

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed Winery Ordinance Amendment, as mitigated, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 El Dorado County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved Winery Ordinance Amendment has been modified to include mitigation measures as identified in the Initial Study. The incorporation of those provisions will serve as the monitoring program for this project.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, 95667, California.
- 1.5 The Mitigation Monitoring Program required by CEQA Guidelines Section 15074(D) is satisfied because the mitigation measures are incorporated directly into the codified ordinance.

### **2.0 General Plan Consistency Findings**

- 2.1 **Policy 2.2.2.2:** “The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as “choice” agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage the expansion of agricultural activities and production.

B. The minimum residential parcel size for lands containing choice agricultural soils within an Agricultural (-A) District shall be twenty (20) acres or the minimum lot size established by the underlying land use designation, whichever is greater.

Residential parcels within Agricultural Districts where 70 percent or more of the parcel area is identified by the Agricultural Commission as land unsuitable for agriculture, as defined in “The Procedure for Evaluating the Suitability of Land for Agriculture,” may be considered for a minimum parcel size of ten (10) acres. Clustering of planned residential developments on “non-choice” agricultural soils within Agricultural Districts, that have been identified by the Agricultural Commission as land unsuitable for agriculture, may be allowed but in no case smaller than five (5) acres.

C. Ranch marketing is encouraged on lands engaged in agricultural production.”

**Finding:** The Draft Ordinance amendment is consistent with Policy 2.2.2.2 because it allows and permits winery uses within the Agricultural Districts on Agriculturally zoned lands, within the limits of other General Plan Policies such as Policy 8.2.4.4. The Draft Ordinance encourages agricultural activities by requiring a minimum of 5 acres of vineyard for wineries and accessory uses are allowed to supplement and encourage wineries and agriculture.

**2.2 Policy 2.2.5.10:** It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Uses which may be considered to be consistent with this policy are those which include but are not limited to feed stores, agriculture supplies and sales, veterinarian services, animal boarding, processing and/or sale of agriculture products, and the sale of firewood not produced or grown on the site. In addition to agriculture, the rural areas may allow other consistent uses in the form of but not limited to outdoor recreation and campgrounds and organized camps, retreats, fishing and hunting clubs, mineral extractions, and cemeteries. The following uses are allowed by right and do not require a special use permit: processing and/or sale of agricultural products, the sale of handicrafts or goods, picnic areas, and any other use allowed by right as specified in the Zoning Ordinance (“Ranch Marketing Ordinance”) provided that these activities are conducted on a site with a bona fide agricultural operation.

**Finding:** The Draft Ordinance is consistent with Policy 2.2.5.10 because it would specify provisions to allow wineries and accessory uses within the Rural Regions of the County as contemplated by this Policy. Although this Policy primarily focuses on the Ranch Marketing Ordinance, this is terminology consistent with the 1996 General Plan context. In 2001 the Ranch Marketing Ordinance was split into a “Ranch Marketing” section and a “Winery” section. The 2004 General Plan used the 1996 General Plan as a basis, but this policy was not amended to reflect the changing terminology and ordinance.

**2.3 Policy 2.2.5.21:** Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

**Finding:** The Draft Ordinance is consistent with Policy 2.2.5.21 because there are a number of new provisions that minimize land use compatibility issues. The Draft Ordinance emphasizes wineries and accessory uses on larger parcels (10 and 20 acre parcels) primarily within the Agricultural Districts. For parcels not within Agricultural Districts, a Use Permit is required adjacent to HDR, MFR, MDR, and LDR General Plan land use designations. Access provisions, winery size limitations, setback standards, and limitations on special events also serve to minimize incompatibility issues between winery uses and residential uses.

**2.4 Policy 8.2.2.1:** Agricultural operations allowed by right on agricultural lands shall include, but not be limited to:

- A. Cultivation and tillage of the soil, grazing, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
- B. Processing of any agricultural commodity, including timber, Christmas trees, shrubs, flowers, herbs, and other plants;
- C. Raising of livestock, fur-bearing animals, and all animal husbandry;
- D. Culture or breeding of poultry and aquatic species;
- E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
- F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.2.1 because the winery ordinance provisions are a subset of the “ranch marketing” provisions in section E. The Draft Ordinance balances the allowance of agricultural operations, such as wineries, to occur on agricultural lands, with the land use compatibility requirements of Policy 2.2.5.21 and other limitations such as minimum acreage and crop size in Policy 8.2.4.4. and visitor serving use Policy 8.2.4.2.

**2.5 Policy 8.2.4.2** A special use permit shall be required for visitor serving uses and facilities providing they are compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.

**Policy 8.2.4.3** Visitor serving uses may include but are not limited to: recreational fishing, camping, stables, lodging facilities, and campgrounds.

**Finding:** The Draft Ordinance is consistent with Policies 8.2.4.2 and 8.2.4.3 in that provision for visitor serving uses generally requires a Use Permit. Agricultural Homestays (lodging facilities) are not permitted by the Draft Ordinance, but would generally be permitted by special use permit similar to a bed and breakfast. No campgrounds, stables, or other recreational activities are being permitted under the Draft Ordinance.

**2.6 Policy 8.2.4.4** Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.4.4 because the ordinance includes provisions generally limiting winery operations to lots that are 10 acres or more and have five acres of agricultural crops. Some exceptions are made for smaller wineries, but those facilities have additional provisions limiting their operations and also require approval of a Use Permit. Winery uses are also limited to 5 acres or 50 percent of the parcel, whichever is less.

**2.7 Policy 8.2.4.5** The County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of said land.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.4.5 because the ordinance allows a number of winery and accessory uses on agricultural lands with a number of provisions to minimize the impact on agricultural uses. The winery itself is required to be on a lot of 10 acres, with 5 acres of vineyard. Tasting facilities are required to be subordinate to the winery. Wine sales are limited to that allowed by an ABC Type 2 Winegrower's license. Marketing events are also subordinate to the winery. Uses such as dining facilities and large special events require a Use Permit to evaluate consistency with General Plan Policies such as Policy 8.2.4.5.

**Policy 10.1.2.4:** When adopting new regulations or procedures, both regulatory and business needs shall be reflected.

**Program 10.1.2.4.1:** Regulations shall include a means to accomplish regulatory needs with the least interference and/or barriers to business. Interested parties should be invited to participate in the development and review of new regulations.

**Program 10.1.2.4.2:** The County shall prepare an overview statement for proposed laws or administrative regulations including: (a) the purpose of the law and/or regulation; and (b) the relationship between stated purposes and other adopted laws and/or regulations of the County.

**Policy 10.1.5.4:** Recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.

**Policy 10.1.6.1:** The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

**Finding:** The Draft Ordinance is consistent with these policies from the Economic Development Element because the ordinance balances the needs to encourage economic development, allow flexibility in winery operations, and keep in check potential impacts from winery operations on non-compatible land uses, such as higher density residential development. The Draft Ordinance allows wineries and some accessory uses “by right” on a number of lots in the County, if they have the ideal parcel sizes, zoning, and location within an Agricultural District. Other wineries and accessory uses may be permitted by Use Permit.

### **3.0 Zoning Findings**

- 3.1 The project, as proposed and mitigated, would amend the El Dorado County Zoning Ordinance. All the necessary procedures required to amend the Zoning Ordinance have been followed including:
- 3.1.1: Resolution of Intention to Amend the Zoning Ordinance from the Board of Supervisors (Resolution 228-2007) as required by Chapter 17.10.
  - 3.1.2: Public Hearing with the Agricultural Commission on November 12, 2008, as required by General Plan Objective 8.1.4.
  - 3.1.3: Public Hearing with the Planning Commission on November 13, 2008 as Required by Chapter 17.10.
  - 3.1.4: Adequate public notice was provided for the Planning Commission Hearing.
  - 3.1.5: Adequate public notice was provided for the Board of Supervisors Hearing, including the recommendations of the Planning Commission.