

## Draft Ranch Marketing Ordinance May 26, 2009

- A. Purpose
- B. Applicability
  - 1. Zoning
  - 2. Minimum Lot Size
  - 3. Minimum Crop Area
  - 4. Concurrency
  - 5. Maximum Ranch Marketing Area
- C. Exceptions
  - 1. Williamson Act Contract
  - 2. Produce Sales
  - 3. Winery Ordinance
  - 4. Indirect Sales
- D. Ranch Marketing Provisions, allowed by right
  - 1. Food Facilities
  - 2. Handicraft sales
  - 3. Picnic areas
  - 4. Retail Sales
  - 5. Promotional/Marketing Events
  - 6. Special Events
- E. Ranch Marketing Provisions permitted by Conditional Use Permits.
  - 1. Food Facilities
  - 2. Alcoholic Beverage Sales (other than under Type 2 ABC license)
  - 3. Catering
  - 4. Special Events
  - 5. Visitor Serving Uses
  - 6. Promotional/Marketing Events
  - 7. Retail Sales
- F. Development Standards
  - 1. General Requirements
  - 2. Parking
  - 3. Access
  - 4. Signs
  - 5. Setbacks
- G. Conditional Use Permit
- H. Non-conforming Ranch Marketing Uses
- I. Administrative Permit

A. **Purpose.** The purpose of this section is to provide for the orderly development of ranch marketing activities and accessory uses, within agricultural zone districts; to encourage the economic development of the El Dorado County agricultural and tourism industries; to provide for the sales of value added products while protecting the agricultural character and long-term production of agricultural lands; and provide for compatibility with adjacent land uses.

B. **Applicability:** Ranch Marketing provisions shall apply to lots that meet the

following requirements:

B.1. **Zoning.** All lots shall be zoned either:

Exclusive Agricultural (AE);  
Agricultural Preserve (AP);  
Planned Agricultural (PA); or  
Select Agriculture (SA-10).

B.2. **Minimum lot size.** All lots shall contain a minimum of 10 gross acres.

B.3. **Minimum Crop Area.** All lots shall have the following minimum crop area:

B.3.a. Five acres of permanent agricultural crop in production or 10 acres of annual crop in production.

B.3.b. The Minimum Crop Area shall be verified prior to any of the uses identified in Sections D and E.

B.3.c. The Minimum Crop Area shall be properly maintained and cared for to produce a commercial crop as determined by the El Dorado County Agricultural Commissioner. Failure to maintain crops will void the Ranch Marketing uses of this section.

B.4. **Concurrency.** All of the uses identified in Sections D and E shall be conducted concurrently with the direct onsite sale of agricultural products and/or byproducts grown onsite, unless otherwise noted. Off site products or byproducts may be sold if they are the same products grown onsite, all other requirements of this section are met, and the offsite products and/or byproducts are produced in El Dorado County.

B.5. **Maximum Ranch Marketing area.** The total Ranch Marketing area cannot occupy more than five acres or 50 percent of the lot, whichever is less. The "Ranch Marketing Area" shall include all uses in Sections D and E; permanent parking spaces (F.2.a); and portions of the on-site access road (F.3) that serve only the Ranch Marketing facility.

C: **Exceptions:**

C.1. **Williamson Act Contract.** Lots under active Agricultural Preserve Contracts pursuant to the Land Conservation Act of 1965 require a Conditional Use Permit (CUP) for any Ranch Marketing activities in Section D that are deemed to be non-compatible under the terms of the Contract as determined by the County Board of Supervisors.

C.2. **Produce Sales.** These provisions do not apply to "Produce Sales" as defined elsewhere in this code for the direct sale of products grown on the lot.

- C.3. **Winery Ordinance.** The provisions of the Ranch Marketing ordinance are separate from and not additive or cumulative with the provisions of the Winery Ordinance.
- C.4. **Indirect Sales:** The provisions of the Ranch Marketing ordinance do not prohibit sales by mail, telephone, or internet where the customers do not visit the property to purchase goods. These Indirect Sales do not qualify as “concurrency” pursuant to Section B.4.
- D. **Ranch Marketing Provisions, allowed by right.** The following uses are allowed by right, subject to the pre-requisites in Section B and the exceptions in Section C:
- D.1. **Food Facilities:** Food facilities are subject to the following standards:
- D.1.a Food facilities and sale of food products must comply with the California Health and Safety Code, subject to approval from the County Environmental Management Department as a Commercial Kitchen.
- D.1.b. The food facility shall emphasize the preparation of food products from agricultural products grown onsite or in El Dorado County. The Agricultural Commissioner may also allow offsite products to be used under an official request for disaster declaration.
- D.1.c. Indoor seating for Food Facilities is limited to a total of 1,000 square feet of area used for seating. Food Facilities with indoor seating over 1,000 square feet require approval of a Conditional Use permit. See E.1
- D.1.d. Alcoholic Beverage sales consistent with the provisions of a Type 2 Winegrower license from the State Department of Alcoholic Beverage Control (ABC).
- D.2. **Handicraft sales.** Handicraft sales are subject to the following standards:
- D.2.a. Handicrafts shall be products that are made domestically by hand or with hand tools, normally sold by the person who made them, and do not include items that are mass produced by others.
- D.2.b. Agricultural production is the primary use or function of the property. The Agricultural Commissioner shall review the proposed sales area to determine that the level of handicraft sales is proportional to the agricultural production of the site.
- D.2.c. The area used for handicraft vendors is limited to a maximum of:
- i. 2,000 square feet for lots under 20 acres.
  - ii. 4,000 square feet for lots with a minimum of 20 acres.
- D.2.d. Vendors shall have a current business license from El Dorado County.

D.2.e. Vendors may use the site for overnight RV camping during the time the vendor occupies the site, subject to applicable health and safety standards as may be required by state and county regulations.

~~D.3. **Picnic areas.** Picnic areas set aside for customers and guests during daylight only. Picnic areas may have related and accessory uses such as picnic tables, temporary shade structures, restrooms, water faucets, and garbage containers.~~ **Ranch Marketing Activities and Accessory Uses.** Ranch Marketing Activities and Accessory Uses are those uses such as, picnic areas, public tours, hay mazes, pony rides, tractor rides, that support the family oriented activities of Ranch Marketing. All activities are limited to daylight hours for public use. Outdoor music is required to meet County noise standards.

D.4. **Retail sales.** Retail display and sales area, not associated with produce sales, Handicrafts, or Food Facilities, are limited to a maximum of 500 square feet of interior floor space.

~~D.5. **Promotional/Marketing Events.** Marketing Events promoting the agricultural operation on the lot at which the event is held are allowed subject to the following limitations:~~

~~D.5.a. The event is sponsored by the property owner, an association of agricultural property owners, or similar non profit organizations formed to assist the agricultural industry in the area;~~

~~D.5.b. The event shall not exceed three consecutive days, and~~

~~D.5.c. Events shall not exceed 250 persons at one time with the number of events not to exceed the following event days per calendar year:~~

~~—— i. —— 12 per year for lots less than 20 acres;~~

~~—— ii. —— 24 per year for lots 20 acres or more~~

~~D.5.d. Nothing in this section shall be construed to go beyond the day to day sales of agricultural products and by products.~~

~~D.5.e. Off season activities where no agricultural products or by products are sold are considered to be Special Events.~~

~~D.5.f. Outdoor amplified music requires a CUP pursuant to section E.6.~~

~~D.6. **Special Events.** Special Events are events where the site is being used for commercial or social purposes such as fund raisers, weddings, company picnics, birthdays, or reunions. The property owner is often compensated for use of the site and the events are generally private, except for fund raising activities which may be open to the public and site use fees may be waived or donated. Special events provisions are as follows:~~

~~D.6.a. 50 persons or more attend at one time.~~

~~D.6.b. Special Events do not have to be held concurrent with the sale of onsite/offsite produced products or byproducts as required in B.4.~~

~~D.6.c. These events are limited to 250 persons at one time with the number of events not to exceed the following limits:~~

- ~~\_\_\_\_\_ i. \_\_\_\_\_ 6 per year for lots less than 20 acres.~~
- ~~\_\_\_\_\_ ii. \_\_\_\_\_ 12 per year for lots 20 acres or more.~~

~~D.6.d. Special Events which exceed the maximum capacity or frequency thresholds may be permitted subject to a Conditional Use Permit (See Section E.4).~~

D.5. Special Events. “Special Events” are any events such as charitable events, promotional events, and facility rental events, that are not the Ranch Marketing activities described in Subsection D.3.

a. Number Permitted. Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. “Facility rental events” are a type of Special Event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, but are further limited to the following

- \_\_\_\_\_ Lots less than 20 acres in size: 12 facility rental days per calendar year
- \_\_\_\_\_ Lots 20 acres or more in size: 24 facility rental days per calendar year

b. Capacity Limitation. All Special Events are limited to 250 persons at one time.

D.6 **Museum.** Agricultural related museums that primarily display items from California’s agricultural history..

**E. Ranch Marketing Provisions permitted by Conditional Use Permit.** The following uses are permitted by Conditional Use Permit (CUP).

E.1. **Food Facility.** A Food Facility with an indoor seating area of over 1,000 square feet requires approval of a CUP.

E.2. **Alcoholic beverage sales.** Any additional alcoholic beverage sales other than that allowed under a Type 2 Winegrowers license allowed in D.1.b. requires approval of a CUP.

E.3. **Catering.** The use of an existing Commercial Kitchen, established for a Food Facility, to be used as an owner operated or leased catering facility or other similar use not associated with direct onsite sale of agricultural products produced on the lot and when the public is not permitted to be onsite may be permitted by a CUP.

E.4. **Special events.** Special events that exceed the provisions of Section D.6 may be permitted by CUP and subject to the following:

E.4.a. These Special Events shall be subject to the findings in Section E.5 Visitor Serving Uses.

E.4.b. Individual Special Events that are infrequent and irregular may be authorized by Temporary Use Permit pursuant to Chapter 17.23 Temporary Use Permits.

E.5. **Visitor Serving Uses.** Commercial camping, including Recreational Vehicle camping, fishing, and stables may be permitted by CUP subject to the following findings:

E.5.a. The use is secondary and subordinate to the agricultural use. (GP Policy 8.2.4.4.)

E.5.b. The use does not detract from or diminish the onsite agricultural uses. (GP Policy 8.2.4.5.)

E.5.c. There is no adverse effect on agricultural production on surrounding properties. (GP Policy 8.2.4.4)

E.5.d. The use is compatible with other provisions of the County Code. (GP Policy 8.2.4.3).

E.5.e. For lands under contract, the use is compatible with the Williamson Act provisions.

E.6. **Promotional/ Marketing Events.** The following marketing events that exceed 250 persons at one time and/or have outdoor amplified music and sound systems may be allowed by CUP, subject to the additional findings in Section E.5.

E.7. **Large Retail Sales.** Retail sales area in excess of that allowed by right in Section D.2 and D.4, may be authorized by CUP, subject to the additional findings in Section E.5.

F. **Development Standards:**

F.1. **General Requirements.** All Ranch Marketing uses are subject to the provisions of Chapters 17.xx (setbacks and lighting), 17.xx (Parking), and 17.xx (Signs).

F.2. **Parking**

F.2.a. Parking spaces shall be provided onsite for all Ranch Marketing uses on the lot. No on-street parking is permitted on County maintained roads.

F.2.b. Special Events and Marketing events may utilize temporary overflow parking areas that are mowed of dried vegetation to a two inch stubble and determined by the local fire department to be safe.

F.2.c. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.

F.3. **Access**

F.3.a. Access to a Ranch Marketing facility shall be connected directly to a County maintained road, except as provided below.

- F.3.b. Where a proposed Ranch Marketing facility is located on non-County maintained road, access shall be subject to the review and approval of a Conditional Use Permit.
- F.3.c. The Ranch Marketing facility shall participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
- F.3.d. Access to a Ranch Marketing facility shall meet the minimum fire safe standards, or same practical effect, as determined by the applicable fire protection district.

F.4. **Signs**

- F.4.a. Sign size and number shall be those under the zone district standards.
- F.4.b. Signs in excess of that allowed in the zone district shall be subject to a Conditional Use Permit, except that temporary directional signs of no larger than six square feet may be placed along a private road with the property owners permission, concurrent with the sale of onsite produced agricultural products.

- F.5. **Setbacks.** All Ranch Marketing facilities and outdoor use areas, excluding parking lots and picnic areas shall be a minimum of 50 feet from all property lines.

G. **Conditional Use Permit.**

- G.1. The term Conditional Use Permit used in this section may be an Administrative Use Permit, Minor Use Permit, or Special Use Permit as determined by the Director based on the scope of the Ranch Marketing activity proposed.
- G.2. If there is any single use that triggers the need for a Conditional Use Permit, the Conditional Use Permit will include and address all uses allowed on the site, whether otherwise allowed by right or by Conditional Use Permit.

H. **Non-conforming Ranch Marketing uses.** All legal Ranch Marketing uses in existence on the effective date of this section (**date**) shall be subject to the standards specified in this Subsection. ~~In general,~~ All legal Ranch Marketing uses shall be allowed to continue, but expansion of uses that become non-conforming uses because of this Ordinance, will required a Conditional Use Permit.

- H.1. Existing legal Ranch Marketing uses ~~may~~ shall be continued subject to an Administrative Use Permit only when the existing legal Ranch Marketing uses can be adequately documented in the application for the Administrative Use Permit.
- H.2. If an applicant wishes to expand non-conforming Ranch Marketing uses, a Conditional Use Permit (CUP) will be required.
- H.3. The required Administrative Use Permit or CUP shall be requested from the county within one year of the effective date specified above.
- H.4. All existing uses shall be allowed to continue for one year from the

application date of any of the above specified permits. If the required permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.

- H.5. Where an Administrative Use Permit or CUP has been approved for a Ranch Marketing facility or use pursuant to this Ordinance, any otherwise “by right” uses identified in this Ordinance may only be permitted by a revision to the Administrative Permit or by a revision or approval of a CUP.
- H.6. Appeals of Administrative Use Permits shall be processed pursuant to Chapter 17.22 Land Use Permit Procedures.

#### I. **Administrative Permit.**

- I.1 Administrative Permits are subject to approval by the Planning Director pursuant to Section 17.22.350 et seq.
- I.2. An Administrative Permit may authorize the use of a Ranch Marketing Commercial Kitchen (Food Facility) for off-season (non-concurrent) uses
- I.3. Administrative Permits may also be approved for other uses determined by the Director to be similar to Ranch Marketing uses or compatible with the intent of the Ranch Marketing Policies of the General Plan. The Agricultural Commission may forward recommendations on such uses to the Planning Director.

P:\GPDocs\Zoning Ordinance\Roger\Ranch Marketing\Draft May 26, 2009.doc

#### **Outstanding issues/Background material:**

TPZ: how to bring into Ranch Marketing? – Response: Include in Zoning Ordinance Update , not this Ranch Marketing section.

pg 3 of 7 Food Facilities: Catering Section OK? – Response: After discussion with group, catering section was OK. (please verify \_\_\_\_\_)

Major Rewrite needed for Marketing/Special events to be consistent with Winery Ordinance. Response – see ranch marketing draft sections D5, D6, E6 and compare to winery ordinance:

#### FROM THE WINERY ORDINANCE:

##### 2. Tasting Facilities.

a. Subordinate to Winery. Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.

b. Wine Sales. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower’s license. (The ABC Type 2 Winegrower’s license requires that at least 50 percent of the wine sold be produced by the winery).

c. Marketing. Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility’s products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, “bottle-your-own,” and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.

3. Special Events. “Special Events” are any events such as charitable events, promotional events, and facility rental events, that are not the tasting and marketing activities described in Subsection C.2.c.

a. Number Permitted. Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. “Facility rental events” are a type of Special Event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, but are further limited to the following

Lots less than 20 acres in size: 12 facility rental days per calendar year  
 Lots 20 acres or more in size: 24 facility rental days per calendar year

b. Capacity Limitation. All Special Events are limited to 250 persons at one time.

ALSO WITHIN THE WINERY ORDINANCE:

Class	Use	AE, PA & SA Zoning 20+ Acres (B.2.a) (See Note 2)	AE, PA & SA Zoning 10 -19.9 Acres Within GP Ag District (B.2.b)	AE, PA & SA Zoning 10-19.9 Acres Not In GP Ag District (B.2.c)	RE & RA Zoning 10+ Acres Within GP Ag District (B.2.e & g)	RE & RA Zoning 10+ Acres Not In GP Ag District (B.2.r & h)	AP Zoning 10+ Acres (B.2.d)
1	New Winery	By Right	By Right	CUP	By Right	CUP	CUP
1	Tasting Facilities	By Right	By Right	CUP	By Right	CUP	CUP
1	Retail Sale of Wine	By Right	By Right	CUP	By Right	CUP	
1	Retail Sale of art/merchandise	By Right	By Right	CUP	By Right	CUP	CUP
1	Public Tours	By Right	By Right	CUP	By Right	CUP	CUP
1	Picnic Areas	By Right	By Right	CUP	By Right	CUP	CUP
2	<b>Special Events:</b> 50 to 250 PAOT* 48 Event days/year including: 12 facility rentals on less than 20 acres or 24 facility rentals for 20 acres or more	By Right	By Right	CUP	CUP	CUP	CUP

3	Ag related museums	By Right	CUP	CUP	CUP	CUP	CUP
3	Commercial kitchen for on-site use only	By Right	CUP	CUP	CUP	CUP	CUP
4	Commercial kitchen used for off-site purposes	CUP	CUP	CUP	CUP	Prohibited	CUP
4	Dining facilities	CUP	CUP	CUP	CUP	Prohibited	CUP
4	Distilleries	CUP	CUP	CUP	CUP	Prohibited	CUP
5	<b>Special Events:</b> With more than 250 PAOT; more than 48 event days/year; or more facility rentals then allowed	CUP	CUP	Prohibited	Prohibited	Prohibited	Prohibited