

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** November 13, 2008  
**Item No.:** 12  
**Staff:** Roger Trout

**ZONING ORDINANCE AMENDMENT**

**FILE NUMBER:** Z03-0005 (Winery Ordinance)  
**APPLICANT:** El Dorado County  
**PROJECT:** Adoption of a Zoning Text Amendment to the El Dorado County Code to amend the Winery Ordinance.  
**LOCATION:** The Zoning Text Amendment would apply County wide.  
**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration Prepared.  
**SUMMARY RECOMMENDATION:** Recommend Planning Commission forward a recommendation of approval to the Board of Supervisors.

**BACKGROUND:** Although "ranch marketing" has been part of El Dorado County Zoning since the early 1960's, the current ranch marketing and winery provisions of the Zoning Ordinance were adopted in 2001. (Ord. 4573, January 23, 2001) Minor amendments occurred in 2003 to establish the Agricultural Preserve Zone (AP) (Ord. 4636, August 19, 2003).

**Problems with existing Ordinance.** Over the years, there have been many questions regarding the provisions, including how they addressed certain issues, such as, but not limited to:

1. Minimum acreage for a winery;
2. Use of the Site Plan Review process;
3. Special Event and Promotional Event frequency and capacity;
4. Definition of a winery;
5. Relationship between Ranch Marketing and Winery Ordinance;
6. Access provisions (adequacy, maintenance)
7. Problematic nature of rezoning to AE/PA/SA-10
8. Parking provisions;
9. Agricultural Homestays;

**Meetings, Hearings, and Draft Ordinances.** The adoption of the winery ordinance in 2001 was accompanied by a plan to comprehensively review and revise the ordinance after one year. From 2002 through 2003 Planning Staff initiated a series of meetings with the Agricultural Commission and various stakeholders. Planning Staff had prepared the Public Review Draft Winery Ordinance (June 28, 2006).

The Board of Supervisors provided additional direction regarding the Winery Ordinance starting on November 14, 2006 (and continued throughout 2007). (Board of Supervisors Legislative File 06-1814) In summary, the Board directed staff to work with the Agricultural Commission, Economic Development Advisory Committee, and the Planning Commission and return to the Board for updates, as scheduled.

The “Winery Industry Subcommittee” prepared a modified winery ordinance (January 3, 2007) and it was further modified by the Agricultural Commission (January 4, 2007).

The Planning Commission discussed the three versions on January 25, 2007 and February 8, 2007. It was explained by staff that the focus of these discussions was to create a “project description” winery ordinance on which to base a CEQA document.

The Board approved a Resolution of Intention to amend the Zoning Ordinance on September 11, 2008 (Resolution 228-2007).

On October 16, 2007 the Board of Supervisors directed staff to use the September 11, 2007 draft ordinance as the project description and begin the EIR process. The Notice of Preparation was circulated for public comment February 20, 2008 through March 20, 2008. Proposals to prepare the EIR were solicited and received.

**Current Board Direction.** On July 1, 2008, the Board directed staff to modify the September 11, 2007 draft ordinance to:

1. Use the format of the March 17, 2008 Alternative Draft Ordinance; and
2. “Prepared in such a way that it can be circulated” with a Mitigated Negative Declaration.

Staff has revised the draft ordinance as directed, including necessary changes to avoid significant unavoidable impacts. The following are the more significant changes from the September 11, 2007 draft ordinance:

- A. Reduced the zones eligible for winery facilities by right. The “A” zone was removed from the ordinance. The “A” zone is not in the existing County winery ordinance. The change reduces the number of existing lots that could accommodate a winery and minimize impacts on adjacent lands.
- B. Land use compatibility provisions (Draft Ordinance Section D.2). A new provision is included in the Draft Ordinance that requires a Conditional Use Permit for new winery facilities that are both: not within an Agricultural District and are adjoining lands that are designated MFR, HDR, MDR or LDR on the General Plan map.

C. Reduction in Special Events (Draft Ordinance Section C.3). The September 11, 2007 draft allowed a total of 88 events per year: 24 Promotional Events, 52 Special Events, and 12 Charitable Events; with each event allowed to last up to three consecutive days. The September 8, 2008 Draft Winery Ordinance combines these events under the single label of “Special Events” and allows a total of 48 “event-days” per calendar year.

## STAFF ANALYSIS

**Project Description:** The September 8, 2008 Draft Winery Ordinance (Draft Ordinance) would replace the existing Winery Ordinance (Section 17.14.190). The purpose of the ordinance is to provide for the orderly development of wineries; encourage economic development, and implement the General Plan.

The Draft Ordinance identifies permitted and accessory uses associated with winery operations as well as additional development standards and operations standards that the wineries must comply with. Some of the important issues addressed in the Draft Ordinance include the following:

1. **Acreage for Winery:** The Draft Ordinance establishes clearer provisions for the minimum acreage for wineries and accessory uses than the existing ordinance. Additional provisions are included to address situations such as for “Micro-wineries” and “Wineries with less than 5-acres of vineyard.”
2. **Site Plan Review:** The Draft Ordinance puts less reliance on the Site Plan Review process to resolve land use compatibility issues. The Draft Ordinance uses the existing County Permit processes such as Administrative Permit, Minor Use Permit, Special Use Permit, and Temporary Use Permit.
3. **Events:** Special Events, including promotional events and charitable events, are defined and limited in the Draft Ordinance. The current ordinance has no limits on the frequency of these events.
4. **Definition of a winery:** Winery definitions are further clarified in the Draft Ordinance.
5. **Relationship between Ranch Marketing and Winery Ordinance:** The Draft Ordinance clarifies that the special events allowed with the Winery Ordinance are not additive to the Ranch Marketing Ordinance.
6. **Access provisions:** Access provisions are clarified to ensure that wineries use a County maintained road, or will be permitted only by a Use Permit, if on a non-County maintained road, to ensure resolution of any access adequacy or maintenance issues.
7. **Problematic nature of rezoning to AE/PA/SA-10:** The Draft Ordinance establishes a limitation on special events and additional development standards that provide realistic and measurable provisions to evaluate when a property is being considered for a rezone to one of the Agricultural Zones that would potentially allow a winery. In addition, the format of the Draft Ordinance allows easier understanding of the potential development on a lot than the current ordinance.

8. **Parking provisions:** Parking provisions are clarified over the current ordinance.
9. **Agricultural Homestays:** Agricultural Homestay provisions (similar to a bed and breakfast) in the current ordinance have been removed and will be incorporated into the comprehensive Zoning Ordinance update.

**General Plan:**

The General Plan Policies that are applicable to the Draft Ordinance are attached to the Initial Study as Appendix B and further discussed in the Findings, attached. The following Policies are specific to the Draft Ordinance.

**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.

**Discussion:** The Draft Ordinance contains a number of changes from the existing ordinance to reduce potential land use compatibility impacts. The Draft Ordinance places a limit on the number of Special Events allowed without a Use Permit. The Draft Ordinance also limits the use of non-County Maintained Roads without a Use Permit. The Draft Ordinance contains a new provision that requires a Use Permit if the winery is located adjoining HDR, MDR, MFR, and LDR General Plan designations (when not located in an Agricultural District.)

**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.

**Discussion:** The Draft Ordinance implements Policy 8.2.4.4 by requiring a minimum of 10 acres of land and 5 acres of vineyard for a winery, similar to the existing ordinance. An additional provision has been included to reflect that the wineries are limited to 5 acres or 50 percent of the lot.

**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.

**Discussion:** The Draft Ordinance includes many of the same provisions of the existing ordinance that appears to be successful at encouraging expansion of the winery industry.

Staff has observed that wineries are still being established at an average rate of about two new wineries per year and existing wineries continue to expand tasting rooms, winery capacity, and storage facilities.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

**Zoning:**

The Draft Ordinance would replace the existing Winery Ordinance in Section 17.14.190 of the County Code. At this time, no other changes to the Zoning Ordinance are proposed. However, as in the 2001 Winery Ordinance and Ranch Marketing Ordinance updates, various definitions in Chapter 17.06 or portions of the various Zone Districts could be considered for amendment if necessary.

**New Issues:**

AB 2004. Assembly Bill 2004 was approved and filed with the Secretary of State on July 16, 2008 and amended Section 23558 of the Business and Professions Code. This section generally clarified and permitted the winery industry practice of allowing wine sales on the premises. This was unclear under the previous law that implied that wine sales were limited to places that had an “eating place.”

AB 2004 clarified this issue, but in so doing, would also permit a winery to sell wine by the glass. Although, not dissimilar to charging a fee for wine tasting, AB 2004 may be permitting an additional use that was not contemplated in the current County Zoning code or in the Draft Ordinance.

Note that AB 2004 specifically permits a local jurisdiction to regulate these types of uses and does not preempt our authority. Staff considered potential impacts from AB 2004 and evaluated the need for additional provisions to limit hours of operation or restrict “wine sales by the glass.” However, there is no evidence to demonstrate that AB 2004 would result in significant additional impacts from wineries that were not generally anticipated within the Initial Study. Therefore, staff is not proposing any additional provisions in the Draft Ordinance because of AB 2004.

**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect in areas of Aesthetics, Biological Resources, Cultural Resources, and Noise. Mitigation Measures are identified to reduce those impacts to less than significant. All other impacts were determined to be less than significant. The Mitigation Measures are incorporated into the Draft Ordinance and attached to the Initial Study as Appendix E.

The incorporation of the Mitigation Measures into the Draft Ordinance will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

## **RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Approve Z03-0005, the Draft Ordinance that consists of the September 8, 2008 Winery Ordinance with the Mitigation Measures in Attachment 1, based on the Findings in Attachment 2.

## **SUPPORT INFORMATION**

### **Attachments:**

Attachment 1 .....Mitigation Measures  
Attachment 2 .....Findings  
Attachment 3 .....September 8, 2008 Draft Winery Ordinance  
Attachment 4 .....Winery Ordinance Initial Study with Appendices (A-E)

# ATTACHMENT 1

## MITIGATION MEASURES

### File Number Z03-0005, Winery Ordinance

#### **Aesthetics:**

MM 1-1: All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval.

MM 1-1 Monitoring: The Design Review application shall be approved prior to issuance of the building permit.

MM 1-2: Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit

MM 1-2 Monitoring: Development Services shall spot check for compliance and respond to any potential violations.

#### **Biological Resources:**

MM 4-1: Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.

1. Minimum lot size for winery and accessory structures is 20 acres.
2. A maximum of 2.5 acres of the lot may be used winery and accessory uses.
3. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.

MM 4-1 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of the building permit.

#### **Cultural Resources:**

MM 5-1: Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

**MM 5-1 Monitoring:** All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

**MM 5-2:** Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

**MM 5-2 Monitoring:** All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

**Noise:**

**MM 11-1: Outdoor Amplified Music.** General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 p.m. and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm.

**MM 11-1 Monitoring:** This provision of MM 11-1 shall be incorporated into the Development Standards of the Draft Ordinance. Development Services staff, including the Code Enforcement Division, as well as the Sheriff's Office would enforce the standards.



**Winery Ordinance Initial Study  
September 8, 2008**

**El Dorado County Development Services Department**

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## **1.0 Introduction and regulatory guidance**

### **1.1 Lead Agency**

### **1.2 Purpose and Document Organization**

This document is an Initial Study prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines, for a proposed Winery Ordinance (Draft Ordinance) that, if adopted, would amend the existing Winery Ordinance (Chapter 17.14.190) of the El Dorado County Zoning Ordinance.

An Initial Study is prepared by a lead agency to determine the level of potentially significant impacts a project may have on the environment. In accordance with the CEQA Guidelines, Section 15064, an environmental impact report (EIR) must be prepared if the Initial Study indicates that the proposed project under review may have a potentially significant impact on the environment and that those impacts cannot be reduced to a “less than significant” impact. Should the initial study indicate that an EIR is required, CEQA provides for various EIR types such as a Program EIR, Project EIR, Focused EIR, Supplemental EIR, and Subsequent EIR.

A Negative Declaration may be prepared if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a Negative Declaration shall be prepared for a project when either:

- a) The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The Initial Study identified potentially significant effects, but:
  - (1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - (2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Negative Declaration or Mitigated Negative Declaration may be prepared.

### **1.1 Lead Agency**

In accordance with CEQA Guidelines Section 15050 the lead agency is the public agency with primary responsibility over a proposed project. Since the proposed project is to amend the County Zoning Ordinance, El Dorado County is the lead agency for the proposed winery ordinance amendment.

### **1.2 Purpose and Document Organization**

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Winery Ordinance (Draft Ordinance). The Initial Study is organized with the following sections:

**1.0 Introduction and regulatory guidance:** Describes the regulatory and agency purpose, identifies the Lead Agency, and summarizes the organization of this document.

**2.0 Project Description:** Describes the proposed project in sufficient detail to assess potential environmental impacts and mitigation measures.

**3.0 Environmental Setting, Impacts and Mitigation Measures:** Describes the scenario for each of the environmental subject areas. Impacts are evaluated in the following range of classifications: “no impact,” “less than significant,” “potentially significant unless mitigation incorporated,” and “potentially significant.” Discussion of the analysis for each environmental impact is included for each subject area and mitigation measures are identified.

**4.0 Other Considerations:** Discussion of other topics such as a cumulative impacts analysis and an assessment of consistency with the El Dorado County General Plan.

**5.0 Determination:** Provides a preliminary environmental determination for the project.

**6.0 Report preparation and consultations:** List of staff and consultants responsible for preparation of this document including persons and agencies consulted and referenced.

**7.0 References:** List of resources used in the preparation of this document.

**Appendices:** Contains attached documents or studies referred to in the Initial Study. For example, Appendix A is the Draft Ordinance.

## **2.0 Project Description**

### **2.1 Purpose of Draft Ordinance**

### **2.2 “By Right” uses**

### **2.3 Events**

### **2.4 Use matrix**

### **2.5 Summary**

The proposed action would amend the existing winery ordinance (Chapter 17.14.190 “Wineries”). The Draft Ordinance for this Initial Study was identified by the Board of Supervisors on September 11, 2007 and further modified in format by Board direction on July 1, 2008, and is hereafter referred to as the “Draft Ordinance”. The entire Draft Ordinance is attached as Appendix A (pages 68 through 76).

Appendix E is the “September 8, 2008 Draft Winery Ordinance with Mitigation Measures.” The Initial Study Mitigation Measures are inserted within the Draft Ordinance and can be identified by the label “MM” with the applicable mitigation measure referenced number (such as “MM 4-1”).

**2.1 Purpose of Draft Ordinance:** The purpose of the Draft Ordinance is to allow the orderly development of wineries and accessory uses, primarily within agricultural zone districts and some residential zone districts, and implements policies of the General Plan. The General Plan Policies are contained in Appendix B.

These policies allow agricultural support activities such as those contained within the Draft Ordinance provided: that the activities are conducted on a site with a bona fide agricultural operation (Policy 2.2.5.10); avoids incompatible land uses (2.2.5.21); is compatible with and subordinate to the agricultural use (Policy 8.2.4.4); and does not detract from or diminish the agricultural use of the land (Policy

8.2.4.5). The General Plan Policies also provide that a Zoning Ordinance amendment should be written in a concise and easy to understand manner (Policy 10.1.2.3), reflect both regulatory and business needs (Policy 10.1.2.4), and encourage tourist industries such as wineries (Policy 10.1.6.1). The General Plan limits winery uses to lots of 10 acres or more with a minimum of five-acres of vineyard, and limits the total winery uses to no more than 5 acres or 50 percent of the lot, which ever is less (Policy 8.2.4.4).

The Draft Ordinance also addresses identified deficiencies in the current County winery ordinance (Section 17.14.190). These deficiencies can be listed as follows:

1. Section 17.14.190(B)1 requires 20 acres for a winery in AE, PA, and SA-10, but Section 17.14.190(C)2(b) allows winery and accessory uses by Site Plan Review on a lot that is 10 to 20 acres in size, apparently in conflict with the previous provision.
2. The Site Plan Review (SPR) process is a ministerial permit process pursuant to CEQA, but an administrative permit pursuant to the Zoning Code (Zoning Ordinance Section 17.22.300). The SPR process has evolved to be a zoning and General Plan consistency permit in the General Plan and Zoning Code. Various provisions of 17.14.190 depend on the SPR process to resolve potential impacts and compatibility issues, including recommendations by the Agricultural Commission. The SPR process may be suitable for some provisions, but various other permit processes, such as an Administrative Permit, Minor Use Permit, or Special Use Permit may be more suitable.
3. Section 17.14.190(C)2(a)v and vi allow special events (250 persons or less) and promotional events (not exceeding three consecutive days) without further limitations on frequency, or in the case of promotional events, maximum capacity.
4. There is no clear definition of what constitutes a winery.
5. Relationship to Ranch Marketing provisions (17.14.180) and how both provisions may apply to a single property is unclear.
6. Access provisions to a public road do not take into account that the public road may be unsuitable for public access. Access over private roads is subject to the SPR process that has limited opportunity to minimize potential impacts.
7. Rezoning applications to agricultural zoning is problematic without additional clarification of winery and accessory uses permitted by right. Intensity of potential use of property is increased with rezone to agriculture, resulting in an "upzone" instead of a "downzone".
8. Parking provisions do not address ADA compliant requirements such as the need for hard surfacing of handicap parking spaces.
9. Agricultural Homestay provisions are not appropriate in the winery ordinance because the cited reference in the current ordinance is a Health and Safety Code provision regarding kitchen standards, not a land use provision. This section has often been misinterpreted to allow a Bed and Breakfast Inn (B&B). However, it actually only provides that if a B&B is allowed (by special use permit) that the kitchen facility does not have to meet commercial standards. General Plan Policies 8.2.4.2 and 8.2.4.3 require a special use permit for certain visitor serving uses such as lodging facilities.
10. Agricultural Zone (A) is not included, while all other agricultural zones are included and RE and RA zones are addressed.

**2.2 “By Right” uses:** The Draft Ordinance differentiates uses that are allowed “by right” and those uses that are allowed by “Use Permit.”

Uses allowed “by right” are generally considered ministerial pursuant to CEQA, meaning they do not require further additional CEQA review. These uses are subject to the development standards within the Zoning Ordinance such as setbacks, coverage standards, height limits, and parking requirements. Some conditions may be required if an administrative permit is required such as a site plan review.

Uses that are allowed by “Use Permit” are considered discretionary and will be subject to CEQA review and further site specific review. The Minor Use Permit and Special Use Permit process requires a public hearing and often results in conditions being developed in order to minimize land use incompatibility issues and preserve the public health, safety, and welfare.

The direct impacts from the Draft Ordinance will be generated by those uses permitted by right, without further discretionary and environmental review. Therefore, uses that are allowed “by right” will be the primary focus of this Initial Study.

The Draft Ordinance allows the following winery and accessory uses by right, based on variables such as zone district, lot size, and location within or outside a General Plan Agricultural District designation, as provided in the Draft Ordinance.

1. Winery (C.1)
2. Tasting facility (C.2.a)
3. Wholesale/retail sale of wine and grape products (C.2.b)
4. Retail sale of art/merchandise (C.9)
5. Marketing Event (C.2.c)
6. Public Tours
7. Picnic Areas (C.8)
8. Commercial kitchen (C.6).
9. Ag related museums (C.7)
10. Special Events (C.3)

The Draft Ordinance includes a provision for an Administrative Review Permit (ARP) for all unpermitted special events in existence on the effective date of the ordinance, providing the permit application is submitted within one year from the date of its adoption (Section D.9). This permit is applicable to all existing wineries regardless of zoning, lot size, or General Plan overlay designation. Any proposed expansion of the scope or frequency of the existing events will require a discretionary use permit of some sort depending on the degree of expansion.

**2.3 Events:** The Draft Ordinance includes provisions for a range of visitor serving events that are defined as “Special Events,” with a subset of those events described as “Facility Rental Events.” The Draft Ordinance allows these events either by right or by special use permit, depending on the various factors such as zoning, lot size, and General Plan land use designation.

Special events are only permitted by right for wineries that are 20 acres and larger (10 acres and larger in an Agricultural District); AE, PA, and SA zones; with a minimum of 5 acres of commercial vineyard (Sections B.2.a and B.2.b). These uses may require a Conditional Use Permit if they are not located in an Agricultural District and are adjacent to non-compatible land use designations (MFR, HDR, MDR, and LDR) (Section D.2). A winery with tasting room on a non-County maintained road not located within an Agricultural District will also require a Conditional Use Permit (Section E.5.b).

**2.4 Use matrix:** In order to facilitate the impact analysis the following table can be used to summarize the uses allowed by right and permitted by CUP in the Draft Ordinance.

**WINERY USES**

P ALLOWED USE  
 CUP CONDITIONAL USE PERMIT REQUIRED  
 NA NOT ALLOWED

Class	Use:	AE, PA, & SA 20+ ac (B.2.a)	AE, PA, & SA 10 to 19.9 ac Within Ag District (B.2.b)	AE, PA, & SA 10 to 19.9 ac Not in Ag District (B.2.c)	RE & RA 10+ ac Within Ag District (B.2.e & g)	RE & RA 10+ ac Not in Ag District (B.2.f & h)	AP 10+ ac (B.2.d)
1	New Winery	P	P	CUP	P	CUP	CUP
1	Tasting Facility	P	P	CUP	P	CUP	CUP
1	Retail sale of wine	P	P	CUP	P	CUP	CUP
1	Retail sale of art/merchandise	P	P	CUP	P	CUP	CUP
1	Public Tours	P	P	CUP	P	CUP	CUP
1	Picnic Areas	P	P	CUP	P	CUP	CUP
2	<b>Special Events:</b> 50 to 250 PAOT 48 event days/year including: 12 facility rentals on less than 20 acres or 24 facility rentals for 20 acres or more	P	P	CUP	CUP	CUP	CUP
3	Ag related museums	P	CUP	CUP	CUP	CUP	CUP
3	Commercial kitchen for on-site use only	P	CUP	CUP	CUP	CUP	CUP
4	Commercial kitchen used for off-site purposes	CUP	CUP	CUP	CUP	NA	CUP
4	Dining Facilities	CUP	CUP	CUP	CUP	NA	CUP
4	Distilleries	CUP	CUP	CUP	CUP	NA	CUP
5	<b>Special Events:</b> With more than 250 PAOT; more than 48 event days/year; or more facility rentals than allowed.	CUP	CUP	NA	NA	NA	NA

PAOT – Persons at one time.

**2.5 Summary:** The Initial Study will utilize an Environmental Checklist from the CEQA Guidelines and relevant impact analysis data from the “2004 El Dorado County General Plan, A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief” (General Plan) and General Plan EIR (SCH 2001082030). Each potential checklist item will consider this project description of the Draft Ordinance. The impact analysis and conclusions of the Initial Study will be based on the assumptions identified within the Environmental Setting, Impacts, and Mitigation Measures.

### **3.0 Environmental Setting, Impacts, and Mitigation Measures**

#### **3.1 General Setting:**

##### **3.1.1 Existing Regulatory Setting**

##### **3.1.2 Policy Framework**

##### **3.1.3 General Plan Consistency Checklist**

#### **3.2 Winery Ordinance Setting**

##### **3.2.1 Use permits**

##### **3.2.2 Existing Winery facilities**

**3.1.1 Existing Regulatory Setting:** The County Zoning Ordinance, Section 17.14.190, is the County Winery Ordinance. The current ordinance allows wineries, tasting rooms, and accessory uses, by right on lots zoned AE, PA, and SA, that are 20 acres and larger (10 acres and larger by Site Plan Review) with five acres of planted wine grapes. Wineries in the AP, RA, and RE zones require a Special Use Permit.

The existing ordinance allows Special Events as an accessory use with the “by right” wineries but does not identify a maximum number of events. Up to 250 persons are allowed by right and more can be permitted with approval of a Site Plan Review.

Wine promotional events are also permitted, with the limitation that no single event exceeds three consecutive days. There is no other limitation on the maximum number of promotional events.

The “Existing Regulatory Setting” subsection of each impact section provides additional background related to the particular topic and the specific provisions of the existing regulatory setting. Many existing State and federal laws, ordinances, design standards, and other provisions may be cited in order to identify the regulations that may, or may not, minimize potential environmental impacts.

**3.1.2 Policy Framework:** The General Plan and Environmental Impact Report (EIR) refer to wineries and other agriculturally related land uses in a number of areas. However, these references are found primarily in the elements for Land Use, Agriculture and Forestry, and Economic Development. Policies related to long term viability of the County’s agricultural economy are supportive of winery development and its associated tourism. Other county policies promote land use patterns that maintain the open, natural character of rural lands, reduce travel demand on County roads, and conserve natural resources. Specific policies are discussed under each Initial Study topic.

**3.1.3 General Plan Consistency Checklist:** Implementation of the General Plan is currently underway. Pursuant to Section 17.22.300 (Ord. 4720, March 20, 2007, amended by Ord. 4777, June 17, 2008), prior to issuance of a grading or building permit, Development Services requires submittal of a completed General Plan Consistency Checklist with each non-residential permit as well as residential permits for structures over 4,000 square feet of living space and areas of disturbance of 20,000 square feet or more. The Department conducts more thorough General Plan consistency analysis with discretionary permits. The information is checked by Development Services staff to evaluate what measures, if any, must be taken to ensure that specified General Plan policies are met.

#### **3.2 Winery Ordinance Setting**

**3.2.1 Use Permits:** The El Dorado County Zoning Ordinance can be described as a conventional zoning code, as it separates the entire jurisdiction into a number of zone districts. The zone districts also have specific development standards. Development standards typically include provisions for setbacks,

building height, land coverage, minimum lot area, and lot dimensions, as well as other standards determined by the jurisdiction for each zone.

Each zone has specific land uses that are either allowed “by right” or permitted “by special use permit”. Other land uses may be explicitly prohibited. Uses that are not listed in a zone district are not allowed unless Development Services determines that the use is similar to a permitted use. The special use permit process is a discretionary process, meaning that the jurisdiction has authority to approve, conditionally approve, or deny the permit. These land use permits are also subject to environmental review since they qualify as a “project” under CEQA.

The analysis of the impacts of the Draft Ordinance will focus on the uses that are allowed by right, that do not require a site-specific, discretionary review by Planning Services prior to obtaining grading and building permit approvals. By comparison, uses that are allowed by special use permit (SUP) would, under the Zoning Ordinance, be subject to a site-specific, discretionary review, typically with a public hearing before the Planning Commission. During the SUP review process, which is the existing process for winery development in the County, each project would be evaluated based on its own unique environmental setting and environmental impacts, resulting in customized mitigation measures and conditions for approval.

The Initial Study will combine the Administrative Permit, Minor Use Permit, and Special Use Permit provisions from the Zoning Ordinance into the Conditional Use Permit (CUP) process since each of these permits, by definition, is discretionary and subject to CEQA. In order to simplify the analysis and be consistent with the existing ordinance, the Initial Study will not differentiate between them.

**3.2.2 Existing Winery Facilities:** There are 56 facilities currently identified as wineries or tasting rooms in El Dorado County. Most are located on agricultural zoned lands, contain a minimum of five acres of vineyards and have tasting rooms. Various accessory uses and activities are conducted on these winery sites. There are a few sites that are located on commercially zoned lands and are tasting rooms only. There are also a few small wineries located on residential zoned lands that have been approved by special use permit and have no tasting room or tasting by limited appointment only.

Any existing winery facility and uses that are consistent with the existing winery ordinance will be allowed to continue as a “non-conforming” structure or use after adoption of the Draft Ordinance, unless the Draft Ordinance contains specific provisions, or “sunset clause,” for specific uses.

The Draft Ordinance does not contain any sunset clauses, but does provide an ARP process to memorialize and document the nonconforming uses. Although the Draft Ordinance cites only the documentation of promotional and special events in the ARP process, it can also be used to document any other non-conforming structures and uses. Expansion of a nonconforming use requires approval of a special use permit pursuant to Section 17.20.040 of the County Code.

### **3.3 EVALUATION OF ENVIRONMENTAL IMPACTS**

#### **Based on CEQA Guidelines Appendix G “Environmental Checklist Form:”**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on



project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

**Abbreviations used for the following checklist table headings:**

- PSI:** Potentially Significant Impact
- PSUMI:** Potentially Significant Unless Mitigation Incorporated
- LTS:** Less-than-significant Impact
- NI:** No Impact.

**ENVIRONMENTAL IMPACTS**

1. <b>AESTHETICS.</b> <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Have a substantial adverse effect on a scenic vista?		X		
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c. Substantially degrade the existing visual character quality of the site and its surroundings?		X		
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Existing Regulatory Setting:** Agriculturally zoned lots are subject to County zone district regulations and development standards. Zoning standards include building setbacks and height limits, fence height requirements, especially near road intersections, sign restrictions, both for size and number, and lighting requirements in order to restrict glare. There is no design review (pursuant to 17.74) required for agricultural land uses. The zoning development standards are focused on safety and land use compatibility concerns rather than aesthetic considerations.

**Policy Framework:** The El Dorado County General Plan Land Use Element contains policies related to aesthetics that address protection of scenic roads and highways, corridor view sheds, natural landscape features and associated views, rural character, and a sense of community identity. Other policies call for minimizing ridgeline development, on and off-site signs, and excessive lighting. At this time there are a number of roads classified as potential scenic routes, however the only designated State Scenic Highway in El Dorado County that may be affected by winery development would be Highway 50 (from the County Government Center in Placerville to the South Lake Tahoe city limits). The entire length of Highway 49 through El Dorado County is eligible for state designation, and scenic viewpoints along Highway 193 are listed in the County General Plan.

**General Plan Consistency Checklist:** (The following paragraph will be applicable to this sub-section as it appears under each section of the document, and will not be repeated again.) The Development Services Department now requires submittal of a completed General Plan Consistency Checklist with each ministerial or discretionary permit application. There are two checklists: the first for Residential Projects and a second, more detailed checklist, for Non-Residential and Multifamily Projects. The site-specific information is checked by Development Services Department staff to evaluate what measures, if any, must be taken to ensure that specific General Plan policies are met prior to issuance of a grading or building permit.

To address aesthetic and visual policies, when a project is located adjacent to an officially designated State Scenic Highway the project is required to place any new utilities underground, as Policy 2.6.1.2 states that no new overhead utility poles are permitted. Also, development not related to agricultural

cultivation, such as a winery structure rather than vineyards, are subject to policies related to retention of tree canopy, setbacks from water features, and structurally related ground disturbance on slopes greater than 30 percent. There are no items on the checklist to address potential aesthetic issues such as protection of natural landscape features, rural character and sense of community identity.

**Impact Discussion:**

The proposed project would typically be considered to have a potentially significant adverse aesthetic impact if it resulted in:

1. introduction of physical features that are not characteristic of the surrounding development thereby creating incompatibility with surrounding land uses, structures, or intensity of development;
2. substantial change to the natural landscape through removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping or extensive grading visible from public areas; or
3. obstruction of an identified public scenic vista or public view.

**Discussion Item 1-a, b & c: Substantial impact on scenic vista or visual character.** Winery development has not historically created adverse aesthetic impacts; however there is the potential to result in a significantly adverse visual effect in some contexts. In rural, open settings, structures of imposing height, massive scale, industrial design, and loud colors or reflective materials could create an incompatible disruption of a scenic public view. Extensive grading to provide access, parking and winery buildings that are allowed to occupy five acres of a site in allowed by General Plan Policy 8.2.4.4 could dominate views from public roads and scenic viewpoints, disrupting the rural ambiance of an area that is otherwise known for its rolling hills covered with modest homesteads, orchards, vineyards and native vegetation. A large proportion of the existing wineries have views to and from rural residential properties and public roads.

Several roadways are classified as existing (Highway 50) or potential State Scenic Highways in the County General Plan EIR Visual Resources discussion. The potential routes include the entire length of Highway 49, a portion of Highway 193, as well as other roads and public scenic viewpoints listed in the General Plan EIR under Table 5.3-1. Important Public Scenic Viewpoints listed include Mt. Aukum Road (E16), Omo Ranch Road, Icehouse Road, Salmon Falls Road southbound, Cold Springs Road, Latrobe Road, Wentworth Springs Road and the Mormon Emigrant Trail (Iron Mountain Road). New and expanded wineries and associated facilities could result in visual impacts through inappropriate development of structures in visually prominent locations such as on a cleared slope or within the area of a Scenic Viewpoint. Poor design could result in aesthetically offensive or incompatible structures, thereby changing the visual character of an area.

There are no standards that promote compatibility with adjacent development through the avoidance of large, industrial-looking buildings; requirements to provide landscape screening of massive structures; or provisions for increased setbacks for very large wineries compared with other purely agricultural structures. If similar winery, tasting room, and special event facilities were to be proposed on commercial or industrially zoned property, a design review pursuant to Chapter 17.74 (Design Review) would typically be required in order to ensure that proposed structures would fit onto the specific lot and within the surrounding area by meeting landscape, lighting and screening standards. Without a design or architectural review of proposed structures, large wineries and other accessory buildings could be prominently placed and painted in colors for easy identification from public rights of way. Large temporary tents are not regulated under the ordinance, but may be used by wineries for certain events. As a result, new and expanding wineries may create a **potentially significant** aesthetic or visual impact.

The following mitigation measures would reduce the impact to a **less than significant** level.

MM 1-1: All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval.

MM 1-1 Monitoring/Timing: The Design Review application shall be approved prior to issuance of the building permit.

MM 1-2: Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit.

MM 1-2 Monitoring/Timing: Development Services shall spot check for compliance and respond to any potential violations.

**Discussion Item 1-d. Create substantial light or glare.** Glare or night lighting could result with the development of winery and related facilities as the result of installation of exterior lighting that could be installed as part of the project. Wineries and their associated facilities are not limited in the number of light poles or amount of site lighting as long as the lights are fully shielded and do not cause glare onto roadways. Wineries that hold events that continue into evening hours have the potential to create night lighting impacts based on the size of the facilities and the number of events. Since the Draft Ordinance allows wineries a large number of events each year, this has the potential to substantially increase light and glare in rural areas where there is currently little or no nighttime light or glare. However, compliance with Section 17.14.170 of the Zoning Ordinance would require lighting plans to demonstrate that all lighting be controlled to the extent that unnecessary and unwarranted illumination of adjacent properties would be minimized. This is considered a **less than significant impact**.

**Mitigation and Residual Impact:** Because the Draft Ordinance includes only general development standards related to height and setbacks, mitigation measures would be required to reduce **potentially significant aesthetic impacts** to less than significant levels. There are numerous similar mitigation measures that could be identified to reduce aesthetic impacts. Due to the subjective nature of aesthetic impact analysis, the Initial Study identified the following mitigation measures as minimum standards to reduce the impacts to **less than significant levels**.

MM 1-1 and MM 1-2

2. AGRICULTURE RESOURCES. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			X	
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

**Existing Regulatory Setting:** The County's Zoning Ordinance includes provisions for various agricultural zone districts that are identified as Agriculture (A), Exclusive Agriculture (AE), Planned Agriculture (PA), Agricultural Preserve (AP) and Select Agriculture (SA-10). Each district allows the various agricultural uses of grazing, timber production, and fruit and vegetable production, to include processing, and packaging, and each district allows for residential development. All of these districts, except Agriculture (A), permit ranch marketing, winery, and wine tasting, either by right or with a special use permit. The Residential Agricultural zones (RA-20, RA-40, RA-60, RA-80 and RA-160) are also considered agricultural zones, although they are listed separately in the code and are not currently listed in the Ranch Marketing (17.14.180) or Winery (17.14.190) ordinances.

The existing Wineries Ordinance was adopted in January 2001 to provide for the development of wineries and encourage agricultural and tourism industries within the county. Wineries were previously regulated under the 1987 provision of the Ranch Marketing Ordinance. Wineries are permitted by right within the agricultural zone districts SA-10, PA, AE, and all commercial zones except Professional Office Commercial (CPO) zoning. The wineries on agricultural zones must be located on lots of 20 acres or more, with a minimum of 5 acres of planted grapes. Tasting rooms and other accessory uses, such as tours, promotional events, and special events involving up to 250 people, are permitted by right within the commercial and agricultural zone districts. Outdoor amplified music is permitted by right until 10 p.m. in commercial zone districts only, subject to County noise standards. Specific criteria and development standards must be met in order to comply with this ordinance.

Agriculturally-related activities, including wineries, are also subject to other federal, state and county regulations, however the Zoning Ordinance is the primary regulation related to land use.

**Policy Framework:** Under General Plan Policy 8.1.1.1, "*Agricultural Districts* shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important agricultural lands and associated activities throughout the County; maintaining viable agricultural-based communities; and encouraging the expansion of agricultural activities and production. These districts shall be delineated on the General Plan land use map as an overlay land use designation." The General Plan map depicts seven Agricultural Districts.

Additional General Plan policies support the protection of agricultural land from incompatible land uses through review of discretionary development, required agricultural buffers, a Right to Farm Ordinance and its Williamson Act/ Farmland Security Zone programs. Further agricultural policies support agricultural promotional uses, such as Policy 8.2.4.4 which states:

"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."

**General Plan Consistency Checklist:** To address policies 8.1.3.2 and 8.4.1.2, when a residential subdivision or other non-agricultural project is located adjacent to agriculturally zoned land, that project is required to adhere to setbacks from the shared property line in order to protect the agricultural operation (see Interim Interpretive Guidelines for El Dorado County General Plan Policies 8.1.3.2 and 8.4.1.2). However, there are no items on the checklist addressing potential issues related to the operation of an agriculturally-related accessory use, such as a winery or tasting room, adjacent to productive agricultural land.

**Discussion:** A substantial adverse effect to Agricultural Resources would occur if:

1. There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
2. The amount of agricultural land in the County is substantially reduced; or
3. Agricultural uses are subjected to impacts from adjacent incompatible land uses.

**Discussion Item 2-a and c:** **Conversion of choice agricultural land to nonagricultural use.** Placement of winery structures on prime agricultural and/or unique or other farmland of State or Local Importance could occur with anticipated new and expanded winery development.

The General Plan EIR identified that the County wide impact of ranch marketing, winery, and other agricultural promotional uses on choice soils as potentially significant impact. The General Plan EIR developed a mitigation measure (General Plan Mitigation Measure 5.2-2) to minimize the impact to the less-than-significant level. Mitigation Measure 5.2-2 was incorporated into the General Plan as Policy 8.2.4.4 and stipulates the provision that the facility “cannot occupy more than 5 acres or 50 percent of the parcel whichever is less.”

Since the Draft Ordinance implements Policy 8.2.4.4 in Section E.6.a of the Draft Ordinance, the impact is considered to be consistent with the General Plan, General Plan EIR, and to be have a **less-than-significant** on the conversion of choice agricultural lands.

**Discussion Item 2-b: Conflicts with land under Williamson Act contracts:** The AP and AE zones represent lands that are subject to the Land Conservation Act of 1965, also known as the Williamson Act, based on Section 51200(d) of the California Government Code. Under the Williamson Act, property owners voluntarily contract with the County to preserve the land for agriculture in a rolling ten-year period in order to benefit from a property tax reduction. Once a contract is established, the property is labeled as an “Agricultural Preserve.” The Draft Ordinance requires that all wineries on these zones have at least 10 acres of lot area and 5 acres of vineyard. These provisions are consistent with the County’s adopted criteria for establishment of a new Agricultural Preserve. The County’s criteria includes a minimum acreage of 20 acres (although existing 10 acre lots may also qualify based on additional criteria); a capital outlay of \$45,000; and an annual gross income of \$2000 for low intensity agriculture and \$13,500 for high intensity agriculture. The capital outlay and high intensity gross annual income figures roughly equate to a five-acre vineyard. Common factors often cited to plant a vineyard is approximately \$10,000 per acre while the average production of wine grapes is 2.5 tons per acre with an average value of \$1,100 per ton. These figures vary by grape variety, methodology of harvesting, weather and other factors, but the average statistics generally results in the conclusion that five acres of vineyard meets the County’s criteria for the Williamson Act contract.

Wineries on agricultural preserve lands are generally considered compatible uses with the Williamson Act. The Draft Ordinance carries forth the existing County Zoning provisions that a winery would be allowed by right in the AE zone, while in the AP zone, a special use permit would be required. This differentiation was initially established because of some cases where a lot’s CC&Rs did not allow winery activities but the land otherwise qualified for the Williamson Act. The AP zone also became useful in situations where winery activities were not appropriate, due to road access or surrounding land uses and where the property owner did not have any immediate plans for development of a winery.

The General Plan Policy 8.2.4.4 states that the winery and visitor serving uses are permitted on agricultural lots “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.”

The Draft Ordinance allows lands under contract and zoned AE to have winery, tasting rooms, and other visitor serving uses by right, but these uses would be accessory to the agricultural use of the property, as required in General Plan Policy 8.2.4.4, therefore potential conflicts with land under Williamson Act contracts are considered **less than significant**.

**Mitigation and Residual Impact:**

With the inclusion of the following mitigation measure as a development standard to mitigate potential impacts to important farmlands, the impact will be reduced to **less than significant**.

3. AIR QUALITY. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?			X	

**Existing Regulatory Setting:** El Dorado County is currently classed as being in “severe non-attainment” status for federal and State ambient air quality standards for ozone (O<sub>3</sub>). The County is also classified as being in “non-attainment” status for particulate matter (PM<sub>10</sub>) under the State’s standards. The California Clean Air Act of 1988 requires the County’s air pollution control program to meet the State’s ambient air quality standards. Standard practices for stationary and point source air pollution control is administered by the El Dorado County Air Quality Management District (EDC AQMD). The regional air quality plan addressed the non-attainment status of the region for ozone and particulate matter and a State Implementation Plan (SIP) was adopted to meet the requirements of the federal Clean Air Act. Standard practices for stationary and point source air pollution control is administered by the County AQMD. Since the SIP was adopted, rules limiting dust and other air pollution, such as those for the Asbestos Review area and the County Grading Ordinance, have been implemented by the County.

**Policy Framework:** El Dorado County policies related to air quality can be found in the General Plan Public Health, Safety and Noise Element. These policies are focused upon maintaining air quality by adopting and enforcing the El Dorado County Clean Air Act Plan in conjunction with the Air Quality Management District (AQMD); reducing motor vehicle emissions by reducing vehicle trips and encouraging use of clean fuel; expanding transit service; encouraging project design that minimize air contaminants; adopting regulations to mitigate permitted agricultural burning; reducing construction-related emissions through regulation; and monitoring the effects of air pollution on vegetation.



In coordination with the air quality management districts and air pollution control districts of Sacramento, Yolo, Solano, Placer, and Sutter counties, the EDC AQMD prepared and submitted the 1991 Air Quality Attainment Plan to the U.S. Environmental Protection Agency in compliance with the California Clean Air Act. This plan addressed the non-attainment status of the region for ozone and particulate matter. These agencies also prepared the 1994 Sacramento Area Regional Ozone Attainment Plan, which was incorporated as part of the State Implementation Plan (SIP) to meet the requirements of the federal Clean Air Act.

**General Plan Consistency Checklist:** The Checklist addresses projects located in the County's Asbestos Review Area (Policy 6.3.1.1). If a property is located in such an area and includes the disturbance of 20 cubic yards or more of earth, the landowner must comply with Air Quality Management District (AQMD) Rule 223-2 which includes submittal of an asbestos dust mitigation plan, fugitive dust prevention, speed limits, warning signs, soil track out prevention, excavated soil management and post-construction mitigation. Alternately a California Professional Geologist may inspect the project site and provide the APMD with a report demonstrating there is no naturally occurring asbestos on the project site. If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, property owners must still comply with AQMD Rule 223-2. If a County grading permit is required, a Fugitive Dust Plan will be required. The correct materials and relevant fees must be submitted to the AQMD prior to issuance of a grading permit or building permit.

**Discussion:** A substantial adverse effect on Air Quality would occur if:

1. Emissions of ROG and NO<sub>x</sub>, will result in construction or operation emissions greater than 82lbs/day (See Table 5.2, of the El Dorado County Air Pollution Control District – CEQA Guide);
2. Emissions of PM<sub>10</sub>, CO, SO<sub>2</sub> and NO<sub>x</sub>, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
3. Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

**Discussion Item 3-a: Conflict with air quality plan.** El Dorado County, in adopting the El Dorado County, California Clean Air Act Plan, has set a schedule for implementing and funding Transportation Control Measures to limit mobile source emissions. The proposed project is not anticipated to conflict with or obstruct the implementation of this plan, resulting in **no impact**.

**Discussion Item 3-b and c: Violate air quality standards.** Project-specific air quality impacts are generally divided into two categories: 1) Short-term impacts related to construction activities; and 2) long-term impacts related to the project operation.

1. **Short-term Construction:** When any future winery building or infrastructure improvements require the disturbance of 20 cubic yards or more of earth, the applicant shall comply with Air Quality Management District (AQMD) Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, as described in the "General Plan Consistently Checklist" section, previously.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, the applicant must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If a



County grading permit is required, the applicant will be required to submit a Fugitive Dust Plan to the AQMD prior to issuance of a grading permit. Most existing wineries are not located in areas mapped for Naturally Occurring Asbestos (NOA) or fault zone areas that may have NOA, as these are generally located in the western portion of the County. Compliance with the previously described requirements at time of grading permit issuance should reduce construction dust air quality impacts to **less than significant**.

**2. Long-term Operations:** Potential air quality impacts associated with the proposed winery ordinance and operation of related facilities are unknown at this time because the location and size of future wineries, as well as the number and size of winery events is unknown. The exact winery locations and size will not be known until individual building permit applications are reviewed for General Plan consistency, while the number and size events would only be roughly estimated.

Under the El Dorado County Air Pollution Control District – *CEQA Guide to Air Quality Assessment, Table 5.2 - Projects with Potentially Significant ROG and NOx Operation Emissions*, single family housing containing 230 dwelling units at 10 trips per day per unit (2,300 trips per day) is an example of a project that would exceed the established threshold of significance of 82 lbs per day of ROG and NOx emissions, considered precursors to O<sub>3</sub> pollution. Under the Guide, projects that fall below the cut points of Table 5-2 will not be significant for PM<sub>10</sub> either. The increase in traffic from uses allowed under the Draft Ordinance is likely to result in long-term increases in mobile emission sources, however the amount of increase is not considered to be a cumulatively considerable net increase in criteria pollution for which the project region is at non-attainment. This determination is based upon operation of the wineries, not creating 2,300 or more new trips per day (i.e. - 1,150 round trips / day). Although there may be occasional weekends where all wineries in the County generate more than 2,300 winery-related trips, a daily average 2,300 trips would not be reached unless 839,500 new trips (2,300 x 365 day/year) were created on an annual basis. Winery operation including associated events will result in increased PM<sub>10</sub> because there will be increased use of unpaved access roads and parking lots. This impact is considered to be **less than significant** since the facilities operations do not exceed the thresholds of the AQMD CEQA Guide.

**Discussion Item 3-d: Expose sensitive receptors to substantial pollutant concentrations.** Sensitive receptors include such groups as young children and the elderly and such sites as residences, schools, hospitals, daycare centers, and convalescent homes. Existing and potential winery properties are generally located in or near large acreage residential and agricultural lots and some public lands. There may be sensitive receptors in the nearby vicinity of existing or future winery facilities, however the likelihood of winery development exposing sensitive receptors to substantial pollution concentrations over and above what already exists is minimal.

There is a potential impact associated with the use of gravel roads that results in excessive dust and PM<sub>10</sub> exposure to residences or other sensitive receptors. Winery traffic (employees, delivery, maintenance vehicles) is generally low volume and not anticipated to create significant impacts. Tasting room and visitor serving events may create traffic volumes that begin to impact nearby residences or sensitive receptors. The impact is a function of the traffic volume, proximity of the receptor, and road condition. The Draft Ordinance requires wineries open to the public to have road access directly to a County maintained road. County maintained roads generally have an asphalt or chipseal surface that minimizes potential dust impacts. The Draft Ordinance would allow the use of a non-County maintained road if the winery is within a General Plan Agricultural District but would be subject to a Site Plan Review by the Development Services Director with a recommendation from the Agricultural Commission. The Site Plan Review process would identify and resolve any site specific road and dust related issues by potentially requiring the winery to pave or chip seal roadway segments that affect nearby residents. With these provisions in the Draft Ordinance, the impact is considered to be **less than significant**.

**Discussion Item 3-e: Create objectionable odors affecting a substantial number of people.** Preparation, approval and operation of a solid waste management plan is required for each winery production facility. These plans are intended to address handling of waste materials that might otherwise cause objectionable odors affecting a substantial number of people. As a result, potential odor impacts are considered **less than significant**.

**Mitigation and Residual Impact:** Since the Draft Ordinance contains provisions on Access (Section E.5) that controls dust and other particulates, there is no requirement for additional mitigation measures to reduce air quality impacts to less than significant levels. The residual impact would be **less than significant**.

4. <b>BIOLOGICAL RESOURCES.</b> <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Existing Regulatory Setting:** Wineries and their related uses are subject to County policies related to riparian setbacks, retention of tree canopies, and ground disturbance on slopes above 30 percent. There are two related interim guidelines currently in effect and one new ordinance:

1. An Interim Guideline, to enforce the water resource policies, has been enacted by the County requiring a minimum setback of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands;
2. An Interim Guideline limiting grading on slopes greater than 30 percent; and
3. Oak Woodland Conservation Ordinance (17.73). This Ordinance was adopted on May 6, 2008 along with the adoption of the Oak Woodland Management Plan.

The U.S. Fish and Wildlife Service (USFWS) USFWS has released recovery plans for two special-status biological species groups found in El Dorado County. In 2002, USFWS released the *Recovery Plan for*

*Gabbro Soil Plants of the Central Sierra Nevada Foothills*, which identifies goals to recover and/or protect six plants that grow only on the gabbro soils found in western El Dorado County. The *Recovery Plan for the California Red-legged Frog* was also released in 2002, with the goal of sufficiently reducing threats and improving the population status of the species to warrant delisting.

Agricultural lands support many wildlife species, most of which are highly adapted to cultivated fields and other disturbed environments. Agricultural land is generally considered important wildlife habitat because it is used by many species, particularly as foraging habitat. Wildlife found in agricultural areas varies by crop type and time of year. Common wildlife expected in most agricultural regions of El Dorado County include Brewers blackbird, American crow, red-tailed hawk, house finch, raccoon, striped skunk, and opossum. Wildlife found in rural areas that are becoming more developed with agriculture-associated uses and rural residential homes generally remain dependent upon surrounding land uses and the presence (or absence) of nearby natural vegetation and corridors that allow daily wildlife movement and/or seasonal migration. In some rural areas, a large percentage of the wildlife can be made up of exotic species such as mourning dove, rock dove, European starling, American robin, house sparrow, house mouse, brown rat and western gray squirrel replacing many of the native species that originally lived there.

**Policy Framework:** The El Dorado County General Plan policies related to biological resources include those addressing conservation of riparian, wetland, and other habitat resources, avoidance of development in ecologically sensitive areas, and protection of forest and woodland resources, including oak woodlands. The General Plan also recognizes the importance of agriculture and tourism for El Dorado County, and has not prioritized protection of biological resources above or below other policies.

**General Plan Consistency Checklist:** To address biological policies, development not directly related to agricultural cultivation, such as a winery rather than vineyard, is subject to the same Checklist items as commercial and industrial uses. Policies related to retention of tree canopy (Policies 7.4.4.4 and 7.4.4.5), setbacks from water features for all structures (Policies 7.3.3.4, 7.3.3.5, 7.3.4.2, 7.4.2.5 and 5.4.1.2) and for structures and related ground disturbance on slopes greater than 30 percent (Policy 7.1.2.1) are covered by the Checklist. General Plan policy requires these areas limit development, including structures, infrastructure, or any ground disturbance, but excluding road and bridge repair or construction, trail construction or any recreational access structure or where such buffers deny reasonable use of the property, and only when appropriate mitigation measures and Best Management Practices (BMPs) are incorporated into the project. Landowners are required to comply with these General Plan policies as currently implemented through the Interim Interpretive Guidelines for Policy 7.3.3.4 and 7.4.4.4.

#### **Discussion:**

A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

1. Substantially reduce or diminish habitat for native fish, wildlife or plants;
2. Cause a fish or wildlife population to drop below self-sustaining levels;
3. Threaten to eliminate a native plant or animal community;
4. Reduce the number or restrict the range of a rare or endangered plant or animal;
5. Substantially affect a rare or endangered species of animal or plant or the habitat of the species;  
or
6. Interfere substantially with the movement of any resident or migratory fish or wildlife species.

**Discussion Item 4-a: Impacts on Listed Species.** The General Plan EIR identified five species of plants that are listed by the California Department of Fish and Game and the US Fish and Wildlife

Service as “rare, threatened or endangered.” Another 24 species are listed by the California Native Plant Society (CNPS). These species could be affected by anticipated development under the Draft Ordinance depending upon the location and scale of the new wineries. Direct impacts could include loss of habitat and individuals by the direct removal, degradation, and fragmentation of habitat for special-status species during grading and construction. Grading could remove habitat through construction of off-site access roads and by road widening.

The General Plan policies to protect rare, threatened, and endangered species include policies establishing the Ecological Preserve (for the gabbro soils plants identified in Chapter 17.71) and policies for discretionary development. The General Plan and the Draft Ordinance do not require any additional actions for ministerial development of wineries and accessory uses.

A potentially significant impact would occur if a project (or ordinance in this case) would result in the “substantial” impact to a listed plant or wildlife species. Special status plant and wildlife species that are currently rare and restricted to the west slope are primarily the Pine Hill endemic plants that are being protected through a program identified in Section 17.71 of the County Code. These are the most sensitive species due to their limited habitat area. The Ecological Preserve program (17.71) identifies areas for land acquisition and easements to preserve the plants and their habitat. The County program was adopted in 1998 and further depicted on the General Plan land use map with the Ecological Preserve (EP) overlay. Therefore, the Draft Ordinance and future winery development will not substantially affect the most sensitive plant species in western El Dorado County.

The only other plant species listed in El Dorado County is the Tahoe yellow cress, but it is limited to the Lake Tahoe Basin and would not be impacted by potential winery development.

There could be a potential impact to the other 25 plant species listed by the CNPS, but since these species are not listed by the DFG or USFWS, and are not considered to be in a state of near extirpation or extinction, it is not expected that the Draft Ordinance would result in substantial impacts to these species.

Potentially significant impacts on listed animals are not expected to occur because listed species are illegal to kill or harm. In addition, animal species have the ability to move away from construction sites, typically avoiding accidental loss, unlike plant species. There may be impacts associated with lost or fragmented habitat.

The General Plan EIR identified 51 species of animal in El Dorado County that are listed as “special status” although only 10 are listed as Threatened or Endangered.

Pursuant to Policy 2.2.5.20, as implemented through the General Plan Checklist and Zoning Code Section 17.22.300, setbacks from wetlands, streams, and lakes are required, minimizing potential impacts to many of the special status animal species, such as the northwestern pond turtle, yellow legged frog, and northern goshawk. Oak Woodland Conservation requirements have been established in Ordinance 17.73, effective June 6, 2008, requiring protection or mitigation of oak trees if affected by new development. Based on review of the General Plan map of “Special-Status Animal Occurrences” (Exhibit 5.12-6, General Plan EIR), there are no other animal species likely to inhabit areas anticipated for winery development, except the red legged frog.

The red legged frog critical habitat is identified as a portion of the upper reaches of the Weber Creek drainage shed. The general zoning and lot sizes in the area of the critical habitat would allow only a few winery facilities by right.

The Draft Ordinance's primary impact to habitat loss is from conversion of existing undeveloped land (animal habitat) to agriculture or other development. However, agricultural land conversion is allowed by right in most areas of the county and represents the majority of the agricultural land impacts identified, analyzed, and mitigated in the General Plan EIR. Mitigation Measures in the General Plan EIR included the establishment of the Important Biological Corridor (IBC), which is identified as Mitigation Measure 4-1 in the "Loss and fragmentation of wildlife habitat" evaluation in the next subsection (b, c).

Overall, impacts on Special-Status Species may be considered **less than significant** due to their general location in areas where winery development is unlikely to occur.

**Discussion Item 4-b and c: Loss and Fragmentation of Wildlife Habitat.** Implementation of the Draft Ordinance would likely result in a sizeable increase in agriculturally-related development in the western foothill region of the county. The western foothill region supports a number of native habitats that are important to wildlife. Some of the native habitat that exists would be reduced by impacts associated with adoption of the Draft Ordinance. According to the General Plan, biological diversity is reduced when natural habitats are converted for urban, suburban, and agricultural uses. This reduction is compounded by the fragmentation of contiguous natural areas into an increasing number of smaller fragments, each of which may be too small to support viable populations of all the original inhabitants. Habitat removal and fragmentation could result from grading (particularly mass grading) plus the construction of buildings, parking, roads, and related infrastructure for wineries. Due to the County Interim Ordinance requiring riparian, lake and wetland setbacks, impacts to wetland resources are not anticipated to be significant. Since agricultural lands serves as habitat for many species, and since vineyards are generally located on south facing slopes and in rural areas where lots are 5 and 10 acres or larger, loss and fragmentation of wildlife habitat is also not anticipated to be impacted more than that considered, analyzed, and mitigated in the General Plan EIR. The Draft Ordinance would likely result in additional facilities in the rural areas of the County, but the impact to loss and fragmentation of wildlife habitat is considered addressed in the General Plan EIR and is **less than significant**.

**Discussion Item 4-d: Impacts on Wildlife Movement.** Winery development in western El Dorado County under the Draft Ordinance has the potential to reduce the ability of terrestrial wildlife to move unimpeded through this region. The increased winery development, although minor in comparison with all the urban and suburban development planned for the County, would result in additional barriers to wildlife such as new structures, fencing, roadways, and more vehicular traffic. The Department of Fish and Game's Migratory Deer Herd Maps indicate that some of the winter ranges for migratory deer herds are located in areas that winery facilities may be located, including the General Plan Agricultural Districts. Although many portions of winery facilities would not block wildlife migration, areas fenced with deer fencing, such as for vineyards, would impact wildlife movement. However, vineyards and fencing for vineyards are uses allowed by right in the current zoning ordinance. The Draft Ordinance would result in winery, tasting rooms, and other accessory facilities and uses that would normally impact wildlife movement.

Development under the Draft Ordinance could also result in impacts on riparian corridors and aquatic habitat, such as removal of riparian vegetation for construction of winery buildings and access roads and bridges, or diversion of stream flows that could impede movement by native fishes. Due to the County Interim Ordinance requiring riparian, lake, and wetland setbacks, impacts to wetland resources are not anticipated to be significant; however wildlife movement could still be impacted. In addition to new winery development, wildlife movement would be adversely affected by secondary impacts including new roadways, additional deer fencing, and traffic. North-south movement would become particularly problematic for terrestrial wildlife as urban development increases along the U.S. 50 corridor. However, winery facilities and vineyards are anticipated to be spread out over a large area of the County. Even in the Agricultural Districts, existing winery facilities and vineyards are clustered in certain locations and

completely absent in other locations. The location of vineyards and winery facilities is affected by slope and topography, with the south facing slopes being the preferred sites. In addition, there is an existing pattern of rural residential development on five and ten acres lots that is unlikely to be converted to vineyard uses.

The primary concern in the General Plan EIR regarding wildlife movement was the continuity of oak woodlands in the north-south corridor where US 50 and suburban development threaten to separate the northern part of the county from the southern. This was also translated into the Important Biological Corridor (IBC) overlay district. Pursuant to Policy 2.2.2.8, the IBC overlay provisions as set forth in Policy 7.4.2.9, and where the IBC overlay is applied to lands in an Agricultural District or that has an Agricultural Lands designation, the land use restrictions of the IBC overlay will not apply to the extent that the agricultural practices do not interfere with the purposes of the IBC overlay. In Policy 7.4.2.9 there are a number of potential provisions to be incorporated into the Zoning Ordinance. Since the provisions of 7.4.2.9 have not been incorporated into the Zoning Ordinance at this time, there is a **potentially significant** impact from winery facility development to impact wildlife movement.

With the following mitigation measure, the impact is **less-than-significant**.

MM 4-1: Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.

1. Minimum lot size for winery and accessory structures is 20 acres.
2. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
3. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.

MM 4-1 Monitoring/Timing: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of the building permit.

**Discussion Item 4-e and f: Conflict with policies, ordinances, tree preservation policies, Habitat Conservation Plan or similar plans.** The proposed Draft Ordinance is not anticipated to conflict with General Plan tree preservation policies, implemented through Ordinance 17.73, nor will it conflict with the provisions of any adopted habitat conservation plan because the General Plan Policy checklist will be used to ensure that both discretionary and ministerial development minimizes tree removal. The Checklist is also expected to enforce the County Integrated Natural Resources Management Plan (INRMP) once that habitat preservation plan is adopted. These plans generally are anticipated to exempt agricultural activities from regulations, but accessory facilities such as wineries and their accessory uses would likely be subject to any new regulations. Currently El Dorado County has an Ecological Preserve Mitigation program for preservation of a number of rare plants in Section 17.71 of the County Code. This program collects fees from new development in order to purchase and maintain the Ecological Preserve for the rare plants. The rare plants and the Ecological Preserves are located in the western portion of El Dorado County in the Cameron Park – Rescue – Salmon Falls area because that is location of the serpentine soils that serve as the plants’ habitat. These lands are not typically associated with vineyard lands, although there are a couple of vineyards established on the eastern end of the area dominated by the serpentine soils.

As stated in the previous section, the Critical Habitat for the California Red-Legged Frog was determined by the US Fish and Wildlife Service in April 2006. The final critical habitat unit is identified on the

USFWS maps but can generally be described as a portion of the County along and north of Starks Grade Road, south of US 50, west of Sly Park Road, and east of Newtown Road. There are some lots within these boundaries that are excluded from the critical habitat area. Only two lots within that area would be allowed under the Draft Ordinance to operate a winery by right. This limited potential impact is not considered a significant impact on the critical habitat.

The lots likely to be developed as a result of the Draft Ordinance with winery and accessory uses are going to be larger lots with agricultural zoning, generally located east of the Ecological Preserves and outside the Red-legged frog critical habitat. Since other plans, such as tree protection plans, would apply to winery and accessory uses and since there would be little impact on the Ecological Preserves, impacts or conflicts with plans and policies to protect biological resources would be considered a **less than significant impact**.

**Mitigation and Residual Impact:** Impacts on wildlife movement are considered **potentially significant** unless development standards are incorporated into the Draft Ordinance to implement applicable aspects of Policy 7.4.2.9 for agricultural lands in the IBC overlay. The following development standards would mitigate potentially significant impacts to **less than significant**:

MM 4-1

5. CULTURAL RESOURCES. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?		X		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Existing Regulatory Setting:** Agriculturally zoned property, including those agricultural properties that under the Draft Ordinance could develop winery and related facilities, are required under state law to stop all work if archaeological resources are found during grading or construction. Discretionary development would be subject to a range of federal and state regulations including required consultations and adherence to CEQA. However, the Draft Ordinance, which would provide “by right” development of wineries throughout foothill areas of the County, does not include standards related to identification, conservation or protection of archaeological or historic resources unless they are currently listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR).

**Policy Framework:** El Dorado County policies related to archaeological and historical resources can be found in the General Plan Conservation and Open Space Element. These policies are focused upon ensuring the preservation of the County’s important cultural resources. General Plan Policies call for the identification and protection of known archaeological and historic sites, as well as the maintenance of the visual integrity of historical resources and protection of officially listed and eligible resources through a conformity review in accordance with CEQA standards.



**General Plan Consistency Checklist:** There are several cultural resource policies, such as Policies 7.5.1.6, 7.5.2.2, and 7.5.4.1 that are addressed prior to issuance of a building permit. When current County records indicate there is a potential for a presence of cultural resources such as a structure over fifty years old or an existing cemetery, the landowner may be required to submit a cultural resources study prepared by a professional historian, archaeologist, or other qualified consultant assessing the potential significance of cultural resources and addressing county approved mitigation and/or other appropriate protective measures. Even if the structure is not considered potentially significant, volunteers from the historical museum will often take the opportunity to investigate and record the structure.

**Discussion:** In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

1. Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
2. Affect a landmark of cultural/historical importance;
3. Conflict with established recreational, educational, religious or scientific uses of the area; or
4. Conflict with adopted environmental plans and goals of the community where it is located.

**Discussion Item 5-a and b: Impact historical or archaeological resources.** All of the potential cultural impacts associated with the proposed winery ordinance and its related development are unknown at this time because the exact location of future wineries is unknown. The exact locations will not be known until individual building permit applications are reviewed for General Plan consistency. Therefore, discussion of impacts to cultural resources is programmatic, rather than site-specific.

Any level of ground disturbance within the county, regardless of intensity, has the potential to significantly affect cultural resources. As previously noted in this section, prehistoric and historic cultural resources can occur anywhere on the landscape regardless of topography, but areas with various floral, faunal, and mineral resources, areas located near surface water, areas with low degrees of slope occurring in the immediate vicinity of perennial, natural water sources are most likely to contain cultural resources. Although impacts on any lands are a matter of concern regarding prehistoric and historic sites, areas with low slope (<25%) in close proximity to natural water sources are generally more sensitive.

Ground disturbance and the potential loss of culturally sensitive acreage do not constitute the only major potential threats to the integrity of cultural resources in El Dorado County. Historic buildings and structures can be adversely impacted by modification or demolition. Also, new development next to historic structures and buildings can impact the resource by potentially compromising the resource's historic character. The alteration or destruction of historic buildings and structures and their historic settings, particularly those listed on the CRHR/NRHP or determined eligible for listing, constitutes a potential impact.

As currently written, General Plan policies generally do not provide for adequate levels of recordation, preservation, and management of documented prehistoric and historic cultural resources subject to impacts resulting from ministerial development projects. Taken as a whole, many elements of the policies tend to mirror CEQA cultural resource provisions, but they do not provide specific mechanisms suitable for mitigating impact of ministerial development. This impact is considered **potentially significant**.

Incorporation of the following mitigation measures would reduce the impact to **less-than-significant**.



MM 5-1: Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

MM 5-1 Monitoring/Timing: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

MM 5-2: Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

MM 5-2 Monitoring/Timing: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

**Discussion Item 5-c: Disturb paleontological resources.** The type of sedimentary deposits where paleontological remains might be present are virtually nonexistent in El Dorado County, therefore paleontological issues are considered to have **no impact**.

**Discussion Item 5-d: Disturbance of human remains.** In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the steps outlined in Section 15064.5 of the CEQA Guidelines shall be implemented immediately. This is a standard grading and development requirement that applies to all discretionary projects and ministerial permits and related impacts are considered **less than significant**.

**Mitigation and Residual Impact:** Impacts to currently identified and, in particular, unidentified archaeological and historical resources as a result of the proposed winery ordinance are **potentially significant** because there are insufficient development standards to ensure that historic structures and archaeological artifacts are identified, recorded, preserved and/or managed prior to disturbance for wineries and related development. Incorporation of these mitigation measures reduces the impact to **less-than-significant**.

MM 5-1 and MM 5-2

6. GEOLOGY AND SOILS. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			<b>X</b>	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			<b>X</b>	
ii) Strong seismic ground shaking?			<b>X</b>	

iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Existing Regulatory Setting:**

**California Building Code (CBC):** The State of California provides minimum standards for building design through the CBC [California Code of Regulations (CCR), Title 24]. The CBC is based on the Uniform Building Code (UBC), which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis), and has been modified for conditions within California. State regulations and engineering standards related to geology, seismicity and soils in the UBC (2001) are reflected in the CBC requirements. The UBC includes a seismic zone map to determine applicable seismic standards for proposed structures. Seismic zones range from 0 to 4, with Zone 0 being the least active and Zone 4 the most active. All of El Dorado County is located in Seismic Zone 3 (El Dorado County 2003), and all structures built in the county must comply with UBC requirements for this zone. The design and construction of buildings must comply with the CBC at the time of construction. If a soils/geotechnical study is required for a project, the recommendations of the study must be incorporated in the design of foundations and buildings to ensure the structural integrity of structures and public safety at proposed developments.

**County Grading, Erosion, and Sediment Control Ordinance:** The *Grading, Erosion, and Sediment Control Ordinance* (Grading Ordinance) (Chapter 15.14 of the County Code) establishes provisions for public safety and environmental protection associated with grading activities on private property. The ordinance sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments. It establishes the administrative procedures for issuance of permits, and provides for approval of plans and inspection of grading construction and all grading specific to site improvements. Single-family residential construction is the exception, unless it exceeds prescriptive standards as defined in the County’s *Design and Improvement Standards Manual* (DISM). Where the grading or earthwork involves multiple lots, parcel maps, subdivisions, land divisions or roads, the DISM must be used for design purposes. Most winery development is not anticipated to trigger use of the manual but would be subject to the Grading Ordinance and Grading Design and Improvement Standards Manual (Resolution 47-2007, adopted 3/13/07).

The El Dorado County General Plan requires agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland to obtain an agricultural permit through the Agriculture Department, which may require approval of the Agricultural Commission. All erosion control measures included in the agricultural permit must be implemented. The El Dorado County Agriculture Department, in conjunction with professional consultants, is currently developing agricultural grading applications, permits and inspection procedures which will satisfy the General Plan requirements pertaining to

agricultural grading. All agricultural practices, including fuel reduction and fire protection, that do not change the natural contour of the land and that use the BMPs adopted by the Board of Supervisors are exempt from obtaining an agricultural grading permit.

Development of structures such as wineries is not covered under this policy, and will be subject instead to the grading ordinance. The grading ordinance requires permits for any grading activity that has the potential to:

1. involve more than 50 cubic yards of grading material
2. or cuts and fills greater than 5 feet in vertical depth;
3. create unstable or erodible slopes;
4. denude more than 10,000 square feet of surface on a 10% or steeper grade; or
5. encroach into a perennial or seasonal watercourse that either has a watershed larger than 50 acres or is designated by a solid or dashed blue line on a USGS 7.5-minute quadrangle map.

Exemptions exist for trenching and grading incidental to the installation and construction of County approved underground pipelines, septic fields, or electrical conduit, and the drilling of wells and fence posts, as well as the maintenance of firebreaks and fire roads providing the property substantially remains in its original condition. A grading plan, which must include an erosion and sediment control plan that demonstrates on site containment, is required as a part of the grading permit.

**Design Improvement Standards Manual:** As indicated above, most winery development will not trigger use of the Design Improvement Standards manual. The manual, first adopted in 1986 with the purpose of regulating building standards for discretionary projects, requires a Land Capability Report for tentative maps that “shall define the suitability for a tract with regard to waste discharge, building foundations, grading and drainage, traffic circulation, and passive solar opportunities.” The soils and geology component of the report, if required, includes the following information: groundwater effects on slope stability, seismic risks, earth movement unrelated to seismicity (e.g., landslides), and expansive soils.

Winery structure, grading, and accessory facilities would be subject to the Grading Ordinance and the Grading Design and Improvement Standards Manual. Primary issues addressed in the manual include cut and fill slopes, retaining walls, drainage, and erosion control.

**Policy Framework:** El Dorado County policies related geology and seismic hazards can be found in the General Plan Public Health, Safety and Noise Element. These policies are focused upon minimizing threat to life and property from seismic and geologic hazards through adoption and enforcement of building and site standards. Naturally occurring asbestos soils, rocks and dust, considered an airborne hazard, is regulated primarily by the El Dorado County Air Quality Management District, and is more fully addressed in Initial Study Section C – Air Quality.

Policies found in the General Plan Conservation and Open Space Element address two soil-related topics: 1) conservation and protection of important agricultural soils by limiting non-agricultural development on those soils; and 2) minimizing soil erosion and sedimentation through enforcing grading permit provisions, use of BMPs conforming to natural contours and natural drainage patterns, and limiting development on slopes 30 percent or greater.

**General Plan Consistency Checklist:** There is one soil conservation policy (Policy 7.1.2.1) addressed through use of the Checklist that requires action prior to issuance of a building permit. Development related to non-agricultural earthmoving, such as for a winery rather than for vineyards, are subject to

limited disturbance of slopes greater than 30 percent. This is typically addressed in conjunction with obtaining a grading permit for road access or construction of a winery and related structures.

**Discussion:** A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

1. Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
2. Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
3. Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

**Discussion Item 6-a: Increased Development in Areas Potentially Subject to Geologic or Seismic Hazards.** Only those earthquake faults considered having a relatively high potential for future earthquake activity, and which have well defined surface fault traces were considered for mapping under the Fault Evaluation Program of the California Division of Mines and Geology. This program was designed to carry out the objectives of the Alquist-Priolo Special Studies Zone Act of 1972. There are no Alquist-Priolo Special Studies Zones currently mapped in El Dorado County, and there are no known faults that transect the project area except for the East Bear Mountain Fault in the Gold Hill Area. Also, as there are faults located regionally, existing and anticipated wineries could be expected to undergo moderate to severe ground shaking during large magnitude earthquakes. The County requires all new structures to be built in accordance with Seismic Zone 3 criteria, as set forth in the UBC. Because new development would be required to comply with County building standards that incorporate standard geologic and seismic safety provisions, this impact is considered **less than significant**.

**Discussion Item 6-b: Rate or Extent of Erosion and Sedimentation.** Increases in erosion are often attributable to new construction and agricultural operations, which generally involve removal of vegetation and site grading. The erosion potential of soils in the county varies depending on location, and erosion hazards generally increase in areas with steep slopes, such as those often selected for vineyards and their associated wineries. However, all nondiscretionary development and road improvement projects are subject to the grading ordinance, which imposes restrictions on the time construction activity could occur and prescribes best management practices. Revegetation and stabilization of all disturbed soils both within and outside of County right-of-ways may be required. Compliance with this ordinance will reduce any potential impacts to a less than significant level if a grading permit is required. This impact is considered **less than significant**.

**Discussion Item 6-c: Increased Development in Areas Susceptible to Landslide Hazards.** Increased winery development could potentially allow development to occur in areas susceptible to landslide hazards. Landslide hazard areas in the county have not been formally mapped, but can be inferred based on past occurrences, site topography, and climate characteristics. Landslides and avalanches are more likely to occur in the central portions of the county, generally corresponding to the American River area

and Highway 50 east of Pollock Pines. Based on a relatively minor amount of winery development anticipated to occur in this area due to elevation above 4,000 feet, potential landslide impacts would be minimal. Moreover, most wineries will be anticipated to prepare a grading plan for County review, which would trigger further analysis of potential landslides. Therefore, this impact is considered **less than significant**.

**Discussion Item 6-d: Location of structures on expansive soils.** Winery development on Expansive Soils could potentially occur. However, El Dorado County does not have substantial amounts of expansive soils, and new development would be required to conform to County building standards, which are designed to address structural integrity of new structures. Projects that require a grading permit and are located in areas with expansive soils are also required to conduct a geotechnical study and incorporate any protective measures identified in such a study. This impact is considered **less than significant**.

**Discussion Item 6-e: Have soils incapable of supporting septic systems.** The El Dorado County Environmental Management Department has established specific design standards for the site evaluation and design of sewage disposal systems to be applied to any lot proposing to develop an individual, on-site sewage disposal system. A separate on-site system to handle wastewater associated with processing of wine and other winery activities may be required. Any proposed on-site septic system will be required to meet these design standards, subject to review and approval of the Environmental Management Department as part of the building permit process. Winery waste will require a Waste Discharge Permit or “Waiver of Waste Discharge” permit from the Regional Water Quality Control Board. As a result, soil-related impacts associated with disposal of waste water are considered **less than significant**.

**Mitigation and Residual Impact:**

There are no residual impacts associated with geologic and seismic hazards, or soil erosion and sedimentation.

7. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			<b>X</b>	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			<b>X</b>	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			<b>X</b>	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			<b>X</b>	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			<b>X</b>	
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			<b>X</b>	
g. Impair implementation of or physically interfere with an adopted emergency			<b>X</b>	

response plan or emergency evacuation plan?				
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Existing Regulatory Setting:** Wineries and similar small businesses are required to submit hazardous waste plans as part of the building permit process prior to permit issuance by Environmental Management.

**Policy Framework:** El Dorado County policies related to hazards and hazardous materials are located in the General Plan Public Health, Safety and Noise Element. The overall focus of this General Plan Element is to provide guidelines for protecting the residents from existing and potential hazards related to fire (including wildland fire), aviation safety, hazardous materials, and emergency response plans. Other Public Health, Safety and Noise Element policies related to fire protection (see Public Service section of this Initial Study); seismic (see Geology and Soils section); flood (see Hydrology and Water Quality); air quality and noise are covered in their respective sections. Naturally occurring asbestos soils result in an airborne hazard that is regulated by the El Dorado County Air Quality Management District, and which is discussed in Initial Study Section C – Air Quality.

Policies related to fire (especially wildland fire) hazards involve meeting fire code, defensible space requirements, fuel management strategy, and limiting development in very high fire hazard areas unless a “Fire Safe Plan” is approved by fire protection agency representatives. Aviation-related hazards policies involve minimizing the public’s exposure to airport-related safety hazards by requiring new development around airports to be compatible with that use. Policies related to hazardous materials involve regulation of the use, storage, manufacture, transport and disposal of hazardous materials in accordance with State and Federal regulations. Emergency response policy involves the El Dorado County Operational Area Multi-Hazards Emergency Operations Functional Plan which serves as the County’s emergency response implementation plan.

**General Plan Consistency Checklist:** To comply with hazardous material Policy 6.6.1.2, checklist review will determine whether current County records indicate a proposed project is located on a site known to be or suspected to be contaminated by hazardous materials. If it is, the landowner must have a site investigation prepared by a Registered Environmental Assessor or other person experienced in identifying hazardous wastes. The report must be submitted to the El Dorado County Environmental Management Department prior to obtaining a building permit. In the event contamination is found to exist, the situation must be corrected and remediated in compliance with applicable laws, regulations, and standards prior to the issuance of any permit. Also, checklist review for Policy 5.5.2.2 will indicate when a project site is located within 0.25 mile (1320 feet) of a solid waste landfill site or material recovery (recycling) facility. If it is, a disclosure statement indicating that the owners are aware of the facility’s location is required prior to building permit issuance.

Aviation noise and hazards policies (Policies 2.2.5.13, TC-7a, 6.5.2.1, 6.8.1.1) are also addressed through the checklist. When County records indicate that a property is located within the area covered by an airport Comprehensive Land Use Plan (CLUP) and/or zoned Airport Safety District (-AA overlay), the landowner is notified that his property may be subject to maximum density and height limitations, noise mitigation measures, or other land use restrictions in order to minimize impacts on and from aviation uses.

**Discussion:** A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the Draft Ordinance would:

1. Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
2. Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
3. Expose people to safety hazards as a result of former on-site mining operations.

**Discussion Item 7a, b, and c: Create a public hazard through transport, use, accident, or emission of hazardous materials.** The Draft Ordinance will allow the development of winery and accessory uses, by right on lots greater than or equal to 10 acres in General Plan Agricultural Overlay Districts, and in agricultural zones outside of Agricultural Overlay districts. During the construction and operation of winery related uses there may be hazardous materials or substances used which may remain on the premises. The proper use and storage of any such hazardous material or substances should limit exposure and the potential for explosion or spills. The El Dorado County *Hazardous Waste Management Plan* serves as the implementation program for the management of any hazardous wastes in order to protect the health, safety, and property of residents in the vicinity of a winery. If a future winery facility involves the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant is required to submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, and include payment of applicable fees. It is possible that one or more new wineries would be located within 0.25-miles of a school or located on a former mining operation site. These situations would be considered and addressed during review and approval of a hazardous materials plan. Implementation of local requirements would reduce impacts from the potential use or transport of significant amounts of hazardous substances or materials as a result of the project to **less than significant**.

**Discussion Item 7-d: Located on a hazardous material site.** Based on a search of the State of California Hazardous Waste and Substances Sites List (checked in July 2007), there are no properties in the Rural Regions of El Dorado County that are known hazardous materials sites. There are a few sites in the Community Regions but not in the rural land areas where wineries would be anticipated to develop and therefore related impacts are considered to be **less than significant**.

**Discussion Item 7-e and f: Within an airport land use plan or private airport.** It is possible that one or more wineries maybe developed within areas covered by an airport land use plan, or within two miles of a public or private airport. As discussed above, aviation noise and hazard policies are also addressed through the General Plan Checklist. When County records indicate that a property is located within an area covered by an airport CLUP and/or zoned with the AA overlay, the landowner is notified that his property may be subject to maximum density and height limitations, noise mitigation measures under Federal Aviation Administration (FAA) regulations, or other land use restrictions in order to minimize aviation impacts and hazards. California Department of Transportation (Caltrans) airport land use guidelines recommend that assemblages of people with 150 persons or more per acre not be approved in proximity to an airport. This is due to the potential for greater damage and mortality in the event a plane needs to make a forced landing in an open field or roadway. Therefore, impacts from airport safety hazards are considered **less than significant** as long as winery operators are in compliance with federal, state and local aviation standards and safety requirements.

**Discussion Item 7-g: Interfere with an emergency response or evacuation plan.** The Draft Ordinance will not interfere with the implementation of the County adopted emergency response and/or



evacuation plan for the project area as long as the wineries that are developed meet fire safe and other emergency response requirements. As such, the Draft Ordinance and potential wineries and accessory uses are not anticipated to interfere with the County emergency management plans and the impacts are considered **less than significant**.

**Discussion Item 7-h: Expose people to risks associated with fire.** Some winery sites will be located in areas of high to very high severity for wildland fires as identified on the El Dorado County Fire Hazard Severity Zones Map. This map, prepared by the California Department of Forestry and Fire Protection, represents moderate (yellow), high (orange), and very high (red) fuel rankings based on inputs such as fuel, slope, brush density, and tree density. However, large portions of new winery properties will already be cleared for irrigated vineyards, structures and parking areas. When a winery building permit application is submitted it will be required to meet standards related to the adopted Fire Safe regulations such as provisions for water supply, all-weather access with adequate emergency vehicle turn-around or a loop access road, and other fire code provisions subject to review and approval by the appropriate fire agency. Therefore, impacts from wildland fire hazards are considered **less than significant** as long as winery operators are in compliance with local fire safe requirements.

**Mitigation and Residual Impact:**

There are no residual impacts associated with hazards and hazardous materials.

8. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Violate any water quality standards or waste discharge requirements?			X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i. Expose people or structures to a significant risk of loss, injury or death			X	



involving flooding, including flooding as a result of the failure of a levee or dam?				
j. Inundation by seiche, tsunami, or mudflow?			X	

**Existing Regulatory Setting:** An Interim Ordinance, to enforce the water resource General Plan policies has been enacted by the County requiring a minimum setback of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands.

The County Zoning Ordinance Chapter 17.25 - Flood Damage Prevention Ordinance, incorporates measures requiring all ministerial and discretionary development proposed for construction in FEMA Special Flood Hazards Areas, to obtain a County permit. As such, it is unlikely that winery owners will propose development within designated flood zones if other areas are available.

**Policy Framework:** El Dorado County policies related to hydrology and water quality are located in various elements of the General Plan. Water Quality and Quantity policies (see the Conservation and Open Space Element) are focused upon preserving and protecting the supply and quantity of the County’s water resources through maintenance and improvement of underground and surface waters. Methods promoted include use of riparian buffers, utilization of natural drainage patterns, and water conservation, reclamation, and re-use.

The Public Health, Safety and Noise Element contain flood hazard policies which support minimizing loss of life and property in accordance with Federal Emergency Management Agency (FEMA) guidelines, California law, and the El Dorado County Flood Damage Prevention Ordinance. These guidelines and regulations support continued participation in the national flood insurance program, and prohibit placement of new dwelling units, septic systems, as well as accessory or high occupancy structures within FEMA delineated 100-year flood zones. Protection of life and property of County residents is also promoted by use of an overlay zone limiting new development within delineated dam failure inundation zones.

The Public Services and Utilities Element contains goals and policies related to provision of public services including water supply, wastewater collection and treatment, and storm drainage services. Discussion of these services is found in Initial Study Section XIII – Public Services.

**General Plan Consistency Checklist:** Water resource policies which call for setbacks from water features for all development (Policies 7.3.3.4, 7.3.3.5, 7.3.4.2, 7.4.2.5 and 5.4.1.2) are included in the checklist. General Plan policy requires that property containing or adjacent to streams, lakes and wetlands limit structural development, including any ground disturbance, to outside of buffer zones. Exceptions include road and bridge repair or construction, trail and recreational access construction, or where such buffers deny reasonable use of the property, providing appropriate mitigation measures and BMPs are incorporated into the project.

**Discussion:** A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

1. Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
2. Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
3. Substantially interfere with groundwater recharge;

4. Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
5. Cause degradation of groundwater quality in the vicinity of the project site.

**Discussion Item 8-a: Violation of any water quality standards or waste discharge requirements.** Specific water quality objectives have been established by the Regional Water Quality Control Board (RWQCB) and any project not meeting those objectives are required to apply for a Waste Discharge Permit. Environmental Health will require applicant to obtain a Waste Discharge Permit from the RWQCB prior to approval of the sewage disposal system for the development of the winery. If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant shall submit a Report of Waste Discharge with the RWQCB. Because of these regulations, potential impacts related to water quality are considered **less than significant**.

**Discussion Item 8-b: Impacts on groundwater supplies.** Because wineries do not add water to their grapes during wine production, wineries require relatively low amounts of water compared to breweries and distilleries. Tasting room and other visitor-related uses are not anticipated to require a significant water demand. Vineyards require irrigation on an average of 0.55 acre feet per acre per year. In comparison, the average suburban family with a lawn uses 0.3 acre feet/year or 267 gallons/day. Groundcover for soil erosion can use even more irrigation water.

The geology of the Western Slope portion of El Dorado County is principally hard crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. Because of this, the 2004 General Plan EIR noted that impacts to adjacent lots cannot be determined. General Plan Policy 5.2.3.4 requires that all applications that rely on groundwater, whether discretionary or ministerial, demonstrate that adequate groundwater is available. The adequacy is subject to review by the Environmental Management Department.

Although wineries that are or will be dependant upon groundwater supplies may experience greater limitations during drought periods than agricultural areas served by water purveyors with surface water supplies, there is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with ground water recharge in the area of the proposed project.

As such, impacts that substantially deplete groundwater supplies or interfere substantially with groundwater recharge to ground water supplies are considered to be **less than significant**.

**Discussion Item 8-c and f: Changes to drainage patterns, causing erosion, flooding, or water quality impacts.** The *Grading, Erosion and Sediment Control Ordinance* contains specific requirements that limit the impacts to a drainage system (15.14.440 and 15.14.590). The standards included in the Grading Design Manual (Volume III of the Design and Improvement Standards Manual, Resolution 47-2007, adopted March 13, 2007) would apply to any site development for new winery facilities and accessory structures. Occasionally, structures are converted to winery facilities, but these conversions also require permits that will be subject to the provisions of the Grading Ordinance and Design Manual.

Erosion control plans are required as part of the submittal requirements for a grading permit (Section D.2 of Design Manual Volume IIID). The purpose of the erosion control program is to limit storm water runoff causing erosion and discharge of sediment from a site. Grading necessary for

agricultural operations is exempt from a permit according to the following provisions of the Grading Ordinance (Section 15.14.140):

O. Agricultural grading activities that convert less than one acre of undisturbed vegetation to agricultural cropland.

P. Agricultural grading or other practices, including fuel reduction and fire protection, that do not substantially change the natural contour of the land and that use "best management practices" as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

The best management practices are identified by the Agricultural Commission and are currently accessible on the website: <http://www.co.el-dorado.ca.us/ag/BMPs/Cover.pdf> and are titled "General Plan Best Management Practices (BMPs), June 14, 2005." Implementation of these BMPs would minimize erosion, sedimentations, and drainage issues.

However, grading for agriculturally related uses including winery and tasting room facilities will require a grading permit and an erosion control plan will be required. The plan will need to address mitigation of sediment runoff beyond project boundaries and may require revegetation and stabilization of all disturbed soils. Depending on the extent of grading, a permit from the RWQCB may be required. Compliance with the grading ordinance and RWQCB permit requirements will reduce any potential impacts to a **less than significant** level.

**Discussion Item 8-g and h: Impacts from 100 year flood zone proximity.** As discussed under Regulatory Framework, above, the County Zoning Ordinance Chapter 17.25 - Flood Damage Prevention Ordinance, incorporates measures required of all development (ministerial and discretionary) that is proposed for construction in FEMA Special Flood Hazards Areas. As such, it is unlikely that winery owners will propose development within designated flood zones if other areas are available, resulting in no impacts. However, if development is proposed within flood hazard areas, measures would be required to reduce identified impacts to **less than significant** levels by the current zoning ordinance.

**Discussion Item 8-i: Risks associated with flooding from levee or dam failure.** The California Dam Safety Act requires dam owners to submit inundation maps to the California Office of Emergency Services showing the extent of inundation resulting from a potential dam failure. This Act also requires that local jurisdictions adopt emergency evacuation and control procedures for areas located below dams to limit loss of life, injury, and property. El Dorado County has adopted a Multi-Hazard Functional Plan to be implemented by the County's Office of Emergency Services. The General Plan EIR identifies those dams that have the potential to inundate residential and rural areas. An overlay zone delineating dam failure and inundation areas will recognize those lots at risk. In the event a winery is developed adjacent to or downstream from a dam or levee that has the potential to fail and inundate the area with floodwaters, measures would be required at the building permit stage to reduce identified impacts to **less than significant** levels.

**Discussion Item 8-j: Inundation by seiche, tsunami, or mudflow.** A seiche is a water wave within an enclosed body of water such as a lake or reservoir usually generated by an earthquake or landslide. A tsunami is a wave generated from earthquake activity on the ocean floor. There is no potential for a seiche or tsunami for most winery areas in western El Dorado County. However, a mudflow containing heterogeneous materials lubricated with large amounts of water could result from a dam failure or failure along an old stream course. As indicated above (see item "i"), in the event a winery is developed adjacent to or downstream from a dam or levee that has the potential to fail and inundate the area with floodwaters,

measures would be required at the building permit stage to reduce identified impacts to **less than significant** levels.

**Mitigation and Residual Impact:**

There are no residual impacts associated with hydrology and water quality.

9. LAND USE PLANNING. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

**Existing Regulatory Setting:** The County’s primary regulatory tool for implementing General Plan policies and associated land use designations is its Zoning Ordinance (County Code Title 17). Zoning regulates the extent and type of development that can occur in the unincorporated areas of the county. The ordinance identifies uses that are allowed by right in each zoning district and uses that require a special or temporary use permit, or other form of discretionary approval. The Zoning Ordinance identifies standards for development in various districts, including sign standards, off-street parking requirements, height, and setback requirements. Development standards vary for each zoning district and may specify limitations on the dimensions of buildings, lot sizes, setbacks, and uses. The ordinance also regulates uses such as wineries, ranch marketing and others uses that are subject to specific land use review. The existing Wineries Ordinance is found in Section 17.14.190 of the ordinance.

Properties with Williamson Act and Farmland Security Zone contracts are subject to limitations on their land use development in order to meet State law, County regulations and the program’s intent to conserve agriculture and preserve agricultural lands. The Draft Ordinance addresses the contracted lands by including provisions for winery uses on lands zoned Agricultural Preserve (AP) or Exclusive Agriculture (AE) that represent the County’s contracted lands. AP zoned lands are differentiated from AE in that they may develop winery and the uses accessory by special use permit only.

**Policy Framework:** The General Plan Land Use Element contains principles, goals, objectives and policies to guide the intensity, location and distribution of land uses. The General Plan Land Use Map graphically represents the Land Use Element. The land use analysis contained in the discussion of impacts (see below) provides assistance toward balancing the Element’s principles, goals, objectives and policies, which frequently have competing interests.

Central to all Land Use Element policy is the planning concept areas of Community Regions, Rural Centers, and Rural Regions. The designations of Community Region and Rural Center are applied to existing communities. The designation of Rural Region is applied to the remaining unincorporated area. Community Regions and Rural Centers contain the highest concentration of high- and medium-density residential uses and commercial lands. Community Regions are centered on existing larger communities (El Dorado Hills, Cameron Park, Shingle Springs, and Camino/Pollock Pines) that generally have well-developed infrastructure. Rural Centers are centered on smaller communities (such as, but not limited to: Coloma, Somerset, Mt. Aukum) that provide limited services but are focal points for the surrounding

rural areas. The remaining Rural Regions are to remain largely agricultural or otherwise rural. All of the General Plan designated Agricultural Districts are located in Rural Regions. The Draft Ordinance, as currently proposed, supports winery development on properties in Rural Regions rather than Rural Centers and Community Regions.

Additional land use policies directly related to agriculture and wineries are contained in the General Plan Agriculture and Forestry Element. As discussed in the agricultural portion of this Initial Study, Policy 8.2.4.4 provides specific direction concerning wineries and related “Visitor Serving Uses”, as follows:

“Policy 8.2.4.4: Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural lots, 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 lots of 10 acres or more; the lot 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 lot, whichever is less.”

**General Plan Consistency Checklist:** Based upon Policies 8.1.3.2, and 8.4.1.2, land use items on the checklist include an agricultural setback review to determine whether a lot is adjacent to agriculture or timber lands, and subject to setback requirements. These requirements do not require agricultural uses to be setback from other agricultural uses. Therefore, agriculturally-related uses such as wineries and tasting rooms would not be subject to such setbacks. Interim Interpretive Guidelines were adopted in 2006 that addressed these policies and offered means of obtaining administrative relief. They are applicable to any incompatible structure or use on lots adjacent to agriculturally zoned land within the Agricultural District overlay, as well as similar lots outside of the District overlay, providing they are 10 acres or larger in size. The Guidelines are applicable to ministerial projects such as building permits and to discretionary projects as part of the requirement to be consistent with the General Plan.

**Discussion:** A substantial adverse effect on Land Use would occur if the implementation of a project would:

1. Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
2. Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
3. Result in conversion of undeveloped open space to more intensive land uses;
4. Result in a use substantially incompatible with the existing surrounding land uses; or
5. Conflict with adopted environmental plans, policies, and goals of the community.

**Discussion Item 9-a: Impact by dividing an established community.** Implementation of the Draft Ordinance through development of vineyards and wineries in primarily Rural Regions is not anticipated to result in land uses that would physically divide an existing community, therefore **no impacts** are expected.

**Discussion Item 9-b: Impact from General Plan or other policy conflicts.** The Draft Ordinance may create inconsistency with existing land uses, adopted plans, policies and goals of El Dorado County by allowing an increased intensity of development in the General Plan Rural Regions. The General Plan policies and associated land use map have a stated purpose of directing high-density development into Community Regions and Rural Centers while allowing the Rural Regions to remain primarily available for natural resource management and low-intensity uses. As indicated under “Policy Framework”, the designations of Community Region and Rural Center are applied to existing communities. The

designation of Rural Region is applied to the remaining unincorporated area. This approach is expressed through General Plan policies that encourage clustering of development and concentration of high-intensity uses in Community Regions and Rural Centers to preserve the remaining Rural Regions as open space and natural resource areas, which includes agriculture and timber land.

The Draft Ordinance allows wineries “by right” resulting in increased commercial development in Rural Regions rather than in Rural Centers and Community Regions. Implementation of the Draft Ordinance would therefore encourage intensification of agriculturally related commercial uses in areas designated as Rural Regions, rather than discouraging those facilities. This is consistent with General Plan Policy 8.2.2.1.E: “Agricultural operations allowed by right on agricultural lands shall include, but not be limited to...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.”

In order to be found consistent with the General Plan, the Draft Ordinance must be proven consistent with the more specific policy direction provided by Policies 8.2.4.4. According to this policy, winery uses defined under the policies as “agricultural promotional uses” are permitted on agricultural lots providing a compatibility review is done to ensure that:

- 1) the establishment of the accessory agricultural use is secondary and subordinate to the agricultural use;
- 2) will have no significant adverse effect on agricultural production on surrounding properties;
- 3) be on lots of 10 acres or more;
- 4) have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that is properly maintained;
- 5) the winery uses cannot occupy more than 5 acres or 50 percent of the lot, whichever is less;

Item 1 above can usually be addressed by the Development Services Department with occasional consultation with the Agriculture Department. Most uses are clearly subordinate to the agricultural activities on a site. In some cases the proposal may be reviewed by the Agricultural Commission or Planning Commission based on the Development Services Director determination. However, this process is not addressed in the Draft Ordinance and could lead to potential conflicts.

Item 2 would be inherently met as the uses addressed under the Draft Ordinance are accessory to and therefore compatible with adjacent agricultural uses. In addition, the Draft Ordinance implements Policy 8.2.4.4’s requirement that the winery use not exceed 5 acres in size or 50 percent of the lot size. It is also unlikely that a neighboring agricultural operation would be negatively impacted by a winery operation.

Item 3 is addressed in the Draft Ordinance sections that only allow wineries on lots that are 10 acres in size. Micro-wineries may be on smaller lots, but do not allow tasting rooms or public access.

Item 4 is met in the Draft Ordinance by defining a “Commercial Vineyard” as a five acre vineyard necessary before allowing all winery uses by right in agricultural zones.

Item 5 is met since section E.6.a limiting the use to 5 acres or 50 percent of the lot.

Impacts associated with winery development will normally meet the findings required by General Plan Policy 8.2.4.4. Therefore, conflicts with General Plan Policy 8.2.4.4 are considered to be a **less than significant impact**.

**Discussion Item 9-c: Conflict with habitat conservation plan or natural community conservation plan.** As discussed in Section IV, Biology, the proposed Draft Ordinance is not anticipated to conflict with the provisions of any adopted habitat conservation plan because the General Plan Policy Checklist will be used to ensure that both discretionary and ministerial development minimizes tree removal and development within or adjacent to rare and endangered plant preserves. The Checklist is also expected to enforce the County Integrated Natural Resources Management Plan (INRMP) once that habitat preservation plan is adopted. Please review the Biology section for additional information. There would be a **less than significant impact**.

**Mitigation and Residual Impact:** Land use impacts resulting from the Draft Ordinance are considered to be **less than significant** because there are sufficient development standards to ensure that General Plan Policies, including Policy 8.2.4.4 will be met.

10. MINERAL RESOURCES. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

**Existing Regulatory Setting:** Pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA), the California State Mining and Geology Board oversees the Mineral Resource Zone (MRZ) classification system. The MRZ system characterizes both the location and known/presumed economic value of underlying mineral resources. Local agencies are required to use the classification information when developing land use plans and making land use decisions. Mineral land classification reports and maps have been developed for the project area, specifically the Auburn (1983), Camino and Mokelumne Hill (1987), Folsom (1984), Georgetown (1983), and Placerville (1983) 15-minute quadrangles. These mineral land classification reports and maps are available for review at California Geologic Survey offices and El Dorado County Planning.

According to the General Plan EIR the mineral resource classification system uses four main MRZ categories based on the degree of available geologic information, the likelihood of significant mineral resource occurrence, and the known or inferred quantity of significant mineral resources. Areas classified as MRZ-2 are considered important mineral resource areas. Designated Mineral Resource (MR overlay) areas are based on mineral resource mapping published in the mineral land classification reports referenced above.

**Policy Framework:** El Dorado County policies related to conservation of mineral resources can be found in the General Plan Conservation and Open Space Element. These policies are focused upon identification and protection of important mineral resources from incompatible development, as well as regulation of extraction to ensure that environmental and land use compatibility issues are considered prior to issuing a new or revised special use permit and reclamation plan. As noted in the text above, the MR overlay was not applied to existing, established residential and other higher intensity land uses within planning concept areas, but was applied to rural lands.



**General Plan Consistency Checklist:** To protect mineral resources from incompatible development under Policy 7.2.2.3, when a proposed property is located adjacent to an existing mining operation, the county requires that the new non-mining land be designed to provide a buffer sufficient to protect the mining operation between the new development and the mining operation(s).

**Discussion:** A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

1. Result in obstruction of access to, and extraction of mineral resources classified MRZ-2, or result in land use compatibility conflicts with mineral extraction operations.

**Discussion Item 10 a and b: Results in the loss of known mineral resources.** All of the potential mineral resource impacts associated with the proposed winery ordinance and its related development are unknown at this time because the exact location of future wineries is uncertain. The exact locations will not be known until individual building permit applications are reviewed for General Plan consistency. In the current process, lands designated with the General Plan MR overlay and lots adjacent are flagged for review as being near the MR overlay. General Plan Policy 7.2.2.3 then requires that upon evaluation, the winery use shall be designed to provide a buffer. In the comprehensive update of the Zoning Ordinance, Policies such as 7.2.2.3 will be further implemented. As a result, impacts to mineral resource extraction are considered to be **less than significant**.

**Mitigation and Residual Impact:**

There are no residual impacts associated with mineral resources.

11. NOISE. <i>Would the project result in:</i>	PSI	PSU MI	LTS	NI
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?			X	
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Existing Regulatory Setting:** The County’s current noise ordinance is Section 9.16 of the County Code. Section 9.16 states, in part: “9.16.050: Except as otherwise provided in this chapter, it is unlawful for any person to willfully make, emit, or transmit or cause to be made, emitted, or transmitted any loud and



raucous noise upon or from any public highway or public thoroughfare or from any aircraft of any kind whatsoever, or from any public or private property to such an extent that it unreasonably interferes with the peace and quiet of another's private property.”

This provision allows the Sheriff to respond to noise complaints and enforce the ordinance.

The General Plan noise policies provide County additional criteria for determining acceptable noise levels. Uses that are approved under a special use permit may have noise limits incorporated as conditions of approval; however this would not affect uses that would be allowed by right under the Draft Ordinance. General Plan implementation measures call for a County noise ordinance to be written and adopted as a part of the current Zoning Ordinance Update incorporating the General Plan noise standards into the noise ordinance.

The Draft Ordinance requires that outdoor amplified music conform to the County Noise Ordinance (C.2.c). However, until such time as an updated County noise ordinance is enacted to implement the General Plan noise policies, all noise enforcement is regulated through the existing Section 9.16 of the County Code. In adopting a new ordinance, the County may adopt specific noise standards or provisions to mitigate potential noise impacts and implement the General Plan. In this context, a brief explanation of noise impacts is warranted.

Noise, often defined as unwanted sound, can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, industrial operations, and speaker systems. Noise generated by mobile sources typically attenuates at a rate between 3.0 to 4.5 dBA per doubling of distance. Noise generated by stationary sources, such as construction equipment, typically attenuates at a rate between 6.0 to about 7.5 dBA per doubling of distance from the source. The rate of attenuation generally depends on the ground surface and the number of objects between the noise source and the receiver. For instance, hard and flat surfaces, such as concrete or asphalt, have lower attenuation rates than soft surfaces, such as uneven or vegetated terrain.

Sound levels can be reduced by placing barriers between the noise source and the receiver. Barriers contribute to decreasing noise levels when the structure breaks the line of sight between the source and the receiver. Buildings, walls, berms, and dense foliage can all act as noise barriers. Average attenuation rates of noise barriers can vary considerably depending on design, and range from approximately 5 to 10 dBA. Attenuation rates of 15 to 20 dBA are possible, but are more difficult to attain (EPA 1971, Lipscomb and Taylor 1978).

When noise interferes with human activities or contributes to stress, public annoyance with the noise source increases, and the acceptability and the threat to public wellbeing are the basis for land-use planning policies preventing exposure to excessive community noise levels. There presently is no completely satisfactory way to measure the subjective effects of noise, or of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and habituation to noise. Thus, an important way of determining a person's subjective reaction to a new noise is to compare it to the existing environment to which one has adapted: the so-called “ambient” environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable receivers, or individuals, will judge the new noise to be.

**Policy Framework:** El Dorado County policies related to noise can be found in the General Plan Public Health, Safety and Noise Element. These policies are focused upon protection of noise sensitive development (e.g. - residences, hospitals, schools and churches) from new uses that would generate incompatible noise levels, and conversely, to discourage noise-sensitive uses from locating near sources

of high noise levels. Noise standards for different times of the day (daytime, evening, and night) provide for: 1) maximum allowable noise exposure for transportation noise sources; 2) noise level performance protection standards for noise sensitive land uses affected by non-transportation sources; and 3) maximum allowable noise exposure for non-transportation construction noise sources. Distinct construction noise standards are provided for Community Regions, Rural Centers, and Rural Regions.

The General Plan contains the following Table that is relevant to the Draft Ordinance:

<b>TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES</b>						
<b>Noise Level Descriptor</b>	<b>Daytime 7 a.m. - 7 p.m.</b>		<b>Evening 7 p.m. - 10 p.m.</b>		<b>Night 10 p.m. - 7 a.m.</b>	
	Community	Rural	Community	Rural	Community	Rural
Hourly $L_{eq}$ , dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50
<b>Notes:</b>						
Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).						
The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.						
In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100' away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.						
*Note: For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.						

**General Plan Consistency Checklist:** To address noise policies related to aviation noise, when County records indicate that a project site is located within the area covered by an airport Comprehensive Land Use Plan (CLUP), the landowner is notified that his property may be subject to, among other things, noise mitigation measures or other restrictions. There are no checklist items related to other noise policies.

**Discussion:** A substantial adverse effect due to noise would occur if the implementation of the project would:

1. Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL and General Plan Policy 6.5.1.11 and Table 6-3.
2. Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or

3. Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.

**Discussion Item 11-a: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.** The Draft Ordinance will likely result in increased ambient noise levels in the vicinity of new wineries during construction and during subsequent events, particularly when numerous visitors are assembled outside of structures or when there is noise generated from recorded or live music during the events. Construction impacts are addressed in subsection (d). The potential event uses that are allowed by right in the Draft Ordinance include a range of marketing and special events. Marketing events are directly related to sale of wine and includes potential live or recorded and amplified music. The special events are functions other than for the direct sale of wine such as fundraising, conferences, celebrations, or weddings that may also utilize live or recorded amplified music. The Special events in the Draft ordinance require a Conditional Use Permit if they exceed 250 persons.

These outdoor events may result in a temporary increase of noise levels. The General Plan Policy noise standards in a rural area are applied at a point 100 feet from any adjoining residence. While the Draft Ordinance requires that events meet the noise ordinance and requires setbacks of 50 feet (in an Agricultural District) and 200 feet (outside of an Agricultural District), all outdoor events have the potential to increase the ambient noise levels, but are subject to the Noise Level Performance Protection Standards contained in Table 6-2 of the General Plan Public Health, Safety and Noise Element.

Under General Plan Policy 6.5.1.14, a noise ordinance will be adopted by the County to control unnecessary noise including implementation of the noise standards of Table 6-2. Until then, the Sheriff has the authority to respond and control “loud and raucous” noise. However, the potential for excessive noise resulting from outdoor events held at wineries in proximity to neighboring homes that the Sheriff may not consider “loud and raucous” yet exceed the General Plan noise standards would remain **potentially significant** because the new noise standards have not been codified.

Incorporation of the following mitigation measure would reduce the impact to **less-than-significant**.

**MM 11-1: Outdoor Amplified Music.** General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 p.m. and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm.

**MM 11-1 Monitoring/Timing:** This provision of MM 11-1 shall be incorporated into the Development Standards of the Draft Ordinance. Development Services staff, including the Code Enforcement Division, as well as the Sheriff’s Office would enforce the standards.

**Discussion Item 11-b: Exposure of persons to or generation of excessive groundborne vibration or noise.** Normal construction activities for wineries and accessory structures may create groundborne vibration and noise from grading or blasting. These impacts could be significant if they become regular occurrences or result in property damage to adjacent structures. The Draft Ordinance does not specifically address these potential impacts related to construction activities. However, there are existing standards for grading and blasting that would need to be incorporated into all applicable grading and building permits. In addition, the Draft Ordinance requires a minimum 10 acre lot size for winery and accessory facility construction and minimum setbacks of 50 feet from property lines. With these requirements the impacts from groundborne noise and vibration would be **less than significant**.

**Discussion Item 11-c: Substantial permanent increase in ambient noise levels.** The Draft Ordinance will not result in permanent increases in ambient noise levels since winery and accessory uses will create noise that is not permanent in nature, but more variable, occasional, and temporary. These noise impacts are addressed in subsections (a) and (d). Although the variable and temporary impacts can be described as “permanent” since they will be on-going and regular occurrences, the analysis of those impact is addressed under subsections (a) and (d), with mitigation measures identified for subsection (a). The establishment of a winery building and accessory structures on minimum 10 acre lots with minimum setbacks of 50 feet from property lines would not create permanent noise impacts. Noise impacts would be associated with traffic and various marketing or special events where people assemble, again, addressed more appropriately under subsection (a) and (d).

**Discussion Item 11-c: Substantial temporary or periodic increase in ambient noise.** The construction of a winery and associated accessory facilities may increase ambient noise levels temporarily. Standard construction practices includes use of heavy equipment such as graders and loaders, various powered equipment such as generators and compressors, and many hand tools and power tools, all of which create some range of noise. General Plan Table 6-5 establishes regulations for construction noise.

<b>Land Use Designation</b>	<b>Time Period</b>	<b>Noise Level (dB)</b>	
		<b>L<sub>eq</sub></b>	<b>L<sub>max</sub></b>
All Residential (LDR)	7 am–7 pm	50	60
	7 pm–10 pm	45	55
	10 pm–7 am	40	50
Commercial, Recreation, and Public Facilities (C, TR, PF)	7 am–7 pm	65	75
	7 pm–7 am	60	70
Rural Land, Natural Resources, Open Space, and Agricultural Lands (RR, NR, OS, AL)	7 am–7 pm	65	75
	7 pm–7 am	60	70

The standards of Table 6-5 will be implemented through a new noise ordinance, but until these standards are codified, there is a potential for winery construction activities to exceed these thresholds. However, winery construction is typically in the rural areas of the County, only occasional in nature, and obviously only temporary, and therefore likely to be a **less than significant impact**.

**Discussion Item 11-e and f: Noise associated with proximity to airport or airport land use plan.** Under the Draft Ordinance, wineries may be built in locations within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. This may subject a relatively small number of wineries and their visitors to excessive sound levels. However these uses will be subject to the provisions of the airport land use plan including noise mitigation policies of those plans. There are only four general aviation airports in El Dorado County and each has an Airport Land Use Plan. While there are other private airstrips that exist in some rural areas, the air traffic associated with these strips is extremely small, typically limited to the property owner or emergency flights. Impacts from airports would be a **less than significant impact**.

**Mitigation and Residual Impact:** The Draft Ordinance includes only general development standards related to construction, traffic and non-traffic noise. Mitigation measures in the form of development standards for noise would be required to reduce potentially significant noise impacts to less than significant levels. By implementing the following Mitigation Measure, the residual impact upon noise could be reduced to **less than significant** levels.

MM 11-1

12. POPULATION AND HOUSING. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Existing Regulatory Setting:** The County Zoning Ordinance text and maps are the primary ordinance that regulates County population growth and housing density. As discussed in Section 9, Land Use, agriculturally zoned lands are limited in their number of single family homes. However, there is the exception that agricultural housing is permitted on agricultural land, subject to California Health and Safety Code Sections 17000-17062.5. Employee housing regulations allow farm worker housing on land not necessarily zoned for housing, and require at least one resident in each agricultural housing unit to be employed as a farm worker in local orchards, fields, canneries or winery production facilities.

**Policy Framework:** El Dorado County policies related to population and housing is located in the General Plan Housing Element. Policies are focused upon increasing the amount of affordable housing and maintaining the current pool of affordable housing. As discussed in both the General Plan Land Use Element and the Agriculture and Forestry Element, population and housing is intended to be concentrated in Community Regions and Rural Centers rather than Rural Regions with choice agricultural soils.

**General Plan Consistency Checklist:** There are no items related to population and housing listed on the Checklist.

**Discussion:** A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

1. Create substantial growth or concentration in population;
2. Create a more substantial imbalance in the County's current jobs to housing ratio; or
3. Conflict with adopted goals and policies set forth in applicable planning documents.

**Discussion Item 12-a: Induce substantial population growth.** The Draft Ordinance as proposed will not induce population growth directly by developing new residences or providing infrastructure that would create residential development beyond what is currently anticipated in the General Plan. A relatively minor amount of indirect population and housing development may be the result of an increased number of commercial wineries and related employment. Even if the number of wineries were to

increase from existing levels (approximately 50 wineries) to two or three times that amount (an estimated 150 wineries), the additional residences and employees would be spread throughout the western third of the County. Zone district standards and other land use regulations would not allow increased residential development of agricultural lands to support winery employees, except as already permitted by the State under Employee Housing regulations. This impact is considered **less than significant**.

**Discussion Item 12-b and c: Displace substantial numbers of housing or people.** Development of an increased number of wineries will neither displace people nor existing housing or would prevent the construction of housing elsewhere. **No impact** is anticipated as a result.

**Mitigation and Residual Impact:**

There are no residual impacts associated with population and housing.

13. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>	PSI	PSU MI	LTS	NI
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Parks?				X
e. Other government services?			X	

**Existing Regulatory Setting:** The County Zoning Ordinance currently contains provisions for wineries (Section 17.14.190.) The Draft Ordinance would replace those provisions with new regulations for the establishment and operation of wineries and accessory uses. The only provisions in the Draft Ordinance regarding public services is Section E.5 “Access” discussed more thoroughly under the Transportation/Traffic section of this Initial Study (Section 15).

Most public service providers collect fees with building permits (such as Fire Departments and school districts) that are intended to cover the service providers’ costs for capital improvements due to the direct and indirect impacts associated with increased uses from wineries.

There are no sheriff services impact fees. A “public service” fee has recently been established in the El Dorado Hills/Cameron Park/Shingle Springs area to fund a new sheriff’s substation.

Park fees for capital park improvements are only collected by the El Dorado Hills and Cameron Park Community Services Districts (CSD), but wineries would not typically impact park lands and would not generally be located within these CSD’s. Other park land dedication requirements may result from the subdivision of land, but the subdivision of agricultural land is not an anticipated result of the Draft Ordinance.

There are five library areas in the County and some library areas are supported in part by lots or dwelling assessment fees, as well as County general funds. Wineries are not expected to directly affect libraries.

**Policy Framework:** The General Plan Public Services and Utilities Element addresses policies related to emergency services, schools, library services, and cultural facilities. These policies require that adequate public services are built and operated to serve new development based on the applicable requirements of each responsible service purveyor. Issues related to water supply, wastewater collection, storm drainage, solid waste, and utility services are discussed in the Utilities and Service Systems section (Section 16).

**General Plan Consistency Checklist:** There are no Checklist items directly related to public service policies. However public services provisions are generally addressed at the building permit stage of any development project including winery development.

**Impacts Discussion:** A substantial adverse effect on Public Services would occur if the implementation of the project would:

1. Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
2. Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
3. Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
4. Place a demand for library services in excess of available resources;
5. Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
6. Be inconsistent with County adopted goals, objectives or policies.

**Discussion Item 13-a: Fire protection.** According to the General Plan, there is an increased potential for fire incidents and fire hazards from increasing human activities in areas prone to wildland fires. The increase in wineries and their accessory uses in the rural areas of the County will contribute the increased risk of fire hazards.

Fire protection is provided by local Fire Protection Districts, often with both paid and volunteer staff. The California Department of Forestry and Fire Protection (CDF) and U.S. Forest Service (USFS) also have personnel and equipment available in El Dorado and Amador Counties, primarily for wildland fire events in timber production areas. Local fire districts focus on structural fire protection and the CDF focuses on wildland fire protection. All agencies respond to emergency calls through the central dispatch center located in Camino. Local fire departments also provide emergency medical services. The impacts of emergency access are further described in the Transportation section of this Initial Study.

There is a possibility that some fire protection agencies may determine that increased staffing is necessary to serve the increasing number of winery facilities. The fire departments may invest in capital improvements such as new vehicles, fire engines, equipment, or new/expanded fire stations. However, expansion of fire department staffing and equipment will likely be driven by the increased population growth anticipated in the General Plan EIR more than winery development based on each local fire department's capital improvement plans. Fees collected at time of building permits, including permits for new and expanded winery facilities, would contribute to paying for these expansion plans.

Newly constructed wineries are required to meet current minimum fire protection regulations. Construction materials, setbacks, water storage, emergency vehicle access, and building design and improvements are subject to current fire codes including State Fire Safe and Fire Code regulations. These regulations reduce potential impacts from new winery structures on the fire protection agencies.

The Draft Ordinance contains provisions to allow the gathering of people at wineries for wine tasting and various special events. Many of these activities would normally result in small concentrations of people at the winery facility, such as for wine tasting. However, other activities could draw larger gatherings of people, either at one time or over the course of a few days, for various events such as winemaker dinners, special release parties, and other special events. This may be an impact to the local fire protection and medical service providers because the numbers and concentration of people would:

1. Increase the potential calls for medical services.
2. Increase the potential wildland fire from accidental fires.
3. Reduce response times due to additional vehicular traffic on public or private road.
4. Reduce response times due to traffic and parking on the winery site.
5. Complicate emergency evacuation plans and options.

These impacts may be exacerbated by the location and concentration of wineries in the rural areas of the County. Rural areas generally have longer response times than the more urbanized areas. The existing condition of the rural road system compounds the problems of accessing rural winery facilities. The Access standards of the Draft Ordinance require that new wineries access directly to a County maintained road, generally ensuring that minimum standards are met. The Fire Code adopted by the local Fire Departments also precludes development of wineries and tasting facilities on roads that do not meet the minimum Fire Code. These standards are enforced by the local Fire Departments. Since the Draft Ordinance contains provisions to require adequate access (Section E.5) and the recent adoption of the Fire Code, potential impacts related to fire safety are considered **less than significant**.

**Discussion Item 13-b: Police protection.** Police protection is provided by the El Dorado County Sheriff's Office (EDSO), primarily for property crimes and other criminal activity. The California Highway Patrol (CHP) conducts patrols and handles traffic accidents and violations on and near state highways. Some backup is provided by the Placerville Police Department (in areas close to Placerville). The Draft Ordinance would allow more wineries and accessory uses into the rural areas of the County. Winery facilities and wine sales would be subject to taxes that support law enforcement and therefore new facilities will contribute their fair share towards expanding law enforcement staffing.

There is a potential impact on the Sheriff's Office if winery facilities generate a disproportionate or unusual number of calls for assistance. There may be a slight increase in accidents due to increases in traffic, affecting the CHP. There is also a potential of increased calls to the Sheriff if winery events create noise, traffic, or other negative impacts to residential uses resulting in complaints that require a response. However, these impacts currently place a very minor demand on law enforcement agencies and the potential increase will be unlikely to place a significant burden on these agencies. Impacts related to police protection are considered **less than significant**.

**Discussion Item 13-c: Schools.** There are a number of public school districts in the County. Further description can be reviewed in the General Plan EIR (Volume 2 of 3, starting with page 5.7-39). Schools are not directly impacted by the Draft Ordinance or the potential increase in winery facilities and accessory uses. Indirectly, schools may be impacted by a small increase in students as the winery facilities begin to attract and employ more people. However, schools collect fees with building permits, both residential and non-residential, and these fees provide construction funds for schools to increase capacity. Impacts related to schools are considered **less than significant**.

**Discussion Item 13-d: Parks.** Parks and recreation opportunities are provided by El Dorado County, City of Placerville, El Dorado Hills CSD, Cameron Park CSD, Georgetown Divide Recreation District, El Dorado Irrigation District, US Forest Service, BLM, and the State of California. Parks are not directly



impacted by the Draft Ordinance or the potential increase in winery facilities and accessory uses. Impacts to parks generally occur when additional residents move into an area and overburden existing park facilities. No impacts to parks are expected with increased winery activity, although some additional, passive type activities may result, such as picnicking in local parks. However, most winery facilities have been, and would be expected to, continue to provide small areas for on-site picnics as an enticement for the visitors to stay and buy wine. Impacts related to parks are considered **less than significant**.

**Discussion Item 13-e: Other government services.** Libraries and other government services are primarily provided by El Dorado County. General government would not be impacted by the Draft Ordinance or increased winery facilities. Permit and inspection fees for various services are charged by most agencies to cover the cost of services. Impacts to other government services would be considered **less-than-significant**.

**Mitigation and Residual Impact:**

There are no residual impacts associated with Public Services

14. RECREATION	PSI	PSU MI	LTS	NI
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**Existing Regulatory Setting:** There are no County land use regulations that directly relate wineries and recreation, since wineries do not trigger Quimby Act funding or other dedications for recreation

**Policy Framework:** El Dorado County policies related to recreation can be found in the General Plan Parks and Recreation Element. These policies focus upon funding, development and operation of regional, community and neighborhood parks, trails and other recreational facilities to serve County residents and visitors. There are also policies that promote greater capitalizing on the recreational, natural and historical resources of the County through tourism and recreational based businesses

**General Plan Consistency Checklist:** There are no Checklist considerations regarding the Recreation impacts.

**Impacts Discussion:** A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

1. Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
2. Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

**Discussion Item 14-a and b: Increase use of parks or require construction of new parks.** The proposed Draft Ordinance would not create a significant increase in local population that would impact the use of recreational facilities in the area, or require the construction or expansion of recreational

facilities. No construction of recreational facilities such as sports fields are anticipated from the Draft Ordinance. The development of new wineries and their associated tourist-related events could attract a substantial number of additional visitors to El Dorado County. Weekend visitors could increase use of some public facilities including neighborhood and regional parks in the area. However, increased economic development from associated winery visitors is considered a positive effect supported by General Plan policies that promote increased tourism. As such, recreational related impacts are considered **less than significant**, and no mitigation is recommended or required.

**Mitigation and Residual Impact:**

There will be no impacts associated with Recreation.

15. TRANSPORTATION/TRAFFIC. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e. Result in inadequate emergency access?			X	
f. Result in inadequate parking capacity?			X	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

**Existing Setting:** Winery facilities are assessed Traffic Impact Mitigation (TIM) fees at the building permit stage. The fees, based on square footage, are higher for commercial uses such as tasting rooms and offices, while lower for industrial uses including storage and production facilities. These fees contribute each development’s fair share toward improving the County road system identified in the TIM Fee Program Project List. The roads addressed in the TIM fee program are typically major roads including Latrobe Road, Lotus Road and Mother Lode Drive. By comparison, the rural two-lane roads serving most wineries (e.g. – Perry Creek, Mount Aukum and Fair Play Roads) are included in the TIM fee program but are only scheduled for specific safety and spot improvements.

New or expanded uses that have driveways or roads that connect to County roads are required to improve these “encroachments” to current County standards at the building permit stage.

**Policy Framework:** The El Dorado County General Plan Transportation Element contains policies related to county roadways. The primary focus of these policies is on the major county roads, including a number of 2-lane regional roads. To meet General Plan policies for funding and maintenance, the County adopted a new “2004 General Plan Traffic Impact Mitigation (TIM) Fee Program,” effective August 19, 2006. Fees are collected at the time each building permit is issued, in order to pay for road improvements

identified in the “Fee Program Project List – 2004 General Plan” (Resolution 266-2006). The TIM fees apply to residential and non-residential development and is annually updated each May based on a number of factors, including costs of construction, changes in the Capital Improvement Program list, and County growth patterns, as represented by roadway traffic counts being monitored by DOT.

**General Plan Consistency Checklist:** There are no Checklist items directly related to transportation policies. Access provisions are addressed at the building permit stage of winery development, although not referenced in the Checklist. New winery buildings and conversions of existing buildings require a building permit. This process includes review and approval by the DOT or Development Services for on-site access roads and encroachments (driveway connections) to the off-site access roads.

**Impact Discussion:** A substantial adverse effect on Traffic would occur if the implementation of the project would:

1. Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
2. Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
3. Result in, or worsen, Level of Service “F” traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

**Discussion Item 15-a: Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.** As discussed above, the majority of existing winery facilities as well as anticipated wineries are located on two lane roads in the rural areas of El Dorado County. LOS thresholds, prepared for the EDC Traffic Impact Mitigation Fee Update 2005 for two lane roads are contained in the following table:

**Table 3-3 Level of Service Thresholds for Minor 2-Lane Roads**

Code	Facility Type	LOS peak hour count				
		A	B	C	D	E
2R	Minor 2-lane (24’ wide pavement)	90	200	680	1410	1740
W22	Minor 2-lane (22’ wide pavement)	80	180	610	1250	1550
W20	Minor 2-lane (20’ wide pavement)	70	160	540	1110	1370
W18	Minor 2-lane (18’ wide pavement)	60	130	450	930	1150

General Plan Policies TCXa, TC-Xc, TC-Xd, and TC-Xe provide the General Plan standards in terms of Level of Service (LOS) for new development. TC-Xd provides that the LOS standard “for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions...” A review of Table 3-3 indicates that in order to maintain a Level of Service “D” or greater on minor 2-lane roads, there would need to be no more than 930 vehicles per hour (i.e. – 465 vehicles per lane per hour) during peak hour on the narrowest road. This is a large amount of traffic that is unlikely to occur during existing peak or “rush” hour and even less likely during weekends when winery facilities generally hold events and have higher tasting room visits.

In addition, the LOS thresholds are calculated as an average daily peak hour impact. Temporary exceedances of the thresholds identified for a few days or more do not generate traffic that would exceed the LOS thresholds over the average traffic load.

The Draft Ordinance, in terms of development, would increase traffic on local roads. However, based on test scenarios, it is apparent that the normal winery operations, including a reasonable range of accessory uses, marketing events, etc., would be very unlikely to exceed General Plan thresholds for LOS standards. For example, the TIM fee analysis identified the traffic for Fairplay Road (Mt. Aukum Road to Omo Ranch Road) to have a peak hour count of 170 on a Facility Type of W20, resulting in a LOS C and within 10 trips of qualifying for the LOS B count of 160.

Note that this region has the highest concentration of wineries in the County. However, the concentrations of wineries do not necessarily result in additional traffic. The day-to-day wine tasting traffic that peaks on weekends typically draws customers to each winery, or at least multiple wineries. The concentration of wineries may have the effect of drawing more customers once the customers find that they can visit multiple wineries within a reasonable proximity.

Regarding the example of Fairplay Road, in order to exceed the General Plan LOS thresholds, peak hour traffic would have to increase by 940 trips, or 5.5 times the existing traffic volume. In order to reach this threshold, there would have to be a remarkable increase in the number of wineries in the area or possibly a large increase in numbers of wineries in conjunction with an increase in size and capacity of the existing winery facilities. Assuming existing wineries contribute to the peak hour traffic, and residential growth contributes to only a doubling of traffic volume, there would need to be an increase in winery traffic of 4.5 times the existing traffic. For a number of reasons, this increase is extremely unlikely.

Winery tasting room traffic is distinct from local residential and business traffic in that winery visitors generally circulate on weekends that do not include peak hours. Peak hours usually occur on weekday mornings and evenings related to commuter traffic and school hours. Marketing events sponsored by the wineries are also usually conducted on weekends or evenings. In some cases the events are spread out over a longer period of time. Promotional events that have been held, such as Passport Weekend and the Fair Play wine festival, have a limited number of tickets sold. In this way, events have been "self regulated" by winery industry associations in order to minimize traffic congestion, thereby improving the experience for their customers.

In summary, winery traffic is not anticipated to result in increased that would result in lowering of LOS thresholds inconsistent with the General Plan.

However, traffic increases could be substantial in relation to the existing traffic load and capacity. Existing roads that have low volume of traffic may be able to sustain substantial traffic increases and not exceed General Plan LOS standards, but a substantial increase to the existing traffic load can still be an environmental impact. The primary considerations are the potential for:

- A) exceeding road maintenance schedules,
- B) increased accidents or safety issues, and
- C) other perceived increases in traffic.

Discussion:

A) Road maintenance is required pursuant to Draft Ordinance section E.5.d, including the provision to join and pay their fair share into any established Road Maintenance entity, including County Service Areas (CSA's), Road Zones of Benefit (ZOB's), or Community Service Districts (CSDs) if they use those roads. The impact of road maintenance is a **less than significant impact**.

B) The potential for increased accidents and safety issues are normally addressed by the County through the Transportation Departments Traffic Safety Committee. The TIM fee update process may also allow

re-assessment of rural road spot improvements and safety improvements if there is evidence of increased accidents and safety issues. The traffic increase from the Draft Ordinance should increase incrementally and allow these established County programs to function and minimize potential impacts to a **less than significant level**.

C) There are occasionally other traffic concerns from winery development cited as a potentially significant environmental impact by neighboring residents. However, perceptions of traffic increases are not significant unless there is a true physical environmental impact. These physical environmental impacts may actually be “secondary” traffic impacts such as noise or dust. Occasionally, these perceptions are amplified due to the current substandard nature of roads, driveway encroachments, vegetation encroaching onto roadways, or other existing conditions. Some of these issues may be resolved during the standard road maintenance programs conducted by the Transportation Department, including review of safety issues by the Traffic Safety Committee. Issues such as noise and dust are addressed in separate sections of this Initial Study. Noise mitigation was included for visitor events (MM 11-1), while traffic noise was not considered to be potentially significant. As a result, the perception of increased traffic on low volume traffic roads as a result of the Draft Ordinance is a **less than significant impact**.

**Discussion Item 15-b: Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

The County General Plan includes a number of Policies assigning level of service standards to the existing roadway network. The LOS standards generally identify the p.m. peak hour traffic volume because it represents the highest hourly volume during a typical weekday. Occasionally the a.m. peak can be the peak hour, such as in the case of Highway 50. The p.m. peak is on the eastbound lanes and the a.m. peak is on the westbound lanes. These LOS standards are calculated in the General Plan EIR for most county roads from the “Minor Two-Lane Highway” to “Four Freeway Lanes” (Table 5.4-1 on page 5.4-6 of the El Dorado County General Plan EIR).

For many of the rural roads the County reviewed in the 2005 TIM Fee update, additional thresholds were developed for those less than 24 feet wide. These standards were identified in subsection XV-a as Table 3-3.

Based on the discussion in Section 15.a it was concluded that it would be unlikely that winery activities would create exceedances of the LOS thresholds. In addition, since the LOS thresholds are “typical” or “average” peak hour numbers, traffic impacts from the Draft Ordinance would have to be very regular and with such high traffic generation to actually exceed the LOS thresholds.

Current practices by the winery industry have successfully planned marketing and promotional events for the off-peak traffic periods. Peak traffic periods include weekday morning and evening commute times; Friday and Sunday late afternoons and evenings when Highway 50 fills with visitors to Lake Tahoe and the Sierra; and June to early September weekends when whitewater rafters and other outdoor enthusiasts visit local rivers, parks, National Forests, and other foothill attractions.

The Draft Ordinance could result in multiple large events happening during the same time period and this could exacerbate local road and Highway 50 congestion. These temporary traffic impacts may exceed the peak hour volume for these roads, but are not expected to increase the peak hour average LOS standards.

The addition of more winery facilities may compound the traffic congestion in an area such as Apple Hill (Carson Drive) during the Apple Hill season that runs from Labor Day (September) through October, and occasionally into November, weather permitting. October weekends are usually the busiest.

Winery events that draw up to 250 persons at one time would also contribute to known traffic congestion. However those larger events are only occasional and are not likely to be noticeable as part of the daily peak hour traffic that would result in negatively altering the LOS standard of the road system. It would be highly unusual for multiple wineries to hold enough separate events at the same time which would temporarily increase traffic for a few weekends a year that would cause temporary LOS conditions that exceed General Plan standards. Even under that extreme circumstance, a few weekends a year of heavy traffic would not affect the average LOS standards and is therefore unlikely to create significant impacts. Therefore these temporary events and normal winery traffic would result in a **less than significant impact**.

**Discussion Item 15-c: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks:**

No change to air traffic is expected. El Dorado County has four general aviation airports, none of which is likely to be affected by the location of wineries. Landowners proposing winery development within an airport Comprehensive Land Use Plan (CLUP) area would be required to adhere to the policies and standards in the CLUP plan.

**Discussion Item 15-d: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

There are many county roads in rural areas that are narrow, have sharp curves and narrow bridges or are steeper than roads in more urbanized areas. Increased visitor traffic generated by the Draft Ordinance would not increase the number of hazards but would expose more visitors and vehicles to existing hazards.

The County constantly monitors accident reports, citizen complaints, and road conditions for potential safety improvements including signage, spot improvements, and guardrails. However, upgrading roads to remove all existing deficiencies of rural county roads is not likely to occur due to lack of construction funds and because of the negative impacts of tree removal or other environmental impacts. A number of County roads are currently programmed for improvements as listed in the 2004 General Plan Traffic Impact Mitigation (TIM) Fee Program, effective August 19, 2006 and the Fee Program Project List – 2004 General Plan (Resolution 266-2006). The rural roads with low traffic volume are scheduled for spot improvements and some safety improvements, involving maintenance and road side vegetation control. Certain major county roads are scheduled for significant improvements through the County Capital Improvement Program as a result of the residential development that utilizes those roads.

The Draft Ordinance would allow additional winery facilities on rural county roads that are not scheduled for major improvements. Marketing, promotional, and special events may occasionally increase traffic resulting in exposure of visitors and vehicles to existing rural road hazards. Development Standard E.5.e of the Draft Ordinance would require that winery facilities open to the public meet Fire Safe standards for access. The Fire Safe standards require a minimum 18 foot road width, but does allow for exceptions, such as for one lane bridges that have inter-visible turnouts on each side. These exceptions are subject to review and approval by the local fire department.

The implementation of the Fire Safe access Development Standard would require both on-site and off-site roads meet the minimum Fire Safe regulations that would serve to ensure that traffic generated by winery development on rural roads would not be exposed to substantial hazards and that the impact would be **less than significant**.

**Discussion Item 15-e: Result in inadequate emergency access?** Fire protection services would be provided by local fire district and the CDF personnel. Local fire districts focus on structural fire protection and the CDF focuses on wildland fire protection. Both agencies would be available from central dispatch in Camino for any emergency calls. Local fire departments provide emergency medical services (ambulance/paramedic) as well.

Newly constructed wineries are required to meet current regulations for minimum fire protection. Construction materials, setbacks, water storage, emergency vehicle access, and building design and improvements are subject to building code, fire code, and State Fire Safe regulations. These regulations minimize the impact of new winery structures to the fire protection agencies.

The Draft Ordinance, in allowing wine tasting and other events, would result in small concentrations of people at the winery facility on a daily basis with larger volumes on weekends. Occasionally, an activity would result in a relatively large gathering of people, numbering into the hundreds. This may be an impact to the local fire protection and medical service providers because the number and concentration of people would:

1. Increase the potential calls for medical services.
2. Increase the potential wildland fire from accidental fires.
3. Reduce response times due to additional vehicular traffic on public or private road.
4. Reduce response times due to traffic and parking on the winery site.
5. Complicate emergency evacuation options.

Wineries are usually located in the rural areas of the county and these areas have the longest response times due to the proximity to the fire stations and the nature of the rural County road system. The typical nature of the rural County roads includes: variable road alignments and sight distances that limit the speed of emergency vehicles; variable widths of roads, including narrow stretches, one lane bridges, and obstacles such as trees, brush, utility poles, ditches, and culverts that minimize opportunities for vehicles to pull out of traffic. The Draft Ordinance, Section E.5, proposes a development standard regarding access to new wineries. These standards generally require access to a winery that is open to the public to have access from a County maintained road. In Agricultural Districts, a winery may use a non-County maintained road, but a Site Plan Review is required. For wineries not in an Agricultural District, use of a non-County maintained road requires a CUP. Wineries not open to the public may use the non-County maintained road. All access roads to a winery open to the public requires the minimum access requirements of the applicable fire protection district. Therefore, the location of new wineries in the rural areas of the county would result in **less than significant impacts**.

**Discussion Item 15-f: Result in inadequate parking capacity?** Section E.4 of the Draft Ordinance requires permanent parking space be provided for normal winery uses and additional spaces for overflow parking needed for special events.

The ordinance requires that all parking be accommodated on-site. It is possible that occasional large events could result in overloading a facility's parking capacity, in violation of the ordinance and subject to zoning enforcement actions. The Initial Study does not address potential zoning violations, as they would be resolved through code enforcement procedures. Therefore, the Draft Ordinance would not result in inadequate parking capacity, since each facility's capacity is self-regulated by its own parking arrangements.

The Draft Ordinance references Chapter 17.18, the county's "Off-Street Parking and Loading" zoning provisions. These provisions do not directly correlate to wineries and winery accessory uses, but the Planning Department uses the provisions that are most similar to the winery activities. This often results

in the off-street parking for a winery to be based on “light and limited industrial manufacturing” or “warehousing” while the tasting room is similar to “retail.” The Parking Ordinance also has provisions for “Ranch marketing” such as “agricultural product sales area,” “craft sales area,” “bakery,” “restaurant/café,” and “picnic area” and if applicable, these parking standards can be used for winery uses as well.

All parking must meet the dimensions and grades in 17.18. ADA parking must also be provided pursuant to 17.18 based on the ratio for required parking. Paved (or other hard surface) parking is only required for the ADA spaces.

These standards are implemented currently and as directed in the Draft Ordinance and would address winery facilities parking requirements resulting in a **less than significant impact**.

**Discussion Item 15-g: Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?** Transit plans and alternative transportation would not generally be associated with winery or accessory uses. Occasional visitor events may utilize buses, vans, and limousine services. Bicycle and pedestrian access is limited due to rural location of wineries. As a result, there are **no impacts** associated with this item.

**Mitigation and Residual Impact:**

There are no residual impacts associated with traffic impacts.

16. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>	PSI	PSU MI	LTS	NI
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	



**Existing Regulatory Setting:** Winery facilities are typically constructed near their vineyards in rural areas of the county. Utility services are often limited to electricity, telephone and solid waste disposal services. In addition to utilities and service system requirements set by service providers, development is required to comply with all aspects of the County Solid Waste Management Ordinance (Section 8.42). Several existing wineries are located in areas served by public water supply, wastewater, and stormwater drainage facilities. Most other public utilities are not available unless the facility is located near the more urbanized areas, where in some cases EID water is available. More information on utilities and public service systems is available in the General Plan EIR, starting with pages 5.6-1 (Volume 1 of 3).

Winery waste from the production of wine is regulated by the Central Valley Regional Water Quality Control Board (RWQCB). Most wineries comply with these requirements by treating the waste products according to approved engineering standards or packaging up the material for collection and off-site disposal.

Propane, or liquefied petroleum gas (LPG), may be used as a source of energy. The LPG is usually stored on-site in tanks as small as 100 gallons or larger. Typical sizes utilized in existing residential and winery buildings are the 250 or 500 gallon tanks. Although larger tanks are available, if a facility needs additional LPG storage, usually additional tanks are installed.

**General Plan Consistency Checklist:** There are no Checklist items directly related to utilities and service system policies, however public services provisions are generally addressed at the building permit stage of winery development. New winery buildings and conversions of existing buildings require a building permit. This process includes review and approval by most utility service providers, prior to issuance of grading or building permits.

**Impact Discussion:** A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

1. Breach published national, state, or local standards relating to solid waste or litter control;
2. Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
3. Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
4. Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.

**Discussion Item 16-a, b, and g: Impacts from wastewater treatment, treatment facilities, and compliance with federal, state, and local regulations.** Winery operations require permits from the Central Valley Regional Water Quality Control Board (RWQCB) for the disposal of winery wastewater and solid waste. These permits are specific to each facility and require proper handling of winery waste and annual monitoring reports. The County Environmental Management Department would review and approve septic system designs not associated with winery waste, such as for any restroom facilities, kitchen facilities, and any other non-RWQCB regulated facilities.

Most wineries will be subject to individual permits from the RWQCB because they are located in the rural areas of the County that are not served by public sewer. In the event a facility is located in an area accessible to a public sewer system, it would likely be served by the El Dorado Irrigation District (EID). EID also operates its wastewater treatment plants under permit from the RWQCB.

Should EID determine that the handling of winery waste is a burden to its system, it would likely charge special handling fees associated with the proper waste disposal, as may be permitted by the RWQCB. It is unlikely that this would result in a major wastewater facility change. It would be more likely that if a problem was identified, that EID would require the winery to dispose of its waste in another fashion, such as off-site transport, storage, and treatment instead of using the EID facility. In all cases, potential impacts related to wastewater and possibly solid waste disposal of winery waste are considered to be **less than significant**.

**Discussion Item 16-c: Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?** All new winery facilities would be required to meet county standards for drainage facilities and to address the development's impacts to any existing drainage facilities. Since these facilities would be located generally on the winery site and in the rural areas of the County, the impacts of construction would be **less than significant**, primarily because they would be required to follow the County Drainage Manual, as well as the Grading Ordinance.

**Discussion Item 16-d and e: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?** Most wineries operate on individual water wells, but public water is available to serve wineries located within the EID and Georgetown Divide Public Utility District service areas. The Draft Ordinance would allow additional wineries that would use public water, and would be subject to all rules and regulations associated with acquiring and using public water, including permits and fees. In general, since wineries are located on 10 acres or more, water wells would be expected to be the primary source of irrigation for vineyards and winery use. Larger wineries, or wineries that had low well water production, would be inclined to use public water. To use public water, the winery would be required to determine potential water usage and apply to EID (and possibly LAFCO if they are not in the EID service area) for water. EID serves new customers on a first-come first-served basis and if EID determined that there is a water shortage, they would not allow additional customers to hook up to their system. Potential impacts related to public water supply for wineries are considered to be **less than significant**.

**Discussion Item 16-f: Landfill capacity.** Wineries are required to comply with Section 8.42 that includes proper disposal of wastes. Some winery waste products are collected and transferred to the Lockwood Landfill in Nevada. This landfill has adequate capacity for additional waste generated by land development, as described in the General Plan EIR, for the foreseeable future. (Reference General Plan EIR page 5.6-22). There are also other landfills that may be utilized for waste disposal. Hazardous waste, potentially generated from wine production, would be transported out of the County to private disposal sites by licensed private haulers. As a result, potential impacts related to solid waste disposal of winery waste is considered to be **less than significant**.

**Mitigation and Residual Impact:**

There are no residual impacts associated with utilities and service systems.

17. MANDATORY FINDINGS OF SIGNIFICANCE. <i>Does the project:</i>	PSI	PSU MI	LTS	NI
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X		
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

**Existing Regulatory Setting:** Until the comprehensive zoning ordinance is adopted, an interim provision has been adopted in the Zoning Ordinance. Section 17.22 requires that building permits be reviewed for conformance with the General Plan, via the Site Plan Review Process. This process includes provisions for the Development Services Department to identify policies that needed to be implemented in a checklist format. The checklist is often called the "General Plan Consistency Checklist" and maybe modified from time to time by the Development Services Department. The potential environmental impact from the Draft Ordinance is the potential for new winery facilities to be developed through the ministerial building permit process. Wineries may be constructed to maximum sizes allowed by the combination of zoning, lot size, and location within or outside of a General Plan Agricultural District. Accessory buildings and uses associated with the Draft Ordinance would also be allowed, such as the array of visitor events, but they are generally expected to be held within the winery and tasting room facilities, or in open space areas of the land, potentially with temporary tents or covers.

**Policy Framework:** The El Dorado County General Plan Update was adopted on July 19, 2004. The General Plan was upheld in a Referendum vote on March 5, 2005. Policy 2.2.5.20 (amended June 17, 2008) requires that all development be required to comply with the General Plan until such time that an updated Zoning Ordinance is adopted, so that policies and mitigation measures of the General Plan are implemented immediately to minimize potential environmental Impacts.

**General Plan Checklist:** There are no Checklist items related to the Mandatory Findings of Significance.

**Impact Discussion:**

**Discussion Item 17-a:** The Draft Ordinance does not have the potential to degrade the quality of the environment because all policies and mitigation measures incorporated into the General Plan would be implemented with the construction of new winery facilities that may be allowed by right under the ordinance. However, site specific and localized impacts may result from additional traffic and visitor serving events. These localized impacts are site specific and could result in localized environmental impacts. The environmental impacts discussed are primarily noise, dust, and traffic related. Other impacts may be associated with aesthetics. These impacts are mitigated by the development standards and provisions of the Draft Ordinance or the Mitigation Measures identified in this initial study. Mitigation Measures MM- 4-1 (Biological Resources) is necessary to reduce potential impacts associated with new wineries in the General Plan IBC land use designations as contemplated in the General Plan.

Additional Mitigation Measures to reduce Aesthetic impacts (MM 1-1 and MM 1-2) are necessary to reduce potential visual impacts. Mitigation Measures to reduce Cultural Resource impacts (MM 5-1 and 5-2) are necessary to reduce impacts on historic structures and in areas known to be sensitive areas regarding historic and Native American cultural resources.

**Discussion Item 17-b:** The analysis within this Initial Study includes cumulative analysis associated with the normal and expected growth in the winery industry. However, cumulative impacts associated with other visitor serving uses such as ranch marketing activities, campgrounds, museums, parks, use of public lands and any other use associated with growth in the County are potentially significant impacts. The General Plan anticipated impacts associated with projected residential and commercial growth in the County, including the incremental increase of impacts caused by increased tourism. The Draft Ordinance balances the economic development policies of the General Plan Economic Element with the Agricultural Element Policies as well as the land use compatibility policies of the Land use Element. The Draft Ordinance allows wineries, tasting facilities and special events primarily on 20 acre lots zoned AE, PA, or SA, that have a minimum of five acres of vineyard. Ten acre lots located within Agricultural Districts are also allowed to have wineries, tasting rooms and special events under the Draft Ordinance. The Draft Ordinance includes certain development standards that reduce potential land use compatibilities by requiring a Conditional Use Permit in certain circumstances:

1. Pursuant to Section D.1, uses listed in Subsection B.2 identified as “by right” must meet the access provisions of Subsection E.5 or a CUP is required.
2. Pursuant to Section D.2, uses listed in Subsection B.2 identified as “by right” shall instead require a CUP when those uses are located outside of a General Plan Agricultural District and are adjoining a lot with a non-compatible land use designation (MFR, HDR, MDR, LDR).

Based on these provisions and others within the Draft Ordinance, new winery facilities under the draft ordinance minimize the potential cumulative impacts.

**Discussion Item 17-c:** The Draft Ordinance would not cause substantial adverse effects on human beings, either directly or indirectly. Mitigation Measure 11-1 (Noise) establishes a new provision in the Draft Ordinance to address potential noise impacts from outdoor amplified music at wineries.

**Mitigation and Residual Impact:**

There is no additional mitigation measure needed for the Mandatory Findings of Significance, since no additional significant impacts have been identified that were not previously identified in this Initial Study.

## **4.0 Other Considerations**

### **4.1 Cumulative Impacts**

#### **4.1.1 General Plan EIR**

#### **4.1.2 General Plan Amendments: Supplements and Addendums:**

#### **4.1.3 Cumulative Impact Analysis**

### **4.1 Cumulative Impacts:**

This section addresses the proposed Draft Ordinance's potential to contribute to cumulative impacts in light of the previous cumulative analysis provided in the General Plan EIR.

#### **4.1.1 General Plan EIR:**

The Board of Supervisors adopted the General Plan and certified the Final EIR on July 19, 2004. (SCH 2001082030) The General Plan adoption was upheld by referendum vote on March 5, 2005.

The General Plan Draft EIR was prepared in May 2003 and Responses to Comments was released in January 2004. The Final EIR includes the following:

1. Draft EIR (SCH 2001082030) three volumes, dated May 2003;
2. Responses to Comments on the Draft EIR and the Draft General Plan, six volumes, dated January 2004;
3. Environmental Assessment of General Plan Policy Modifications, dated June 2004; and
4. Environmental Assessment of Revision to Mitigation Measures, dated June 2004.

Since the date of EIR certification, pending litigation on the General Plan was resolved by the Superior Court ruling on August 31, 2005 and the Settlement Agreement approved by the Board of Supervisors on April 18, 2006.

#### **4.1.2 General Plan Amendments: Supplements and Addendums:**

##### **Supplemental EIRs:**

1. A General Plan Supplemental EIR was adopted on August 6, 2006 (Resolution 265-2006) for the Traffic Impact Mitigation Fee Program.
2. A General Plan Supplemental EIR was adopted on July 10, 2007 for the General Plan Amendment for Policy 2.2.1.5 and Table 2-3 (FAR) (A06-0002; Resolution 174-2007; 175-2007).

##### **Addendums:**

1. A General Plan EIR Addendum was adopted for the General Plan Amendment for Policy HO-3g (A06-0005; Resolution 061-2007) approved on April 10, 2007.
2. A General Plan EIR Amendment for Policy 2.2.5.13 (PD requirement within Safety Zone 3) (A06-0007; Resolution 184-2007) was approved on July 17, 2007, based on the General Plan EIR pursuant to Section 15164 of the CEQA Guidelines.

3. A General Plan EIR Addendum was adopted for an amendment to General Plan Policy 2.2.5.20 (General Plan Consistency) on June 17, 2008 (A07-0011; Resolution 167-2008).

4. A General Plan EIR Addendum was adopted for the General Plan Amendment for Policy TC-Xa, et al (A08-0005; Resolution 193-2008 and 194-2008) was approved by the Board on July 1, 2008, subject to voter approval in November 2008.

**Conclusion:** None of these events changed the General Plan growth projections, impact analysis, or impact conclusions. The Supplemental EIR for the Traffic Impact Fee Program did revise the existing and projected Level of Service standards for a number of County roads, but did not significantly alter the traffic impact conclusions of the General Plan EIR regarding traffic associated with wineries. Therefore, the cumulative analysis provided in the General Plan EIR is still valid and provides the worst-case analysis for cumulative project effects.

#### 4.1.3 Cumulative Impact Analysis:

**Aesthetics:** The Draft Ordinance could result in potentially significant impacts from structures in view of scenic view sheds. The impacts are evaluated and mitigation measures incorporated to reduce impacts to less than significant. Therefore the cumulative impacts identified in the General Plan EIR under Visual Resources are not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative aesthetic impacts in the region.

**Agricultural Resources:** The Draft Ordinance could result in potentially significant impacts by converting choice agricultural lands to winery or accessory uses. These impacts are evaluated and considered to be fully anticipated in the General Plan EIR mitigation measures that have been incorporated into the Draft Ordinance. Therefore the cumulative impacts identified in the General Plan EIR under Agriculture and Forestry is not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative agricultural resource impacts in the region.

**Air Quality:** The Draft Ordinance could result in potentially significant impacts by increasing dust in on rural roads. The impacts are evaluated in comparison with the Draft Ordinance development standards and the impacts were determined to be less than significant. Therefore the cumulative impacts identified in the General Plan EIR under Air Quality are not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative air quality impacts in the region.

**Biological Resources:** The Draft Ordinance could result in potentially significant impacts by impacting the wildlife movement corridors in the County. The impacts are evaluated and mitigation measures incorporated to reduce impacts to less than significant. Therefore the cumulative impacts identified in the General Plan EIR under Biological Resources are not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative biological resource impacts in the region.

**Cultural Resources:** The Draft Ordinance could result in potentially significant impacts by impacting unidentified cultural resources or potential historic structures. The impacts are evaluated and mitigation measures incorporated to reduce impacts to less than significant. Therefore the cumulative impacts identified in the General Plan EIR under Cultural Resources are not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative cultural resource impacts in the region.

**Geology and Soils/Mineral Resources:** The Draft Ordinance would not result in any significant impacts related to Geology and Soils. Therefore the Draft Ordinance would have **no impact** to the cumulative impacts addressed in the General Plan EIR for Geology, Soils, and Mineral Resources.

**Hazards and Hazardous Materials:** The Draft Ordinance would not result in any significant impacts related to Hazards and Hazardous Materials. Therefore the Draft Ordinance would have **no impact** to the cumulative impacts addressed in the General Plan EIR for Human Health and Safety.

**Hydrology and Water Quality:** The Draft Ordinance would not result in any significant impacts related to Hydrology and Water Quality. Therefore the Draft Ordinance would have **no impact** to the cumulative impacts addressed in the General Plan EIR for Water Resources.

**Land Use Planning:** The Draft Ordinance implements policies of the General Plan (attached in Appendix B) pertaining to encouraging ranch marketing and agricultural industry support. Land use impacts identified for the Draft Ordinance are site-specific and would not contribute to cumulative impacts associated with land uses identified in the General Plan EIR. The General Plan EIR properly addressed cumulative impacts of expanded ranch marketing and agricultural industries while the Draft Ordinance and this Initial Study identify the potential impacts and proposed development standards needed to implement a new provision of the Zoning Ordinance. The Draft Ordinance is anticipated to have **no impact** on cumulative land use conditions in the region.

**Noise:** The Draft Ordinance impacts associated with noise are addressed through mitigation measure MM 11-1 implementing policies of the General Plan. Therefore the Draft Ordinance would have no impact on cumulative impacts addressed in the General Plan under Noise.

**Population and Housing:** The Draft Ordinance will not have any impacts associated with Population and Housing and would have **no impact** on cumulative impacts addressed in the General Plan under Land Use and Housing.

**Public Services:** The Draft Ordinance could result in potentially significant impacts by impacting fire services and some general governmental services. The impacts are evaluated and no potentially significant impacts were identified that required additional mitigation measures. Therefore the cumulative impacts identified in the General Plan EIR under Public Services are not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative public service impacts in the region.

**Recreation:** The Draft Ordinance will not have any impacts associated with Recreation and would have **no impact** on cumulative impacts addressed in the General Plan under the recreation portion of Public Services.

**Transportation:** The Draft Ordinance could result in potentially significant impacts by increasing traffic on some rural county roads, increasing maintenance of roads, and contributing to specific areas of traffic congestion. However, no potentially significant impacts were identified that are not minimized by existing programs and standards. Therefore the cumulative impacts identified in the General Plan EIR under Traffic and Circulation is not increased as a result of the Draft Ordinance and the Draft Ordinance will have **no impact** on cumulative traffic and circulation impacts in the region.

**Utilities and Services:** The Draft Ordinance will not have any impacts associated with Utilities and Services and would have **no impact** on cumulative impacts addressed in the General Plan under the Utilities section.

**Mitigation and Residual Impact:** No impact of the Draft Ordinance would exceed the anticipated impacts analyzed in the General Plan EIR for cumulative impacts. No additional mitigation measures are required because the Draft Ordinance has **no impact** from a cumulative impact perspective.

**5.0 Determination**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

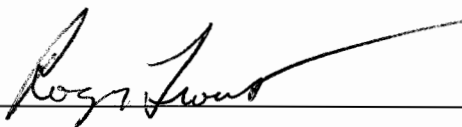
The environmental factors checked below have been identified as "Potentially Significant Unless Mitigation Incorporated" as indicated below and further described within this Initial Study.

X	1. Aesthetics		2. Agriculture Resources		3. Air Quality
X	4. Biological Resources	X	5. Cultural Resources		6. Geology / Soils
	7. Hazards & Hazardous Materials		8. Hydrology / Water Quality		9. Land Use / Planning
	10. Mineral Resources	X	11. Noise		12. Population / Housing
	13. Public Services		14. Recreation		15. Transportation/Traffic
	16. Utilities / Service Systems		17. Mandatory Findings of Significance		

**DETERMINATION**

**On the basis of this initial evaluation:**

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: 12-11-08

Printed Name: Roger Trout, Principal Planner For: El Dorado County

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ For: El Dorado County



## **6.0 Report preparation and consultations**

### **Initial Study drafted and prepared by Development Services Staff:**

Larry Appel, Deputy Director of Planning  
Roger Trout, Principal Planner  
Lillian MacLeod, Senior Planner  
Deborah Kruse, Senior Planner

### **County Departments Commenting on Draft Ordinance:**

DOT  
Environmental Management  
Agricultural Department: Bill Stephans, Agricultural Commissioner

### **Other Agencies Commenting on Draft Ordinance**

El Dorado County Fire Protection District, Marc Johnson

### **Subcommittee on Revisions to Draft Ordinance and early evaluation of environmental impacts**

Bill Stephans, Agricultural Commissioner  
Roger Trout, Principal Planner  
Lillian MacLeod, Senior Planner  
Valerie Zentner, Farm Bureau  
John Smith, Fair Play Winery Association  
Paul Bush, El Dorado Winery Association,  
Dave Pratt, winery owner, Agricultural Commissioner  
Doug Leisz, wine grape grower, RPF.  
F. Greg Boeger, winery owner, Agricultural Commissioner.  
Ron Mansfield, vineyard consultant, vineyard owner.

## **7.0 References**

El Dorado County General Plan Draft Environmental Impact Report  
Volume 1 of 3 – EIR Text, Chapter 1 through Section 5.6  
Volume 2 of 3 – EIR Text, Section 5.7 through Chapter 9  
Appendix A  
Volume 3 of 3 – Technical Appendices B through H

El Dorado County General Plan – A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief (Adopted July 19, 2004)

Findings of Fact of the El Dorado County Board of Supervisors for the General Plan

El Dorado County Zoning Ordinance (Title 17 - County Code)

County of El Dorado Drainage Manual (Revised Grading Design Manual, 2-5-07 Adopted by the Board of Supervisors on 3-13-07 (Resolution #047-2007))

County of El Dorado Grading, Erosion and Sediment Control Ordinance (Revised Grading Ordinance, 2-5-07 Adopted by the County of El Dorado Board of Supervisors, 3-13-07 (Ordinance #4719) Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards

El Dorado County Subdivision Ordinances (Title 16 - County Code)

Soil Survey of El Dorado Area, California

California Environmental Quality Act (CEQA) Statutes (Public Resources Code Section 21000, et seq.)

Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (Section 15000, et seq.)

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### **Appendix:**

- A. September 8, 2008 Draft Winery Ordinance
- B. General Plan Policies and Implementation Measures
- C. Zoning Ordinance Permit Process Summary
- D. Summary of Mitigation Measures
- E. September 8, 2008 Draft Winery Ordinance with Mitigation Measures

## Appendix A: September 8, 2008 Draft Winery Ordinance

- A.0 Purpose**
- B.0 Wineries and Accessory Use**
  - B.1 Use Classifications**
  - B.2 Uses Allowed**
- C.0 Winery Uses**
  - C.1 General Winery Provisions**
  - C.2 Tasting Facilities**
  - C.3 Special Events**
  - C.4 Dining Facility**
  - C.5 Distillery**
  - C.6 Commercial Kitchen**
  - C.7 Museum**
  - C.8 Picnic Areas**
  - C.9 Retail Sales**
  - C.10 Catering**
- D.0 Special Provisions**
  - D.1 Access Limitations**
  - D.2 Land Use Compatibility Limitations**
  - D.3 *Reserved***
  - D.4 Other Zones**
  - D.5 Wineries with less than 5 acres of vineyard**
  - D.6 Lot**
  - D.7 Not additive with Ranch Marketing**
  - D.8 Temporary Use Permit**
  - D.9 Effect on Existing Special Events**
  - D.10 Micro-Winery**
- E.0 Development Standards**
  - E.1 Commercial Vineyard**
  - E.2 Setbacks**
  - E.3 Signs**
  - E.4 Parking**
  - E.5 Access Standards**
  - E.6 Size Limitations**
  - E.7 Waste Disposal**
  - E.8 *Reserved***
  - E.9 *Reserved***

**A.0 Purpose.** The purpose of the winery ordinance is to:

- A.1. Provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses. (General Plan Policy 2.2.5.21.)
- A.2. To encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products. (General Plan Policy 10.1.5.4.)

A.3. To implement General Plan Policies that encourages development of agricultural-related uses while protecting the agricultural character and long-term agricultural production of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2, 8.2.4.3, 8.2.4.4, and 8.2.4.5.)

**B.0 Wineries and Accessory Uses.** Those uses identified as “by right” are subject to compliance with all applicable provisions of the Zoning Ordinance. Uses may also require grading permits, building permits, or other permits as required by the County Code. Those uses identified as permitted by Conditional Use Permit (CUP) require an Administrative Permit (17.22.350), Minor Use Permit (17.22.400) or a Special Use Permit (17.22.500) as determined by the Director of Development Services (Director).

B.1. **Use Classifications.** The winery and accessory uses are grouped into the following Classes and are further defined in Section C, Winery Uses:

- Class 1:** Winery (C.1)  
Tasting facilities (C.2.a)  
Wholesale and retail sales of wine (C.2.b)  
Retail sales of merchandise and art (C.9)  
Public Tours  
Picnic Areas (C.8)  
Marketing Events (C.2.c)
- Class 2:** Special Events limited to the provisions of C.3.
- Class 3:** Agricultural related museum (C.7)  
Commercial kitchen facilities (on premises functions only) (C.6)
- Class 4:** Commercial kitchen use for catering off-premises functions (C.10)  
Distilleries (C.5)  
Dining facility (C.4)
- Class 5:** Special Events that exceed the provisions of C.3.a and C.3.b.

B.2. **Uses Allowed.** Wineries and accessory uses shall be allowed as set forth below (acreages are gross acreages of individual lots):

B.2.a. **AE, PA, and SA Zones (20 acres or more):** Lots Zoned AE, PA, and SA; that are 20 acres or more; with a minimum of five acres commercial vineyard; the following uses are allowed:

- By right: Class 1, Class 2, and Class 3.
- By CUP: Class 4 and Class 5.

B.2.b. **AE, PA, and SA Zones (10 acre minimum) within Ag District:** Lots Zoned AE, PA, and SA; that are a minimum of 10 acres, but less than 20 acres; with a minimum of five acres commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

- By right: Class 1 and Class 2.
- By CUP: Class 3, Class 4, and Class 5

B.2.c. **AE, PA, and SA Zones (10 acre minimum) not in Ag District:** Lots Zoned AE, PA, and SA, that are a minimum of 10 acres, but less than 20 acres; with a

minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, Class 3, and Class 4

B.2.d. **AP zones:** In AP Zones that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, Class 3, and Class 4

B.2.e. **RA Zone within Ag District.** Lots Zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

By right: Class 1

By CUP: Class 2, Class 3, and Class 4

B.2.f. **RA Zone, not in Ag District.** Lots zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, and Class 3

B.2.g. **RE Zone, within an Ag District.** Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

By right: Class 1

By CUP: Class 2, Class 3, and Class 4

B.2.h. **RE Zone, not in Ag District.** Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, and Class 3

**C.0 Winery Uses:** The following provisions shall apply to all wineries, accessory structures, and accessory uses.

C.1. **General Winery Provisions.** "Winery" means an agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine that is bonded through the Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control Type 2 Winegrower's License.

C.1.a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.

C.1.b. Wineries include those areas of a winery where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage.

**C.2. Tasting Facilities.**

**C.2.a. Subordinate to Winery.** Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.

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

**C.2.c. Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own," and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.

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

**C.3.a. Number Permitted.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. "Facility rental events" are a type of Special Event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, but are further limited to the following

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

**C.3.b. Capacity Limitation.** All Special Events are limited to 250 persons at one time.

**C.4. Dining Facility.** Dining facility means an establishment where food is prepared and served to the public in an established indoor seating area. (17.06.050.Q). The Dining Facility must be subordinate to the sale of wine. The Dining Facility does not include areas of a winery that are temporarily set up for wine maker dinners.

**C.5. Distilleries.** "Distillery" means a production facility for purposes of distilling wine to produce high proof or similar distilled spirits which is bonded through Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control License. Distilleries are only permitted in conjunction with a winery on the same lot with a CUP.

Allowed activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, and tasting facilities.

- C.6. **Commercial kitchen.** Food preparation facilities and sale of prepackaged food items must comply with the California Health and Safety Code and be permitted by Environmental Management. Commercial kitchens that are permitted shall be accessory to the winery, tasting room, and any other authorized accessory uses.
- C.7. **Museum.** Agricultural related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
- C.8. **Picnic areas.** Picnic areas shall be subordinate to the winery and tasting room.
- C.9. **Retail Sales.** Retail sales of merchandise, art, prepackaged food items properly labeled in accordance with the California Health and Safety Code shall only be allowed within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-wine merchandise shall be subordinate to the wine sales.
- C.10. **Catering:** Use of an on-site, authorized commercial kitchen for catering off-site events may be allowed only by CUP and only when the catering use is found to be subordinate to the winery's wine sales on an annual basis.

#### **D.0 Special Provisions**

- D.1. **Access Limitations.** Uses listed in Subsection B.2 identified as "by right" must meet the access provisions of Subsection E.5 or a CUP is required.
- D.2. **Land Use Compatibility Limitations** Proposed winery facilities that are not located within an Agricultural District shown on the adopted General Plan Land Use Map and have property lines adjoining a lot with a non-compatible land use designation shall require approval of a CUP. For purposes of this section, non-compatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility buildings or uses will require additional compatibility determinations.
- D.3 *Reserved*
- D.4. **Other zones.** All other agricultural and residential zones not listed in this section are not allowed to have wineries or tasting rooms as a primary use or accessory use (either by right or by CUP). It is specifically prohibited to pursue a winery or tasting room as a "home occupation." In the Commercial and Industrial zones, wineries and accessory uses would be allowed in accordance with the specific zone's provisions for wineries and are exempt from this section's provisions, including but not limited to: minimum lot size, vineyard size, location on County maintained road, and adjacent land use designations.
- D.5. **Wineries with less than 5 acres of vineyard.** Wineries without a minimum five acres of vineyard may only be permitted as a Micro-Winery in Section D.10, except that a winery

(C.1) production facility may be approved by conditional use permit if all of the following provisions are met:

- a. The lot is located within a General Plan Agricultural District;
- b. The lot is zoned AE, PA, or SA;
- c. The lot is a minimum of ten acres in size;
- d. The lot shall have a minimum of five acres of fruit crops;
- e. The facility is not open to the public;
- f. The only accessory uses in this section allowed is a distillery (C.5); and
- g. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County

D.6 **“Lot.”** For purposes of the Winery Ordinance, the term “Lot” is used to describe an individual legal parcel. This does not include an administrative parcel used by the Assessor for tax purposes. Lots under the same ownership are not considered to be a single lot for purposes of the Winery Ordinance.

D.7 **Not Additive with Ranch Marketing.** The number of events may not be added to, or combined with, those allowed by right under Ranch Marketing Ordinance, Section 17.14.180.

D.8. **Temporary Use Permit.** Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by Temporary Use Permit in compliance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year and no more frequent than one event per calendar month.

D.9. **Effect on Existing Special Events.** All unpermitted special events in existence on the effective date of this section (**date**) shall be subject to the standards specified in this Subsection. Existing special events may be continued subject to an Administrative Use Permit only when the scope and frequency of the existing special events can be adequately documented in the application for the Administrative Use Permit. If an applicant wishes to expand the scope or frequency of the existing special events, a CUP will be required. The required Administrative Use Permit or CUP shall be requested from the County within one year of the effective date specified above. All existing uses shall be allowed to continue for one year from the application date of any of the above specified permits. If the required permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.

D.10 **Micro-Winery.** Micro-wineries shall be permitted by CUP in the SA, PA, AE, AP, RE, and RA zone districts. All micro-wineries are subject to all of the following provisions:

D.10.a. **Minimum lot size.** All micro -wineries shall be located on a lot of five acres or more.

D.10.b. **Vineyard Standards.** All Micro-wineries shall have a minimum of one acre planted wine grapes on the same lot. One acre shall mean a planting of wine grapes spanning an area of at least 43,600 square feet and consisting of a minimum of 440 grape vines. These wine grapes shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and



care of the required minimum wine grapes acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate the micro-winery becomes void.

D.10.c. **Wine sales.** Wine sales shall be by internet, mail order, or off-site only. No on-site sales, tasting, or public access is allowed.

D.10.d. **Limitation on Accessory Uses.** No other accessory uses described in this Winery Ordinance is permissible on the site. In no circumstances is wine tasting allowed on-site. No CUP can be approved that permits wine tasting or wine tasting by appointment.

D.10.e. **Compliance with laws.** All other local, State, and federal laws shall apply and compliance shall be verified prior to operation. At a minimum:

- i. Fire Department shall review the facility for consistency with Fire Code Regulations.
- ii. Waste Discharge permit or Waiver of Discharge Permit from Regional Water Quality Control Board.
- iii. Winegrower license from Alcoholic Beverage Control.
- iv. The facility must be bonded through the Alcohol, Tobacco Tax and Trade Bureau.
- v. Building Permit (Building, Planning, Environmental Management).
- vi. Verification of one acre vineyard, properly maintained (Agricultural Department).

D.10.f **Production Capacity.** The capacity of the micro winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA and SA may exceed these amounts in compliance with the CUP conditions if:

- i. The lot is within a General Plan Agricultural District, and
- ii. The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and that potential on-site agricultural land is not being precluded from future agricultural production.

D.10.g. **Signs.** Micro-winery signs are limited to one on-site unlighted sign, six square feet in area, six feet in height, advertising the name of the winery and owner. The sign must also state "not open to the public."

**E.0 Development Standards:** These standards are the minimum required for all wineries, accessory uses in Section C. Additional requirements may be added through the discretionary permitting process if applicable.

E.1 **Commercial Vineyard.** "Commercial Vineyard" means that a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 218,000 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner. Properly maintained as used in this section shall mean that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural

industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation. Should the minimum acreage of wine grapes cease to be maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final and not subject to further appeal.

**E.2. Setbacks.** The following setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:

E.2.a. Within a General Plan Agricultural District a minimum of 50 feet from all property lines.

E.2.b. Outside a General Plan Agricultural District a minimum of 200 feet from all property lines.

E.2.c. The 200 foot setback in Subsection E.2.b may be reduced to no less than 50 feet by the Agricultural Commission approval of "Administrative Relief" based on forms and criteria established by the Agricultural Commission and subject to fees adopted by the Board of Supervisors.

**E.3. Signs.** The following signs are allowed for any winery that is allowed by right:

E.3.a. One unlighted on-site sign advertising authorized activities not to exceed 32 square feet on either sign face, with a total not to exceed 64 square feet for a double-faced sign.

E.3.b. In addition, one off-site sign of the same size may be approved by Administrative Permit, with the property owner's permission and specific findings regarding: the proximity to the winery; zoning; and the need for the off-site sign due to the location of the access road.

E.3.c. Small off-site directional signs, not exceeding 6 square feet, may also be approved with the property owner's permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. Additional signage may be permitted by CUP.

E.3.d. Industry association signs as approved by the Board of Supervisors, such as Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, shall be exempt from these provisions.

**E.4. Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:

E.4.a. Permanent parking spaces shall be provided for wineries, tasting room, and retail sales areas in compliance with Chapter 17.18, Off-Street Parking and Loading.

- E.4.b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
- E.4.c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off-street parking. All temporary parking shall be accommodated on-site, shall meet Chapter 17.18 standards for temporary parking, and meet any Fire Department requirements.
- E.5. **Access Standards:** The access to winery and tasting facilities open to the public shall connect directly to a County maintained road, except as provided below. Access via a non-County maintained road for purposes of this subsection includes access to a winery that utilizes any portion of a non-County maintained road whether or not the road utilized is located on-site or off-site.
  - E.5.a. **In Ag District.** A winery and tasting facility accessed by a non-County maintained road, if located within an Agricultural District, shall be subject to the review and approval of a Site Plan Review by the Development Services Director, following a recommendation by the Agricultural Commission.
  - E.5.b. **Not in Ag District.** A winery and tasting facility accessed by a non-County maintained road that is not located within an Agricultural District shall require a CUP.
  - E.5.c. **Not open to public.** A winery that is not open to the public and without on-site sales may be accessed by a non-County maintained road.
  - E.5.d. **Road Maintenance.** As a condition of approval for a Site Plan Review or CUP, the winery will be required to participate in any private road maintenance entity, annex into a road ZOB, or otherwise pay a fair share for road maintenance as determined by the approving authority.
  - E.5.e. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire protection district, including both on-site and off-site access roads. Exceptions to standards may be allowed by the Fire Department and subject to appeals processes identified in the SRA Fire Safe Regulations.
  - E.5.f. **“County Maintained Road”** for this Subsection shall be a road that is listed by the Department of Transportation as being on the current County Maintained Mileage list. This list does not typically include County Service Area (CSA) or Zone of Benefit (ZOB) roads.
- E.6. **Size Limitation.**
  - E.6.a. The winery, accessory buildings and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
  - E.6.b. *Reserved*
  - E.6.c. *Reserved*

E.6.d. The winery building size shall not exceed the square footage shown in the Table A. Any winery building or group of winery buildings and accessory buildings, exceeding the square footage in the Table A below shall require a CUP. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

**TABLE A**

<b>LOT ON WHICH THE WINERY IS LOCATED</b>	<b>MAXIMUM ALLOWABLE WINERY BUILDING SIZE</b>
Less than 10 acres (micro-winery)	2,000 square feet
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**E.7. Waste Disposal.**

E.7.a. **Solid Waste.** All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days in accordance with Chapter 8.42 of the County Code. Pomace, culls, lees, and stems maybe recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board.

E.7.b. **Winery Production Waste.** Standards will be set, where applicable, by the Regional Water Quality Control Board and will be stipulated in the Report of Waste Discharge.

E.8 *Reserved*

E.9 *Reserved*

## **Appendix B: 2004 General Plan Policies and Implementation Measures**

**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.”

**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.

### **MEASURE LU-A**

Review the Zoning Ordinance (Title 17 of the El Dorado County Code) to identify revisions that accomplish the following:

- ... Allow support services for agricultural and timber production in Rural Regions, including agricultural employee housing, feed and supply stores, veterinary services, agricultural and timber processing, and sales of agricultural and timber products [Policies 2.2.5.10 and 2.2.5.11];

**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.

**MEASURE LU-D**

Revise the Zoning Ordinance to ensure that all uses permitted by right in any zoning district are compatible. Allow potentially incompatible uses subject to a discretionary review process with performance standards designed to ensure appropriate separation of incompatible uses. Include in the Zoning Ordinance a requirement that any project located adjacent to an existing sensitive land use shall be required to avoid impacts on the existing use. [Policy 2.2.5.21]

Responsibility:	Planning Department
Time Frame:	Revise Zoning Ordinance within one year of General Plan adoption.

- 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.

**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.

**MEASURE AF-A**

Review the Zoning Ordinance (Title 17 of the El Dorado County Code) to identify revisions that accomplish the following:

...Provisions setting forth appropriate by right, and conditional use permit development to support the agricultural industry [Policies 8.2.2.1, 8.2.4.2, and 8.2.4.3];...

**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.

**MEASURE AF-G**

Develop a procedure for the Agricultural Commission to review and provide recommendations regarding discretionary and capital improvement projects that may affect agricultural, grazing, and forestry lands including all lands zoned for agriculture. [Policies 8.1.3.5, 8.1.4.1, 8.1.4.2, 8.2.2.2, 8.2.4.4, 8.3.3.2, and 8.4.2.1]

Responsibility:	Planning Department and Department of Agriculture
Time Frame:	Within five years of General Plan adoption.

**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.

**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.

**Program 10.1.5.4.1:** The Zoning Ordinance shall provide for agriculture dependent commercial and industrial uses on lands within Rural Regions.

**Program 10.1.5.4.2:** The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use.

**MEASURE ED-II**

The Zoning Ordinance shall provide for agriculture dependent commercial and industrial uses on lands within Rural Regions. [Policy 10.1.5.4]

Responsibility:	Planning Department
Time Frame:	As part of Zoning Ordinance update, within one year of General Plan adoption.

**MEASURE ED-JJ**

The Zoning Ordinance shall allow the sales and marketing of products grown in El Dorado County and crafts made in El Dorado County in areas designated for agricultural use. [Policy 10.1.5.4]

*Also refer to Policy 8.2.4.4 of the Agriculture and Forestry Element.*

Responsibility:	Planning Department
Time Frame:	As part of Zoning Ordinance update, within one year of General Plan adoption.

**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.

**Program 10.1.6.1.1:** Annually assign and budget County staff to implement Policy 10.1.6.1 and/or coordinate efforts with the Economic Development Providers Network.

**Policy TC-Xg:** Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project’s fair share. The amount and timing of reimbursements shall be determined by the County.



## Appendix C: Zoning Ordinance Permit Process Summary

### Conditional Use Permits

#### Administrative Review Permit

**Process:** No public hearing, granted by Planning Director, considered a ministerial permit for CEQA purposes, but conditions may be imposed.

**Site Plan Review Application,** Planning fee is \$300. Env. Management (EM) \$129.

**Timeframe:** Four Weeks may require Agricultural Commission review.

#### Minor Use Permit

**Process:** A public hearing is conducted; determination by Zoning Administrator (ZA); considered a discretionary permit, but CEQA review normally determined to be “Categorically Exempt”. Conditions normally imposed.

**Special Use Permit Application,** Planning fee is \$500, EM fee is \$129

**Timeframe:** 60 to 90 days, after Agricultural Commission review.

#### Special Use Permit

**Process:** A public hearing is conducted by the Planning Commission; considered a discretionary permit, CEQA review is normally a Negative Declaration or Mitigated Negative Declaration. Conditions normally imposed.

**Special use Permit Application,** Planning fee is \$2000, EM \$516, DOT \$206 (T&M).

**Timeframe:** 6 to 9 months, requires Agricultural Commission review.

#### Temporary Use Permit

**Process:** The Development Services Director or his designee has approval authority of for temporary use permits (Section 17.23 of the County Code). The approval of is ministerial pursuant to CEQA. Conditions may be imposed.

**Temporary Use Permit Application,** Planning fee ranges from \$0 (non-profit activity) to \$500 (one-time event).

**Timeframe:** Two weeks (+/-).

**Revisions to CUPs:** Revisions to CUP’s follow the same process and timelines outlined above for the applicable permit, except that the Planning fees are either 25% (minor revision) to 75% (major revision) of the applicable fee; EM and DOT fees may also be charged.

**Appeals:** Appeals of Planning Director decisions are heard by the Planning Commission. Appeals of ZA and Planning Commission actions are heard by the Board of Supervisors.

Sources: El Dorado County Code Chapter 17.22 and 17.23; Planning Service Fee Schedule (Resolution 58-2006); Planning Services Application forms. Compiled and summarized by R. Trout

## **Appendix D: Summary of Mitigation Measures**

### **Aesthetics:**

MM 1-1: All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval.

MM 1-1 Monitoring: The Design Review application shall be approved prior to issuance of the building permit.

MM 1-2: Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit

MM 1-2 Monitoring: Development Services shall spot check for compliance and respond to any potential violations.

### **Biological Resources:**

MM 4-1: Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.

1. Minimum lot size for winery and accessory structures is 20 acres.
2. A maximum of 2.5 acres of the lot may be used winery and accessory uses.
3. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.

MM 4-1 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of the building permit.

### **Cultural Resources:**

MM 5-1: Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

MM 5-1 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

MM 5-2: Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

MM 5-2 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

**Noise:**

MM 11-1: **Outdoor Amplified Music.** General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 p.m. and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm.

MM 11-1 Monitoring: This provision of MM 11-1 shall be incorporated into the Development Standards of the Draft Ordinance. Development Services staff, including the Code Enforcement Division, as well as the Sheriff's Office would enforce the standards.

## **Appendix E: September 8, 2008 Draft Winery Ordinance with Mitigation Measures**

- A.0 Purpose**
- B.0 Wineries and Accessory Use**
  - B.1 Use Classifications**
  - B.2 Uses Allowed**
- C.0 Winery Uses**
  - C.1 General Winery Provisions**
  - C.2 Tasting Facilities**
  - C.3 Special Events**
  - C.4 Dining Facility**
  - C.5 Distillery**
  - C.6 Commercial Kitchen**
  - C.7 Museum**
  - C.8 Picnic Areas**
  - C.9 Retail Sales**
  - C.10 Catering**
- D.0 Special Provisions**
  - D.1 Access Limitations**
  - D.2 Land Use Compatibility Limitations**
  - D.3 IBC Limitations (MM 4-1)**
  - D.4 Other Zones**
  - D.5 Wineries with less than 5 acres of vineyard**
  - D.6 Lot**
  - D.7 Not additive with Ranch Marketing**
  - D.8 Temporary Use Permit**
  - D.9 Effect on Existing Special Events**
  - D.10 Micro-Winery**
- E.0 Development Standards**
  - E.1 Commercial Vineyard**
  - E.2 Setbacks**
  - E.3 Signs**
  - E.4 Parking**
  - E.5 Access Standards**
  - E.6 Size Limitations (MM 1-1 and MM 1-2)**
  - E.7 Waste Disposal**
  - E.8 Cultural Resource Protection (MM 5-1 and MM 5-2)**
  - E.9 Outdoor Amplified Music (MM 11-1)**

**A.0 Purpose.** The purpose of the winery ordinance is to:

- A.1. Provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses. (General Plan Policy 2.2.5.21.)
- A.2. To encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products. (General Plan Policy 10.1.5.4.)

A.3. To implement General Plan Policies that encourages development of agricultural-related uses while protecting the agricultural character and long-term agricultural production of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2, 8.2.4.3, 8.2.4.4, and 8.2.4.5.)

**B.0 Wineries and Accessory Uses.** Those uses identified as “by right” are subject to compliance with all applicable provisions of the Zoning Ordinance. Uses may also require grading permits, building permits, or other permits as required by the County Code. Those uses identified as permitted by Conditional Use Permit (CUP) require an Administrative Permit (17.22.350), Minor Use Permit (17.22.400) or a Special Use Permit (17.22.500) as determined by the Director of Development Services (Director).

B.1. **Use Classifications.** The winery and accessory uses are grouped into the following Classes and are further defined in Section C, Winery Uses:

- Class 1:** Winery (C.1)  
Tasting facilities (C.2.a)  
Wholesale and retail sales of wine (C.2.b)  
Retail sales of merchandise and art (C.9)  
Public Tours  
Picnic Areas (C.8)  
Marketing Events (C.2.c)
- Class 2:** Special Events limited to the provisions of C.3.
- Class 3:** Agricultural related museum (C.7)  
Commercial kitchen facilities (on premises functions only) (C.6)
- Class 4:** Commercial kitchen use for catering off-premises functions (C.10)  
Distilleries (C.5)  
Dining facility (C.4)
- Class 5:** Special Events that exceed the provisions of C.3.a and C.3.b.

B.2. **Uses Allowed.** Wineries and accessory uses shall be allowed as set forth below (acreages are gross acreages of individual lots):

B.2.a. **AE, PA, and SA Zones (20 acres or more):** Lots Zoned AE, PA, and SA; that are 20 acres or more; with a minimum of five acres commercial vineyard; the following uses are allowed:

- By right: Class 1, Class 2, and Class 3.
- By CUP: Class 4 and Class 5.

B.2.b. **AE, PA, and SA Zones (10 acre minimum) within Ag District:** Lots Zoned AE, PA, and SA; that are a minimum of 10 acres, but less than 20 acres; with a minimum of five acres commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

- By right: Class 1 and Class 2.
- By CUP: Class 3, Class 4, and Class 5

B.2.c. **AE, PA, and SA Zones (10 acre minimum) not in Ag District:** Lots Zoned AE, PA, and SA, that are a minimum of 10 acres, but less than 20 acres; with a

minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, Class 3, and Class 4

B.2.d. **AP zones:** In AP Zones that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, Class 3, and Class 4

B.2.e. **RA Zone within Ag District.** Lots Zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

By right Class 1

By CUP: Class 2, Class 3, and Class 4

B.2.f. **RA Zone, not in Ag District.** Lots zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, and Class 3

B.2.g. **RE Zone, within an Ag District.** Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:

By right: Class 1

By CUP: Class 2, Class 3, and Class 4

B.2.h. **RE Zone, not in Ag District.** Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:

By right: none

By CUP: Class 1, Class 2, and Class 3

**C.0 Winery Uses:** The following provisions shall apply to all wineries, accessory structures, and accessory uses.

C.1. **General Winery Provisions.** “Winery” means an agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine that is bonded through the Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control Type 2 Winegrower’s License.

C.1.a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.

C.1.b. Wineries include those areas of a winery where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage.

C.2. **Tasting Facilities.**

C.2.a. **Subordinate to Winery.** Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.

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

C.2.c. **Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own," and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.

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

C.3.a. **Number Permitted.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. "Facility rental events" are a type of Special Event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, but are further limited to the following

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

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

C.3.b. **Capacity Limitation.** All Special Events are limited to 250 persons at one time.

C.4. **Dining Facility.** Dining facility means an establishment where food is prepared and served to the public in an established indoor seating area. (17.06.050.Q). The Dining Facility must be subordinate to the sale of wine. The Dining Facility does not include areas of a winery that are temporarily set up for wine maker dinners.

C.5. **Distilleries.** "Distillery" means a production facility for purposes of distilling wine to produce high proof or similar distilled spirits which is bonded through Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control License. Distilleries are only permitted in conjunction with a winery on the same lot with a CUP.

Allowed activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, and tasting facilities.

- C.6. **Commercial kitchen.** Food preparation facilities and sale of prepackaged food items must comply with the California Health and Safety Code and be permitted by Environmental Management. Commercial kitchens that are permitted shall be accessory to the winery, tasting room, and any other authorized accessory uses.
- C.7. **Museum.** Agricultural related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
- C.8. **Picnic areas.** Picnic areas shall be subordinate to the winery and tasting room.
- C.9. **Retail Sales.** Retail sales of merchandise, art, prepackaged food items properly labeled in accordance with the California Health and Safety Code shall only be allowed within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-wine merchandise shall be subordinate to the wine sales.
- C.10. **Catering:** Use of an on-site, authorized commercial kitchen for catering off-site events may be allowed only by CUP and only when the catering use is found to be subordinate to the winery's wine sales on an annual basis.

#### **D.0 Special Provisions**

- D.1. **Access Limitations.** Uses listed in Subsection B.2 identified as "by right" must meet the access provisions of Subsection E.5 or a CUP is required.
  - D.2. **Land Use Compatibility Limitations** Proposed winery facilities that are not located within an Agricultural District shown on the adopted General Plan Land Use Map and have property lines adjoining a lot with a non-compatible land use designation shall require approval of a CUP. For purposes of this section, non-compatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility buildings or uses will require additional compatibility determinations.
- MM 4-1: D.3 IBC Limitations.** Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.
- a. Minimum lot size for winery and accessory structures is 20 acres.
  - b. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
  - c. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.
- D.4. **Other zones.** All other agricultural and residential zones not listed in this section are not allowed to have wineries or tasting rooms as a primary use or accessory use (either by



right or by CUP). It is specifically prohibited to pursue a winery or tasting room as a “home occupation.” In the Commercial and Industrial zones, wineries and accessory uses would be allowed in accordance with the specific zone’s provisions for wineries and are exempt from this section’s provisions, including but not limited to: minimum lot size, vineyard size, location on County maintained road, and adjacent land use designations.

- D.5. **Wineries with less than 5 acres of vineyard.** Wineries without a minimum five acres of vineyard may only be permitted as a Micro-Winery in Section D.10, except that a winery (C.1) production facility may be approved by conditional use permit if all of the following provisions are met:
- a. The lot is located within a General Plan Agricultural District;
  - b. The lot is zoned AE, PA, or SA;
  - c. The lot is a minimum of ten acres in size;
  - d. The lot shall have a minimum of five acres of fruit crops;
  - e. The facility is not open to the public;
  - f. The only accessory uses in this section allowed is a distillery (C.5); and
  - g. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County
- D.6 **“Lot.”** For purposes of the Winery Ordinance, the term “Lot” is used to describe an individual legal parcel. This does not include an administrative parcel used by the Assessor for tax purposes. Lots under the same ownership are not considered to be a single lot for purposes of the Winery Ordinance.
- D.7 **Not Additive with Ranch Marketing.** The number of events may not be added to, or combined with, those allowed by right under Ranch Marketing Ordinance, Section 17.14.180.
- D.8. **Temporary Use Permit.** Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by Temporary Use Permit in compliance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year and no more frequent than one event per calendar month.
- D.9. **Effect on Existing Special Events.** All unpermitted special events in existence on the effective date of this section (**date**) shall be subject to the standards specified in this Subsection. Existing special events may be continued subject to an Administrative Use Permit only when the scope and frequency of the existing special events can be adequately documented in the application for the Administrative Use Permit. If an applicant wishes to expand the scope or frequency of the existing special events, a CUP will be required. The required Administrative Use Permit or CUP shall be requested from the County within one year of the effective date specified above. All existing uses shall be allowed to continue for one year from the application date of any of the above specified permits. If the required permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.
- D.10 **Micro-Winery.** Micro-winerries shall be permitted by CUP in the SA, PA, AE, AP, RE, and RA zone districts. All micro-winerries are subject to all of the following provisions:

D.10.a. **Minimum lot size.** All micro -wineries shall be located on a lot of five acres or more.

D.10.b. **Vineyard Standards.** All Micro-wineries shall have a minimum of one acre planted wine grapes on the same lot. One acre shall mean a planting of wine grapes spanning an area of at least 43,600 square feet and consisting of a minimum of 440 grape vines. These wine grapes shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum wine grapes acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate the micro-winery becomes void.

D.10.c. **Wine sales.** Wine sales shall be by internet, mail order, or off-site only. No on-site sales, tasting, or public access is allowed.

D.10.d. **Limitation on Accessory Uses.** No other accessory uses described in this Winery Ordinance is permissible on the site. In no circumstances is wine tasting allowed on-site. No CUP can be approved that permits wine tasting or wine tasting by appointment.

D.10.e. **Compliance with laws.** All other local, State, and federal laws shall apply and compliance shall be verified prior to operation. At a minimum:

- vii. Fire Department shall review the facility for consistency with Fire Code Regulations.
- viii. Waste Discharge permit or Waiver of Discharge Permit from Regional Water Quality Control Board.
- ix. Winegrower license from Alcoholic Beverage Control.
- x. The facility must be bonded through the Alcohol, Tobacco Tax and Trade Bureau.
- xi. Building Permit (Building, Planning, Environmental Management).
- xii. Verification of one acre vineyard, properly maintained (Agricultural Department).

D.10.f **Production Capacity.** The capacity of the micro winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA and SA may exceed these amounts in compliance with the CUP conditions if:

- iii. The lot is within a General Plan Agricultural District, and
- iv. The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and that potential on-site agricultural land is not being precluded from future agricultural production.

D.10.g. **Signs.** Micro-winery signs are limited to one on-site unlighted sign, six square feet in area, six feet in height, advertising the name of the winery and owner. The sign must also state “not open to the public.”

**E.0 Development Standards:** These standards are the minimum required for all wineries, accessory uses in Section C. Additional requirements may be added through the discretionary permitting process if applicable.

- E.1 **Commercial Vineyard.** “Commercial Vineyard” means that a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 218,000 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner. Properly maintained as used in this section shall mean that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation. Should the minimum acreage of wine grapes cease to be maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final and not subject to further appeal.
- E.2. **Setbacks.** The following setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
- E.2.a. Within a General Plan Agricultural District a minimum of 50 feet from all property lines.
  - E.2.b. Outside a General Plan Agricultural District a minimum of 200 feet from all property lines.
  - E.2.c. The 200 foot setback in Subsection E.2.b may be reduced to no less than 50 feet by the Agricultural Commission approval of “Administrative Relief” based on forms and criteria established by the Agricultural Commission and subject to fees adopted by the Board of Supervisors.
- E.3. **Signs.** The following signs are allowed for any winery that is allowed by right:
- E.3.a. One unlighted on-site sign advertising authorized activities not to exceed 32 square feet on either sign face, with a total not to exceed 64 square feet for a double-faced sign.
  - E.3.b. In addition, one off-site sign of the same size may be approved by Administrative Permit, with the property owner’s permission and specific findings regarding: the proximity to the winery; zoning; and the need for the off-site sign due to the location of the access road.
  - E.3.c. Small off-site directional signs, not exceeding 6 square feet, may also be approved with the property owner’s permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. Additional signage may be permitted by CUP.
  - E.3.d. Industry association signs as approved by the Board of Supervisors, such as Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, shall be exempt from these provisions.

- E.4. **Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
- E.4.a. Permanent parking spaces shall be provided for wineries, tasting room, and retail sales areas in compliance with Chapter 17.18, Off-Street Parking and Loading.
  - E.4.b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - E.4.c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off-street parking. All temporary parking shall be accommodated on-site, shall meet Chapter 17.18 standards for temporary parking, and meet any Fire Department requirements.
- E.5. **Access Standards:** The access to winery and tasting facilities open to the public shall connect directly to a County maintained road, except as provided below. Access via a non-County maintained road for purposes of this subsection includes access to a winery that utilizes any portion of a non-County maintained road whether or not the road utilized is located on-site or off-site.
- E.5.a. **In Ag District.** A winery and tasting facility accessed by a non-County maintained road, if located within an Agricultural District, shall be subject to the review and approval of a Site Plan Review by the Development Services Director, following a recommendation by the Agricultural Commission.
  - E.5.b. **Not in Ag District.** A winery and tasting facility accessed by a non-County maintained road that is not located within an Agricultural District shall require a CUP.
  - E.5.c. **Not open to public.** A winery that is not open to the public and without on-site sales may be accessed by a non-County maintained road.
  - E.5.d. **Road Maintenance.** As a condition of approval for a Site Plan Review or CUP, the winery will be required to participate in any private road maintenance entity, annex into a road ZOB, or otherwise pay a fair share for road maintenance as determined by the approving authority.
  - E.5.e. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire protection district, including both on-site and off-site access roads. Exceptions to standards may be allowed by the Fire Department and subject to appeals processes identified in the SRA Fire Safe Regulations.
  - E.5.f. **“County Maintained Road”** for this Subsection shall be a road that is listed by the Department of Transportation as being on the current County Maintained Mileage list. This list does not typically include County Service Area (CSA) or Zone of Benefit (ZOB) roads.
- E.6. **Size Limitation.**

E.6.a. The winery, accessory buildings and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.

**MM 1-1:** E.6.b. All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval.

**MM 1-2:** E.6.c. Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit.

E.6.d. The winery building size shall not exceed the square footage shown in the Table A. Any winery building or group of winery buildings and accessory buildings, exceeding the square footage in the Table A below shall require a CUP. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

**TABLE A**

<b>LOT ON WHICH THE WINERY IS LOCATED</b>	<b>MAXIMUM ALLOWABLE WINERY BUILDING SIZE</b>
Less than 10 acres (micro-winery)	2,000 square feet
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**E.7. Waste Disposal.**

E.7.a. **Solid Waste.** All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days in accordance with Chapter 8.42 of the County Code. Pomace, culls, lees, and stems maybe recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board

E.7.b. **Winery Production Waste.** Standards will be set, where applicable, by the Regional Water Quality Control Board and will be stipulated in the Report of Waste Discharge.

**E.8 Cultural Resource Protection MM 5-1 and MM 5-2**

**MM 5-1: E.8.a:** Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

**MM 5-2: E.8.b:** Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

**MM 11-1: E.9 Outdoor Amplified Music:** General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 pm and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm.

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