



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DEPARTMENT**

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**MEMORANDUM**

**TO: Board of Supervisors**  
**FROM: Chuck Beatty, Planning Director**  
**DATE: March 17, 2020**  
**RE: Land Use Committee and Agricultural Advisory Committee recommendations to the Board of Supervisors**

The Agricultural Advisory Committee, during their regular meeting of December 18, 2019, recommended that the Board of Supervisors consider amending the "AG," Exclusive Agriculture (Williamson Act) zoning district to accommodate additional activities related to breweries, agritourism, and the occupancy of secondary dwellings. The Land Use Committee reviewed the Ag Committee's suggestions on January 17, 2020 and recommended that the Board of Supervisors adopt a Resolution of Intention to amend the County Code relative to these issues and direct staff and the Planning Commission to prepare draft amendments for the Board to consider.

Breweries

The Ag Committee reviewed a request for an interpretation of the zoning ordinance as to whether or not breweries should have the same by-right supplemental uses as wineries. Currently, breweries are considered an agricultural use per the language in County Code §19.24.036.G.15 which includes "processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use." However, wineries are specifically allowed the following by-right uses without a Use Permit:

- a. Wine tasting,
- b. Winery tours,
- c. Wholesale and retail sales of wine and grape products,
- d. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,
- e. Picnic area(s) for winery-related activities,
- f. Art galleries with sales and framing,
- g. A food preparation facility for catering on-premises indoor or outdoor functions,
- h. Agricultural-related museums,
- i. Gift display not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or prepackaged foods,
- j. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month,
- k. Indoor or outdoor amplified music until ten p.m.

The Ag Committee's recommendation would add "beer," "brewery/breweries," and "hops" to all references of wine, winery/wineries, and grapes in the "AG," Exclusive Agriculture zoning district.

## Agritourism

The Ag Committee's second recommendation concerns the addition of "agritourism" uses to the Exclusive Agriculture zoning district, subject to a Use Permit. The Ag Committee recommended adding the following to the list of conditional uses:

"Agritourism operations including but not limited to the following uses if found to be consistent with "agritourism" as defined in this title, and secondary to an existing agricultural use of the property and found to be a compatible accessory use under the principles of compatibility as determined by the Agriculture Advisory Committee:

1. Hayrides, wagon rides, pony rides;
2. Farm stays/Homestays and guest ranches;
3. Farm or barn tours;
4. Harvest your own and "you-pick" operations;
5. Farmers' markets, produce stands, agricultural product tasting facilities
6. Arena events, roping, horse shows, rodeos, herding competitions;
7. Agricultural education opportunities;
8. Demonstration farms and gardens;
9. Other agritourism uses as determined by the Planning Commission.

In any use permit application submitted for an agritourism operation or use, applicant must submit the following information as well as any other information required by the Planning Department:

1. Duration and frequency of the agritourism activity, or seasonality;
2. Impacts to traffic, commercial encroachments, and roadways (public or private);
3. Parking accommodations;
4. Signage and advertising;
5. Farmland classification as determined by CA Department of Conservation;
6. Maximum number of guests at one time.

Public notice of such application shall be given in the manner described in Chapter 19.56 of this code, Use Permits."

## Use of Secondary Dwellings

The Ag Committee also recommended that the occupancy restriction for secondary dwellings on Williamson Act parcels be modified. Presently, contracted lands are permitted to have one dwelling per 40 acres and "shall be directly used for the furtherance of the agricultural use of said property; and shall be limited to immediate members of the owner's family and his employees."

The Committee recommends modification to allow secondary homes to be occupied as farm stays/homestays related to agritourism use and secondary to a primary agricultural use. As homes become vacant due to fewer family members and employees opting to live on active farms, owners are looking for options to keep these homes occupied and increase the profitability of their land within the agricultural use limitations of the Williamson Act. Guidance from the Department of Conservation concerning use and rental of homes on contracted is attached.

**Suggested Committee Action:** Recommend that the Board of Supervisors adopt a Resolution of Intention to consider amending the Exclusive Agriculture zoning district per the Agricultural Advisory Committee's recommendations.

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**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION OF INTENTION TO AMEND TITLE 19 )  
(ZONING) OF THE AMADOR COUNTY CODE TO CONSIDER )  
ADOPTING REGULATIONS PERTAINING TO BREWERY ) RESOLUTION NO.  
TASTING ROOMS, ARGITOURISM, and USE OF SECONDARY )  
DWELLINGS IN THE “AG,” EXCLUSIVE AGRICULTURE )  
ZONING DISTRICT.

WHEREAS, the Amador County Board of Supervisors adopted the 2016 General Plan Update on October 4, 2016; and

WHEREAS, said General Plan includes the following policies promoting agricultural and agritourism:

Policy LU-1.3: Encourage development patterns which... protect agricultural land and natural resources;  
Policy LU-1.5: Encourage the continued viability of agricultural production in the County’s agricultural areas;  
Policy E-7.3: Encourage agri-tourism which provides an additional source of income to farmers and ranchers;  
Policy E-8.2: On lands under Williamson Act contracts, provide for and support value-added agricultural activities designed to provide an additional source of farming income while maintaining the land for viable agricultural production, in accordance with state law;  
Policy E-8.3: Provide for and support value-added agricultural activities designed to provide an additional source of farming income while maintaining the land for viable agricultural production;  
Policy E-8.4: Promote development of support businesses associated with agri-tourism; and

WHEREAS, there are approximately 200,000 acres of agricultural land in Amador County, 85,000 of which are enrolled in California Land Conservation Act (Williamson Act) contracts;

WHEREAS, the Agricultural Advisory Committee, on December 18, 2019, recommended that the Board of Supervisors consider amendments to County Code Title 19 (Zoning) to accommodate brewery tasting rooms, agritourism, and alternate uses of second dwellings on lands included in Williamson Act contracts; and

WHEREAS, County Code Section 19.68.020 requires amendments to Title 19 (Zoning) to be initiated by citizen petition or a Resolution of Intent adopted by the Planning Commission or Board of Supervisors.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Supervisors of the County of Amador, State of California, does hereby adopt a Resolution of Intention to direct staff and the Planning Commission to begin proceedings necessary to amend County Code Chapter 19.24.036, AG district - Use Regulations, to establish regulations for brewery tasting rooms, agritourism, and alternate uses of secondary dwellings on lands included in Williamson Act contracts.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24th day of March, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

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CHAIR, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

By \_\_\_\_\_

(RESOLUTION NO. 20-XXX)

(03/24/20)

## 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.



**DRAFT 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.

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John Allen, Jr., Chair

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Chuck Beatty, Planning Director





State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
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Edmund G. Brown Jr., *Governor*  
John M. Lowrie, *Assistant Director*

November 18, 2015

**VIA EMAIL: GRUSSELL@CO.SANTA-BARBARA.CA.US**

Mr. Glenn S. Russell, PhD., RPA  
Director, Planning and Development  
President California County Planning Directors Association  
County of Santa Barbara  
123 Anapamu Street  
Santa Barbara, CA 93101-2030

Dear Mr. Russell:

**SHORT TERM "VACATION RENTALS" AS COMPATIBLE USE ON WILLIAMSON ACT  
CONTRACTED LAND**

Santa Barbara County (County) has asked the Department of Conservation (Department) to comment on the issue of vacation rentals as a "compatible use" on land restricted under Williamson Act contracts. Specifically the request is in regard to renting of the main dwelling on an agricultural property. The Department offers the following discussion on compatible use as it relates to the Williamson Act.

In recent years there have been expanding opportunities for farmers and ranchers to utilize their land for adjunct non-agricultural commercial uses, as a means of broadening their income base. These uses are typically in addition to their agricultural and open-space uses. While some of these opportunities may be compatible with agricultural and open space use of the land, many proposed uses have the potential to displace or impair the property's agricultural productivity or open space character. The County's concern with short term vacation rentals is an example of one of the recent issues regarding compatible uses on Williamson Act contracted lands.

In summary, a use is compatible with a Williamson Act contract only if it does not compromise, displace or impair the agricultural use of the land or otherwise interfere with the land's devotion to agricultural use. However, the Williamson Act affords cities, counties and landowners latitude in determining whether a use is compatible with Williamson Act contracted land. Consequently, determining compatibility is a highly fact-specific analysis that encompasses a variety of factors.

Government Code § 51242 enables local governments to enter into Williamson Act contracts on land that is devoted to agricultural use and located in an area designated as an agricultural preserve. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual agricultural and/or open space use, as opposed to potential market value. Because the Williamson Act provides a preferential tax assessment on contracted land in exchange for limiting the land to agricultural uses, any use other than the agricultural or open space use for which the property was placed under contract must be found to be compatible.

Typically, compatible uses are divided between activities that are clearly related to agricultural operations (such as vineyards or animal grazing), and those that require a special use permit (such

as permanent roadside stands or wine tasting venues). The latter examples promote the sale of agricultural products produced on-site (such as wine and cheese), and are commonly termed 'agritourism'. The potential of an educational opportunity for consumers regarding where their food and fiber comes from may exist if agritourism uses are executed with sensitivity.

The Department supports the activities of an agribusiness venture on land under a Williamson Act contract as long as the marketing events support and promote the agriculture commodity being grown on the premises. Once events begin to overtake the main venture, or feature products not produced on the property, they no longer reflect the agricultural intent of the Williamson Act and become incompatible with the statute.

The level of discretion that counties have in regard to agritourism on Williamson Act enrolled land has not been settled and remains open to interpretation. The Department takes a conservative approach, recommending partial nonrenewal for land that would house the infrastructure hosting large events or those where questions regarding the source of the items for sale could occur. This would distinguish that the tax benefits to the landowner for the production of food or fiber, and the conservation of agricultural land, are not extended to uses that could occur in nonagricultural settings.

In regard to the exclusive use of a principle residence as a "vacation rental," the Department's interpretation of compatible use is reflected in Santa Barbara County's Uniform Rules for Agricultural Preserves and Farmland Security Zones, where it states:

#### Uniform Rule 2: Compatible Uses within Agricultural Preserves

Land enrolled in the Agricultural Preserve Program is to be used principally for commercial agricultural production, with the exception of land enrolled for open space or recreational purposes. However, the Board recognizes that it may be appropriate to allow secondary uses on contracted land that are either incidental to, or supportive of, the agricultural operation on the property. This Rule provides guidance and criteria for evaluating these uses on land under Williamson Act and Farmland Security Zone contracts in terms of their compatibility and consistency with the purpose and intent of the Williamson Act. It is the goal of this County that, through application of the principles of compatibility in the Act, compatible uses allowed on contracted land will be beneficial to and inherently related to the agricultural use of the land.

In 1999 the Legislature spoke to the limitations upon compatible uses. In un-codified language adopted in Chapter 1018 of the statutes of 1999, the Legislature declared: "The latitude provided by the Williamson Act to participating local governments is not, and has never been, so great as to make uses that are not inherently related to, or beneficial to, the agricultural or open-space character of contracted land permissible under the compatible use provisions of the Williamson Act."

#### Department Recommendations and Conclusions

The Department recommends that any short term vacation rentals of the principle residence be limited in scope, and be allowable only if the landowner is on site to manage the agricultural

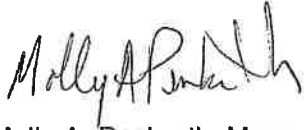
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operations. Short term rentals, with examples such as Airbnb<sup>1</sup> or VRBO<sup>2</sup>, take on a number of forms, including partial and full house rentals. A limited use arrangement would be analogous to a bed and breakfast, with the renter having a specified footprint within the house. The overall number of days that the rental can occur should be restricted so as to ensure it remains incidental to the agricultural uses on the property.

The Department cautions that if the primary residence is rented for most or all of the year, the connection between its use and the agricultural operation is lessened to the point that a determination of compatibility is highly unlikely. Although the landowner could file for nonrenewal or partial cancellation for the portion of the property where the residence is located, that outcome may open the door for landowners to request additional conditional uses that future diverge from the surrounding agricultural operation. For this reason, the Department recommends that any allowance for vacation rental of the primary residence remain limited in scope and duration.

Thank you for giving us the opportunity to comment on compatible use as it relates to the Williamson Act. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Molly A. Penberth, Manager  
Division of Land Resource Protection  
Conservation Support Unit

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<sup>1</sup> [www.airbnb.com](http://www.airbnb.com)

<sup>2</sup> <http://www.vrbo.com/>

