

Exh. B

El Dorado
County General
Plan Targeted
Amendment &
Zoning
Ordinance
Revision

Agricultural Issues
Paper

EDAC Agricultural Work Group

July 19, 2011

Agricultural Issues Executive Summary

1. Introduction

The El Dorado County General Plan is undergoing its five year review. It was reviewed by the EDAC Regulatory Reform Agricultural Work Group. The Plan was examined for issues that have been confusing or difficult to implement. A comprehensive review identified sections requiring clarification to bring various Plan elements into consistency with one another. The associated changes to the Zoning Ordinance have also been reviewed.

2. Agriculture in El Dorado County

Agriculture in El Dorado County is represented by approximately 5,000 acres of irrigated and dry farmed crop land, 233,000 acres of rangeland¹, and another 633,000 of timberland². The county excels in Specialty Crop production, but the scale of the operations remains small family farms when compared to the large commodity agriculture seen in other regions of California. The end result is an agriculture industry that is largely successful due to its on-site marketing of its crops and value-added products, creating an agri-tourism destination to provide economic sustainability. In 2009 travel spending in El Dorado County totaled nearly \$557 million.³

The 2010 Crop Report for El Dorado County estimates that while crop values totaled \$35 million, the total economic impact of the industry is \$360 million. This takes into account the positive effect to the local economy of agriculture-related jobs, visitor spending on food and lodging, and services that support local residents as well as those who visit the area. For every \$1 of raw crop value it is estimated that there is a \$7 benefit to the local economy⁴. The 2010 crop report reflects that Apple Hill accounted for a \$108 million positive impact to the economy and the wine industry contributed \$158 million.

As a result of the on-site sales business model instead of large volume commodity agricultural operations, the Economic Development Element and the Overriding Considerations in the adopted General Plan reflect the importance of encouraging agricultural commercial activities in the Rural Regions. It is with this in mind that we reviewed the General Plan to bring consistent language forward that would encourage these activities and provide a pathway to economic sustainability.

3. General Plan Issues

The review of the agricultural issues within the General Plan centered on those areas that were internally inconsistent, ambiguous, or that mentioned specific zone designations. In the area of agricultural buffers, we recommended incorporating Board interpretations into the policy. We provide specific language in Appendix A where we have addressed the following areas:

- Changing the Camino/Pollock Pines Community Region to a Rural Center
- Allowing Commercial and Industrial uses in the Rural Region
- Encouraging the expansion of Rural Centers and the Community Identification process
- Deleting the requirement for Special Use Permit for Agricultural Support Services
- Deleting specific ag zoning designations from the Open Space and Agriculture policies
- Expanding the Agricultural Districts
- Making agricultural buffers in Community Regions consistent
- Specifying Ranch Marketing uses on Grazing Lands

4. Zoning Ordinance Issues

The review of the agricultural issues within the Zoning Ordinance Revision centered on those areas that were internally inconsistent or did not fully implement certain General Plan objectives. We reviewed the new language for proposed agricultural zones and determined that “Agricultural Support Services” were not clearly defined. We recommended adding a new section identifying those uses that support and are compatible with existing and future agricultural operations. We provide specific language in Appendix B where we addressed the following areas:

- Clarifying “Agricultural Support Services” allowed on or near agricultural operations
- Bring into conformance with the new proposed agricultural zoning: Ag Preserves, Animal Raising & Keeping, Right to Farm, and Wineries
- Animal Raising & Keeping to address educational and personal use
- Ranch Marketing to add a new section addressing activities on Grazing Lands and reserving two sections to address small livestock and horticultural operations
- Right to Farm to more closely align with state law
- Winery Ordinance to clarify recent interpretations of certain language
- Commercial & Industrial/Research & Development – to allow appropriate uses in Rural Regions

5. Zoning Change Review and Property Owner Opt-in

In order to fully implement the proposed zoning changes and to ensure consistency with the General Plan Land Use designations, we recommend the county direct staff to review and analyze the impacts of the zoning changes to existing agricultural uses. Specifically, bringing the Ag Districts’ zoning into conformance with the underlying land use and ensuring that agricultural operations outside the Districts will be able to continue with the same rights and protections they now enjoy will require review. Allowing property owners the opportunity to opt in to the appropriate zone will further protect agriculture in El Dorado County.

6. Agricultural Commission Review

All of the recommendations contained in this summary and in the Appendices have been reviewed by the Agricultural Commission. They expressed support in concept for all of the recommendations except the Animal Raising & Keeping remarks on educational and personal uses as they did not consider this to be within their purview of responsibility. They further expressed the desire to continue to be involved in fine-tuning the new language throughout the Zoning Ordinance Revision process should the Board of Supervisors agree to add the new agricultural zoning designations as well as the new section for Agricultural Support Services to the zoning code.

7. Conclusions & Recommendations

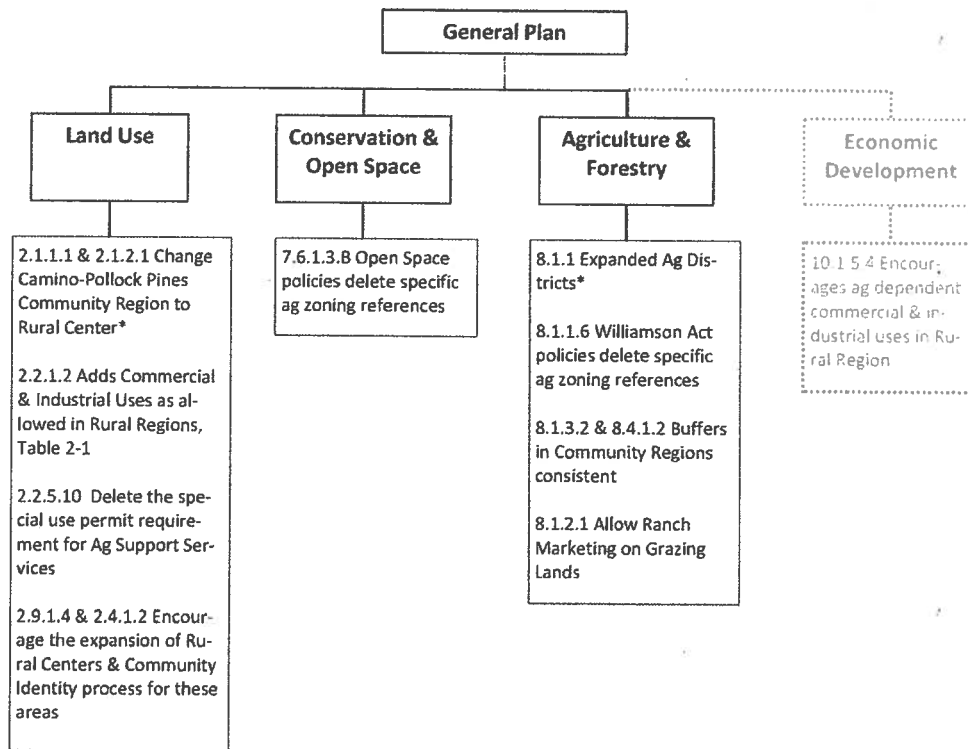
The goal of the Work Group in all of the recommended changes is to strengthen, allow and encourage “agriculture dependent commercial and industrial uses in the Rural Region” as stated in Policy 10.1.5.4 to promote economic viability within the agriculture industry. As one of the legs of the “three-legged stool of sustainability”, economic opportunities are essential in preserving and expanding the industry.

Appendix A. General Plan Issues – Agriculture

El Dorado County Targeted General Plan Amendment

The review of the agricultural issues within the General Plan centered on those areas that were internally inconsistent, ambiguous, or that mentioned specific zone designations. Further, we recommended incorporating Board interpretations into policy. In this appendix we identify specific policy language and their recommended changes, including the justifications therefor. Figure 1 identifies the General Plan areas addressed.

**Figure 1. General Plan Targeted Amendments
Agriculture**



**BOS Resolution of Intent to Amend GP*

1. Land Use Element

1.1 GP Issue – Camino/Pollock Pines – Community Region to Rural Center.

Objective: Land Use objective 2.1.1.1 lists those areas included in areas designated as “Community Regions” and a similar listing is provided in 2.1.2.1 for “Rural Centers”. Camino/Pollock Pines is included as a Community Region and we request re-designation of this area to a Rural Center.

Evaluation Criteria: This matter came to the forefront during discussions of “Mixed Use Development” which allows higher residential densities in Community Regions than Rural Centers (policy 2.1.1.3 and policy 2.1.2.5). A concern existed that increased densities could create incompatibilities adjacent to agricultural operations.

Alternatives: The matter of creating densities where sewers and other infrastructure do not exist also came out during the discussion. Trying to strike a balance between directing economic opportunities to the Camino/Pollock Pines area without directing growth ahead of the infrastructure is a main consideration of this requested change.

Best Alternative and Why: Policy 2.9.1.4 states that Rural Center boundaries may be changed or expanded every five years. With the five year review in process this is a timely change. Recommend that the “minimalist approach” be adopted to re-draw the boundaries to reflect the three communities (Camino, Cedar Grove, and Pollock Pines) within this region, and name them Rural Centers. Additional commercial opportunities and land use changes should be the subject of a separate amendment process.

Final recommendations: On May 19, 2009, the Board of Supervisors adopted a Resolution of Intention to amend the General Plan to re-designate Camino/Pollock Pines from a Community Region to a Rural Center for the three communities. Recommend the GP amendment be focused on re-drawing the boundaries to represent three Rural Centers (Camino, Cedar Grove and Pollock Pines) vs. one Community Region (Camino/Pollock Pines). No new lands are contemplated to be added and no lands are expected to be deleted from the proposed Rural Centers as compared to the existing Community Region. Further recommend staff continue analysis and mapping these changes as scheduled and that the amendment be implemented prior to or no later than the targeted GPA.

Map criteria: Amend policies 2.1.1.1 and 2.1.2.1 to reflect the change from Community Region to Rural Center; change mapping to reflect Rural Center designations for Camino, Cedar Grove, and Pollock Pines and withdraw boundary lines for Camino/Pollock Pines Community Region

1.2 GP Issue – Ag Commercial/Industrial/Tourism/Recreational Uses.

Objective: Allow for the creation of new commercial and/or industrial land within Rural Regions of the County and create consistency within the General Plan. Land Use policy 2.2.1.2 prohibits the creation of new commercial or industrial land use designations in Rural Regions. Economic Development policy 10.1.5.4 encourages expansion of value-added industries and ag-dependent commercial and industrial uses on lands within Rural Regions.

Evaluation Criteria: The requested change is to allow appropriate commercial and industrial uses that support agriculture to occur in the Rural Regions. Limiting heavy and light industrial and commercial uses to Community Regions and Rural Centers would preclude agricultural processing industries to be located in or around the agricultural lands and operations and would limit visitor serving uses in those areas.

Alternatives: The alternative considered would allow industrial use within the Rural Regions. It does not pre-determine that industrial uses within the rural areas are incompatible with agricultural uses. Policy 10.1.5.4.1 states the "Zoning Ordinance shall provide for agriculture dependent commercial and industrial uses on lands within Rural Regions". Agricultural industrial uses that are compatible could include cooperative olive presses, wine processing facilities, timber mills, or rendering plants. By allowing appropriate projects in the Rural Regions, it will serve the agricultural industry in the area and allow the Zoning Ordinance to be consistent with policy 10.1.5.4.1. Furthermore, allowing tasting rooms, eating establishments, and lodging within the Rural Regions will support the visitor serving needs of agri-tourism for nearby agricultural operations.

Best Alternative and Why: Revising policy 2.2.1.2 to delete the limitation on commercial and industrial uses in the Rural Regions would implement this recommendation.

2.2.1.2 **Industrial (I):** The purpose of this land use category is to provide for a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage. Incompatible, non-industrial uses, excluding support services, shall be prohibited. ~~Industrial uses shall be restricted to industrial lands within, or in close proximity to, Community Regions and Rural Centers. Industrial lands in Rural Regions shall be constrained to~~ may have uses which support ~~on-site~~ agriculture, timber resource production, mineral extraction, or other resource utilization. ~~In the Rural Regions, no additional land shall be designated for industrial uses.~~ This designation is considered appropriate within Community Regions, ~~and~~ Rural Centers, and, ~~subject to the limitation described above,~~ Rural Regions.

2.2.1.2 **Commercial (C):** The purpose of this land use category is to provide for a full range of commercial retail, office, and service uses to serve the residents, businesses; and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, ~~and~~ Rural Centers, and Rural Regions.

Final recommendations: Incorporate the new policy language that allows appropriate commercial and industrial uses to support the agricultural industry in the Rural Regions. This revision brings policy 2.2.1.2 into consistency with policy 10.1.5.4 of the General Plan.

Map criteria: None. This policy change allows appropriate commercial and industrial zoning in the Rural Regions on a project-by-project basis. Table 2-4 will need to be reviewed and revised to reflect commercial and industrial zoning as an allowed use within the Rural Residential, Agricultural Land, and Natural Resource land use designations. Table 2-1 should be revised to reflect commercial uses in Rural Regions outside of Platted Lands that are in support of agricultural uses. The Table 2-1 revision also requires striking the footnote to bring the table into consistency with the language.

Policy 2.2.1.1 The matrix contained in Table 2-1 provides for the relationship and consistency between the General Plan planning concept areas and the land use designations.

Land Use Designations	Concept Areas		
	Community Regions	Rural Centers	Rural Regions
Multifamily Residential*	•	•	
High-Density Residential*	•	•	
Medium-Density Residential*	•	•	
Low-Density Residential	•	•	•
Rural Residential			•
Agricultural Lands			•
Natural Resource			•
Commercial*	•	•	•
Research & Development	•	•	
Industrial	•	•	•
Open Space	•	•	•
Public Facilities	•	•	•
Tourist Recreational	•	•	•

* May be applied in Rural Regions to reflect existing development when combined with the Platted Lands (-PL) overlay land use designation.

1.3 GP Issue – Deletion of SUP requirement for Ag Support Services.

Objective: Land Use policy 2.2.5.10 states that it is recognized that agricultural support services will be needed in the Rural Regions within the County. While allowing for establishment of those services the uses will be established “with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.”

Evaluation Criteria: Rural Regions contain agricultural lands with certain permitted uses allowed provided they are “conducted on a site with a bona fide agricultural operation.” Agricultural Support Services and other consistent uses are allowed within the Rural Regions but require a Special Use Permit.

Alternatives: While we support that the Agricultural Commission should review Agricultural Support and other Rural uses that are adjacent to or located on agricultural zoned lands, it is also recognized that not all uses will necessarily be incompatible with agricultural uses. It is recommended that this policy be amended to delete the requirement for a “Special Use Permit” in all cases and allow the level of review to be spelled out in the associated zoning code.

Best Alternative and Why: Specific Agricultural Support services may be located adjacent to or on-site of bona fide agricultural operations. They will vary in intensity and impact to the Rural Regions depending on their nature. By directing the decision making process through the zoning ordinance, the various types of services and uses may be identified with a full range of permitting options, thereby encouraging appropriate uses in these areas. The Agricultural Commission should continue to review all special use permit applications for Ag Support services adjacent to or co-located on agriculturally zoned lands.

Final recommendations: Revise the wording in 2.2.5.10, paragraph 1, as follows:

2.2.5.10 It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services ~~with a special use permit which~~ following Agriculture Department or Agricultural Commission compatibility review, including ~~will require~~ a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Map criteria: None required. With the establishment of the AS zone as recommended in Appendix B, the range of review and permitting levels will be specified and treated on a case by case basis.

1.4 GP Issue – Expansion of Rural Center Boundaries.

Objective: Land Use policy 2.9.1.4 states that Rural Center boundaries may be changed or expanded every five years. Land Use policy 2.1.2.2 states that Rural Centers establish areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure. Land Use policy 2.4.1.2 provides a methodology for Community Identity to be incorporated in the planning process for Rural Centers.

Evaluation Criteria: Rural Centers direct the economic development of the rural areas providing commercial opportunities and higher density residential. Agricultural support services are encouraged in these areas. A review of the existing Rural Centers reveals minimal commercial zoning to which this type of development could be directed.

Alternatives: Rural Centers identified in policy 2.1.2.1 contain limited commercial zoning. All projects developed in these communities would be evaluated against the development standards and existing infrastructure. However, to encourage economic opportunities in these areas, the boundaries should be examined and the commercial lands located within the centers should be analyzed to determine where appropriate expansions to the centers should occur.

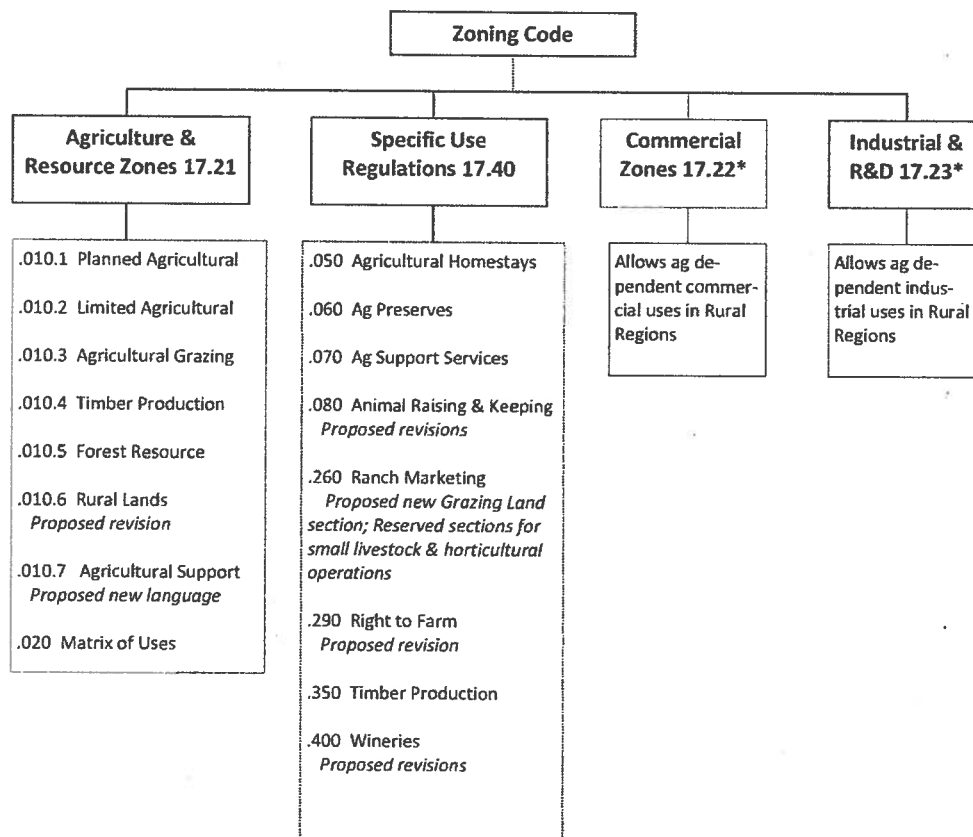
Best Alternative and Why: Specific Rural Center changes will be submitted to county staff and are recommended for consideration as part of this and future General Plan Amendments. For example, one parcel adjacent to the Fair Play Rural Center (APN 094-080-04-100) has been recommended to be removed from the Fair Play/Somerset Agricultural District and would be a suitable parcel for inclusion into the Fair Play Rural Center. The parcel surrounds the County-owned Fair Play Cemetery.

Appendix B. Zoning Ordinance Issues – Agriculture

El Dorado County Zoning Ordinance Revision

The review of the agricultural issues within the Zoning Ordinance Revision centered on those areas that were internally inconsistent or did not fully implement certain General Plan objectives. We reviewed the new language for proposed agricultural zones and determined that “Agricultural Support Services” were not clearly defined and recommended a new zone to identify uses that are compatible with existing and future agricultural operations. Figure 2 identifies the Zoning Ordinance areas reviewed and addresses proposed revisions.

**Figure 2. General Plan Zoning Implementation
Agriculture**



**Some Commercial and Industrial uses are identified in the proposed new language for “Agricultural Support”*

1. Agriculture and Resource Zones

1.1 ZO Issue – Re-zoning of Residential Agriculture to Rural Lands in Rural Regions may eliminate current protections

Objective: A global re-zone of all Residential Agricultural (RA) lands to Rural Lands (RL) may result in unintended consequences for some agricultural operations. RA parcels currently have agricultural buffering and Right to Farm protections. The goal is to protect existing agricultural operations from incompatible encroachments and/or nuisance complaints and to continue existing protections for agricultural operations currently zoned RA.

Evaluation Criteria: RA parcels have agricultural buffering protections requiring 200 foot setbacks for incompatible uses and minimum parcel size requirements for newly created parcels adjacent to such zoning. RA parcels are currently afforded protections through the Right to Farm Ordinance. The proposed RL zone would not have minimum agricultural setbacks, minimum parcel size requirements or the Right to Farm protections. The loss of these protections could negatively impact current agricultural operations.

Alternatives considered:

Alternative #1: Rezone RA zoned lands within Agricultural Districts to newly proposed zone Limited Agricultural (LA), which has the same buffering protections and Right to Farm protections. Property owners of RA zoned land outside of Agricultural Districts should be notified of underlying land use designation and given choice of zoning consistent with GP LUD, including an ag zoning choice. RA zoned parcels above 3000' elevation should be rezoned to Forest Resource (FR) and/or given the choice to remain ag via notification (opt in/opt out).

Alternative #2: Rezone RA zoned lands outside of Agricultural Districts to RL with option to rezone parcels after further analysis during a Phase 2 of the Zoning Update.

Best Alternative and Why: Alternative number one is recommended as it affords property owners due process via notification of pending rezone and possible impacts of the rezone on their property.

Final recommendations: Rezone RA zoned lands within Agricultural Districts to newly proposed zone Limited Agricultural (LA), which has the same buffering protections and Right to Farm protections. Property owners of RA zoned land outside of Agricultural Districts should be notified of underlying land use designation and given choice of zoning consistent with GP LUD, including an ag zoning choice. RA zoned parcels above 3000' elevation should be rezoned to Forest Resource (FR) and/or given the choice to remain ag via notification (opt in/opt out).

Mapping Criteria: Parcels within the Agricultural Districts would not require analysis if rezoned to a compatible zoning. Parcels outside of the Agricultural Districts would require an analysis to determine underlying land use designations and/or elevation.

1.2 ZO Issue – Residential Estate (RE) zoning within Agricultural Districts should be rezoned to an appropriate agricultural zone

Objective: Residential Estate (RE) zoning within Agricultural Districts should be rezoned to an agricultural zoning (proposed Limited Ag) if the underlying land use designation is Agricultural Land (AL), the parcel is of substantial size (minimum 10 acres), the parcel has choice soils, and the surrounding land use is compatible.

One of the reasons for the Zoning Ordinance Update is to create consistencies between the 2004 General Plan and the Zoning Ordinance. Residential zoning is not consistent with the Agricultural Land (AL) land use designation, especially within an Agricultural District. By rezoning RE parcels to an ag zoning based on the criteria mentioned above, the County would be creating consistencies between the GP and Zoning Ordinance.

Evaluation Criteria: Land use designation, parcel size, soil type, existing or potential agricultural operations, existing land use, adjacent land uses, adjacent parcel sizes, and/or adjacent zonings.

Alternatives Considered:

Alternative #1: Rezone RE parcels within Agricultural Districts that meet certain criteria to the proposed Limited Ag (LA) zone which would afford the parcels buffering protections and Right to Farm protections.

Alternative #2: Give property owners with RE zoning within Agricultural Districts the option to change their zoning to the proposed agricultural zoning (LA) if their parcel meets the minimum criteria with a notification (opt in/opt out).

Alternative #3: No change.

Best Alternative and Why: Alternatives one and two require an analysis of RE zoned parcels within the Agricultural Districts. Alternative number two allows the parcel owner the option of rezoning their parcel to a zone compatible/consistent with their underlying land use designation and information regarding the impacts/consequences of rezoning to an agricultural zone. If the parcel meets the minimum criteria for agricultural zoning and has an Agricultural Land (AL) land use designation, a CEQA review should not be necessary as the land use designation was analyzed during the EIR review of the General Plan.

Final recommendations: Allow the rezone of RE zoned parcels within Agricultural Districts, to an agricultural zoning if the parcels have an Agricultural Land (AL) land use designation, have choice soils, a minimum parcel size of 10 acres, and compatible adjacent land uses.

Mapping Criteria: The Evaluation criteria listed above, would be used during a mapping exercise, to analyze RE zoned parcels within Agricultural Districts.

1.3 ZO Issue – Agricultural Support Services not identified

Objective: General Plan 2.2.5.10 (see Appendix A) and Zoning Code 17.40.070 address the need for Agricultural Support Services. It acknowledges that these services may be compatible in agricultural areas and provide commercial activities the opportunity to be located in those areas subject to Agricultural Commission approval. However, the language is ambiguous as to what constitutes these services and causes each potential use to be individually scrutinized under a discretionary process.

Evaluation Criteria: In order to provide certainty for those who may wish to plan commercial projects in agricultural areas, it would be beneficial to provide some clarity as to what constitutes agricultural support services. We recommend that a new section be added to 17.21 “Agricultural and Resource Zones” to accommodate this process of permitting support services in the agricultural areas.

By incorporating these commercial uses within the Agriculture and Resource Zoning section, and by requiring Agricultural Commission review and approval of these uses, we maintain the protection of the agricultural lands while complying with the General Plan Policy that encourages support uses. Providing for a pathway to place compatible businesses within the agricultural areas will enhance economic viability for agriculture.

Recommendations: This new zoning section is intended to provide further clarification about the allowed commercial activities that are compatible with agriculture as agricultural support businesses:

Recommendation #1: Add a new zoning section as follows:

17.21.010.7 Agricultural Support (AS). The AS, Agricultural Support Zone, is intended to encourage and regulate the development of sustainable and economically viable enterprises that support, and are compatible with, agribusinesses within the County. The zone would support commercial activities associated directly with surrounding agricultural activities, including, but not limited to, greenhouses and nurseries (wholesale and retail); sales yards for farm products, implements, supplies, and equipment; auction yards for farm animals or equipment, animal hospitals and veterinarian offices; farm equipment welding and repair; establishments for the commercial off-site storage and/or processing of agricultural products; commercial slaughterhouses; etc. The zone would also allow uses that support agri-tourism in the County, such as lodging, restaurants, campgrounds, and equestrian facilities.

Recommendation #2: Direct staff to review 17.40.070 to revise the language to be consistent with the review permitting requirements included in the Matrix of Permitted Uses. Return during the zoning code revision process with a recommendation for changes, if any, to the Special Findings required by 17.40.070.D as they relate the AS and consider whether 17.40.070 would be beneficial to retain.

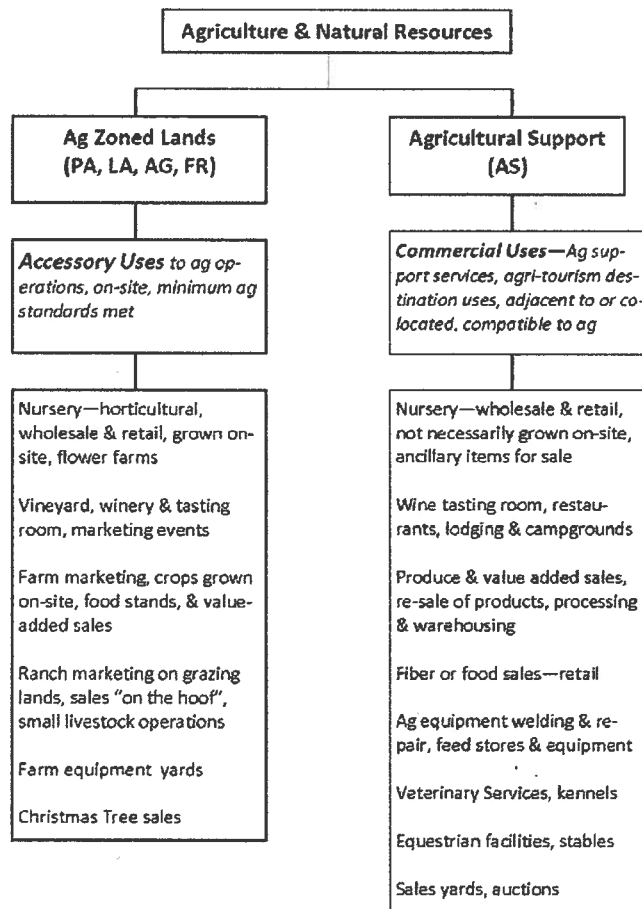
Recommendation #3: Review of other associated zoning sections should be conducted to determine if AS would be an appropriate zone to be added within the permitted use matrices and language (i.e., if the board approves this zoning designation, the Bed & Breakfast zoning code may include AS as an

appropriate zone for lodging). Review sections 17.22 (Commercial) and 17.23 (Industrial and R&D) to ensure consistency between the various matrices and 17.21 (Agriculture and Resource Zones).

Final Recommendation: Add the recommended language and work with the Agricultural Commission and county staff to revise the Matrix of Permitted Uses in 17.21.020 to accommodate the commercial uses identified above. Adopt recommendations 2 and 3 to ensure consistency within the zoning ordinance.

Mapping Criteria: None required as this is not adding new uses, it is merely defining them more clearly. Figure 3 depicts the accessory uses currently allowed on agriculturally zoned land as compared to the commercial uses allowed under "AS, Agricultural Support".

**Figure 3. General Plan Zoning Implementation
Agricultural Support Services**



Consistent with policy 2.4.1.2, the Rural Centers should continue to benefit from the Community Identity process and define their roles in the rural regions to meet the needs of the rural communities. As such, we recommend deleting the restriction in policy 2.9.1.4 that limits these types of amendments to a five year review period. Policy 2.1.2.6 states that Rural Center boundaries may be modified through the General Plan Amendment process. That statement should be sufficient without the time restriction.

Final recommendations: Expand the Rural Centers as identified. Delete the words “every five years” from the language in policy 2.9.1.4. Encourage efforts toward Community Identity to further refine the needs of the rural centers.

Map criteria: Specific mapping changes will be identified on a case by case basis as the need arises

2. Conservation and Open Space Element

2.1 GP Issue – Amend the Open Space Policy to delete Agricultural zoning references.

Objective: Objective 7.6.1 addresses the importance of Open Space and identifies land use management that can, in cooperation, achieve the county’s goal to maintain Open Space lands. In 7.6.1.3.B., specific agricultural Zoning Designations are listed that help meet the Open Space goals. These should be changed to delete references to zoning.

Evaluation Criteria: Policy 7.6.1.3 states that certain agricultural uses are consistent with meeting the Open Space objectives identified in Policy 7.6.1.1. The zoning designations may change with the zoning ordinance revisions and it would simplify, and make consistent, these references without the zoning designations.

Alternatives: Recommend that Policy 7.6.1.3 be changed to delete references to zoning as it will not change the intended meaning and will keep it generic for future zoning updates.

Best Alternative and Why: No other alternatives were identified or explored.

Final recommendations: Change the language as follows:

7.6.1.3.B. The agricultural (~~A~~), Exclusive Agricultural (AE), Planned Agricultural (PA), Select Agricultural (~~SA-10~~), and timber Zone (~~TPZ~~) zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth therein.

Map criteria: No change.

3. Agriculture and Forestry Element

3.1 GP Issue - Agricultural District Expansion.

Objective: 8.1 Conservation of Agricultural Lands – complete Implementation Measure AF-B

Evaluation Criteria: 8.1. Conservation of Agricultural Lands specifically calls out the objectives for conserving Agricultural lands from projects encroaching on existing operations.

Alternative: 8.1.1 Identification of Agricultural Lands specifies the criteria to be applied in identifying lands suitable for agriculture and that qualify for inclusion in Agricultural districts. Implementation Measure AF-B requires periodic review of other suitable lands that can be added to Agricultural Districts. No other alternatives were studied or recommended.

Best Alternative and Why: Recommend the Board of Supervisors accept the review and recommendation of the Agricultural Commission for lands suitable for inclusion in Agricultural Districts. Several public hearings were conducted and notice was provided to affected and adjacent landowners. The recommendations reflect expansion of Ag Districts consistent with the General Plan objectives and community input.

Final recommendations: On January 25, 2011, the Board of Supervisors adopted a Resolution of Intention to amend GP to include new lands in Ag Districts. Recommend the GP amendment continue analysis and mapping changes as scheduled and that the amendment be implemented prior to or no later than the targeted GPA.

Map criteria: Revise Agricultural District boundaries as recommended by the Ag Commission.

3.2 GP Issue – Amend the Williamson Act to delete Agricultural zoning references.

Objective: Goal 8.1 addresses Agricultural Land Conservation. In identifying conservation programs, it specifically addresses the zoning designation that should be assigned to this program.

Evaluation Criteria: In 8.1.1.6 the Williamson Act program is specifically addressed including the zoning that should be applied to Agricultural Preserves under that program. Since zoning designations may change with future revisions it would simplify these references without the zoning designations.

Alternative: Recommend that Policy 8.1.1.6 be changed to delete references to zoning as it will not change the intended meaning and will keep it generic for future zoning updates. No other alternatives were identified or explored.

Final recommendations: Change the language as follows:

- 8.1.1.6. Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall ~~be zoned Exclusive Agriculture (AE)~~ be identified as an Agricultural Preserve.

Map criteria: No change.

3.3 GP Issue – Ag Buffers in Community Regions and Rural Centers.

Objective: Ag & Forestry policy 8.4.1.2 allows a reduction to forest land buffers to a minimum of 50 feet in Community Regions and Rural Centers. Ag & Forestry policy 8.1.3.2 does not include the same language for agricultural setbacks.

Evaluation Criteria: This recommendation includes adding the language from 8.4.1.2 to 8.1.3.2 as follows: “Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.”

Alternatives: The BOS adopted the administrative relief to agricultural setbacks by Resolution 079-2007 on April 27, 2007. The administrative relief to setbacks allows the Agricultural Commission to reduce the 200 foot setback up to 75% (or 50 feet) if certain criteria are met. One of those criteria is if the “subject parcel is located in a Community Region or Rural Center as designated in the General Plan”.

Best Alternative and Why: Add the language from 8.4.1.2 to 8.1.3.2 as follows:

8.1.3.2 Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

Making this revision brings the two buffering policies in line with one another (forest resources and agricultural lands). It eliminates the need for these projects to go before the Agricultural Commission when there are no true impacts to adjacent agricultural lands. All other protections remain intact as approved by the BOS, as recommended by the Agricultural Commission, and as implemented by the Agriculture Department.

Final recommendations: Revise the language of policy 8.1.3.2 to incorporate the language from 8.4.1.2 with respect to minimum setbacks within a Community Region or Rural Center. This revision causes the two policies to be consistent within the General Plan and as reflected in the Administrative Relief language.

Map criteria: None required.

3.4 GP Issue – Enable Ranch Marketing Programs on Livestock Operations.

Objective: The Economic Development Element (Policy 10.1.5.4) and Agriculture & Forestry Element (AF-D and AF-E) encourage agri-tourism activities on productive agriculture lands as incentives for staying in agricultural production while providing another means of revenue for the agriculturist. This recommendation adds Ranch Marketing opportunities on ranch operations.

Evaluation Criteria: Section 8.2.2 encourages the use of Ranch Marketing, or direct farm sales, on agricultural crop lands and sets the criteria for allowing these accessory uses to enhance the income opportunities for agriculturists. Although ranching operations are not specifically excluded from these uses, they are not included either. This recommendation addresses that matter.

Alternatives: Objective 8.1.2 addresses protections for grazing operations, including “incentive based programs to retain such lands as productive grazing units”. We recommend the incentive based programs specifically allow “Ranch Marketing” as an accessory use on grazing lands.

Best Alternative and Why: Recommend the language in 8.1.2.1 be modified as follows to allow Ranch Marketing activities on Grazing Lands.

- 8.1.2.1 The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs, including Ranch Marketing and other visitor serving uses, to retain such lands as productive grazing units.

Final recommendations: Recommend the board adopt the foregoing language to correct the omission of grazing lands as being allowed to have Ranch Marketing accessory uses. Direct staff to include criteria for Ranch Marketing provisions in grazing lands in the applicable zoning code.

Map criteria: Amend the policies as stated above to specifically identify that Grazing Lands may use the Ranch Marketing program as an accessory use.

2. Specific Use Regulations

2.1 ZO Issue – Animal Raising and Keeping

Objective: The proposed language in section 17.40.080, Animal Raising and Keeping, identifies certain agricultural exemptions by zoning. This paragraph needs to be revised to incorporate the proposed new zoning.

Evaluation Criteria: The application of the exemptions for farm animals on agricultural lands in paragraph C is a good one. However, the AE and AP zonings are being eliminated and the LA zone is being added. Therefore the language needs to be changed accordingly. It should be noted that this change in language in recommendation #1 was supported by the Agricultural Commission.

An additional issue not specifically associated with domestic farm animals on agricultural lands is contained in paragraphs D and E. The concern of the agricultural community in this regard is the common practice of farm animal raising and slaughter on residential lands, including personal use and educational projects. Since there are numerous residential zones, many of which can have large enough parcels to accommodate domestic farm animals, recommended language changes are offered for consideration. It should also be noted here that the Agricultural Commission took no position on this change in recommendation #2 as it did not affect agriculturally zoned lands, which is within their purview.

Recommendation #1: Remove and replace specific zoning language to read as follows:

17.40.080.C. **Exemptions:** Lands zoned ~~AE (Agricultural, Exclusive), AP (Agricultural Preserve), PA (Planned Agricultural), LA Limited Agricultural, AG (Agricultural Grazing), and FR (Forest Resource)~~ shall be exempt from the provisions of this Section.

Recommendation #2: Change the wording in paragraph E as follows to allow FFA, 4-H, and personal use on larger residential parcels:

17.40.080.E. The slaughtering of fowl or animals is not permitted on a lot of less than one acre in any residential zone ~~of the residential zones.~~

Final Recommendation: Adopt recommendation #1 to bring language into consistency with recommended new agricultural zones in Section 17.21. Recommend consideration of recommendation #2 to bring language into conformance with subparagraph D or deletion of subparagraph E in its entirety.

Mapping Criteria: None required.

2.2 ZO Issue – Ranch Marketing uses for Livestock and Horticultural Use not stated

Objective: The Ranch Marketing Ordinance is moving forward with the Zoning Ordinance Update as a section in section 17.40.260. For many years we have discussed allowing Ranch Marketing uses to

grazing operations and other horticultural operations. This use is consistent with General Plan policies that encourage programs to ensure the economic sustainability of grazing and growing operations in the county. This implements the proposed General Plan Amendment to Policy 8.1.2 and implementation measures AF-D and AF-E.

Evaluation Criteria: The application of Ranch Marketing ordinance to the new “Ag Grazing” zoning has been reviewed. Although additional analysis is required to specify the standards applicable to small livestock and horticultural operations, we recommend that the Ranch Marketing on grazing lands be included at this time and that “reserved” sections be allocated to the other areas that have been identified but not yet analyzed.

Many counties allow ranch marketing activities on grazing where the public can enjoy being a “cowboy” for a day or enjoy the open spaces of the rangelands. It is important, especially during this economic downturn, that the County not preclude a rancher from diversifying his/her business plan, to bring in additional income. These extra activities may be enough to save a ranching operation while bringing tourists into the County, to enjoy the ranch lifestyle and natural environment, creating another agri-tourism destination.

Recommendation #1: Amend the language in 17.40.260.H.9 to read: “Ranch marketing activities that do not have direct access onto a State highway or County-maintained road and do not participate in a road maintenance agreement, as provided in Paragraph G.2.”

Recommendation #2: Insert the following sections after the Christmas Trees provisions:

17.40.260.I.a. Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal). The provisions of this Subsection apply only to cattle grazing operations and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for events and activities defined in this ordinance and shall be permitted on land zoned Agricultural Grazing (AG) or Planned Agriculture (PA) with 40 acres minimum in production:

1. Food serving facilities.
2. Use of existing permanent structures and/or temporary structures.
3. Fishing, hunting, horseback riding, hiking.
4. Round-ups, rodeos, cattle drives, cowboy academies, etc.
5. Camping.
6. Retail sales in compliance with Subsection F.4.
7. Other uses found compatible with the grazing operation.
8. Special Events as defined in Subsection F.5 and F.7.

17.40.260.I.b. Ranch Marketing Provisions for Small Livestock Operations - reserved

17.40.260.I.c. Ranch Marketing Provisions for Horticultural Operations (i.e., Wholesales Nurseries and Flower Farms) - reserved

Final recommendations: Add the recommended language for grazing land ranch marketing uses. Add “reserved” language for future development of standards to address “Small Livestock Operations” and “Horticultural Operations” (i.e., flower farms and wholesale nurseries). Review the development standards for each of these business sectors and determine if revisions are required at the time they are added to the ordinance.

Mapping Criteria: None required.

2.3 ZO Issue – Right to Farm Ordinance currently protects “agriculturally zoned” parcels

Objective: Parcels located within Agricultural Districts, with Agricultural Lands (AL) land use designations, that have agricultural operations, are not afforded the Right to Farm protections from nuisance complaints, if they have residential zoning. All agricultural operations within Agricultural Districts should be protected regardless of zoning and those lands outside of Agricultural Districts with agricultural zoning or Ag Land Use (AL) designation should also be protected.

Evaluation Criteria: Agricultural Districts contain the majority of the County’s “Choice” Soils. The protection of agricultural operations from nuisance complaints within the County’s Agricultural Districts, independent of the parcel’s zoning, would be consistent with State Law (B&P Code Section 11010). Parcels located within Agricultural Districts should be protected from nuisance complaints as General Plan Policy 2.2.2.2 describes agricultural activities as the principal activity within an Agricultural District and encourages the expansion of agricultural activities and production.

Recommendation: Rewrite the current and proposed definition of “Agricultural Land” within the Right to Farm Ordinance to state the following:

17.40.290.B **Agricultural Land.** Lands which are zoned ~~AE (Exclusive Agriculture), AP (Agricultural Preserve),~~ Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Forest Resource (FR) and Timber Production Zone (TPZ) or lands located within an Agricultural District or parcels with an Agricultural Land General Plan Land Use Designation.

Mapping Criteria: None required.

2.4 ZO Issue – Winery Ordinance

Objective: The Winery Ordinance was developed with specific zoning allowed uses and was tied to parcel size and location within or outside of an Agricultural District. The Ordinance requires review to ensure that the permitted uses in the new zones are consistent with the original uses.

Evaluation Criteria: A comparison of the 17.40.400 Matrix of Permitted Uses must be examined. If the recommendation in ZO Issue 1.2 is adopted (re-zoning RE within the agricultural districts to an agricultural zone) this will need to be modified to reflect that new condition. Since wineries were already permitted in Ag Districts on RE parcels of 10 acres or more, this will not be a major change, but it will need to be reviewed to ensure consistency.

Language in 17.40.400.F.1 requires a winery outside of an Agricultural District when adjoining a noncompatible land use designation to require a Conditional Use Permit for all “subsequent expansion of the facility’s structures or uses” to make an additional compatibility determination. This section needs to clarify if build out of structures already identified in a CUP process should be considered an expansion of the structures or uses.

Recommendations: The Winery ordinance will require consistency review in any case once the new agricultural zoning code language is adopted.

Recommendation #1: To the extent RE parcels may be re-zoned in agricultural districts, this should be reflected in the various code sections and permitted uses matrix.

Recommendation #2: To address those occasions where a winery development would be required to get a second compatibility determination on the same project, we recommend the following change to Section 17.40.400.F.1:

17.40.400.F.1. **Land Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjoining a lot with a noncompatible land use designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility’s structures or uses will require additional compatibility determinations. An Administrative Permit is required when a proposed project does not cause a change in existing uses.

Final Recommendation: Adopt the recommended language and complete the consistency review between the Winery and the Agriculture and Resource Zone sections.

Mapping Criteria: The “Expanded Ag Districts” mapping exercise will require review to ensure consistency with changes to this zoning code to reflect re-zoning RE parcels to LA or PA.

3. Commercial Zones

3.1 ZO Issue – Commercial in Rural Regions

Objective: If the Board of Supervisors agrees to amend the General Plan policy to allow commercial uses in areas other than the platted lands within the rural regions, a consistency review will be required. Further, review zoning code to ensure that there is consistency with the Agriculture and Resource Zone in identifying those uses permitted in the new AS, Agricultural Support services zone, and to make sure that the commercial uses identified in the Matrix of Permitted Uses for Commercial zones is consistent between both sections.

Recommendation: Direct staff to review the Matrix of Permitted Uses table in 17.22.020 for consistency.

Mapping Criteria: None required.

4. Industrial Zones

4.1 ZO Issue – Industrial in Rural Regions

Objective: If the Board of Supervisors agrees to amend the General Plan policy to allow industrial uses in areas other than the platted lands within the rural regions, a consistency review will be required. Further, review zoning code to ensure that there is consistency with the Agriculture and Resource Zone in identifying those uses permitted in the new AS, Agricultural Support services zone, and to make sure that the industrial uses identified in the Matrix of Permitted Uses for Commercial zones is consistent between both sections.

Recommendation: Direct staff to review the Matrix of Permitted Uses table in 17.23.020 for consistency.

Mapping Criteria: None required.

El Dorado County General Plan Amendment & Zoning Ordinance Revision

Resources

- ¹ *El Dorado-Alpine Counties 2010 Agricultural Crop & Livestock Report*. 2010, El Dorado County Department of Agriculture, Juli Jensen, Agricultural Commissioner and Sealer of Weights & Measures, page 1, <http://www.edcgov.us/Ag/>.
- ² *Forest Management: Current Conditions in the Forested Lands of the SACOG Region*. July 2010, SACOG Rural-Urban Connections Strategy, report prepared by TSS Consultants, page 2, <http://www.sacog.org/rucs/pdf/RUCS%20Forest%20Management%20Current%20Conditions%20Report%20Final.pdf>
- ³ *California Travel Impacts by County, 1992-2009*. April 2011, Dean Runyan Associates, page 51, http://www.deanrunyan.com/doc_library/CAImp.pdf.
- ⁴ *U. S. Department of Commerce, Regional Input-Output Modeling System (RIMS) II Multipliers*. Bureau of Economic Analysis released July 2010, California Department of Labor California Economic Strategy Panel 2009, http://www.labor.ca.gov/panel/pdf/Using_Multipliers_to_Measure_Economic_Impacts.pdf.