

**Addendum to the Targeted General Plan Amendments &
Zoning Ordinance Update Project
Final Environmental Impact Report**

Ranch Marketing Ordinance and Winery Ordinance Amendments
(File No. OR 24-xxxx)

State Clearinghouse Number 2012052074

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County of El Dorado
Planning and Building Department

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I. INTRODUCTION

A. Overview

This document constitutes an addendum to the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012052074) for the El Dorado County (County) Targeted General Plan Amendments & Zoning Ordinance Update (TGPA-ZOU) Project. County staff has determined that an addendum is the appropriate document because minor, technical amendments to the Ranch Marketing Ordinance (Section 130.40.260 Ranch Marketing) and Winery Ordinance (Section 130.40.400 Wineries) are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document under the California Environmental Quality Act (CEQA). This addendum was prepared pursuant to the CEQA Statutes provided in California Public Resources Code section 21000 et seq. and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

B. CEQA Authority for Addendum

Pursuant to CEQA Guidelines section 15164(a), the lead or responsible agency must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred. CEQA Guidelines section 15164(e) provides that the brief explanation of the decision to not prepare a subsequent EIR must be supported by substantial evidence.

Under CEQA Guidelines section 15162, "no subsequent EIR shall be prepared for that project unless the lead agency determines...one or more of the following conditions occur:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

C. Scope of Addendum

This addendum addresses whether any of the conditions stated above have occurred to the TGPA-ZOU because of the minor, technical Ranch Marketing Ordinance and Winery Ordinance amendments. The scope of analysis contained within this addendum addresses each of the environmental resource areas that were previously analyzed in the final FEIR, which includes: aesthetics, agricultural and forestry resources, air quality and greenhouse gases, biological resources, cultural resources, land use and planning, noise, population and housing, transportation and traffic, water supply, energy resources, and community design standards.

Section 3 of this addendum includes a table that summarizes the proposed amendments and completes the necessary CEQA review of the proposed amendments as compared to the TGPA-ZOU Project.

D. Adoption and Availability of Addendum

This addendum will be considered for approval by the County Board of Supervisors after a recommendation for approval is made by the Planning Commission. Pursuant to CEQA Guidelines section 15164(c), an addendum is not required to be circulated for public review but can be included in or attached to the FEIR. Under CEQA Guidelines section 15164(d), the Board of Supervisors must consider the addendum with the FEIR prior to deciding on the proposed Ranch Marketing Ordinance and Winery Ordinance amendments.

II. BACKGROUND INFORMATION ON THE TGPA-ZOU PROJECT

In December 2015, the Board of Supervisors adopted El Dorado County Resolution 195-2015 certifying the FEIR for the TGPA-ZOU Project and adopted the County's Zoning Ordinance Update. The TGPA-ZOU Project consists of targeted amendments to the El Dorado County General Plan (TGPA), a comprehensive zoning ordinance update (ZOU), and design standards and guidelines. As discussed above, the TGPA-ZOU Project was analyzed in the FEIR pursuant to CEQA.

Ranch marketing and winery related activities were described and analyzed in the FEIR as part of the TGPA-ZOU Project. The TGPA-ZOU Project included the expansion, both in the form of an amendment to the General Plan and zoning ordinance update, of ranch marketing and winery uses on agricultural and grazing lands by right or upon approval of a conditional use permit, administrative permit, temporary use permit, and minor use permit, depending on the particular use.

III. PROPOSED AMENDMENTS AND CEQA ANALYSIS

County staff has determined that an addendum is the appropriate document because minor, technical amendments to the Ranch Marketing Ordinance (Section 130.40.260 Ranch Marketing) and Winery Ordinance (Section 130.40.400 Wineries) are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document

under the CEQA. The amendments to the Ordinances are minor and technical in nature because the edits address areas of ambiguity and clarify or simply language in the Ordinances. The amendments to the Ordinances do not change to the allowable uses, nor amount in any meaningful increase in the number of special events allowed annually for relevant ranch marketing or winery activities; in fact, most of the amendments reduce any potential environmental impacts. The environmental analysis is presented in the table below, which lists the relevant ordinance citation(s), the subject matter of the proposed amendment category, and relevant CEQA review.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
Sec. 130.40.050(E)(3)(b); Sec. 130.44.102(C)(2)(a)	Require an annual administrative permit to hold special events, which would be processed by the Agricultural Department	The proposed amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.050(E)(3)(a); Sec. 130.44.102(C)(2)(c)	Reduce special events from 48 for wineries and 24 for ranch marketing establishments to 12 each year unless authorized by a special use or temporary permit	The proposed amendment likely reduces any potential significant environmental effects because it reduces the total number of special events authorized.
Sec. 130.40.400(E)(3)(b)(2); Sec. 130.44.102 (C)(2)(a)(2)	Create a process by which an owner or operator can hold an additional 2 special events each year, up to a maximum of 24 special events a year, for every confirmed additional 5 acres of crop cultivated	The proposed amendment would likely keep agricultural land from being removed from production – a concept which was considered a potential environmental impact in the Final EIR. The previously identified potential impact would likely be reduced with the proposed amendment because it would require operations to add more crops into production to offset the potential impact. The increase of 2 additional special events each year is minimal and presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.050(E)(3)(f)(6) - previously; Sec. 130.44.102(C)(6)(e) - previously	Eliminate the requirement for an owner or operator to keep and provide a complaint log to the County	The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments relating to

		eliminating the complaint log. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.050	Establish a real estate disclosure requirement for agricultural properties related to the ordinances	The purpose of this proposed amendment is to stop operators and operators' realtors from advertising that those properties can be used for unlimited events. The proposed amendment would reduce the likelihood that someone would purchase agricultural property without knowledge that the primary use of that property is agriculture, which may reduce any potential significant environmental effects by potentially limiting the number of non-agricultural properties. The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments relating to establishing a real estate disclosure requirement. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.40.400 Sec. 130.44.101(A)(2)(d)	Provide that contiguous properties under common ownership can be included for purposes of determining the acreage cultivated for qualifying marketing activities and special events, and provides a similar calculation to determine whether a winery meets the definition of a commercial winery to be eligible for qualifying marketing activities and special events.	The proposed amendment will have no foreseeable indirect or direct physical impact on the environmental because the number of establishments that this amendment would impact is minimal. Allowing contiguous properties under common ownership to determine acreage presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.

V. CONCLUSION

Based on the above findings, the County has concluded that preparation of a subsequent EIR for these minor, technical modifications to the TGPA-ZOU Project is unnecessary and that preparation of an addendum is consistent with CEQA Guidelines section 15164. The County has determined, based on substantial evidence in light of the whole record, that the proposed amendments described in this addendum are not substantial. None of the conditions described under section 15162 of the CEQA Guidelines requiring preparation of a subsequent document have occurred. The modifications do not involve any new significant environmental effects. In addition, no substantial changes have occurred with respect to the circumstances under which the TGPA-ZOU Project will be undertaken. The modifications to the TGPA-ZOU Project do not involve new information of substantial importance, which show that the Project will have one or more significant effects not discussed in the previous environmental document.

The County has independently considered the TGPA-ZOU Project FEIR and this addendum, and concludes the following:

1. The consideration of the FEIR and approval of the addendum reflect the independent judgment of the County;
2. The contents of the addendum does not substantially change the TGPA-ZOU Project or its circumstances and does not require major revisions to the FEIR. The information added through the proposed amendments to the Ranch Marketing and Winery Ordinances does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts of the TGPA-ZOU Project; and
3. Together, the FEIR and this addendum satisfy the requirements of CEQA. Preparation of an addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent EIR is required.

Accordingly, the County approves this addendum and the associated proposed amendments to the Ranch Marketing and Winery Ordinance.