Forestry Resources.

Currently numerous speculators have brought forward projects that will convert thousands of Agricultural zoned lands to higher density land uses. These proposed projects are currently being processed, but mostly sitting in the hopper waiting for the new General Plan and Zoning Codes to be finalized.

Once the changes, provided for by the TGPA/ZOU, are implemented they will have a significant and very destructive impact on the County's Agricultural and Forestry Resources. Not only that, they will also impact the County's Custom, Culture and Economic Stability, the Plan Purpose, Statement of Vision, Plan Assumptions, Plan Concepts and Plan Objectives which are the basis of the entire 2004 El Dorado County General Plan.

To merely address "Loss of the county's rural character as a result of new, higher density residential development" with the discussion the projects, causing this impact, are moving separate from the TGPA/ZOU process is irresponsible to the

public. The potential impacts created by TGPA/ZOU ends up being left out of the discussion. It should be stated that implementing the TGPA/ZOU will give these projects a new advantage, those issues need to be addressed and not avoided or simply pushed to Chapter 5, which in the ends states that this project is Growth Inducing.

As the governmental body of El Dorado County likes to often state when changing protection policies, "since there is no development project involved in the new policy, there is no impact." Much of this document reads the same way. Digging through the document to Chapter 5.2 it is stated that this project could, however, indirectly induce growth by removing barriers to growth. Again one should not have to dig so far to find this information.

I will always remember a quote told to me from Bill Stephens, former Agricultural Commission for El Dorado County, "One man's barrier is another man's protection."

Following the TGPA/ZOU document to the end, and along with the cumulative affects of all the previous changes to the General Plan mentioned at the beginning of this comment, the overall impact to Agricultural and Forestry Resources will be Significant and Unavoidable due to this project. Simply alluding to the fact that this is not any different than the impacts of the past is not acceptable mitigation. New mitigation measures must be implemented in order to retain the essence of the 2004 General Plan. If not this whole endeavor should be abandoned. County Staff needs to return to the Board of Supervisors with implementation measures that will actually encourage the growth of the Agricultural and Timber Resources, rather than impact them, as was intended and PROMISED in the current 2004 General Plan.

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Comments for Planning Commission Meeting 3-9-23, Agenda Item #3, Legistar #23-0435

Sue Taylor <sue-taylor@comcast.net>

Tue 3/7/2023 4:47 PM

To: Planning Department <planning@edcgov.us>

Please attach my attached comments to the 3-9-23 Planning Commission Agenda, cover letter posted first, and forward to the Planning Commissioners

Thank you,
Sue Taylor

Sue Taylor's Cover Letter to a draft proposal revising the 130.40.260 Ranch Marketing Ordinance dated 3-7-23.

My parents came to Camino, California from Sacramento in the 1970's in order to retire and invest in developing an apple farm. This had been a longtime dream of my father. My father started to grow that dream by planting an orchard even before building his home. Along with building a home and planting trees, he started to buy adjoining parcels in order expand the farm.

In the meanwhile, my husband, Tim and I joined my parents by acquiring nearby acreage of our own. Our intent was to join together in this adventure. Our neighbor also joined who had acquired an adjacent 20-acre parcel to expand his Christmas Tree operation.

In this endeavor we were privileged to work with Ed Delfino, (Ag Commissioner) and Dick Bethell (Farm Advisor). They were a huge support in dealing with regulations and development.

Unfortunately, my father lost his life two years after beginning his dream and the United States Department of Agriculture denied the refinancing they had promised to Tim and I after we had made the requested improvements to our property. This was at a time when interest rates were 22% and a balloon payment was due.

So, Tim and I sold our farm and started new careers. But we continued to assist my mother with her farm for decades. With my brother's peach, then mandarin, farm in Penryn, we would join forces in marketing our fruit. Our kids were very involved in Ranch Marketing growing up. My mother was also a master gardener for over 30 years. She had the most amazing green thumb. We grew Christmas, apple and walnut trees. I also have cattle ranching in my family.

My new career turned out to be in the Building Industry helping folks process plans through government agencies.

This experience and history have given me an expertise different than most. I have had to use and decipher codes created by government agencies in order to develop a product. I know the impact and force of law that regulations can have on an industry.

Also, our local farms and ranches have been hit with massive crop and ranch marketing losses from recent fires, weather and the pandemic over the last decade. When I tried to read through the proposed revision of the Ranch Marketing and Winery ordinance I was dumfounded and also nauseated. How could the county and so many others, assisting in this endeavor, be so cruel to subject our farmers and ranchers to such an impacting and overreaching set of new regulations? Especially through an ordinance and General Plan that was meant to encourage, sustain and support agricultural, and the right to farm.

Our Farmers and Ranchers have continued to support and sustain our rural environment and sense of place, in spite of the constant hardships that they face. For these reasons, I have spent the last couple months working to revise the Ranch Marketing Ordinance in a way that continues to provide for the development of ranch marketing while regulating amplified sound in order to protect the enjoyment of adjacent land owners, protecting the county's economic rural resources from incompatible uses, while also limiting circumstances under which agricultural operations may be considered a nuisance.

First, I will state that this process needs more time and more vetting. I ask that this document be reviewed by the Agricultural Commissioner, the Planning Department, and the Agricultural Commission again after it's reviewed by the Planning Commission on March 9th. This document and effort, and the County's revision, are much more than any one person can digest or comprehend the impact of its adoption in this short time period, let alone our Farming and Ranching Community since most are not even aware of its movement.

Also, I did not touch the Winery Ordinance. Wineries are well represented in our County and have strong advocacy powers. The Winery organizations seemed to be satisfied with the changes to the Winery section. This revision could be used as a base to also revise the Winery Ordinance.

Second, below are my list of tasks that I took on in revising the Ranch Marketing Ordinance:

Special Events: To define a special event as any event between 1-250 people makes no sense. How can 1 person count as creating a special event? By changing the format, I separated and simplified the special events that are amplified and non-amplified, and by size, rather than special events being weaved into so many policies as amplified. This change gives the farm/ranch the ability to; have by right, an unlimited number of non-amplified special events for 50 persons and under; allows, by right, a number of non-amplified special events for over 50 persons and up to 125 persons, based on the parcel size; requires an administrative permit for a number of non-amplified special events for over 125 persons, but not more than 250 persons, based on parcel size; and requires a Conditional Use Permit for amplified special events for not more than 250 people.

Under Agricultural production is the primary use or function. changed the word insure to ensure.

Removed the references to noise, enforcement, administration and penalties and referred to the County's Chapters for those codes. The regulations being added are conflicting with the County's Municipal codes. It's best to refer to those codes that are already established by ordinance for these purposes, otherwise these codes become confusing, invalid and unenforceable.

Removed TPZ and FR from "Applicability". Ranch Marketing, including allowing for Health Resort and Retreat Centers, conflicts with the El Dorado County General Plan Goal 8.3 Forest Land Conservation, El Dorado County General Plan Goal 8.4 Sustainable and Efficient Forest Production, and State of California Government Code 55104, which as stands, jeopardizes the tax exempt status of TPZ parcels per Article XIII, California Constitution, Section 3 (1), and thus threatens the sustainability of these important forest lands. Other residential and facility uses that are now allowed on these lands should also be considered to be removed for these same reasons.

Clarified jurisdictional authorities rather than having "director", "commissioner" since those titles could refer to numerous positions within the county.

Added conditions, requirements, definitions and other hard to find references within the 571 pages of Title 130 and other references to the body of the Ranch Marketing Section in order to simplify the research of the policies.

Recrafted language that was conflicting.

Corrected where Dining Facility is not by right but requires different permits based on existing or new. (Dining Facility was in both allowed by right and requiring permits).

Added/changed language for Agricultural Homestay and eliminated other home stay type uses which is confusing and unnecessary.

Merged the Crops, Christmas Trees and Ranch Marketing sections for consistency.

130.40.260 Ranch marketing.

This section does not apply to Wineries or to the production of Cannabis. (For requirements for Wineries see Section 130.40.400 and for Cannabis see Chapter 130.41.)

A. Purpose:

The purpose of this section is to provide for the development of ranch marketing activities to conserve, protect and encourage the economic development of the agricultural industries while regulating such uses to protect the public health, safety and welfare and the enjoyment of property by adjacent land owners, while also limiting circumstances under which agricultural operations may be considered a nuisance.

B. Applicability:

Ranch marketing activities shall be permitted in Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG40-160), Rural Lands (RL40-160) Zoning Districts where agricultural production is the primary use or function of the property.

Except as provided in Subsection B (Exceptions) below in this Section, the regulations and standards of this Section shall apply to ranch marketing uses, as defined in Article 8 (Glossary: see "Ranch Marketing") of this Title, where allowed in the use matrices for the zones on lots that meet the following minimum criteria:

1. **Minimum Lot Size:** Ten (10) gross acres.
2. **Minimum Cropland Area:** As defined in Subsection F (Definitions: See "Minimum Cropland Area" below in this Section):
 - a. Must have a minimum of five (5) acres of permanent or annual agricultural crop in production;
 - b. The minimum cropland area shall be properly maintained and cared for to produce a commercial crop, as determined by the County Agricultural Commissioner.
 - c. A smaller acreage amount may qualify for Ranch Marketing if minimum production standards are met, as determined by the Agricultural Commissioner and approved by the Planning and Building Director;
3. **Agricultural production** is the primary use or function of the property, including raising qualifying marketable livestock, which is not required to have a minimum cropland area. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards in Subsection 130.40.260.D.2 (General Standards, Maximum Ranch Marketing Area) below in this Section. Ranching marketing activities proposed on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Planning and Building 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.

4. Parcels that do not meet the above criteria, but have over 40 acres of grazing land and have agricultural zoning, may qualify for Ranch Marketing activities with an Administrative Permit. For those parcels under 40 acres with agricultural zoning, a Minor or Conditional Use Permit shall be required.
5. Should the proper maintenance and care of the required minimum agricultural crop acreage, or raising of qualifying livestock, cease, as determined by the El Dorado County Agricultural Commissioner, the right to Ranch Marketing becomes void.

C. Ranch Marketing Uses (See Tables 130.40.260.1&2):

1. Permitted by right concurrent with the harvest season:

- a. Packing, processing and sale of agricultural products and by products grown on the site. Retail sale of on-site produce kept in cold storage is not limited to its harvest season;
- b. Packing, processing and sale of agricultural products and by products grown off-site in conjunction with the processing or sale of products grown on site;
- c. Choose and cut tree sales;
- d. The sale of pre-cut Christmas trees grown off-site provided they are sold concurrently with Christmas trees grown on-site and the primary crop (greater than 51 percent) is grown on-site.
- e. Ranch Market Assesory Uses;
- f. Round-ups, rodeos, commercial stables, horseback riding and similar activities on Agricultural Lands (160+);
- g. Fishing, hunting and temporary camping;
- h. Handicraft and agricultural promotional item sales produced on- or off-site. All vendors shall have a current El Dorado County business license. Vendors may use the site for overnight RV camping during the time that said vendor occupies a sales booth or stall, subject to applicable health and safety standards as may be required by state and County regulations;
- i. Bake shop, chuck wagon, prepared food stand, and any other sale of food products, operated concurrently with the sale of on-site produced agricultural products and agricultural byproducts. The sale of food products shall comply with the California

Health and Safety Code, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture;

- j. An existing commercial kitchen established for a bake shop, food stand or dining facility can be used off-season to make value-added products from cold storage produce. The on- or off-site sale of said value-added products is not limited to its applicable harvest season;
 - k. The sale of alcoholic beverages made from agricultural products produced on-site. This section shall not prohibit the sale of alcoholic beverages processed off site, provided that the alcoholic beverage includes only agricultural products grown on site;
 - l. Agricultural-related museums that primarily display items from California's agricultural history;
 - m. Agricultural Homestays, as defined under Section 113870(a)(2) of the 2005 California Health and Safety Code, (See subsection 130.40.260 (F) Ranch Marketing Definitions), in existing structures where the property owner lives on, or adjacent to the site, on parcels containing twenty (20) acres or larger, provided the parcel has a minimum of five (5) acres of permanent agricultural crop in production that are properly maintained and cared for to produce a commercial crop, with no limitation on the time of operation and not limited to its harvest season;
 - n. Special events, non-amplified, as defined in subsection 130.40.260(F), for commercial and non-commercial purposes of 50 persons or less and not limited to harvest time.
 - o. Special Events, non-amplified, as defined in subsection 130.40.260(F), for commercial or non-commercial purposes over 50 persons but fewer than 125, and not limited to harvest time, subject to development standards and available parking as set forth in subsection 130.40.260(E) below, with the number of events not exceeding the following limits:
 1. Parcels less than 20 acres in size - 16 per year;
 2. Parcels 20 acres or more in size - 32 per year;
2. **Uses Requiring an Administrative Permit:** The following uses shall be permitted subject of administrative site plan review approval by the Planning and Building Director, following the recommendation of the Agricultural Commissioner. The site plan

review approval may set forth limitations on the allowed capacity of the accessory uses in this subsection.:

- a. Non-ranch marketing use of an existing commercial kitchen established for a bake shop, food stand or dining facility, as an owner-operated or leased catering facility, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture.
 - b. Ranch marketing activities that do not have direct access to a County maintained road or state highway, but the property owner has entered into an agreement to participate in a road maintenance entity, such as a homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area, on roads that serve the site;
 - c. Ranch marketing uses that are limited to the harvest season, shall be allowed year around by Administrative Permit. (See section 150.52.010 Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title.
 - d. Round-ups, rodeos, commercial stables, horseback riding and similar activities on Agricultural Lands (over 40 and less than 160).
 - e. Special Events, non-amplified, as defined in subsection 130.40.260(F), for commercial or non-commercial purposes over 125 persons but not more than 250, subject to development standards and available parking as set forth in subsection 130.40.260(E), with the number of events not exceeding the following limits:
 1. Parcels less than 20 acres in size - 12 per year;
 2. Parcels 20 acres or more in size - 24 per year;
 - f. On parcels containing less than ten (10) acres, any ranch marketing accessory structures, the packing, processing and/or sale of agricultural products and byproducts produced off-site, may be allowed by review of the Agricultural Commissioner;
- 3. Uses Requiring a Conditional Use Permit:**
The following uses shall be permitted subject to approval by the Planning Commission, following the recommendation of the Agricultural Commission:
- a. New dining facility (not including a prepared food stand or bake shop), subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture;
 - b. Permanent Campgrounds for commercial purposes.
 - c. Carnival amusement rides, helicopter rides, and other similar non-agricultural, high impact activities.

- d. Ranch marketing activities that do not have direct access onto a County-maintained Road or state highway and the owner of the property has not entered into an agreement to participate in any road maintenance entity such as a homeowner's agreement, Zone of Benefit, Community Services District, or county Service Area.
- e. Reduction of the required parking spaces.
- f. Proposed Agricultural Homestays, as defined under Section 113870(a)(2) of the 2005 California Health and Safety Code, (See 130.40.260 (F) Ranch Marketing Definitions) in new proposed structures, where the property owner lives on, or adjacent to the site, on parcels containing twenty (20) acres or larger, may be permitted subject to site plan review approval by the Planning and Building Director, following the recommendation of the Agricultural Commission, provided the parcel has a minimum of five (5) acres of permanent agricultural crop in production, or has a qualifying livestock as a marketable product, that are properly maintained and cared for to produce a commercial crop or product, with no limitation on the time of operation, not limited to its harvest season, and with the appropriate building permits.
- g. Special events, amplified, as defined in subsection 130.40.260(F), for commercial or non-commercial purposes for not more than 250 persons, subject to development standards in subsection 130.40.260 (E) Development Standards, subsection 130.37.070 Noise Reduction Measures, and available parking as set forth in subsection 130.40.260(E), No outdoor sound will be allowed after 10:00 p.m. The number of events shall not exceed the following limits:
 - 1. Parcels less than 20 acres in size - 2 per year;
 - 2. Parcels 20 acres or more in size - 4 per year;
- h. Findings for Conditional Use Permit: In addition to the findings required under subsection 130.52.021(C) (Specific Findings for Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:
 - 1. The Site meets the minimum acreage and planting standards or is raising the qualifying marketable livestock.
 - 2. The use is secondary and subordinate to the agricultural use.
 - 3. The use does not detract from or diminish the on-site agricultural uses.
 - 4. There is no adverse effect on agricultural production on surrounding properties.
 - 5. For lands under Williamson Act Contract, the use is compatible with the provisions of California Government Code Section 51200 et.seq.

**PUT TABLE 130.40.260.1 (Ranch Marketing Uses for Crop Production) HERE:
(previously 130.40.260.1)**

**PUT TABLE 130.40.260.2 (Ranch Marketing Uses for Agricultural Grazing Lands) HERE
(previously 130.40.260.2)**

D. General Standards and requirements:

The following standards shall apply to all ranch marketing activities:

1. **Maximum Ranch Marketing Area:** The total ranch marketing area, excluding parking, cannot occupy more than five (5) acres or 50 percent of the lot, whichever is less. The total enclosed square footage of all ranch marketing buildings shall not exceed the square footage shown in Table 140.40.260.3 (Ranch Marketing Building Area Matrix) below in this Section. Any building, or group of buildings used for ranch marketing exceeding the square footage in the following table shall require a Conditional use Permit. Ranch marketing buildings do not include residential buildings, garages, outbuildings and other such buildings not associated with the ranch marketing operations.

Table 130.40.260.3 – Ranch Marketing Building Area Matrix

LOT ON WHICH THE RANCH MARKETING OPERATION IS LOCATED	MAXIMUM ALLOWABLE RANCH MARKETING BUILDING AREA
10 acres to less than 20.0 acres	10,000 square feet
20 acres to less than 40. Acres	40,000 square feet
40.0 acres and larger	60,000 square feet

2. If the Ranch Marketing Operator is not the person listed as the owner of the parcel, then that person must provide to the Agricultural Commissioner written consent from the owner of the parcel that the parcel may be used for ranch marketing activities and that said person has been assigned as the official Ranch Marketing Operator.
3. The Ranch Marketing Operator must keep a log, provided by the Agricultural Department, of special events that require(d) an administrative or conditional use permit. This log shall be made available upon a request from the Agricultural Commissioner, or the Commissioner's appointed agent. The log must list the special event's date and type of events, such as either requiring an Administrative or Conditional Use Permit. The Ranch Marketing Operator must have a contact number made available to the Agricultural Commissioner.
4. Applying for the allowed permits per year, shall be streamlined with a maximum \$1.00 fee per special event or other permit for an administrative use permit and a maximum \$5.00 fee per special event or other permit requiring a conditional use permit. Each regulating authority shall provide in one hearing the total special events that will be

allowed for that year for each type of special event. The Agricultural Commissioner shall provide to the Ranch Marketing Operator a log of permitted special events prior to the upcoming season or year.

E. Development standards: The following standards shall apply to all ranch marketing activities set forth above:

1. Ranch Marketing Parking:

a. Use: Minimum parking spaces:

Bake Shop	1 space per 250 of gross floor area
Christmas tree farms (U-cut) U-pick produce farms (fruit, pumpkin patch, etc.)	5 spaces per one acre of crop
Craft Sales Area	3 per each concession; plus 1 per 200 sq. ft. of AUA ¹
Farm equipment and supply sales; and Nurseries, wholesale	1 space per 500 square feet (sq. ft.) of gross floor area; plus 1 space per 1,000 sq. ft. of OUA ²
Packing Shed	1 space per 1,500 sq. ft of gross floor area.
Picnic area	2 spaces per picnic table.
Produce, seasonal sales	1 space per 300 sq. ft. of OUA ² , with a minimum of 3 spaces.
Restaurant/cafe	1 space per 3 fixed seats or equivalent occupancy per Uniform Building Code plus one recreational vehicle space per each 10 parking spaces.

¹ Active use Area (AUA): All developed areas within a building except for storage areas, restrooms, and employee lunchroom/cafeteria(s).

² Outside use area (OUA): The total square footage of an area dedicated to the performance of a specific activity, where uses and activities are or may be conducted, including, but not limited to recreational use, retail sales, rentals, and restaurant seating. The OUA excludes the area of walkways, promenades, restrooms, landscaping and parking areas and a nursery dedicated to the growing of plant material or areas related product and equipment storage.

- b. Permanent parking spaces, may be of dirt or gravel surface, shall be provided for all sales, gift, handicraft and food service areas.
- c. Parking for special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
- d. Limitations on the number of guests may be based on availability of off-street parking.
- e. Overflow parking areas may be of dirt or gravel surface, provided that the parking shall meet the minimum fire safe standards or same practical effect.
- f. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the

parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.

- g. On-street parking shall not be permitted on County-maintained roads.

2. Access:

- a. Access to a Ranch Marketing Area shall meet the minimum fire safe standards or same practical effect, as determined by the applicable fire district.
- b. The access to the ranch marketing area shall be connected directly to a public road, except as provided below:
 - 1. Where a proposed ranch marketing facility is located on a private road and is within general plan designated Agricultural District boundaries, access shall be subject to the review and approval by the Planning and Building Director under site plan review, following a recommendation by the Agricultural Commission.
 - 2. Where a proposed ranch marketing facility is located on a private road and is outside general plan designated agricultural district boundaries, a conditional use permit shall be required.

3. Signage:

- a. See Chapter 130.36 (Signs) in Article 3 for design standards and allowed signage within the Agricultural Districts.
- b. In addition to the signage allowed in Chapter 130.36, Parcels containing ten (10) acres or more may have one additional unlighted sign, located on-site, advertising authorized activities. The sign's display area shall not exceed sixteen (16) square feet on either sign face, with a total not greater than thirty-two (32) square feet for a double-faced sign.

4. Setbacks: The following minimum setbacks apply to all ranch marketing facilities and outdoor use areas, excluding parking lots and picnic areas:

- a. Adjacent to non-residential zones: 50 feet from all property lines.
- b. Adjacent to residential zones: 200 feet from all property lines.
- c. The 200-foot setback in 4(b) above may be reduced to no less than 50 feet by a grant of administrative relief.

F. Ranch Marketing Definitions:

1. **Agricultural Homestays:** Per Section 113870(a)(2) of the 2005 California Health and Safety Code: "Restricted food service transient occupancy establishment" means; (2) An agricultural homestay establishment that meets all of the following requirements: (A) Has not more than six guest rooms or accommodates not more than 15 guests. (B) Provides overnight transient accommodations. (C) Serves food only to its registered guests and serves meals at any time, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation. (D) Lodging and meals are incidental and not the primary function of the agricultural homestay establishment. (E) The agricultural homestay establishment is located on, and is a part of, a farm, as defined in section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income. (b) Notwithstanding subdivisions (a), a restricted food service transient occupancy establishment may serve light foods or snacks presented to the guest for self-service. (c) For purposes of the section, "restricted food service transient occupancy establishment" refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section the existence of some other legal relationships as between some occupants and the owner of operator shall be immaterial.
2. **Bake Shop:** A facility for the preparation and consumption of food items in which agricultural products grown on-site are used as a main ingredient for at least one of the baked goods, such as apples used to make apple pies, apple turnovers, or other apple pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on-site.
3. **Choose and Cut Tree Sales:** A commercial operation that the public is allowed on a site where evergreen trees are grown to personally select a specimen, cut it, and transport it off-site for their use as a Christmas.
4. **Christmas Tree Season:** The time period beginning November 1 and ending on Christmas Day.
5. **County Maintained Road:** A road that is listed on the current County Maintained Mileage List by the Department of Transportation.
6. **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 and sales of the agricultural crop only.

7. **Dining Facility.** An establishment where food, other than that produced on the premises (such as at a Bake Shop), is prepared and served to the public in an established seating area.
8. **Farm:** Per section 52262 of the California 2022 Food and Agricultural Code, means a place of agricultural production which has annual sales of agricultural products of one thousand dollars (\$1,000) or more.
9. **Food Stand and Chuck Wagon.** A facility, for serving prepared food for consumption on the premises, without indoor seating.
10. **Handicrafts:** Products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others.
11. **Harvest Season:** The time period in which the primary crop(s) is harvested on-site and in which certain ranch marketing activities associated with the crop may occur. The season shall begin with the first day of the month in which the crop is harvested and conclude with the last sale of the primary crop(s) harvested that season.
12. **Minimum Cropland Area:** The minimum required area planted and maintained in crop production, as defined in Article 8 (Glossary) of this Title for the production of a commercial crop using standard horticultural practices with regard to irrigation, plan spacing, pruning, and pest and predator control.
13. **Primary Use or Function:** The property is used for agricultural production and the sale of the agricultural commodity that is produced on the property.
14. **Properly Maintained:** Planted crops are tended in a manner consistent with proper and accepted customs and standards of the Agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.
15. **Qualifying Marketable Livestock:** The primary business of raising livestock. The livestock must produce a marketable food or non-food product derived from the livestock (such as: oil, leather, fiber, etc.).
16. **Ranch Marketing Activities:** (Use Type) Activities conducted on agricultural lands which are accessory, incidental to, and compatible with the bona fide agricultural operation, intended for the promotion and sale of the agricultural products.
17. **Ranch Marketing Area:** An area used for ranch marketing activities, not including land planted in cropland, packing or storage facilities, unless those areas are also used for accessory ranch marketing activities.

18. **Ranch Marketing Operator:** The person who is listed as the property owner of the parcel used for ranch marketing activities on the last equalized assessment roll, or person designated as the Ranch Marketing Operator by the property owner.
19. **Ranch Market Assesory Use:** A use customarily associated with the primary agricultural use of the land, such as, picnic areas, public tours, hay mazes, pony rides, tractor rides, and fishing ponds that are limited to daylight hours.
20. **Special Events:** Temporary, one day event outside of the normal activities of producing a commercial crop or raising of livestock as a marketable product. Events may be for compensation, charity, promotional purposes, such as weddings, parties, company picnics, birthdays, reunions, auctions, carnivals, concerts, religious meetings, ranch marketing activities, or other social gatherings.
21. **Special Events, Amplified:** A temporary event that utilizes an amplified sound system(s).
22. **Special Events, Non-Amplified:** Temporary events without the use of amplified sound system(s) (music, DJ, Announcers, etc.)

G. Exceptions: This section does not apply to the following uses:

1. Produce sales as defined in Article 8 (Glossary: see "Produce Sales") of this Title, for the direct sale of products grown on-site.
2. Indirect sale by mail, telephone, or internet where delivery of the goods occurs off-site.
3. Direct sale of value-added agricultural products created from products grown on-site.
4. Ranch Marketing for properties outside of the LA, RL, PA, AG Districts:
 - a. Properties NOT in the in Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG40-160), Rural Lands (RL40-160) Districts General Plan Designations, but individual parcels containing a minimum of one (1) or more acres land with a min. (½) acre of permanent agricultural crop in production, that are properly maintained and cared for to produce a commercial crop, and/or qualifying livestock shall be allowed by administrative use permit to pack, process and sale their agricultural product on site. No other Ranch Marketing rights and privileges shall take place on these parcels.

H. Administration and Enforcement of the Ranch Marketing (Section 130.40.260) Ordinance:

Apparently when the County changed Title 17 to be Title 130 they removed the enforcement powers of the Agricultural Commissioner. This is the past Section that was removed:

17.12.20 Administration and enforcement

A. Primary enforcement of the provisions of the Title 17 of the ordinance relating to ranch Marketing, Wineries, and Christmas tree ordinance and agricultural and TPZ zoning requirements shall be performed by the County Agricultural Commissioner, or his/her designee from the Department of Agriculture, Weights and Measures. These enforcement duties shall not include the administrative processing or approval of any special or land use permits, ministerial or discretionary, that may be required by these ordinances code title unless otherwise specified.

1. The County Agricultural Commissioner, whenever necessary, may enter and make an inspection of any premises, plant, conveyance, orchard, vineyard or thing in his/her jurisdiction during normal hours of operation to inspect such business for compliance with the Ranch Marketing, Wineries and Christmas Tree ordinance and zoning requirements.
2. The County Agricultural Commissioner is authorized to issue stop orders or cease and desist orders involving violations of the Ranch Marketing (Section 17.14.180) and Wineries (Section 17.14.190) and Christmas Tree (Section 17.14.200) ordinance, and zoning requirements, and such stop orders or cease and desist orders shall remain in effect until such violations have been resolved.
3. The County Agricultural Commissioner, following a recommendation by the Agricultural Commission, is authorized to issue a certificate of compliance as it relates to nonconforming use with the Ranch Marketing (Section 17.14.180), Wineries (Section 17.14.190) and Christmas Tree (Section 17.14.200) ordinance and agricultural zoning and requirements. (Ordinance 4634, 3-25-2003)

**We are left to assume, given Title 9 - PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 9.02. - CODE ENFORCEMENT, ARTICLE I. - IN GENERAL Sec. 9.02.010. -
Declaration of purpose which states:**

A. The Board of Supervisors (hereinafter referred to as "the Board") finds that the enforcement of this Code ("Code") throughout the County 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. The Board finds that enforcement starts with the implementation of regulations that can be applied fairly and evenly in administrative enforcement hearings and appeals before the Board. 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. The procedures established in this chapter shall be in addition to any civil or any other legal remedy established by law, which may be pursued to address violations of the Code.

Sue Taylor's draft proposal of the 130.40.260 Ranch Marketing Ordinance dated 3-7-23

B. The Board also finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to the Code. It is the purpose and intent of the Board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for the Code and to provide for an administrative hearing and appeal process for both code enforcement and vehicle abatement cases.”

That enforcement falls under Chapter 9.02 of Title 9 of the County Code of Ordinances.

Per El Dorado County Title 130, Article 1, Chapter 130.67, Section 130.67.030 (Administration and Enforcement) It shall be the duty of the Director to administer the provisions of this Title in compliance with Chapter 9.02 (Code Enforcement) of Title 9 (Public Peace, Morals and Welfare) of the County Code of Ordinances. The Director of the Planning and Building Department shall be aided in this enforcement responsibility by the officers and authorized representatives of the County agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Title.

And;

Per El Dorado County Title 130, Article 1, Chapter 130.67, 130.67.040 (Abatement of Nuisance and Penalty for Violation) Any structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any land or structure that is used contrary to either the provisions of this Title or any condition of approval imposed through discretionary authorization, shall be declared unlawful and be subject to the provisions of Chapter 9.02 (Code Enforcement) of Title 9 (Public Peace, Morals and Welfare) of the County Code. Any act or omission made unlawful under this Title shall also include abetting, aiding, allowing, causing, or permitting the act or omission.

And;

Sec. 9.02.080. - Coordination of inspections.

It shall be the duty of the Development Services Code Enforcement Unit to coordinate the inspections and administrative orders as fully as practicable so that the owners and occupants of the premises shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

And;

Noise Standards are set by Chapter 9.16 and Chapter 130.37 and enforced by Chapter 9.16, Section 9.54.050:

Sec. 9.54.050. - Enforcement.

Any person who violates any of these rules and regulations shall, in the discretion of the enforcing authority, be guilty of an infraction or a misdemeanor and, pursuant to Chapter 1.24, may be subject to a fine of not more than \$500.00 and/or imprisonment not to exceed six months.

(Code 1997, § 9.54.050; Ord. No. 4743, 9-11-2007)