

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

January 23, 2020

MEMBERS PRESENT: Richard Forster, Supervisor District 2
Frank Axe, Supervisor District 4

MEMBERS ABSENT: None

PRESENT: Glenn Spitzer, Deputy County Counsel
Chuck Beatty, Planning Director
Todd Barr, Building Official
Mara Feeney, Foothill Conservancy
Mary Ann Manges, Recording Secretary
Kelli Vicini Hunter
Jason Hunter

Supervisor Axe called the meeting to order at 1:32 p.m.

AGENDA: Approved

CORRESPONDENCE: None

APPROVAL OF MINUTES: November 21, 2019 – Approved as amended

PUBLIC MATTERS NOT ON THE AGENDA: None

ITEM 1: Draft Livestock Ordinance – Environmental Health

Mr. Beatty shared the Staff Report stating that the Board of Supervisors previously approved a Resolution of Intent directing staff to prepare an ordinance to regulating livestock density, subject to review by the Agricultural Advisory Committee. The proposal recommended by the Ag Committee would apply to parcels under 5 acres, and includes the following stocking densities:

1. For large animals (500 lb+) the allowed density would be one acre per animal.
2. For medium size animals (50 - 499 lb) the allowed density is one-quarter acre per animal.
3. For small animals (<50 lb) such as poultry, the allowed density is 0.02 acres per animal.
4. No more than five roosters may be maintained on any parcel less than five acres; these are to be included within the total count of small animals.
5. Total acreage required is the sum of the required acreage for each individual animal.

Supervisor Forster commented that he has a problem with the number of horses allowed on a parcel since many families have more than one horse.

Mr. Beatty shared that parcels exceeding the proposed density will be grandfathered.

Supervisor Axe asked if animals could be kept close to each other or if they have to be spread across the acreage.

Mr. Beatty replied that they could be kept close together as long as the overall density is maintained.

Ms. Feeney, representing the Foothill Conservancy, commented that horses and donkeys do not like to be solo and that the Conservancy has concerns that it is stressful for the animals.

Mr. Beatty shared that the Agricultural Advisory Committee discussed that issue, but ultimately changed the initial draft from ½ acre per large animal to one acre per large animal.

Supervisor Forster stated to move the proposal on to the full Board and that he is not sure what the limit should be for large animals and shared concerned about families who have multiple horses. He also had concern for families participating in FFA and the like.

Mr. Beatty shared that in June, July, and August is when most complaints are received because of the heat and people not using best management practices. He stated that owners can always ask for a use permit if desire more animals on the parcel. He also shared that FFA, 4H projects, and such are exempt.

Supervisor Forster shared to have the full Board look at it, but that he does not like people having to obtain a use permit for more animals.

Supervisor Axe commented that it is pretty straight forward and that he objects to only one acre for large animals and believes they need a companion.

Committee Action: The Committee made a recommendation to send the draft ordinance as is for discussion and possible action to the Board of Supervisors.

Supervisor Forster requested that Ag Committee minutes be included and whether or not the vote was unanimous for when it goes to the Board.

ITEM 2: Update and Adoption of Amador County Code 15.40 Erosion Control Ordinance - Building

Supervisor Axe introduced the item.

Mr. Barr shared that the biggest difference is the change of the enforcement agency from Public Works to the Building Department. Also, deposits for plan review now have been changed to a flat fee.

Supervisor Axe commented that he noticed no dollar signs for the financial section.

Supervisor Forster questioned the number of cubic yards of soil that could be moved before a permit is required.

Mr. Barr shared that there is no exception for erosion control and that the numbers are state law.

Supervisor Forster read a letter received from a well driller who is concerned about paying the erosion control fee.

Mr. Barr stated that well and septic installations that require excavation outside of the well or septic area, such as for a road, is additional excavation but that it does not happen very often.

Supervisor Forster asked that the section be clarified so that they know that unless they move out of their footprint area the fee is the same. He also asked Mr. Spitzer to clarify enforcing of the certification section.

Supervisor Forster questioned some substantial fee increases. Discussion ensued amongst the Committee about details of why the fees were changed. Mr. Barr stated that fees had not been changed for a long time and shared how he calculated the new fees.

Committee Action: The Committee made a recommendation to send the amended draft ordinance to the Board of Supervisors.

ITEM 3: Discussion and possible recommendation to the Board of Supervisors concerning a Resolution of Intention to consider amending the “AG,” Exclusive Agriculture (Williamson Act) zoning district regarding breweries, agritourism, and the use of dwellings - Planning

Supervisor Axe introduced the item.

Breweries:

Mr. Beatty summarized his memo sharing that the Agricultural Advisory Committee reviewed the 3 items at their last meeting. As far as breweries, the Ag Committee reviewed a request for an interpretation of the zoning ordinance as to whether breweries should be treated the same as wineries. Ultimately, the Ag Committee recommended that the “AG,” Exclusive Agriculture (Williamson Act) zoning district be amended so that breweries would have the same by-right privileges as wineries (without a use permit). The Ag Committee did not discuss adding the same privileges for breweries in the “A,” Agricultural or “R1A,” Single-family Residential & Agricultural districts.

Supervisor Forster commented that he agrees with the Ag Committee.

Supervisor Axe shared concern about people drinking more by tasting beer and asked if there can be tasting in the A and AG districts.

Mr. Beatty said wine tasting is permitted by-right in both districts.

Supervisor Axe believes that the intent of the winery ordinance is that the agricultural product used is also grown and asked how beer ingredients are an agricultural product from this region.

Mr. Beatty responded that some wineries do not grow grapes but agreed that the intent of allowing wine production and tasting is to promote agriculture.

Supervisor Axe said that he believes most wineries get their grapes locally.

Supervisor Forster commented that many are obtained out of the county.

Supervisor Axe voiced that he can see brewery tours and tasting, but believes that opening this up to other winery-type uses might be problematic with amplified music until 10PM and events with 125 people. He stated that he does not believe it is the same thing as a winery.

Supervisor Forster commented that he does not see it being any more of a problem and is in favor of the Ag Committee's recommendation. He shared an example about Amador Brewery within the City of Plymouth having events with 125+ people, selling beer and retail items, and having picnic areas. He voiced that this should be moved on to the full Board for discussion.

Ms. Feeny shared that the wine product is made up of 100% grapes and that beer is made up various ingredients with the amount of hops used being very small. She commented that she believes that comparing it to beer is ridiculous and that we should promote agriculture. She suggested that this be done with a conditional use permit.

Supervisor Forster shared that he believes that wineries will like the additional people coming to the County since not every household likes wine.

Supervisor Axe said that it should be limited in some way and that they should at least grow their own hops and that the purpose of this is to encourage local agriculture.

Mr. Beatty stated that it was the Ag Committee's position to encourage more products to be made from crops grown in the County.

Supervisor Axe asked if growing hops could be a condition of having a tasting room.

Mr. Beatty shared that it could, but that distinction is not made with grapes or other crops.

Supervisor Forster shared that he would not make it a condition to grow hops and that he would send it onto the Planning Commission to work out the details.

Mr. Beatty shared that the Ag Committee's recommendation applied only to the "AG," Exclusive Agriculture (Williamson Act) district; they did not discuss whether or not it should be in the non-Williamson Act "A," Agriculture zone. He added that in "AG," the parcels are 40 acres or more and have ongoing agricultural uses to maintain the qualifications to be in the Williamson Act.

Ms. Feeny stated that the definition of agriculture is very vague.

Supervisor Axe voiced concern about the amount of water needed for beer production.

Supervisor Forster recommend that the Board and Planning Commission look at some examples from counties which have breweries popping up.

Supervisor Axe added that he would like the Planning Commission to consider water use when discussing breweries.

The applicants, Jason and Kelli Hunter, shared that the first thing they are doing is planting a hop farm that is just under 5 acres to see what grows in their soil and climate.

Supervisor Forster asked if 5 acres would be enough, and if they are going to have a microbrewery.

Mr. Hunter responded 5 acres would be enough for a microbrewery that produces around 7-10 barrels. They plan to locate the brewery and tasting room near the hops, and provide to educate the public.

Ms. Feeny asked if they are going to have a restaurant.

Mr. Hunter replied they were not, though they might have food trucks.

Committee Action: The Committee made a recommendation to send the discussion regarding breweries onto the Planning Commission.

Agritourism:

Mr. Beatty began that the Ag Committee recommended that the “AG,” Exclusive Agriculture (Williamson Act) district be amended to add a variety of agritourism land uses which would all be subject to a use permit.

Supervisor Forster asked if the Ag Committee was unanimous on this.

Mr. Beatty shared that he believed that they were.

Supervisor Forster asked if all the listed uses would have a use permit.

Mr. Beatty replied that they would.

Supervisor Forster said that would help to have control over it.

Details about use permits were discussed by the Committee where it was shared that use permits run with the land, can have sunset and renewal dates, and can be withdrawn or modified if there are too many complaints or violations of permit conditions.

Use of dwellings:

Mr. Beatty shared that County code allows one dwelling for each 40 acres in a Williamson Act contract as long as the dwellings are occupied by immediate family members or employees of the landowner. He added that this language is not in the state Williamson Act legislation itself. He stated that there are fewer people’s children, family members, and employees wanting to live on family farms, leaving farm owners with few options for unoccupied houses. He commented that for the most part they do not want to turn them into full-time rentals or short-term vacation rentals. He shared that they see more value with an agritourism type component where guests can stay for few days or a weekend and participate in educational opportunities regarding farm operations. He explained that a letter from the Department of Conservation is clear on not using dwellings as short term vacation rentals without an “ag-stay” component, particularly primary residences.

Supervisor Axe commented that he can see bringing people here for bird watching, hiking, and the like. He added that it could be marketed like that because it is clear in the Department of Conservation letter that it could be a problem down the line.

Supervisor Forster asked to clarify what constitutes a principle residence as a vacation rental.

Mr. Beatty explained that the Department of Conservation letter cautions against use of a farm's main dwelling as a short-term or long-term rental when the owner is absent.

Supervisor Forster asked if the Ag Committee's vote was unanimous because he knows there were members that had concerns, and asked if Ag Committee Chair John Allen recused himself because he represents a farm owner wishing to pursue agritourism use of multiple dwellings.

Mr. Beatty shared that Chair Allen recused himself when the Ag Committee discussed his client's proposal last fall, but was present when the Ag Committee discussed the ordinance amendment in general terms.

Supervisor Forster asked if he participated in the conversation.

Mr. Beatty said that he did participate.

Supervisor Forster shared that Ms. Emily Taylor wants to turn some of the homes on her property into short term rentals or weekend vacation rentals. He said that the letter seems to say that this is discouraged if the rentals are going to be long term rentals or done large scale throughout the year.

Mr. Beatty stated that the Department of Conservation wants the primary focus of Williamson Act land to be agricultural use, so houses need to be used in a way that furthers the agricultural use of the property. He added that short term rentals are not inconsistent with the Williamson Act as long as they are not the primary use of the property and the rental is related to agritourism.

Supervisor Axe commented that it seems very clear that if rented all the time that it would be a problem.

Supervisor Forster stated that it sounds like they want to be in the loop of any projects and he agrees with them.

Supervisor Axe shared concern about the state's new legislation for accessory dwelling units and people turning them into rentals on Williamson Act land.

Supervisor Forster commented that he can see this being abused very easily.

Mr. Beatty shared that perhaps a use permit could be required for Williamson Act properties to use the secondary dwellings for non-family or non-employee occupancy.

Supervisor Forster said he would like to see something like that so there is more control over it because he has concern for neighbors that have agricultural operations.

Ms. Feeny said she can see this expanding to airstream units.

Mr. Beatty said it would be a breach of contract for Williamson Act properties to allow camping without a use permit.

Supervisor Forster encouraged the Planning Commission to put a little teeth into this with conditional use permits.

Supervisor Axe added that frequency could be at maybe once a month or during bird season.

Supervisor Forster agreed to send this on to Planning Commission, but with a conditional use permit.

Committee Action: The Committee made a recommendation to send the discussion onto the Planning Commission.

The meeting adjourned at 2:39 p.m.