

Attachment D

# Agriculture Nature Tourism Advisory Committee Meeting Minutes

March 20, 2009

2:00 p.m. · Board Chambers · Government Center, Mariposa

## Agenda Item 1 - Call to Order, Roll Call and Introductions

Meeting was called to order at 2:03 p.m. by Karen Robb.

Voting Members present: Brenda Ostrom, (at large public member), Dennis Bunning, (Mariposa County Farm Bureau), Jeff Hentz, (Mariposa Tourism Bureau), Brian Bullis (Alternate for Mariposa Tourism Bureau), Kris Casto (Mariposa Agri Nature Trail Committee), Ken Pulvino, (Chamber of Commerce), Jerry Progner (alternate Resource Conservation District), Rita Kidd (at large public member),

Ex Officio, Staff and County representatives present: Becky Crafts (Mariposa County Assessor-Recorder), Cathi Boze (Mariposa County Agricultural Commissioner), Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Planning Department), Kris Schenk (Planning Department), and Karen Robb (Consultant)

Members of the public present: Charles Phillips, Jeanetta Phillips, Ken Baker, Bob Rudzik, Jerry Sarazin and Jon McCorkell, Bart Brown.

## Agenda Item 2 - Selection of Chair

It was unanimously decided that Brenda Ostrom would be the chair and Ken Pulvino the vice chair for this committee.

## Agenda Item 3- Brown Act Review by Steven Dahlem: Steve Dahlem (County Counsel)

Dahlem presented a 15 page Power Point presentation on Brown Act procedures and requirements.

## Agenda Item 4- Define Ground Rules of Committee:

It was decided that Robb will run the meeting today with Ostrom's assent. Robb made a chart for the rules; Kidd volunteered to record the rules. Robb stated that everyone will be given a copy of these rules and they will be posted at all meetings.

## Agenda Item 5 - Discussion and Overview of the Mission of the Committee

A: Schenk discussed the direction of the Board of Supervisors that was given January 27, 2009, which was to develop and recommend an Agri-tourism ordinance with clear definitions, standards and procedures that will implement the agriculture and nature based polices of the County's general plan. Those policies were put in the general plan when it was adopted in December 2006 and the Board of Supervisors went through public meetings and exercises for 2 years trying to come up with a way to implement and define standards. The definition was not completed.

Schenk went on to tell the committee of their importance and that they will be developing clear and precise standards, criteria, guidelines, and procedures, a whole set of regulations so it will be clear to anyone who wants to develop an agricultural tourism enterprise.

Schenk stated that this committee will be hitting the ground running and that his department will do their best to assist the committee. Schenk noted that there is a tremendous amount of talent available to the committee as well as represented on the committee. The assignment is to share expertise and to develop something workable.

Simultaneously while creating this committee, the Board of Supervisors also adopted an ordinance which states that there will be no more Agri-tourism uses approved in Mariposa until this committee has completed its work, which is to come up with an ordinance that clearly defines and says how Agri-tourism is to take place in Mariposa County.

Schenk stated that this committee represents a balance of stakeholder interests across the county, which will represent a successful blending and compromise among that broad range of resource, agricultural and tourism interests that are collectively represented.

Bunning inquired if the committee has 4 months for this process and whether that also included time to go to the Planning Commission.

Schenk replied that this committee has 4 months to have formed a recommendation, then that particular product goes back to the board, they review it, if they concur then they will send it to the ag-advisory committee, and then to the planning commission and then back to the Board of Supervisors for final adoption. The entire process could take 6-7 months.

Casto inquired if this is for both agri-tourism and nature tourism?

Schenk replied, both.

Casto raised a question on circle 30, regarding the extent of our charge, on the second whereas: standards to be established and agriculture working landscape and other land use classifications. Casto inquired as to what land use classifications are we dealing with?

Schenk replied that the charge under this committee is to sort this out for the AEZ zone. If successful in sorting this out, defining Agri-tourism and nature tourism for the AEZ zone, then phase 2 will expand that and apply to Mountain Home zone and other zones as well. That will be a second phase and it is all conditioned upon the fact that we can get through the AEZ successfully.

Ostrom inquired if Schenk could explain the status of the general plan and whether it is a legal document or a guiding document.

Schenk replied that the General Plan is a legally adopted fundamental foundation document containing policies, implementation measures, standards and that is the document above all others that we use as a "constitution".

Ostrom and Schenk discussed the General Plan and zoning regulations.

B: Scope of Work: Robb stated that the Committee will be developing (within 120 days), County Code regarding Agriculture Nature Tourism in the AE zone. Robb stated that agri-tourism and Agri-nature tourism have been the subject of workshops and forums of which many of the group participated in. Robb stated that initially this Committee will develop the Agriculture Nature Tourism code for the AE zone, and then the County will later handle all the zones in Mariposa County.

C: Goals of Committee: Robb stated that the Committee will be developing codes and standards to guide both sides of the counter, ag-producers, planning department and also the general public in what is permitted under ag-tourism in the agricultural exclusive zone in Mariposa County. Robb stated that as members of this committee they serve as representatives of the organizations represented. Robb reminded the committee that they are also serving as liaison back to their organization and to keep the communication flowing. They should inform their agencies what they are doing and bring back feedback. Robb stated that an even larger purpose is that this Committee is working on behalf of the entire county. This work will impact land owners, affect natural resources and it will affect the agricultural future in Mariposa County.

D: Challenges to the Committee: Schenk stated that a big challenge will be working within a very complex regulatory framework that exists. Schenk explained that we will have to figure out how to make this work so we can incubate a reasonable kind of business that we want in Mariposa County, design it and help describe it so it is the kind of thing someone would want to do and be able to do on agricultural property.

Schenk addressed that we need to be consistent with the General Plan and other provisions that we have in other elements in the zoning ordinance, and other development county regulations.

Schenk stated an example in Title 8 of the County code; there is a requirement that deals with public assemblage permits wherein a one time event occurs. Those are dealt with differently from something that is a recurring land use on a piece of property.

Schenk stated that home enterprise regulations (see handouts), transient rentals and bed and breakfast regulations allow certain overnight uses. We have a variety of regulations that apply to camping on individual property such as you can camp on AE land but we have to be careful about the intensity and the scope of these activities or we will overlap with various state agencies.

Schenk also stated that CEQA (California Environmental Quality Act) may be another challenge. Schenk gave a brief explanation of CEQA which is the state's version of the National Environmental Policy Act. Schenk stated that almost everything one does that involves some element of discretion wherein one needs to apply for a permit at a local or state level involves CEQA. Schenk explained that when CEQA applies, we need to make sure we thoroughly identified the impacts that may result from implementing that particular action or that project, and that we have identified mitigation measures that may be reasonably applied to take care of those impacts.

Ordinances are a discretionary action which is a CEQA project. As we develop that ordinance and prepare to give it to the Board of Supervisors and send it down the line for public review, we will have to be able to define any reasonable potential foreseeable impacts that would result from the implementation of those regulations in that ordinance. Schenk stated that the committee need not worry about that now, but we will get to it in the next couple of meetings.

Ostrom inquired if the county will be undertaking the CEQA process for the ordinances regarding permitted and conditional uses, or if someone proposes the conditional use will they be responsible for the CEQA?

Schenk stated that we will be identifying any reasonable impacts related to the regulations that are recommended from this committee. Both conditional uses and permitted uses will be covered. Planning will be doing the environmental review of that process. In addition, someone that may come in for a conditional use permit (a separate and additional discretionary process) would also perhaps have to comply with another round of CEQA reviews for that project depending on what

that project was. Schenk stated that the key thing is that we make our ordinance for agri-tourism, self-mitigating so we can define why it isn't going to trigger any particular environmental issues that would otherwise have to be addressed.

3:30 break 3:45 meeting reconvened

E: Time Frame: Robb explained the time frame which includes a statement of the desired outcome of each meeting. At the end of April 13<sup>th</sup> meeting, the committee will establish activities acceptable for level 2 as well as key criteria and tested these with hypothetical situations. At the end of April 24<sup>th</sup> meeting, the committee will have developed definitions for the Agriculture Nature Tourism Ordinance for the AE zone including clarifications for "one-time events" versus on-going activities and will have evaluated the ordinance structure. At our May 15<sup>th</sup> meeting, we will be taking a look at our final proposal, which will be the final comments before the presentation to the Board of Supervisors, the Agricultural Advisory Committee and the Planning Commission.

F: Process: Robb went over the process which starts with an agenda; there will be an item to test the topic of the meeting with hypothetical examples. This exercise is not to imply that there is something faulty in what we are doing, it is to look for shortcomings or unintended obstacles that we might be creating with this code to make sure we are really doing our homework and are catching possible pitfalls.

G: Committee commitment: Robb discussed the importance of being prepared and keeping up to speed on everything discussed at the meetings. Packets and revised drafts will be forwarded to this committee.

#### Agenda Item 6 – Agriculture Exclusive Zone Overview

Sarah Williams discussed an overview of circle 2 & 3, Chapter 17.40 out of Title 17. Williams stated that these are the actual pages that we will be amending as we work during these next 5 meetings. Williams said that we will be writing text to describe and clarify what we want to include as agri-nature tourism and we will be inserting text into this section of County Code. Williams stated that she would discuss the structure of the zoning ordinance in these pages and will describe how these were changed in 2006 to add agri-tourism and what happened in 2006.

Williams stated that zoning is adopted by ordinance and that has the affect of law in the County. Obviously when we write things by ordinance, we need to make sure it is very clearly worded, so that everyone understands this ordinance the same way.

Williams stated that Zoning is what someone can do with their property, and also what a neighbor can do on their property.

Williams referred to circle page 2, the very top of the page. Section 17.40.010 under ag-exclusive zone, the very first paragraph, the "purpose" statement for the agriculture exclusive zone which is designated on lands considered to be most desirable for agricultural use. The purpose is to preserve the Ag industry in the County as a viable economic activity. Williams explained that what gets added to this zone needs to be consistent with that purpose statement, or the purpose statement needs to be amended.

She then referred to the development standards section. She explained permitted, conditional and prohibited uses. She also noted that there is also a section on minimum parcel size for AE zone. It is 160 acres. This is for subdivisions. It is important to remember that while we work on this, there are parcels smaller than 160 acres. If those parcels were legally established before we had a

subdivision process, no matter what the size, they have the same development rights that 160 acre parcels have.

Williams explained the similar use provisions in the Prohibited Use section.

Pulvino inquired as to how this will apply to the Mountain Home zone, if there is a similar use clause in Mountain Home zoning. For those who want to do agri-tourism in the Mountain Home zone, will they be required to re-zone as AE?

Williams replied that the Board wants to see what we come up with for AE zone, and they want to see what standards we come up with and then they will make a decision on how they want to go forward with other zones. There are a lot of activities that one can already do in the Mountain Home zone with their agricultural operations. What we come up with for AE zone, won't be exclusive. You won't necessarily have to rezone if you have Mountain Home to AE zone in order to have agri-tourism.

Schenk reminded the committee to be careful with term of similar use. He gave an example of dude ranch vs. guest ranch.

Pulvino's concern was for owners of Mountain Home who want to participate in agri-tourism facing the situation where they have to re-zone.

Williams recalled as to how Agri-tourism provisions were added to the code in 2006. It started out with a proposed organic dairy in Cathey's Valley that never happened, but there was talk about it. When it was realized that dairies were permitted use in AE zone at that time, as were hog ranches, there was a realization in the ag-advisory committee that maybe intensive agricultural uses were no longer appropriate as permitted uses in the AE Zone. Williams stated that there were meetings held to move that intensive agriculture use listing to conditional uses and as a result of that, public hearings were held. Williams stated that different things came up into the permitted use section including vineyards, orchards, nurseries, experimental agricultural operations and that the discussion went on for months. Agri-tourism got brought up near the end of these discussions and everyone liked the idea. Agri-tourism was added to the permitted use section. There was a 2 line definition put in 17.148 definitions section. Williams explained that "both sides of the fence" don't agree on what is permitted so that is why we are here today.

Ostrom inquired as to what year was circle page 2 & 3 from?

Williams replied that this was last updated in 2006. She then referred the Committee to the very end of each section a reference to an ordinance number and a date, which was the most recent amendment to this section. Williams advised the Committee they could do research on line at the Mariposa County website for all county codes.

#### **Agenda Item 7- Calaveras County Agriculture Tourism Ordinance**

Robb and Williams went over the handout labeled "Draft" which is a first draft for our AE zone. The Calaveras Code was used as a basis. Robb explained that looking at someone else's code is hard, because everything done here has to be consistent with the County's existing zoning ordinances. What is permitted in one county may not be permitted here. She explained that what hasn't been available before are three different levels of intensity of uses. There have been permitted or conditional uses. There has never been a process or procedure in place that someone could just go and get an over-the-counter permit for an ag-tourism use. If the Committee wonders why it is to look at Levels 1 & 3 and then Level 2, it is because Levels 1 & 3 are a lot easier to

develop than Level 2. If it is underlined, it is new, if it is crossed out that is being pulled out of the code. If it is yellow, that is because we have questions about that. Level 1 is permitted uses, permitted by right.

Only the "agritourism" component of the AE zoning ordinance is within the purview of the committee. The Calaveras Ordinance contains both agricultural uses and agritourism activities..only the agritourism activities are portable to the Mariposa code. Many definitions already exist in the General Plan and can guide the discussion. These should be disseminated so that all committee members are dealing with the same definitions. Potential for bio-hazard is a consideration. The Ag Commissioner's office will provide background on this important topic for the next meeting. Bed and breakfasts in the AE zone currently require a conditional use permit in Mariosa County, as provided in Title 17.108.180.

Following discussion in regards to the way the Draft was modeled versus the Calaveras model, it was decided that instead of listing the draft in paragraph form, staff would make lists on pages to make it easier to understand and discuss.

Kris and Sarah both indicated that they were looking to the development standards to provide the mitigation needed to assure that permitted uses clearly could avoid environmental impacts.

Pulvino stated that the table format for permitted uses provided by Ken Church (8/26/09) was part of the Calaveras model submitted to the BOS and that the table format made it easier to follow how permitted uses in AE zone agritourism were being determined. He added that the mariposa BOS had clearly suggested the Calaveras program as the model for staff and the committee to use as a guideline. Ostrom followed with an additional request that a flow chart approach would make it easier for the committee and the public to understand how permitted uses were determined and allowed.

#### **Agenda Item 8- Persons Wishing to Speak on Matter not on the Agenda, but within the Jurisdiction of the Committee.**

Ken Baker expressed concern regarding the meeting times and asked if the meetings could be set at night or week ends so that working people could attend.

Robb replied that the meetings have already been scheduled and that future meetings will be from 9:00a.m. to noon.

#### **Agenda Item 9- Correspondence**

None Presented.

#### **Agenda Item 10- Closing Remarks**

Robb concluded that a lot of headway was made today. She was appreciative of all the members who are willing to work on this. Robb instructed the members to let her know how they would like to receive information in the future.

#### **Agenda Item 11- Adjourn-**

There being no more further business, the Chair adjourned the meeting at 4:50 PM

Next meeting: Friday, March 27, 2009 9 a.m. - Noon.

Minutes taken by: Julie Guyton

Agriculture Nature Tourism Advisory Committee  
Meeting Minutes

March 27, 2009

9:00 AM · Board Chambers · Government Center, Mariposa

Agenda Item 1 - Call to Order, Roll Call and Introductions

Meeting was called to order at 9:06 AM by Brenda Ostrom

Voting Members present: Brenda Ostrom (Chairman, representing at-large public member), Dennis Bunning (Mariposa County Farm Bureau), Mike Hubert (Mariposa County Resource Conservation District), Ken Pulvino (Vice Chairman, representing Mariposa Chamber of Commerce), Rita Kidd ( at large public member), Kris Casto (Mariposa Agri-Nature Trail Committee), Brian Bullis (alternate – Mariposa County Visitors and Tourism Bureau)

Ex Officio, Staff and County representatives present: Becky Crafts (Mariposa County Assessor-Recorder), Cathi Boze (Mariposa County Agricultural Commissioner), Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Planning Department), and Karen Robb (Consultant)

Members of the public present: Tony Kidd, Kevin Shelton

Agenda Item 2 – Recap of 3-20-09 meeting –

Changes to the minutes were proposed as follows by Boze and Bunning :

Page 1: correct voting member's name from Castro to *Casto*; Under Ex Officio Staff correct the word "Agriculture" to *Agricultural*; Add *Bart Brown* to members of the public present; Under Agenda Item 5, last sentence, change "policies" to "*policies*".

Page 2: correct voting member's name from Castro to *Casto*.

Page 3: paragraph 1, correct "Committee" to "*Committee*"; correct "has" to "*have*"; paragraph 3 correct "agriculture" to "*agricultural*".

Page 4: Agenda Item E, last sentence, correct "Agriculture" to "*Agricultural*"; Agenda Item F, last sentence, delete "*are*"; Agenda Item 6, third sentence add the word "*be*".

Page 5: paragraph 6, first sentence, add the word "*is*"; paragraph 7, second sentence, add the word "*are*"; last paragraph, third sentence, delete the word "*in*" and change it to "*at*".

Page 6: first line, correct word "definititions" to "*definitions*".



Pulvino and Kidd offered up the following changes: On page 6, under Agenda Item 7, between the first and second paragraph inserted the following:

Only the "agritourism" component of the A-E zoning ordinance is within the purview of the committee. The Calaveras Ordinance contains both agricultural uses and agritourism activities...only the agritourism activities are portable to the Mariposa code; Many definitions already exist in the General Plan and can guide the discussion. These should be disseminated so that all committee members are dealing with the same definitions; Potential for bio-hazard is a consideration. The Ag Commissioner's office will provide background on this important topic for the next meeting; and, Bed and breakfasts in the A-E zone currently require a conditional use permit in Mariposa County, as provided in Title 17.108.180.

Agenda Item 7, after second paragraph add the following:

Kris and Sarah both indicated that they were looking to the development standards to provide the mitigation needed to assure that permitted uses clearly could avoid environmental impacts.

Pulvino stated that the table format for permitted uses provided by Ken Churches (8/26/08) was part of the Calaveras model submitted to the BOS and that the table format made it easier to follow how permitted uses in AE zone agritourism were being determined. He added that the Mariposa BOS had clearly suggested the Calaveras program as the model for staff and the committee to use as a guideline. Ostrom followed with an additional request that a flow chart approach would make it easier for the committee and the public to understand how permitted uses were determined and allowed.

It was unanimously decided to approve the minutes as corrected, including the supplements given prior to the meeting.

### Agenda Item 3- Draft Ordinance Discussion -

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|----------------------|--|
| Level I Activities   | - Activities permitted by right<br>- Key criterion |
| Level III Activities | - Activities requiring a CUP<br>- Key criterion    |

Pulvino suggested to the committee that before details of recommendations were discussed, the committee should give their views of agri-tourism as it affects the County, so that whatever discussions take place they are in the proper context.

Ostrom stated that everyone will get a chance to summarize their views before the Committee gets into the specifics of the charts.

Ostrom then stated that there are three elements that have to be present. They have to be consistent with previous laws, be understandable to the public and enforceable. The other idea is that there are three interests that we are trying to protect, the interest of the public, the interest of the private land owner, and the interest of Mariposa County.

Pulvino said that he thought that Ostrom had presented a good summary. He then stated that as a representative of the Chamber of Commerce his main concerns are the overall health of Mariposa County, the effect on the property rights of owners of AE zoned land, and the concerns of the general public. Pulvino also stated that there are major concerns with the budgets that we are facing and the lack of revenue in the County in terms of what is sustainable as it relates to Agri-tourism policy, the rights of agricultural exclusive land owners especially as the profile of 160 acres or more should be thought of how they are going to be sustainable. He thought Calaveras did a good job in many ways. He went on to say that one of the things stated under the right to farm is the economic fruits of labor without fear of infringement on this right by encroaching residential neighbors. Agricultural exclusive property owners operate a business whereby agri-tourism is their way of making viable income, and that residential areas around them should not infringe upon their right to find ways while keeping it as agricultural, to have economic viability. He also stated that his concern is for the general public's rights to have some say in what happens in Mariposa County.

Norton said that it is obvious to him from his travels around the state that the communities that have been most successful in agricultural and nature tourism have developed strategies to exploit what their strengths are, what makes them unique, and what makes them of interest to the outside populations. He stated that he would encourage everyone to look at models such as the Calaveras model, to see how well they apply to Mariposa County. Norton advised the Committee to try to avoid starting from scratch and exploit the work that other counties have done making sure to super impose the models onto Mariposa County's situations following the three rules that Ostrom indicated earlier. Norton suggested the Committee produce a product quickly that can be recommended to the Board of Supervisors and that can be fine tuned later.

Boze reminded the Committee that they are only to be concerned with the AE Zone and that her main mission is to promote and protect agriculture and the environment and not infringing on the agricultural producers in Mariposa County.

Hubert said that the Resource Conservation District's primary concern is how ag-tourism will affect the resources of Mariposa County.

Bullis stated that his concern is to have a code that is not restrictive yet one that protects the rights of the public and the land owners.

Kidd stated the Committee has an obligation to protect the character and culture of the surrounding AE Zone lands. She said that having a "Disneyland" type setting in the middle of 160 parcel wouldn't be consistent with the culture of the community. Also she stated that property rights cut both ways. There may be a single family residential use that existed far before the definition of agri-tourism use was proposed and they may trust that the 160 acre AE neighbors are in fact going to be in that form forever unless there is a public process that allows them to change.

Casto stated that rural advocacy is how she defines what the Agri-nature Trail Association is trying to preserve. Casto said that there is an asset to preserve and

that asset consists of land in agriculture and in nature aspects. Casto stated that it concerns the people who own it and the ability to be profitable and preserve that in AE zoning. It concerns people in general for educational purposes and the purposes in experiencing the land and agricultural use on that property. It affects the neighbors, it should have a good neighbor policy. We should be advocates in being good stewards of the land and being good stewards of our projects through good neighbor policies, and the County as a whole. She thinks the agri-tourism is reflected many times in the General Plan, so we are preserving the General Plan.

Lidyoff stated that she wants a sustainable agri-tourism program developed to encourage new business operations. She went on to say that she agrees with the Calaveras model, and wants the Committee to be respectful of the ag-operations and preserve our way of life in Mariposa County. She also stated that there is a water problem in our County and the Committee needs to be cognizant of that issue.

Bunning said that as the Farm Bureau's representative, he agrees with Kidd's statement completely. He also added that when the Committee draws up the guidelines and regulations the existing ag-operations need to be protected and not be detrimental to the existing operations.

Robb stated that what is critical as we move forward with ag-tourism is that we are creating opportunity for agriculture to stay viable, that's what this is about. So that means preserving agriculture, so it has to be in there. What is also important in this County is that there needs to be a policy that is consistent with existing policies, it needs to be policy that is enforceable, and it needs to have very clear standards so that there is not a lot of wishy-washiness but we know what path we are going down. She then stated she thinks that this is the charge of this committee and that is why she is excited about moving forward with this project.

Williams stated that she agrees completely with Robb. Williams said that she is here to listen and help by including her knowledge of County codes and she wants to make sure the Committee is writing the code properly. She also wants to make sure that while the Committee is working through this that they are thinking about our charge with preparing the environmental document when it is ultimately presented to the Board of Supervisors.

Ostrom commented that everyone did a nice job and did this in a timely manner and then asked Robb to start with the flip chart presentation.

Robb said that first she wanted to recap a few more issues from the last meeting. Robb stated that she wanted to discuss the rules of conduct. She advised the Committee that she emailed the rules of conduct to everyone and that she also put a copy on everyone's seat. She wanted them available to reference during the meeting. Robb also wanted to remind everyone that we are all coming into these meetings with different strengths and a lot of different experiences and different approaches to ag-tourism and different understandings of what that means.

One of the other developments that came up last meeting was that the Committee was presented with a draft that was printed in code form that was difficult for people to follow and it wasn't clear. She felt one of the outstanding outcomes of the last meeting was that this group is going to work from lists. Unfortunately this room design isn't conducive to put up lists. Robb stated that the Committee was sent a list of Calaveras Codes that starts out with 17.06.0151 Ag-Tourism. It starts out with their definitions. The last few pages encompass the lists from code. Hopefully everyone has had a chance to read through this. The next part in the handout is Calaveras Agriculture

Zone. It starts out with information about roads. It wasn't clear how we presented it last time, but it is the roads and traffic that actually drives a lot of the Calaveras County code. It's basically their deciding factor. So when the Committee is looking at permitted uses and thinking about what will be acceptable as permitted uses and what we are going to put as conditional uses with the understanding that the fall between might be an administrative use permit, all of their uses fall under this. Even if it's a permitted use they still have to follow this, and this is an administrative use permit, so there is always that level of scrutiny. It has to show that there is either no impact or this is how they are mitigating their impact.

Bunning asked if there will be public review or input or will there be staff review or input?

Robb answered that the way they do their code in Calaveras County is as a staff approval as an administrative use, unless it needs to be mitigated. A lot has to do with the facts of whether it is a county maintained road or not, and is there a road maintenance association or not.

Kidd stated that she liked the calculation. She thinks we need this as a part of the development standards at a minimum, if not part of the code itself, a part of the development standards that play a background role in this. Otherwise we will be trying to ascertain what the impact is on a project by project basis, and that begs an argument forever if we don't have that on paper. The one issue she had is the use of the term "road maintenance association" which is different than Calaveras's term "recording a road maintenance agreement". When we say a road maintenance association, there is a connotation to that, and that says that everyone who shares that road has a responsibility and cost involved in that road. The intent in Calaveras is the person that wants to get financial gain out of the use of the road bears a cost. If there is no road association in place, there is no way to coerce other property owners into entering that. The individual must record a road maintenance agreement, that is an individual agreement that they will compensate for the quality of the road's maintenance forever on the basis of these earlier calculations. She wants to make sure we don't lose that connotation. She is concerned that future planners in Mariposa, or people coming in from outside Mariposa will see that road maintenance association comment and leap to the other conclusion that everyone must join that because they want to go into business on that road.

Robb said that could be a real stumbling block.

Ostrom asked if anyone is using the references available in the room with Robb and Williams, that there are existing road maintenance association requirements on the books? Ostrom said that she knows the subdivision process and there is a requirement. This may or may not apply to the agri-tourism component.

Williams said that the Committee needs to establish our objective. Williams stated that if the concern is that the group wants to ensure that if there is an agri-tourism business established on a privately maintained road, and there is no agreement or mechanism for road maintenance because that road has existed for a long time and it wasn't created by a subdivision, then the group must say that that agri-tourism

business creates some mechanism that the road is maintained, because that business is going to generate a higher degree of traffic than the residential uses normally would. If you state this, then we will do research, and the conclusion will be in agreement not an association, because an association states that everyone will participate. We don't have the legal ability to require everyone to participate. The business must have some legal responsibility to do the maintenance.

A discussion ensued about different uses of these roads in respect to different kinds and sizes of businesses.

Pulvino requested for the future meetings that a lap top be available so information can be put on a projector so everyone can see information that is brought up.

Williams said that this is where you differentiate a ranch bringing in a large truck once a week to deliver feed, versus 300 people coming to a property in separate vehicles to do business. You need to start figuring ADT (average daily trips).

Kidd said that the Committee needs to look at scalability. What is the size of the parcel, what are the surrounding uses? You can do more on 160 acres than you can do on 20 acres.

Robb stated that Calaveras did do that. They scaled it up. If you have a larger parcel of land you are allowed to do more, more and larger events.

Norton advised he can imagine that any of those uses can be compatible with surrounding uses depending on scale and surrounding use depending on how they are permitted. Any of them have a potential of being a conflict with surrounding uses depending on how they were permitted and what the scale is.

Ostrom said that maybe the Committee should go through ag-product sales for example and see if instead of attacking them all at once, talk about some considerations we'd have about ag products and see how that works.

Ostrom then asked if everyone agrees if ag-product sales should be a permitted use within AE zone.

Williams answered that it already is and has been for a long time. Sale of agricultural products produced and fabricated on site is and has been a permitted use.

Ostrom asked about On-Farm sales.

Williams said that today's code, remember this is Calaveras, allows if the property owner produces that product on site they may sell it on site.

Ostrom asked if Williams can make a note that it is from products produced?

Ostrom then asked the Committee to discuss road side stands:

A discussion about road side stands started. It was discussed if the property owner could sell their own goods and goods from other properties. Then a discussion began about that stand selling goods made only in Mariposa County.

Boze reminded the Committee that there are a lot of state regulations we need to be considered.

Williams said that there are a lot of different regulations that a person needs to comply with in order to operate an agri-tourism business. She stated that a zoning allowance doesn't get them out of those state laws. They still need to get a bed and breakfast and a TOT certificate for example. If you are going to sell agricultural products you still need to see Boze and make sure you comply with those state laws. We are only talking about zoning and what we want to list for uses in the AE zone.

Ostrom said that this is our first point: in terms of road side stands and on farm sales. If it is produced on that piece of property, it is allowed as long as you do it according to state laws, there is weights and measures, etc. Is there an interest in this group to expand that to things that are not produced on that piece of property.

Bunning said that if we are going to allow this agri-tourism, we are going to need to allow the road side stands to sell their neighbor's product also, so two, three or four neighbors can ban together to sell their goods. Bunning felt that the products need to be limited to Mariposa goods.

Conversation developed to differentiate between road side stand that sold one farm's products, versus numerous farms' products and the difference between the stand and a farmers market and a supermarket.

Williams said that we need to be careful of zoning here. We need to list what an owner can or can't sell on their property. We need to decide what to do with the list of permitted uses and there will be other laws that abide to that. It could be a road encroachment permit, it may need a health dept permit, it may be the state law permit, it could be a fictitious name permit. In our zoning we will not name all those other permits and requirements. It is just understood, and there are documents and brochures to try and help a business owner figure out those requirements. And for each business there will be different requirements. We will list the actual business description that we want under each of these categories, Level 1, Level 2 and Level 3. If a business wants to sell goods not sold on their farm, they need to abide by state laws for selling goods.

Robb said that there is a great website, called "California Gold" that lists what you need to go through, so the Committee does not need to recreate that as it is not part of the Committee's job.. Our job is to stay here with zoning and to keep moving forward. Robb stated that she needs a clarification as to including neighbors. Other counties do include them, with clarification that a minimum of 50% be grown on site and the other 50% be grown or made within the county.

Everyone agreed on that.

Kidd wanted to add road width and maintenance under this so we don't lose this.

Robb said that she added this to the chart.

Tasting Rooms: Already allowed.

Casto said that ABC and ATF are already enforcing these laws. She said that if you plan to sell alcohol you must contact Planning Department for approval.

Hubert brought up the point about when he goes to Sonoma and goes into the 5000 sq foot tasting rooms and they sell everything wine, wine openers, candles and everything else imaginable.

Casto advised that in tasting rooms, wine and wine openers are already sold but not candles

Robb informed the Committee that some counties say that tasting rooms are a permitted use as long as they sell their own wine or locally grown wine, as long as it doesn't go past that.

Casto advised that she didn't think ABC would let you sell any wine that wasn't made there.

Robb clarified that it depends on the kind of permit. You can say you only want tasting rooms that sell their own wines.

Williams stated that according to current Mariposa code, 17.108, there are provisions for home enterprises, which are permitted uses in AE land use classification. Home enterprises have some standards that allow on-site sales fabricated or produced on site or merchandise that is sold as a secondary enterprise and is related to the primary enterprise. Example used: saddle repair work and leather work and they want to sell a conditioner for leather work that is allowed for that enterprise. So if someone was selling wine and wanted to sell wine openers that would be allowed.

Robb said that Tasting rooms are not just wines, they are olive oils, cider, grapes.

Boze said that in regard to selling candles, if you make your own wax you could sell candles.

Robb said that in "You Pick" Operations obviously we are going to talk about road width and road maintenance requirements.

Bunning stated that has a concern about the number of participants. He believes 75 is way too high for a permitted use.

Casto said that "You Pick" is only 2-3 weeks a year and shouldn't restrict the number of people. It is educational.

Lidyoff agreed with Casto, it is educational and being a short season she hates to limit the number of people who can go.

Ostrom believes the biggest obstacle for this type of operation is getting insurance and she believes anyone who is willing to get the insurance should be able to do this without limits.

Bunning stated his concern regarding the neighbors.

Robb said that using Calaveras, this will be conditional use always.

Kidd said that if it is a permitted use then it is by right. We want the agri-tourism industry to be made up of law abiding citizens who obey the codes.

Robb said that this goes back to what Ostrom and Pulvino said, that we need to let people know so that both sides of the counter understand. The mission of this committee is to let everyone understand what is allowed.

There was a 15 minute break.

Robb now discussed page 2 of the flip chart the Ag-tourism activities that are not otherwise specified. They are considering those to be permitted use. She advised what she didn't write on the chart was that these are ag-tourism activities for less than 75 people.

Casto wanted to know if this includes on-site parking.

Robb answered that parking is huge.

Kidd said that she wants this removed and moved to AUP. If this is under permitted use, everything will be lumped into this.

Pulvino stated that by including this and having other restrictions, this allows us to have things like geo-tourism or other ag and nature tourism related activities and in fact, talking to Ken Churches, Pulvino said that he made a comment that he didn't see anything about geo-tourism. How would you accommodate that in the Calaveras model? He said by definition, that fits within our model. He anticipates that this is the kind of thing that would fit in the agri-tourism not otherwise specified as a permitted use. But that should be subject to the other restraints we put in there, that it must be consistent in maintaining a rural lifestyle, not crossing development or compliance issues.

Robb said that she thinks Kidd's meaning was that her concern that if it's perceived as a permitted use that you don't have that; then her comfort zone is moving it to the AUP (administrative use permit).

Kidd made a comment about another concern that was made at the workshops, that to define this as agri-nature tourism eliminates the possibility to do what Pulvino was after, the geo-tourism. The group needs two separate things talked about. Using the Calaveras ordinance as an example, there are things that are clearly nature tourism and things that are agri-tourism. It seems that that differentiation is pretty important. They really are not one in the same. Is this group prepared to do that? We came in with the charge of agri-nature tourism. This is where it gets confusing, we don't get the definition of what is nature tourism that is permitted by right. This is permitted by right subject to other laws on any AE parcel anywhere in the county anytime. Anywhere, any size any time. Until we get more definitions for nature tourism separate from agri-tourism or geo-tourism, it should be under AUP.

Bunning concurred with Kidd stating that anything directly related to agricultural production needs to be pretty much allowed and anything that is not needs some sort of review whether it is AUP, it needs some sort of review and some public input if it is not directly related to agriculture.

Ostrom stated that she thinks any of the permitted uses has to be extremely clear. She said that anything not otherwise specified needs to be out.

Casto said that she wants to go through development standards or considerations for leaving agri-tourism under permitted uses, and go through the list and see what comes out. Whether the hours of operations, number of people, parking on site, have all those specified. If you want to open at 7:30 AM you will need to go over to administrative. She wants the list spelled out and agri-tourism be permitted plus the road standards we've already discussed.



Norton stated his concern that Mariposa County is going to develop a reputation that you can't think outside the box and everything is going to require a lot of permitting. She's right, you need to define the nuisance and try to define every activity individually. If you have a concern about trips or people, then set your threshold low enough to keep in comfort range.

Robb said that the other thing we aren't looking at when they don't define it in their list of permitted uses, is their definition. They list a lot of uses in their definition and in their code.

Ostrom moved to strike "otherwise not specified" and move it to another section. She also wants to specify the ones from the list that we all agree should be on the list.

Everyone nodded in agreement.

It was agreed after lengthy discussion to go down the list, 17.06.0151, item by item and discuss it that way. Everyone agreed.

Robb then went over the list on 17.06.0151 Agri-tourism as follows: -

**A: Outdoor Recreation**

- 1: Camping – Yes with limits
- 2: Picnicking – Yes
- 3: Cross Country Skiing – Yes
- 4: Gold panning – Yes
- 5: Game Preserve – come back to – administrative use
- 6: Guide/ outfitter operations – check on current limitations
- 7: Horse back riding – yes with limits
- 8: Hiking – yes
- 9: Non motorized biking –yes with limits
- 10: Wagon/sleigh rides –yes size limits
- 11: Wildlife viewing and photography: local wildlife, native

**B: Direct agricultural sales**

- 1: Agricultural related crafts/gifts – yes – Mariposa

**C: Entertainment**

- 1: Special Events: yes with limits
- 2: Festivals: yes with limits
- 3: Hunting/working dog trials/training – limits
- 4: Petting Zoo –with restrictions and limits

**D: Educational experiences:**

- 1: Educational technical tours – Yes
- 2: Crop sign identification program: yes
- 3: Exotic Animal Farm: Yes with restrictions
- 4: Garden/nursery tours: yes with limits
- 5: Historic agricultural exhibits: size and scale
- 6: Historical reenactments: size and scale
- 7: Natural history tours: Yes
- 8: Ranch/farm tours: Yes
- 9: School tours: yes self limiting
- 10: Winery/vineyard tours: Yes

**E: Accommodations:**

- 1: Farm/ranch vacations: Yes with limits

2: Guest ranch: CUP

3: Youth exchange: Yes with limits

Agenda Item 4- Test activity levels with hypothetical examples

Agenda Item 5 – Persons wishing to speak on a matter not on the Agenda, but within the Jurisdiction of the Committee – No one spoke

Agenda Item 6 – Correspondence - none

Agenda Item 7- Adjourned at 12:04 PM

Next meeting: Friday April 13, 2009 9:00 AM

Minutes taken by: Julie Guyton

# Agriculture Nature Tourism Advisory Committee Meeting Minutes

April 13, 2009

9:00 AM · Board Chambers · Government Center, Mariposa

## Agenda Item 1 - Call to Order, Roll Call and Introductions

Meeting was called to order at 9:05 AM by Brenda Ostrom

Voting Members present: Brenda Ostrom (Chairman, representing at-large public member), Dennis Bunning (Mariposa County Farm Bureau), Mike Hubert (Mariposa County Resource Conservation District), Ken Pulvino (Vice Chairman, Mariposa Chamber of Commerce), Rita Kidd (at large public member), Kris Casto (Mariposa Agri-Nature Trail Committee), Jeff Hentz (Mariposa County Visitors and Tourism Bureau)

Ex Officio, Staff and County representatives present: Cathi Boze (Mariposa County Agricultural Commissioner), Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Planning Department), Kris Schenk (Planning Dept) (arrived later), and Karen Robb (Consultant), Maxwell Norton (U.C. Farm Advisory, Cooperative Extension)

Members of the public present: Kevin Shelton, Ken Baker, Al Castaldi

## Agenda Item 2 – Recap of 3-27-09 meeting – Changes to the minutes were proposed as follows:

**Pulvino: Correct Pulvino's title to Mariposa Chamber of Commerce**

**Page 3: First paragraph, third line from: the effect to the agricultural exclusive zoning, to: *the effect on the property rights of owners of AE zoned land,***

**Page 3: First paragraph, line 11, add: *neighbors,* after encroaching residential**

**Page 3: First paragraph, line 12, add: *a viable income to agri-tourism is their way of making a viable income***

**Page 3: Seventh paragraph: Fifth line should read: before the *definition* of the agri-tourism use was proposed**

**Page 7: Second to last paragraph, 5<sup>th</sup> line, "*it could be a fictitious name permit*"**

**Page 9: Third paragraph from bottom, 5<sup>th</sup> line, "*He anticipates that this is*"**

**Page 8: Second paragraph from bottom. "*Bunning stated that he has a concern about the number of participants.*"**

**Page 2: Fifth paragraph: First sentence should say "*Ken Churches*"**

It was unanimously decided to approve the minutes as corrected.

Ostrom said she wanted to give a summary of the wrap-up points from the 3/27/09 meeting. She further stated that there are a lot of existing laws and regulations on the

books already and that this group has the experience and knowledge to find out what those laws are. There is an interest to comply with those existing laws and regulations and that became clear in the last meeting. She also stated that the committee is interested in broadly defining agri-tourism and when the list from Calaveras County was presented, almost everything was agreed to be a point of discussion for inclusion and maximizing opportunities and accommodating ideas. The group has to figure out how to do that. She further stated that the committee is interested in diversification. She also stated that the group is struggling whether to write the definition first and then write the rules or vice versa. She stated that the first meeting was an introduction and the second meeting was really a total brainstorm of all the possibilities using the framework of Calaveras County. She then said she wanted this meeting to look at the limits, a funneling down process. After looking at the limits then the group will write the definitions needed. She said that the group needs to define things as broad as possible because if we started with the definition we might end up with a more narrow definition of agri-tourism. She further stated that last week was about the limits, this week is about definition and then we will finalize the process. She then stated that the committee needed to make sure that the public had ample opportunity to speak too so that we could get information from them. She then went on to talk about grand fathered uses that Lidyoff made, that there is already so much you can do under right to farm which is already allowed. Another thing that Bunning brought up about the good neighbor policy, so that what an agri-tourism does, doesn't jeopardize an ag-operation next door. She further stated that activities could be ok depending on when and where they would occur on a piece of property. She said there needs to be a mechanism in place to figure that out. The committee needs to decide what is automatically permitted, what needs some level of review (and what that review would be), and what would be a CUP.

Kidd stated that there are some things that trump others. She said that specifically it was roads. The main issue is maintenance of those roads. She stated that in her opinion that an agri-tourism operation will never be able to open its doors without some kind of review. That is reinforced by some documents out of U.C. Davis in which they say that you must go to your Planning Department. She further stated that we can define what is a permitted by right under the constraints, but feels that it is an important recognition that we all need to put to this.

Casto stated she is struggling with the layering and hopes that we can get to definitions in the next meeting that the limits will make more sense. She stated that she wants this meeting to just discuss limiting because we don't have the roads or the terms of what is primary or secondary to an agricultural operation. She stated it would help her as the committee goes through this that we have the right to farm and how that fits in to our discussions.

Bunning stated that he wanted to stress that we need to protect the existing agricultural operations.

Robb stated that she wanted to thank everyone for all their efforts so far and wanted to thank Ostrom for her good summary.

Agenda Item 3- Bioterrorism - Questions?

Ostrom stated that Boze will be making a presentation on Bioterrorism.

Robb stated Boze was providing information only, but she would answer questions if anyone had questions about this topic.

Casto asked if the Department of Agriculture has their own rules for this type of operation. She further stated that she is involved with ABC (Alcoholic Beverage Control) and they already have a lot of rules and some other members are involved with other groups with their own set of rules and direction. She further asked if there are overarching rules or guidelines or do we look at departments for guidelines?

Boze stated that USDA (United States Department of Agriculture) has guidelines for bringing in animals and food products from outside the United States. The FBI is investigating all the ag-terrorism events that continue to come in the United States. She stated that there are terrorists who are trying to do things coming over the border by trying to infect plants, animals, etc. The State of California has a Department of Agriculture which regulates endangered species and plants coming in from other states where it is infected. She further stated that you can't just bring in anything into the state; you see things being rejected at the border for weeds, disease or insects. She stated that you have overt acts which are ag-terrorism, people trying to come in on purpose to infect. Then you have the in-advertent people coming in who may have been exposed to foot and mouth in Britain and then come to tour your farm. Foot and mouth can be spread through the air so in five days the infection can spread to someone's cows. It can also be on someone's shoes and then they walk farm to farm and spread disease. She wanted the committee to know how diseases can spread. People can come to visit from the Coast and be exposed to sudden oak death and have the pathogens on their hiking shoes and then they hike on your property. If people park in some weeds on your property and have been exposed to yellow star thistle, which we are fighting in Mariposa County, now the seeds are spread all over the property and surrounding properties. She further described the "hitchhikers" that can come in by vehicle or clothing and spread infections throughout the County. She also discussed the infestation of Gypsy Moth being brought in by RV's throughout the County. She brought up the threat about horses coming into the County unvaccinated, and then they are brought on trail rides and have western equine encephalitis transmitted. She also brought up chickens, how the trucks won't even pass on the road, they will not allow anyone to go on their property who have chickens on their property because that is how Newcastle Disease is spread. She stated that people doing Ag-Tourism events need to think about these things. She said that people need to have guests disinfect when they come on to their farms and when they leave. Don't let them park next to their barns. She said that if you own a grape vineyard you don't want people going from one vineyard to another and transmitting glassy winged sharpshooter or grape diseases. She summarized that people spread diseases; they come in on vehicles, mud on vehicles, on shoes, on clothes.

Pulvino stated that he wanted to commend Boze on her Star Thistle Program. He also wanted to state the difference of bio-terrorism versus bio-hazards. He thinks it will be difficult to approach agri-tourism and say it leads to bio-terrorism. Bio-hazards he thinks are a matter of awareness and advisement rather than being too restrictive about it. He thinks people should be creative within the limits of understanding what their exposure is.

Boze stated that she agrees with Pulvino. She said you have the overt terrorist who will do what he wants to do and then you have the bio-security or hazard which is what you should try to prevent by modifying your property, which would be guidelines to the operation.

Pulvino said we should emphasize awareness versus restriction.

Kidd stated that she had asked Boze to bring this information to the committee because of the awareness that she thought it should have. She stated that because everyone comes from different backgrounds, some people may not have that sense that this is an issue in terms of the economy of Mariposa County. She said we are talking about economic fixes through agri—tourism, but the reality is that if we destroy some of the agriculture in the process, we will have created havoc. She stated that she thinks that personal responsibility regarding this issue is paramount with those folks that are 100% dependant in general for their agricultural operations. She stated that what was said the first day that is very important, is that for those businesses where agriculture as first use and agri-tourism is secondary use, they will take these guidelines very seriously, whereas for those not dependent on agriculture, it won't be as important.

Hentz asked if there was a local or regional body that actually is in place to govern the prevention of something like this to happen. He said that this is something that we obviously want to avoid.

Boze then stated that it would be her office.

Hentz then asked if she worked with other regional or statewide agencies.

Boze stated that she worked with the State of California Department of Agriculture and the Farm Advisor's Office. We are working whether it is pathogens or insects, we have traps out for quarantined insects. We work with USDA for export and import.

Hentz asked if they have occasional workshops or if there is a mandatory process if you were about to have an event on your property to go through an educational process or certification.

Boze stated that it is a mandatory process. They would have to contact her to do this. There are no workshops. The trapping is something her department does to look for certain insects, that is the educational process. They do have educational speakers for a lot of the hot topics to make people aware.

Norton stated that there are a lot of ongoing educational efforts all throughout the state that the cooperative extension and other agencies provide that is very commodity specific sometimes.

Casto stated that awareness is education and education is awareness. She said that at some of her events they take the opportunity to educate the public on different issues whether it is hummingbirds or wine or raising alpacas. She further stated that we could expand that to take in some of these other issues ancillary to an event. We could

have all the locations that have animals have hand washing stations to use when patrons come on to property and when they leave. She stated we could also post a note that what the purpose is and why we are doing this. She said we could make the community aware as well as the producers aware; steps can be taken all along to increase the awareness.

Ostrom stated that the committee is going to move on to Level I activities.

Agenda Item 4- Draft Ordinance Discussion -

- Level I Activities - Activities permitted by right
  - - Key criteria
- Level II Activities - Activities requiring administrative review
  - - Key criteria and development standards
- Level III Activities - Activities requiring a CUP
  - -Key criteria
- Test activity levels with hypothetical examples

Robb began the discussion about Level I activities using the handouts given prior to meeting and the slide show. She discussed the first slide about Standards Used by Other Counties. She stated that from the last meeting, the permitted uses that we all agreed on were: ag-product sales, on-farm sales for products produced on-site, produce stands and road side stands but we added that they can include neighbors' produce as long 50% of product was produced on-site, tasting room serving Mariposa produced products, u-pick operations, ag-stay 5 rooms up to 15 people, permitted by Calaveras by right was ag-tourism activities and what we added was related to ag, the ag-environmental education center, the educational interpretive (seminars, clinics and walks), equestrian facilities that are for personal use. The equestrian facilities about which we had a comment was related to the number of people or the number of horses that are clients, that was a concern that we wanted to capture on this because that could be very different. Rural recreation and camping up to 15 people, and then things got into standards.

Cross country skiing was approved as were picnics, gold panning, hiking, photography, tours, school tours (self limiting), wine tours, ranch tours, historical tours, selling crafts made in Mariposa County. The things that needed limits were petting zoos, exotic animals, historical reenactments, vacations, youth exchange programs, camping horseback riding, non-motorized biking, wagon and sleigh rides, special events, festivals and working dog/hunting dog events.

Robb then discussed what her chart showed for standards using Calaveras, El Dorado and Fresno Counties as examples. She then went to the next slide for Ag-Home stay using other counties as examples. She said that there were questions about what is a retreat. A retreat is an overnight stay; it is for focus other than agricultural education. It is where people come together for common purpose and want to go to a pastoral setting. It doesn't mean that they want to learn more about agriculture. Camping was then discussed.

Ken Pulvino stated the example of “glamping” (high fee, glamorous camping in a rural environment) as a way AE property owners might find income with minimal impact on the primary use of the land as agricultural.

Kidd commented that she thought certain members of this committee had a vested interest in the outcome of the policy definitions being discussed and considered by the committee. She said she was not pleased with the composition of the committee membership and had hoped for a committee membership that was predominantly made of large AE land owners. She warned other members that she had discussed with Mariposa County Counsel the regulations governing the need for other committee members to “recuse” themselves from voting on any issues up for a committee vote that might have an impact by which that committee member would profit individually.

Hentz then asked if Robb’s comment about retreats was based on agri-tourism. Because a retreat also has a definition on business that is much broader.

Robb agreed. She stated that the point on the retreat is that it is not about ag-education.

Pulvino asked for clarification on the parcel issues based on the other counties. Are these the limits per parcel not per enterprise/agri-tourism operation? If someone had 2 parcels sharing the same boundary but used for different purposes, would they be separated by parcel?

Robb stated she thinks that their main purpose was parcel size.

Hubert then stated at what point does a fee structure come into this? Permitted by right has no fees but from then on making other people go to work (i.e. Planning Department) there must be a fee structure in those other counties.

Robb agreed that there was a fee structure anytime you went to the administrative side.

Williams stated that as a group they needed to discuss Pulvino’s question. She said that sometimes it does come up in her office if someone has multiple parcels and they want to establish multiple bed and breakfast units, the question at her office is when does that use or that operation become effectively like a guest ranch. If it is operated by one business or one family or one organization and we have a different set of rules for a guest ranch because the impacts of that operation are different, a guest ranch has different impacts than a bed and breakfast, and there are different rules for that. Yet we have those provision for bed and breakfast established by right, we should address that as the committee in developing the agritourism rules and regulations because sometimes if a facility is operated and run by one business it is more like a guest ranch or more like a hotel because of impacts of how it is operated than a single bed and breakfast. The intent of a bed and breakfast is for a family to run it, where the intent for a transient rental provisions is to enable a family to rent their home when they are gone so they can have supplemental income. The intent of these code provisions isn’t for someone to have a resort complex.



STANDARDS:

SPECIAL EVENTS

Number of people	#X/Year	Hours	Level of Permit
<75	12 or less	8-10	By Right
75-250	13-24	8-10	Administrative
>250	25 plus	8-10	Conditional

(if adjacent to poultry)

Ostrom stated that the committee needs to discuss definitions for neighboring ag operations for next meeting.

Items previously discussed but needed to be rediscussed:

PETTING ZOOS- Level III – concern for potential impact on adjacent ag operations – to establish appropriate buffer

EXOTIC ANIMALS- Level III – concern for potential impact on adjacent ag operations- to establish appropriate buffer

HISTORIAL REENACTMENTS- REMOVE FROM LIST- not regulated as this is a temporary use

VACATIONS- REMOVE FROM LIST

YOUTH EXCHANGE PROGRAMS-allow for up to 5 rooms/10 people max, to be part of the home stay, transient rental up to 30 days, anything in excess is level II

CAMPING-allow up to 5 tents/ 10 people max, not to exceed 14 days – Definitions to be discussed next week.

HORSEBACK RIDING-include some kind of disclosure or statement or way to address marking of property lines/gates, will be important for neighboring ranches

NON-MOTORIZED BIKING- include some kind of disclosure or statement or way to address marking of property lines/gates, will be important for neighboring ranches

WAGON/SLEIGH RIDES-Level I if used on ranch property and not on roads, Level II if used off ranch property (staff will check on legality of using wagons on roads)

SPECIAL EVENTS AND FESTIVALS- Levels as previously discussed

WORKING DOG EVENTS- Limits as previously discussed (numbers)

HUNTING DOG EVENTS- Limits as previously discussed (numbers (STAFF WILL FIND OUT WHAT GOES ON AT JERSEYDALE EVENT)

Agenda Item 5 –Persons wishing to speak on a matter not on the Agenda, but within the Jurisdiction of the Committee

Ken Baker stated that he represents a number of people who have ag-land. He said that he understands that 4 of 7 members of the committee are involved in ag so he feels the committee is covered well with ag representation. He said there is a crossover in agri-tourism primarily because agri-tourism is now considered an ag-crop. Agricultural people all over the world are universally looking at agri-tourism as an additional crop to generate money to save their ranches and farms. The Federal Department of Agriculture states in printed material that agri-tourism and alternative crops, resources, etc, can be related or un-related to agricultural productions if they produce money that helps keep people on the farm and the farm in the family. He further stated that the meetings that he attended before the Board of Supervisors dealt with appointing a committee to work on agri-tourism, define agri-tourism for Mariposa County. There were speakers here from El Dorado and Calaveras Counties. They cited Calaveras County as a basis for an agri-tourism plan for Mariposa County. He said he doesn't have a problem with petting zoos because in the majority of cases the animals are already living on the farms in the county. He further stated what he is hearing is that the committee is dealing with all the problems and issues and not really dealing with the purpose of why we are here. He thought that the reason the committee was here was to create additional industry wrapped around agricultural production to generate more money. He further stated that he has visited with over 80% of the ranchers in Mariposa County and they all need more income. They all want to keep their property, they don't want to develop it, they don't want to create problems, they want to live with their neighbors. Some of them want to participate with agri-tourism. He said that all the complaints he is hearing are coming from non-agricultural people, from people who may or may not have a vested interest in ag. He said that we all have a vested interest in the community and keeping the space open and keeping it a nice place to live.

He thinks public should be allowed to participate throughout the process, not just at the end before the Board of Supervisors when everyone is in a hurry to get this put this on the books, without ever getting a chance to fully participate and give their views.

He further discussed ag-land. Ag-land is big, 5-160 acres. You could lose 100 people on a 160 acre parcel and not even know they are there. He has seen thousands of people in other counties attend a function and you only think there are 20-30 people there because they spread out. He thinks to deal with this in a residential base doesn't make sense. He thinks each situation applies to itself and be careful. He further mentioned that he wants everyone to follow their general plan which mentions agri-tourism a number of times. He said he wants to follow the rules and regulations that the supervisors set forth to deal with agri-tourism. He feels the committee is dumping a lot of other things in here and gets sidetracked. It is ag-land, it's agri-tourism, it's property owners in agri-tourism. Agricultural is protected from the public at large already so the people he knows that want to get into agri-tourism are agriculture. He feels this should be the primary goal is to help these people to keep their ranches and farms and give them an opportunity to bring in extra money to pay the bills.

Al Castaldi from Coyote Springs Ranch stated that the environmental impact studies are very good and useful and helpful. He stated that you are talking about ranches of different sizes, agri-trails as opposed to agri-tourism and he feels these are two different issues and should be treated as such. The point of agri-tourism as stated in

the General Plan was to allow ranchers and farmers with lots of property to supplement their incomes. In order to supplement their incomes were was a diversity of things they could do, all were listed here. Everything from horseback riding to wagon rides. He feels these things should be taken on an individual basis. He gave the example of poultry, and there are certain restrictions for poultry production, and that things done on another ranch could impact adversely. He said we are not looking to do that, we are trying to put something together on a piece of ag-land of 120-160 acres that will allow us to bring more income to our particular ranch so we can keep it going.

He commented on the committee's discussion on the working dog/hunting dog trials and on the wagon rides. He further discussed roads and encroachments and what he feels we need to do to make agri-tourism work for Mariposa County. He stated that he doesn't want the committee to try to regulate too many things.

Agenda Item 6 - Correspondence - None

Agenda Item 7- Closing Remarks -

Ostrom stated that the committee has 6 definitions to go over next week.

It was discussed that an additional meeting may have to be scheduled. It was decided to extend the next meeting to begin at 8:00 AM instead of 9:00 and see how much can be accomplished during that time. Everyone was asked to think of additional dates that could be decided on if an additional meeting needed to be scheduled.

Ostrom stated that the 2 main things the committee is behind on are parcel size and road issues. The rest she felt could be completed at the next meeting.

Agenda Item 11- Adjourn at 12:45 PM

Next meeting: Friday, April 24, 2009 at 8:00 AM

Minutes taken by: Julie Guyton

# Agriculture Nature Tourism Advisory Committee Meeting Minutes

DATE: April 24, 2009

8:00 am · Board Chambers · Government Center, Mariposa

## Agenda Item 1 - Call to Order, Roll Call and Introductions

Meeting was called to order at 8:08 a.m. by Brenda Ostrom

Voting Members present: Brenda Ostrom (Chairperson, at large public member), Dennis Bunning (Mariposa County Farm Bureau), Mike Hubert (Mariposa County Resource Conservation District), Ken Pulvino (Mariposa County Chamber of Commerce), Rita Kidd (at large public member), Kris Casto (Mariposa Agri-Nature Trail Committee), Jeff Hentz (Mariposa County Visitors and Tourism Bureau)

Ex Officio, Staff and County representatives present: Cathi Boze (Mariposa County Agricultural Commissioner), Becky Crafts (Mariposa County Assessor-Recorder), Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Mariposa County Planning Department Deputy Director), Kris Schenk (Mariposa County Planning Department Director), Karen Robb (Consultant), Maxwell Norton (UC Farm Advisory, Cooperative Extension).

Members of the public present: Gerald Sarazin, Ken Baker, Jerry Progner, Tony Kidd, Supervisor Turpin and Supervisor Aborn.

## Agenda Item 2 - Recap of 4/13/09 meeting. Corrections to the minutes were noted by:

Pulvino made the following addition to page 5: "after camping was then discussed" add: "*Ken Pulvino stated the example of "glamping" (high fee, glamorous camping in a rural environment) as a way AE property owners might find income with minimal impact on the primary use of the land as agricultural.*

*Kidd commented that she thought certain members of this committee had a vested interest in the outcome of the policy definitions being discussed and considered by the committee. She said she was not pleased with the composition of the committee membership and had hoped for a committee membership that was predominantly made of large AE land owners. She warned other members that she had discussed with Mariposa County Counsel the regulations governing the need for other committee members to "recuse" themselves from voting on any issues up for a committee vote that might have an impact by which that committee member would profit individually."*

Kidd agreed with the addition to the minutes and clarified that the issue was raised as a legal advisory to the Committee.

Robb stated that everyone was asked to be on the Committee to represent their specific groups, but the Committee was formed for the benefit of the entire County not for vested interests in any one agency.

Pulvino said that he wanted to make it clear that he and his wife would not pursue any for-profit agritourism activity on their property as a result of the determinations voted upon by the Committee.

Robb made the following correction to the minutes on the bottom of page two which says "Robb stated before Boze speaks "it should say "*Robb stated Boze was providing information only but she would answer questions if anyone had questions about this topic.*"

Bunning made the following correction on page 2, ten lines down where it is stated "she said that the group needs to define things as broad as possible because if we stated" the word should be "*started*". Bunning also noted a correction on the same page where it says "Bunning stated where he wanted to stress is" the word "*is*" needs to be removed. Bunning made his last correction on the bottom of page 7 where it states "he further stated is" the word "*is*" should be removed.

Hubert made a motion to accept the minutes as amended and Casto seconded the motion.

The Committee approved the minutes as amended.

**Agenda Item 3-** Ostrom asked for any correspondence to be presented to the Committee.

Pulvino presented a letter to the Committee from he and his wife reiterating his prior statement that they would not pursue any for-profit agritourism activity

Bunning asked Williams to clarify Ken Baker's statement during the Public Speaking portion of the last meeting where Baker stated that agritourism is now considered an Ag crop.

Williams answered Bunning that the definition for agriculture in either the Zoning Ordinance or the General Plan is not consistent with Baker's statement.

**Agenda Item 4-** Ostrom spoke to the Committee regarding a review of the Right to Agricultural Activities and the chart that was provided to the Committee.

Bunning initiated a discussion with several members of the Committee about the differences in permitted uses and conditional uses in the AE zone in conjunction with an agritourism operation and if the Committee will be re writing parts of Title 17.

Ostrom concluded that the differences will become clearer as the Committee works through the work sheet and adjusts the numbers on the chart they will be working on during this meeting.

Casto gave the group her interpretation of the difference between the right to farm versus agritourism. Casto stated that the right to farm is the ability to grow a product, produce a product and sell the product to the general public day in and day out. Casto went on to say that agritourism would be guided tours, regional in nature and is an event where tickets can be sold.

Williams clarified that the purpose of the Right to Farm ordinance is just to protect existing agricultural operations from nuisance complaints from neighbors who live next to them.

Norton stated that the orientation for the right to farm is on production and agritourism is on marketing visitor driven activities.

(b1)

Pulvino said that the Calaveras County definition of the Right to Farm is to not have neighbors infringe upon the rights of the property owner to the economic fruits of their labor.

Ostrom summed up the discussion by saying that Tourism is visitor activities, fee for service and fee for experience, while right to farm is producing and selling product.

Ostrom then directed the group to go over the chart and said that the chart should begin with the wording "All uses shall be pursuant to existing Mariposa County regulations, California State regulations and US Federal regulations".

Ostrom referred to the first section of the chart and asked the group if there should be any changes for Mariposa County that differ from the Calaveras Plan. Ostrom stated that she would like to have the wording added "Agritourism is in conjunction with the Ag operation on the land".

Bunning asked if there are going to be two definitions, one for Agritourism and one for Nature Tourism.

Kidd stated that the General Plan is specific with three separate definitions and she does not feel that Agritourism and Nature Tourism can be under one definition. She went on to say that Agritourism and Nature Tourism are defined in the General Plan and the Committee is in charge of adding additional activities to those definitions.

Williams clarified that the Committee is establishing the Zoning Ordinance provisions for the General Plan, implementing the General Plan. Williams said that the General Plan is policy and the Zoning Ordinance is regulatory, and the Committee is trying to establish regulatory provisions to implement Agritourism, Nature Tourism and Eco Tourism definitions.

Norton said that the Calaveras definitions are workable for many counties in California and he suggests that the Committee should accept them and move on to page 3 of the chart.

Ostrom stated that the group will go through the chart line by line, discuss any insertions to the chart and the next meeting the group will be able to vote on the additions and or changes.

Boze referred to line one and questioned the Calaveras definition of at least \$2000.00 in gross income. Boze stated that the Ag Advisory Committee and the regulations for Mariposa County state that only a profit has to be made, no dollar figure mentioned.

Williams stated that right now the focus is on Agritourism and referred to the Calaveras zoning ordinance definition that states that the enterprise has to be on a working farm, ranch or other agricultural operation or agricultural plant facility conducted for the enjoyment and education of visitors, guests or clients that generates income for the owner and operator.

Casto said that if Agriculture has to be primary, then it has to be defined as to acreage or dollars.

Williams said that this issue has been discussed in the past and the concern was whether Agriculture operation is the primary land use relative to percentage of area relative to acres or percentage of income. Williams stated that the conclusion has been that the percentage of acreage not the income is the primary determinate of land use, but a percentage has never been defined.

The Committee then discussed the various percentages of area relative to acreage.

(62)

Ostrom summed up the input of the Committee by asking if using the figure of 90% or not more than 5 acres (which ever is less) as the primary determinate of land use would be agreeable to the group. She also added that there be no use that detracts from the Agricultural production of the operation.

Bunning suggested that the information be put in writing for the group to assess and then vote on at the next meeting.

Pulvino thought that \$1000.00 minimum in gross income should be added to the definition.

Kidd stated that the definition should be clarified to say "sales of agricultural products of \$1000.00 or more".

Williams agreed saying that that statement makes it very clear and is exactly what is needed to define Agritourism.

Ostrom said that she would like to add that Agritourism must enhance, not replace agriculture.

Norton said that "enhance" is a very objective statement and would not advise the use of that term as it would invite lawsuit activity.

Pulvino clarified that the group is in agreement with the wording of the Calaveras definition of Agritourism with the addition of the percentage of acreage and \$1000.00 minimum in sales.

Kidd then read from the General Plan, section 5.30.04B Extent of Uses, where it defines Agritourism and said that she thought this language should be added to the Calaveras definition.

Ostrom agreed with Kidd and said that the language should be added to the definition.

Ostrom asked if the Committee had any more discussion in regard to the definition of Agritourism. She then directed the group to the definition of Agri-nature Tourism in the General Plan and asked if there were any additions to that definition.

Bunning said that he felt that anything in Agri-nature Tourism should have some form of review.

Ostrom asked the group if the wording "Agri-nature Tourism is not a permitted use, it is either an level II use or a Conditional Use Permit depending on the operation proposed" would be acceptable.

Pulvino stated that we have a definition of qualifications that require primary use as agriculture, that the \$1000.00 and percentage of acreage in terms of controlling factors as what could possibly be used as an Agri-nature use on AE land. He said that the direction from Board of Supervisors was to model this after Calaveras, taking the intent of that successful program and making it work for Mariposa County. Pulvino went on to say that the Calaveras program breaks out the permitted uses but it does not call the permitted uses by Agri-nature versus Agritourism. He said that they establish the primary usage of the land as being Agricultural and then they say to the AE Zone property owners "you are permitted under our Agritourism to do the following uses". He then said that if we try to separate the two and have it go through an administrative or conditional use permit, it would shackle the hands of individuals who are willing to comply with the requirements but want the ability to have some sort of income to pay for the maintenance of their AE Zone land.

(63)

Lidyoff suggested adding the language of "economic viability" to the Agri-nature Tourism Operation.

Robb said that the addition should be to Ag Operation not Agri-nature Tourism.

The Committee then discussed road standards and traffic studies.

Ostrom then directed the group back to the chart and home based business and rural home industries. She asked if there was any discussion regarding adding Agritourism language regarding home based businesses or rural home industries or is the wording in the General Plan specific enough?

Kidd said that both of those activities could apply for those things that are not visitor for fee type of activities as they are direct sales of products. They should not be in Agritourism and should be included in one of the items permitted in the AE Zone.

Break: 10:02 a.m.

Reconvened: 10:19 a.m.

Ostrom stated that she wanted the Committee to work through the rest of the chart and the discussions should be kept brief. Ostrom said the focus will be on Agritourism.

Ostrom directed the group to the Special Events-Private section of the chart. Ostrom stated that Mariposa, State and Federal Regulations apply to these events. She went over the numbers that were agreed upon by the Committee at the last meeting: less than 75 attendees is a permitted use, less than 250 is an administrative use, over 250 is a conditional use which matches the public assemblage permit. Ostrom said that these events are less than 12 times a year on AE Zone land.

Kidd said that she felt that the number of times per year is too high for Mariposa County.

Robb clarified by stating that anything over any of the stated numbers would require an administrative use permit.

Ostrom said that the Committee had defined Special Events-Public as a permanent land use of 6 times a year.

Williams clarified that temporary events are subject to a public assemblage permit and a permanent land use is where a facility has permanent rest rooms, eating facilities, parking lots and structures that are regulated by zoning ordinance standards.

Ostrom stated that all special events would be subject to road standards.

Bunning asked if all of these definitions were re writing Title 17?

Williams clarified that yes the Committee is re writing and clarifying Agritourism in Title 17.

The Committee discussed the numbers of events verses days and the number of people allowed per event.

Ostrom referred the Committee back to the chart and to the Agriculture Home Stay section saying that the group had decided to keep it consistent with Calaveras County. Ostrom went on



to Bed & Breakfasts saying they are already a conditional use permit in the AE Zone. Ostrom then stated that Ag product sales are already allowed.

Ostrom said that U pick operations are permitted if sold by pound or if volume is unlimited. She said that a fee or activity is subject to the special events numbers.

Ostrom stated that Recreation and Education is resort commercial zoning and not in the AE Zone.

Ostrom said that Environmental Education Center, with or without structures, follow the same regulations as Agritourism.

Ostrom then stated that Equestrian & Camping have not been addressed yet but suggested going with what already exists in Mariposa County.

Ostrom informed the Committee that the changes made at this meeting will be reviewed at the next meeting on May 15<sup>th</sup>.

**Persons Wishing to Speak on Matter not on the Agenda, but within the Jurisdiction of the Committee.**

Ken Baker spoke to his statement at the last meeting that Agritourism is an Agriculture crop in Mariposa. He clarified his statement by saying that Agritourism is recognized as the fastest growing industry in Agriculture both statewide, federally and internationally. He said that it is considered a crop because it helps to pay the mortgage for farms and ranches..

Ostrom stated that this meeting will be continued to 8:00 a.m. on May 15, 2009.

There being no more further business, Ostrom adjourned the meeting at 12:04pm.

Minutes taken by: Judy Mueller, Planning Department Secretary

(65)

# Agriculture Nature Tourism Advisory Committee Meeting Minutes

May 15, 2009

8:00 AM · Board Chambers · Government Center, Mariposa

## Agenda Item 1 - Call to Order, Roll Call and Introductions

Meeting was called to order at 8:15 AM by Brenda Ostrom

Voting Members present: Brenda Ostrom (Chairman, representing at-large public member), Ken Pulvino (Vice Chairman, representing Mariposa Chamber of Commerce), Dennis Bunning (Mariposa County Farm Bureau), Jerry Progner (alternate - Mariposa County Resource Conservation District), Rita Kidd (at large public member), Kris Casto (Mariposa Agri-Nature Trail Committee), Brian Bullis (alternate - Mariposa County Visitors and Tourism Bureau).

Ex Officio, Staff and County representatives present: Becky Crafts (Mariposa County Assessor-Recorder), Cathi Boze (Mariposa County Agricultural Commissioner), Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Planning Department), Kris Schenk (Planning Department) (arrived later) and Karen Robb (Consultant).

Members of the public present: Mike McCreary, Gerald Sarazin, Tony Kidd, Bart Brown, Ken Baker (arrived later), Bob Rudzik (arrived later), Linda Meyer (arrived later), Dawn Afman (arrived later).

## Agenda Item 2 – Recap of 4-24-09 meeting –

Ostrom stated that at the last meeting the Committee reviewed the chart that Kidd created and mentioned several issues to be included in the ordinance. She also said that the Committee would be reviewing the draft ordinance and discussing any changes necessary.

Changes to the minutes were proposed as follows:

Bunning stated on page 4, 8<sup>th</sup> paragraph down in last part of sentence, “of the” was used twice. Bunning stated on page 5, 3<sup>rd</sup> paragraph from bottom, “Bunning asked if all these definitions were in writing in ..should say “rewriting Title 17”.

Boze stated that Gerald Serazin’s name was spelled incorrectly. (It should be an “e” instead of an “a” – should be spelled Sarazin.)

The Committee unanimously approved the minutes of April 24, 2009 as corrected.

## Agenda Item 3- Correspondence –

There were two emails presented to the group, one from Bart Brown and the other from Ruth Shane.

(66)

Williams informed the Committee that she has been asked by a member of the Public as for the definition of "short term" in reference to the short term sale of agricultural products.

Kidd said that she had spoken to several ranchers in Catheys Valley and hear that they were under the impression that the Committee had been formed to further define the twice a year agri-nature trail. Kidd went on to say that the proposed numbers were an issue with residential land owners and ranchers.

#### **Agenda Item 4 – Public Input**

Mike McCreary thanked the Committee for the work they were doing and said that Ruth Shane is his wife. He stated his concerns regarding Agritourism and sanitation facilities.

Bart Brown complimented the Committee on their work. He went on to say that he has concerns in regard to the numbers and wanted to remind the group that it is easier to increase rather than decrease the numbers. Brown said he was also concerned about water and sewer needs and feels that the Committee should obtain clarification from the Health Department regarding standards that apply to sanitation facilities. Brown said that he is concerned that as the number of people using the land increases so will the risks of fire danger increase.

Brown further commented on the impact that noise, dust and pollution would have on the road conditions in the County and expressed his concern regarding the public assemblage process. He stated that he felt the application process would enhance public protection and the mediation process was a good addition to the ordinance.

Bunning stated comments that he has received from the Public and the Farm Bureau indicate that the consensus is that the Committee is being too liberal and not being protective of the community. He read a section from the General Plan 2.3.05 "Decision Making and Neighboring Properties" and stated that when the Committee makes guidelines they are impacting our neighbors, being too liberal with numbers and with the roads. Bunning stated that if someone is putting in a sizeable agritourism or agri-nature operation, the Public should have the right to give input and to appeal the operation if it is determined to be detrimental to the community.

Robb feels that the numbers issue has come up a lot and that number of 1,000 came from Calaveras County and is too high for Mariposa County. Robb stated that is why in the draft it is written in red that the Committee needs to reconsider these numbers and that number of 250 was put in as a possible alternative.

Pulvino, commenting on Bunning's statement, said that the Committee must decide on a number that will be balanced for the Community as a whole. He said a balance must be set between the property owners and neighbors and feels that the figure of 1,000 could be lowered. Pulvino stated that this is all about agriculture and agritourism opportunities and the balance should be about keeping the land in agriculture use. Pulvino further stated he disagreed with Bunning's view that the Committee had been too liberal. He complimented the members who are working hard to find a healthy balance between agriculture needs and the financial demands of owning AE land.

Ostrom asked that a motion be made to accept the draft ordinance and then the group will go over the draft line by line for clarity.

(67)

Ostrom said she would like to have Dr. Mosher address the Committee regarding health and septic requirements as the language in the ordinance must comply with the Health Department regulations.

Kidd stated that she found an ordinance from San Luis Obispo that was related to an AUP for agricultural processing of on site products that requires that AUP is noticed to all property owners within X and is allowed a two week comment period. Kidd felt that example would be a good compromise as it provides notice and gives the Public the opportunity for comment.

Williams stated that we have a similar process in another community where something isn't a purely conditional use, it is a conditional use by vote of affected property owners. She cautioned that it is a process as planners we have had concern about. The process is over 20 years old. An applicant coming to the counter should have some expectations of what conditions they can expect to face with the AUP. If we use the process that Kidd brought up, they will not know what issues will come up as a result of the send out for comment process to the neighbors. It would be similar to the CUP where there would be a lot of unknowns. If there is a use or event that there are so many people that you as a committee have concerns about, then it needs to be put in the CUP category. AUP category needs to be for those uses where there should be some review but it should be review against set and defined criteria and standards. The applicant knows what to expect and what the requirements will be. If neighbors are concerned with particular projects, they can read in the newspaper what the project will entail and learn about the project. There is always an appeal right but she had concerns about adding in conditions for which there are no set and defined for that category (AUP).

Bunning asked Williams to describe the noticing process.

Williams stated that the current noticing for Lot Line Adjustments or Planning Director's Determinations is in the newspaper. Williams informed the Committee that actions taken on Monday are noticed in the Thursday newspaper in the Planning advertisement and are posted in the community where the project is located, on the County Website, at the Courthouse and the Planning Department.

Bunning asked Williams if that was done after the project was approved.

Williams stated that is correct. To date the uses are permitted or conditional or prohibited. If the use is permitted, the property owner gets to do them by right or through a building permit process. If the use is conditional, the property owner has to go through a public hearing process and neighbors can say whatever they want and the Planning Commission can determine whether or not it is a valid concern. There is a staff report and an environmental review and staff figures out what conditions to apply to address the issues. The idea is trying to come up with some middle ground procedure with development standards for these uses and it only works if we can figure out all these conditions to address impacts associated with traffic, lighting, dust, noise and numbers of people. It only works if we can come up with set and defined conditions that apply that will address the impacts of the events and uses.

Bunning stated that the Farm Bureau's position is if the operation is Ag related and part of an agricultural production it should be allowed, anything else needs to be reviewed to the degree that it protects the neighborhood.

Pulvino stated that permitted uses should not require a review process unless they fail to comply with the limits set in the agritourism policy or the development restrictions.

Williams stated that in order to protect the neighborhood the focus needs to be on all the development standards.

Bunning stated that all projects should be reviewed to make sure they are not adverse to the neighborhoods.

The Committee discussed road improvements and at the conclusion of the discussion added draft language to the zoning code.

### **Agenda Item 5 –Review and evaluate draft agri-tourism ordinance**

Casto moved to adopt the proposed amendments to the Agriculture Exclusive Zone (AEZ), Chapter 17.40. Pulvino seconded the motion.

The motion was made in order to conduct discussion and deliberation.

Ostrom stated that there were two copies of the draft to consider. One was sent out in the packet and one given to the Committee at this meeting with yellow highlighted text with changes suggested by Kidd.

Casto said that her preference would be to go through the agri-tourism draft ordinance that was in the packet and have Kidd insert her ideas where appropriate.

Pulvino said that he agreed with Casto.

Kidd stated she would like to comment on the changes that she had highlighted in yellow.

A detailed discussion of the proposed ordinance amendments followed.

The following conclusions were made (summary):

#### **Issue No. 1 – Text**

Change “short term” to “seasonal”

#### **Issue No. 2 – Text**

Add “administrative use permits” to the text of code in the first section of the AE zone.

#### **Issue No. 3 – Numbers**

Change the table as follows:

(Special)Events

Number of People	OR #X/Year	Hours	Level of Permit	County
<75 people/day	12 days	8-10	By Right	Mariposa

69

	Per year				
75-250	Days Per year	13-24	8-10	Administrative	Mariposa
>250 people/day	25+ days Per year		By CUP	Conditional	Mariposa

The numbers above are per operation.

#### Daily Use Numbers

- Permitted use is limited to no more than an average of ten persons per day with a maximum of less than seventy five in any given week. In excess of this number requires an Administrative Use Permit.
- These numbers are not counting employees.
- Special event numbers are not included in these numbers.
- Homestay use is limited to 10 people.

#### Issue No. 4 – Number of Special Events

Increase number from 2 to 4, before becomes a permanent land use. This is a change in the definitions.

#### Issue No. 5 – Hunting Dog Trials

Move hunting dog trials to conditional use permits when fire arms are discharged. Continue to allow hunting dog trials as an administrative use, when no fire arms are discharged.

#### Issue No. 6 – Petting Zoos

Add “animals in residence” to petting zoos.

#### Issue No. 7 – Application requirements for AUPs

Add to text.

#### Agenda Item 9- Public Input

Ken Baker stated that he feels the Committee is making County rules that really don't exist and imposing things that should be General Plan changes not related to Agritourism and asked where the red markings on the draft came from.

Robb answered by saying that the items in red are from other codes that pertained to the ordinance but hadn't been discussed by the Committee yet. Robb said that the red was to bring it to the Committee's attention.

Ostrom clarified that the red was to highlight items that needed to be discussed by the Committee.

**Agenda Item 10- Closing Remarks -**

Ostrom informed the Committee that the meeting will be continued to Friday, May 22, 2009 at 11:00 a.m. at the Mariposa County Government Center, Board Chambers and that written correspondence will still be accepted for the next meeting.

**Agenda Item 11- Adjourn at 12:00 PM**

Meeting Continued to: Friday, May 22, 2009 11:00 AM

Minutes taken by: Julie Guyton

**Agriculture Nature Tourism Advisory Committee**  
**Draft Meeting Minutes**

**May 22, 2009**

**11:00 AM · Board Chambers · Government Center, Mariposa**

**Agenda Item 1 - Call to Order, Roll Call and Introductions**

**DRAFT**

Meeting was called to order at 11:08 AM by Brenda Ostrom

Voting Members present: Brenda Ostrom (Chairman, representing at-large public member), Dennis Bunning (Mariposa County Farm Bureau), Ken Pulvino (Vice Chairman – representing Mariposa County Chamber of Commerce), Rita Kidd (at large public member), Kris Casto (Mariposa Agri-Nature Trail Committee), Brian Bullis (alternate –Mariposa County Visitors and Tourism Bureau)

Ex Officio, Staff and County representatives present: Marilyn Lidyoff (Mariposa County Economic Development), Sarah Williams (Planning Department), and Karen Robb (Consultant)

Members of the public present: Bart Brown, Ken Baker, (arrived later) Gerald Sarazin, Supervisor Janet Bibby.

**Agenda Item 2 – Recap of 5-15-09 meeting –**

Changes to the minutes were proposed as follows:

Bunning stated on page 1, 4 line up where Boze stated “it showed” and should say “it should be”  
Bunning stated on page 4, 6<sup>th</sup> paragraph down, Ostrom stated “there that”, the word “there” needs to come out. Bunning also stated that there was a lengthy discussion last meeting about legal right of way before the roads could be improved and there was no reference in the minutes about that. He stated he wanted it incorporated in the minutes.

Pulvino stated on page 2, second to last paragraph, starting with Pulvino commenting...,on the third line of the paragraph, the word “needs” should be “could be lowered.” He also stated where it says “Pulvino stated that this is all about agriculture” it should say ”Pulvino stated that this is all about agriculture and agritourism opportunities and the balance should be about keeping the land in agriculture use.” Pulvino further stated that he recollected saying the following: “He said that he disagreed with Bunning’s view that the committee had been too liberal. He complimented the members who are working hard to find a healthy balance between agriculture needs and the financial demands of owning AE land.” Pulvino then stated on page 4, second paragraph, he wanted the following statement added to the minutes after the word neighborhoods. “Pulvino stated that permitted uses should not require a review process unless they fail to comply with the limits set in the agritourism policy or the development restrictions.”

Ostrom stated that at the conclusion of the road discussion there was draft language added to the zoning code.



DRAFT

Kidd stated that she asked that there would be a definition of petting zoos added to the draft so that there aren't any questions later on.

Kidd further stated that she wanted to remove her comments she made last week with regards to the draft ordinance with the exception that she would make statements about those numbers when we got to those points.

The committee unanimously approved the minutes of May 15, 2009 as corrected.

### **Agenda Item 3 – Correspondence –**

Pulvino presented the Committee a handout from a recent article from the Sierra Sun Times that was about agritourism as a part of a solution to the County's financial issues. Pulvino said that the article was still listed as of the morning of the meeting if any member of the group wanted to access the article.

Ostrom stated she had further comments from Ruth Shane and Rita Kidd and that she would bring up later in the meeting.

### **Agenda Item 4 – Ag Tourism Ordinance Issues of Concern – - Summary of all discussions on these topics**

- 1) Length of Special Event – Add back into text that a special event may not exceed 3 day limit.
- 2) Minimum parcel size for AgTourism on AE property – No changes to existing text
- 3) Not imposing limits on AgTourism businesses in excess of what are already imposed on other businesses – list may be removed but include statement at beginning of AE code that any agritourism use shall comply with all federal, state and local laws and regulations.
- 4) Number of employees allowed (limit 5 since 5 acres is limit for AgTourism vs. how many employees required for a safe event) – Change to specify to maximum of 5 on a daily basis to be consistent with number of employees allowed on home business in General Plan. No limits to number of employees for special events. Need to allow enough employees for a safe event.
- 5) B&Bs remain a CUP – No changes, B&Bs remain a CUP in AE zone.
- 6) Ag Home stays – Change text to allow within accessory dwellings as well as within residence of property owner. Keep number at 5 guest rooms and 10 guests maximum. Need to add ag home stays in 17.108.180 provisions to clarify that ag home stays also allow 5 guest rooms. The majority of the board wanted 5 rooms/10 guests. Must comply with fire standards.
- 7) Camping – in favor of allowing “glamping” in fixed units in limited numbers as conditional uses.

DRAFT

DRAFT

- 8) 75 people vs 50 for AUP (based on porta potty requirement) – Consider changing minimum for AUP? Get input from Health Department on these numbers.
- 9) Bottom of page 3 section 4 “i” – add – “Recorded” in front of access easements.
- 10) Add reference to “as determined by Health Department” to “i”, “j”

Add Section “C” to page 5 : Conflict Mediation between neighbors and ag-tourism – Non regulatory issue arising between ag or nature tourism and the neighbors shall or may initially be referred to a third party non binding mediation if available. If no resolution is made in time, it will be referred to the Ag Nature Tourism Committee. Subsequent steps would include the agricultural advisory committee, planning commission or civil action.

11) Discussed putting this into AE zone but did not agree to conflict resolution between neighbors and ag tourism uses. Non regulatory issues arising between ag or nature tourism and the neighbors shall or may initially be referred to third party non binding mediation if available. If no resolution is obtained the issue should be referred to an appointed ag nature tourism committee. Subsequent steps would include the agriculture advisory committee planning commission or civil action.

Give examples of child with asthma and person who works at night as two examples which are not addressed by code but which could be addressed by mediation.. Want agritourism to be good neighbors

- 12) Exclude arena events in definition of agritourism. (page 7 about arena events). There was significant discussion about this issue.
- 13) Add public health safety and welfare to findings in AUP environmental findings
- 14) In Staff Report want to require that the standards be reviewed in 3 or 5 years.

In Section “h” take out “activities” in 8<sup>th</sup> sentence.

- 15) Add definitions for Petting Zoos from Rita Kidd.
- 16) Add provisions for revocation from Rita Kidd.
- 17) Businesses need to require an employee identification number.

Casto motioned to accept all changes. Kidd seconded the motion. Motion passed unanimously

**Agenda Item 5 – Public Input** – There were no members of the public who wished to speak.

**Agenda Item 6 – Closing Remarks** –

Ostrom stated that the committee did a very good job and there was good diversity. Review all changes prior to sending to the Board of Supervisors. Committee will have five days. All revisions to be made via email

**Agenda Item 7 – Adjourn** - Meeting adjourned at 3:38 PM

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DRAFT

Minutes taken by Julie Guyton