


FW: For the Ranch Marketing/Winery Ordinance Ad Hoc committee meeting: Jan. 17 2023

LeeAnne Mila <leeanne.mila@edcgov.us>

Tue 1/17/2023 9:28 AM

To: Kim Dawson <kim.dawson@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>

Cc: Daniel Vandekoolwyk <Daniel.Vandekoolwyk@edcgov.us>

 1 attachments (155 KB)

For the Ranch MarketingWinery Ordinance Ad Hoc committee meeting Jan. 17 2023.pdf;

Hi Kim-

Just making sure that someone got this one to you.

Thank you

From: BOS-District IV <bosfour@edcgov.us>

Sent: Monday, January 16, 2023 10:28 PM

To: Daniel Vandekoolwyk <Daniel.Vandekoolwyk@edcgov.us>

Cc: Robert J. Peters <Robert.Peters@edcgov.us>; LeeAnne Mila <leeanne.mila@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; Wendy Thomas <Wendy.Thomas@edcgov.us>

Subject: Fw: For the Ranch Marketing/Winery Ordinance Ad Hoc committee meeting: Jan. 17 2023

Hi All,

FYI that I'm forwarding a public comment to Danny for his reference.

Lori Parlin

El Dorado County District IV Supervisor

Phone: (530) 621-6513

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From: Linnea Marengo <ldmarengo@yahoo.com>

Sent: Monday, January 16, 2023 1:33 PM

To: Robert J. Peters <Robert.Peters@edcgov.us>; LeeAnne Mila <leeanne.mila@edcgov.us>; Lori Parlin <lori.parlin@edcgov.us>

Subject: Fw: For the Ranch Marketing/Winery Ordinance Ad Hoc committee meeting: Jan. 17 2023

Attached are my comments on the drafts of the Ranch Marketing and Winery ordinance revisions for the Ad Hoc committee meeting tomorrow.

Hats off to those folks who have been involved to date and many thanks!

I hope my review and comments may be of some help as future meetings are held to review the modifications for final review by the Board of Supervisors.

Linnea

----- Forwarded Message -----

From: Linnea Marengo <ldmarengo@yahoo.com>

To: eldcag@edcgov.us <eldcag@edcgov.us>

Sent: Monday, January 16, 2023 at 01:24:14 PM PST

Subject: Fw: For the Ranch Marketing/Winery Ordinance Ad Hoc committee meeting: Jan. 17 2023

Public Comment For file # 23-0109 Ranch Marketing and Winery Ordinance Ad Hoc Committee Meeting
1/17/2023

eldc

Linnea Marengo attached a document



Linnea Marengo has attached the following document:



For the Ranch Marketing/Winery Ordinance Ad Hoc committee meeting: Jan. 17 2023

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

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Special Events and Facility Rental Event as a Type of Special Event

Special Events, as defined in Article 8 (Glossary), are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subsection E.2.c. (Tasting Facilities: Marketing) under Winery Uses in Sec. 130.40.400 Wineries.

A winery owner may hold only one special event per calendar day. (Page 10 draft ordinance; Subsection E.3.a of Special Events under Winery Uses)

If a special event is intended to last more than one calendar day, the winery owner shall submit separate notices for each day pursuant to Subsection f below, and each event will be included in the ...event limit calculated under the Subsection. (Page 10 draft ordinance; Subsection E.3.a of Special Events under Winery Uses)

A facility rental event is a type of special event in the Winery Ordinance. Facility rental events **involve the winery, or portions thereof, being rented or donated** for the use of the site and facilities, such as weddings, parties,... reunions or other social gatherings. How does a wedding count as an agricultural commodity? It would bring in revenue for the property owner as a facility rental but not an agricultural commodity. (Page 10 draft ordinance; Subsection E.3.a of Special Events under Winery Uses)

Facility Rental Events: are a special subset of Special Events and should be recognized as such.. Perhaps Facility Rental Events should hold a separate and distinct Use type under the Winery Ordinance. It might be helpful, less confusing to staff and decisions makers and the public to make a Facility Rental be listed as a separate and distinct Use Type under Table 130.40.400.1 - Wineries Allowed Use Matrix. This Use type has a very special function, that of receiving pay for the use of the facility.

The total number of Facility Rental Events allowed per calendar year in the Winery Ordinance is 12-24 facility rental events. This is not to be confused with the special days allowed per calendar year for other types of special events.

- a. 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.

Questions on Facility Rental Event as a type of Special Event:

How can the County and the local community members ensure a facility rental event as a special event is properly regulated and enforced by the County? For example, a commercial contract could be written between a consumer and Winery Owner for a 3 day package which might include:

- 2 overnight stays including a large number of attendees for a party, say in a residential home and
- a wedding on another location, say a permitted wedding venue on the same property and
- a wedding reception located elsewhere on the same property;

How many facility rental events in the above case are counted during the three day sequence of events for which the property owner is contractually paid a single facility rental fee for a multi-day series of events with a varying number of attendees at each event? The event covers three days and multiple events. Would this case count as four events on three days.

How will the County prevent winery owners from getting around what counts as multiple facility rentals? For example, if a Winery property holds facility rental events and has a permit for a vacation home rental, they should not be able to hold more than 12-24 facility rental events under the guise of a Vacation Home Rental. When is a home rental considered a facility rental event rather than counted as a vacation home rental? What is it called when someone charges a vacation home rental fee yet also permits a wedding or party or wedding reception on their ag zoned property under the same VHR only fee.

It might be helpful to split Subsection E.3.a of Special Events under Winery Uses into two paragraphs in order to distinguish the criteria for a facility rental event, including that the facility rental events are limited to 12-24 events rather than 48 events.

How will the County know if multiple facility rental events take place on a given day? How will the winery owner know that only one event can be held per day? How will the property owner know that a single three day contract counts towards multiple allowed events?

Questions regarding the number of special events:

What are the procedure(s) that the County has in place to: determine/record the number of special events, including facility rental events, held during the calendar year and what happens if a property goes over the permitted number? How does the County know when the permitted limit of special events has been reached? What happens if the requisite form is not properly completed and submitted in a timely fashion to the Commissioner? What department keeps track of the accumulating number of special events scheduled and held throughout the calendar year?

What department is responsible for determining that the special event limit has been reached and the limit is enforced by the County? Is the property owner given advance warning that they are close to reaching the limit of special events? What immediate action is taken by the County when the limit of 12-24 facility rental events has been reached under the Winery Ordinance? 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 special events is reached? What happens if the property owner has scheduled special events after they have reached their allowable limit? Must those events be canceled? What meaningful consequence is applied if the property owner goes over the limit of 12-24 facility rental events or 48 special event days during the calendar year? What County department is responsible for determining and applying any consequence or violation?

Temporary Use Permit

How many Temporary Permits for a special event may be granted per calendar year? Page 10 draft ordinance states:

D. The winery owner may apply for a Temporary Use Permit...for a special event that meets the following requirement:

(2) The winery owner has been issued no more than three Temporary Use Permits for that property per calendar year including the special event that the Temporary Permit would apply to.

(3) The winery owner shall not hold more than one special event under this Subsection per calendar month.

Questions:

Does this mean more than 3 Temporary Use Permits are allowed? If 3 Temporary Permits have been approved already, can another Temporary Permit be granted?

Who in the County will be aware of the number of Temporary Permits granted and the allowed number has been reached?

How will the limit of one special event maximum per calendar month be enforced?

Live Outdoor Amplified Concerts
Definition of Live Performer

“Live outdoor amplified concerts” means any musical outdoor performance in which sound amplification devices are used by one or more live performers. Page 7 draft ordinance item C.

Questions:

- what is the definition of live performer?
- is a live disc jockey playing amplified recorded music a live performer, for example?
- what about recorded amplified outdoor concerts that are a noise nuisance without a live performer? How is this controlled by the County during a special event for which there is no live performer?

Is a Discretionary Permit Required for Amplified Music or Speech?

The current Noise Standards Chapter 130.37.070 Noise Reduction Measures reads:

B. 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.

However, Pg 23 of the draft ordinance reads:

5. Outdoor music shall meet County noise standards. Amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title, except that a discretionary permit is not required under Section 130.73.070 B.

Please explain the difference. The current Noise Reduction Measure states a discretionary permit shall be required.

(This is despite what appears to be a typo in 130.73.070 which should most likely read 130.37.070.)

Why does the draft modification now read that a discretionary permit is not required.

This is confusing to the public, and possibly County staff and decision makers.

Live Amplified Outdoor Concert vs. Outdoor Music Festival
Permits Required Depending Upon Number of Attendees

Live amplified Outdoor Concerts: (outdoor amplified concerts in which it is reasonably anticipated that no more than one-hundred and fifty (150) persons. Whether guests, paid invitees, or otherwise, are present may be allowed if the winery owner obtains a Conditional Use Permit in compliance with Section 130.51.021 (Conditional User Permits) in Article 5.....I

If it is reasonably anticipated that more than one-hundred and fifty (150) persons will be present at the live amplified concert, the winery owner shall also obtain a permit under Chapter 12.39 or a permit for an outdoor music festival under Chapter 5.32, as applicable.

(page 10-11 draft) Winery Uses: Section 3. E.

Is a Temporary Use Permit also required if the number of attendees will exceed 250 persons at a given time? (Section E.3.d, temporary use permit under special events winery uses, pg 10 of draft ordinance)

Table 130.40.400.1 – Wineries Allowed Uses Matrix reads:

Music Festivals & Concerts require a Temporary or Conditional Use Permit according to the El Dorado County Code Title 130 Adopted 12/15/2015 (SCH# 2012052074) Article 4 - Page 81

Chapter 12.39 currently reads:

- **Sec. 12.39.010. - Definitions.**
 - *Live outdoor amplified concert* means any musical outdoor performance in which sound amplification devices are used by one or more live performers.
 - *Sheriff* means the Sheriff of the County.
 -
- **Sec. 12.39.020. - Permit—Required.**
 - **A.** No person shall allow his or her lawfully possessed property to be used for the purpose of allowing live outdoor amplified concerts in the outdoor areas of the County unless a permit therefor has been obtained from the Sheriff.
 - **B.** To the extent allowed by law, permit fees therefor shall be charges by the Sheriff in the amount established by resolution of the Board of Supervisors upon recommendation by the Sheriff.
 - **C.** Exemptions.
 -
 - **2.** This chapter shall not apply where it is reasonably anticipated that no more than 150 persons, whether guests, paid invitees or otherwise, are present at the live outdoor amplified concert.

- 3. Persons possessing a valid permit for an outdoor music festival pursuant to [Chapter 5.32](#) are exempt from the provisions of this chapter.

Chapter 5.32 currently reads:

- **Sec. 5.32.010. - Finding of necessity.**

- The Board of Supervisors finds and declares that it is necessary for the protection of the health and welfare of the general public and the inhabitants of the County that rules and regulations be established for the purpose of regulating outdoor music festivals within the County and that to ensure the public health and safety, proper sanitary, police, health and safety measures be provided to regulate outdoor music festivals.

-

- **Sec. 5.32.020. - Permit—Required.**

- It is unlawful for any person, persons, corporations, organizations, landowner, tenant or lessee to allow, permit, encourage, organize, promote, conduct or advertise any entertainment, game, show, exhibition, activity, amusement, gathering or assembly of persons within the unincorporated area of the County, where there will be presented outdoor live or recorded musical entertainment which said person, persons, corporation, organization, landowner, tenant or lessee believes or has reason to believe will attract 2,000 or more persons, unless a valid County permit is first obtained for the conducting and operating of the activities. A separate permit shall be required for each activity.

Must Live Amplified Outdoor Concerts Meet County Noise Standards (Chapter 130.37)?

Draft ordinance Pg 26 3. Refers to **Live amplified outdoor concerts sponsored by or for the benefit of an organization other than the operator of the ranch marketing area may be allowed with a use permit subject to Subsection D3 ... below.** But Subsection D3 on page 27 refers to Campgrounds, Temporary Campgrounds, and commercial stables. What page provides the reference to Subsection D3 ... below?

Page 27 D. 2 reads in the draft ordinance:

Any special event that is held on a ranch marketing area that has exceeded the twenty-four (24) events allowed by right or via an Administrative Permit in a calendar year, consistent with Subsection D.3 (Special Events Generally) above.

What is Subsection D.3 (Special Events Generally)?

What is required to get an Administrative Permit or some other permit to allow more than the allowed 24 special events?

Advance Notice of Each Special Event

f. **Advance Notice:** (on page 11 draft ordinance)

The winery owner shall notify the Commissioner (assumption is Ag Commissioner) **on a form prescribed by the Commissioner no later than fourteen days in advance of each special event.**

Comment: This form should also record the number of attendees anticipated, including under 150, between 151-250 or even over 2000.

If the special event is a music festival then special advance notice should be given to the local community. "The Board of Supervisors finds and declares that it is necessary for the protection of the health and welfare of the general public and the inhabitants of the County that rules and regulations be established for the purpose of regulating outdoor music festivals within the County and that to ensure the public health and safety, proper sanitary, police, health and safety measures be provided to regulate outdoor music festivals." (Sec. 5.32.010 Sec. 5.32.010. - Finding of necessity.)

Comment: This form should reflect the number of days the event will be held.

Comment: The form should state if there will be outdoor amplified music or voice. The community is entitled to know this information in advance.

Comment: The Designated Local Contact must be in attendance on-site at the event not just available by phone but located elsewhere.

The Designated Local Contact shall respond to the County within 30 minutes and complete any corrective action that is requested by the County in a timely manner.

Question: What prompts the response required to the County by the Designated Local Contact within 30 minutes/under what circumstances does the County contact the Designated Local Contact/what prompts the County to contact them/is it at the same time as a special event is taking place, what is the definition of a timely manner?

Advance Notice of Each Special Event (continued)

The Designated Local Contact shall respond to any complaints from any member of the public within thirty (30) minutes and take corrective action to resolve any reasonable complaint.

Who determines the definition/criteria of reasonable complaint? How long do they have to take corrective action, for example a noise nuisance in the moment?

A log of all complaints and resolution must be submitted to the Commissioner within 7 days after the event by the Designated Local Contact.

How does a member of the public ensure their complaint was logged and submitted to Commissioner within 7 days?

Section 130.37.070 Noise Reduction Measures

Page 5 of draft ordinance Subsection B. reads:

For outdoor concerts and events utilizing amplified sound systems(s), a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit, **except that special event and marketing events that are allowed by right or with an administrative permit consistent with Chapter 130.44 (Ranch Marketing) or 130.40.400 (Wineries).**

Comment: The above proposed change needs to be clarified. The above newly added statement proposal in red is very confusing to the public layperson, and could be confusing as well as to County staff and decision makers. This is an example of how convoluted and messy ordinances can become. All attempts should be made to avoid the need to keep making references throughout different sections of the Winery ordinance.

Section B of Sec 130.37.070 Noise Reduction Measures in the Winery ordinance states: Self-monitoring shall be performed for outdoor concerts and events utilizing amplified sound systems to insure that sound system levels are in compliance with those specified in the conditions of approval based on the acoustic analysis.

Comments/Questions:

This self-monitoring must run continuously. Data should be provided at a point in time, not presented as an average. Thus, any moment in time, as opposed to an average, must be able to be verified by the County with evidence.

What department of the County is responsible for verifying the self-monitoring methodology used and presented to the County as proof/evidence that noise standards are met.

How does the public know what is required of self-monitoring and the acoustic analysis? The sound analysis should be transparent and available to the public.

The County should contract directly with the consulting professional sound specialist and the analysis should be paid for by the property owner or representative. This could hopefully reduce bias in favor of the property owner or representative.

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. In Rural Areas

the exterior noise level standard shall be applied at a point 100' away from the residence.

Conditional Use Permit

Sec. 130.37.070 Noise Reduction Measures B now proposes: **a Temporary or Conditional Use Permit is not required if special events and marketing events are allowed by right.** How does one in the local community or even County staff know what is 'allowed by right'?

Table 130.40.400.1 - Wineries Allowed Uses Matrix states:

Is a Live Amplified Outdoor Concert listed as a Use in the Winery Allowed Uses Matrix (Table 130.40.400.1) and as such require either a Temporary or Conditional Use Permit under Permit Required by Zone.

Questions:

Who is responsible for establishing a temporary or conditional use permit? Is it the property owner?

If a Conditional Use Permit is required, and the property owner does not get the permit, what are the consequences? Is this a violation?

If a property has been operating as a Winery or Ranch Marketing with Special Events they must still acquire a Conditional Use Permit and fulfill are new ordinance requirements. They should be not grandfathered in so that they can be excluded from these new regulations and ordinance requirements.

Questions:

Who is responsible for seeking and then establishing/implementing a temporary or conditional use permit? Is it the property owner or the County?

If a Conditional Use Permit is required, and the property owner does not get the permit, what are the consequences? Is this a violation? What does the County do if multiple violations occur and they still continue to hold special events?

Grandfathering: If a property has been operating already as a Winery or Ranch Marketing with Special Events they must still acquire a Conditional Use Permit and fulfill all new ordinance requirements. They should be not grandfathered in so that they can be excluded from these new regulations and ordinance requirements
Enforcement

Enforcement

J. **Enforcement** (on page 17 draft ordinance on Winery Ordinance and page 32 Ranch Marketing ordinance draft Section 130.44.108 - Enforcement)

1. Any violation of Subsection E.3.e (Special Events) is subject to enforcement under Chapter 9.02

Question: Understanding enforcement is crucial to ensuring that ordinances are respected and followed. How will ordinances for monitored and enforced? What department will operate, for example, in the evening when County offices and staff are closed down at 5pm? Who will be available to monitor and enforce after normal business hours? Who should be contacted?

Sec. 9.02.010. - Declaration of purpose.

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 further finds that a comprehensive code enforcement system requires a variety of administrative remedies for the effective enforcement of violations of the Code.

Sec. 9.02.030. - Administrative enforcement authority.

The Enforcement Official shall have the authority and powers necessary to determine whether an administrative violation of the Code exists and the authority to take appropriate action to gain compliance with the provisions of the Code. The Enforcement Official shall further have 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.

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. 9.16.010

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. - Loud and raucous noises—Definitions.

Loud and raucous noise meaning includes:

- *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.*

Question: what is the role of County Code Enforcement if there is a complaint a community member wishes to make against a Ranch Marketing or Winery property? Should the community member contact Code Enforcement, and/or the Designated Local Contact of the establishment, and/or the Sheriff. Under conditions should each be notified of a complaint?

General Plan and Other Pertinent Policies and Issues

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.

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.

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.*

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)

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

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

- 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.*

Special Provisions. Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a non-compatible zone designation shall require a Conditional Use Permit. The use compatibility determination will be made prior to issuance of a building permit for a winery building.

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.

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. Is General Plan Policy 5.2.1.2 met for adequate quantity and quality of water for all uses? Adequate Access to a large gathering for emergency vehicles such as fire, ambulance, police (General Plan Policy 6.2.3.2)? 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? Can private vehicles adequately evacuate the area (General Plan Policy 6.2.3.2)?

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.

Conclusion

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 a true agricultural commodity property. Ancillary uses are not intended to be the primary use or purpose of an agriculturally zoned property. Revising the Ranch Marketing and Winery Ordinances will help.

Ranch marketing and wineries are listed as Agricultural Support Services. They are not listed as an Agriculture Use under Section 1. Table 130.21.020 "Agricultural, Rural, and Resource Zone Districts Use Matrix". The intent of ag support is just that - to help support the long term survival and viability of true, pure 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 large outdoor events with amplified music and voice and professional disc jockeys. An example of an ag commodity are those listed use types under Agriculture such as crop production, dairy, grazing, orchards and vineyards.

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 are not an agricultural commodity. At best Special Events would be defined as subordinate and 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.

From: LeeAnne Mila
Sent: Thursday, January 19, 2023 3:13 PM
To: BOS-Clerk of the Board
Cc: Shelley Wiley
Subject: FW: Public Comment for 1/17/23 Ranch Marketing and Winery Ordinance Ad Hoc Committee

Hi Kim-

I thought this one had already gotten to you. Could you please add this to public comment for the Ranch Marketing item from Tuesday.

Thanks

From: Sharon Arsenith <sharon70@att.net>
Sent: Monday, January 16, 2023 2:12 PM
To: AG-ELDC AG <ELDCAG@edcgov.us>
Subject: Public Comment for 1/17/23 Ranch Marketing and Winery Ordinance Ad Hoc Committee

Some people who received this message don't often get email from sharon70@att.net. [Learn why this is important](#)

As a 20+ year rural community member with family ties to El Dorado County that date back to the late 1800's, a rural residential property owner, a parent raising three children, and a public service employee I respectfully ask the members of these Committees, County staff and the public to consider the following with regards to the agenda item 1 for file number 23-0109:

- According to the County's own definitions "Live outdoor amplified concerts" means any musical outdoor performance in which sound amplification devices are used by one or more live performers". Therefore it would follow that ANY outdoor amplified music and/or speech whether from a DJ with live amplified speech or music at any special event including facility rentals that include weddings/parties/dinners etc. should be considered "live outdoor amplified concerts" and as such should have to have a Temporary or Conditional Use Permit (see 130.37.070 B).
- Any event with outdoor amplified music or speech should not in any way create a public nuisance as defined by the County. In other words, no amplified music and/or speech should travel across property lines and disturb and interfere with a neighboring property owner's right to public peace and welfare and deny that owner the ability to comfortably enjoy their rural residential property (See 9.16.040 Loud and raucous noise).
- To place an emphasis and a reliance on self-monitoring presents a privilege to the source of the noise nuisance and at the same time limits and puts a burden on the surrounding property owners and further denies and limits their rights. This creates an unfair imbalance.
- Furthermore, infractions that interfere with a property owner's peaceful enjoyment of their property should be enforced by the County swiftly and in a manner that serves to eliminate any and all future instances of nuisance.

Finally, according to section 9.02.010, enforcement of the Code is vital and necessary to the protection of the public's health, safety, and quality of life. Please keep timely enforcement and public transparency in mind during this process.

Respectfully.

Sharon Arsenith