

**FINAL MINUTES
AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 18, 2019**

The meeting of the Amador County Agricultural Advisory Committee was called to order at 5:30 p.m. in Conference Room C at the County Administration Center, 810 Court Street, Jackson, California, by Chair Allen.

The following members were present:

David Bassett, District 1
Dan Port, District 2 (Vice Chair)
John Allen, Jr., District 4 (Chair)
Dan Dentone, District 5
Eric Mayberry, Agricultural Commissioner
Patty Bautista, Assessor's Office
Earl Curtis, Planning Commissioner

Also in attendance:

Mike Israel, Community Development Director
Chuck Beatty, Planning Department
Mary Ann Manges, Recording Secretary
Krista Ruesel, Planner
Ruslan Bratan, Planner
Simon Jones
Gordon Vicini
Jason Hunter
Kelli Vicini Hunter
Steven White
Molly Taylor

- A. CORRESPONDENCE:** None.
- B. PUBLIC MATTERS AND PERSONS WISHING TO ADDRESS THE COMMITTEE REGARDING NON-AGENDA ITEMS:** None.
- C. APPROVAL OF MINUES:** Minutes of the July 17, 2019 meeting were unanimously approved following a motion by Patti Bautista, seconded by Eric Mayberry.

AGENDA ITEMS

- ITEM 1. Discussion and possible recommendation to the Planning Commission regarding a request by Vicini Family Investments for an interpretation of County Code Section 19.24.036, "AG," Exclusive Agricultural district regulations, regarding whether or not the "AG" district would allow beer production and tasting to be permitted in the same manner as wine production and tasting.**

Chair Allen introduced the item and reviewed the current “AG” regulations with the Committee sharing that the tasting of wine is specifically covered in the “AG” code, but not the tasting of other products. He also shared the history of the winery code stating that in the 70’s when the Shenandoah Valley was getting started, there was political preference for wineries but that craft beers and marijuana have come along displacing wine.

Mr. Beatty explained that wineries and tasting rooms have a special provision in the “AG” and “A” zoning districts, and that there are some wineries with tasting rooms in the “A” zone that do not grow grapes. He added that they can import juice, manufacture onsite, and still have a tasting room. In the “AG” zone, agriculture has to be the primary use of the property to qualify for the Williamson Act contract. He informed that wine making has been extended to include distilled spirits as long as grapes are used; if another Ag product is used, a use permit would be required. He shared that the current request is an interpretation as to whether or not breweries should be considered the same as wineries, or if the ordinance should be changed to give breweries the same by-right uses as wineries. He added that the Committee’s recommendation will go onto the Planning Commission and that if it is ultimately decided that breweries can operate under the same parameters as wineries, then it will be allowed in any Williamson Act property, not just in this situation. He continued that there is nothing in the current ordinance that prevents someone from growing hops and making beer in any of the Ag zones.

Chair Allen shared that there are a lot of criteria for wine tasting and that another item on the agenda related to tourism and if it goes through breweries will be more common. He added that the ordinance will need to be amended to do so. He suggested to look at the wine ordinance and include breweries so that they have the same criteria and requirements. He stated that there are two ways to do this; one is to amend the ordinance to include beer and the other is to do it through a use permit. Mr. Curtis stated that it does not seem that the applicant’s question can be answered without changing the ordinance.

The Committee discussed the fairness of giving breweries the same rights as wineries. Mr. Mayberry asked if the intent is to allow wineries and breweries whether either grapes or hops are grown. Ms. Bautista, Mr. Mayberry, Mr. Curtis, and Chair Allen shared that this is an opportunity to require new wineries and breweries to have to grow something if they are bottling and selling it in order to keep the primary use agricultural. Mr. Curtis added or to have a tasting room. Chair Allen said that would make sense and thought agricultural use ought to be tied to production and tasting. Mr. Mayberry commented that with that kind of a change it would get his support and that language should be explicit.

Mr. Beatty stated that in the “AG” zone, production of wine is not allowed without the Ag use because the Ag use is what qualifies for a Williamson Act contract. The “A” zone doesn’t require Ag use in order to process Ag products. Otherwise, the two zones are very similar. He added that a qualifying Ag use doesn’t have to match the commodity produced. Grazing land in the “AG”/Williamson Act zone would also be allowed to produce, sell, and taste wine without a vineyard.

Chair Allen stated that before a motion is made, the Committee needs to decide if breweries can do everything a winery can do or just be limited to tasting. He shared that beer offers some new opportunities and that marijuana is may be next. He elaborated that if it is decided that breweries can have a tasting room and that they could do everything else that wineries can do such as events, food prep, museums, and gift sales with the tasting room clearly being secondary. He added that there is a way to do that now through a use permit.

Vice Chair Port commented that it depends on how broadly we interpret the general allowed uses and that if we want to interpret it broadly then it seems that there could also be the sale of food products made on the premises without amending the ordinance.

Chair Allen commented we could just add breweries and beer into the winery ordinance so that breweries have the same rights as wineries.

Mr. Mayberry stated that he doesn't interpret a brewery and winery as the same thing.

Chair Allen asked that the intent behind this concept be included so that the Board of Supervisors understands that this change in interpretation or change in the ordinance is not because one person wants to do this, but because breweries and craft beer are an up and coming enterprise and that there is a shift in people's preferences.

Upon a motion by Eric Mayberry, seconded by David Bassett, and carried, the Committee interpreted that a brewery is not a winery and cannot have the same by-right uses as a winery.

AYES: Mayberry, Bassett, Allen, Port, Bautista, Dentone, Curtis

NOES: None

RECUSED: None

ABSENT: Gladen

Upon a motion by David Bassett, seconded by Earl Curtis, and carried, the Committee recommended that the Board of Supervisors consider amending County Code Section 19.24.036, "AG," Exclusive Agricultural district, to allow breweries to have the same by-right uses as wineries with the same conditions, and to include beer wherever it mentions wine.

AYES: Bassett, Curtis, Allen, Port, Bautista, Dentone, Mayberry

NOES: None

RECUSED: None

ABSENT: Gladen

Mr. Beatty explained to the applicants that there are two ways to proceed. He stated that they can take the Ag Committee's interpretation to the Planning Commission and see if the Commission agrees or disagrees. Or, they can withdraw the application and allow the Ag Committee's recommendation to amend the ordinance to make its way through the process.

The applicant shared that they want to do all the things that the wineries can and that they want to grow hops to support the brewery.

Mr. Mayberry said that the only difference is the tasting issue.

Mr. Beatty stated that wineries have tasting rooms so customers can sample their products and that same would apply to breweries.

ITEM 2. Discussion and possible recommendation to the Planning Commission regarding a proposed amendment to County Code Chapter 19.24.036 AG District—Use regulations, by adding Section 19.24.036(I)(13), regarding agritourism operations, to Amador County Zoning Code pertaining to all parcels in the “AG,” Exclusive Agriculture District within the unincorporated County. The amendment proposes specific agritourism uses allowed in the “AG” zoning district with a Use Permit, and other potential agritourism uses as approved by the Planning Commission. The Committee will also discuss modification or removal of the County Code requirement that all dwellings in the “AG” zoning district be occupied by immediate family members or employees of the property owner.

Mr. Beatty introduced the item by stating that Bed and Breakfasts are allowed with a use permit in the “AG” zone, but not broader Homestays serving breakfast, lunch, and dinner and farm tours in addition to a bed and breakfast. He mentioned that the State Health and Safety Code was amended in 1999 which relaxed food service rules for Homestays, which could allow up to 15 people to stay overnight on farms and be served meals other than just breakfast. The local code doesn't recognize lodging with food service on Ag land other than bed and breakfasts.

He continued that there is no language in the Williamson Act which specifies who may or may not occupy dwellings on Williamson Act land and that it is Amador County's code language that restricts occupancy to family members and employees. He shared that recently the Planning Commission and the Board of Supervisors determined that RV parks were not an approved use on land zoned “A,” Agricultural.

He added that there are several goals and strategies in the General Plan aimed at increasing agritourism and that individual farm owners are trying to find ways to add to their operations.

Vice Chair Port asked if this is an effort to clarify or if it is for additional uses.

Mr. Beatty said for both. He added that staff's proposal would require a use permit for specific agritourism uses.

Chair Allen commented that almost every use in the ordinance needs to be secondary to the agricultural use and questioned why it matters who is in the house and to think about commercial uses.

Mr. Mayberry referred to a policy letter sent to Santa Barbara from the Department of Conservation that interpreted this question to where it needs to be incidental to agriculture. He stated that the owner should be expected to be onsite when the guests are onsite and added that according to original Williamson Act rules it had to be a family member or caretaker. He

stressed that parcels in the Williamson Act currently get a huge tax break and asked if this is desired. Without restrictions, it is opening up uses.

Mr. Beatty elaborated that there is no tax break on the house itself.

Mr. Mayberry voiced concern about those who come up for a Homestay experience that might want to complain about the noises and smells. He shared his belief that the Ag Committee is not the place to birth this new ordinance and stated that if it is loosened up too far, our program will no longer be consistent with the state program.

Discussion continued with Mr. Curtis asking if the Homestay Bill has anything to do with what is trying to be done now.

Mr. Beatty shared that the Homestay Bill allows farms to serve meals other than just breakfast. He continued that it does not override local zoning laws or local Williamson Act policies.

Mr. Curtis asked if we change this, would it allow people to do all that is in the Homestay Bill.

Mr. Beatty said that it could, but that the language needs to be consistent with the Homestay Bill.

Mr. Curtis asked if the Homestay Bill has a limited time stay.

Mr. Port asked if it is desired to allow for Homestays where people can stay temporarily on a farm, but not to allow someone to have a rental home on their farm.

Mr. Beatty stated that that is the intent, and that there are some farms that have houses with no one staying in them and that sometimes it is difficult to get a family member or employee in there.

Chair Allen voiced that he believes it is important to get people to come up to stay on farms and ranches so they can educate them about agricultural operations. He added that it would provide additional income to help keep the ranch going and is needed. He continued that it is hard to make money with cows now, and that this needs to be done to keep the ranches open and not let the developers get them. He stressed that this an opportunity for ranchers and for those learning about the County. He added that we also have a housing shortage in the state.

Mr. Mayberry commented that houses in the middle of 40 acres on a farm land is not going to take care of that problem.

Mr. Curtis stated concern that someone can build a house with 5 bedrooms and make money on it.

Mr. Bassett commented that they could restrict it to existing structures now, and prohibit new ones in the future. He added that there are vacant houses as well as houses already being rented out to nonfamily members with very few nonrenewals for noncompliance.

Vice Chair Port recommend that the restriction on dwellings be removed, and have the Planning Commission take care of the agritourism uses.

Mr. Curtis added that he believes it is a positive move to take out the restriction and that other changes should go to another body.

Upon a motion by Vice Chair Port, seconded by Earl Curtis, and carried, the Committee recommended that the Board of Supervisors remove the restriction requiring dwellings in the “AG” zone to be occupied by immediate family members or employees of the property owner zone be removed.

AYES: Port, Curtis, Allen, Bautista, Dentone, Bassett
NOES: Mayberry
RECUSED: None
ABSENT: Gladen

The Committee discussed how a use permit has helped Kirkland Ranch to keep the ranch going. Chair Allen reviewed the list of proposed agritourism uses and asked if there is any opposition to it.

It was discussed that it is better than what is had currently. Chair Allen stated he would like to see Ag education, demonstration farming and demonstration gardens added to the list, and added that it would be case by case basis for other uses with a use permit.

Upon a motion by Vice Chair Port, seconded by Eric Mayberry, and carried, the Committee recommend that this item be forwarded to the Planning Commission and that the Board of Supervisors adopt the proposal as submitted.

AYES: Port, Mayberry, Curtis, Allen, Bautista, Dentone, Bassett
NOES: None
RECUSED: None
ABSENT: Gladen

ITEM 3. Continued discussion and possible recommendation to the Board of Supervisors regarding a proposed ordinance amendment to Amador County Code Section 19.48.060 Private Stables. The proposed ordinance amendment proposes livestock management on parcels less than five acres in size.

Chair Allen introduced the item.

Mr. Israel commented that the County responds to nuisance complaints with regards to livestock on smaller parcels usually in subdivisions such as Lake Camanche Village and Silver Lake Pines with complaints such as smells, flies, dust, runoff, and feathers. He continued that complaints typically do not come from the larger parcels and shared details about the current code and potential changes to it along with current setbacks. He added that the Right to Farm ordinance does not regulate livestock density. He commented that he would like the amendment to be the

least restrictive as possible, and that this policy would be to new operations unless and until they quit the operation or it is deemed a nuisance. He asked if it should be livestock or equivalent and stressed that FFA and 4-H projects would be exempt.

Discussion ensued amongst the Committee regarding the density of animals with Vice Chair Port and Chair Allen voicing that they would like to see the policy for large animals more restrictive at one per acre.

Vice Chair Port asked if the Committee wanted to recommend lowering the numbers of roosters.

Mr. Israel commented that a use permit would be needed to breed roosters above the density in the code.

Mr. Mayberry shared that the County has never told anyone to eliminate some animals and they tell people complaining that they have to deal with it. He stated that this will allow animal control to have a bright line and that it is easier for someone to go out and have a specific number to count.

Vice Chair Port added that instead of dealing with dust and mud, the number would make it simpler.

Mr. Curtis commented that it seems like a setback is more important than how many.

Mr. Mayberry stated that he does not have a problem with it as written, but it needs to be understood that this is not the first step to get rid of cows in the County and added that he sees how this could be politically nonpalatable.

Additional comments from the Committee included that this policy is not to address large farms and that it is really well written. Mr. Dentone wanted assurance that it is not going to affect FFA and Mr. Israel confirmed that it is not, and that this will next go to the Land Use Committee.

Upon a motion by Vice Chair Port, seconded by David Bassett, and carried, the Committee recommended support with the change that the density for large animals be one animal per acre.

AYES: Port, Bassett, Curtis, Allen, Bautista, Dentone, Mayberry

NOES: None

RECUSED: None

ABSENT: Gladen

There being no further business, Chair Allen adjourned the meeting at 7:18 p.m.

John Allen, Jr., Chair

Chuck Beatty, Planning Director